

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 21 2014

David J. Bradley, Clerk of Court

RAYMOND COBB # 1306425
Plaintiff's name and ID Number

WILLIAM G. McCONNELL UNIT
Place of Confinement

CASE NO: CA C-14-22
(Clerk will assign the number)

v.
William B. Stephens (TDCJ-CID DIRECTOR)
P.O. Box 99 Huntsville, Texas. 77342

Defendant's name and address
CLINT MORRIS (PROGRAM ANALYST NAT.AMERICAN UNIT)
P.O. Box 99 Huntsville, Texas 77342

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.

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: Raymond Cobb # 1306425

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. 77342

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

He is denying me my first amendment rights guaranteed by the U.S Const.(RLUIPA)

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

P.O. Box 99 Huntsville, Texas. 77342

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

denying me first amendment rights guaranteed by the U.S. Constitution

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 intent 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.**

Please see attached document of complaint (pages #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.

Please see attached document of complaint (page #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:

Raymond Cobb

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.

TDCJ # 1306425 / TDCJ DR # 999221

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 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: 1 / 15 / 2014
(Date)

RAYMOND COBB #1306425
(Printed Name)

Raymond Cobb
(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 assess 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 15th day of January, 2014.
(Day) (Month) (Year)

RAYMOND COBB #1306425
(Printed Name)

Raymond Cobb
(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 Plaintiffs 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 it is cut is during a time that Plaintiffs are mourning, in which 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 Disiplinary Handbook Offense Code # 24.1 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 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. There is no reason why TDCJ CID cannot allow them to be 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 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 a 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) 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 discription in which caused the violation of my Constitutional rights. Denying Plaintiffs 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 over see 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 stopping Pipe ceremonies. Originally the TDCJ offenders could smoke the sacred Pipe per policy. Now they are not afforded the opporntnity to smoke the pipe any more due to the New July 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 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 reliquious beliefs and practices or be subject to more critical punishment for not complying to TDCJ Grooming Policies. Plaintiffs 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 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 TDCJ-CID cannot condone a communal pipe for inmates to smoke due to life threatening infectious diseases that they have exposed the intire Native American community to for the past 16 years. Under RLUIPA there has to be a least restrictive means and TDCJ has not shown one yet. TDCJ Contract Chaplains cannot release the inmates own personal prayer from the prayer pipe because they don't know each persons personal prayers. However the Contract Native American chaplains can say a prayer for you and release their prayer for you. This again is not allowing each inmate to say or release their own prayers because they have to become one with the sacred pipe and smoke it and release their very own prayers to the great spirit.

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 personaaly smoke and release their own prayers. His own job discription was not complied with that he was hired to do and the very ommition to this non compliance to a policy that was in effect when he was hired to oversee the Native American community is also what caused the violation of my First Amendment rights.

Plaintiff seek not only the requested relief above , but also seeks court cost and other monies entitled to him as well.



Texas Department of Criminal Justice STEP 2 OFFENDER GRIEVANCE FORM

DEC 12 2013

OFFICE USE ONLY

Grievance #: 2613152728

UGI Recd Date: OCT 28 2013

HQ Recd Date: OCT 31 2013

Date Due: 12-2

Grievance Code: 102

Investigator ID#: 1260

Extension Date: _____

Offender Name: Raymond Cobb TDCJ # 1306425

Unit: William G. McConnell Housing Assignment: 3 - B - 62 - TOP

Unit where incident occurred: William G. McConnell Prison Unit

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...*

On ~~June 28~~ ^{M.F.M.} 28, 2013, I Raymond Cobb # 1306425 filed a grievance against the chaplaincy Dept. for violating my First Amendment rights guaranteed to me by the United States Constitution. The violations are as follows: (1) denying inmate the right to have long hair as a grooming exemption or a Kouplock as a least restrictive means to having my long hair as I am a Native American Practitioner ; (2) to be able to wear my medicine bag at all times to keep me from evil spirits, negativity, sicknesses, as well as other things that would expose me to serious illnesses that would in turn create a spiritual imbalance in my walk in life down the RED ROAD(good road); (3)to have his own personal prayer pipe to pray with as a least restrictive means because TDCJ-CID New Native American policy states that we cannot smoke the communal pipe anymore due to severe infectious diseases that could be passed from smoking after one another. Contract Native American Chaplain Cheri Bouse has stated under oath in CHANCE LITIGATION that she cannot release my (our) prayers put into the Prayer pipe, but that she can say a prayer on my (Our) behalf and release that prayer. TDCJ Contract Chaplains cannot release inmates personal prayers to the great spirit to be heard because they do not know each inmates prayers. TDCJ allows these Native American Contract Chaplains to do this knowing it is a mockery of our ancestors way of life and our traditional beliefs and practices. This New Native American pipepolicy is not the least restrictive means and denies Native American inmates the very right to pray to the Great Spirit. These are substantial burdens to my (our) religious beliefs and practices and I would like to have my own prayer pipe to pray with, as well as wear my medicine daily from sun up till sun down, and have my long hair or a Kouplock so I may mourn the loss of my loved ones when they pass on to the spirit world.

SEP 23 2013

Step(1) one grievance # 2013152728 has not been returned to me and it is passed the allowed deadline of your requested extention. I would like my step(1) returned with a response or this will be considered my final remedy to exhaust as far as grievances is concerned. As far as a am concerned you have not resolved my three(3) issues stated in my step(1) and this is my appeal. There is no step (1) to attach to this step(2) for refusal from administration.

Offender Signature: Raymond Cobb

Date: 08/31 2013

Grievance Response:

Your compliant 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 exemption. No corrective action is warranted.

L. Richey

Signature Authority: Kimberly Richey

Date: 11-12-13

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: _____	

Texas Department of Criminal Justice



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY
Grievance #: 20352728
Date Received: 5/21/13
Date Due: 11/8/13
Grievance Code: 102
Investigator ID #: #04020631
Extension Date: 8-17-13
Date Retd to Offender: SEP 25 2013

Offender Name: RAYMOND COBB TDCJ # 1306425
Unit: McConnell Unit Housing Assignment: 3B-62T
Unit where incident occurred: Wm. 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? 05/16/13

What was their response? I can't do anything to over ride security

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

On 04/19/13 I talked to chaplain packard about the TDCJ Grooming Standards and how they violated my Constitutional First Amendment right to practice my Native American traditional way of life(Religion). It is part of my traditional belief and practice to be able to have my hair long and the TDCJ grooming Standards prohibit me from having my long hair and practicing my faith.

Also TDCJ prohibits me from having traditional pipe ceremonies where I can inhale the very essence of the great spirit and release my prayers back to him through the sacred (shota) smoke. We are not afforded the right to smoke the Prayer Pipe in TDCJ anymore.

Also I am not allowed to wear my medicine bag every day as I should be able to so I may be protected from evil spirits and other sicknesses that are exposed to me. There is not security reason why I should not be able to wear my medicine bag every day if security can do a visual inspection any time they want to.

These are all violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and also violations of my First Amendment rights . I get punished when I cut my hair and even when I don't cut my hair.

Action Requested to resolve your Complaint.

to be able to have traditional pipe ceremonies again with my own pipe and to be able to wear my medicine bag daily, and have my long hair or a least restrictive means.

Offender Signature: Raymond Calhoun

Date: ~~05/15/13~~ 05/16/13

Grievance Response:

Your complaint has been investigated. Religious beliefs and practices do not allow for TDCJ-ID policies and procedures to be circumvented. Nor does the Chaplaincy Department Supersede rules and regulation regarding the issues of grooming or smoking. No further action is warranted.

ML Grievance Officer staffing was a contributing factor in this grievance being returned to you outside of the established processing time frame. Grievances are now being processed in a timely manner.

C. Monroe, Assistant Warden

Signature Authority: C. Monroe

Date: 9/24/13

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: _____