

United States Court of Appeals
For The Eighth Circuit

FILED

No. 12-3185

OCT 25 2012

MICHAEL GANS
CLERK OF COURT

Gregory Houston Holt
(a.k.a. Abdul Maalik Muhammad),
Appellant

VS.

Ray Hobbs, Director, Arkansas Department
of Correction, et al.
Appellees

Appeal from U.S. District Court for
the Eastern District of Arkansas-Pine
Bluff (5:11CV00164-BSM)

Prepared by:
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Statement of the Case

- I. The Arkansas Department of Correction's current grooming policy violates the Religious Land Use and Institutionalized Persons Act (RLUIPA) and is not the least restrictive means of achieving the security goals sought by the policy.
- II. A 1/2 inch beard would satisfy the security goals of restricting the flow of contraband and aiding in inmate identification in the event of an escape.
- III. The Court's ruling in Fegans should not be applied in this case due to the major differences between the two cases, and should not be the yardstick to foreclose all future litigation on this issue.
- IV. The Arkansas Department of Correction retaliated against Appellant in various ways for bringing this action and the Court erred in not addressing and correcting this matter, thereby causing Appellant's Due Process Rights to be violated in the process.

Oral Argument

Oral Argument by videoconferencing is requested due to the fact that Appellant cannot articulate well enough on paper to effectively stress the importance of his case to the Court. The Court would benefit from oral argument so that the panel could clearly understand Plaintiff's Islamic practices based on the school of thought that he follows and the legal arguments in support of those practices. Plaintiff would request 30 minutes to argue his point.

Table of Authorities Relied Upon

1. Religious Land Use and Institutionalized Persons Act (RLUIPA)-Title 42 U.S.C. Section 2000cc
2. Fegans vs. Norris (637 F.3d 897)
3. Sherbert vs. Verner (394 U.S. 398, 1963)
4. Thomas (450 U.S. 718)
5. Warsoldier vs. Woodford (418 F.3d 989)
6. Ross vs. Coughlin (669 F.Supp. 1235)
7. Fromer vs. Scully (874 F.2d 69)
8. Mayweathers vs. Terhune (328 F.Supp.2d 1086)
9. Monroe vs. Bombard (422 F.Supp. 211)
10. Maguire vs. Willanson (405 F.Supp. 637)
11. Scheuer vs. Rhodes (416 U.S. 232)
12. United States vs. Playboy Entertainment Group, Inc. (529 U.S. 803)
13. City of Richmond vs. J.A. Croson (488 U.S. 469)
14. Nevada Department of Corrections Admin. Reg. 705.01 [I, I]
15. Colorado Department of Corrections Admin. Reg. 850-11 (I); (IV)
(A)(1)(d)
16. Oregon Department of Corrections Admin. R. Section 291-123-0015
(2)(a)
17. California Department of Corrections California Code, Regs. Title
15 Section
3287(c)
18. New York Department of Corrections Directive 4914
19. Federal Bureau of Prisons, Program Statement 5230.05 Section
551.4
20. Cheema vs. Thompson (67 F.3d 883)
21. Teterud vs. Burns (522 F.2d 357, 8th Cir. 1975)
22. Teterud vs. Gillman (385 F.Supp. 160, 8th Cir.)
23. Mayweathers vs. Newland (314 F.3d 1062, 2002)
24. Alameida vs. Mayweathers (124 S.Ct. 66)
25. Garcia vs. District of Columbia (56 F.Supp.2d 1, D.D.C., 1998)
26. Colon vs. Coughlin (58 F.3d 865, 2nd Cir. 1995)
27. Banks vs. New York (515 F.Supp.2d 89, D.D.C. 2007)
28. Friedl vs. City of New York (210 F.3d 79, 2nd Circuit, 2001)
29. Aref vs. Holder (774 F.Supp.2d 147, 2011, D.D.C.)

30. Sandin vs. Conner (515 U.S. 484)
31. Matthews vs. Eldridge (424 U.S. 319)
32. Willunson vs. Austin (545 U.S. 209)
33. Ashcroft vs. Iqbal (129 S. Ct. 1937)
34. Hartman vs. Moore (547 U.S. 250)

Argument

I. The Arkansas Department of Correction's current grooming policy violates the Religious Land Use and Institutionalized Persons Act (RLUIPA) and is not the least restrictive means of achieving the security goals sought by the policy,

(a) The Arkansas Department of Correction has a grooming policy that only allows for an inmate to wear a neatly trimmed mustache that does not extend past the corners of the mouth or over the upper lip, (CAD98-04) It does not provide for any religious exception or exemptions. Appellant is a Salafi Muslim (also known as Wahhabi) who follows the Salaf of the Prophet Muhammad (saws) and the Sunnah. As part of this belief and practice, Appellant believes that every devout Muslim male is to wear a beard by "clipping the mustaches short and leaving the beard as it is," (emphasis mine) [Sahih Al-Bulhari, Hadith 7/5893] Failure to follow the ADC grooming policy would lead to disciplinary action. The grooming policy forces one to choose between obeying their religious beliefs and facing disciplinary action on the one hand or violating those beliefs in order to acquiesce with the grooming policy. This violates Supreme Court precedent that holds that punishments to coerce a religious adherent to forgo her or his religious beliefs is an infringement on religious exercise, (Sherbert vs. Verner, 374 U.S. 398, 1963); also (Thomas, 450 U.S. 718)

(b) The Religious Land Use and Institutionalized Persons Act (RLUIPA) provides for an individualized review of requests for religious exemptions. This was not done in this case or

In the Fegans case. In fact, then-Director Larry Norris stated that he would never grant an exception on religious grounds. The review must be person specific depending on the circumstances surrounding that particular individual. The ADC has not done this. It also has not considered other less drastic alternatives. Appellant provided the Court and the ADC with alternatives that would specifically address the concerns raised by Warden Lay and Assistant Director Harris at the Jan. 4, 2012 evidentiary hearing. They are as follows:

- (1) Daily visual inspection of beard growth

- (2) Direct orders for inmates to get into compliance with the 1/2 inch rule or face disciplinary action

- (3) Religious barber calls once a week

- (4) Directing inmates to run their hands through their facial hair upon command by staff.

- (5) Running the handheld metal detector over the facial area in a "wave" as is done on the clothed body of inmates to detect contraband of a metallic nature.

- (6) Taking photographs of clean shaven inmates upon admittance to the ADC and then rephotographing the inmate with a 1/2 inch beard.

- (7) Providing a standard photograph to be placed in all barracks at all ADC institutions that shows the allowable 1/2 inch length.

In fact, rephotographing inmates has 8th Circuit precedent (Teterud vs. Burns, 522 F.2d 357, 8th Cir. 1975) as does beard searches at reasonable intervals. (Teterud vs. Gillman, 385 F.Supp. 1160). Appellant has provided reasonable alternatives to the stringent grooming policy but they were ignored. Appellant provided information about other state DOC regulations on grooming policies as well as the Federal Bureau of Prisons, Prisons run by the federal government, Oregon, Colorado, and Nevada as well as California and New York all meet the same penological goals without such a policy. Nevada permits inmates "freedom in personal grooming." (Nevada Department of Corrections Admin. Reg. 705.01 C1.17) ^{FN1} Colorado's Department of Corrections expressly provides for a religious exemption to its grooming regulations (Colorado Admin. Reg. 850-11 (I); (IV) (A) (15) (d)) ^{FN2} Oregon merely requires that an inmate's "head and facial hair be maintained in a clean and neat manner." (Oregon Admin. R. Section 291-123-0015 (2)(a)) ^{FN3} California allows its Muslim inmates to grow "2 inch beards." (California Code Regs. Title 15 Section 3287(b)). New York allows for the growth of a 1 inch beard. ^{FN4} Nor does the Federal Bureau of Prisons impose any mandatory restrictions on its inmates facial hair, (Federal Bureau of Prisons, Program Statement 5230.05 Section 551.4) Indeed, "for more than a decade, the Federal Bureau of Prisons has managed the largest correctional system in the nation under the same heightened scrutiny standard as the RLUIPA without compromising prison security, public safety, or the constitutional rights of other prisoners." (Cutter, 125 S.Ct. 2124, quoting Brief for United States at 24)

^{FN1} Available at <http://www.doc.nv.gov>

^{FN2} Available at <http://www.doc.state.co.us/admin-reg/PDFs/0850-11.pdf>

^{FN3} Available at <http://lawweb.sos.state.or.us/rules/OARS-200/OAR-291/291-123.html>

^{FN4} Directive 4914

(C) The previously mentioned DOCs have the same compelling interest in maintaining prison security, ensuring public safety, and protecting inmate health as the ADC. Nevertheless, ADC offers no explanation why these prison systems are able to meet their indistinguishable interests without infringing on their inmates' right to freely exercise their religious beliefs. Comparisons between institutions are analytically useful when considering whether the government is employing the least restrictive means. Indeed, the failure of a defendant to explain why another institution with the same compelling interests was able to accommodate the same religious practices may constitute a failure to establish that the defendant was using the least restrictive means. See Cheema vs. Thompson, 67 F.3d 883, 1995 (finding fault with defendant's failure to explain fact that another school district had managed to accommodate Sikh students' religious practices without sacrificing school safety). The question is whether ADC's grooming policy is the least restrictive alternative available to ADC to reach its compelling interest as it relates to the growing of a 1/2 inch beard. Assuming that ADC has met its evidentiary burden, and that it has established that the grooming policy serves a compelling governmental interest, it still must establish that the grooming policy of not allowing 1/2 inch beards is the least restrictive alternative to achieve that interest. see 42 U.S.C. Section 2000cc-1(a) + 42 U.S.C. Section 2000cc-(2)(b)

In attempting to meet its burden, ADC presents conclusory statements that the grooming policy is the least restrictive means to ensuring prison security. ADC never established what, if any, modes of regulation it considered and rejected as it relates to a 1/2 inch beard. In Fegans, Defendants asked the Court to defer completely to their expertise in upholding the grooming policy, Appellees cannot meet their burden to prove least restrictive means unless it demonstrates that it has actually considered

and rejected the efficacy of less restrictive measures before adopting the challenged practice or rejecting a reasonable alternative of a $\frac{1}{2}$ inch beard. See United States vs. Playboy Entertainment Group, Inc. (529 U.S. 803, 824, 2006)

[finding in context of First Amendment challenge to speech restrictions, that a court should not assume a plausible, less restrictive alternative would be ineffective]; City of Richmond vs. J.A. Croson, 488 U.S. 469, 1989 (internal citations omitted)

The Appellees have not met their burden of proof to show that the $\frac{1}{2}$ inch beard request would not be the least restrictive means of achieving the security goals sought by the policy. It was error for the Court to find that they had done so.

II. A $\frac{1}{2}$ inch beard would satisfy the security goals of restricting the flow of contraband and aiding inmate identification in the event of an escape.

(a) Appellant has stated repeatedly that he does not advocate for unrestricted or uncut beard growth. In Fegans, the Appellant there was. In this case, Appellant only argues for a $\frac{1}{2}$ inch beard. There is no legitimate reason why this would be a problem, in that it would be difficult, if not impossible to hide weapons or contraband in a beard of that size. In Mayweathers vs. ~~Terhune~~ Terhune (328 F.Supp.2d 1086) the Ninth Circuit ruled that a $\frac{1}{2}$ inch beard would serve a legitimate governmental objective in being able to identify

inmates in the event of an escape. In that case, the California Department of Corrections (CDC) argued that it was necessary to order inmates to shave so that should they escape, they could not alter their appearances by shaving beards. The Plaintiffs in that case were devout Muslims who were subjected to progressive penalties for refusing to shave. The Court ruled that a 1/2 inch beard would satisfy the State's interests balanced with the inmates' right to practice their religion in the least restrictive means possible. The Court granted a preliminary injunction in that case (Mayweathers vs. Newland, 314 F.3d 1062, 2002) which was upheld on appeal and cert was denied. (Alameda vs. Mayweathers, 124 S.Ct. 66). This Court can and should look to other precedents and out-of-circuit cases in deciding the likelihood of success on the merits. An individual cannot hide contraband in a 1/2 inch beard so the Court should reverse and remand back to the District Court for further proceedings.

(b) Escape is another area that falls. Warden Lay admitted that in the escape from the Cummins Unit in 2009, the grooming policy was not a factor and could not cite any escape in recent memory that was directly attributed to the grooming policy. In that situation, the inmates were dressed as correctional officers who have a grooming policy almost identical to the inmate population. Plaintiff offered alternatives that are used in other jurisdictions to prevent escapes or to identify escapees. Appellant would remind the Court that should a clean shaven inmate escape, he could grow a beard "to hide the contours of his face." Appellant would point to a plethora of cases where the same arguments were advanced by prison personnel as have been articulated here and were categorically rejected. (Warsoldier vs. Woodford, 418 F.3d 989; Ross vs. Coughlin, 669 F.Supp. 1235; Fraser vs. Scully, 874 F.2d 69; Mayweathers vs. Terhune, 328 F.Supp.2d 1086;

Monroe vs. Bombard, 422 F.Supp. 211; Maguire vs. Willanson, 405 F.Supp. 637), Appellant would also point out that it is frivolous to allow Afros in the ADC but not 1/2 inch beards given that one could easily hide contraband in a 2-3 inch Afro. Also, at the evidentiary hearing, Warden Lay stated that the flow of contraband at the Cummins Unit increased from 2006-2012 all the while a grooming policy was in place, and as to the SIM card, the phones are normally brought in by correctional officers, not from visitors. This card could just as easily be hidden in head hair. The Court erred in not allowing this matter to be presented to a jury. The Court instead stated that since Appellant testified that not all Muslims agree that wearing a beard is mandated in Islam, it found that there would be no substantial burden on Appellant if he were forced to shave his beard.

"There is no necessity, however, that the religious practice at issue be absolutely mandated by the doctrinal requirements of religious observance in order to bring plaintiff's claim within the ambit of constitutional protection. It is not for the courts to decide which practices or observances are or are not strict requirements of a particular faith." (Monroe vs. Bombard, 422 F.Supp. 211) see also Serbian Eastern Orthodox Diocese vs. Milivojevic, 426 U.S. 696; Teterud vs. Burns, 522 F.2d 357; Geller vs. Secretary of Defense, 423 F.Supp. 16, D.D.C. 1976. Proof that the practice at issue is "deeply rooted in religious belief" is sufficient. Teterud vs. Burns, supra.

(c) The issue to be decided is whether a court dismisses for failure to state a claim is not whether the Plaintiff will ultimately prevail on his claims, but only whether he should be entitled to offer evidence in support of those claims. (Scheuer vs. Rhodes, 416 U.S. 232) The complaint should not be dismissed "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief" (Conley vs. Gibson, 355 U.S. 41) For claims seeking relief under 42 U.S.C. 1983, a plaintiff only need allege that a person acting under the color of state law deprived him of federal rights (Gomez vs. Toledo, 446 U.S. 635)

Appellant would assert that he has more than alleged enough "set of facts" in order for his claim to proceed to a jury. The Court erred in dismissing on this ground and should be reversed and remanded for trial.

III. The Court's ruling in Fegans should not be applied in this case due to the major differences between the two cases, and should ~~not~~ be the yardstick to foreclose all future litigation on this issue.

- (a) Appellant asked for a $\frac{1}{2}$ inch beard, Fegans wanted unrestricted beard and hair growth. This is a case of first impression given that the issue of a $\frac{1}{2}$ inch beard has never been litigated in this circuit. On the other hand, Fegans type claims have been previously raised in this circuit. Appellant has offered reasonable alternatives to the policy that Fegans never did. The alternatives offered by Appellant have been accepted in other circuits, whereas Fegans claims or alternatives have not gained widespread acclaim or acceptance. This Court should not close off other reasonable claims simply because of Fegans. There are obvious problems with his approach given the fact that uncut beards and long hair do present security concerns. However, a $\frac{1}{2}$ inch beard does not present those security concerns and further a $\frac{1}{2}$ inch beard poses no more of a security concern than a $\frac{1}{4}$ inch beard, and Appellant has provided reasonable alternatives.
- (b) The case should be reversed and remanded for trial on this matter.

IV. The Arkansas Department of Correction retaliated against Appellant for bringing this action and the Court erred in not addressing and correcting this matter, thereby causing Appellant's Procedural Due Process rights to be violated.

(a) On April 19, 2012 Appellant secured a second injunction in this case that allowed him to keep a 1/2 inch beard pending appeal to this Court. On or about April 20, Appellees caused to be placed in the cell with Appellant a known pedophile and homosexual. Appellant had two (2) weeks left before returning to population with a beard. Appellees knew that Appellant practiced a strict brand of Islam and was a Salafi Muslim. Appellant notified his cellmate at the outset about his Islamic practices and an agreement was reached that his cellmate would respect those practices and would not discuss his charges. Approximately 2 days later, Appellant awoke in the early morning hours to find his cellmate masturbating while appearing to be gazing at a photo of Appellant's 5 year old nephew. Appellant warned his cellmate that he had to move and informed staff of this as well. He was not moved and made no effort to move. He had been run out of 4 other cells and had been assaulted in 2 of them for being a pedophile. On the morning of April 27, Appellant again woke up to find inmate Dennison sitting on the floor in a pentagram drawn out of soap chanting. Appellant placed the sharp end of the arm of a pair of eyeglasses at the back of Inmate Dennison's neck and forced staff to remove both from the cell. Appellant was placed on behavior control, which consists of being in a cell with nothing but a pair of boxers and a sheet, for 5 days even though ADC policy states that one is to only remain on it for 3 days and is to be used as a last resort when all other means have failed or to deal with repeat behavior.

Appellant was transferred to the Varner Supemax later in the day on April 27 and remained there for three (3) weeks until May 17 at which time he was transferred back to Cummins. He remained there for 3 hours at which time he was transferred back to the Supemax where he once again was denied his property for another 5 days. He was not placed on the 18 month program but was placed on Administrative Segregation where he remains. He also was subjected to disciplinary action.

(1) Appellees violated ADC policy by not conducting a pretransfer hearing. ADC policy clearly states that before an inmate is transferred to the Supemax, a hearing must be held at the sending unit with advance written 24 hour notice of the intent to transfer and the inmate must be allowed to call witnesses. In fact, the policy calls it a "due process" hearing. None of these protections were afforded Appellant. To establish an actionable due process claim, the Appellant must show that he has a constitutionally protected life, liberty, or property interest and the Appellees deprived the Appellant of that interest without constitutionally adequate procedure (Aref vs. Holder, 774 F.Supp.2d 147, 2011, D.D.C.). Liberty interests are generally derived from the Constitution, "but the government may under certain circumstances create liberty interests which are protected by the Due Process Clause." (Sandin vs. Conner, 515 U.S. 484) Once a Plaintiff or Appellant has implicated a liberty interest, one of the "fundamental requirements" of due process is that an individual receive "the opportunity to be heard at a meaningful time and in a meaningful manner." (Matthews vs. Eldridge, 424 U.S. 319) The Supreme Court laid out the three (3) criteria in determining whether an appropriate hearing has been provided "at a meaningful time and in a meaningful manner." (Matthews, 424 U.S. 335) Given that Supemax placement is a more draconian measure, the ADC has promulgated policy that specifically addresses these matters as well as

criteria for conducting a hearing to determine VSM transfer. As an inmate of the ADC, Appellant has a liberty interest in not being placed in a Supermax or Supermax-type setting. (Wilkinson vs. Austin, 545 U.S. 209) Given the nature of these type measures - constant lighting, limited human contact - it constitutes an "atypical and significant" hardship on the Appellant to be placed there. (Ashcroft vs. Iqbal, 129 S.Ct. 1937). In the day-to-day scheme of prison life, Appellant does not anticipate that he will ever be placed in a Supermax type setting. Given that ADC policy clearly states that a due process hearing is required before VSM transfer, a liberty interest attaches.

(A) To sustain a First Amendment claim of retaliation, Plaintiff must show or allege that (1) he engaged in conduct protected under the First Amendment; (2) the Appellees took some retaliatory action sufficient to deter a person of ordinary firmness from speaking again; and (3) a causal link between the exercise of a constitutional right and the adverse action taken against him. (Banks vs. York, 515 F.Supp.2d 89, D.D.C. 2007) Appellant must satisfy a "but for" causation link (Hartman vs. Moore, 547 U.S. 250, 2006) Appellant can infer retaliation if the acts "occurred shortly after the filing of a grievance and if Appellant had a good disciplinary record." (Garcia vs. District of Columbia, 56 F.Supp.2d 1, D.D.C. (1998) (Colon vs. Coughlin, 58 F.3d 865, 2nd Cir. 1995) In this case, Appellant secured a second injunction. A problem inmate was placed in the cell with him culminating in the incident that landed him in the Supermax. Appellant generally had a good disciplinary record in the prior two (2) years at Cummins before the instant situation. It was generally known that Appellant was an outspoken and litigious Muslim who adheres to a strict interpretation of Islam.

that the administration feared would spread, Appellant was slated for release in two (2) weeks to general population with a beard. The inmate was placed in the cell with Appellant, even though administration knew or reasonably should have known that trouble would occur. Had Appellant not had the injunction, he would not have been transferred to the VSM even given what happened.

(3) Appellant was treated differently than others at the Cummins Unit who had done the same thing that Appellant did or worse. The incident was not unique. In the preceding two (2) months, two (2) inmates had actually physically assaulted either their cellmates or fellow inmates and a third was caught with a box cutter. Two (2) of the inmates were in Administrative Segregation. Inmate Anthony Love stabbed his cellmate in the head repeatedly with a modified ink pen and inmate Gregory Lund assaulted a fellow inmate on the hoe squad with a sling blade causing injury. Neither man was transferred to the Supermax at the time of the incident. Inmate Charlie Wilson was caught with a box cutter, but was not transferred. Appellant caused no physical injury, yet was transferred within hours. Appellant asserts that had he not had an injunction, was not litigious, and was not a Salafi Muslim, he also would not have been transferred.

(4) Appellant was transferred due to the fact that he had espoused an unpopular Islamic viewpoint and for having anti-Western viewpoints. As a Salafi, Appellant believes in a strict adherence to the Sharceah law, loyalty pledges to the Islamic Emirate of the Caucasus in Dagestan + Ingushetia, and the establishment of Islamic law at the institution and throughout the ADC. These viewpoints normally clash with established ideas about how Islam should be practiced within the correctional setting. Appellant had a right to preach these views just as Nation of Islam (NOI) adherents had a right

to espouse their views in the ADC. Appellant admits that he had spread the Sunnah and the Salafi methodology to members of the Islamic ummah (community) at Cummins. Appellees knew from Day 1 that Appellant espoused a more militant brand of Islam, yet released him into population prior to the granting of the first injunction. Appellant asserts that he had a right to enforce Islamic law in his cell because the cell was a mosque and had been purified according to the Sunnah and fiqh (jurisprudence). Sorcery/witchcraft have severe punishments in Islam and they invite into a musalla (praying place) evil jinn or spirits who corrupt the masjid. Appellees apprised potential cellmates of this and gave this practice their tacit approval, because they knew Appellant would not allow any trouble to proliferate in this masjid. Appellant had celled with many non-Muslims in the preceding two (2) years with no problems. After transfer to the VSM, Appellant continued to be targeted for his injunction and religious practices. On August 17, 2012 Appellant filed a Motion For Relief after Appellant was raided by officers after a confrontation with the Deputy Warden at a Classification Hearing over the beard and injunction in which snide and disparaging comments were made by Classification staff about the injunction. Officers seized all of Appellant's Islamic library, even those materials that VU and ADC policy stated Appellant could possess. The hearing was August 14 and the raid August 15. The Court failed to intervene and enforce its order. Also, on the raid, the Qur'an was thrown and tossed about. On July 10, Appellant filed a brief about his transfer and the circumstances surrounding it, and asked the Court for assistance. Again, the Court did nothing. Appellant filed a Motion on these matters as well on June 21.

Conclusion

The Court should reverse and remand this case for the following:

- (1) An evidentiary hearing on whether Appellant's procedural Due Process rights were violated for obtaining an injunction.
- (2) An evidentiary hearing on Appellant's retaliation claims and the opportunity to make a more complete record to develop these claims.
- (3) A trial by jury on whether a 1/2 inch beard satisfies the least restrictive means standard of the RLUIPA and whether it is sufficient to satisfy the security goals sought by the policy.
- (4) A continuation of the current injunction pending trial.
- (5) Appellant would ask that should this Court affirm the district court, it stay its order pending rehearing en banc or pending cert review by the United States Supreme Court.

Respectfully,

Gregory Holt
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Certificate of Service

I certify that I have served a copy of the foregoing to Christine Crier, Assistant Attorney General, by U.S. Mail this 22nd day of October, 2012.

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OCT 25 2012

U.S. COURT OF APPEALS
EIGHTH CIRCUIT

Abdul Maalik Muhammad #129616

(Gregory Holt)

Vanner Supremax

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Grady, AR 71644-0600

FILED

OCT 25 2012

MICHAEL GANS
CLERK OF COURT

Date: 10-21-12

Michael Gans

United States Court of Appeals Clerk

111 S. 10th St. Room 24.329

St. Louis, MO 63102

Re: Case No. 12-3185

Dear Sir,

Please find enclosed my appellate brief in the above referenced case number. Also, I have enclosed a SASE for a file marked copy to be returned to me. If there is anything that needs to be added to the brief for consideration, please let me know. I had asked for an extension of time to file the brief but I had heard nothing as of today's date. I was forced to hurry up with it, as I could not get a copy made and have it to your office by the 29th.

I will be sending additional materials as they become available for the Court's consideration.

Any help that you can offer in these regards is greatly appreciated.

I do remain,

Cordially,
Abdul Maslik
(Gregory Holt)

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 10/25/2012

Case Name: Gregory Holt v. Ray Hobbs, et al
Case Number: 12-3185

Docket Text:

BRIEF FILED - APPELLANT BRIEF filed by Mr. Gregory Houston Holt; w/service by USCA8 on 10/29/2012, Length: 18 pages.

Brief of Ray Hobbs, Gaylon Lay, Larry May, M. Richardson, V. R. Robertson and D W Tate due on 11/26/2012 [3968879] [12-3185]

The following document(s) are associated with this transaction:

Document Description: Brief filed

Document Description: Cover Letter/Request file-stamped copy

Notice will be mailed to:

Mr. Gregory Houston Holt
VARNER CORRECTIONAL FACILITY
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Grady, AR 71644-0600

Notice will be electronically mailed to:

Ms. Christine Ann Cryer: christine.cryer@arkansasag.gov, danielle.williams@arkansasag.gov