

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

HENRY LEONARD

vs.

Civil Action No. _____

STATE OF LOUISIANA,
through the Department of Public Safety
and Corrections; RICHARD STALDER,
Secretary of the Department of Public Safety
and Corrections; VENETIA MICHAEL,
Warden, David Wade Correctional Center;
and LT. COL. JACKIE HAMIL, corrections
officer, David Wade Correctional Center.

COMPLAINT

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, HENRY LEONARD, is an inmate who at all times relevant has been residing in DAVID WADE CORRECTIONAL CENTER in Homer, Claiborne Parish, Louisiana, within the district of this Court. Mr. Leonard grieved his complaint through the Department of Corrections by first filing an administrative relief procedure complaint on June 20, 2006. The complaint was denied on July 27, 2006, bearing docket number DWCC-2006-0647. The second and final step of the administrative procedure was met when after appealing the denial of the first step, that appeal was denied in September 2006 by Defendant Stalder. The Louisiana DOC stated that *the Final Call* can be reasonably construed to be “. . . written for the purpose of communicating information which could promote the breakdown of order through inmate disruption, such as strikes or riots or instigation of inmate unrest for racial or other reasons.”
5. Made Defendant herein is the STATE OF LOUISIANA, through the Department of Corrections and Public Safety.
6. Made Defendant herein is RICHARD STALDER, who is and at all times pertinent was Secretary of the Department of Corrections and Public Safety. He is sued in his individual and official capacities.

7. Made Defendant herein is Warden VENETIA MICHAEL, who is and at all times pertinent was, the Warden of DAVID WADE CORRECTIONAL CENTER, located in Claiborne Parish, Louisiana. She is sued in her individual and official capacities.
8. Made Defendant herein is JACKIE HAMIL, who is and at all times pertinent was, a correctional officer of DAVID WADE CORRECTIONAL CENTER (“DWCC”), located in Claiborne Parish, Louisiana. He is sued in his individual and official capacities.

FACTS

9. Plaintiff is an inmate incarcerated at David Wade Correctional Center (“DWCC”).
10. Plaintiff is a member of the Nation of Islam and has been a member of that church since 1985. Religious reading materials are needed in order to maintain and expand upon his religious faith and belief.
11. For the purpose of facilitating the practice of his religious faith and for purposes of religious study, Plaintiff has ordered a publication relating to the Nation of Islam religion called *The Final Call*, which is a newspaper published by the Nation of Islam. Prior to May 9, 2006, Plaintiff had no difficulty in obtaining these Nation of Islam religious materials.
12. On or about May 16, 2006, the administration of DWCC, including Defendants Michael and Hamil, denied Plaintiff access to and receipt of the Nation of Islam newspaper, *The Final Call*. Since the denial of his receipt of and access to *The Final Call*, Plaintiff has been

unable to obtain books and other written material from any source that supplies Nation of Islam publications. DWCC cited DOC regulation C-02-009 10 B-5 and stated that *The Final Call* interferes with legitimate penal objectives of rehabilitation of inmates or maintenance of internal security within the institution.

13. *The Final Call* is a legitimate source of Nation of Islam information, publications, and materials. Indeed, there is no other source, of which Plaintiff is aware, from which Plaintiff can acquire these important materials. There are no Nation of Islam materials available in the DWCC library, and neither are there Nation of Islam materials available for review or viewing in the chapel. Additionally, Nation of Islam materials, including and especially *The Final Call*, pose no threat whatsoever to order or safety at DWCC.
14. Defendants have no legitimate interest in blocking Plaintiff's access to sources of Nation of Islam religious materials.
15. Defendants have no compelling interest in restricting or blocking access to Nation of Islam materials.
16. Alternatively, the means utilized by Defendants are not the least restrictive means available to further any interest that it may have in restricting or blocking access to Nation of Islam materials.
17. Plaintiff is informed and believes and, therefore, alleges that other prisoners at DWCC, particularly those of the Baptist, Catholic and Christian faiths, have no difficulty whatsoever

in obtaining religious publications.

18. Plaintiff Henry Leonard has suffered recognizable specific injuries due to the denial of access to Muslim reading materials, including but not limited to *The Final Call*.

First Cause of Action

21. At all times relevant, Defendants were acting under color of law within the meaning of 42 U.S.C. § 1983, *et seq.*
22. 42 U.S.C. § 1983 provides Leonard redress for the deprivation of his rights guaranteed under the United States Constitution.
23. Defendants' denials to Plaintiff of religious materials in the form of the Nation of Islam newspaper, *the Final Call* are unlawful actions burdening Leonard's right to free exercise of religion guaranteed under the First and Fourteenth Amendments to the United States Constitution.
24. As a result, Plaintiff Leonard is due injunctive relief, as well as nominal, punitive and compensatory damages.
25. In addition, Plaintiff Leonard is entitled to attorneys' fees pursuant to 42 U.S.C. § 1988.

Second Cause of Action

26. Defendants' refusal to allow Plaintiff access to religious materials and their refusal to permit him access to *The Final Call* 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.

27. As a result, Plaintiff Leonard is due injunctive relief, as well as nominal, punitive and compensatory damages.

WHEREFORE, Plaintiff, Henry Leonard, prays that, in due course, there be judgment in his favor and against the Defendants, granting Plaintiff a permanent injunction, enjoining and restraining Defendants from interfering with, blocking, or restraining his access to publications relating to the Nation of Islam, permitting him to receive, read and possess copies of *The Final Call*, and awarding him a sum in damages, including nominal, compensatory and punitive damages, as may be fitting and proper, 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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COMPLAINANT

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