



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

EDWARD KALWASINSKI  
Plaintiff,

- VS -

TERI MAXYMILLIAN, Director  
MICHAEL HOGAN, Commissioner  
DONALD SAWYER, Exec. Director  
Defendants.

CIVIL RIGHTS  
COMPLAINT  
(pursuant to 42 USC § 1983)

C.V. #609CV214  
DNH/GHL

STATE OF NEW YORK)  
COUNTY OF ONEIDA) SS:

Plaintiff in above-captioned action,  
alleges as follows:

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiffs: Edward Kalwasinski  
Pro Se

2. cont Address: Central New York Psychiatric Center  
Box 300  
marcy, new york 13403

3. A. Defendant: Teri Maxymillian

Official Position: Director of  
Sex Offender Treatment Program for  
New York State.

Address: Central New York Psychiatric Center  
Box 300  
marcy, new york 13403

B. Defendant: Michael Hogan

Official Position New York State  
Office of Mental Health Commissioner.

Address: Office of Mental Health  
for New York State  
44 Holland Ave  
Albany, new york 12229

C. Defendant: Donald Sawyer

Official Position: Executive  
Director of (C.N.Y.P.C.)  
Central New York Psychiatric Center

C. cont. Address: Central new york psychiatric  
Center: Box 300, Marcy, New York  
13403.

4. The plaintiff of this action, with this complaint, is suing the above listed defendants in their individual capacity(s) and professional capacity(s).

### FACTS

1. On June 13, 2007 the plaintiff, pursuant to an order of the Court, pursuant to Act. 10 of the Mental Hygiene Law, was placed in the care and custody of the office of mental Health of New York State.
2. AS of June 13, 2007, Plaintiff resides at central New York Psychiatric center, (C.N.Y.P.C.).
3. Upon his inception to C.N.Y.P.C., Plaintiff registered as a person of muslim and informed administrators that he was very active in his religion and participated in ALL activities required by muslim

3. Conit law, ie prayer, meals, ceremonies.

4. Currently, administrators are denying Plaintiff his right to practise his religion by:

A. not allowing Al-Jumu'ah Prayer on Fridays<sup>1</sup>

B. Forcing Plaintiff to eat food from bowls contaminated with pork from prior meals eaten by non-muslims.

C. Forced to eat with silver ware made of plastic that is used by non-muslims who eat pork with them. (note: plastic Fork, spoon, knife are plastic and porous.

D. Denied certain sacred foods during holidays, eg: Dates.

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1. Al-Jumu'ah: is a sacred prayer to be done in a gathering every week with all community muslims, this is a prayer commanded by Allah. Please: "exhibit A"  
page Four

5. Muslims are required by law to eat "Hala" foods, however. Are being forced to eat meals issued for Christian and Catholic religions, eg: Friday Muslims must eat fish as the church of Catholics require.

6. Not only does Administration deny Al-Jum'ah but ALSO forces Muslims to attend group class on topics of Sex offender treatment.

This is similar to forcing mail carriers to deliver mail on a federal Holiday.

7. If Plaintiff does not attend the treatment classes he is sanctioned by loss of privilege points.

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2. Privilege points determine whether a residents gets to move up in phases of treatment, needed to go home, etc

8. Administration, namely the defendants to this action are denying Plaintiff his constitutional rights to practise his religion compounded by forcing treatment during the time he has to worship Allah.

## CAUSES OF ACTION

I. The First amendment of the United States constitution reads "Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances. clearly stated within are plaintiffs rights to freely exercise his religion; the state of New York through the acts of the defendants have denied him these rights without any due process of the law and with-out ~~cost cost~~ cause."

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3. Allah is what muslims call their God; this fact has been brought to the defendants on several occasions.

Notice: 5th and 14th Amendment violations are cited in case of action I. Noted to say Plaintiff has not did anything to lose his right afforded by the U.S. Constitution 1st Amend.

5. Plaintiff demands a trial by Jury.

6. New York State Prisons Allows Al Jumu'ah,  
they Allow All Muslims in the prison  
to gather in a room set aside for  
prayer every Friday for approximately  
two(2) hours, during which time no  
work may be performed, Al Jumu'ah  
is usually overseen by an Imam  
which is a Muslim spiritual leader.

7. Prayer For Relief

WHEREFORE, Plaintiff request this Court grant the following relief:

- A) \$5,000,000<sup>00</sup> in Compensatory damages
- B). Provisions to allow the exercise of his religion, i.e. afford Time, and place for Al Jumu'ah
- C. Change foods serve to Halal.

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## Causes of Action continued

To perform Al-Jumu'ah is a way muslims tell Allah that they believe in him, not to is a statement they do not believe, please see: exhibit A, A section of the Tafsir Ibn Kathir a book of muslim law.

By not allowing Al-Jumu'ah the defendants are forcing Plaintiff to denounce Allah and their muslim faith.

Defendants do not allow plaintiff the opportunity to ~~by~~ purchase his own sacred foods, further denial of his 1st Amendment. Triggering 5th and 14th Amendment violations.

### III.

It can be said that the defendants actions are also cruel and unusual in violation of 8th Amendment of the U.S. constitution.

Defendants clearly deny Plaintiff an opportunity to exercise his religion in light of Allah's commanded acknowledgement to show believers from non-believers during Al Jumu'ah, Forcing Plaintiff to denounce his faith/belief in Allah by denying Al Jumu'ah is cruel and unusual.



relief continued

D. use disposable silverware / plastic ware for muslims.

E. Use sealed products rather than placing foods in contaminated bowls.

F. \$1,000,000<sup>00</sup> per defendant for punitive damage, in addition to \$5,000,000<sup>00</sup> compensatory; punitive must be payed soley by defendants private monies,

\* Direct U.S. marshalls to service defendants and such other and further relief this court deems just and proper.

Plaintiff swears to this under the penalty of perjury.

Sworn to before me this 2 day of February, 2009

Sworn to by  
E. Kalwasinski  
Edward Kalwasinski, prose.  
C.N.Y.P.C.  
Box 300  
MARCY, N.Y. 13403

Christine Kern  
NOTARY PUBLIC

CHRISTINE KERN  
Notary Public, State of New York  
Registered in Herkimer County  
No. 01KE6163084  
Commission Expires March 19, 2011

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
EDWARD KALWASINSKI
(b) County of Residence of First Listed Plaintiff ONEIDA
(c) Attorney's (Firm Name, Address, and Telephone Number)
Edward Kalwasinski
Pro Se
CNYJC Box 300, Marcy, New York 13403

DEFENDANTS Teri Maxymilian, Director
Michael F. Hogan Commissioner
Donald Sawyer, Executive Director
County of Residence of First Listed Defendant Oneida, Albany Oneida
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known) General of New York State
The Capitol Albany, New York 12207

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, PERSONAL INJURY, LABOR, FORFEITURE/PENALTY, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
First Amendment, 5th Amendment, 14th Amendment of US Constitution
Brief description of cause:
Administrators denying Practise of Religion

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$5,000,000.00
JURY DEMAND: X Yes

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE: Feb. 3, 2009
SIGNATURE OF ATTORNEY OF RECORD: Edward Kalwasinski

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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