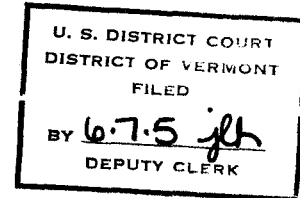


UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT



Gordon Bock,
Plaintiff
v.
Steven Gold,
Janice Ryan,
Susan Blair,
David Turner and
Stuart Gladding,
all employed by the
Vermont Department
of Corrections,
and each acting in
official and individual
capacity,
Defendants

**CIVIL RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. 1983 AND THE
RELIGIOUS LAND
USE AND
INSTITUTIONALIZED
PERSONS ACT
(R.L.U.I.P.A.),
42 U.S.C. 2000bb *et seq.***

Civil Case No. 1:05-cv-151

Plaintiff in the above-captioned action alleges as follows:

JURISDICTION

1. This is a civil action seeking relief and 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 and 42 U.S.C. 2000bb *et seq.*. The Court has jurisdiction over this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1343(3), 28 U.S.C. 1343(4) and 28 U.S.C. 2201.

PARTIES

2. Plaintiff Gordon Bock, Post Office Box No. 484, Montpelier, VT 05601-0484
3. Defendant a) Steven Gold, Commissioner, Department of Corrections (hereinafter "D.O.C."), State of Vermont, 103 South Main Street, Waterbury VT 05671-1001

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- Defendant b) Janice Ryan, Deputy Commissioner, D.O.C.,
103 South Main Street, Waterbury, VT 05671-1001
- Defendant c) Susan Blair, D.O.C. Superintendent, Northwest State
Correctional Facility, Swanton, VT 05488
- Defendant d) David Turner, D.O.C. Casework
Supervisor/Superintendent's Designee, Northwest State
Correctional Facility, Swanton, VT 05488
- Defendant e) Stuart Gladding, D.O.C. Superintendent, Northern
State Correctional Facility, Newport, VT 05855

PLACE OF PRESENT CONFINEMENT

4. a. There is a prisoner grievance procedure in place at all three facilities where the Vermont D.O.C. placed Plaintiff in confinement, 2004-2005.
- b. Plaintiff thoroughly presented all pertinent facts to the D.O.C. and thoroughly exhausted every avenue of D.O.C. administrative grievance procedures, all to no avail inasmuch as Defendants continued to violate repeatedly Plaintiff's First Amendment right to practice his religion, which is Judaism.
- c. In addition to exhausting every possible avenue in the D.O.C. grievance procedure, Plaintiff wrote numerous times to the Commissioner, the Deputy Commissioner and the other co-Defendants, all to no avail.
- d. Plaintiff presented to each and every one of the Defendants his concerns about the continued violations of Plaintiff's First Amendment right to practice his religion, and none of the Defendants took affirmative action.

PREVIOUS LAWSUITS

5. Having thoroughly exhausted all D.O.C. administrative grievance procedures over six months for a slew of anti-Semitic episodes directed against him at the St. Albans facility, Plaintiff upon learning of an ongoing scheme by three fellow inmates to enlist a fourth inmate to seize his *yarmulke* (Jewish skullcap), defecate in it and sneak it back into Plaintiff's cell did file a

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request for a hate-crime injunction* under Title 13 of the Vermont Statutes.

FACTS

6. Plaintiff alleges that the named Defendants did for the duration of his seven months of imprisonment from 2004 to 2005 repeatedly violate the D.O.C.'s own policies on religious practice in its institutions whilst depriving Plaintiff of the opportunity to practice the Jewish religion through minor requested accommodations, to wit:
- a) Steven Gold had ultimate authority to approve minor requested accommodations in furtherance of affording Plaintiff the opportunity to practice his religion, and instead chose not to so order.
 - b) Janice Ryan had authority to approve minor requested accommodations in furtherance of affording Plaintiff the opportunity to practice his religion, and instead chose not to so order.
 - c) Susan Blair had authority to approve minor requested accommodations in furtherance of affording Plaintiff the opportunity to practice his religion, and instead chose not to so order.
 - d) David Turner had authority to approve minor requested accommodations in furtherance of affording Plaintiff the opportunity to practice his religion, and instead chose not to so order.
 - e) Stuart Gladding had authority to approve minor requested accommodations in furtherance of affording Plaintiff the opportunity to practice his religion, and instead chose not to so order.

7.

CAUSES OF ACTION

NUMEROUS VIOLATIONS OF 42 U.S.C. 1983 through repeated and flagrant failure to act in furtherance of Plaintiff's constitutionally guaranteed civil rights under Amendment I of the United States Constitution by ignoring Plaintiff's numerous requests for minor accommodations in furtherance of his goal to observe the Jewish religion in a meaningful manner without jeopardizing security or disrupting facility operations.

* (Cf., although the specific incident is more ancillary than integral to the instant action, inasmuch as it does not signify the D.O.C.'s obstinate blockage of Plaintiff's First Amendment right to practice his religion, Bock v. Hofmann et alia, Washington County Superior Court, Docket No. 181-3-04 WnCV, J. Katz presiding.)

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NUMEROUS VIOLATIONS OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (R.L.U.I.P.A.), 42 U.S.C. 2000bb *et seq.*, by ignoring Plaintiff's numerous requests for minor accommodations in furtherance of his goal to observe the Jewish religion in a meaningful manner without jeopardizing security or disrupting facility operations.


8. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF PRAYS for this Court to grant the following relief:

- Accept jurisdiction in this matter;
- Allow Plaintiff to proceed "in forma pauperis," and to transmit to Plaintiff the appropriate forms for same;
- Allow Plaintiff leave to amend;
- Issue injunctive relief barring D.O.C. from further denying or limiting Plaintiff's exercise of his religion, Judaism, as such denials or limits will likely continue as a means of coercion and retribution whilst Plaintiff remains supervised by Barre CCSC, especially to punish Plaintiff for having brought suit;
- Award Plaintiff both compensatory and punitive damages as the jury may decide;
- Schedule a preliminary hearing in this matter;
- Order other such other relief as the Court deems just and proper.

I DECLARE under penalty of perjury that the foregoing is true and correct on this the 11th day of May 2005 at Northfield, Vermont:



Gordon Bock, plaintiff

copy to:
D.O.C. legal division, Waterbury, VT