

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA**

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SHAWN ANDERSON

Plaintiff,

vs.

STATE OF LOUISIANA, through the  
Department of Public Safety and Corrections;  
JAMES M. LEBLANC, Secretary of the  
Louisiana Department of Public Safety and  
Corrections; BURL CAIN, Warden, Louisiana  
State Penitentiary; RICHARD L. PEABODY,  
Deputy Warden for Programming, Louisiana  
State Penitentiary; and YUSUF ABDULLAH,  
Muslim Chaplain, Louisiana State Penitentiary,

Defendants.  
-----X

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

**COMPLAINT**

Plaintiff Shawn Anderson, by and through his undersigned counsel, for his complaint against the State of Louisiana, James M. LeBlanc, Secretary of the Louisiana Department of Public Safety and Corrections, Burl Cain, Warden of the Louisiana State Penitentiary, Richard L. Peabody, Deputy Warden for Programming for the Louisiana State Penitentiary, and Yusuf Abdullah, Muslim Chaplain for the Louisiana State Penitentiary (collectively, "Defendants"), alleges as follows:

**NATURE OF THE CASE**

1. Plaintiff Shawn Anderson is an inmate at the Louisiana State Penitentiary ("LSP") and is a registered member of the Nation of Islam. Mr. Anderson brings this suit against

Defendants based on Defendants' systematic denial of his constitutional and federal statutory rights to practice his religious beliefs.

2. Defendants have repeatedly denied Mr. Anderson his rights to (i) receive or have access to any religious materials or publications from the Nation of Islam, and (ii) assemble, counsel, or worship with other members of the Nation of Islam. In fact, defendant Burl Cain has repeatedly told Mr. Anderson that, as long as Mr. Cain is warden of LSP, members of the Nation of Islam will not be allowed to worship together or receive Nation of Islam religious materials.

3. By denying Mr. Anderson's rights to assemble and receive religious materials, Defendants have placed a substantial burden on Mr. Anderson's ability to practice his religious beliefs. These limitations do not serve any compelling state interest and are not the least restrictive means of furthering any state interest, nor are these restrictions reasonably related to any legitimate penological interest.

4. Accordingly, Mr. Anderson brings this action against Defendants for violations of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1, et seq., and the First and Fourteenth Amendments to the United States Constitution, pursuant to 42 U.S.C. § 1983. Mr. Anderson seeks injunctive relief for Defendants' violations of his constitutional and federal statutory rights.

#### **JURISDICTION AND VENUE**

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343, because this civil action arises under the Constitution and laws of the United States.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims occurred at LSP, which is located in the Middle District of Louisiana.

**THE PARTIES**

7. Plaintiff SHAWN ANDERSON is, and at all relevant times was, an inmate residing at LSP in Angola, Louisiana.

8. Defendant STATE OF LOUISIANA is sued through the Secretary of the Louisiana Department of Public Safety and Corrections.

9. Defendant JAMES M. LEBLANC is, and at all relevant times was, the secretary of the Louisiana Department of Public Safety and Corrections. Defendant LeBlanc is sued in his individual and official capacities.

10. Defendant BURL CAIN is, and at all relevant times was, the warden of LSP, located in Angola, Louisiana. Defendant Cain is sued in his individual and official capacities.

11. Defendant RICHARD L. PEABODY is, and at all relevant times was, the Deputy Warden for Programming for LSP, located in Angola, Louisiana. Defendant Peabody is sued in his individual and official capacities.

12. Defendant YUSUF ABDULLAH is, and at all relevant times was, the Muslim chaplain for LSP, located in Angola, Louisiana. Defendant Abdullah is sued in his individual and official capacities.

## BACKGROUND AND FACTS

13. Mr. Anderson has been a practicing member of the Islamic faith for over twenty years. Since 2000, he has been a registered member of the Nation of Islam. Mr. Anderson is a deeply spiritual man who takes his religious faith seriously.

14. Beginning in 2000, Mr. Anderson enrolled in classes offered at LSP by the New Orleans Baptist Theological Seminary so that he could expand his knowledge of world religions and develop the skills needed to teach and counsel other inmates about the Nation of Islam. In 2007, after years of hard work, Mr. Anderson graduated from the seminary with a bachelor's degree in Christian ministry.

15. After graduating from seminary, LSP named Mr. Anderson a "Graduate Minister/Islamic Ministry Team." Graduate ministers use their knowledge and skills to counsel other inmates and enhance inmates' spiritual well-being. All graduate ministers are required to submit a report to the LSP chaplain each month, which provides information such as the number of services the graduate minister conducted and the number of inmates the graduate minister counseled.

### **A. Defendants Deny Mr. Anderson Access to Nation of Islam Materials**

16. In order to practice, maintain, and grow his religious faith, as well as carry out his duties as a graduate minister, Mr. Anderson needs access to religious materials and publications from the Nation of Islam.

17. Mr. Anderson has repeatedly requested religious materials and publications from the Nation of Islam, but Defendants have prohibited him from receiving or having access to any Nation of Islam materials or publications. In addition, Defendants have often failed to inform Mr. Anderson that Nation of Islam materials or publications have arrived

for him, but are under review by LSP administrators, in violation of LSP policies, see Dep't Reg. No. C-02-009.

18. Most recently, in June 2008, Mr. Anderson ordered a subscription to The Final Call (a religious newsweekly), a religious book, and a religious compact disc ("CD") from the Nation of Islam. The Nation of Islam received Mr. Anderson's orders and sent the materials to him at LSP in July and August 2008. Defendants prevented Mr. Anderson from receiving the newspaper, book, and CD.

19. Moreover, Defendants have refused to allow Nation of Islam religious materials to be stored in the library, chapel, or other places that Mr. Anderson could gain access to them.

20. By refusing to allow Mr. Anderson to receive religious materials and publications and by denying him access to any other Nation of Islam materials, Defendants have placed a substantial burden on Mr. Anderson's exercise of his religious beliefs. These limitations do not serve a compelling state interest and are not the least restrictive means of furthering any state interest, nor are these restrictions reasonably related to any legitimate penological interest.

**B. Defendants Repeatedly Deny Mr. Anderson the Right to Assemble, Counsel, and Worship with Other Nation of Islam Members**

21. In order to practice, maintain, and grow his religious faith in the Nation of Islam, as well as carry out his duties as a graduate minister, Mr. Anderson has repeatedly attempted, both formally and informally, to assemble, counsel, and worship with other members of the Nation of Islam faith.

22. Since 2002, Mr. Anderson has repeatedly requested that Defendants allow him to assemble, counsel, and worship with other members of the Nation of Islam. Defendants have denied his requests.

23. Most recently, in the summer of 2008, Mr. Anderson repeatedly requested that Defendants allow him to assemble, counsel, and worship with other members of the Nation of Islam, and other inmates interested in the Nation of Islam, on a weekly basis. Defendants denied his requests.

24. In addition, Mr. Anderson repeatedly requested that Defendants allow him to assemble and worship with other members of the Nation of Islam on Nation of Islam holy days. Defendants denied his requests.

25. On numerous occasions, Mr. Anderson has asked permission to assemble, counsel, and worship with other members of the Nation of Islam, and other inmates interested in the Nation of Islam, on a weekly basis and on Nation of Islam holy days, but Defendants have repeatedly denied Mr. Anderson's simple requests. By refusing Mr. Anderson's requests, Defendants have placed a substantial burden on Mr. Anderson's exercise of his religious beliefs. These limitations do not serve a compelling state interest and are not the least restrictive means of furthering any state interest, nor are these restrictions reasonably related to any legitimate penological interest.

**C. Defendants Deny Mr. Anderson's Request to Establish an Organization for Assembly, Worship, and Counseling with Other Nation of Islam Members**

26. In an effort to establish an organization through which he can practice his religious beliefs with other members of the Nation of Islam, Mr. Anderson has submitted formal written proposals, requesting approval of club status for the Nation of Islam Prison Reform

Ministry Study Group (the "Nation of Islam Study Group"). Defendants have denied Mr. Anderson's requests.

27. Most recently, Mr. Anderson submitted a request in early June 2008 for approval of club status for the Nation of Islam Study Group. Once again, Defendants denied Mr. Anderson's request.

28. As detailed in Mr. Anderson's proposal to Defendants, the goal of the Nation of Islam Study Group is to provide faith-based education, along with a broad, self-improvement curriculum, to LSP inmates. Mr. Anderson has proposed periodically to invite ministers from outside LSP to lead services and preach to members of the Nation of Islam. All Nation of Islam Study Group programs and services would be open to members of the Nation of Islam and other interested inmates.

29. The Nation of Islam Study Group is similar to other groups, organizations, and clubs that have received club status from LSP administrators. Organizations with club status, including religious organizations, may reserve space on a regular basis in the Main Campus Education Building to meet and discuss issues that are important to that organization.

30. By denying Mr. Anderson's request for club status for the Nation of Islam Study Group and by preventing Mr. Anderson from meeting with other members of the Nation of Islam, LSP has placed a substantial burden on Mr. Anderson's exercise of his religious beliefs. These limitations do not serve a compelling state interest and are not the least restrictive means of furthering any state interest, nor are these restrictions reasonably related to any legitimate penological interest.

**D. Defendants Deny That the Nation of Islam Is a Legitimate Religious Faith**

31. In denying Mr. Anderson's administrative request, Defendants claimed that the Nation of Islam poses a threat to order and security at LSP. The Nation of Islam, however, is a nonviolent religion that teaches equality, justice, and freedom for all people—regardless of creed, class, or color. In fact, Nation of Islam materials and publications are present in dozens of prisons around the country where they do not contribute to any security problems.

32. In response to Mr. Anderson's administrative request, Defendants also stated that there is already an organization at LSP dedicated to the Islamic faith that Mr. Anderson is free to join. Defendants fail to understand, however, that Islam comprises many different denominations with diverse teachings, traditions, and beliefs (just as Christianity is made up of many different denominations with diverse teachings, traditions, and faiths). All Muslims are not the same, and mainstream Islam does not recognize the teachings of the Nation of Islam. Mr. Anderson's views are not welcome in the Islamic organization at LSP.

33. Defendant Yusuf Abdullah, who is the Muslim chaplain at LSP, is openly hostile to the Nation of Islam and has made derogatory statements about Mr. Anderson and the Nation of Islam in his sermons. In addition, defendant Abdullah has worked with other defendants to prevent Mr. Anderson from receiving any religious materials from the Nation of Islam and to prevent Mr. Anderson from assembling, counseling, and worshiping with other members of the Nation of Islam. Finally, defendant Abdullah has repeatedly retaliated against Mr. Anderson for exercising his religious beliefs by attempting to have him removed from the main campus at LSP and placed in more restrictive housing.



**E. Defendants Retaliate against Mr. Anderson for Attempting to Exercise His Religious Beliefs**

34. Defendants have retaliated against Mr. Anderson for attempting to exercise his religious beliefs.

35. In the summer of 2008, Mr. Anderson committed a minor rule violation. During the course of the investigation, LSP administrators increased the charge to theft. The investigative report, however, includes no evidence that he committed theft. Mr. Anderson was found guilty of this charge and has been on lock-down for over six months. The trumped-up charges against Mr. Anderson and his harsh punishment were a direct result of (i) his requests to establish the Nation of Islam Study Group in the summer of 2008; (b) his request for Nation of Islam publications and materials in the summer of 2008; and (c) his meetings with an attorney to discuss his legal options based on Defendants' violations of federal law.

**CAUSES OF ACTION**

**COUNT I**

**Violations of RLUIPA**

**Against Defendants in Their Official Capacities**

36. Mr. Anderson realleges and incorporates by reference each and every allegation set forth in paragraphs 1 to 35.

37. Defendants have repeatedly denied Mr. Anderson his rights to (i) receive or have access to any religious materials or publications from the Nation of Islam, and (ii) assemble, counsel, or worship with other members of the Nation of Islam.

38. Defendants have repeatedly denied Mr. Anderson's requests to establish the Nation of Islam Study Group.

39. Defendants have retaliated against Mr. Anderson for attempting to exercise his religious beliefs.

40. Defendants allow inmates of other religious faiths to (i) receive or have access to materials and publications that are important to their religion, (ii) assemble, counsel, or worship with other members of their religious community, and (iii) establish organizations, which may reserve space for meetings and programs and invite outside speakers to teach and preach for members of their religious community.

41. The restrictions imposed by Defendants on Mr. Anderson's exercise of his religious beliefs do not serve a compelling state interest and are not the least restrictive means of furthering any state interest in direct violation of the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc-1, et seq.

## **COUNT II**

### **Violations of the First and Fourteenth Amendments to the United States Constitution Against Defendants in Their Individual and Official Capacities**

42. Mr. Anderson realleges and incorporates by reference each and every allegation set forth in paragraphs 1 to 35.

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

44. Defendants have repeatedly denied Mr. Anderson his rights to (i) receive or have access to any religious materials or publications from the Nation of Islam, and (ii) assemble, counsel, or worship with other members of the Nation of Islam.

45. Defendants have repeatedly denied Mr. Anderson's requests to establish the Nation of Islam Study Group.

46. Defendants have retaliated against Mr. Anderson for attempting to exercise his religious beliefs.

47. Defendants allow inmates of other religious faiths to (i) receive or have access to materials and publications that are important to their religion, (ii) assemble, counsel, or worship with other members of their religious community, and (iii) establish organizations, which may reserve space for meetings and programs and invite outside speakers to teach and preach for members of their religious community.

48. The restrictions imposed by Defendants on Mr. Anderson's exercise of his religious beliefs are not reasonably related to any legitimate penological interest in direct violation of the First and Fourteenth Amendments to the United States Constitution. Mr. Anderson has redress for the deprivation of his rights guaranteed under the United States Constitution pursuant to 42 U.S.C. § 1983.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff Shawn Anderson prays that the Court enter judgment against Defendants and issue an order:

(a) Enjoining Defendants from interfering with, blocking, or restraining plaintiff's access to religious materials or publications from the Nation of Islam;

(b) Enjoining Defendants from prohibiting plaintiff from regularly assembling, counseling, or worshipping with members of the Nation of Islam and other interested inmates;

(c) Enjoining Defendants from denying club status to the Nation of Islam Prison Reform Ministry Study Group;

(d) Awarding plaintiff attorneys' fees pursuant to 42 U.S.C. § 1988 and costs;

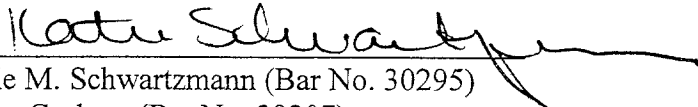
and

(e) Granting plaintiff all other relief that this Court deems just and proper.

Dated: February 5, 2009

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF LOUISIANA

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*Applications for admission pro hac vice filed  
herewith*

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