

1 Brad W. Dacus, State Bar No. 159690  
Kevin T. Snider, State Bar No. 170988 – Counsel for Service  
2 PACIFIC JUSTICE INSTITUTE  
P.O. Box 276600  
3 Sacramento, CA 95827  
Tel. (916) 857-6900  
4 Fax. (916) 857-6902

5 Attorneys for Plaintiffs Jesus Christ Prison Ministry, et al.  
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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**

11  
12 **JESUS CHRIST PRISON MINISTRY,**  
13 **DANIEL LEFFEL, MARVIN SALINAS,**  
**and DANIEL MARCHY,**

14  
15 **Plaintiffs,**

16  
17 **v.**

18  
19 **CALIFORNIA DEPARTMENT OF**  
20 **CORRECTIONS; JEANE S. WOODFORD**  
**in her official capacity as Director of the**  
21 **California Department of Corrections;**  
22 **DERRAL G. ADAMS, in his official capacity**  
23 **as Warden of California State Substance**  
24 **Abuse Treatment Facility and State Prison**  
**in Corcoran; and DOES 1 through 50,**  
25 **inclusive,**

26  
27 **Defendants.**  
28

) Case No.:

)  
) **VERIFIED COMPLAINT FOR**  
) **VIOLATIONS OF RELIGIOUS LAND**  
) **USE AND INSTITUTIONALIZED**  
) **PERSONS ACT, FIRST, AND**  
) **FOURTEENTH AMENDMENT TO U.S.**  
) **CONSTITUTION; INJUNCTIVE AND**  
) **DECLARATORY RELIEF**

) **(42 U.S.C. 1983 and 2000cc et seq.)**  
)

) **DEMAND FOR JURY TRIAL**

COMPLAINT

1 **NATURE OF ACTION**

2  
3 1. Pursuant to regulations promulgated by the CALIFORNIA DEPARTMENT OF  
4 CORRECTIONS (“CDC”) and enforced by the Warden, DERRAL G. ADAMS (“WARDEN”), of  
5 the California State Substance Abuse Treatment Facility and State Prison in Corcoran  
6 (“PRISON”), Christian prison ministries are not permitted to send free softbound Christian  
7 literature, CDs or tapes to inmates who have requested these written materials.

8 **JURISDICTION AND VENUE**

9 2. This Court has jurisdiction over all federal claims in the Complaint as arising under  
10 the United States Constitution pursuant to 28 U.S.C. §§ 1331 and 1343 (a)(3) and (a)(4), and  
11 under 42 U.S.C. § 2000cc *et seq.*, which confers original jurisdiction on United States District  
12 Courts in suits to redress the deprivation of rights, privileges and immunities as stated herein.  
13 This Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201  
14 and 2202. This court has pendant and supplemental jurisdiction over all state law claims under 28  
15 U.S.C. § 1367(a).

16 3. Venue lies in this District pursuant to 28 U.S.C. § 1391(b).

17 **PARTIES**

18 4. Plaintiff, JESUS CHRIST PRISON MINISTRIES (“PRISON MINISTRY”), is a  
19 religious, not for profit organization which sends softbound Christian study and reading materials  
20 to inmates without charge.

21 5. At all times mentioned herein, Plaintiff, DANIEL LEFFEL (“LEFFEL”), was and  
22 is an inmate at PRISON. He is an adherent of the Protestant Christian faith.

23 6. At all times mentioned herein, Plaintiff, MARVIN SALINAS (“SALINAS”), was  
24 and is an inmate at PRISON. He is a Christian but does not identify himself as either a Protestant  
25 or Catholic or with any particular denomination.

26 7. At all times mentioned herein, Plaintiff, DANIEL MARCHY (“MARCHY”), was  
27 and is an inmate at PRISON. He is a part of the Roman Catholic Church.

28 8. At all times mentioned herein, Defendant, CDC, is a legal subdivision of the State  
of California, and is empowered by the State to act through its governing body, its officials,

1 employees and official bodies. CDC is thus empowered by the State of California to regulate and  
2 maintain California's correctional system.

3 9. At all times mentioned herein, Defendant, JEANE S. WOODFORD, is the Director  
4 of CDC. She is sued in her official capacity.

5 10. At all times mentioned herein, Defendant, DARREL G. ADAMS, is the Warden of  
6 of the California State Substance Abuse Treatment Facility and State Prison in Corcoran, an  
7 institution under the control of CDC. He is sued in his official capacity.

8 **STATEMENT OF FACTS**

9 11. All INMATES are currently within the custody of PRISON.

10 12. INMATES are sincere adherents of the Christian faith. In accordance with their  
11 sincerely held religious beliefs, INMATES seek to reform their behavior and attitudes through  
12 spiritual transformation. A core part of that reform is through study of the Bible. To study the  
13 Bible, INMATES are in need of Bible courses and other Christian materials which explain biblical  
14 theology, doctrine and Christian concepts. In order to engage in this study, INMATES correspond  
15 with religious organizations which provide spiritual help through study materials. Additionally,  
16 another core part of their sincerely held Christian beliefs is to worship and meditate on God by  
17 means of music. As such, INMATES wish to receive CDs and tapes of Christian music.  
18 Furthermore, INMATES wish to receive tapes and CDs which have sermons and other Christian  
19 teaching.

20 13. INMATES sincerely believe the regular use of such religious materials has  
21 encouraged their conformity with CDC's and PRISON's penological interests, i.e., following  
22 prison guidelines regarding appropriate behavior of inmates.

23 14. INMATES are indigent and thus unable to purchase written Christian materials  
24 including literature, tapes and CDs. As a result, INMATES rely on charitable religious  
25 organizations to send free Christian materials when the INMATES write and request same.

26 15. On or around April 1, 2004, pursuant to PRISON policy 04/005, Revision #3,  
27 ("The Regulation") INMATES were not permitted to be directly mailed religious materials unless  
28 sent by four approved vendors. (A true and correct copy of Regulation is attached and marked as  
"Exhibit 1" and incorporated by reference as if fully set forth herein.) All books, tapes and CDs  
received from an authorized vendor are accepted by PRISON with a purchase receipt only. In like  
manner, Plaintiffs are informed and believe and thereon allege that there are approximately four

1 vendors for the Catholic faith and four vendors for the Protestant faith which are authorized by  
2 PRISON to provide items to prisoners.

3 16. The Christian literature, including Bibles (softbound), study materials (softbound),  
4 CDs and cassette tapes sent by a religious ministry that is not an authorized vendor is deemed  
5 “contraband” as per section 3000 of Title 15 of the California Code of Regulations (“CCR”). (A  
6 true and correct copy of 15 CCR 3000 and related regulations are attached and marked as “Exhibit  
7 2” and incorporated by reference as if fully set forth herein.) The Regulation forces INMATES to  
8 purchase the Christian “contraband,” rather than receive them free-of-charge.

9 17. PRISON MINISTRY is not an authorized vendor but rather a not for profit  
10 religious organization which does not sell its Christian materials. In that PRISON MINISTRY is  
11 not an authorized vendor, the materials that it sends inmates without charge are “contraband” as  
12 per 15 CCR 3000. For years, PRISON MINISTRY has sent softbound Christian materials to  
13 incarcerated individuals in numerous states who specifically request these items. (A true and  
14 correct copy of typical samples that PRISON MINISTRY dispatches is attached and marked as  
15 “Exhibit 3” and incorporated by reference as if fully set forth herein.)

16 18. PRISON MINISTRY sends written materials to incarcerated persons based on its  
17 sincerely held religious beliefs. These beliefs include providing spiritual help to inmates by  
18 “preaching the Gospel.” “Preaching the Gospel” includes “evangelizing” (propagating the  
19 Christian faith) and “discipling” (teaching Christians about the Christian faith). Like many  
20 religious organizations which seek to meet the spiritual needs of those incarcerated, prisoners  
21 correspond with PRISON MINISTRY by writing answers to questions after reviewing the  
22 materials.

23 19. Since the implementation of the Regulation, PRISON MINISTRY’s Christian  
24 materials have been deemed contraband and kept from prisoners requesting said materials.

25 20. Since the implementation of the Regulation, INMATES, and each of them, have  
26 received notification of disapproval from prison officials stating that the PRISON mailroom had a  
27 package from a religious organization but was remitting the package to the sender because said  
28 organization was not an approved vendor under the Regulation.

21 21. INMATES, and each of them, have filed a timely administrative appeal under 15  
22 CCR 3137. All appeals have been either denied or not responded to by Defendants within the  
23 time set by 15 CCR 3137. As such, INMATES have exhausted their administrative remedies.

1           22. On or about February 15, 2005, a letter was sent by attorneys for Plaintiffs seeking  
2 resolution of the issues described herein. Defendants have not responded. (A true and correct  
3 copy of said letter is attached and marked as “Exhibit 4” and incorporated by reference as if fully  
4 set forth herein.)

**COUNT I**

**Violation of the Religious Land Use and Institutionalized Persons Act of 2000**

**“Substantial Burden on Religious Exercise”**

**INMATES as against all Defendants (42 U.S.C. § 2000cc, et seq.)**

8           23. Paragraphs 1 through 22 are incorporated by reference as if set forth fully herein.

9           24. INMATES are confined to an institution (PRISON) as defined by 42 U.S.C. 1997.

10           25. Defendants, and each of them, operate programs and activities for which they  
11 receive federal financial assistance.

12           26. The Defendants’ prohibition on the free religious materials requested by  
13 INMATES, as described above, involve the use of the United States Mail and thus affect interstate  
14 commerce.

15           27. The Defendants’ above-described prohibition imposes a substantial burden on the  
16 INMATES’ free exercise of religion.

17           28. There is no narrowly tailored compelling state interest for Defendants’ above-  
18 described prohibition.

19           29. Even if there is a narrowly tailored compelling state interest for Defendants’ above-  
20 described prohibition, Defendants do not use the least restrictive means to further said interest.

21           30. INMATES thus seek relief under 42 U.S.C. § 2000cc, *et seq.*, popularly referred to  
22 as Religious Land Use and Institutionalized Persons Act of 2000.

23           31. Absent relief from this Court, INMATES will continue to be deprived of their  
24 rights to the free exercise of religion. Therefore, INMATES seek a preliminary and permanent  
25 injunction restraining Defendants, their officers, employees, and agents from preventing  
26 INMATES from receiving free religious materials from religious organizations.

27           32. There is a dispute between the parties as to whether the practices, policies and  
28 regulations of Defendants impose a substantial burden on INMATES exercise of religion.  
Additionally, there is a dispute between the parties as to whether the practices, policies and

1 regulations of Defendants are the least restrictive means to achieve a narrowly tailored compelling  
2 state interest. Absent relief from this Court, Defendants will continue to restrict INMATES’  
3 access to Christian materials in violation of INMATES’ rights to the free exercise of religion  
4 under the First Amendment. INMATES therefore request declaratory relief.

5 **COUNT II**

6 **Violation of the United States Constitution**

7 **Free Exercise of Religion: First and Fourteenth Amendments**

8 **(42 U.S.C. § 1983)**

9 **PRISON MINISTRY and INMATES as against all Defendants (42 U.S.C. § 2000cc et seq.)**

10 33. Paragraphs 1 through 32 are incorporated by reference as if set forth fully herein.

11 34. By deeming free Christian materials as “contraband” and thus prohibiting their  
12 receipt by Plaintiffs who have requested them, Defendants, and each of them, have deprived and  
13 continue to deprive INMATES of their free exercise of religion, as secured by the First  
14 Amendment to the United States Constitution and made applicable to the States by the Fourteenth  
15 Amendment.

16 35. By deeming free Christian materials as “contraband” and thus prohibiting their  
17 receipt by prisoners requesting them, Defendants, and each of them, have deprived and continue to  
18 deprive PRISON MINISTRY of its free exercise of religion, as secured by the First Amendment  
19 to the United States Constitution and made applicable to the States by the Fourteenth Amendment.

20 36. There is a dispute between the parties as to whether the practices, policies and  
21 regulations of Defendants impose a substantial burden on INMATES’ exercise of religion.  
22 Additionally, there is a dispute between the parties as to whether the practices, policies and  
23 regulations of Defendants are the least restrictive means to achieve a narrowly tailored compelling,  
24 state interest. Absent relief from this Court, Defendants will continue to restrict INMATES’  
25 access to Christian materials in violation of INMATES’ rights to the free exercise of religion  
26 under the First Amendment. INMATES therefore request declaratory relief.

27 37. There is a dispute between the parties as to whether the practices, policies and  
28 regulations of Defendants impose a substantial burden on PRISON MINISTRY’s exercise of  
religion. Additionally, there is a dispute between the parties as to whether the practices, policies  
and regulations of Defendants are the least restrictive means to achieve a narrowly tailored,

1 compelling state interest. Absent relief from this Court, Defendants will continue to restrict access  
2 by incarcerated persons to Christian materials sent by PRISON MINISTRY in violation of  
3 PRISON MINISTRY's rights to the free exercise of religion under the First Amendment.  
4 PRISON MINISTRY therefore requests declaratory relief.

5 38. INMATES have been deprived, and will continue to be deprived of their free  
6 exercise of religion rights under the First Amendment. Therefore, INMATES seek injunctive  
7 relief to prevent further deprivation of their constitutional rights.

8 39. PRISON MINISTRY has been deprived, and will continue to be deprived of its  
9 free exercise of religion rights under the First Amendment. Therefore, PRISON MINISTRY seeks  
10 injunctive relief to prevent further deprivation of its constitutional rights.

11 40. PRISON MINISTRY has been deprived, and will continue to be deprived of its  
12 free exercise of religion rights under the First Amendment. Therefore, PRISON MINISTRY seeks  
13 nominal damages.

### 14 **COUNT III**

#### 15 **Violation of the United States Constitution**

#### 16 **Free Speech: First and Fourteenth Amendments**

17 **(42 U.S.C. § 1983)**

18 **PRISON MINISTRY and INMATES as against all Defendants (42 U.S.C. § 2000cc et seq.)**

19 41. Paragraphs 1 through 40 are incorporated by reference as if set forth fully herein.

20 42. Defendants, and each of them, have deprived and continue to deprive INMATES of  
21 their speech rights and right to hear, as secured by the First Amendment to the United States  
22 Constitution and made applicable to the States by the Fourteenth Amendment.

23 43. Defendants, and each of them, have deprived and continue to deprive PRISON  
24 MINISTRY of its speech rights and right to hear, as secured by the First Amendment to the United  
25 States Constitution and made applicable to the States by the Fourteenth Amendment.

26 44. There is a dispute between the parties as to whether the practices, policies and  
27 regulations of Defendants impose a substantial burden on INMATES' speech rights including  
28 their right to hear. Absent relief from this Court, Defendants will continue to restrict INMATES'  
access to Christian materials in violation of INMATES' speech rights under the First Amendment.  
INMATES therefore request declaratory relief.

1           45.     There is a dispute between the parties as to whether the practices, policies and  
2 regulations of Defendants impose a substantial burden on PRISON MINISTRY's speech rights  
3 including its right to hear. Absent relief from this Court, Defendants will continue to restrict  
4 access by incarcerated persons to Christian materials sent by PRISON MINISTRY in violation of  
5 PRISON MINISTRY's speech rights under the First Amendment. PRISON MINISTRY therefore  
6 requests declaratory relief.

7           46.     There is a dispute between the parties as to whether it is lawful under the First and  
8 Fourteenth Amendments to classify as "contraband" free Christian materials, whether softbound  
9 literature or CDs and tapes, that are sent at the request of incarcerated persons. PRISON  
10 MINISTRY and INMATES therefore requests declaratory relief.

11           47.     INMATES have been deprived, and will continue to be deprived of their free  
12 speech rights under the First Amendment. Therefore, INMATES seek injunctive relief to prevent  
13 further deprivation of their constitutional rights.

14           48.     PRISON MINISTRY has been deprived, and will continue to be deprived of its  
15 free speech rights under the First Amendment. Therefore, PRISON MINISTRY seeks injunctive  
16 relief to prevent further deprivation of its constitutional rights.

17           49.     PRISON MINISTRY has been deprived, and will continue to be deprived of its  
18 free speech rights under the First Amendment. Therefore, PRISON MINISTRY seeks nominal  
19 damages.

#### **REQUEST FOR RELIEF**

20           WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

- 21           1. A preliminary injunction restraining Defendants, their officers, employees, and agents  
22 from preventing INMATES from receiving free religious materials from religious  
23 organizations;
- 24           2. A permanent injunction restraining Defendants, their officers, employees, and agents from  
25 preventing INMATES from receiving free religious materials from religious organizations;
- 26           3. A preliminary injunction restraining Defendants, their officers, employees, and agents  
27 from preventing incarcerated persons from receiving free religious materials from PRISON  
28 MINISTRY;



- 1 4. A permanent injunction restraining Defendants, their officers, employees, and agents from  
2 preventing incarcerated persons from receiving free religious materials from PRISON  
3 MINISTRY;
- 4 5. A declaration as to whether it is lawful, under the First and Fourteenth Amendments, to  
5 classify as “contraband” free Christian materials, whether softbound literature or CDs and  
6 tapes, that are sent at the request of incarcerated persons;
- 7 6. A declaration as to whether the practices, policies and regulations of Defendants which  
8 prohibit free Christian materials impose a substantial burden on INMATES’ exercise of  
9 religion;
- 10 7. A declaration as to whether the practices, policies and regulations of Defendants which  
11 prohibit free Christian materials are the least restrictive means to achieve a narrowly  
12 tailored compelling state interest;
- 13 8. For nominal damages to be awarded to PRISON MINISTRY in the amount of one hundred  
14 dollars or such amount as the Court deems appropriate;
- 15 9. For an award of costs;
- 16 10. For an award of reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988(b) and other  
17 applicable statutes;
- 18 11. For such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a  
trial by jury in this action of all issues so triable.

Date: February 25, 2005.

By: \_\_\_\_\_/s/\_\_\_\_\_

Kevin T. Snider  
Brad Dacus  
Attorneys for Plaintiffs,  
JESUS CHRIST PRISON MINISTRY, et al.

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**VERIFICATION**

I, RONALD ISSLER, am the Director for Jesus Christ Prison Ministry, a Plaintiff in the above-captioned matter. I have read the VERIFIED COMPLAINT FOR VIOLATIONS OF RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, FIRST, AND FOURTEENTH AMENDMENT; INJUNCTIVE AND DECLARATORY RELIEF and am familiar with same. The contents are true and accurate and known to me by personal knowledge except for those matters asserted on information and belief. As to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 25th day of February, 2005, in the County of San Bernardino, Lucerne Valley, State of California.

/s/ Ronald Issler  
RONALD ISSLER  
(original signature retained by  
attorney Kevin Snider)