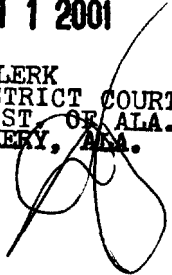


IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 NORTHERN DIVISION

**FILED**  
**097 1 1 2001**

CLERK  
 U. S. DISTRICT COURT  
 MIDDLE DIST. OF ALA.  
 MONTGOMERY, ALA.  


**JAMES MORNING RAVEN LIMBAUGH;  
 et al.,**

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**Plaintiffs,**

v.

§ **CV No. 93-D-1404-N**

**LESLIE THOMPSON, et al.,**

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**Defendants.**

**NATIVE AMERICAN PRISONERS OF  
 ALABAMA - TURTLE WIND CLAN, et al. ,**

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**Plaintiffs,**

v.

§ **CV No. 95-D-554-N**

**STATE OF ALABAMA, DEPARTMENT  
 OF CORRECTIONS , et al.,**

§  
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§

**Defendants.**

**PLAINTIFFS' FOURTH AMENDED COMPLAINT, ASSERTING CLAIMS PURSUANT  
 TO THE RLUIPA**

Plaintiffs, pursuant to F.R.C.P. Rule 15(a), amend their Complaints as follows:

1. Plaintiffs hereby reallege and adopt the entirety of all of the prior Complaints as amended, as if fully set forth herein.
2. All of the Plaintiffs in the consolidated cases, including Douglas (Dark Horns) Bailey (AIS # 122609), Franklin (Running Bear) Irvin (AIS# 141535), James F.

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(Morning Raven) Limbaugh, Jr. (AIS # 148178), Autry (Little Rabbit) Daughtry (AIS # 124015), Jimmy L.(Silver Fox) Bowen (AIS # 141620), Timothy G. (Gray Wolf) Smith (AIS # 178396), Billy (Two Feathers) Jones (AIS # 131471), Michael David Clem (AIS # 130522), Ricky (Little Wolf) Knight (AIS # 171382), and NAPOA, assert causes of action under the Religious Land Use and Institutionalized Persons Act of 2000 [hereinafter the “RLUIPA” or the “Act”] as follows:

**FIRST ADDITIONAL CAUSE OF ACTION  
RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000**

3. Plaintiffs reallege and adopt all of the above paragraphs of the Fourth Amended Complaint as if set out in full.
4. Upon information and belief, the provisions of the RLUIPA apply to Plaintiffs’ claims against Defendants.
5. Defendants’ complete ban on the use of the sacred sweat lodge ceremony unlawfully and substantially burdens Plaintiffs’ sincere and central religious beliefs in violation of the Plaintiffs’ rights under the RLUIPA.
6. Defendants’ hair length restrictions unlawfully and substantially burden Plaintiffs’ sincere and central religious beliefs in violation of the Plaintiffs’ rights under the RLUIPA.
7. Should the Defendants fail or refuse to adhere to any aspect of the Joint Stipulation submitted to the Court on March 5, 1998, and adopted by the

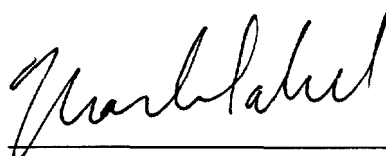
Court's "Order and Judgment" of June 12, 2000, such failure or refusal shall constitute a violation of the RLUIPA.

8. The practices outlined above and herein unlawfully and substantially burden Plaintiffs' right to the free exercise of their central and sincerely held religious beliefs and practices, and are justified by no compelling, legitimate, or rational governmental interest.
9. Defendants' policies and customs are not the least restrictive means - being neither narrowly tailored nor vaguely related - to the furtherance of any governmental interest. Defendants' policies and practices unlawfully and substantially burden rights outside of their purported ambit.
10. The policies, practices, and customs of Defendants are both overinclusive and underinclusive. Defendants' alleged objectives are not pursued with respect to analogous non-religious conduct or the conduct of other religions.
11. The Plaintiffs use each of the religious objects noted herein and engage in the above noted practices as part of their sincerely held religious beliefs.
12. Plaintiffs have been prohibited from practicing their religion.
13. Prison security does not require the Defendants to prohibit Plaintiffs' religious ceremonies or to deny Plaintiffs' their right to practice their central and sincerely held beliefs in accordance with the tenets of the Native American religion.
14. Defendants have exhibited reckless disregard for Plaintiffs' rights, and

have intentionally and with deliberate and conscious indifference violated Plaintiffs' right to the free exercise of their religion and RLUIPA rights.

15. The above mentioned acts of Defendants were willful, wanton, malicious, and oppressive and justify the award of punitive damages, and all other damages outlined herein.
16. As a result of the said acts of Defendants, Plaintiffs have been injured and damaged as follows: They have been retaliated against and discriminated against on the basis of race and religion; they have been harassed and humiliated; they have been deprived of their ability to practice their religion; they have been subjected to attempts of religious conversion; they have suffered emotional trauma, mental pain, and anguish; they have incurred expenses in an attempt to enforce their legal rights; they have been offended by Defendants' discriminatory policies; they have had their sacred items seized, and they have been otherwise injured and damaged, all in violation of their state and federally protected rights.
17. Plaintiffs are entitled to all appropriate relief under the RLUIPA as listed in the prior Complaints, as amended, including compensatory and punitive damages; attorneys' fees, expert fees, expenses, and costs; full equitable, injunctive, and declaratory relief; and such other and further appropriate relief as the Court may order.

Respectfully submitted this the 11<sup>th</sup> day of October, 2001.



MARK SABEL  
Attorney for Plaintiffs

OF COUNSEL:

SABEL & SABEL  
2800 Zelda Road, Suite 100-5  
Montgomery, AL 36106  
(334) 271-2770  
(334) 277-2882 (fax)

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PETER FRUIN  
Attorney for Plaintiffs

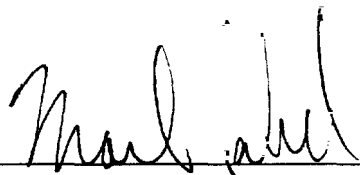
OF COUNSEL:

Maynard, Cooper & Gale, P.C.  
201 Monroe St., Suite 1940  
Montgomery, AL 36104  
(334) 262-2001

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above has been served upon the following listed persons by placing a copy of the same in the United States mail, first class postage prepaid and properly addressed, this the 11<sup>th</sup> day of October, 2001:

Charles A. Graddick, Esq.  
Sims, Graddick, Dodson, P.C.  
Fort Conde Village  
205 St. Emanuel Street  
Mobile, AL 36602



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OF COUNSEL