

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

Clerk, U.S. District Court
Southern District of Texas
FILED

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

JAN 10 2014

David J. Bradley, Clerk of Court

WILLIAM CASEY # 683809
Plaintiff's name and ID Number

WILLIAM G. McCONNELL UNIT
Place of Confinement

CASE NO: _____
(Clerk will assign the number)

V
William Stephens (TDCJ-CID Director)
P.O. Box 99 Huntsville, Texas 77340

Defendant's name and address
Clint Morris (Nat. Amer. Program Analyst)
P.O. Box 99 Huntsville, Texas. 77340
Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES X NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s): _____
Defendant(s): _____
 3. Court (If federal, name the district; if state, name the county) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?)

 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: William G. McConnell Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? X YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: William R. Casey

3001 South Emily Drive Beeville, Texas. 78102-8583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: William B. Stephens (TDCJ-CID Director)

P.O. Box 99 Huntsville, Texas 77340

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

violated U.S Const. 1st Amend. Rights and RLUIPA

Defendant #2: Clint Morris (Nat. Amer. Program Analyst)

P.O. Box 99 Huntsville, Texas. 77340

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Violated U.S Const. 1st Amend. Rights and RLUIPA

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

See Attachment Pg. 1-2

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

See Attachment Pg. # 3

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Willaim, Casey, Billy, White Wolf

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

Texas (TDCJ-CID # 683809)

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ___ YES X NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ___ YES ___ NO

C. Has any court ever warned or notified you that sanctions could be imposed? ___ YES X NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning were imposed: _____

Executed on: 01 10 14 / 2014
(Date)

William R. Casey
(Printed Name)

William R. Casey
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 6th day of January, 2014.
(Day) (Month) (Year)

William R. Casey
(Printed Name)

William R. Casey
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.

ATTACHMENT TO COMPLAINT UNDER 42 U.S.C. § 1983

The aforementioned individuals are denying and restricting me the exercise of my religion (way of life). I am being denied consistent and meaningful access to the practice of my religion, which is a violation of 42 U.S.C. § 1983 by virtue of the defendants infringement of the Plaintiffs rights under the First Amendment to the United States Constitution; and violation of 42 U.S.C. § 2000-cc-1, the Religious Land Use and Institutionalized Persons Act (RLUIPA).

William Stephens (Dir. of TDCJ-CID) is a policy maker and is responsible to ensure that Plaintiffs religious requirements are met. Defendant William Stephens has deliberately denied Plaintiff the right to: (1) Grow his long hair; (2) wear his medicine bag at all times; (3) have traditional Pipe ceremonies as Plaintiff is a Native American practitioner. William Stephens is and has enforced rules and regulations that restrict Plaintiff from constitutionally protected rights to practice his religion (way of life) in the least restrictive means.

(1) TDCJ-CID has a grooming standard that restricts Plaintiffs from growing his long hair. It is an established way of life that Native Americans grow their hair long, and that the only time that Plaintiffs cut their hair is in mourning for the loss of a close family or friend. This could last up to one year. TDCJ-CID A.D. 07.30 policy # 3.83 Grooming Standards state that they are supposed to be enforced with no exemption based on religious beliefs. They state that male offenders must keep their hair trimmed up the back of their neck and head. Hair must be neatly cut. Hair must be cut around the ears.

Also see TDCJ-CID disciplinary Handbook Offense Code #24.01 Refusing to comply with Grooming Standards pg. # 22 Att. C-1. Also Offender Orientation Handbook states that an offender in violation of the grooming standards are subject to disciplinary actions such as: losing good time, line class, and possibly being placed into segregated confinement. This punishment can keep the offender from going home on parole because of disciplinary cases. Under RLUIPA this kind of punishment is what they do not allow.

(2) TDCJ-CID has denied Plaintiffs the right to wear his medicine bag at all times even though the Native American policy stated that outside the prison setting they are worn daily because policy says they can do a visual inspection at any time for security reasons to see if contraband is inside.

(3) TDCJ-CID has allowed Prayer Pipe ceremonies in their prison setting from May 1996 up to July 2012 and then took them away from the Native American practitioners. These Pipe ceremonies were allowed per TDCJ-CID policy 09.01-09.04 of the A.D 07.30 Chaplaincy Manual. Means TDCJ-CID cannot condone a communal pipe due to health reasons, then Plaintiff request his own personal prayer pipe as a least restrictive means under RLUIPA so he may practice his established traditional pipe ceremonies in which his tribe has been doing for the past(2) Two-Thousand years. TDCJ-CID does not allow any least restrictive means, due to policies they enforce. William Stephens is being sued in his official capacity for implementing policies that violate my constitutional rights under RLUIPA under least restrictive means.

Clint Morris is being sued in his individual capacity for first amendment violation for failure to act according to his job description in which caused the violation of my constitutional rights denying Plaintiff the right to have traditional Pipe ceremonies per TDCJ-CID policies in which were in effect at the time he was hired in 2009 to oversee the Native American Units and make sure they had their required ceremonies before he played a personal role in changing the Native American policy to which led to TDCJ-CID stopping pipe ceremonies. Originally the TDCJ-CID offenders could smoke the sacred pipe per policy. Now, they are not afforded the opportunity to smoke the sacred pipe any more due to the new policy in which is a violation of my constitutional rights because there is no least restrictive means available to me so I can pray traditionally. From the time period of Sept. 2008 up till July 2012 the Plaintiff has not had his pipe ceremonies as was in effect until July 2012 when the new policy came into effect.

Plaintiff has shown three(3) policies in which are in effect that violate his constitutional rights under RLUIPA under the least restrictive means, and how he is forcefully required to cut his hair against religious beliefs and practices or be subject to punishment for not complying to TDCJ-CID grooming policies. Plaintiff requested relief is on page#(3)

PLAINTIFFS' REQUESTED RELIEF

Plaintiff seeks a declaratory judgment and injunctive relief against TDCJ-CID prison system to allow Plaintiff to have the following: (1) his long hair/ or as a least restrictive means a Kouplock, (2) to be able to wear his medicine bag at all times, (3) and to have his own personal prayer pipe to pray with as a least restrictive means because TDCJ-CID cannot any longer condone a communal prayer pipe for inmates to smoke due to serious life threatening diseases that they have been exposed to since 1998 N/A policy was implemented. Under RLUIPA there has to be a least restrictive means to pray to the Great spirit in which TDCJ-CID has not shown one yet. TDCJ Native American contract Chaplain stated they cannot release the prayers of the offenders from the pipe but can say a prayer on behalf of the participants. This is why it is clearly called personal prayers and a personal prayer pipe is used. The participants have to say and release their own personal prayers to be heard from the great spirit so their prayers can be heard and answered. Knowing that TDCJ N/A chaplains cannot release the Plaintiffs prayers because they do not know them is not a least restrictive means of Plaintiffs traditional beliefs and practices.

To deny the Plaintiff the right to say his prayers and smoke and release his own personal prayer is to deny the Great Spirit (GOD) the very right to answer my prayer.

Plaintiff seeks monetary damages against Clint Morris in his individual capacity for violating my constitutional right by personally playing a role in the new policy change in which now prohibits the Native Americans the right to personally smoke and release their own prayers. Clint Morris' own job was not complied with that he was hired to do, and the very omission to this non-compliance to a policy that was in effect when he was hired to oversee the Native American communities is what caused the violation of my First Amendment rights. Plaintiff seeks not only the requested relief above, but also any other monies entitled to him as well.

Texas Department of Criminal Justice



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY
Grievance #: 2013154441
Date Received: 5/2/13
Date Due: 7/10/13
Grievance Code: 10A
Investigator ID #: #2040
Extension Date: 8/19/13
Date Retd to Offender: SEP 23 2013

Offender Name: William Casey TDCJ # 6E3809
Unit: Wm. G. McConnell Housing Assignment: 19 - Y-7E 9/24
Unit where incident occurred: William G. McConnell

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Chaplain Packard When? 05/29/13

What was their response? I cannot change TDCJ policies

What action was taken? Nothing

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

TDCJ-CID Director Mr. Rick Thaler is violating my First Amendment Rights to practice my way of life (religion) by implementing policies that deny me the right to practice my Native American traditional beliefs. (1) I am being denied the opportunity to grow long hair and; (2) I am being denied the opportunity to smoke the sacred prayer Pipe; and (3) I am being denied the right to wear my medicine bag at all times. Under the Religious Land Use and Institutionalized Persons Act ("RLUIPA") TDCJ has to allow me a least restrictive means to practice my way of life (religion).

According to TDCJ policy there are no grooming exemptions for religious beliefs and practices. Also policy says that only Native American contract chaplain is allowed to smoke the sacre Pipe now and that inmates can no longer smoke the sacred Prayer Pipe. Also I am being denied the opportunity to wear my medicine bag to protect me from evil spirits and sicknesses that can stop me from becoming seriously ill. The Medicine Bag is also a prayer tool between myself and the Great Spirit and is a very part of my daily relationship with creator. TDCJ's policies do not offer any least restrictive means to practice my traditional way of life and therefore violate my First Amendment Constitutional rights.

Action Requested to resolve your Complaint.

To be able to have long hair or least restrictive means a couplock ; and be able to wear my Medicine Bag daily at all times ; and to be able to have and pray and smoke my own personal Prayer Pipe as a least restrictive means.

Offender Signature: William Casey

Date: 05/29/2013

Grievance Response:

Your claims has been noted. Investigation reveals all offender's must adhere with the TDCJ grooming standards.

Signature Authority: W Barber Warden M. Barber Date: 9-20-13

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- 1. Grievable time period has expired.
2. Submission in excess of 1 every 7 days. *
3. Originals not submitted. *
4. Inappropriate/Excessive attachments. *
5. No documented attempt at informal resolution. *
6. No requested relief is stated. *
7. Malicious use of vulgar, indecent, or physically threatening language. *
8. The issue presented is not grievable.
9. Redundant, Refer to grievance #
10. Illegible/Incomprehensible. *
11. Inappropriate. *

UGI Printed Name/Signature:

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority:

OFFICE USE ONLY
Initial Submission UGI Initials:
Grievance #:
Screening Criteria Used:
Date Recd from Offender:
Date Returned to Offender:
2nd Submission UGI Initials:
Grievance #:
Screening Criteria Used:
Date Recd from Offender:
Date Returned to Offender:
3rd Submission UGI Initials:
Grievance #:
Screening Criteria Used:
Date Recd from Offender:
Date Returned to Offender:



Texas Department of Criminal Justice

STEP 2

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2013154441
UGI Recd Date:	SEP 30 2013
HQ Recd Date:	OCT 21 2013
Date Due:	11-4
Grievance Code:	102
Investigator ID #:	12-01-13
Extension Date:	

Offender Name: William Casey TDCJ # 683809
 Unit: Wm. G. McConnell Housing Assignment: 19 - Y - 48
 Unit where incident occurred: William G. McConnell

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). *I am dissatisfied with the response at Step 1 because...*
 My step(1) has not been properly answered. There were Three issues addressed on this step(1) grievance in which was accepted on 05/31/13, but only one(1) issue was addressed and answered to. The grooming standard issue was answered but the investigator ID# 2040 failed to answer the issue on me having my own personal prayer pipe to pray with; or even me being able to wear my medicine bag at all times every day. Therefore I am filing this step(2) grieving and appealing this decision or response as not being properly answered. (step(1) grievance # 2013154441). TDCJ even requested an extention of time of (40) days to respond to this grievance and still didnot answer it properly. This grievance therefore has not been exhausted properly by the Administrative grievance Department. Warden Barber signed off on this grievance acknowledging the response, but paid no attention to the parts un-answered in which makes offender feel as though the Wardens don't even read what they sign. Inmate Williams is grieving(3) issues. (1) long hair as grooming exemption or a kouplock as a least restrictive means; (2) my own personal prayer pipe to pray with at pipe ceremonies; (3) to be able to wear my medicine bag at all times every day.

Inmate Williams would like to point out another problem with the grievance office on the McConnell unit. I filed this step(1) on May 29, 2013 and TDCJ recieved it on May 31, 2013. Now it would be due back on July 06, 2013 for the (35) day to expire. On July 12, 2013 in which is six days past the (35) day time frame for responding to step(1), TDCJ requested a (40) day extention of time to answer. Now from July 12, 2013 till August 22, 2013 would be the (40) day time limit. WHY did TDCJ keep my step(1) until September 23, 2013 in which is (32) days after the (40) day deadline? Do the Math yourself. May 31, 2013 till September 23, 2013 is 115 days. TDCJ is abusing their

~~grievance process by sitting on inmates grievances for no legitimate reason. Inmate Williams wondering if the Huntsville Grievance Director can find out why they abuse the grievance process on this Unit. This is repeatative on this unit.~~

Offender Signature: William Casey Date: 09/29/13

Grievance Response:

Your complaint has been received and investigated. The Chaplaincy Department is not permitted to authorize exemptions to the grooming standards apart from agency approval. Agency grooming standards are well defined and do not permit any religious exemptions. No corrective action is warranted

Signature Authority: [Signature] Date: 10/28/13

Returned because: *Resubmit this form when corrections are made.

- 1. Grievable time period has expired.
- 2. Illegible/Incomprehensible. *
- 3. Originals not submitted. *
- 4. Inappropriate/Excessive attachments. *
- 5. Malicious use of vulgar, indecent, or physically threatening language.
- 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY	
Initial Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
2nd Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
3rd Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	



Mr. & Mrs. C. McGinnis (401)
500 South Emily Drive
Rockville, Texas 78102

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NECESSARY
IF MAILED
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UNITED STATES

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