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MAR 29 2004

ROBERT H. SHENWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
BRIARCLIFF, LOUISIANA

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

MAR 24 2004

ROBERT H. SHENWELL, CLERK
BY *[Signature]* DEPUTY

PATRICK BROWN, ET AL

Full Name of Plaintiff, Prisoner Number

*TOM RIDGE, SEC, V FOR DHS; DHS;
CHRISTINE DAVIS; Field Director - NEW
VS. ORLEANS; NANCY HOOKS, ICE-OFFICER IN
CHARGE - OAKDALE; CONCORDIA PARISH Sheriff
DEPARTMENT.*

Full Name of Defendant

CV 04-0759-A

SEC P

Judge

JUDGE DRELL

Magistrate Judge

MAGISTRATE JUDGE KIRK

COMPLAINT

I. Previous Lawsuits

A. Have you begun any other lawsuit while incarcerated or detained in any facility?
Yes _____ No X

B. If your answer to the preceding question is yes, provide the following information.

1. State the court(s) where each lawsuit was filed (if federal, identify the District; if state court, identify the county or parish):

2. Name the parties to the previous lawsuit(s):

Plaintiffs: _____

Defendants: _____

3. Docket number(s): _____

4. Date(s) on which each lawsuit was filed: _____

5. Disposition and date thereof [For example, was the case dismissed and when? Was it appealed and by whom (plaintiff or defendant)? Is the case still pending?]:

- C. Have you filed any lawsuit or appeal in any federal district court or appeals court which has been dismissed?

Yes _____ No X

If your answer to the preceding question is yes, state the court(s) which dismissed the case, the civil action number(s), and the reason for dismissal (e.g., frivolity, malice, failure to state a claim, defendants immune from relief sought, etc.).

N/A

II. A. Name of institution and address of current place of confinement:

CONCORDIA PARISH CORRECTIONAL FACILITY II
26362 HWY #15, FORT KIDNEY, LA. 71304

- B. Is there a prison grievance procedure in this institution?

Yes X No _____

1. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit?

Yes X No _____

If Yes, what is the Administrative Remedy Procedure number? NONE PROVIDED

2. If you did not file an administrative grievance, explain why you have not done so.

3. If you filed an administrative grievance, answer the following question.

What specific steps of the prison procedure did you take and what was the result? (For example, for state prisoners in the custody of the Department of Public Safety and Corrections: did you appeal any adverse decision through to Step 3 of the administrative grievance procedure by appealing to the Secretary of the Louisiana Department of Public Safety and Corrections? For federal prisoners: did you appeal any adverse decision from the warden to the Regional Director for the Federal Bureau of Prisons, or did you make a claim under the Federal Tort Claims Act?)

DEFENDANTS HAVE FAILED TO RESPOND

Attach a copy of each prison response and/or decision rendered in the administrative proceeding.

III. Parties to Current Lawsuit:

A. Name of Plaintiff

ATTACHED

Address 86362 Hwy #15, C.P.R.I.I. ... Ferriday, LA. 71334

B. Defendant, CHRISTINE G. DAVIS, is employed as

Field Director - U.S. ICE at NEW ORLEANS ICE DISTRICT

Defendant, NANCY L. HOOKS, is employed as

ICE OFFICER IN CHARGE at U.S. ICE, 1010 E. WHATLEY RD, DAKDALE, LA. 71463

Defendant, Sheriff Dep't - Concordia Parish, is employed as

CONTRACTOR TO HOUSE IMMIGRATION DETAINEES at C.P.R.I.I.; 86362 Hwy #15, Ferriday, La.

Additional defendants C.P.R.I. - WARDEN'S OFFICE; LANCE MOORE -

Chief of Security.

IV. Statement of Claim

State the **FACTS** of your case. Specifically describe the involvement and actions of each named defendant. Include the names of all persons involved in the incident(s) or condition(s) giving rise to this lawsuit, and the dates upon which and the places where the incident(s) and/or condition(s) occurred. **YOU ARE REQUIRED TO SET FORTH ONLY FACTUAL ALLEGATIONS. YOU ARE NOT REQUIRED TO SET FORTH LEGAL THEORIES OR ARGUMENTS.**

Defendants are housing "plaintiffs collectively" at C.P.R.I. under the Inter Governmental Services Act [IGSA] in sub human conditions under the INS DETENTION STANDARDS MANUAL. DETAINEES ARE NOT TO BE HOUSED WITH CONVICTED INMATES, yet this is exactly the case. Plaintiffs are housed with inmates awaiting to serve long criminal sentences. Plaintiffs allege that they are subjected to punitive detention. It is well settled that Immigration detention proceedings are civil in nature, and therefore non-punitive. Under the detention standards detainees are to be allowed at least one hour access to the law library a day, and the facility is to provide sufficient type-writers/computers in addition to updated immigration legal materials. The C.P.R.I. does not even meet the most basic of these requirements. The most recent immigration case maintained is the 2001 ST-CUR decision from the Supreme Court, a decision four years old. The requirement that detainees submit their legal materials to the "one inmate substitute counsel" for research and drafting infringe on the privacy act, and often the substitute counsel is overwhelmed with detainees legal needs, that even basic deadlines can not

be met. The facility does not maintain one BIA precedent decision. The facility has no sheet exchange policy, detainees upon transfer to CPC7, were given each a pair "dirt stained - used to be white sheets" and promised new sheets, a promise that has yet to materialize. Cont'd on Attachment → →

V. Relief

State exactly what you want the court to provide to you or do for you. Make no legal arguments. Cite no cases or statutes. Defendants should be compelled to meet detention standards and to provide all basic needs; or house detainees at a qualified detention center. The court should recognize that CPC7 conditions of confinement are hazardous to any person's / human's health and order defendants to remove all individuals to qualified detention centers for health injuries and other sufferings seek in damages.

VI. Plaintiff's Declaration

- A. I understand that if I am transferred or released, I must apprise the Court of my address, and my failure to do so may result in this complaint being dismissed.
- B. I understand that I may not proceed without prepayment of costs if I have filed three lawsuits and/or appeals that were dismissed on grounds that the action and/or appeal was frivolous or malicious, or failed to state a claim upon which relief may be granted, unless I am in imminent danger of serious physical injury.

Signed this 14 day of February, 2004.

A78635873

Prisoner no. (Louisiana Department of Corrections or Federal Bureau of Prisons)

F. Gustave

FREDO GUSTAVE

4/03 Ismael Karaca

ISMAEL KARACA

Eric C Bell

ERIC BELL

Ramit Narang

RAMIT NARANG

Franklin Moreno

MORENO FRANKLIN

X:\proseforms\1883.wpd

Leroy Bacchus

LERoy BACCHUS

Patrick Brown A44-849-228

Signature of Plaintiff PATRICK BROWN

Rafiu Abimbola

RAFIU ABIMBOLA

Prince Brown

PRINCE C. BROWN

Patrick L. Brown

PATRICK L. BROWN

Gervase Blackwood

GERVASE BLACKWOOD

Hussein Nasrallah

HUSSEIN NASRALLAH

Augusto Moreira

AUGUSTO MOREIRA

Alexander Ndaula

ALEXANDER NDAULA

Patrick Brown

ATTACHMENT

IV. STATEMENT OF CLAIM:

① Access to the Courts / Law Library

Plaintiffs allege they are being denied the constitutional right to meaningful access to the courts as a direct result from an inadequate law library or to adequate assistance from people trained in the law. Plaintiffs are housed in closed custody and cannot go to the law library. Because of the complex nature of immigration law and the ever continuing litigation encountered in civil immigration cases, the inmate substitute Counsel program provided by defendants is inadequate, especially in light of the number of detainees who are litigating pro-se. Furthermore, the defendants have failed to put in place a system that updates vital legal research materials. Specifically, at the C.P.C. holding place there are no BIA precedent books, Code of Federal Regulations, and the latest Federal Supplement Reporter maintained for immigration cases is the *INS v. St. Cyr.*, — US — (2001) case.

Plaintiffs further allege that the defendants through their agents, the Concordia Parish Sheriff Department, infringe on indigent plaintiffs' access to courts by failing to provide indigent detainees "with paper and pen to draft legal documents, and with material services

to authenticate them." Based on all the above, the defendants have violated plaintiff's rights to Court access as provided for in the first and fourteenth Amendments of the U.S. Constitution.

⑧ Denial of Rights To Religious Freedom

Plaintiffs allege as a second ground, that for non-Christian inmates the Concordia Sheriff Department operates a "deliberate indifference policy, which fails to secure other religious faith's constitutional guarantees under the first Amendment of the U.S. Constitution. The said plaintiff's interest in free exercise of religion is infringed on severely, by the defendants' requirement, to cut their hair and to shave all facial hair before inmates can be classified to general population housing. Specifically, detainees Eric Bell and Patrick Brown have been placed in administrated segregation until they submit to the "no hair" institutional policy. Mr. Brown and Mr. Bell belong to the Rastafarians (due to a "no-hair cut" policy). In another similar instance, detainee Nico Benn has been kept in administrative segregation for 6 months, for maintaining his long beard. (Mr. Benn is a Sunni Muslim). Often, the defendants fail to permit Muslim inmates to congregate Fridays for "Jumah Prayer" service. In contrast to Christian inmates who are insured and/or granted access to free exercise and enjoyment of religious beliefs, at-

VARIOUS TIMES DURING THE WEEK, MUSLIM INMATES AND OTHER FAITHS ARE NOT AFFORDED SUCH TREATMENT. IN THE ONLY, TWO MUSLIM SESSIONS THEORETICALLY ADMINISTERED ARE VERY OFTEN CANCELLED, IF AT ALL OFFERED. IN AS MUCH, PLAINTIFFS CLAIM THEIR RELIGIOUS FREEDOM HAS BEEN BURDEN IN VIOLATION OF THE RELIGIOUS FREEDOM RESTORATION ACT AND THE FIRST AMENDMENT OF THE U.S. CONSTITUTION.

© DENIAL OF 1ST AMENDMENT RIGHT TO THE PRESS

Plaintiffs allege they have been denied the first - Amendment right prohibiting abridging the freedom of the press. In that the defendant's recently passed a 'MEMO' that would ban all publications from the - holding center. As aliens, some of the plaintiffs are applicants for asylum and other forms of protection under international law, therefore creating a need to receive up-to-date news materials from public news sources. A total ban on all outside / publications abridges on the freedom of press of these plaintiffs right to receive and possess books, magazines, and other reading materials such as "PRISONER'S LEGAL NEWS", a publication that can be very resourceful for pro-se litigants. The ban by the defendant infringes on not only the rights of the detainees / inmates, but also on the rights of those outside the prison to air their political views in reaching its decision on this issue. This kind of discretion by

AND MORE. THE PRISON HAS NO SHEET EXCHANGE PROGRAM. IN FACT, INMATE LAUNDRY IS NOT EVEN WASHED WITH ANY SORT OF DETERGENTS OR BLEACH. THE SHEETS PROVIDED ~~THOUGH, IT IS TO TELL~~ THEY USED TO BE THE COLOR 'WHITE' THEY NOW RESEMBLE A 'DIRT-BROWN', EVEN MORE THEY ALL SMELL LIKE HUMAN SWEAT, AT ALL-TIMES. THE SAME GOES FOR TOWELS AND OTHER LAUNDRY. THE LIVING QUARTERS THAT HOUSE PLAINTIFFS ARE UNSANITARY AT ALL TIMES, THE DAY ROOM'S TABLES ARE 'RUST-FILLED', THE SHOWERS AND TOILET SYSTEM REMAINS DIRT-FILLED AND SLIPPERY, THE ICE COOLERS HAVE 'DIRT BUILD UP' AND INMATES ARE CONTINUOUSLY FORCED TO USE THEM, THE DORMS HOLD A CAPACITY OF 60 INMATES WITH NO EXERCISE PROVIDED AND INSUFFICIENT RECREATION, THERE IS NO DESIGNATED SMOKING AREA. THUS FORCING INMATES TO LONG-TERM EXPOSURE TO ENVIRONMENTAL TOBACCO.

IT IS SCIENTIFICALLY KNOWN THAT SECOND-HAND SMOKE EXPOSES PEOPLE TO CANCER. INDEED, SOCIETY HAS MADE RULES THAT REQUIRE SCHOOLS AND OTHER PUBLIC BUILDINGS TO PROHIBIT IN-HOUSE SMOKING. THE CONDITIONS RELATE TO SAFETY, HARPARDS, HEALTH HAZARDS, OVERCROWDING AND VIOLATIONS OF BOTH THE EIGHTH AMENDMENT, AND DUE-PROCESS CLAUSES OF THE FIFTH AND FOURTEENTH AMENDMENTS. IT IS NOTEWORTHY TO MENTION HERE, THAT 60 INMATES ARE PROVIDED 3 TOILETS AND ONE SHOWER. FURTHERMORE, THE FACILITY OFFERS NO CO-CURRICULAR ACTIVITY. FOR INSTANCE, VOCATIONAL CLASSES, AND MAINTAINS AN IN-CLOSED CUSTODY POLICY WITH NO EXERCISE

/ RECREATIONAL programs. The 24 hour ——— polluted, unsanitary, overcrowded, unventilated dorms or housing quarters present significant medical risks to humans rest and respiratory needs.

© Retaliation for exercise of rights to Judicial Review And Rights to first Amendment:

Majority of the INS detainees and I are currently in the middle of the Judicial Reviews of our final Orders of deportation. Most of us has stays of deportation granted by the various Courts where our cases are pending.

The plaintiff's and its agent transferred us from the Federal Detention Centers where we had access to all the relevant legal materials to this "Concordia" death Chambers where we were virtually denied all access to the outside world including the Courts through the "Inadequate and lack of access to law libraries" and lack of access to the phones.

It must be noted, that only detainees with pending Judicial Reviews were selected for transfers, while those who agreed not to challenge their removal orders were not transferred. We believed it's an act of retaliation.

Another act of retaliation was perpetrated on detainee Abimbola, an inmate Counsel for the INS Detainees. He was relieved of his job after complaining to the

upl
3/4/04

Institution lacks basic legal needs for INS detainees.

PHYSICAL AND VERBAL ASSAULT ON DETAINEES

Detainee Norman Butte was physically assaulted by an institutional lieutenant when he questioned the contents of the chemicals used to spray the incoming detainees.

An Administrative Grievance addressing this matter was not answered.

Another, detainee, Gregorio Machado was badly beaten by the states inmates we are being forced to live with for an unspecified reasons. Majority of these state inmates are murderers, rapist and other violent offenders.

In another incident which occurred on or about February 29, 2004. Detainee Gerunse Blackwood was verbally assaulted when he requested for a no-meat and no gravy diet. Blackwood ~~was~~ belongs to a Rastafarian Religious Sect and adhered strictly to a no-meat diet.

The officer Mr. McCoy stated "You motherfucker, you either eat this food or you're not going to eat."

Blackwood did not eat dinner that night.

And Administrative Grievance on this matter was also not answered.

Detainee Nussein Nasrallah, a muslim detainee from

LEBANON ASKED A CHAPLAIN FOR A KORAN. THE CHAPLAIN STATED TO HIM THAT "THAT IS AN EVIL BOOK, FOR AN EVIL RELIGION, I WILL NEVER TOUCH THIS BOOK"

WE ASSERT THAT THESE PHYSICAL AND VERBAL ABUSE OF THE DETAINEES NOT ONLY VIOLATES OUR EIGHT AMENDMENT RIGHTS AGAINST CRUEL AND UNUSUAL PUNISHMENT, IT ALSO VIOLATES OUR FIRST AMENDMENT RIGHTS TO OUR RELIGION, AND FREEDOM OF SPEECH.

RELIEFS REQUESTED

Ⓐ ENTER AN INJUNCTION COMPELLING THE RESPONDENTS IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY TO EITHER COMPL. WITH THE STANDARDS LISTED IN THE INS DETENTION STANDARDS LISTED IN THE INS DETENTION STANDARD MANUAL AS IT PERTAINS TO THE ABOVE CLAIMS (TELEPHONE ACCESS, ACCESS TO LEGAL MATERIALS, RELIGION ETC) SEE GENERALLY INS DETENTION OPERATIONS MANUAL AVAILABLE AT

OR

Ⓑ TRANSFER PETITIONERS TO A FEDERAL FACILITY OR OTHER LOCAL FACILITY THAT MEETS THE STANDARDS ENUNCIATED IN THE MANUAL.

Ⓒ AWARD NOMINAL PUNITIVE DAMAGES OF \$5.00 TO EACH PLAINTIFF AGAINST THE RESPONDENT FOR ITS VIOLATION OF OUR

Constitutional Rights.

- ① Compel Respondent to release Patrick Brown, Eric Be. and Nico Ben from Administrative Segregation into the General Population or Transfer them to another facility.
- ② Grant other reliefs the Court may deem just and proper in the interest of Justice.

Respectfully submitted
Patrick Lincoln Brown A# 44-849-228

Patrick Lincoln Brown
on
behalf of other petitioners

EXHIBIT

RECEIVED

MAR 29 2004

ROBERT H. SPENWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

"if luck"
1/29/04

CONCERNED Bureau of Immigration
AND Customs Enforcement (I.C.E.)
DETAINEES, RECENTLY TRANSFERRED FROM
OAKDALES (F.O.C.)

JANUARY 26, 2004

The WARDEN / SHERIFF
CONCORDIA Parish Correctional Facility II
FERRIDAY, LOUISIANA 71334

REQUEST FOR ADMINISTRATIVE REMEDY RELIEF PROCEDURE
FOR DENIAL OF ACCESS TO THE COURTS AND FAMILY MEMBERS
OF (I.C.E.) DETAINEE.

DEAR WARDEN / SHERIFF:

THIS IS A GRIEVANCE UNDER ADMINISTRATIVE REMEDY
RELIEF PROCEDURE, FOR THE DENIAL OF (I.C.E.) DETAINEE -
ACCESS TO THE COURTS AND THEIR FAMILY. THE DENIAL OF AC-
CESS TO THE COURTS, AND LAW LIBRARY IS A VIOLATION OF
CONSTITUTIONAL RIGHTS UNDER THE DUE-PROCESS CLAUSE OF
THE FIFTH AMENDMENT AND A VIOLATION OF INMATE -
RIGHTS #1 AND #3, LOCATED AT PAGE 3 OF THE INMATE'S -
HANDBOOK.

FIRST, AS AN (I.C.E.) OR (I.N.S.) DETAINEE WITH-

CASES pending in Federal District Court of Appeals, State Courts and Board of Immigration Appeals / Immigration Courts, etc. I am entitled to by law, at least five hour's access to the Law Library everyday, as well as access to the courts through a prepaid telephone call system.

Additionally, as a FOREIGNER whose family either resides in other countries or other parts of the United States. The collect calls only telephone in place here is inadequate. Since our transfer to C.P.C. 7.II in January 12, 2004.., other detainees and I have not been able to contact the courts, our lawyer's and family members. Neither have been given an access to the Law Library due to the inmate Counsel Substitute System in place here. Additionally there is no typewriters in the dorms to type our legal briefs and we're all falling behind in our legal works which have strict time limitation. We respectfully ask this institution to fix the problems as noted below:

ACCESS TO THE COURTS

As an (I.C.E.) Detainee with cases pending in Courts; we are entitled to five hour's daily access to a Law Library with updated textbooks, recently decided cases from the Federal Courts and constant access to the typewriters or computer's considering the strict time

limitation on immigration related cases. THE I.N.S. DETENTION STANDARD MANUAL, requires that all facilities housing "I.N.S." or "I.C.E." detainees provides the basic legal needs:

THE Inmate Counsel Substitute System in place is inadequate to meet I.C.E. detainee's need for the following reasons:

- (1) ONE Inmate Counsel CANNOT handle the heavy workload's required for immigration Litigations.
- (2) THE Inmate Substitute Counsel do NOT know immigration laws which is very complex even for seasoned lawyers.
- (3) Confidentiality with our legal matters is NOT guaranteed AND
- (4) A detainee has the right to choose his own legal counsel, rather than the one imposed upon him by the institution.

In Sum, the inmate legal counsel system is inadequate to meet our needs.

Collect Calls Only Telephone

THE "Collect calls only" telephone in place here is inadequate for my needs. Unlike the state inmate's who are all from Louisiana, I am from out of state and some of my family members are abroad. I can't call

my family a broad "Collect" and calls to families members in New York, ... Massachusetts and other states cost about \$15.00 per call.

Additionally, I've not been able to reach the Courts on the collect calls only telephone to check on the status of my cases and a request for free legal calls and for calls with telephone cards had proved abortive.

SEPARATION OF DETAINEES INTO DIFFERENT DORMS WITH CONVICTED

As an immigrant with limited English language comprehension, and who is non-elite of law, I sometimes rely on other detainees to prepare my legal works. Now we've all been separated into different dorms and my access to the Courts is now even more severely restricted. Additionally I am being housed in the same dorms with convicted inmates. Some of who are rapist, murderers and other's violent offenders.

Specific Relief's Requested

- I. Move all Immigration Detainees with pending Court cases to one dorm and provide us with:
 - (A) Typewriter to type our legal briefs
 - AND
 - (B) A Pre-Paid Call Access at the dorm.

telephones AND

- II. Provide immigration Detainees with updated immigration laws related books and recent decisions - from the Federal Courts and Board of Immigration Appeals. AND
- III. Provide other immigration Detainees AND I with at least five (5) hours in the law library, OR
- IV. In the alternative, effectuate our Transfer back to a Federal Detention Facility OR any other facility that meets the above requirement.

Respectfully submitted:

Alien NAME AND NO: Prince Brown A41-351

Alien NAME AND NO: Bafu Abimbola A7285221

Alien NAME AND NO: Genaro (Rafael) 41-654-035

cc: MR. James Johnston, The District Director U.S. Immigration and Customs Enforcement (I.C.E.)

Ms. Nancy Hooks, Officer in Charge (I.C.E.) Oakdale's - Sub-Office

A.C.L.U. - Immigrants Rights Project

U.S. District Court, Western District of Louisiana

Families for Freedom: 2 Washington Street, 766
North New York NY 10004

PS: We cannot write our Legal Briefs by hand because it's not acceptable in Immigration proceedings. Moreover the INS Detention Standard Manual at III(B)(1) specifically requires a typewriter for INS Detainees. (See Attached)

(2) The INS Detention Standard also requires 5 hours access to the Law Library per week. We've not had any access for about 2 weeks, and.

(3) We can't keep requesting for books from the Library, we have to make our own research

(4) Request for Legal Calls has not been answered in about two weeks.

EXHIBIT

ALEXANDER NOAULA
A 78635873
C.P.C.F.2 DORM D
26362 HWY 15
FERRIDAY, LA. 71334

MS. NANCY HOOKS
OFFICER IN CHARGE
U.S. ICE-OAKDALE
1010 E. WHATLEY RD
OAKDALE, LA. 71463

JANUARY 28, 2004

**RE: COMPLAINT FOR FAILURE TO SATISFY INS DETENTION
STANDARDS AND REQUEST FOR AGENCY INTERVENTION.**

Dear Ms. Hooks:

I am one of the many detainees recently transferred from the Oakdale detention Facility on January 12, 2004, to the Concordia Parish Correctional Facility. I submit this letter to your office in seek of ICE intervention in the very serious situation and constitutional violations forced upon our persons.

As you are already, aware I'm sure INS detainees and their proceedings are civil in nature. Thus, we are subject to civil detention as opposed to criminal incarceration. The Supreme Court has held the opinion that 'deportation is undoubtedly a harsh procedure, but is not punishment.' Pursuant to the INS detention standards manual INS detainees must not be detained with inmates serving criminal sentences. Yet, this is exactly what has transpired as a result of error recent transfer to CPCF 2. I am currently housed in the same dorm as Louisiana State Department of Corrections inmates, I wonder who the suit would fall on were I to be assaulted in any unwanted nature. I am almost certain that our transfer into state inmate dorms was done without consultation with agency authorities. The reason could be simply that prison officials are not aware of the standards to be maintained for an INS detainee. Not even pretrial inmates in criminal proceedings are housed with convicted criminals.

The other issue we bring to your office's attention is the fact that under Federal constitutional law all persons subject to imprisonment are afforded the right and/or access

to the courts and no person of authority acting under color of law shall impede on this right. This right includes constant communication with one's legal counsel of choice, if one were afforded at least for civil proceedings. According to this, institution's policy detainees needs are apparently supposed to be met by an Inmate Substitute Counsel Program. Well that program is insufficient for immigration, let alone a pretrial detainee. We have been informed expressly that the program is not created to meet INS litigation requirements. Furthermore, it is in contravention of the law, specifically the privacy act of the United States, to require all persons to submit their legal materials to one individual who is selected at the prison authorities discretion. Who knows what this inmate does with other inmates' legal papers, this is a serious privacy concern for a lot of us. Pursuant to Federal case law, an inmate has a right to consult with a jailhouse lawyer of choice. See also **Wolff v. McDonnell**, 418 U.S. 539, 41 L.Ed 2d 935, 94 S.Ct 2963 (1974); **Johnson v. Avery**, 393 U.S. 483, 21 L. Ed 2d 718, 89 S.Ct 747(1969)

[Inmate acting as "jailhouse lawyer" has fundamental right under First Amendment to provide legal assistance to other inmates].

We also understand that by regulations we must be provided with access to prepaid calling procedures. This is especially so, because of the unique situation we fall under as aliens, particularly the very fact that our family members do not necessarily reside within the continental / territorial U.S. is undisputed that telephone service companies do not provide collect call services for international phone users. As it is already, these companies continue to demand exorbitant rates from our families. We do not agree with this policy of being forced to assume such ludicrous rates where there are reasonable alternatives [this institution's phone provides three options to complete a call, namely; collect, person to person, and prepaid; however, the third option cannot be exercised because for whatever inconceivable reason the facility has not authorized the phone company to sell prepaid phone minutes]. Any failure by your office to abide by this agency's procedures amounts to the violation of the Administrative Procedure Act, 5 U.S.C. § 701, and 8 U.S.C. § 1329.

The last but not least of issues is the fact that our transfer from Oakdale FDC, at a time when most of us had pending petitions in the Federal Courts without sufficient

notification violates the Federal Rules of Appellate Procedure and these sorts of arbitrary transfers in the future should be exercised with due diligence.

For the reasons articulated herein, we collectively hereby compel and / or implore your office to intervene in this matter on our behalf as all efforts so far made at the prison level have failed to yield any result. Your immediate attention and / or response to this complaint will be appreciated.

Respectfully Submitted,

(Affected Complainant)

Alexander W. Ndaula
(Complainant)

(Affected Complainant)

(Affected Complainant)

cc: New Orleans District Director
New Orleans, Louisiana

Office of the Inspector
General's Complaints
Washington, DC

Human Rights Watch

Families for Freedom

Senator Kennedy; Senator Charles Schumer; Senator Hillary Clinton; and the respective Senators of the followings states; New Jersey, Rhode Island, and Florida.

Office of Internal Audit-INS Washington, DC.

CONCORDIA PARISH CORRECTIONAL FACILITY II26362 HIGHWAY 15
FERRIDAY, LA. 71334**ADMINISTRATIVE REMEDY PROCEDURES
INMATE GRIEVANCE**

YOU MUST SEND THIS FORM TO THE WARDEN WITHIN 30 DAYS OF THE INCIDENT OF WHICH YOU ARE COMPLAINING. SEND FORM BY INMATE MAIL. LOCKDOWN SEND BY MAIL ORDERLY. NO DUPLICATE GRIEVANCE FORMS. SEPARATE FORM FOR EACH GRIEVANCE. YOU WILL RECEIVE A RESPONSE WITHIN 30 DAYS.

INMATE'S NAME	DORM	DATE	WITNESS' NAME -DORM
Blackwood, Geniasse	H	2/28/04	Douglas Moore, H

NAME OF FACILITY PERSONNEL INVOLVED	EMERGENCY
C/O McCoy	

SUMMARY OF COMPLAINT - LIST ALL INFORMATION

ON February 28, 2004, at approximately 6:20 pm officer McCoy called me a "motherfucker" after I told him that I cannot eat meat or gray due to my religious beliefs.

After giving him back the food tray because it had gray on it, McCoy stated: "motherfucker - you have to eat it or - you're not to eat" and I was never allowed to eat any meat for dinner.

SPECIFIC RELIEF DESIRED

Imposed any appropriate disciplinary action for this verbal abuse on my person; instruct your staff on proper language & behavior; and get my diet right.

INMATE'S SIGNATURE: *J. Blackwood*

GRIEVANCE #	TYPE	REJECTED	RETURNED

REASON REJECTED/RETURNED: Since he had to talk to officer McCoy. Please let me know your religious beliefs about the gray.

REVISED GRIEVANCE MUST BE REFILED WITHIN 30 DAYS OF THE EVENT WHICH IS THE BASIS OF THE GRIEVANCE, OR WITHIN 5 DAYS OF THE RETURN OF THE GRIEVANCE, WHICHEVER IS LATER.

DATE: _____ INMATE SIGNATURE _____