

Please Send Back filed Notice. Thank you

FILED ENTERED	RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 08 2017	
No. <u>        </u>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	<u>        </u> DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

3  
4 Donald DELONEY, ) CASE: 3:16-CV-00732 MMD-WGC  
5                    ) Plaintiff, ) MOTION TO Amend/supplement  
6                    ) v                ) Complaint  
7                    ) Richard SNYDER ) MOTION for Injunctive Relief  
8                    ) et AL,         ) Preliminary injunction or permanent  
9                    ) Defendants ) Injunction, Against Richard Snyder  
10                    ) chaplain, And to Add Warden, Wickham  
11                    ) of Warm Spring Correctional Center, to this  
12                    ) Complaint

11 Come now Donald Deloney, with motion  
12 To Amend/supplement complaint That's now  
13 Before this case number 3:16-CV-00732-MMD-  
14 WGC. On said filed complaint DEC 16-2016  
15 Chaplain Richard SNYDER, employed at  
16 Warm Springs Correctional Center, has  
17 continued to violate my and other muslims  
18 at this facility Rights to freedom of  
19 Religious, violated the established/equal protection  
20 clauses) and Religious Land Use of institutionalized  
21 persons Act, 42 USC § 2000 (R.L.U.P.I.A)  
22 MR. SNYDER (chaplain), has blatantly told myself  
23 and muslims that attended Islamic service  
24 approx. January to March 2017, while at  
25 service when was ask to pray our (salat)  
26 for the time prescribe to make prayer for  
27 the 2 Sunna (RAKATS) PRAYER. He replied  
28

1 In a Very aggressive, Harsh Tone expressing  
2 dictatorialship" you PRAY when I Tell you to PRAY."  
3 As we attempted to leave (myself and other muslims)  
4 He then stated; "you'll want to PRAY now".)  
5 AS IF we were in the old Southern states in the  
6 early 1900. His Actions was very discriminatory,  
7 Putting myself and other attendance in great fear,  
8 And now He Has suspended Islamic services)  
9 until He find a outside Imam, to come in and  
10 give us a service (see attached exhibit memorandum)

11 No where in the N DOC Has there ever been a  
12 need to have Islamic ~~service~~ outside Imam to  
13 come in so that we can have Juma service.  
14 This is blatantly violating our U.S. Constitutional  
15 Rights, R.L.U.P.I.A. OUR Right to exercise my  
16 Religion Rights. There are NO Institutional Rules  
17 and Regulations) THAT STATES we need a outside  
18 sponsor in order to have Islamic service. His Actions  
19 are Blatly disrespect to THE U.S. Constitution. THUS, IN  
20 Violation of THE U.S. constitution.

21 The defendant Richard Snyder (Chaplain)  
22 at Warm Springs Correctional Center, IS imposing and  
23 Have imposed substantial burden on myself and all inmates  
24 that wish to attend or practise Islam, our ability to  
25 to exercise my/our religion. U.S Supreme Court Has  
26 explained, however that RLUIPA bars inquiry into whether  
27 particular belief or practice is central to prison religion;  
28 In determining that courts are not to look to centrality

1 of belief or practice, Supreme Court Cited 42 USC § 200cc-  
2 b(7)(A), Revision in RLUIPA That defines "Religious exercise"  
3 To include any exercise of Religion, whether or not compelled  
4 by or central to, system of religious belief. *Sisney v Reisch*  
5 (2008, DC SD) 533 F Supp ~~2d~~ 952.

6 Under The First Amendment, Which is being Violated Here  
7 STATES: All People Have The absolute right to whatever  
8 religious beliefs They wish. IT is only when They attempt  
9 To practice Their beliefs That the government may impose  
10 restrictions. Even in "prison", However, Reasonable opportunities  
11 must be afforded To all prisoners To exercise The religious  
12 freedom guaranteed by The First and Fourteenth Amendments  
13 without fear of penalty. I am afraid of penalty here  
14 at warm springs correctional center, and retaliation of  
15 some sort as is most practicing muslim are as well.

16 IT is The courts duty to apply The relevant constitutional  
17 standard to determine whether The restriction in question  
18 is constitutional. The chaplain suspending our service  
19 until The find a outside sponsor is questionable.

20 being That its not constitutional That we have a outside  
21 sponsor to come in and give a sermon, being That  
22 any muslim That's knowledgeable in Islam can give  
23 a (Khatbat) sermon, which we are already being  
24 violated by The chaplain here cause He is not  
25 allowing myself OR any muslim to give a sermon,  
26 Thus, Not allowing us "Juma", Friday, To practice  
27 Islam. There is no A.R. NRS. To support His  
28 Actions. STAFF members will identify That Richard

1. Hate muslims. ~~The~~ need, we all muslims and non-  
2 muslims need protection by this court.  
3 No one has ~~never~~ come in for Islamic services  
4 (sponsor) to have Islamic services. IT is not needed  
5 or a must. Yes we would like one and have attempted  
6 to have/or get a sponsor (Imam) from the streets, but  
7 to no avail.

8 "I Am requesting motion for Injunction Relief,"  
9 OR Preliminary injunction or permanent injunction  
10 a temporary Restraining order, on Richard Snyder,  
11 chaplain to be removed from duties until this  
12 case is heard. immediate relief is necessary to prevent  
13 me/and other muslims suffering irreparable injury  
14 by this chaplain or administration.

15 There is no adequate remedy at Law, Future  
16 compensation in damage will be an insufficient  
17 remedy, and that my injuries now are actual and  
18 of serious consequences to me and all muslims, my/or  
19 constitutional Rights have been violated is sufficient  
20 to establish irreparable harm.

21 under (RLUIPA), *LOVELACE V LEE* (2006, CA4 VA)  
22 472 F.3d 174 (criticized in *Washington v Klem* (2007, CA8 Pa) 497 F.3d  
23 272) Right to religious exercise was substantially burdened;  
24 on record, defendants did not adequately demonstrate that  
25 Ramadan policy was least restrictive means of furthering  
26 compelling government interest; Thus, at this stage, defendants  
27 did not demonstrate that prison policy satisfied strict requirements.  
28 Warm Springs Correctional Center, is depriving me

1 all practicing muslim and non-muslims our right  
2 to practice our religion. By now suspending Islamic  
3 services and all information documented in original  
4 filed case by Plaintiff.

5 Religious Land Use and Institutionalized Person Act of 2000,  
6 42 USC § 2000a, et seq., is Freedom of Religion Case and not  
7 Establishment Clause case and therefore is not subject to  
8 rigor of the part-test of Lemon v. Kurtzman, 403 U.S. 602, 36 L  
9 Ed 2d 151 (1971). Freedom Baptist Church v Twp. of Middletown  
10 (2003, SD NY) 280 F Supp 2d 857

11 RLUIPA is neutral in that it does not favor one religion  
12 over any other, but applies equally to all religions. That  
13 that not the case in Warm Springs Correctional  
14 center. The overseer of this institution warden  
15 Wickham, and associates are aware of the chaplain  
16 discrimination towards the muslims and other religious  
17 groups other than the one he believe in. The constant  
18 violation of U.S. Constitution Religion Rights to  
19 practice my/our belief. and thus far nothing has  
20 be done by the controlling interest agent(s) of this  
21 institution. This court must step in and stop the  
22 continuence violation of one U.S. constitutional  
23 rights. RLUIPA, 42 USC §§ 2000a et seq, does not  
24 violate Establishment Clause as it ensures that all inmates  
25 shared equal right to observe their religious beliefs,  
26 Williams v Bitner (2003, MD Pa) 285 F Supp 2d 593

27 By suspending Islamic services is not the least  
28 restrictive means they can take. I am the (Imam)

1 for the muslim community here at warm springs correctional  
2 center, which I give the sermon (~~KUTBA~~) (Preach) in the  
3 (RLUWA) it was clear that preaching is a form of religious  
4 exercise, and inmate made prima facie showing that his religious  
5 exercise had been substantially burdened where Rhode Island  
6 Department of corrections (RIDOC) had not contested issue  
9 and Inmate stated that (RIDOC) would not allow him  
10 to preach anytime. Which is the same here I am not  
11 allowed. Chaplain retaliated against me by suspending  
12 me last year for the religious "facilitator" for no reason, but  
13 because I had written the (A.W.O.) Associate Warden,  
14 regarding our religious rights.


15 The Pagan(s) do not have a ~~outside~~ sponsor coming  
16 in to sermon there service, why should muslims  
17 be subjected to suspended service until a outside  
18 sponsor comes in. IT has never been one here. We  
19 are guaranteed under the U.S. Constitution and equal  
20 protection clause as ever other religious group. The  
21 same practices. The Warden, Wickham, is at fault  
22 of the same violation as the chaplain, cause he governs  
23 over this institution and allows such action from  
24 the chaplain. He regulates the prison rules and  
25 guidelines, which now substantial burden my/and  
26 other muslims and non-muslims religious belief, that  
27 chaplain and the warden infringe upon Islamic  
28 belief hindering us to practice Islam

1 Inmate was denied preliminary injunction in His action.  
2 42 USC § 1983, because he argued that religious activities be  
3 led by approved Volunteers did not constitute substantial  
4 Burden *Ji Hnd V Fabian* (2010, DC Minn) 680 F Supp 2d 1021.

5 I don't argue that discession. I am The Islamic Imam  
6 (~~Teacher~~) (Teacher) of Islam. choice by THE Islamic Community  
7 Here at warm Springs correctional center. which is THE  
8 Practise of ISLAM one must be chosen by THE Islamic  
9 Community, most knowledgeable in Islam.

10  
11 I plead with THis Court to Grant Relief sought  
12 To stop THE Violations, from THis Institution  
13 warm Springs correctional center, By Richard  
14 Snyder chaplain, Wickham (Warden) and its  
15 Agents, against me plaintiff and all Muslims  
16 and non-Muslims THAT wish to participate in  
17 Islam, service.

18  
19 Executed on THis 4<sup>th</sup> day of MAY 2007  
20 at warm Springs correctional center. I swear  
21 under penalty of perjury THE content in THis motion  
22 is TRUE and correct

23  54-11  
24 Donald Delaney  
25 WSCC  
26 P.O. Box 7007  
27 Carson City, NV 89702

28

EXHIBIT ~~1~~ 1

EXHIBIT ~~1~~ 1



Nevada Department of Corrections  
Warm Springs Correctional Center  
Office of the Chaplain



To:

DELONEY 1099493

1A-5

From:

Chaplain Richard Snyder *rs*

Date:

May 2, 2017

Subject:

Ramadan

This is being sent to all inmates whose declared faith is Islam.

Ramadan this year will begin at sundown on Friday, May 26 and will end at sundown on Sunday, June 25.

If you wish to participate in the Ramadan observance this year, kite me by Friday, May 19.

Muslim services in the Chapel are currently suspended. Services will resume when a volunteer can be found to lead them.