

The Department's chapels are places for peaceful expression of faith and appropriate supervision of chapel programming ensures this. Any inmate of any faith who would abuse their chapel access by provoking a disruption in a religious service would be subject to removal from the service or program and possibly subject to other action depending on the nature and extent of the disruption.

Each Muslim inmate, including Plaintiff, may pursue more specific beliefs through religious correspondence; the Muslim inmate may possess a variety of faith specific religious literature; and may be visited by the spiritual advisor of his or her choice. Chapel libraries may stock books donated about Islam that may be made available for study in the library as reference books to all on an equal basis.

In addition to all of the above, Defendants will show that Defendant Skipper was not even Warden at Okeechobee C.I. until November 2008. Defendants will also show Defendant McNeil had no personal involvement in the matters of this case.

C. A list of all exhibits to be offered into evidence at trial

- i) Florida Department Chaplaincy Services *Religious Technical Guide* for years 2000 to present, portions related to Islam.
- ii) Faith code list, an indexing of the religious preference registrations
- iii) September 2009 chart of Religion in the Florida Department of Corrections
- iv) Chart representation of Muslims in FDOC on 1/1/2010
- v) Chart of Christian groups in the FDOC (September 2009)
- vi) Plaintiff's Informal Grievance log# 03-93 dated March 13, 2008
- vii) Plaintiff's Formal Grievance log # 0803-404-121 dated March 27, 2008
- viii) Plaintiff's Administrative Appeal log # 08-6-11451 dated April 18, 2008

- ix) Plaintiff's Inmate Request to Chaplain Potter dated September 8, 2008
- x) Plaintiff's Informal Grievance log # 09-115 dated September 15, 2008
- xi) Plaintiff's Formal Grievance log # 0809-404-130 dated September 22, 2008
- xii) Plaintiff's Informal Grievance # 09-78 dated September 9, 2008
- xiii) Plaintiff's Informal Grievance log # 11-192 dated November 18, 2006
- xiv) Plaintiff's Formal Grievance Log #0612-404-041 dated December 12, 2006
- xv) Plaintiff's Administrative Appeal # 07-6-01971 dated January 15, 2007
- xvi) Plaintiff's Administrative Appeal #07-6-07568 dated March 14, 2007
- xv) Plaintiff's Informal Grievance log # IF 08-97 (dated August 24, 2010)
- xvi) Plaintiff's Formal Grievance log # 0609-404-078 (dated September 26, 2008)
- xvii) Okeechobee Correctional Institution Chapel Calendars from August 2006 through January 2010
- xviii) Chapel attendance records showing Plaintiff's attendance in communal Muslim services and activities at Avon Park C.I. from April 10, 2012 to April 6, 2012.
- xix) Plaintiff's Acknowledgement of Receipt of Grievance Orientation at Okeechobee C.I., dated January 21, 2009
- xx) Plaintiff's Acknowledgement of Receipt of Grievance Orientation at Avon Park C.I., dated February 10, 2010
- xxi) Florida Department of Corrections Faith & Character-Based Institution DC5-309 form to accept of refusal form signed by Plaintiff on June 7, 2010
- xxii) All documents filed in U.S. Southern District Case # 10-14277-JEM
- xxiii) Certified copies of Plaintiff's criminal convictions, judgments, and sentences.
- xxiv) Any Exhibit listed by the Plaintiff, without waiving objections to the

admissibility of same.

xxv) Any document necessary for rebuttal or impeachment.

D. List of non-inmate witnesses

- i) **Alex Taylor**, Chaplaincy Services Administrator, 501 South Calhoun Street, Tallahassee, FL 32399-2500
- ii) **William Smith, Ph.D.**, Correctional Chaplaincy Services Specialist, 501 South Calhoun Street, Tallahassee, FL 32399-2500
- iii) **Rev. Mark Potter**, c/o Joy A. Stubbs, PL-01, The Capitol, Tallahassee, FL 32399-1050
- iv) **Abdulrahim Al-Khatib**, Polk Correctional Institution, 10800 Evans Road, Polk City, Florida 33868-6925
- v) **Warden Powell Skipper**, Okeechobee Correctional Institution, 3420 N.E. 168th Street Okeechobee, Florida 34972-4824
- vi) **Assistant Warden of Programs Roger McCracken**, Okeechobee Correctional Institution, 3420 N.E. 168th Street, Okeechobee, Florida 34972-4824
- vii) **Chaplain Garland Collins**, Regional Lead Chaplain, 1150 S.W. Allapattah Road Indiantown, Florida, 34956-4397
- viii) **James Hardacker**, Okeechobee Correctional Institution, 3420 N.E. 168th Street Okeechobee, Florida 34972-4824
- ix) **Chaplain Steven Clark**, Avon Park Correctional Institution, P.O. Box 1100, County Road 64 East Avon Park, Florida, 33826-1100
- x) **Christopher Sboto** (or other appropriate classification officer), Avon Park C.I., P.O. Box 1100, County Road 64 East Avon Park, Florida, 33826-1100

E. List of Inmate Witnesses

None.

F. Summary of the testimony that Defendant expects each of the witnesses to give at trial.

- i) **Alex Taylor** will testify to the Department of Corrections' policy of providing an inclusive service for Muslims has been in place since at least July of 1999, as well as a policy of

providing an inclusive service for Christians. Chaplain Taylor will testify as to the number of Muslims in the Department of Corrections, what percentage of inmates identify themselves as Muslim generally compared to the inmate population as a whole and other religious groups. Taylor will also address the percentages of inmates identifying with various schools of Muslim thought within the general Muslim community. Chaplain Taylor will explain that Muslim services are to be conducted in such a manner as to be non-sectarian and provide for all Muslim inmates regardless of the different schools of teaching.

Defendant Taylor will explain that an inclusive nondenominational Christian group meets weekly at every institution pursuant to a practice similar to the provision of inclusive Muslim services. Taylor will explain that it would be impossible to have separate services for all of the numerous faith groups currently combined in the weekly nondenominational Christian service. Chaplain Taylor will testify as to the number of inmates identifying with Christian tradition in the Department of Corrections. Chaplain Taylor will explain that when denominational group activities are scheduled, however, it is to provide multiple opportunities to access the chapel commensurate with population needs within the limitations of time, space, and supervision which is usually supplied by an approved volunteer facilitating or performing a specific traditional. Chaplain Taylor will testify that there is only one weekly service for adherents of Judaism, and that Chaplaincy Services does not categorize groups such as Hebrew Israelite or Assembly of Yahweh as Judaism or sects of Judaism.

Chaplain Taylor tries to instruct and ensure the practice of providing inclusive Muslim services is consistently followed by field staff. Chaplain Taylor will testify that he has instructed Chaplain Collins of this practice. Chaplain Taylor will testify that Chaplain Collins was

absolutely correct in ending the separate Muslim services at Okeechobee C.I. and announcing a single service for all Muslim faith groups.

Chaplain Taylor will testify as to overall religious diversity in the inmate population within the Department of Corrections, chaplaincy programming within the Department, and opportunities for inmates within the Department to engage in study or expression of their faith in the context of finite resources including designated space for religious activities, a fair and balanced program schedule providing for numerous faith group activities, and the availability of approved volunteers to supplement chaplaincy efforts.

ii) **Chaplain Will Smith, Ph. D.**, will testify as to Administrative Appeal log # 08-6-11451 and the responses to grievances leading to this administrative appeal. Chaplain Smith will also testify as to the religiously diverse inmate population within the Department of Corrections, chaplaincy programming within the Department, and opportunities for inmates within the Department to engage in study or expression of their faith in the context of finite resources including designated space for religious activities, a fair and balanced program schedule providing for numerous faith group activities, and the availability of approved volunteers to supplement chaplaincy efforts. Chaplain Smith will further testify that Chaplaincy Administrative Services strives to standardize religious accommodations for inmates at all the Department's institutions as reasonably as possible, including development and continued update of the Florida Department Chaplaincy Services *Religious Technical Guide* which includes sections on Islam and Islamic holy days. Chaplain Smith will further testify that Walter McNeil had no involvement in responding to Plaintiff's administrative appeal.

iii) **Reverend Mark Potter**, former Chaplain at Okeechobee C.I., will testify that Plaintiff was always welcome to participate in the Muslim community service held Fridays

during 2008 and 2009 at Okeechobee C. I. Chaplain Potter will testify that no inmate was excluded from the communal Muslim prayer service or other religious observations of the Muslim community due to identifying with the Nation of Islam school of thought. Rev. Potter will testify as to Plaintiff's Inmate Request to Chaplain Potter dated September 8, 2008, the informal grievance log # 09-115, formal grievance log # 0809-404-130, and informal grievance # 09-78. Rev. Potter will also testify as to chaplaincy programming and other opportunities for inmates at Okeechobee C.I. to engage in study or expression of their faith. Rev. Potter will testify as to the role volunteers played in chaplaincy programming. Potter will also testify as to how the chapel at Okeechobee C.I. during 2008 and 2009 served as a multipurpose building, with inmates using the chapel for purposes of study, personal contemplation, as well as congregant worship of groups of varying sizes.

iv) **James Hardaker** will testify that at no time was Plaintiff, or any inmate, "forced" to participate in the Muslim community service on March 7, 2008. Mr. Hardaker will likewise testify that at no time was Plaintiff, or any inmate, prohibited from participating in the Muslim community service on March 7, 2008. Defendant Hardaker will testify that, thereafter, while serving as acting chaplain, no inmate was excluded from Muslim community activities or observations due to identifying with the Nation of Islam school of thought. Defendant Hardaker will testify as to Informal Grievance 03-93.

Defendant Hardaker also will testify that he was primarily a classification officer who was temporarily filling in during a chaplain vacancy on March 7, 2008. Mr. Hardaker will further testify that Powell Skipper was not a warden at Okeechobee C.I. on until November 2008; therefore, having no involvement in the events that day.

v) **Garland Collins**, Regional Chaplain, will testify that he monitors chaplaincy programs at many institutions. Collins will testify that at no time was Plaintiff, or any inmate, “forced” to participate in the Muslim community service on March 7, 2008. Chaplain Collins will likewise testify that at no time was Plaintiff, or any inmate, prohibited from participating in the Muslim community service on March 7, 2008. Chaplain Collins will testify that no inmate was to be excluded from Muslim community services or observations due to being identifying with the Nation of Islam school of thought. Chaplain Collins will also testify to opportunities for inmates to express Islamic beliefs in the Florida Department of Corrections. Chaplain Collins will testify as to the role volunteers played in chaplaincy programming and activities.

vi) **Powell Skipper**, Warden, will testify that he was not the warden at Okeechobee C.I. on March 7, 2008. He will nevertheless testify as to how will testify as to how institutional order and security have the highest priority over all other concerns in a correctional institution. Warden Skipper will testify as to the operation of Okeechobee C.I. Warden Skipper will testify that any inmate of any faith who would abuse their chapel access by provoking a disruption in a religious service would be subject to removal from the service or program and possibly subject to other action depending on the nature and extent of the disruption.

vii) **Assistant Warden of Programs Roger McCracken** will also testify as to how the chapel at Okeechobee C.I. has been used during 2008 and 2009 as a multipurpose building, with inmates using the chapel for purposes of study, personal contemplation, as well as congregant worship of groups of varying sizes. Assistant Warden McCracken will testify as to how institutional order and security have the highest priority over all other concerns in a correctional institution. Assistant Warden McCracken will testify as to the programming at Okeechobee C.I. and will testify that any inmate of any faith who would abuse their chapel access by provoking a

disruption in a religious service would be subject to removal from the service or program and possibly subject to other action depending on the nature and extent of the disruption.

viii) **Abdulrahim Al-Khatib**, Senior Chaplain at Polk Correctional Institution and Muslim and Imam, will testify as to various practices and traditions within Islam, and opportunities for inmates to express Islamic beliefs in the Florida Department of Corrections. Mr. Al-Khatib will also testify as to the role volunteers play in chaplaincy programming and activities.

ix) **Steven D. Clark**, Chaplain at Avon Park Correctional Institution, will testify as to Plaintiff's election to participate in activities with the Muslim community at Avon Park C. I. Chaplain Clark will authenticate and discuss chapel attendance records showing Plaintiff's attendance on communal Muslim services and activities at Avon Park C.I. from March 5, 2010 to April 6, 2012. Chaplain Clark will also testify to opportunities for inmates to express Islamic beliefs in the Florida Department of Corrections.

x) **Mr. Sbotto**, Classification Officer at Avon Park Correctional Institution (or other appropriate classification officer) will testify as to the authenticity of records from Plaintiff's inmate file.

Respectfully Submitted,

PAMELA JO BONDI
Attorney General

/s/Joy A. Stubbs

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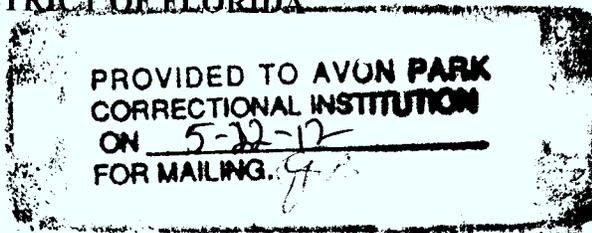
Telephone: (850) 414-3300
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to: Johnnie Bouie Jr., 111099, Avon Park Correctional Institution, P.O. Box 1100, County Road 64 East, Avon Park, Florida 33826-1100 on this 16th day of April, 2012.

/s/ JOY A. STUBBS
Joy A. Stubbs
Assistant Attorney General

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA



JOHNNIE C. BOUIE,
Plaintiff,

vs.

WALTER A. McNEIL, et. al.,
Defendants.

Case No.: 10-14277-MARTINEZ/WHITE



**PLAINTIFF'S LOCAL RULE 7.5 (B) [RENUMBERED AS LOCAL
RULE 56.1] STATEMENT OF MATERIAL FACTS IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Pursuant to Local Rule 56.1, Plaintiff Johnnie C. Bouie, pro se, submits this Statement of Material Facts to be considered in Opposition to Defendants' Motion for Summary Judgment.

A. Plaintiff's response to specific paragraphs of Defendants' statement of facts:

Plaintiff Bouie does not dispute paragraphs 1-3, Plaintiff disputes paragraph 4 to the extent that it suggests that "Muslim" is a sect. Muslim is not the name of an sect, but is the name of adherent to religion of Islam. Plaintiff disputes paragraph 5 insofar as it suggests and/or refers that the Nation of Islam is a Muslim sect, The Nation of Islam is an Islamic sect.

Plaintiff also disputes paragraph 6, second paragraph concerning limited finite resources, designated space, and fair balanced program. Plaintiff disputes paragraph 14, insofar as it suggest population identified Muslim faith group. Population identify as Islamic faith group. Plaintiff does not dispute paragraph 18, in its entirety, but notes that this also applies to Christians and Jews. Plaintiff disputes paragraphs 7-13, 16-17 and 19 in their entirety.

1.) On or about August 22, 2006 Plaintiff Bouie was transferred to Okeechobee C.I. to serve a life sentence. See, Affidavit Johnnie C. Bouie attached hereto as Exhibit 3 to this Statement of Undisputed Facts, at ¶ 4. Also on or about August 22, 2006 Plaintiff Bouie submitted a written request to attend the Nation of Islam Jumah prayer service. See, id. at ¶ 4. The request was approved on or about August 23, 2006. See, Pl. Ver. Compl. DOC.1 paragraph 11, page 3.

2.) On or about August 31, 2006 separate prayer service was conducted for Nation of Islam and Wahabbi Sunni Muslim Faith. Both worship services were held at the same time in the main chapel. The Nation of

Islam in the sanctuary area is 23'X21' and the Wahabbi Sunni in the larger area in the back of the sanctuary behind a partition. See, Pl. Ver. Compl. DOC 1 paragraph 11, page 3.

3.) From August 31, 2006 through March 7, 2008, an eighteen month period, seven to eleven of the Nation of Islam adherents attended and worshipped in their services. See, Pl. Ver. Compl. DOC 1, paragraph 12, page 3.

4.) During the eighteen month period under the direction of Senior Chaplain Smith and later under Chaplain Ms. Lowry, there was no security breaches, or incidents of violence, racially or otherwise during any of the separate services. See, Pl. Ver. Compl. DOC 1, paragraph 13, page 4. See, also Interrogatories of Chaplain Taylor, he testified that:

Question: "What date did you receive notice of provocation, disturbance or incidents by Plaintiff or any other Nation of Islam adherent?"

Answer: "I have no knowledge of such action.

Interrogatories of Alex Taylor attached hereto as Exhibit S at numbers 11 & 12. Interrogatories of Chaplain Collins, he testified that:

Question: " Who reported any security breaches, disturbances, or incidents of violence, racial or otherwise during the eighteen (18) months of separate Muslim services?"

Answer: "There was no reports that I was aware of."

Question: " Why after eighteen (18) months of no disturbances, and no incidents of violence, was such a decision made?"

Answer: "After discovering deviation from Department Practice at Okeechobee C.I., I was restoring Department Practice, when I implemented the joint Muslim service at the institution."

Question: " What date did you receive notice of provocation, disturbance, or incident by plaintiff or any other adherent of the Nation of Islam?"

Answer: "There were no reports that I was aware of."

Interrogatories of Garland Collins attached hereto as Exhibit T at numbers #13, #14 and #16 . Interrogatories of acting Chaplain Hardacker, he testified that:

Question: " Who reported any security breaches, disturbances, or incidents of violence, racially or otherwise?"

Answer: "None have been reported to me."

Question: " What date did you receive notice of provocation, disturbance, or incident of violence racially or otherwise?"

Answer: "I have not received any."

Interrogatories of James Hardacker attached hereto as Exhibit U at numbers # 13 & #14.

5.) Both Senior Chaplains allowed the Nation of Islam adherents and Wahabbi Sunni Muslims to worship and pray separately in the main chapel without any time, space, safety or security problems prior to March 7, 2008. *See*, Pl. Ver. Compl. DOC 1 paragraph 42, page 12.

6.) From August 31, 2006 through March 7, 2008, an eighteen month period, seven to eleven Nation of Islam adherents attended and worshipped in their prayer services. *See*, Pl. ver. Compl. Doc. 1 paragraph 12, page 3.

7.) During the eighteen month period under the direction of Senior Chaplain Smith and later under Senior Chaplain Ms. Lowry, there was no security breaches, or incidents of violence, racially or otherwise during any of the separate services. *See*, Pl. ver. Compl. Doc. 1 paragraph 13, page 4.

8.) Both senior chaplains allowed the Nation of Islam adherents and Wahabbi Sunni Muslims to worship and pray separately in the main chapel without any time, space, safety or security problems prior to March 7, 2008. *See*, Pl. ver. Compl. Doc. 1 paragraph 42, page 12.

II. The Incident of March 7, 2008.

9.) On the afternoon of March 7, 2008 at or about 1:30 p.m. I along with several other Nation of Islam adherents were accosted by Chaplain Collins and acting Chaplain Hardacker at the entrance of the chapel sanctuary, the lights were off wherein they had always been on for Nation of Islam worship and prayer service. *See*, Pl. ver. Compl. Doc. 1 paragraph 14, page 4.

10.) On March 7, 2008 without any prior notice or any provocation, incidents or disturbances by myself or any other Nation of Islam adherent Chaplain Collins ordered me to either merge my sincerely held religious faith and prayer service with the Wahabbi Sunni Muslims behind the partition or immediately exit the chapel. *See*, Pl. ver. Compl. Doc. 1 paragraph 15, page 4.

11.) Plaintiff explained that the Nation of Islam program as well as how the theological view and practices of the Nation of Islam widely differ in their interpretation of the Holy Qur'an and are in extreme opposition of Wahabbi Sunni Muslims. *See*, Pl. ver. Compl. Doc. 1 paragraph 17 A-L , page 5., *see also*, App. # 2 paragraph 1-14, page 3-4.

12.) Chaplain Collins then stated "I do not need to be taught Islam." He then asked me was I a gang member. I answered "No Sir." *See*, Pl. ver. Compl. Doc. 1 paragraph 20, page 6. Chaplain Collins continued his efforts to provoke me by telling me in a sarcastic and belligerent manner "As-Salaam Alaikum" *i.e.* "My Lord and Savior is Jesus." *See*, Pl. ver. Compl. Doc. 1 paragraph 21, page 6.

13.) Chaplain Collins further stated "*There is only one Islam and the Nation of Islam will not be tolerated on Okeechobee C.I. compound as long as I have the say so.*" *See*, Pl. ver. Compl. Doc. 1 paragraph 20, page 7.

14.) Plaintiff believes that Chaplain Collins acted intentionally in a mean, spirited discriminatory manner, because he showed favoritism to the Wahabbi Sunni Muslims over the Nation of Islam by his comments and in doing so he violated by rights under the First and Fourteenth Amendment of the United States Constitution. See, Pl. ver. Compl. Doc. 1 paragraph 23, page 1.

15.) Chaplain Collins have allowed eight Christian denominations, Catholic and Protestant, Baptist and Methodists, Presbyterian and Episcopal, Seventh Day Adventist and Jehovah Witnesses all Christians, and three Judaism sects, Assembly of Yahweh, House of Yahweh, and Nation of Yahweh Hebrew Israelites to conduct their own separate worship services. See, Pls. Exhibit F (1-12)

16.) On March 7, 2008 I was denied an equal opportunity to practice and worship in my form of religion in congregation as are other similarly situated inmates. See, Pl. ver. Compl. Doc. 1 paragraph 26, page 8.

17.) On March 7, 2008 I was effectively banned from worshipping my chosen form of Islam by being forced to modify my faith to accommodate Sectarian Sunni Islam worship and practice. Department officials have advanced Sunni brand of Islam and consider other Islamic sects illegitimate. There is no data in the religion Technical Guide to inform any interested person of sacred text or texts, holy days, medallions, personal worship service, group worship practices, basis beliefs, or approved accommodations, only Sunni perspective from various Sunni sources. Jumah prayer offered DOCS is Sunni-led, Sunni dominated, and Khutbah's are strictly from the Sunni perspective and not Nation of Islam. See, Def. Exhibit I.

18.) The action of the Defendants are not based on a legitimate penological interest, nor are the actions the least restrictive means to impose restrictions, because officials have previously permitted Nation of Islam adherents and Sunni Muslims to worship and pray separately in the main chapel without any time, space, safety or security problems prior to March 7, 2008. See, Pl. Ver. Compl. DOC 1, paragraph 42 page 12. Time, space and supervision, did not burden Defendant's security nor the budget, when the space, time, and supervision is already available in the chapel at the same time Sunni Muslims service is taking place, because the hours of 1:00-3:30 p.m., is allotted to Islamic inmates and at those hours the Islamic inmates have access to the chapel via callout, plus chaplain has a close circuit T.V. monitor wherein, he can visually see and hear and there is no noise flow.

19.) On March 7, 2008, Chaplain Collins denied me group religious service by compelling me to worship with other Muslims who are antagonistic to my sect of Islam by intentionally targeting my religion alone and discriminated against me and other members of Nation of Islam, and the restriction placed upon me did not promote a legitimate reason such as safety. Chaplain Collins reason for imposing restriction was there is only one Islam and **the Nation of Islam would not be tolerated** on Okeechobee C.I. compound as long as he has a say so. See, Pls. Ver. Compl. DOC. 1 paragraph 22, page 7. Chaplain Collins had

frequented Okeechobee C.I. at least fourteen (14) times and interfered on March 7, 2008. See, Pls. Exhibit L (1-14).

20.) On March 7, 2008, Chaplain Collins substantially burdened the exercise and practices of my religious faith when he prevented me from entering the chapel sanctuary to participate in group worship service. He insisted that I join worship service with Muslims that are antagonistic to my faith. Because I believe that Allah (God) appeared in the person of Master Fard Muhammad, I am not recognized as a legitimate Muslim. I am not greeted as a Muslim. I am not allowed to deliver Khutbahs (religious sermons, talks). Sunni Muslims do not allow me to lead prayer, they do not stand behind, alongside or in prayer ranks with non-Sunni Muslims. Sunnis display hatred, intolerance and vehement opposition toward the tenants of the Nation of Islam doctrine. I am not allowed to call the Adhan (call to prayer), because I believe that the power, knowledge, wisdom and understanding invested in Master Fard Muhammad makes him the Mahdi, the supreme being and that the Hon. Elijah Muhammad is the messenger, the Messiah. If I attend Sunni-led, Sunni dominated Jumah prayer, I would have to conform and accept Sunni Khutbah perspectives and practices by modifying my conduct to comply with purely Sunni sectarian views and denounce my sincerely held beliefs. See, Pls. Ver. Compl. At 17 A-L pages 5-6. There were several times during 2006 and 2007, that Kairos was held in the main chapel. Spanish Kairos, and English Kairos, the Sunni and Nation of Islam were provided accommodations in the Education Building classroom. The Sunni was allotted one hour as was the Nation of Islam one hour. This is when I along with other Nation of Islam inmates were denigrated and disparaged. See, Pl. appendix # 3, #4 while sitting in the rear of the classroom during Sunni service, I became fully aware of their hatred and intolerance. That is why I declined to join service, because that would have created a security concern.

III. Retaliation

21.) On March 13, 2008, I submitted an informal grievance to the action chaplain (Chaplain Hardaker), with documentation showing that my constitutional rights were being violated. See, DOC 1, paragraph 29, page 8. See also, Pl. Exhibit C. On March 17, 2008, Chaplain Hardaker denied my grievance without properly addressing the issue that I raised.

22.) On March 27, 2008, I filed a formal grievance to the warden, complaining that my informal grievance had been denied without properly addressing the raised issue. See, Pl. DOC. 1, paragraph 32, page 9. See also, Pl. Exhibit D. On April 7, 2008 the Warden denied my formal grievance. See, Pl, DOC 1, paragraph 33, page 9. see also, Pl. Exhibit E.

23.) On April 18, 2008, I filed an Administrative Review and Appeal to the Secretary of Department of Corrections, and Chaplaincy Services Administrator. See, Pl. DOC. 1 paragraph 38, page 10.

24.) On May 7, 2008, Secretary McNeil and FDOC Chaplaincy Administrator denied my appeal explaining: It is [the] policy of the FDOC to provide religious activities for Muslims that are inclusive of the various Islamic groups; this policy includes Jumah prayer. See, Pl. DOC 1, paragraph 39, page 11. See also, Pl. Exhibit I and J7. See also, Pl. Exhibit T.

Interrogatories of Garland Collins, shows that ‘Collins’ testified that:

Question: “ What date did you receive instructions from Chaplaincy Services Administrator Taylor to execute orders to compel Muslim groups to merge on March 7, 2008?”

Answer: “There was no specific order. The Department’s practice has long been to provide a Muslim service for the Muslim community groups. This was pointed out to me when I began in 2004.”

Question: “ Why after eighteen (18) months of no provocations, no disturbances, and no incidents of violence, was such a decision made?”

Answer: “After discovering deviation from Department practice at Okeechobee C.I., I was restoring Department practice when I implemented the joint Muslim services at the institution.”

Question: “ What is your reason for ordering Muslim services combined?”

Answer: “I was implementing the Department’s existing practice. Id. Interrogatories of Garland Collins attached hereto as Exhibit T. at # 2, #12, & # 15.

25.) On September 9, 2008, I filed an informal grievance to the Warden, complaining about being denied/deprived accommodation to exercise my religious freedom guaranteed by the U.S. Constitution. Warden forwarded the grievance to Chaplain Potter. See, Pl. Exhibit M.

26.) On September 15, 2008, I submitted an informal grievance to Chaplain Potter, complaining about being denied accommodation to practice the central tenets of my religious faith by being compelled to join worship with a Muslim sect that has vehement hatred toward my non-traditional Islamic faith. See, Pl. Exhibit N.

27.) On September 22, 2008, I submitted a formal grievance to the Warden, complaining about the policy and custom promulgated at Okeechobee C.I., wherein Islamic inmates are forced to merge services, thereby creating a hostile and unsafe environment. See, Pl. Exhibit O. Warden Skipper denied becoming Warden at Okeechobee C.I. until November 2008. I personally observed his presence on the compound several times before November 2008. I requested entering and exiting institution’s records F.A.C. 602.016, which require sign in/sign out on DC6-259, or control room staff will sign visitor in on DC6-207 log upon exiting the facility. I was denied that request, but was told that I could receive Vehicular Maintenance records for Warden Skipper. See, Pl. Exhibit V., however I did not receive these requested documents.

28.) On September 30, 2008, my formal grievance was denied. See, Pl. Exhibit O.

- 29.) On October 21, 2008, I was transferred to S.F.R.C. enroute to Hardee C.I. for ITA/CTTP Training. See, Def. Exhibit A.
- 30.) On October 23, 2008, I was transferred to CFRC-East enroute to Hardee C.I. for ITA/CTTP training. See, Def. Exhibit A.
- 31.) On October 28, 2008, I was transferred to Hardee C.I. for ITA/CTTP Training. See, Def. Exhibit A.
- 32.) Upon completion of the ITA/CTTP Training on January 13, 2009, I was transferred to CFRC-Main Unit enroute back to Okeechobee C.I. See, Def. Exhibit A.
- 33.) On January 15, 2009, I was transferred to S.F.R.C. enroute back to Okeechobee C.I. See, Def. Exhibit A.
- 34.) On January 20, 2009, I was transferred to Okeechobee C.I. See, Def. Exhibit A.
- 35.) On December 17, 2009, I filed an Emergency Motion for Preliminary Injunction and U.S.C. § 1983 Civil Right Complaint with four Sworn affidavits attached. See, Pl. DOC # 24, Appendix # 2, #4.
- 36.) On December 21, 2009, I received a case number. See, Pl. DOC # 24, Appendix #3).
- 37.) On January 21, 2009, Dwight Johnson-Baker and Willie Bonner, two inmates on the original complaint received a legal mail notice. See, Pl. DOC # 24, paragraph 1, page 22, I did not receive a notice for legal mail.
- 38.) On January 26, 2010, I was transferred to S.F.R.C. in retaliation for filing grievances, Emergency Preliminary Injunction and U.S.C. § 1983 Civil Rights Complaint Class Action. See, Def. Exhibit A.
- 39.) On February 4, 2010, I was transferred to C.F.R.C.-East.
- 40.) On February 9, 2010, I was transferred to Avon Park C.I.
- 41.) On February 9, 2010, I filed a grievance of reprisal to the Secretary of the Department of Corrections. See, Pl. Exhibit 1.
- 42.) On February 18, 2010, I received an order from the United States District Court, Southern District of Florida dismissing original complaint without prejudice. See, Pl. Exhibit P.
- 43.) On October 9, 2010, I filed an Amended U.S.C. § 1983 Civil Rights Complaint.

IV. Disputed Facts of Defendants'

- 44.) Muslim is not a separate Muslim faith group. Muslim is the name of adherent to religion of Islam. There are five (5) Islamic Groups which consist of: (1) Shiite (2) Sunni (3) Sufi (4) Nation of Islam and (5) Moorish Science. The person is the Muslim and the religion is Islam.
- 45.) The chaplaincy do not extend efforts to provide freedom and opportunity for pursuing individual religious beliefs to Nation of Islam inmates subject to limitations of finite resources that include designated space for religious activities, because from August 31, 2006 through March 7, 2008, the Nation of Islam was provided designated space of 23' x 21' in front of chapel sanctuary, at the same time

as the Sunni group, without any provocation, incidents of violence, or disturbances. See, Pl. Ver. Compl. DOC. 1, paragraph 15 page 4. There was no additional security needed and services were monitored from the chaplain's office by close circuit television, wherein the chaplain or volunteer or post officer could see and hear. Furthermore, the hours from 1:00 p.m. to 3:30 p.m. was designated for Islamic inmates on call-out status and the general population inmates are at work. The space is designated for religious programming at Okeechobee C.I. is a chapel with a video viewing room, a small library, a small conference room, a large area that is partitioned, a large sanctuary, offices for the chaplains, and bathrooms. Religious activities are to be located primary in this space. A close circuit television monitor is located in the chaplain's office, wherein he has accessible view and hearing in named rooms and areas and can supervise within the confines of his office.

46 . The policies of providing an inclusive nondenominational service for Christians and an inclusive service for Muslims was not in place since July of 1999. See, Pl. Exhibit Q. Religion Technical Guide endorsed by Mr. Alex Taylor. *See also, Marzuq Al-Hakim v. Alex Taylor*, case no.: 4:01 CV 187-WS, Third Report and Recommendation, page 5 "On Friday, January 18, 2001, Hakim was asked to lower the volume of his delivery of the Khutbah so as not to interfere with the order of the other activities of the facility, the inmate was allowed to continue with his presentation".

"On that day, two inmates were attempting to deliver Khutbah in the chow hall concurrently, which caused an atmosphere of confusion and disorder, and therefore, to preserve the security and good order of the institution, [an officer] requested that [plaintiff] reduce the volume of his delivery. Following that incident, Plaintiff's participation in Jumah service was neither suspended nor revoked, and Plaintiff continued to actively participate in Jumah on Friday afternoons and in the Islamic studies offered by chaplaincy services every Sunday evening. Defendants submit that Plaintiff was not interrupted because of doctrinal teachings, but because he was teaching 'hate' that had the potential to negatively affect the security of the institution.

Defendants' stated:

"It is the policy of the Department to extend the greatest amount of freedom and opportunity for the pursuit of religious beliefs and practices, so long as they are consistent with the security and good order of the institution." " That is the Department's policy now in 2012.

See, Pl. Exhibit R.

47.) Institutional chapels are multipurpose buildings, with inmates using the chapel for purpose of study, contemplation, as well as congregant worship of groups of various sizes. Here there is a denial of one group namely the Nation of Islam an Islamic religious group from practicing the tenets of his faith in accordance with the teachings of the Honorable Elijah Muhammad, which would be held at the same time

as the Sunni Muslim group which is mandated by the religious guide. Such allowing would not impact the effective supervision and would not/do not crowd out the activities of others, because the designated time from 1:00 p.m. to 3:30 p.m. is attributed to Islamic faith and not Muslim faith, by virtue the religion is and not so biasly stated Muslim faith, by virtue the religion. The budget cut has no effective in this matter, where only time and space are needed, all other material is no added cost to the budget. Everything is already in place except time and space for service as was in place prior to Chaplain Collins interfering with schedule.

48.) Consolidating groups with major doctrinal similarities do not promote efficient use of chaplaincy resources for the institution's inmate population. This policy promulgated by Defendants of providing communal service for all Muslims is related to defendants favoring a purely sectarian concepts by providing for one group and forcing other Islamic groups to follow the doctrine of someone else's way of worship and interpretation of the Qur'an and scriptures (Suras) that are in direct opposition. Defendants own evidence is a death kneel. There are Christian groups that are not inclusive as stated by defendants yet, Defendants fail to acknowledge that groups of similarities, such as Christians Catholic and Protestants, Presbyterians and Pentecostal, Seventh Day Adventist and Jehovah Witnesses, Baptist and Episcopal or Methodists are all Christians, but hold different services due to difference in doctrine. Defendants alleged that they do not categorize Nation of Yahweh/Hebrew Israelite/Assembly of Yahweh/nor House of Yahweh as Judaism, yet they all celebrate the same Jewish holidays in different areas of the chapel, and hold separate services which are Jewish in nature. See, Pl. Exhibit F (1-12). *See also*, Pl. Exhibit R wherein the Nation of Yahweh states that they are the real tribe of Judah.

49.) Mr. Taylor alleged that for time to time institutional chaplains deviate from the policy of providing an inclusive service for Muslims. However, there is no documentation of such policy. Mr. Taylor admitted to Interrogatory that no such document existed and that there is no specific promulgator. *See*, Pl. Exhibits S at Q # 1 A #1, Q. # 2. A.2 Q # 3. A. # 3. p. 1.

50.) I was prohibited from participating actively in my Islamic Faith exercise and practices, at Okeechobee C.I. on Friday afternoons from March 7, 2008 until January 26, 2010. *See*, Pl. Ver. Compl. DOC.1 paragraph 44, page 12.

51.) Institutional chaplains' have tremendous persuasion on classification, in regards to having an inmate being transferred, especially when chaplains' actions or inactions are constantly grieved.

52.) Muslim services *are not* conducted in a non-sectarian manner and do not provide for all Islamic inmates regardless of different schools of thought among the various Islamic faith groups. Muslim services are conducted in a strict sectarian manner, wherein Islamic inmates of different doctrines among various Islamic faiths are compelled to follow Sunni-Led, Sunni dominated, Sunni Khutbah perspectives,

usually under Sunni inmate Imam (leader) who propagate any form of Islam other than Sunni is illegitimate. I did feel that all aspects of the service is overtly sectarian and I grieved the issue and was transferred. F.D.O.C. promotes sectarian Islam, and it can be clearly seen in Religious Technical Guide. There are five Islamic faith listed under code and faith group, but there is no data or reference on but one group Sunni. See, Def. Exhibit I.

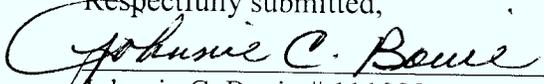
53.) Catholics, Protestants, Presbyterians, Episcopal, Methodists, Pentecostals, Baptists, Jehovah Witnesses, Judaism, Nation of Yahweh, Assembly of Yahweh, House of Yahweh, like Muslims are afforded accommodations for daily prayer, holidays, permitted religious literature, possession of appropriate religious items, religious correspondence, appropriate personal observations, provided to meet with spiritual advisor, just as Muslims are, the only real difference is the separate service. See, Pl. Exhibit F (1-12).

54.) I did exhaust administrative remedies. I did allege that I was retaliatory transferred on January 26, 2010. I did file grievance of reprisal prior to filing amended Civil Rights Complaint. See, Pl. Exhibit 1.

55.) Contrary to defendants declarations, I was denied the opportunity to pursue and practice the free exercise of my religious faith, denied equal protection and retaliated against.

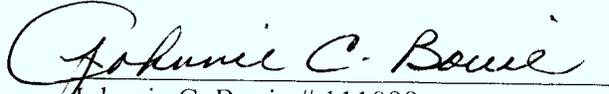
WHEREFORE, plaintiff submits that because there are genuine issues of material fact, and for reasons set forth in Plaintiff's accompanying memorandum, Defendants' Motion for Summary Judgment should be **DENIED**.

Dated: 5/22/12

Respectfully submitted,

Johnnie C. Bouie # 111099
Pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to: Joy A. Stubbs, Assistant Attorney General, Carrie McNamara, Assistant Attorney General, Counsels of Record for Defendants', Office of the Attorney General, The Capitol, Suite PL-01, Tallahassee, Florida 32399-1050 on this 22 day of May 2012.


Johnnie C. Bouie # 111099
Avon Park Correctional Institution
P.O. Box 1100
Avon Park, FL 33826-1100
Plaintiff, *pro se*

Johnnie C. Bouie, who first produced a valid prison ID as identification, I.D. # 111099 who did take an oath and who did swear that the contents of the foregoing sworn affidavit are true and correct.

STATE OF FLORIDA }

}

COUNTY OF POLK }

SWORN TO AND SUBSCRIBED before me on this 22 day of May, 2012.

Linda P. Joseph
Notary Public

12/30/2014
My Commission Ends



LINDA P. JOSEPH
MY COMMISSION # EE 082344
EXPIRES: December 30, 2014
Bonded Thru Budget Notary Services

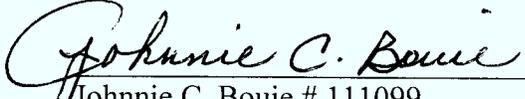
9.) That I have waited several months before filing an amended complaint, even though I did not agree to any extensions.

10.) That on February 9, 2010. I filed a grievance of reprisal for being transferred because I expressed a protected right by filing grievances; § 42 U.S.C. 1983 Civil Rights Complaint and an Emergency Temporary Injunction in the Court. See, Exhibit 1.

Thus affiant sayeth naught:

NOTARIZED OATH

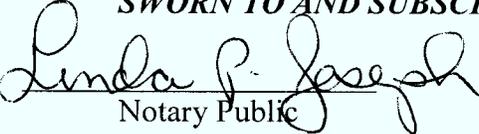
UNDER THE PENALTIES OF PERJURY, I Johnnie C. Bouie, hereby declares that the contents of the foregoing affidavit are true and correct.


Johnnie C. Bouie # 111099
Avon Park Correctional Institution
P.O. Box 1100
Avon Park, FL 33826-1100

Johnnie C. Bouie, who first produced a valid prison ID as identification, I.D. # 111099 who did take an oath and who did swear that the contents of the foregoing sworn affidavit are true and correct.

STATE OF FLORIDA }
 }
COUNTY OF POLK }

SWORN TO AND SUBSCRIBED before me on this 22 day of MAY, 2012.


Notary Public

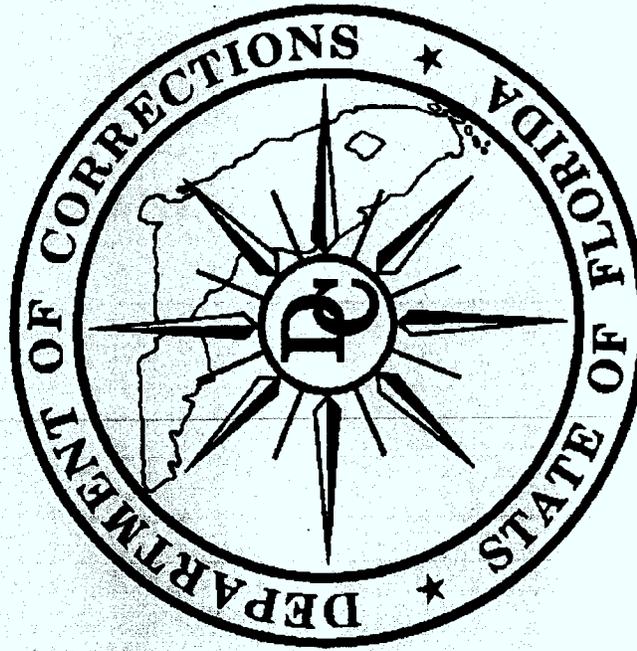
12/30/2014
My Commission Ends



LINDA P. JOSEPH
MY COMMISSION # EE 022344
EXPIRES: December 30, 2014
Bonded Thru Budget Notary Services

Inmate Manual

INMATE GUIDE TO INSTITUTIONAL RULES
POLICIES AND PROGRAMS
AVON PARK CORRECTIONAL INSTITUTION



DEPARTMENT OF CORRECTIONS

Exhibit 2

**HONORABLE CHARLIE CRIST
GOVERNER**

WALTER McNEIL
SECRETARY,
DEPARTMENT OF CORRECTIONS

GERALD ABDUL-WASI
REGIONAL DIRECTOR
REGION III

JEFFREY P. TROVILLION
WARDEN
AVON PARK CORRECTIONAL INSTITUTION

THIS DOCUMENT, ORIGINALLY PRODUCED DECEMBER 1979,
WILL BE UPDATED ANNUALLY, OR AS NECESSARY BY THE
INSTITUTION'S ADMINISTRATION

(REVISED DECEMBER 1979)
(REVISED SEPTEMBER 1988)
(REVISED NOVEMBER 1991)
(REVISED MARCH 1992)
(REVISED NOVEMBER 1993)
(REVISED MAY 1995)
(REVISED APRIL 1997)
(REVISED JANUARY 1998)
(REVISED SEPTEMBER 2000)
(REVISED NOVEMBER 2002)
(REVISED MAY 2004)
(REVISED AUGUST 2006)
(REVISED NOVEMBER 2007)
(REVISED AUGUST 2010)

distracting to the Officers during any count. During weekends and approved holidays, inmates will not be required to sit upright on their bunks for the morning count (7:30am-8:00am). Counts conducted weekdays between the hours of (12:00am-6:00am) inmates will not be required to sit upright on their bunks as long as staff conducting the count can confirm that the inmate being counted is a living, breathing human body.

4. During Master Roster Count, you will be sitting on your assigned bunk, with I.D. Tag in hand, visible for the Officer. You will state your name and D.C. number clearly
5. Inmates are not permitted to talk or make any other distractions during count time.
6. All inmates will have 5 minutes to clear the compound and report to their assigned housing units once the announcement for count has been made.

INMATE GRIEVANCES

The Inmate Grievance Procedure is to provide an inmate with a channel for the administrative settlement of a legitimate grievance. A grievance is defined as a formal complaint concerning an incident, policy or condition within an institution or the Department.

In addition to providing the inmate an opportunity of having a grievance heard, such procedure will assist the institution by providing additional means for internal solution of problems and improving lines of communication.

Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification or other administrative or legislative decision to which the inmate is subject and the institution shall ensure that the grievance mechanism is accessible to impaired and handicapped inmates.

Inmates can initiate the informal process by filing an Inmate Request Form (DC6-236), which can be obtained from the institutional library, housing areas or Classification Department. On the first line of the request section you must print the words "Informal Grievance", or place a check in Informal Grievance Box, so that they can be collected and logged. The appropriate staff members will respond to all Informal Grievances within ten (10) calendar days of its receipt.

When an inmate has a reason to submit a Formal Grievance, he should do so by completing the Request of Administrative Remedy or Appeal, form (DC1-303), which may be obtained from the institutional library, housing areas, Classification Department, or the housing Officer of any confinement unit and depositing the grievance in the grievance box located in the Food Service Area.

The Warden has designated the Assistant Warden of Operations as the Institutional Grievance Representative, delegating him with the authority to receive and investigate any grievance of an institutional nature and to grant and implement relief as approved by the Warden.

All formal grievances directed to the Secretary of the Department of Corrections in the Central Office must be deposited in the grievance box located in the Food Services areas for pick-up, logging and mailing. Failure to comply with this procedure will result in the grievance being returned to you.

Inmates can be assured that no action will be taken against them from the submission of a grievance unless the grievance contained intentionally false or misleading statements or information.

Do not file multiple grievances with different staff members regarding the same issue.

For more information, you are encouraged to see Administrative Rule 33-103 titled Inmate Grievance Procedure available in the Main Library.

DRESS CODE AND PERSONAL HYGIENE

You are required to maintain a reasonable and decent standard of dress and personal hygiene at all times.

UNIFORMS / LAUNDRY

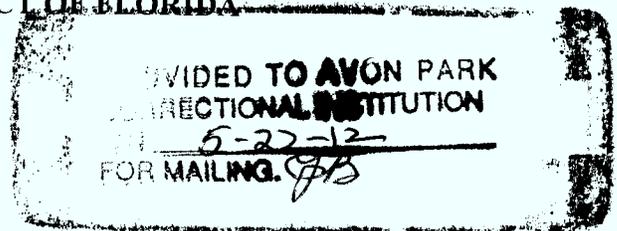
Upon arrival you are issued appropriate State attire consisting of (3) sets of blues (pants & shirt), (4) t-shirts, (4) pairs of boxer shorts, (6) pairs of socks (2) towels, and (2) wash cloths (**Note: the second wash cloth and towel issued through the laundry are subject to availability**). Total clothing issue includes access items (purchased thru the canteens). Inmates working in food service are allowed (4) sets of blues.

Institutional boots and blue canvas shoes can be exchanged upon non-serviceability, which will be determined by the Laundry Staff. (**Note: you must turn in the boots or blue canvas shoes that were issued to you before you will receive more boots or shoes**). No inmate will possess more than (1) pair of state issued footwear, either boots **OR** blue canvas shoes. If you have been prescribed "Medical Boots" thru the doctor, you are not allowed to possess state issued footwear. There is **no waterproof footwear** issued through the laundry.

All inquiries to the laundry should be submitted on an Institutional "Laundry Request" instead of the Inmate Request (DC6-236). Any state issued items needing repair or exchange will be sent to the laundry with a "Laundry Request" stating the repair needed or exchange (on designated exchange day posted in the dorms). Access items will be accepted for **repairs only**. **Do not submit access items to the laundry for exchange**. Unserviceable access items must be turned into the Property Officer before being replaced with state issued items. Per Chapter 33-602, the laundry is not responsible for lost or damaged access clothing.

ALL INMATES ARE RESPONSIBLE TO MAINTAIN STATE ISSUED CLOTHING/FOOTWEAR AND ARE NOT AUTHORIZED TO ALTER, LOAN, TRADE OR GIVE ISSUED STATE CLOTHING OR FOOTWEAR TO ANOTHER INMATE.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA



JOHNNIE C. BOUIE,
Plaintiff,

vs.

Case No.: 10-14277-MARTINEZ/WHITE

WALTER A. McNEIL, et. al.,
Defendants.

_____ /

STATE OF FLORIDA }
 }
COUNTY OF POLK }

**AFFIDAVIT OF JOHNNIE C. BOUIE OPPOSING
DEFENDANTS SUMMARY JUDGMENT**

I Johnnie C. Bouie, being first duly sworn, deposes as follows:

- 1.) That I am the plaintiff in the above-entitled case. I give this affidavit in opposition to defendants' motion for summary judgment on my claims of First and Fourteenth Amendment rights concerning Freedom of Religion against me by defendants Taylor, Collins, Skipper, Hardacker and McNeil.
- 2.) That the defendants' declaration claims, in summary, that plaintiff is a state prisoner incarcerated within the custody of the Department of Corrections, State of Florida, that in August 2006 , plaintiff transferred to Okeechobee C.I., that on March 13, 2008, plaintiff submitted an informal grievance complaining that Chaplain Collins advised him on March 7, 2008 that there would be one Jumah Service rather than two, that plaintiff sought to continue conducting a separate Jumah Prayer Service on Friday afternoons, that plaintiff continued to grieve alleging that inmates identified as Nation of Islam previously met in the front of the chapel sanctuary, and that inmates identified with another sect met in the back of chapel sanctuary behind a partition, that plaintiff was denied, that plaintiff was advised that he could obtain further administrative

Exhibit 3

review, that plaintiff submitted an administrative appeal with the Bureau of Inmate Grievance, that plaintiff's appeal was denied, that plaintiff was advised of policy of the department to provide religious activities for Muslims that are inclusive of various Islamic groups, the policy includes Jumah prayer services, that plaintiff informally grieved joint-service again in September of 2008, that plaintiff stated that he wanted to attend Nation of Islam Jumah Prayer Service, that six days later plaintiff informally grieved again, that plaintiff then formally grieved the denied informal grievance, that plaintiff returned to Okeechobee C.I. in January 2009, that on January 26, 2010 plaintiff was transferred to Avon Park C.I. where he is currently located, that plaintiff has not filed any administrative appeals with Bureau of Inmate Appeals on or before October 9, 2010, alleging that he has been subject of retaliatory institutional transfer on January 26, 2010.

3.) The defendants are not entitled to summary judgment because there are genuine issues of material fact to be resolved. These issues are identified in the accompanying statement of Disputed Factual Issues filed by plaintiff pursuant to Local Rule 7.5 [**RENUMBERED AS LOCAL RULE 56.1**] of this Court. The facts are set out in this affidavit.

4.) On or about August 22, 2006 I was transferred to Okeechobee C.I. to serve a life sentence. Also on or about August 22, 2006 I submitted a written request to attend the Nation of Islam Jumah prays service. The request was approved on or about August 23, 2006. See, Pl. ver. Compl. Doc. 1. paragraph 10, page 3.

5.) On or about August 31, 2006 separate prayer service as conducted for Nation of Islam and Wahabbi Sunni Muslim faith. Both worship services were held at the same time in the main chapel. The Nation of Islam in the sanctuary area 23' x 21' and the Wahabbi Sunni in the larger area in the back of the sanctuary behind a partition. See, Pl. ver. Compl. Doc. 1, paragraph 11, page 3.

6.) From August 31, 2006 through March 7, 2008, an eighteen month period, seven to eleven Nation of Islam adherents attended and worshipped in their prayer services. See, Pl. ver. Compl. Doc. 1 paragraph 12, page 3.

7.) During the eighteen month period under the direction of Senior Chaplain Smith and later under Senior Chaplain Ms. Lowry, there was no security breaches, or incidents of violence, racially or otherwise during any of the separate services. See, Pl. ver. Compl. Doc. 1 paragraph 13, page 4.