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Donald Deloney
Name W.S.C.C
~~██~~
P.O. Box 7007
Carson City, NV
89702
Address
1099493
Prison Number

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ronald Deloney
Plaintiff,
vs.
RICHARD SNYDER
(Chaplain) NDOC
Warm Springs
Correctional
Center NV
Defendant(s).

CASE NO. 3:16-cv-00732
(To be supplied by the Clerk)
CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983
and
Demand for Jury Trial

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Donald Deloney
(print Plaintiff's name)
who presently resides at P.O. Box 7007 Carson City Nevada, were
(mailing address or place of confinement)
violated by the actions of the below named individuals which were directed against
Plaintiff at Warm Springs Correctional Center (W.S.C.C) on the following dates
(institution/city where violation occurred)
January 1 - March 3, 2016 (Count I) / October 3, 2015 - March 3, 2016 (Count II) and October 3, 2015 - May 20, 2016 (Count III)

6) Defendant Richard Snyder resides at (address unknown),
 (full name of first defendant) (address of first defendant)

and is employed as A Prison Chaplain. This defendant is sued in his/her
 (defendant's position and title, if any)

individual official capacity: (Check one or both). Explain how this defendant was acting
 under color of law: This defendant is responsible for providing
religious services for all W.S.C.C. state prisoners

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to
 assert jurisdiction under different or additional statutes, list them below.

Religious Land Use of Institutionalized Persons
Act, 42 U.S.C. § 2000 (R.L.U.P.I.A.)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

The instant case arises under 42 USC § 1983 and
USC 2000 concerning issues of Civil Rights and
Religious freedoms raised by a state prisoner against
a prison chaplain who is alleged to have denied
plaintiffs' rights to freedom of religious expression;
to have substantially burdened plaintiffs religious
exercise without compelling governmental interests;
to have retaliated against plaintiff, and to have
violated the establishment / equal protection clause(s).
Plaintiff seeks compensatory / presumed, punitive and
a declaratory judgement against the defendant.

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: To freedom of religious expression and to be free from retaliation.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

At all times relative, the Defendant, Chaplain Richard Snyder (herein after referred to as "Mr. Snyder") was working as a contractor for the Nevada Dept. of Corrections ("N.D.O.C.") at W.S.C.C. where Plaintiff was a state prisoner (of the state of Nevada) residing in Carson City, Nevada. Between January 1, 2016 and March 3, 2016 Plaintiff was the appointed "Inmate Facilitator" for the Muslim Inmate services at W.S.C.C. when Mr. Snyder then used threats, intimidation, and retaliation against plaintiff with the purposes of leaving substantial burdens upon Plaintiff's religious exercise, and/or to restrict the Plaintiff's freedom of religious expression as guaranteed by the First Amendment of the Constitution of the United States of America, and The Religious Land Use of Institutionalized Persons Act (RLUPA), all without any penological or compelling governmental interests, to wit: Mr. Snyder contrived a pretextious policy, unfounded in written regulation, which required

Plaintiff to deliver to Mr. Snyder a handwritten copy of each and every word Plaintiff would say during muslim services as facilitator. Mr. Snyder demanded the written statement be delivered to him each and every week, one week in advance, of the muslim services; or else Plaintiff would not be allowed to speak at the services at all. Furthermore, Mr. Snyder told Plaintiff that if Plaintiff ever deviated one word from the written statement, Plaintiff would "be removed from his position as an inmate facilitator and be brought up on disciplinary charges". This threat was made with a venomous tone which could not be mistaken as anything less than an intent to intimidate Plaintiff into complying with the unwritten policy. On two occasions when Plaintiff had not provided a written statement as to what he would say in his religious sermons, (a week in advance of those respective sermons), Mr. Snyder did refuse to allow Mr. Deloney to deliver any sermon or to speak as the inmate facilitator.

And when Plaintiff filed a grievance to complain about Mr. Snyder's effort to censor him, Mr. Snyder became enraged and relieved Plaintiff of his position as the inmate facilitator of Muslim services, in retaliation for the grievances.

It is Plaintiff's sincerely held religious belief that it is obligatory on he who leads a congregation in prayer on Friday (Jumah) service to deliver "Al-Khutbah" i.e. an inspirational and instructive Islamic sermon' prior to the congregational prayer; and that the purpose of such obligation, as ordained by Allah (God), is to maintain spiritual order like unto the order established with Prophet Muhammad (Peace Be Upon Him) who led the congregational prayer and gave Al Khutbah for Jumah. Moreover, Plaintiff sincerely believes that because Prophet Muhammad spoke words in his Khutbah inspired by God, as they were placed in his heart, and Muslims are to follow our Prophets example, it is obligatory for the Imam (Prayer leader) to

•

Speak from his heart (as God guides him) on Jum'ah (Friday) while giving Al-Khutbah. Therefore, Plaintiff avers that the burden of delivering a pre-fabricated speech is substantially against his religious expression as an Imam (Prayer-leader).

Finally, Plaintiff avers that Mr. Snyder has failed to properly enforce any penological or governmental interests he has perceived as necessitating his rogue policies by the least restrictive means, and that such means would have meant to simply ask Plaintiff to discuss the subject matter or direction of the week's Khutbah (any time prior to service) and only forbid the dangerous elements of the sermon (if any) on constitutionally appropriate grounds.

Accordingly, Plaintiff seeks compensatory damages, or in alternative presumed damages, in excess of \$10,000 and punitive damages in excess of \$20,000 as well as declaratory relief to stop any further unconstitutional censorship of Islamic ministry at W.S.C.C.

COUNT II

The following civil right has been violated: To Equal Protection Under Law, to be free from Government Established Religion.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

At all times Relative, Chaplin Richard Snyder was a contractor with The N.D.O.C. working at W.S.C.C., in Carson City, Nevada where Plaintiff was a state prisoner and one of several practitioners of the muslim faith of Islam. Between October 3rd, 2016, and March 3, 2016, Mr. Snyder purposely discriminated against Plaintiff and all other Muslim inmates who attended muslim services (Jumah) by harassing muslims, censoring muslims, and forcing Muslims to adhere to a pretextual and contrived policy of not speaking to eachother during muslim services (Jumah) at W.S.C.C; all while allowing christians to conduct their services at W.S.C.C. in an open, interactive, festive way, in violation of equal protection and/or establishment clauses of the Constitution of the United States of America, to wit:

Muslim services (Jumah) at W.S.C.C. are drab, boring, dark, and uncomfortable due

to the discriminatory actions undertaken by W.S.C.C.'s chaplain Snyder, who is a Christian, but who oppressively attends Muslim service with evil intent to harass, intimidate, and discourage muslim participation by yelling out in a snarling venomous tone when he speaks to muslims, looking down his nose at muslims who ask him simple questions, enforcing a policy of no talking or fraternizing during services - not even to discuss religious matters - and forcing muslims to sit down, shut up, and watch a D.V.D. in darkness for the one hour service per week. Mr. Snyder quickly threatens anyone who speaks during Muslim service, (to him even), with expulsion from the service and a notice of charges. Mr Snyder has also caused Muslims to be transferred to other prisons in retaliation and persecuted muslims with false disciplinary charges all to intimidate muslim inmates, and to discourage muslim inmates from ever coming to Jumah services.

On the other hand Christian services are full of inmates who openly speak out giving

testimonials, singing, dancing, playing musical instruments, and giving inspirational sermons before the Christian congregations at W.S.C.C.. Christians are not threatened with expulsion or with disciplinary action for speaking at their services. They read their holy book out loud to each other and enjoy peaceful and festive worship services.

The result of the oppressive tactics against, and in discrimination of, Muslims as described above is that: the number of prisoners brave enough to attend services for Muslims at W.S.C.C. has dwindled to zero (0) some weeks. Because all Muslim inmates, including Plaintiff, fear being "bullied" by Mr. Snyder and cannot worship with a peaceful heart and do not believe that sitting in the dark watching a DVD is a true Muslim service. While the Christian services have maintained or increased their attendance levels. Therefore, the discrimination and oppression/persecution of Muslims has established Christianity as the only religion practiced at W.S.C.C.

Accordingly Plaintiff seeks compensatory damages or alternatively presumed damages in excess of \$10,000, punitive damages in excess of \$20,000, and a declaratory judgement to stop further unequal treatment, discrimination and animosity against Muslims at W.S.C.C.

COUNT III

The following civil right has been violated: To The
Freedom OF Religious Expression/Exercise.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

At all times relative, Chaplin Richard Snyder was a contractor with The N.D.O.C. working at W.S.C.C., in Carson City, Nevada where Plaintiff was residing as a state prisoner and where Plaintiff was one of several practitioners of the Muslim faith of Islam. Between October 3, 2015 and May 20, 2016 Mr. Snyder purposely and substantially burdened Plaintiff's rights to the freedom of religious exercise as guaranteed under the First Amendment of the Constitution of the United States of America, and The RLUIPA, without either penological or compelling government interests; and without advancing said interests (if any) by the least restrictive means, to wit:

Acting as the appointed inmate facilitator for inmate muslim services at W.S.C.C., Plaintiff respectfully requested of Chaplain Snyder that the schedual for "The Obligatory Fryday Prayer Service for Muslims" ("Juhmah"), which was held in the WSCC chapel, be changed from 12 noon - 1:00 p.m., to 12:30 to 1:30 p.m, so that the time

Chaple services would more correctly reflect the necessary and appropriate time Muslims are instructed to pray in accords with Islamic Law and Traditions. Moreover, it is Plaintiffs and the inmate muslim community's sincerely held religious belief that muslims ought not pray while the sun is at its zenith, because pegans do this as a rite in sun worship and Muslims forbid pegan worship, and worship Allah (God) alone as the first Pillar of Islam. Therefore, Chaplin Snyders actions in forcing Muslim services to be conducted for Jumah at noon substantially has burdened Plaintiff and other inmate Muslims sincerely held religious beliefs.

Accordingly Plaintiff seeks compensatory or alternitively presumed damages in excess of \$10,000 and an equal amount in punitive damages where the court finds that (1) The Plaintiff made a reasonable and respectfull request of Chaplin Snyder; but (2) Chaplin Snyder however refused to grant a muslims request out of bigotry and Islamaphobia or discriminatory

anamous, and declaratory judgement to mandate the W.S.C.C. Chaplin to insure Chaple service will be availible for inmate muslims at W.S.C.C. at times consistant with Islamic Traditions, on Fridays.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? _____ Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

a) Defendants: N/A

b) Name of court and docket number: N/A

c) Disposition (for example, was the case dismissed, appealed or is it still pending?): N/A

d) Issues raised: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or filed to state a claim upon which relief could be granted**? _____ Yes No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

a) Defendants: N/A

b) Name of court and case number: N/A

c) The case was dismissed because it was found to be (check one): _____ frivolous _____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: N/A

- 1 e) Approximate date it was filed: N/A
2 f) Approximate date of disposition: N/A

3
4 Lawsuit #2 dismissed as frivolous, malicious, or failed
5 To state a claim.

- 6 a) Defendants: N/A
7 b) Name of court and case number: _____
8 c) The case was dismissed because it was found to be
9 (check one): _____frivolous _____malicious or
10 _____failed to state a claim upon which relief could
11 be granted.
12 d) Issues raised: N/A
13 e) Approximate date it was filed: _____
14 f) Approximate date of disposition: _____

15
16 Lawsuit #3 dismissed as frivolous, malicious, or failed
17 To state a claim.

- 18 a) Defendants: N/A
19 b) Name of court and case number: _____
20 c) The case was dismissed because it was found to be
21 (check one): _____frivolous _____malicious or
22 _____failed to state a claim upon which relief could
23 be granted.
24 d) Issues raised: N/A
25 e) Approximate date it was filed: N/A
26 f) Approximate date of disposition: N/A

- 27 3) Have you attempted to resolve the dispute stated in this
28 action by seeking relief from the proper administrative
officials, e.g., have you exhausted available

1 administrative grievance procedures? X Yes ___ No. if
2 your answer is "No", did you not attempt administrative
3 relief because the dispute involved the validity of a:
4 (1) ___ disciplinary hearing; (2) ___ state or federal court
5 decision; (3) ___ state or federal law or regulation;
6 (4) ___ parole board decision; or (5) ___ other _____

7 If your answer is "Yes". Provide the following information.

8 Grievance Number 2006 30 21964; and, 2006 30 24388 .

9 Date and institution where grievance was filed _____

10 Warm Springs Correctional Center

11 Response to grievance: Grievances denied

12 _____

13 _____

14 _____

15 _____

16 **E. REQUEST FOR RELIEF**

17 I believe that I am entitled to the following relief:

18 \$80,000 in monetary awards (punitive/presumed,
19 and punitive) and declaratory judgements
20 sutable to cure and prevent future civil rights
21 vrolations simular to those discribed herein.

22 _____

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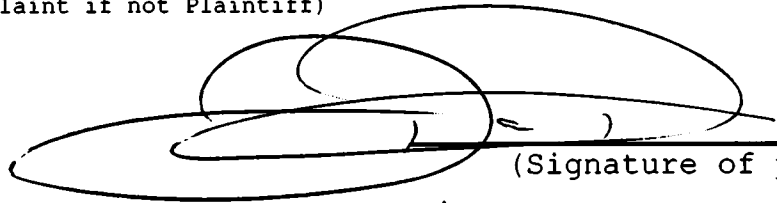
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1 I understand that a false statement or answer to any
2 question in this complaint will subject me to penalties of
3 perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF**
4 **THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND**
5 **CORRECT.** See 28 U.S.C. sec. 1746 and 18 U.S.C. sec. 1621.

6 Andrew L. Meeks-EI, II
7 (Name of person who prepared or helped
8 prepare this complaint if not Plaintiff)

9 
10 (Signature of plaintiff)

11 11-25-16
12 (Date)

13 *****

14 (Additional space if needed: identify what is being continued)

- 15 1. _____
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