



FILED



LODGED

Feb 17 2015

CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

Michael Fuguā #215717

Name and Prisoner/Booking Number

ASPC Lewis/Buckley

Place of Confinement

P.O. Box 3100

Mailing Address

Buckeye, AZ 85326

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael Ray Fuguā
(Full Name of Plaintiff) Plaintiff,

vs.

CASE NO. _____

(To be supplied by the Clerk)

(1) Charles L. Ryan
(Full Name of Defendant)

(2) CO II Cambit

(3) CO III Francisco

(4) Sgt. Sterns

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

(Jury Trial Demanded)

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

Check if there are additional Defendants and attach page 1-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
- Other: _____

2. Institution/city where violation occurred: ASPC EYMAN/SMU #1, Florence, Arizona

Defendants (Continued)

5. Kitchen Manager CLARK (Trinity Food Services)
6. Sgt. Dance
7. Capt. Schitter
8. COII Unknown (Who wrote Disciplinary Report)
9. COII Pekro
10. Eymaw Complex Deputy Warden (SMU#1) (DW) James O'Neil
11. Eymaw Complex Associate Deputy Warden (SMU#1) (ADW) Jeff Peale
12. SMU#1 COIV Jennifer Hernandez
13. ADC Central Office (DW Name Unknown (N.U. hereinafter))
14. ADC Central Office ADW N.U.
15. ADC Central Office COIV N.U.
16. ADC Central Office COIII N.U.
17. Unknown ADC. Correctional Officers involved in violating Plaintiffs rights, and/or Appeals
18. ADC Divisional Director Carson McWilliams

B. DEFENDANTS

1. Name of first Defendant: Charles L. Ryan. The first Defendant is employed as:
Director at ADC Central Office.
 (Position and Title) (Institution)
2. Name of second Defendant: CO II Combitt. The second Defendant is employed as:
CO II (Correctional Officer II) at Special Management Unit #1 (SMU #1).
 (Position and Title) (Institution)
3. Name of third Defendant: CO III Francisco. The third Defendant is employed as:
CO III at SMU #1.
 (Position and Title) (Institution)
4. Name of fourth Defendant: Sgt Sterns. The fourth Defendant is employed as:
Sgt at SMU #1.
 (Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 5. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: Michael Fuqua v. Gary H. Butler et al.
 2. Court and case number: CV 07-8051-PCT-NVW/MHB/US Dist Court
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Settled in Plaintiff's favor.
 - b. Second prior lawsuit:
 1. Parties: Michael Fuqua v. Soren Johnson et al
 2. Court and case number: CV 07-8047-PCT-NVW/US Dist Court
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Trial by Jury in favor of Defendants
 - c. Third prior lawsuit:
 1. Parties: Michael Fuqua v. Sgt. L. Lund et al
 2. Court and case number: CV 07-2305-PHX-NVW/US Dist Court
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed - Court stated this did count as a strike against PCBA

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

B. Defendants (Continued)

5. Name of fifth Defendant: Clark. The fifth Defendant is employed as Kitchen Manager at SMU#1 by Trinity Food Services.
6. Name of Sixth Defendant: Sgt. Dance. The sixth Defendant is employed as Disciplinary Coordinator Sgt. at SMU#1 by ADOC.
7. Name of seventh Defendant: ~~COII~~ ^{Capt.} Schitter. The seventh Defendant is employed as ~~COII Kitchen Security~~ ^{Disciplinary Captain} at SMU#1 by ADOC.
8. Name of eighth Defendant: COII ~~Petico~~. The eighth Defendant is employed as COII Kitchen Security at SMU#1 by ADOC.
9. Name of ninth Defendant: COII Petico. The ~~eighth~~ ^{ninth} Defendant is employed as COII Kitchen Security at SMU#1 by ADOC.
10. Name of Tenth Defendant: DW O'Neil. The tenth Defendant is employed as SMU#1, Eymus Complex Deputy Warden by ADOC.
11. Name of eleventh Defendant: ADW Rode. The eleventh Defendant is employed as SMU#1, Eymus Complex Associate Deputy Warden by ADOC.
12. Name of twelfth Defendant: COIX Hernandez. The twelfth Defendant is employed as COIX at SMU#1, Eymus Complex by ADOC.
13. Name of thirteenth Defendant: Central Office DW N. U. . The thirteenth Defendant is employed as Central Office Deputy Warden by ADOC.
14. Name of fourteenth Defendant: Central Office ADW N. U. . The ~~thirteenth~~ ^{fourteenth} Defendant is employed as Central Office Associate Deputy Warden by ADOC.
15. Name of fifteenth Defendant: Central Office COIV N. U. . The fifteenth Defendant is employed as Central Office COIV by ADOC.
16. Name of sixteenth Defendant: Central Office COIII N. U. . The sixteenth Defendant is employed as Central Office COIII by ADOC.
17. Name of seventeenth Defendant: Unknown ADOC Correctional Officers employed at ADOC in their official and individual capacities.
18. Name of eighteenth Defendant: ADOC Divisional Director. ^{Craig McWilliams} ~~Dee Egbert~~

B. Defendants (Continued)

The eighteenth Defendant is employed as Divisional Director by ADOC

C. Previous Lawsuits (Continued)

d. Fourth Prior Lawsuit:

1. Parties: MICHAEL FUQUA v. Ben Cole et al.

2. Court and Case Number: CV-07-8046-PCT-NVW/US Dist. Court.

3. Result: Dismissed. Failure to state Claim. Counted as strike/PLRA.

e. Fifth Prior Lawsuit:

1. Parties: MICHAEL FUQUA v. Sue K. BAQUET.

2. Court and Case Number: CV-11-8000-PCT-NVW-ECV/US Dist Court

3. Result: Dismissed - Court stated it "MAY" count as a PLRA Strike.

Plaintiff did NOT file this lawsuit In Forma Pauperis.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: 1st Amend. U.S. Const. - Free exercise of Religion - And 14th Amendment

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input checked="" type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

I. Plaintiff is a Christian who firmly believes in wholly obeying all Biblical laws, statutes and judgments. Plaintiff strives daily to do his best to abide by Yahweh's laws which are described in Scripture, and fully believes in and has faith in Christ YAHSHUA and the laws of his faith. In exercising his faith, Plaintiff ~~observes~~ observes the seventh day (Friday sunset to Saturday sunset) Sabbath, weekly. Plaintiff observes the New Moon Sabbaths. Plaintiff observes the eight (8) High Sabbaths, which are #1) Passover; #2) 1st day of the Feast of Unleavened Bread; #3) 7th day of the Feast of Unleavened Bread; #4) Feast of Weeks; #5) Feast of Trumpets; #6) The day of Atonement; #7) 1st day of the Feast of Tabernacles; #8) The last Great Day. Plaintiff believes, due to scriptural laws, that violating Yahweh's Sabbaths has strong penalties physically, ~~and~~ mentally and spiritually.

II. On September 21st 2014 the Plaintiff was assigned to work in the kitchen at Arizona State Prison Complex - Eymard, Special Management Unit #1 (SMU #1 hereinafter) in Florence, Arizona. That same day (9/21/14) Plaintiff turned in an inmate letter (written at 1:00 AM as Plaintiff received the notice of assignment one night shift and had to stay up to shave and write inmate letters to prepare for

Cont. pg 3A

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff is a devout Christian with seriously held Christian beliefs. One of the strongest held religious held convictions requires that he observe Yahweh's Sabbaths (listed herein facts section I) Plaintiff's belief system is religious and

(Cont. 3-F)

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count I? Yes No
- Did you appeal your request for relief on Count I to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

Court I (continued)

his new job to Defendant COIII Francisco, the Work Incentive Pay Program (WIPP hereinafter) coordinator responsible for all inmate work assignments, including Plaintiff's Kitchen assignment. Plaintiff explained that due to his firmly grasped faith based convictions, that he could not violate Yahweh's weekly, New moon and high Sabbaths by working. Plaintiff provided the Sabbaths that were remaining in 2014 (other than the Weekly) dates. Specifically, he looked at his calendar late at night and listed the remaining New Moon and High Sabbaths dates.

Additionally, Plaintiff took in a second Inmate letter to work with him in order to provide written notice to his direct supervisors, COII Cambit, Sgt Starns and Trinity Food Services Kitchen Manager (Robert) Clark. This Inmate letter contained the same information as the Inmate letter to COIII Francisco. COII Cambit refused to accept it, telling Plaintiff to give it to Sgt. Starns the next day (9/22/14).

On 9/22/14 Plaintiff returned to work as assigned and attempted to give the above listed Inmate letter to Sgt. Starns. Defendant Sgt. Starns refused to accept the Inmate letter and stated "we don't do that shit here" when Plaintiff attempted to verbally explain its contents and subject matter. With no other foreseeable options Plaintiff then gave the Inmate letter to Defendant Clark, the Trinity

Count I (continued)

Food Services, SMU#1 Kitchen Manager. (A.D.O.C. and the State of Arizona receive Federal funding, which allows Trinity Food Services and their employees to be held liable in this suit as a Defendant.)

On 9/23/14 Plaintiff returned to work and spoke to Defendant Clark regarding his need to freely exercise his religious laws by not working on Yahuweh's Sabbaths that he detailed in the Inmate letter (detailed above). (Plaintiff's 9/23/14 conversation with Defendant Clark was of significant importance as Plaintiff's calendar showed that the next day (9/24/14) was the High Sabbath of the Feast of Trumpets wherein he could not work thus needed the day off.) Plaintiff stated that he would not violate his High Sabbath the next day by working. Defendant Clark stated to Plaintiff "do what you have to do but you will not have a job here."

That night, 9/23/14, Plaintiff received a response to his 9/21/14 Inmate Letter to COIII Francisco (Defendant) telling Plaintiff to "work it out" with Kitchen Sgt. Starns (Defendant Sgt. Starns) stating "but the kitchen has to run 365 days per a year."

Plaintiff again attempted to convince A.D.O.C. Defendants to work with him. On 9/23/14 sent yet another Inmate Letter to Defendant COIII Francisco wherein he further explained that the issue could easily be remedied by exchanging Plaintiff's Sabbaths with his assigned days off when his work days

Count I. (Continued)

interfered with his Sabbaths and exercising his religious beliefs. Plaintiff also offered to work whenever they wanted (except on his Sabbaths) and that he would work more days throughout the year, only wanting his Sabbaths off. Inmates get 2 days off per week, totaling 104 days per year. Plaintiff's Sabbaths total approximately 70 days per year on average. Defendants would have gotten approximately 34 extra work days from Plaintiff had they chose to work with him on his request. (Plaintiff's religious beliefs command him to work all non-Sabbath days.)

III. On September 24th 2014, Plaintiff returned to work in order to again attempt to reason with Kitchen Staff, ~~by~~ Defendants Sgt. Starns and Kitchen Manager Clark. Because Plaintiff understood 9/24/14 to be his Feast of Trumpets and New Moon Sabbath - Plaintiff, wishing to exercise his religious beliefs, attempted to switch that day with the day off of another inmate kitchen worker. Plaintiff needed to continue working on all non-Sabbath days and still observe the laws of his firmly held religious beliefs by not working on the appointed Sabbath days.

However, Defendants Clark and Sgt. Starns refused Plaintiff's simple and reasonable request, offering no reasonable solution or alternatives. Instead, Plaintiff was placed on "Disciplinary Report" at 9:00 am, returned to his cell, suspended from working and charged with an A.D.O.C. 01-B disciplinary infraction of "aggravated refusal to do an assignment", a charge that carries severe penalties, for "refusing to work due to a religious holiday" (see disciplinary report).

Count I (Continued)

-IV. IN October 2014, Defendant Sgt. Duce conducted a preliminary disciplinary hearing regarding the disciplinary report written on 9/24/14, OI-B violations ^(FMI). At the disciplinary hearing Plaintiff explained the issue to Sgt. Duce, who stated that she would look into A.D.O.C. policy and procedures.

On October 10th, 2014, Plaintiff spoke to COII Petro as he escorted inmate Chris Nogales (SMU# cell 3-C-38) from the Kitchen to his cell to prepare for his visit at 10:20 am. Plaintiff explained to COII Petro that he wanted his job back. COII Petro (who worked as Kitchen security) stated there was "no issue except your (Plaintiff) refusal to work on your Sabbaths" COII Petro further explained that if he wrote an Inmate letter to Sgt. Starnis, telling him that your (Plaintiff) Sabbaths do not matter, and that ~~the~~ Plaintiff "would work regardless of his religious holidays" then Plaintiff would "get his job back."

Plaintiff could not and will not willingly and knowingly violate the laws of his religiously held convictions. When Plaintiff explained this to COII Petro, he stated (Petro) that "you will not get your job back then."

-V ON October 22nd, 2014 the Disciplinary Hearing Officer (D.H.O Herein after), Defendant Captain Schitter and Defendant

(FMI)

Under A.D.O.C. policy, practice and procedure, a class OI-B Disciplinary Infraction is designated as a felony offense, unless reduced to a misdemeanor offense, which subjects him to a real State Superior Court level criminal conviction.

Count I (Continued)

Sgt Rance (Disciplinary Coordinator) conducted disciplinary proceedings against Plaintiff regarding the disciplinary report generated on 9/24/14. Despite Plaintiff's constitutional rights to freely exercise his religious convictions, Defendant Capt. Schitter found Plaintiff guilty of "Aggravated Refusal to do an Assignment," W OI-B violation, for "refusing to work due to a religious holiday," a major offense.

During the above listed Disciplinary Hearing, Defendant Capt. Schitter stated "you know we don't do that shit" (In reference to Plaintiff's stated Sabbath observation.).

VI. On October 22nd 2014, immediately after the Disciplinary Hearing, Plaintiff filed his Step I Disciplinary Appeal, (Disciplinary appeals are exhausted in 2 steps) to the Deputy Warden of SMU #1. Deputy Warden O'Neil routinely has the Step I level appeals processed by the Associate Deputy Warden Prode and COIV Hernandez. Plaintiff specifically asserts that Defendants D.W. O'Neil AD.W. Prode and/or COIV Hernandez was responsible for processing Plaintiff's Step I Disciplinary Appeal. Plaintiff has never received a response to his Step I Disciplinary Appeal to date.

VII. Plaintiff, to date, has never received a response to his Disciplinary Appeal. In order to fully exhaust his Administrative Remedies and stay within time frame, Plaintiff, without a response to his Step I Appeal, submitted his Step II, and final, appeal on November 19th, 2014. This level appeals are routinely processed by ADAC

Count I (Continued)

Central Office employees. Plaintiff specifically asserts that Defendants Director Charles L. Ryan; ADOC Central Office Deputy Warden N. U. ; ADOC Central Office ADW N. U. ; ADOC Central Office COIV N. U. ; ADOC Central Office COIII N. U. ; Unknown ADOC employees involved in violating Plaintiff's Constitutional Rights and/or in processing Plaintiff's Disciplinary Appeals, and/or ADOC Divisional Director McWilliams which and who were responsible for processing Plaintiff's Step II Disciplinary Appeal on this issue are the correct Defendants.

On January 13th 2015, Plaintiff received a response to his Step II Disciplinary Appeal from ADOC "Director/Designee - Appeals Unit Administrator, dated December 17th 2014 denying any relief by Administration, stating "The record contains adequate ~~proof~~ evidence that you committed a OIB offence, by refusing to work." Which effectively exhausted any possible Administrative Remedies. from Director (Defendant) Charles L Ryan's Office.

- Injury - (Continued)

Addresses fundamental and ultimate questions. It is comprehensive in nature and it presents certain formal and external signs.

The 1st Amendment to the U.S. Constitution, the P.F.R.A./P.L.U.I.P.A. protect Plaintiff's religious beliefs and the freedom to practice them.

Injury - Count 1 (Continued)

Plaintiff's religious beliefs are not unusual nor unique. The Defendants are required by law to accommodate them.

Instead, Defendants denied Plaintiff his right to freely observe a fundamental tenet of his faith, by not allowing him to observe his faith's High Sabbath/ New Moon Sabbath. Specifically the Feast of Trumpets. They instead persecuted Plaintiff by firing him from his job, disciplining him by taking away his stove/ commissary, phone calls, better recreational areas, Placed a Disciplinary infraction on his record that affects his custody level for years to come and prevents him from future employment during his life sentence to the ADOC.

Defendants actions placed a significant hardship on Plaintiff's mental and spiritual well being, which is at odds with any goals of a Department of Corrections whose goal is to better its inmates so they do not come back to prison. Defendants actions forced Plaintiff to choose between getting out of his cell and working daily ("thou shalt work 6 days") which benefits him financially, mentally and physically, and following the fundamental laws of his Faith, his relationship with Yahweh and Christ Yahshua. This relationship status governs Plaintiff's physical, mental and spiritual well-being, but also governs his finances and the status of Plaintiff's Criminal Appeals as it is Plaintiff's

Faith in Yahweh and obedience to His laws which will release him from the life sentence that he is currently serving.

Defendants other reasonable options that Plaintiff submitted to them. Firing Plaintiff and subjecting him to Disciplinary Punishment and exposure to a Felony Conviction for exercising his religious beliefs is not reasonably related to any legitimate correctional concerns. In fact, by not promoting Plaintiff to seek God they create possible security issues. Defendants actions substantially burdened Plaintiff's religious exercise. Observing Sabbaths is a central tenet and mandatory requirement of Plaintiff's faith.

Specifically, Defendants injured Plaintiff by convicting him of a Disciplinary Infraction, subjecting him to a felony conviction as detailed in supporting Facts sections II through VII herein, and preventing Plaintiff from working on his non-Sabbath days in accordance with his religious beliefs.

COUNT II

1. State the constitutional or other federal civil right that was violated: Religious Freedom Restoration Act/Religious Land Use and Institutionalized Persons Act

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input checked="" type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

I. Plaintiff is a Christian who firmly believes in wholly obeying All Biblical Laws, statutes and Judgments. Plaintiff strives daily to do his best to abide by Yahweh's Laws, which are ascribed in Scripture, and fully believes in and has faith in Christ Yahshua and the Laws of his faith. In exercising his faith, Plaintiff observes the seventh day (Friday Sunset to Saturday Sunset) Sabbath, weekly; Plaintiff observes the New Moon Sabbath. Plaintiff observes the eight (8) High Sabbaths, which are #1) Passover; #2) 1st day of the Feast of Unleavened Bread; #3) 7th day of the Feast of Unleavened Bread; #4) Feast of Weeks; #5) Feast of Trumpets; #6) The Day of Atonement; #7) 1st day of the Feast of Tabernacles; #8) The Last Great Day. Plaintiff believed that due to Scriptural Law, that violating Yahweh's Sabbaths has strong penalties physically, mentally and spiritually.

II. On September 21st 2014 the Plaintiff was assigned to work in the Kitchen at Arizona State Prison Complex - Fuman, Special Management Unit #1 (SMU #1 hereinafter) in Florence, Arizona. That same day (9/21/14) Plaintiff turned in an Inmate Letter (written at 1:00 AM as Plaintiff received the notice of assignment on Night Shift and had to stay up to shave and write Inmate Letters to prepare for his new job) to Defendant COIT Francisco, the Work Incentive Pay Program (WIIP, hereinafter) coordinator responsible for all inmate work assignments. (Cont. pg 3-A)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Plaintiff is a devout Christian with seriously held Christian beliefs. One of the strongest held religious held convictions requires that he observe Yahweh's Sabbaths (listed herein facts section I) Plaintiff's belief system is religious and. (Cont. 3-F)

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count II? Yes No
- Did you appeal your request for relief on Count II to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

COUNT III

1. State the constitutional or other federal civil right that was violated: 5th and 14th Amend to the U.S. Constitution

2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: _____

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Supporting Facts are outlined in Count I supporting facts I-VII pages 3 through 3-F to give this Count time and expenses and to not be redundant.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Injury is outlined in Count I Injury pg 3-F through 3-H

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

- A. Plaintiff request that this honorable Court issue a ~~and~~ Declaratory Judgment stating that:
 - 1. Defendants actions violated Plaintiffs rights under the 1st Amendment to the U.S. Constitution.
 - 2. Defendants actions violated Plaintiffs rights protected under the P.F.B.A./BLUIRA.
- B. ~~Plaintiff~~ Plaintiff requests this honorable Court issue an injunction, ordering the Defendants and their agents to:
 - 1. Excuse Christians from work assignments that interfere with them observing (Cont. 6-A)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/17/15 _____
DATE

[Signature] _____
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

Request For Relief (Continued)

1. Scripturally mandated Sabbaths.
2. Restore all of Plaintiff's rights and privileges.
3. Expunge the disciplinary convictions, described and outlined in this action, from Plaintiff's institutional record.

##

C. Plaintiff request that this honorable Court award compensatory damages in the following:

1. Back-pay for all hours that Plaintiff did not receive due to Defendants unconstitutional behavior against him.
2. \$100,000⁰⁰ jointly and severally against Defendants for injuries sustained as a result of depriving Plaintiff of freely exercising his religious beliefs, per Count I, II and III
3. \$20,000⁰⁰ jointly and severally against Defendants for the punishment, including deprivation of his liberty & privileges and amenity, and emotional injury resulting from their denial of allowing Plaintiff to pursue his spiritual growth and development, per Count I, II and III

D. Plaintiff requests that this honorable Court award punitive damages in the following amounts:

1. \$50,000⁰⁰ against each of the Defendants, per Count I, II and III

E. Plaintiff request that this honorable Court grant any and all such other relief as it deems proper and just that Plaintiff is entitled per Count I, II and III