

Civil Rights Act, 42 U.S.C. Section 1983

FILED
DES MOINES, IOWA

03 FEB 24 AM 11:57

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

BILAL SHUKR (B. Shelton)

4:03-CV-40101

vs.

Complainant

W.L. KAUTZKY, Thomas Vilsac

I.

- A. The plaintiff has no other lawsuits submitted concerning issues listed herein.
- B. There is a grievance process available at this institution

II.

- A. Grievances were filed but to no avail.

III. Parties

A. The plaintiff is BILAL SHUKR (B. Shelton)
incarcerated at - ISP / Box 316, Ft. Madison, IA.
52627

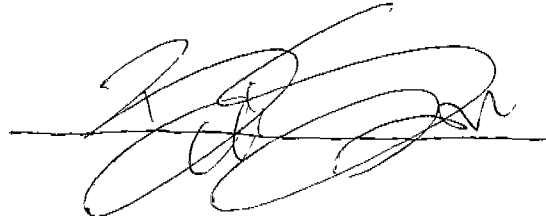
B. Defendants) is - W. L. Kautzky, Tom Vilsac.

IV. Statement of Claim: The state of Iowa currently finances a Christian faith based prison program in Newton Iowa, at Newton Correctional Facility. The First Amendment states: "Congress shall make no law respecting an establishment of religion..." Clearly financing such a program by the state is "respecting" or "favoring" that particular faith over another, in that no such program is offered to ~~the~~ those of other faiths. In addition, it violates the Equal Protection Clause to have the state finance this program and not finance the same for those of other faiths.

V. Relief:

Declaratory judgement be rendered on the behalf of the plaintiff. That the plaintiff be awarded damages for compensation jointly and severally against all defendants, for the irreparable harm caused through such illegal acts wrought by ~~these~~ defendants. Grant such relief as it may appear the plaintiff is entitled to.

Signed this 12th day of February, 2003

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

FORM A

FORM TO BE USED BY A PRISONER IN FILING COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA

OFFICE OF THE CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF IOWA

BILAL SHUKR (B. Shelton)

4:03 - CV - 40101

(Enter above the FULL name and inmate number of the plaintiff or plaintiffs in this action)

vs.

COMPLAINT

Debra Nicoles, Willie Spertslage,

Nancy Kuresa, Karen Whalley,

M. Piper, David DeGrange

(Enter above the FULL name of each defendant in this action)

(NOTE: If there is more than ONE plaintiff, a separate sheet should be attached giving the information in parts I and II below for EACH plaintiff by name.)

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (✓)
- B. If your answer to A is Yes, please answer the questions 1 thru 7 on next page. (If there is more than one lawsuit describe the additional lawsuits on another sheet of paper using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs N/A

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket Number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition, if known (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Place of Present Confinement Iowa State Penitentiary

A. Is there a prisoner grievance procedure in this institut. Yes [] No []

B. Did you present the facts relating to your complaint in state prisoner grievance procedure? Yes [] No []

C. If your answer is YES,

1. What steps did you take? Officials acquiesced constitutional violations at every level of grievance process.

2. What was the result? At one point grievance was returned citing I had not taken first step of grievance process. However, I had but was not answered. Policy indicated in such circumstances it is permissible to move to next step of process.

D. If your answer is NO, explain why not N/A

E. If there is no prison grievance procedure in the institut. did you complain to prison authorities? Yes [] No []

F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff Bilal Shukur (B. Shelton)

Address ISP/BOX 310, Ft. Madison, IA 52627

B. Additional plaintiffs

N/A

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant Debra Nicoles is employed as a Unit Manager at Iowa State Penitentiary

D. Additional defendants Willie Spertshige, Nancy Kucera, Karen Woodley, M. Piper, David De Grange

IV. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1343(c). Plaintiff(s) allege(s) that the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

V. Statement of Claim

(State here as briefly as possible the FACTS of your case. MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and the date and place of all events. Attach an extra sheet if necessary, and write the heading PART V CONTINUED at the top of the sheet. Keep to the facts. Do not give any legal arguments or cite any cases.)

For several months (over a year) ISP personnel garnished all funds sent to my Inmate account. As a result I have been unable to ~~obtain~~ obtain meaningful access to the courts. Inmates are not allowed to purchase postage beyond three dollars. In several instances the applicant has had correspondence returned to him noting that he had a negative account balance. On 9-26-02 & 10-7-02 and other times, the applicant received mail from personnel. As a result, on Oct. 4, 2002 the applicant had a post card complaint dismissed for failure to file a motion to resist because said motion attempted to be sent out was rejected by mail room personnel. The Applicant addressed an inmate memo to Unit Manager Dennis Brumbaugh requesting additional postage for legal filings and the request was denied. Violating the plaintiff's Equal Relief Protection rights as well. The Plaintiff Demands

VI.

Jury Trial.
(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

That the court be given to compel the defendants to discontinue denying plaintiff access, declaratory judgement be rendered on the plaintiff's behalf that the plaintiff be awarded damages for compensation jointly and severally against all defendants, for the irreparable harm caused through such illegal acts wrought by these defendants. Grant such other relief as it may appear the plaintiff is entitled to.

[additional comments on
-4-
2002 10/10 of this date]

VII. Statement Regarding Assistance in Preparing This Complaint

A. Did any person other than a named plaintiff in this action assist you in preparing this complaint? Yes [] No [✓]

B. If your answer is YES, name the person who assisted you.

_____ NA _____

C. Signature of person who helped prepare complaint.

_____ NA _____
(Signature) (Date)

VIII. Signature(s) of Plaintiff(s)

Signed this 24 day of February, 19 2003



(Signature of Plaintiff)

Signatures of additional plaintiffs, if any:

Policy INV-64

III subsection 8. - No limit will be placed on the number of letters mailed or received for those offenders receiving an allowance. Offenders on indigent status will receive assistance which may be recoverable.