

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MOHAMED A. EL-TABECH,)
)
 Plaintiff,) Case No.: 4:04CV3231
)
 v.) MOTION FOR IN CONTEMPT
)
 HAROLD W. CLARKE, ET AL.)
)
 Defendants.)
)
)
)

Plaintiff Mohamed A. El-Tabech, by and through his attorneys, respectfully moves this Court for an order holding Defendants in contempt of this Court’s orders to (1) provide Plaintiff with a “nutritionally-sufficient kosher diet” (Order, Filing 190, at ¶ 1, Oct. 5, 2007), and (2) to post a prayer schedule and “adjust activities or reduce disturbances as appropriate” (Mem. and Order, Filing 179, at 6, July 17, 2007).

The evidence submitted by El-Tabech in support of this Motion is contained in an evidence index which is being filed contemporaneously with this Motion. The arguments in support of this Motion are set forth in Plaintiff’s Brief in Support of Motion for Contempt which is being filed contemporaneously with this Motion.

WHEREFORE, El-Tabech respectfully requests that this Court:

1. Enter an order requiring Defendants to show cause why they should not be held in contempt;
2. Adjudge Defendants in contempt;
3. Enter an order requiring Defendants to supply El-Tabech with a “nutritionally-sufficient kosher diet” that consists of either prepackaged kosher meals or prepackaged kosher foods

available in the TSCI kitchen;

4. Enter an order requiring Defendants to compensate El-Tabech in the amount of \$532.52 for kosher food purchases from the canteen since the implementation of the current meal plan;
5. Enter an order requiring Defendants to immediately post and maintain outside Plaintiff's cell door a current Islamic prayer schedule that shows the time of each of the five required daily prayers;
6. Enter an order that Defendants not disturb Plaintiff during these posted prayer times, except for an emergency or previously scheduled activity;
7. Award El-Tabech his reasonable attorney's fees and costs in monitoring Defendants' compliance and bringing this Motion for enforcement of the Court's orders; and
8. For such further, additional, or different relief as deemed appropriate by the Court.

Dated this 26th day of August, 2008.

MOHAMED A. EL-TABECH,
Plaintiff.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of August, 2008, the foregoing Plaintiff's Motion for Contempt was electronically filed using the CM/ECF system which sent notification of the filing to the following:

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