

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

NORMAN SANDERS

vs.

Civil Action No. \_\_\_\_\_

STATE OF LOUISIANA,  
through the Department of Public Safety  
and Corrections and BURL CAIN, Warden  
of the Louisiana State Penitentiary

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**COMPLAINT**

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**INTRODUCTION**

1. This is an action pursuant to 42 U.S.C. § 1983, and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc-1, *et seq.*, for damages and injunctive relief to redress Defendants' violations of the First and Fourteenth Amendments to the United States Constitution.

**JURISDICTION AND VENUE**

2. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 (b). At all times relevant, all parties were residents of this District.

**THE PARTIES**

4. Plaintiff, Norman Sanders, is an individual who at all times relevant has been residing in Louisiana State Penitentiary in West Feliciana Parish, Louisiana, within the district of this Court.
5. Made Defendant herein is the State of Louisiana, through the Department of Corrections and

Public Safety.

6. Made Defendant herein is Warden Burl Cain, who is and at all times pertinent was, the Warden of Louisiana State Penitentiary, located in West Feliciana Parish, Louisiana. He is sued in his official capacity.

### **FACTS**

7. Plaintiff is an inmate incarcerated at Louisiana State Penitentiary, hereinafter "LSP."
8. Plaintiff is a member of the Church of Jesus Christ of Latter Day Saints ("LDS") and has been a member of that church all of his life. He is a student in a Bible program and is close to graduation. Religious reading materials are needed for his course of study.
9. For the purpose of facilitating the practice of his religious faith and for purposes of religious study, Plaintiff has ordered books relating to the Mormon religion from various sources over the years. Prior to December 5, 2003, he had no difficulty in obtaining Mormon religious writings.
10. On or about December 5, 2003, the administration of the Louisiana State Penitentiary instituted an approved vendor's list. After that date, prisoners were allowed only to obtain written material from a source on that list. Since the institution of this list, Plaintiff has been unable to obtain books and other written material from any source of Mormon publications.
11. The Church of Jesus Christ of Latter Day Saints is on the approved vendor's list; however, Plaintiff has attempted to order books from this source and they were returned by employees of the Department of Public Safety and Corrections without explanation.
12. The only source of Mormon publications on the approved vendor's list is the Church of Jesus Christ of Latter Day Saints in Salt Lake City, Utah. Plaintiff can only receive scriptures from

this source, not other publications relating to Mormon religious studies. Plaintiff has attempted on numerous occasions to have other sources added to the list; however, his requests have been denied.

13. Since the institution of the vendor's list, Plaintiff has been denied access to publications from the Brigham Young University bookstore, the Foundation for Ancient Research and Mormon Studies at Brigham Young University, and Deseret Book Direct, a leading source of Mormon publications that is owned and administered by the Church of Jesus Christ of Latter Day Saints. Books from all of these sources have been returned to the senders. All are legitimate sources of LDS publications and pose no threat whatsoever to order or safety at the Louisiana State Penitentiary.
14. The State of Louisiana has no legitimate interest in blocking Plaintiff's access to legitimate sources of Mormon religious publications.
15. Plaintiff has, on various occasions, requested that Mormon religious services be conducted at Louisiana State Penitentiary. These requests have been ignored by the Defendants. Plaintiff has experienced these problems since the institution of the vendor's list on December 5, 2003.
16. The State of Louisiana has no compelling interest in restricting or blocking access to Mormon religious publications or in blocking Mormon religious services at Angola. The prison library contains only the Book of Mormon.
17. Alternatively, the means utilized by the State is not the least restrictive means available to further any interest that it may have in restricting or blocking access to Mormon religious publications or in blocking Mormon religious services at Angola.

18. Plaintiff is informed and believes and, therefore, alleges that other prisoners at the state penitentiary, particularly those of the Baptist faith, have no difficulty whatsoever in obtaining religious publications.

A. First Cause of Action

19. At all times relevant, Defendants were acting under color of law within the meaning of 42 U.S.C. § 1983, *et seq.*

20. 42 U.S.C. § 1983 provides Sanders redress for the deprivation of his rights guaranteed under the United States Constitution.

21. Defendants' denial to Plaintiff of religious materials and a religious "call out" are unlawful actions burdening Sanders' right to free exercise of religion guaranteed under the First and Fourteenth Amendments to the United States Constitution.

22. As a result, Sanders is due injunctive, punitive and compensatory damages.

23. In addition, Sanders is entitled to attorneys' fees pursuant to 42 U.S.C. § 1988.

B. Second Cause of Action

24. Defendants' refusal to allow Plaintiff access to religious materials and their refusal to provide a "call out" for Mormon inmates is also in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1, *et seq.*, as these actions constitute a substantial burden on his right to exercise his religion, and he is a person confined to an institution.

25. As a result, Sanders is due injunctive, punitive and compensatory damages.

**WHEREFORE**, Plaintiff, Norman Sanders, prays that, in due course, there be judgment in his favor and against the State of Louisiana through the Department of Public Safety and Corrections

and Burl Cain, Warden of Louisiana State Penitentiary, granting him a permanent injunction, enjoining and restraining Defendants from interfering with, blocking, or restraining his access to publications relating to the Church of Jesus Christ of Latter Day Saints, allowing him to have a religious "call out" for the Mormon faith, and awarding him a sum in damages, including punitive damages, as may be fitting and proper in the premises along with interest, attorneys' fees pursuant to 42 U.S.C. § 1988, all costs of these proceedings, and all other just and equitable relief as this Court deems proper.

Respectfully Submitted

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*Cooperating Attorney for the American Civil Liberties  
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**COMPLAINANT**

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