

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ALLEN McRAE, CHARLES STEVENSON,)
PATRICK LAHENS, DENNIS BLYDEN,)
DAVID EVICK, JR, and RASHID QAWI)
AL-AMIN,) No. _____
)
Plaintiffs,)
)
v.)
)
GENE M. JOHNSON, in his official capacity,)
)
Defendant. _____

COMPLAINT

INTRODUCTION

1. In 1999, the Virginia Department of Corrections (VDOC) enacted a new grooming policy, which required prisoners to keep their hair short and their beards shaven. The policy makes no exception for the inmates whose sincere religious convictions prohibit them from shaving and/or cutting their hair, including many Muslims, Native Americans, and Rastafarians. As a result, practitioners of these religions have been forced to abandon a central tenant of their faith, or suffer severe punishment, including segregation, loss of privileges, and loss of good-time credits.

2. This is an action to compel Gene Johnson (“Johnson”), the director of the Virginia Department of Corrections to abide by his obligation to avoid placing substantial burdens on the religious practices of Virginia prisoners. The Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 USCA § 2000cc *et seq.* prohibits Johnson from burdening sincerely held religious convictions without a compelling reason.

3. The Plaintiffs are prisoners in the custody of the Virginia Department of Corrections ("VDOC") and hold sincere religious convictions prohibiting them from shaving their beards or

cutting their hair. They are subject to punitive sanctions if they do not comply with a VDOC prison regulation prohibiting beards and requiring military style haircuts.

4. Johnson cannot meet the exacting compelling interest standard required by federal law to justify exposing inmates to a grooming policy that substantially interferes with their sincere religious convictions when alternative suitable placements are available.

JURISDICTION

5. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the cause of action asserted herein arises under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. 42 USCA § 2000cc, *et seq.*

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

7. Plaintiff Allen McRae is a prisoner in the custody of the defendant and is currently housed at the Buckingham Correctional Center in Buckingham County, Virginia. He is a practicing Rastafarian.

8. Plaintiff Charles Stevenson is a prisoner in the custody of the defendant and is currently housed at the Buckingham Correctional Center in Buckingham County, Virginia. He is a practicing Rastafarian.

9. Plaintiff Dennis Blyden is a prisoner in the custody of the defendant and is currently housed at Wallens Ridge State Prison. He is a practicing Rastafarian.

10. Plaintiff Patrick Lahens is a prisoner in the custody of the defendant and is currently housed at Greensville Correctional Center in Jarratt, Virginia. He is a practicing Muslim.

11. Plaintiff David E. Evick is a prisoner in the custody of the defendant and is currently housed at Greensville Correctional Center in Jarratt, Virginia. He is a practicing Muslim.

12. Plaintiff Rashid Qawi Al-Amin is a prisoner in the custody of the defendant and is currently housed at Greensville Correctional Center in Jarrat, Virginia. He is a practicing Muslim.

13. Defendant Gene Johnson is the director of VDOC and is sued only in his official capacity. Defendant is charged by statute with the supervision and management of VDOC and its facilities.

FACTUAL ALLEGATIONS

14. In late 1999, VDOC adopted a new grooming policy (“the policy”).

15. Among other things, the policy provides that all male inmates must have their hair “cut above the shirt collar and around the ears,” and be “no more than 1” in thickness/depth” and may not wear beards.

16. All inmates are to receive haircuts and shaves upon intake. The policy states that “[i]f an inmate refuses to cooperate, use of reasonable force/restraints is authorized in order to bring the inmate into compliance with grooming standards.”

17. After the initial intake, inmates who refuse to comply with the policy are subject to disciplinary reports and segregation with the loss of attendant privileges, such as telephone calls, visitation, commissary, education, rehabilitation, and work programs. They also may be reclassified to a higher security level and a reduced good time allowance (GCA) level.

18. The grooming policy contains no accommodations for individuals whose sincere religious beliefs prevent their compliance. Nor do VDOC officials provide any such accommodation in practice.

19. Plaintiffs McRae and Stevenson are practicing Rastafarians who sincerely believe that a fundamental tenet of their faith requires them to abstain from cutting their hair or shaving their beards. Mr. McRae and Mr. Stevenson have refused to violate the fundamental tenets of their faith by complying with the grooming policy. Because they have chosen to follow the dictates of their religious beliefs, Mr. McRae and Mr. Stevenson have been severely punished by prison officials. Specifically, they have had disciplinary reports issued against them for following their religious beliefs, they are (and have been since December 1999) in segregation where they are prevented from obtaining a prison job, participating in rehabilitative programs, and is not allowed family visits, phone calls, or commissary privileges.

20. Plaintiff Blyden is also a practicing Rastafarian who sincerely believes that a fundamental tenet of his faith requires him to abstain from cutting his hair or shaving his beard. Like Mr. McRae and Mr. Stevenson, he is in continuous segregation and is denied basic privileges as a result of his adherence to his faith, which has compelled him not to comply with the grooming policy.

21. Plaintiff Lahens is a practicing Muslim who sincerely believes that a fundamental tenet of Islam requires him to abstain from shaving or cutting his beard in order to be a faithful follower of Islam. When Mr. Lahens entered VDOC custody in October 2000, he was told that if he did not comply with the grooming policy ten officers would be called and would force him into compliance. Although he has a medical exemption that allows him to refrain from shaving, Mr. Lahens has been required by prison officials to violate the fundamental tenets of his faith by cutting his beard whenever it exceeds ½". If Mr. Lahens does not cut his beard, he is subject to severe punishment, including incurring disciplinary reports, placement in solitary confinement and forfeiture of his property and job.

22. Plaintiff Rashid Qawi Al-Amin is a practicing Muslim who sincerely believes that it is a commandment of the Prophet Muhammad to trim his mustache and let his beard grow. Like Mr. Lahens, he has a medical exemption that allows him to refrain from shaving, but he must keep his beard trimmed to comply with the policy. As a result, he feels constrained from fully practicing his religion.

23. Plaintiff David Evick, Jr. is a practicing Muslim who sincerely believes that it is a commandment of the Prophet Muhammad to trim his mustache and let his beard grow, and that the Quran requires obedience to this commandment. Mr. Evick has generally complied with the VDOC grooming policy because, on those occasions when he has allowed his beard to grow, he has been threatened with segregation and loss of good time. As a result, he feels that he is sinning and unable to fully realize his faith.

24. All of the plaintiffs have filed grievances protesting the grooming policy's burdensome effect on their religious beliefs and practices, and have exhausted all available administrative remedies.

CLAIM FOR RELIEF
Religious Land Use And Institutionalized Persons Act (RLUIPA)

25. Plaintiffs repeat and incorporate by reference the allegations contained in paragraphs 1 through 24 above.

26. The Virginia Department of Corrections receives federal funds.

27. The grooming policy substantially burdens plaintiffs exercise of religion in that it forces them to choose between incurring serious disciplinary sanctions and violating a fundamental tenet of their faith.

28. The grooming policy is not the "least restrictive means" to further any compelling needs of the defendant.

29. As a result of the grooming policy, plaintiffs have suffered and continue to suffer irreparable harm.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request:

A. A declaration that the grooming policy, as applied to the plaintiffs and others with religious objections violates RLUIPA.

B. A preliminary and permanent injunction requiring the defendant to comply with RLUIPA by taking appropriate action to accommodate bona fide religious objections to VDOC's grooming policy.

C. Reasonable costs and attorneys fees pursuant to 42 U.S.C. § 1988.

D. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Dated: February 19, 2003