

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LOFTIN DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 27 2009
BY DAVID J. MALAND, CLERK
DEPUTY

David Rashard Ali #1077767
Plaintiff's name and ID Number

TDCJ-CID: CMLewis Unit
Place of Confinement

CASE NO: 909cv52
(Clerk will assign the number)

v.

Nathaniel Quarlesman: Po Box 990
Defendant's name and address Huntsville, TX 77342

TH / JKG
JURY TRIAL DEMANDED

Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? X YES NO

B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2006

2. Parties to previous lawsuit:

Plaintiff(s): David Richard Ali #1007767

Defendant(s): Cunningham, Frank Hoke, McDonald

3. Court (If federal, name the district; if state, name the county) Eastern District of Texas, Lufkin Division

4. Docket Number: ?

5. Name of judge to whom case was assigned: Judith K. Gurnie

6. Disposition: (Was the case dismissed, appealed, still pending?)

Dismissed

7. Approximate date of disposition: 2006

II. PLACE OF PRESENT CONFINEMENT: TDCS-CID: G-16 Lewis Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES _____ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: David Rashied Ali #1077107 TDCJ-CJ: G.L. Lewis, Post Office Box 9000
Woodville, TX 75940

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Nathaniel Quarterman; Director of the Texas Department of Criminal Justice; Post Office
Box 99; Huntsville, Texas 77342

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Mr. Quarterman Enforces Policy And/or Refuses to make Any Religious Exceptions to Policy...

Defendant #2:

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #3:

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #4:

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

01) Plaintiff contends that Defendant Guantanamo and/or his Agents violate the Religious Land Use and Institutionalized Persons Act (42 USC 320001) when enforcing a policy that substantially burden Plaintiff's Religious Exercise where there is no compelling state interest nor is the enforcement of Policy the least restrictive means.

(A) Plaintiff Sincerely Believes that Prophet Muhammad has ordered muslims to wear A Beard (Related by: Imam Al-Bukhari; Imam Muslim; Abu Dawud; Ibn Majah; at-Tirmidi; and Numerous Other Islamic Scholars).

CONTINUED CLAIMS #1 and 6 other Related claims on Attached Pages...

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

(1) ISSUE A DECLARATORY JUDGMENT stating that Defendant's Enforcement of the TDCJ grooming standard, to the extent that it prevents Plaintiff from growing a (3-4 inch) Full length beard; Alternatively (2 inch Beard), for Religious Reasons violate Plaintiff's ...
CONTINUED RELIEF ON ATTACHED PAGES

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

David Rasheed Ali

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

TDCJ-CID # 1077167

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES N/A NO

- C. Has any court ever warned or notified you that sanctions could be imposed? ____ YES N/A NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: 3-25-09
(Date)

David Rasheed Ali
(Printed Name)
DR Ali
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 25th day of MARCH, 20 09.
(Day) (Month) (Year)

David Rasheed Ali
(Printed Name)
DR Ali
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.

V STATEMENT OF CLAIM - continued...

(B) The four Sunni schools of thought are unanimously Agreed upon the obligation of growing the beard and upon the prohibition of shaving the beard or trimming the beard when it is less than one fist Length.

(c) To trim the beard when it is less than one fist Length or to shave the beard is Sinful.

(D) Plaintiff may be Punished by Allah (God) for knowingly and/or intentionally Committing Sin or Acts of disobedience to the Command of Allah (God) or his Prophet (Muhammad).

(E) Permitting Plaintiff to grow A beard upto A fist Length (3-4 inches) would Correspond with the spirit and objectives of the TDCJ grooming standard because Plaintiff will still be required to maintain a clean and orderly Appearance.

(F) Plaintiff is Not Affiliated with any gang or security threat group. Plaintiff is A Sunni muslim; therefore, permitting Plaintiff to grow a beard for Religious Reasons would not give rise to the TDCJ's Concern of gangs adopting an Appearance to signify membership in a Particular gang.

(G) Permitting Plaintiff to grow A beard (upto A fist Length and/or 3-4 inches) would not threaten or Jeopardize the Public safety, Peace, or order because Plaintiff is not an Escape Risk nor does Plaintiff pose any threat to Escape anytime in the Future.

(H) Although Length of hair makes identification difficult upon Escape, A photograph of Plaintiff when his face is clean shaven would Create the same identification problems because Plaintiff Can Certainly Alter or change his Appearance by many other means - AFTER and/or PRIOR to Escape. For Examples: wigs; hair color; hair cuts; make-up; false mustaches; sun glasses; facial operations; Tattoos; masks; hats; Ink; glue; ect. Can be used to Effectively Alter or change an individual's Appearance.

(I) Permitting Plaintiff to grow a beard upto a fist Length would not invariably

pose a "substantial or Actual threat to the public safety, Peace, or order" nor would it aid or abet an Escape; because, As history has shown, Regardless of whether Plaintiff grows a beard or Not, An Escape is Always threatening. History has shown that inmates who Escape from Prison Alter their Appearance AFTER Escapes and NOT Prior to Escapes.

(J) All of the TDCJ Employees Are Required to show their Picture I.D. Card before they Enter the Administration Building and then prior to Existing the prison gate. Thus, if Plaintiff grows A beard or Not, Plaintiff would not be Allowed to pass the first gate without A Valid TDCJ Employee I.D. Card which is distinctively different from an offenders I.D. Card.

(K) Establishing A uniform Length (A fist length or 3-4 inches) and thereby permitting Plaintiff to grow a beard would NOT Facilitate the Transfer of Dangerous Contraband. The Same Procedures Already Established for Conducting a spot pat searches and/or Strip Searches would Apply to Plaintiff and Just like Plaintiff is Required to Run his Fingers through the hair on his head, Plaintiff would be required to Run his Fingers through the beard.

(L) Plaintiff must go to the barber shop in order to use the clipper shaver to groom the hair on the head. The same clipper shaver that Plaintiff Currently use in order to groom the hair on his head can be the same clipper shaver that Plaintiff uses to groom the hair on the Face. Thus, No Additional Barber shops would be required nor Would any Additional officers be needed to supervise them.

(M) Permitting Plaintiff to grow a beard would not have a profound impact on manpower because the TDCJ would Not need additional Employees nor Would the TDCJ have to Alter the Job duties of Existing Positions. Since Plaintiff would be able to go to the Already Existing Barber Shop and use the same clipper shaver that is Already being used to groom the hair on the head in order to groom the beard. Thus, the Practical Effect of Permitting Plaintiff to grow A Beard would not have A major impact on operations Nor

would it be a major finding Event.

(N) Given the strength of plaintiff's claim which is derived from the fact that growing the beard upto a fist length is Sanctioned by the Holy Quran and ordered by the Holy prophet (muhammad), it is unclear and NOT likely that many Non-Muslim inmates will have Successful claims. therefore, the Effective functioning of the prison system would not be Jeopardized if plaintiff is permitted to grow A Beard.

(O) The Administrative Duties for Chaplain may slightly increase due to the issuance of A Clipper shave pass. yet however, the Administrative Duties for Chaplain will not surpass those provided to and for inmates of other Religious faiths.

(P) Permitting Plaintiff to grow a beard in Accordance with his Sincerely held Religious Beliefs would Certainly Support the DOC's mission to promote positive change in offender behavior and Reintegrate Plaintiff into society. Moreover, the Free Exercise of Religion in Prison is in the Public interest.

(Q) Recently, muslim inmates Confined to the California Department of Corrections obtained the Right to grow a beard. (<http://www.suitelol.com/print-article.cfm/islam-in-the-us/23444> (6-3-2007); and cf. Mayweathers v. Newland, 314 F.3d 1062 (9th Cir. 2002)).

Nevada permits inmates "Freedom in personal grooming" (<http://www.doc.nv.gov>). Similarly, Colorado's Department of Corrections has no hair Length requirement and Expressly provides for a religious Exemption to its grooming regulations. (<http://www.doc.state.co.us/admin-reg/pdfs/0850-11.pdf>). Oregon merely requires that an inmate's "hair and facial hair... be maintained in a clean and neat manner." (<http://arcweb.sos.state.or.us/rules/OARS-200/OAR-291/291-123.html>). Nor does the Largest Correctional System in the Nation (Federal Bureau of Prisons) impose any mandatory restrictions on its inmates' hair Length, regardless of the prison's Security Level. (<http://bop.gov/DataSource/execute/dsPolicyLoc>.) See Warsoldier v. Woodford, 418 F.3d 989 (9th Cir. 2005)

(I) Surely these other states and Federal Prisons system have the Same Compelling interest in maintaining prison security, Ensuring public safety, and

protecting inmate health as well as financial or economic pressures as the TDCJ.

02)

plaintiff contends that Defendant Guatemalan and/or his Agents violate the Religious Land use and Institutionalized Persons Act (42 U.S.C. § 2000cc) when enforcing a policy that substantially burdens Plaintiff's Religious Exercise where there is no compelling state interest nor is the enforcement of the Least Restrictive means.

(a) Plaintiff sincerely believes that he has a Religious obligation as a Muslim to always wear Islamic Head gear at all times and in all conditions of life.

(b) To believe or hate same of that which was brought by prophet (Muhammad) is a Major Sin

(c) Plaintiff may be punished by Allah (God) for knowingly and/or intentionally committing Sin or Acts of disobedience to the Command of Allah (God) or his last prophet (Muhammad).

(d) Although the TDCJ policy permits Plaintiff to wear a white Kufi in his cell and during Religious Service, the TDCJ policy prohibit Plaintiff from wearing his Kufi throughout the facility and thus substantially burdens Plaintiff's Religious Exercise of always wearing Islamic Headgear at all times and in all conditions of life.

(1) permitting Plaintiff to wear his white Kufi throughout the facility does not facilitate the Transfer or Confinement of Dangerous Confinand. The size and shape of the Kufi is very small and fits closely to the head.

(ii) Plaintiff is permitted to wear a white hat that is much greater in size and shape while at work....

(iii) The same procedures already established for conducting an spot pat searches and/or strip searches would still apply to Plaintiff.

(iv) There would not be a profound impact on manpower because the TDCJ would not need Additional Employees nor would the TDCJ have to alter the Job duties of existing positions since Plaintiff would be subject to the same Basic searches as already established and enforced by the TDCJ. Thus, the ~~practical~~ ^{practical} effect of

Permitting Plaintiff to wear his kafi throughout the facility would not have a major impact on operations nor would it be a major funding event.

(x) Given the strength of plaintiff's claim which is derived from the fact that wearing Islamic Headgear (white kafi) at all times and in all conditions of life is sanctioned by the Quran and ordered by the prophet, it is unclear and not likely that many non-muslim inmates will have successful claims. Therefore, the effective functioning of the prison system would not be jeopardized if plaintiff is permitted to wear his white kafi throughout the facility.

(vi) In the New York State Department of Correctional Services, muslim inmates are permitted to wear a kafi throughout the prison. Benjamin v. Coughlin, 905 F.2d 591, 599 (2nd Cir. 1990).

03) Plaintiff contends that his fourteenth Amendment right to equal protection was violated when Defendant Quarterman and his Agents enforce a policy that explicitly distinguishes between the natural or cosmetic traits of a male and female which consequently results in Gender Discrimination and/or Religious Persecution

(a) male and female inmates are similarly situated individuals insofar as they are both incarcerated within the TDCS...

(b) The TDCS permits female inmates to express their femininity.

(1) Because female inmates are "females", the TDCS permits female inmates to grow long hair, etc. as an inherent characteristic of a female's natural or cosmetic trait.

(c) The TDCS prohibits Plaintiff (male inmate) to express his masculinity.

(1) Plaintiff (male inmate) is permitted to grow any facial hair consistent with the inherent characteristic of Plaintiff's (a male's) natural or cosmetic trait.

(d) Defendant Quarterman and his Agents' enforcement of policy that explicitly distinguishes between the natural or cosmetic traits of a male and female which

consequently results in Gender Discrimination and/or Religious Persecution fails to

satisfy the exceedingly persuasive justification required to withstand a constitutional challenge under the equal protection clause of the 14th Amendment to the United States Constitution. Personnel Admin. of Massachusetts v. Feeney, 99 S.Ct. 3883, 3893 (1999).

(e) Although the length of hair makes identification difficult upon escape, a photograph of Plaintiff (male inmate) when there is no facial hair would create the same identification problems because Plaintiff (male inmate) can certainly alter or change his appearance by many other means - razor to and/or after escape - for example: wigs, hair color, hair cuts, make-up, fake mustache, sun glasses, facial operations, tattoos, masks, hats, ink, glue, etc. can be used to effectively alter or change an individual's appearance.

04)

Plaintiff contends that his fourteenth Amendment Right to Equal Protection was violated when Defendant Quartermaster and his Agents enforce a policy that provides an exemption to the TDCS grooming standards for inmates who have a medical reason but not to inmates who have a religious obligation and/or reason.

(A) The Decision to issue a clipper shave pass to inmates with medical reasons is a medical decision as opposed to a security decision.

(B) The Decision to Not issue a clipper shave pass to inmates with a religious reason is a security decision as opposed to a religious decision.

(C) Plaintiff's Religious Needs are no less compelling than a medical one, and is no less worthy of accommodation.

(1) Plaintiff presumes that the Decision to issue a clipper shave pass to inmates with a medical reason falls under the Eighth Amendment since the inmates can receive infection or injury as a result of shaving facial hair with a razor.

(II)

Plaintiff argues similarly that to shave the beard or to trim the beard when it is less than a fist length (3-4 inches) is a major sin punishable by Allah (God). Thus, Plaintiff is subjected to greater harm or injury as a result of saving the beard or trimming the beard when it is less than a fist length.

06)

Plaintiff contends that Defendant Gerdeman and/or his Agents violate the free exercise clause of the First Amendment by enforcing a policy that is not Rationally Related to a Legitimate Penological interest.

- (f) Plaintiff can point to an alternative that fully accommodates his rights to free exercise of religious interests. (see supra claim 01 (1))
- (e) Regardless of whether there is an increase in the number of inmates professing to be Sunni Muslim, the Chaplaincy Department's Budget and/or the DOJ's Budget would not have to be significantly (if any) shifted to fund Muslim Activities (see supra claim 01 (1); and 02).
- (d) Permitting Plaintiff (a Sunni Muslim) to grow a beard of a first length would not jeopardize the public or Prison's safety, security, or order (see supra claim 01 (2-k)).
- (c) The Islamic scholars unanimously agree upon the prohibition of shaving or trimming the beard when it is less than one fist length (3-4 inches).
- (b) Defendant Gerdeman and/or his Agents allow an exemption to the DOJ's grooming standards for inmates who have a medical reason.

Consequently results in Gender Discrimination and/or Religious Persecution explicitly distinguishes between the natural or cosmetic traits of a male and female which

(A) Defendant Gerdeman and/or his Agents enforcement of the DOJ's grooming standard Legitimate Penological interest.

05)

Plaintiff contends that Defendant Gerdeman and/or his Agents violate the free exercise clause of the First Amendment by enforcing a policy that is not Rationally Related to a Legitimate Penological interest.

- (1) See Claim Number 01 (1-9) supra.
- (d) The Absolute Prohibition on beards is not the least restrictive means of achieving the Prison's Compelling interest in security, safety, and order.
- (iii) Both Concern the grooming of facial hair. The only distinguishing factor is that one is due to a medical reason whereas the other is due to a Religious Reason.

(A) Defendant Quarterman and/or his Agents restrict the headgear of Plaintiff (Religious inmate) to the Cell and Religious Services only; whereas, Defendant Quarterman and/or his Agents permits Non-Religious inmates to wear headgear in other places besides the cell and Religious Service.

(B) The Islamic Scholars Unanimously agree upon the prohibition of not wearing Islamic headgear at all times and in all Conditions of Life.

(C) Permitting Plaintiff to wear a white kufi through-out the Prison Facility would not Jeopardize the Public or Prison's safety, security, or order (see supra Claim 02 (D)(i-vi)).

(D) Regardless of whether or not there is an increase in the number of inmates professing to be Sunni Muslim, the Chaplaincy Department's Budget and/or the TDCS's Budget would not have to be significantly (if any) shifted to Fund Muslim Activities (see supra Claim 02 (D)(iv-vi)).

(E) Plaintiff can point to an Alternative that fully Accommodates his Right to Free Exercise at de minimis Cost to valid Penological interests. (see supra Claim 02 (D)(i-vi)).

07) Plaintiff contends that his Fourteenth Amendment Right to Equal Protection was violated when Defendant Quarterman and/or his Agents enforce a policy that deny muslim inmates of the same ~~same~~ ^{same} privileges granted to Non-muslim inmates.

(A) Defendant Quarterman and/or his Agents grant Non-muslim inmates of a "special meal" in Recognition of their Holiday (Religious or Non-Religious) but deny muslim inmates of the same or similar "special meal" in Recognition of their Holiday.

(i) Such practice Discriminates against muslim inmates in that it advances or promotes the Non-Islamic Beliefs or Holiday over the Islamic Beliefs or Holiday.

VI RELIEF: Continued...

Statutory Rights and Constitutional Rights;

(2) ISSUE A DECLARATORY JUDGMENT stating that Defendant(s) enforcement of the TDCS policy prohibiting Plaintiff from wearing a kufi, through out the prison facility violates Plaintiff's statutory Rights and Constitutional Rights;

(3) ISSUE A DECLARATORY JUDGMENT stating that Defendant(s) enforcement of the TDCS policy that deny muslim inmates of the same or similar privileges as granted to Non-muslims inmates violate Plaintiff's statutory Rights and Constitutional Rights;

(4) PRELIMINARY and PERMANENT INJUNCTIVE relief prohibiting Defendant(s) and/or the from punishing and Disciplining Plaintiff for exercising his Religious Beliefs;

(5) JURY TRIAL;

(6) Defendant Quartermaster and/or his Agents INCUR ALL COSTS of this Action;

(7) GRANT such RELIEF as it may appear Plaintiff is entitled to.

MARCH 25th, 2009

CLERK OF COURT

United States District Court

104 N. 3rd St.

Lufkin, Tx. 75901-1934

Dear Honorable Clerk;

Please find Enclosed for filing: (1) An Application to proceed in forma Pauperis with a current 6 month history of my inmate Trust Account; (2) motion for Preliminary Injunction along with an Affidavit in support of motion for Preliminary Injunction and an Order to show Cause for a Preliminary Injunction; (3) the original and one copy of the Complaint along with a Declaration under penalty for Perjury; and (4) motion for Appointment of Counsel.

Also, Please find Enclosed for Filing: (1) A 65 page sworn Affidavit from named Sadek Ahmed as Exhibit "A"; (2) 28 page Book as Exhibit "B"; (3) A 12 page Book as Exhibit "C"; and (4) A 15 page memorandum as Exhibit "D"; as well as (5) A Copy of STEP TWO Grievance #2009082963; (6) A Copy of STEP TWO Grievance #2009108742; (7) A Copy of STEP TWO Grievance #2009102943; and (8) A Copy of STEP TWO Grievance #2009092645.

Thank you for your Time and ALL Assistance.

C: Defendant. Quarterman
Director of TDCS
PO Box 99
Huntsville, Tx. 77342.
March 25th, 2009.

Signed: March 25th, 2009

TRULY YOURS.

Gib Lewis
#1077767

Gib Lewis Unit
PO Box 9000
Waco, Tx 76790

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DAVID RASHEED ALI
#1079767

V.

CIVIL ACTION No. _____

Nathaniel Quarterman
Director of TDCS

PLAINTIFF'S DECLARATION UNDER PENALTY FOR PERJURY

- (1) I David Rasheed Ali, TDCS #1079767, make this declaration voluntarily, knowingly, willingly, in good faith, and intelligently, being of sound mind and fully competent. I hereby verify and confirm (under penalty for perjury) that the following statements and assertions are true and correct and that they are legally binding and could be used as evidence in a court of law.
- (2) I am a Sunni Muslim, follower of the Hanafi Mathhab. I am an 'orthodox' muslim as opposed to the classification of a modernist or extremist muslim.
- (3) I have a religious obligation to "obey Allah (God) and his last prophet (muhammad)"
 - (a) "It is not for a believer, man or woman, when Allah and his messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and his messenger, he has indeed strayed in a plain error." (Holy Quran Surah 33; Ayah 36)
 - (b) "... And whatsoever the messenger (muhammad) gives you, take it, and whatsoever he forbids you, abstain (from it), and fear Allah,..." (Holy Quran Surah 59; Ayah 01)

(4) I Am prohibited from repudiating known Islamic Customs and resembling the Customs of the Non-Muslim.

(a) "And whoever contradicts and opposes the Messenger (Muhammad) after the Right Path has been shown clearly to him, and follows other than the believers' way. We shall keep him in the Path he has chosen, and burn him in Hell - what an evil destination." (Holy Quran Surah 09, Ayah 115)

(5) Allah's prophet (Muhammad) ordered Muslims to wear a beard... (SEE ATTACHED EXHIBITS: 'A', 'B', 'C', and 'D').

(6) Everytime I shave or trim the beard when it is less than a fist length, I commit a Major Sin Punishable by Allah (God) (SEE ATTACHED EXHIBITS: 'A', 'B', 'C', and 'D').

(7) Wearing Islamic Headgear at all times and in all conditions of life is a known Islamic custom (SEE ATTACHED EXHIBIT: 'A')

(8) Everytime I Remove my Islamic Headgear, I commit major sin Punishable by Allah. (SEE ATTACHED EXHIBIT: 'A')

(9) The mission of the Texas Department of Criminal Justice ("TDCJ") is to: "Provide public safety, promote positive change in offender behavior, rehabilitate offenders into society and to assist victims of crime."

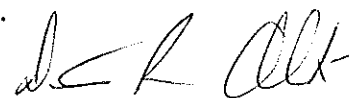
(10) The TDCJ and/or its Agents can/will Discipline and punish me for failing or Refusing to Comply with the TDCJ grooming standards.... Repeated violations of the grooming standard can ~~lead~~ ultimately lead to confinement in Ad-seg.

- (11) The TDCJ and/or its Agents can/will Discipline and Punish~~me~~ me for wearing A white Kufi (Islamic Headgear) through-out the Prison Facility - at all times and in all Conditions of Life. Repeated violations or Disciplinary infractions can lead to Confinement in Ad-seg.
- (12) The Same Barber Shop that I go to Right now to groom the hair on the head can be the Same Barber Shop that I go to in order to groom the hair on the face.
- (13) The SAME Clipper shaver that I use Right now to groom the hair on the head can be the SAME Clipper shaver that I use in order to groom the hair on the face.

WHEREFORE, The Court should Grant Plaintiff's 42 U.S.C. § 1983 Action and issue an injunction and All other Relief Sought.

WHEREAS, I David Rasheed Ali, TDCJ # 1009909 being presently Confined in the Texas Department of Criminal Justice-Correctional Institutions Division, at the Gus Lewis Unit, Located within Tylor Center, Texas, once again declare under Penalty for perjury that the Above Declaration under Penalty for Perjury, and foregoing is TRUE and Correct.

Signed and Dated on this 25th Day of March 2009.



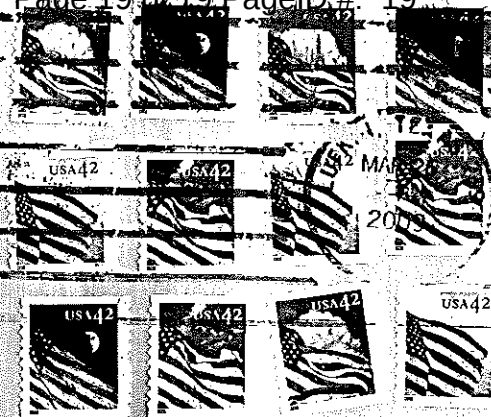
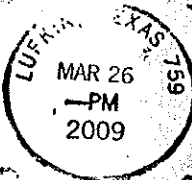
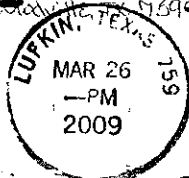
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1009909
Gus Lewis Unit
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DAVID KASHEED III

Gib Lewis Unit

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Lufkin, TX 75901-1934



(LEGAL)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

104 North 3rd Street
Lufkin, TX. 75901-1934

