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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

AMIR'WHADI HASSAN a.k.a.
KEEANDRE JUAN SCOTT
(SID#22462182);

NIAZ KHOSHNAW (SID#18541446);
and,

HAMZA JAMA;

Plaintiffs,

v.

MICHAEL REESE, Director of the
Oregon Department of Corrections, in his
official capacity, only;

Case No.:

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
DAMAGES

Civil Rights Action: 28 U.S.C. § 1331; 42
U.S.C. §§ 1983, 2000cc-2

DEMAND FOR JURY TRIAL

DAVID PEDRO, Superintendent of Eastern Oregon Correctional Institution, in his official capacity, only;

KENNETH BALL, Chaplain at Oregon Department of Corrections, in his individual capacity, only;

DARYL BORELLO, Religious Services Administrator at Oregon Department of Corrections, in his individual capacity, only; and

STUART YOUNG, Assistant Religious Services Administrator at Oregon Department of Corrections, in his individual capacity, only;

Defendants.

**PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND DAMAGES**

Plaintiffs AMIR'WHADI HASSAN a.k.a. Keeandre Juan Scott (SID No. 22462182), NIAZ KHOSHNAW (SID No. 18541446), and HAMZA JAMA, by and through their undersigned counsel, hereby bring this civil rights action for declaratory, injunctive, and monetary relief against Defendants MICHAEL REESE, Director of the Oregon Department of Corrections ("ODOC"), DAVID PEDRO, Superintendent of the Eastern Oregon Correctional Institution ("EOCI"), KENNETH BALL, Chaplain for ODOC, Daryl Borello, Religious Services Administrator at ODOC, and Stuart Young, Assistant Religious Services Administrator at ODOC, for ongoing and past violations of their constitutional and statutory rights to religious exercise while in ODOC custody. Because Plaintiff Jama was no longer incarcerated at the time this operative complaint was filed, he seeks retrospective relief only.

Defendants have denied, and continue to deny, religious accommodations to Plaintiffs and other Muslims incarcerated, even though they routinely grant comparable or superior accommodations to similarly situated incarcerated individuals of other faiths and backgrounds. This civil rights action is brought pursuant to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Religious Land Usage and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc et seq., to remedy the discriminatory treatment and substantial burdens imposed by Defendants on Plaintiffs’ sincerely held religious beliefs in their respective official and individual capacities.

Nature of This Action

1. This action seeks to vindicate the rights of three devout Muslim men incarcerated by the Oregon Department of Corrections to freely exercise their religion without state-imposed burdens on their core religious obligations.
2. For years, Defendants have instituted a separate, burdensome regime for incarcerated Muslims that denies them religiously compliant dietary accommodations and meaningful religious holiday observance (including communal prayer, family participation, and a shared halal feast) while routinely granting comparable accommodations to incarcerated individuals of other faiths.
3. This disparate treatment substantially burdens Plaintiffs’ sincerely held beliefs in violation of RLUIPA’s ‘least restrictive means’ requirement, 42 U.S.C. § 2000cc et seq, and subjects them to unequal treatment under the Equal Protection Clause of the Fourteenth Amendment—forcing them to choose between violating core Islamic mandates or forgoing adequate nutrition and religious observance.

4. Defendants have violated RLUIPA by imposing substantial burdens on religious exercise without demonstrating that their policies are the least-restrictive means of advancing a compelling government interest. Defendants have also violated the Equal Protection Clause by intentionally subjecting incarcerated Muslims to unjustified differential treatment based on religion.
5. Defendants possess the capacity and institutional resources to provide the requested religious accommodations to Plaintiffs, but have unjustifiably and persistently refused to do so—causing Plaintiffs significant, ongoing, and foreseeable harm.
6. Plaintiffs seek declaratory and injunctive relief requiring Defendants to: (i) provide certified halal meals free from cross-contamination; (ii) hold Eid on its proper lunar dates with congregational prayer; and (iii) reinstate Eid family celebrations. Plaintiffs also seek compensatory and punitive damages for the harms suffered, as well as attorneys' fees and costs under 42 U.S.C. § 1988, and any other relief the Court deems just and proper.

Jurisdiction and Venue

7. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1983 over Plaintiffs' claims of violations under the Equal Protection Clause of the Fourteenth Amendment and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc et seq.
8. This Court has personal jurisdiction over Defendants because they reside in and conduct official duties within the State of Oregon.

9. Plaintiffs seek declaratory and injunctive relief are sought under 28 U.S.C. §§ 2201-2202, 28 U.S.C. § 1343, Rules 57 and 65 of the Federal Rules of Civil Procedure, and the Court's general equitable powers.
10. Plaintiffs' claims for damages are authorized by 28 U.S.C. § 1343.
11. Plaintiffs' claims for attorneys' fees and costs are authorized by 42 U.S.C. §§ 1988 and 2000cc-2(d), which permit such awards to prevailing parties under 42 U.S.C. § 1983 and RLUIPA.
12. ODOC and EOIC, where Plaintiffs are or were detained, are "institution[s]" within the meaning of 42 U.S.C. § 2000cc-1(a) and 42 U.S.C. § 1997.
13. Venue is proper under 28 U.S.C. § 1391(b) because all Defendants reside in Oregon, and a substantial part of the events or omissions giving rise to the claims occurred within this District.

Parties

14. Plaintiff Amir'Whadi Hassan (SID No. 22462182) is a Muslim man currently incarcerated at EOIC. Plaintiff Hassan was and remains, at all relevant times, a "person confined to an institution" as that term is defined within 42 U.S.C. § 2000cc, *et seq.*
15. Plaintiff Niaz Khoshnaw (SID No. 23052446) is a Muslim man currently incarcerated at EOIC. Plaintiff Khoshnaw was and remains, at all relevant times, a "person confined to an institution" as that term is defined within 42 U.S.C. § 2000cc, *et seq.*
16. Plaintiff Hamza Jama (former SID No. 23052446) is a Muslim man, previously incarcerated in ODOC custody. He was held in Deer Ridge Correctional Institution ("DRCI"), until December 5, 2023, at which time he was transferred to EOIC. He was

released in January 2025.¹ Plaintiff Jama was, during the relevant time period, a “person confined to an institution” as the term is defined within 42 U.S.C. § 2000cc, *et seq.*

17. Defendant Michael Reese is the Director of the Oregon Department of Corrections and holds final decision-making authority over ODOC policies, procedures, and operations, including those governing religious accommodations. He is sued in his official capacity, only.
18. Defendant David Pedro is the Superintendent of EOCI and is responsible for overseeing all aspects of the facility’s operations. He has authority over institutional policies, procedures, and operations, including religious accommodation policies, practices, and decisions. He is sued in his official capacity, only.
19. Defendant Kenneth Ball is the Chaplain overseeing religious service at all ODOC facilities. He is a decision-maker with authority over policies, procedures, and religious programming, including EOCI. He is also responsible for adjudicating outcomes on religious grievances concerning religious policies, procedures, and operations submitted by incarcerated persons. Defendant Ball personally discriminated against Plaintiffs and is sued in his individual capacity, only.
20. Defendant Daryl Borello is the Religious Services Administrator for ODOC. He is a decision-maker with authority over policies, procedures, and religious programming, including EOCI. He is also responsible for adjudicating outcomes on religious

¹ Plaintiff Jama seeks retrospective relief only. Because he was no longer incarcerated at the time this operative complaint was filed, he is not subject to the PLRA’s exhaustion requirement. *See Jackson v. Fong*, 870 F.3d 928, 937 (9th Cir. 2017). In any event, Jama fully exhausted ODOC’s grievance procedures before his release.

grievances concerning religious policies, procedures, and operations submitted by incarcerated individuals. Defendant Borello personally discriminated against Plaintiffs and is sued in his individual capacity, only.

21. Defendant Stuart Young is the Assistant Religious Services Administrator for ODOC. He is responsible for adjudicating outcomes on religious grievances concerning religious policies, procedures, and operations submitted by incarcerated individuals. Defendant Young personally discriminated against Plaintiffs and is sued in his individual capacity, only.

Factual Background

22. Plaintiffs are devout Muslims whose religious beliefs are deeply rooted in Islamic teachings, including the observance of Eid al-Fitr and Eid al-Adha, and the adherence to a halal diet.

Plaintiffs Adhere to Islamic Teachings Regarding Eid al-Fitr and Eid al-Adha

23. Plaintiffs sincerely observe two major Islamic holidays: Eid al-Fitr and Eid al-Adha, both of which hold deep spiritual and communal significance.
24. Both holidays are typically celebrated over the course of multiple days, with the exact duration depending on the lunar calendar and regional religious customs.
25. Eid al-Fitr marks the end of the holy month of Ramadan and is a day of prayer, gratitude, and celebration following a month of fasting, reflection, and devotion.
26. Eid al-Adha, also known as the Festival of Sacrifice, commemorates the Prophet Ibrahim's (PBUH)² willingness to sacrifice his son in obedience to God and is

² Peace Be Upon Him.

traditionally observed with communal prayers, charitable giving, and the sharing of halal food during an Eid feast.

27. Observance of both holidays includes special prayers, wearing clean or festive clothing, and participating in religious gatherings and meals with family, friends, and fellow believers.

28. Plaintiffs sincerely believe that participation in Eid observance is mandatory as a matter of faith. Denial of the ability to meaningfully observe Eid within the correctional setting substantially burdens their religious exercise.

Defendants Treated Plaintiffs Unequally in Holiday Accommodations

29. ODOC policy expressly acknowledges the importance of providing incarcerated individuals with access to religious activities, including special ceremonies, holiday services, and group worship.

30. ODOC policy mandates that incarcerated individuals “have the opportunity for reasonable access to religious activities,” including “regular religious services and ceremonies ... holiday services, and sacraments ... [and] inmate religious group meetings.”³

31. On its website, ODOC emphasizes the value of “faith-based services and support” across all facilities, and its internal policies require Oregon prisons to offer incarcerated individuals “reasonable access to religious activities.”⁴

³ Oregon Department of Corrections Administrative Rules, DOC § 291-143-0080(3)(a), <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=969> (last accessed Jun. 17, 2025).

⁴ Oregon Faith-Based Services and Support, <https://www.oregon.gov/doc/inmate-services/Pages/faith-based-support.aspx> (last visited Jun. 17, 2024)

32. ODOC policy guarantees each faith at least one annual family event and routinely sponsors “Enhanced Visiting Events” for Easter, Independence Day, Thanksgiving, Christmas, and other holidays.
33. Since at least 1991, ODOC has formally recognized Eid al-Fitr and Eid al-Adha as “obligatory festivals” for incarcerated Muslims.⁵ Despite this recognition, Defendants have refused to meaningfully accommodate these religious obligations in practice.
34. Prior to the COVID-19 pandemic in 2020, EOCI officials accommodated Plaintiffs and other Muslims’ religious holiday celebrations by providing Muslims a halal feast of lamb or fish, served family-style, for Eid al-Fitr and Eid al-Adha. Defendants also prepared a separate room with tables and seating, and each participant was allowed to invite two family members to the celebration.⁶
35. However, while other faith groups have resumed typical religious holiday observances, incarcerated Muslims at EOCI (including Plaintiffs) have been denied family visitation for Eid and served lower-quality meals in reduced portions, despite other faith groups continuing to receive full accommodations.
36. Defendants regularly accommodate religious celebrations for other faith groups—including feasts and in-person family gatherings—while failing to provide comparable accommodations for incarcerated Muslims. For example, in September 2024, ODOC’s Snake River facility hosted its third annual Powwow, inviting family

⁵ ODOC Handbook of Religious Beliefs and Practices at 18 (Specifically identifying both holidays as required observances, describing Eid al-Fitr as “the festival marking the breaking of the Fast of Ramadan” and Eid al-Adha as “the Feast of Sacrifice commemorating the intended sacrifice of the Prophet Abraham.”) Available at: <https://www.ojp.gov/pdffiles1/Digitization/136111NCJRS.pdf> (last visited Jun. 17, 2024).

⁶ *Supra* § 291-143-0080(6). The functional unit manager—the facility’s superintendent—is responsible for accommodating family visits during these celebrations.

members to participate in cultural and religious activities, including sacred meals for Native American worshippers. *See* Figure 1.

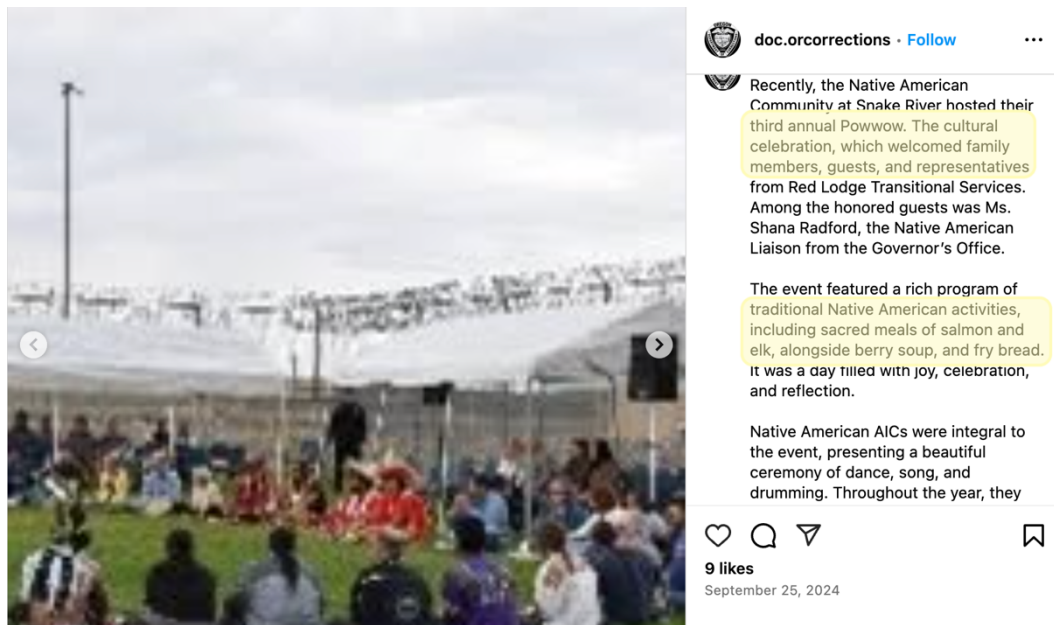


Figure 1: ODOC Instagram Post highlights 3rd Annual Powwow at Snake River Facility. Available at https://www.instagram.com/p/DAWEpioNZN/?img_index=4 (last accessed Jun. 17, 2024)

37. Despite the recognized importance of Eid al-Fitr and Eid al-Adha, Plaintiffs were denied similar opportunities to celebrate their holidays with religiously compliant communal meals or family visitations. This stark disparity in treatment supports a claim under the Equal Protection Clause.

38. In 2023, Defendants at ODOC facilities including EOIC and DRCI failed to provide any accommodations for Eid al-Fitr. Plaintiffs and other incarcerated Muslims were not given a call-out to attend their celebration that evening, nor was a certified halal Eid meal provided.

39. At the time, Plaintiff Jama was still in custody at DRCI. When no call-out was issued, he went to the chapel to investigate and found fewer than five incarcerated Muslims sitting on the ground outside, eating the standard cafeteria fare.

40. Plaintiffs Hassan and Khoshnaw also had their religious exercise substantially burdened in 2023, when EOICI failed to list Eid al-Fitr on the chapel call-out, provided no certified halal meal, and served only a generic mainline tray.
41. The following summer, EOICI offered only a nominal observance of Eid al-Adha by providing Plaintiffs and other incarcerated Muslims a small portion—estimated at 3 ounces—of certified halal lamb and a few other items on pre-portioned cafeteria trays. Defendants refused to allow guest participation, and the time for community gathering was cut short.
42. Further aggravating the issue, Plaintiffs learned that Food Services had ordered and prepared additional lamb but still gave incarcerated Muslims celebrating Eid only small portions. The surplus certified halal meat was then discarded, in direct contradiction to Islamic teachings and Plaintiffs’ sincerely held religious belief in avoiding food waste. Hassan later filed a grievance to document and protest this gross mishandling.
43. The following year, Plaintiffs were again denied meaningful observance. On February 16, 2024, administrators announced to all incarcerated individuals—including Plaintiffs—that Eid al-Fitr accommodations would again be denied. In a conversation with an administrator, Plaintiff Hassan was told that only a single incarcerated Muslim—not a congregation—would be allowed to pray, contrary to Islamic requirements for communal Eid worship.
44. When ODOC’s Snake River facility allowed incarcerated Native Americans to host a family Powwow in August 2024, Plaintiff Khoshnaw grieved the unequal treatment. On September 26, 2024, the chaplain responded that the family visitation ban for Eid

had been issued by the Religious Services Administration and would remain in place until a consistent statewide policy emerged—yet no such policy has been issued to date.

45. In 2024 EOCI scheduled Eid al-Fitr for April 12—two days after the holiday had ended on the evening of April 10—thus denying Plaintiffs the ability to observe it.

46. When Plaintiff Khoshnaw grieved the error, Religious Services responded that prison custom was to observe “at least one of the Eids” on the nearest Friday and claimed that incarcerated individuals had been notified and no date-change requests were submitted.

47. Plaintiff Khoshnaw repeatedly explained that Islamic observance requires Eid to coincide with the lunar sighting. Nonetheless, Defendants scheduled Eid al-Adha for the incorrect day—June 21, 2024.

48. In March 2025, Plaintiffs Hassan and Khoshnaw, along with other incarcerated Muslims, submitted a demand letter to the Warden requesting that Eid al-Fitr be observed on its proper lunar date. The request was granted in part: the 2025 Eid prayer took place on the correct day with timely congregational worship and a shared meal. However, Defendants withheld the long-standing family-visitation component, leaving the accommodation only partially restored.

49. The omission of Muslim holidays from call-outs, the denial of certified halal meals, the mis-scheduling of observances, and the broader disparity in treatment compared to other faith groups constitute a systemic denial of Equal Protection for incarcerated Muslims.

Plaintiffs Adhere to Islamic Teachings Requiring a Halal Diet

50. Plaintiffs sincerely adhere to a religious belief that mandates the consumption of a halal diet—food that is permissible under Islamic law. This includes specific religious standards for sourcing, preparation, and handling of meat, plant-based items, and other food products.⁷
51. This includes, among other requirements, that meat be slaughtered in accordance with prescribed religious practices and that all food be free from contamination by prohibited substances.
52. A halal diet also includes the absolute prohibition of pork, pork by-products, and any food items that have been contaminated by contact with pork or non-halal materials.
53. For observant Muslims like the Plaintiffs, consuming non-halal food—including food cross-contaminated with pork—is not a matter of personal preference, but a grave violation of their deeply held religious obligations.
54. Plaintiffs sincerely believe that adopting a vegetarian or vegan diet is impermissible under Islamic law and constitutes bi'dah, or an innovation forbidden in their faith tradition.

⁷ According to the American Halal Foundation, halal food products “should be segregated from non-halal meat/poultry and products at every step of the preparation, processing, handling, transportation, storage, and distribution. Contamination of Halal meat and poultry with non-halal meat/poultry and products should strictly be avoided at every step of the preparation, processing, handling, transportation, storage, and distribution. Cross-Contamination with instruments, equipment, and products handling non-halal meat should strictly be avoided at every step of the preparation, processing, handling, transportation, storage, and distribution.” See *AHF Halal Standards*, AMERICAN HALAL FOUNDATION, <https://halalfoundation.org/ahf-halal-standards> (published Nov. 28, 2024) (last accessed June 24, 2025).

Defendants Refuse to Provide Plaintiffs a Religiously Complaint Halal Diet

55. ODOC facilities, including EOIC, are responsible for providing incarcerated individuals with meals that meet their nutritional needs at least three times per day, pursuant to ORS 169.076.

56. EOIC's standard practice is to serve meat products to its general population—none of which are certified halal—including beef, poultry, and pork.

57. ODOC's own policy directs officials to consider accommodation requests for religious diets “that cannot be satisfied within the context of the Food Services cyclical menu,” so long as those requests are “rooted in religious exercise.”⁸

58. EOIC offers the following dietary accommodations to incarcerated individuals upon request:

- a. Vegetarian meals for those who follow a vegetarian diet;
- b. Certified kosher meals for Jewish individuals; and
- c. Medical diets for individuals with specific health conditions.

59. Despite years of requests by Plaintiffs, EOIC still does not offer a certified halal diet to any incarcerated Muslims. Instead, incarcerated individuals are offered vegetarian or kosher meals as inadequate substitutes for halal meals.

60. Despite Plaintiffs' repeated requests and explanations of their beliefs, administrators—including Defendants Ball, Borello, and Young—have maintained the position that a

⁸ ODOC Administrative Rules, DOC § 291-143-0080(3)(a).

vegetable tray or self-selected items from the mainline are sufficient to constitute a halal diet for incarcerated Muslims in ODOC custody.

61. This policy was developed in consultation with an unnamed imam but still violates Plaintiffs' personal sincerely held religious beliefs. Moreover, ODOC has not identified the imam or provided any explanation for disregarding Plaintiffs' individual religious convictions.

62. The current meal accommodations at EOCI are inadequate for incarcerated individuals who require a religiously mandated halal diet, as they fail to ensure protection from pork and pork contamination.

- a. Pork is served with six to eight meals per week—approximately 40% of the time—and sometimes appears in more than one meal per day.
- b. All food, including pork and non-pork items, is prepared and served in the same area using the same utensils, which are used in rapid succession without sufficient safeguards against cross-contamination.
- c. Although staff follow a general sanitation protocol involving hot water, clean water, and a chemical rinse, this process often leaves trays and pans with visible food residue and grease. Plaintiffs have routinely observed dirty trays. At one point, they were provided with paper towels to clean them manually—an option the facility later eliminated for cost-saving reasons.

63. Further compounding the problem, pork dishes are inconsistently labeled, preventing Plaintiffs from reliably avoiding haram (impermissible) food. Signs, when used at all, are often misplaced, vague, or entirely absent, and do not clearly indicate which dishes contain pork. As a result, Plaintiffs have inadvertently consumed pork and are

routinely forced to discard portions of their meals due to contamination risks. These conditions render the current food service system incompatible with Plaintiffs' sincerely held religious beliefs and wholly insufficient to accommodate their dietary requirements under RLUIPA.

64. ODOC and EOCI provide no special food-handling procedures to prevent pork contamination for incarcerated Muslims. In contrast, they accommodate incarcerated Jewish individuals with prepackaged kosher meals prepared off-site to ensure compliance with religious dietary laws—highlighting a clear and unjustified disparity in treatment.

65. Because Defendants offer no reliable way to avoid pork contamination, Plaintiffs are forced to skip portions of their meals and are unable to consume the intended caloric content—and with no certified halal options available even for purchase, they cannot supplement their diet in a religiously permissible way.

66. Even during Ramadan—the most sacred month of the Islamic calendar—Defendants denied Plaintiffs certified halal meals and occasionally served food containing forbidden items, including non-halal turkey and non-halal chicken cold cuts.

- a. Plaintiffs were severely burdened during the last few Ramadans by the lack of nutritious halal meals. After fasting all day, they were forced to subsist on cold, religiously impermissible food that provided less than half the calories needed to sustain their health and energy—particularly while performing manual labor, such as Plaintiff Khoshnaw's work in the greenhouse.

- b. Plaintiffs spent up to \$75 per week on commissary in an effort to supplement their diets, yet still experienced symptoms of starvation, including fatigue, muscle weakness, brain fog, and exacerbation of chronic health conditions.
- c. Without access to certified halal food from the facility or commissary, Plaintiffs had to choose between observing Ramadan and maintaining their health—while similarly situated incarcerated Jewish individuals were provided religiously compliant, nutritionally adequate meals.

Individual Capacity Defendants’ Ongoing Denial of Jama’s 2021 Grievances for Religiously Compliant Halal Meals

67. Prior to his transfer to EOICI, Plaintiff Jama was repeatedly denied certified halal dietary accommodations and was forced to eat from trays cross-contaminated with pork residue at DRCI—largely due to decisions made by Defendant Chaplain Ball.
68. In April 2021, Plaintiff Jama verbally requested a halal diet from Chaplain Ball in accordance with his sincerely held religious beliefs. Chaplain Ball immediately dismissed the request, stating, “We don’t give halal.” When Jama then requested kosher meals as more tolerable alternative, his request was again denied—he was not Jewish.
69. On May 8, 2021, Jama submitted a formal Religious Accommodation Request for halal meals. Over the following months, he repeatedly followed up with Chaplain Ball, Defendant Borello, and Defendant Young—raising concerns about cross-contamination in the DRCI kitchen and requesting updates on his pending request. Although Chaplain Ball promised answers multiple times and claimed the request was forwarded to ODOC headquarters in Salem, Jama received no substantive response from any of the individual capacity Defendants for several months.

70. On September 16, 2021, Jama finally received a denial letter from Borello, citing his canteen purchases and referencing an unnamed imam who allegedly approved the veggie tray with self-selection from the mainline as sufficient for Muslim dietary needs. This administrator also incorrectly stated Muslims could not eat kosher food due to supposed religious prohibitions, despite evidence that at least one other incarcerated Muslim at DRCI was receiving kosher meals.
71. On September 28, 2021, Jama filed another grievance against this Borello and Chaplain Ball, challenging the denial and ODOC's discriminatory dietary practices. He emphasized that ODOC's kosher meals did not use alcohol in preparation and that incarcerated Jewish individuals received meals from outside vendors, while incarcerated Muslims were denied equivalent accommodations.
72. Jama continued to raise concerns about halal food during Ramadan and Eid al-Adha, including questions about contamination, preparation methods, and the absence of a facility Imam. His grievance appeal was denied on October 29, 2021, by Chaplain Ball. The subsequent appeal was denied by Assistant Administrator Young on December 14, 2021.
73. On December 10, 2021, Chaplain Ball again denied Jama's grievance appeal asserting that pork was served only twice per week out of 21 meals—an implication that Jama should simply consume the remaining meals or go without food on those days. In reality, the posted meal schedule showed four to five pork meals per week over a five-week span, directly contradicting ODOC's justification and compounding the burden on Jama's religious exercise.

74. Jama filed a final appeal challenging the denials, explicitly disputing the reasoning offered by Assistant Administrator Young and Chaplain Ball. On March 2, 2022, Administrator Borello issued the final grievance decision, affirming the denial of both halal or kosher diets and adopting the justifications previously provided by Ball and Young.

75. Because ODOC failed to provide a religiously permissible diet, Jama was forced to forgo approximately half of the meals provided served each week to avoid violating his faith. This prolonged deprivation caused significant calorie loss and left him undernourished, physically weakened, and increasingly vulnerable to health complications.

Plaintiffs Exhausted the Grievance Process for Religious Holiday Accommodations and Religious Dietary Accommodations

76. Plaintiffs Hassan and Khoshnaw, both currently incarcerated at EOICI, have exhausted all available administrative remedies regarding the religious accommodation requests at issue in this Complaint.

77. From the outset, Plaintiff Hassan repeatedly requested certified halal meals at EOICI and even offered to assist in preparing sealed Ramadan “sacks” to ensure proper dietary adherence. Defendants refused.

78. Plaintiff Hassan submitted formal grievances regarding the lack of certified halal meals before, during, and after Ramadan 2023, exhausting every level of the administrative grievance process without success. Administrator Borrello denied several of these grievances.

79. After learning on February 16, 2024, from the facility chaplain that no certified halal meals or Eid accommodations would be provided that year, Hassan filed a Level-1

grievance, an emergency restraining-order motion, and a civil lawsuit. In response, Defendants modestly increased his caloric allotment but continued to deny halal meals and religious accommodations. Because the litigation would not resolve his religious dietary claims in time for Ramadan or Eid, Hassan voluntarily dismissed the suit later in 2024. His Eid accommodation requests were ultimately denied at the final grievance level in early 2025.

80. Plaintiff Khoshnaw likewise submitted formal grievances throughout Ramadan 2023 challenging the denial of certified halal meals. Administrator Borrello several of these grievances.

81. On February 16, 2024, Plaintiff Khoshnaw was likewise informed that the upcoming Ramadan and Eid observances would receive no halal options or religious accommodations. He then joined Hassan and Jama in filing a Level 1 grievance, an emergency restraining order motion, and a lawsuit. In response, Defendants modestly increased his caloric intake but refused to provide certified halal meals. Because this partial response left his religious dietary needs unmet, Khoshnaw voluntarily dismissed the action later in 2024 after concluding the litigation would not secure adequate relief in time for Ramadan or Eid. His Eid accommodation requests were ultimately denied at the final grievance level in early 2025.

82. Plaintiff Jama was released from ODOC custody in January 2025 and is therefore not subject to the PLRA exhaustion requirement. Regardless, he completed grievance process before his release and consistently pursued religious accommodations on both his halal diet and Eid observance requests from 2021 through the end of his incarceration.

83. Defendants have not identified any compelling government interest that justifies denying Plaintiffs' above-referenced religious accommodation requests. Nor have they demonstrated that their restrictions are narrowly tailored or constitute the least restrictive means of achieving any legitimate government interest.

COUNT I

Violation of the Fourteenth Amendment to the United States Constitution (Equal Protection – Holiday Accommodations)

**Against Defendants Reese and Pedro in their official capacities (for injunctive relief)
and Defendant Ball in his individual capacity (for damages)**

84. Plaintiffs repeat and re-allege the foregoing paragraphs, as though fully set forth herein.

85. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives another of rights secured by the Constitution or federal law.

86. The Equal Protection Clause of the Fourteenth Amendment states in relevant part that States may not deny “any person within its jurisdiction the equal protection of the laws.” Plaintiffs have the right to be free from religious discrimination against by state officials, such as Defendants.

87. By treating incarcerated individuals of other religious and non-religious backgrounds more favorably than Plaintiffs and other incarcerated Muslims, Defendants intentionally discriminated on the basis of religion.

88. The Ninth Circuit has recognized that the Free Exercise Clause is implicated when incarcerated Muslims are denied religiously compliant diets, including where a kosher alternative is requested as a form of accommodation. Plaintiff Jama likewise requested kosher meals when denied access to halal food but was refused. See *Shakur v. Schriro*, 514 F.3d 878, 885 (9th Cir. 2008).

89. Prisons officials who single out a faith group for inferior treatment must, at a minimum, satisfy the *Turner* test. Where the disparate treatment is intentional and not security-based, courts often apply heightened scrutiny. Here, Defendants have imposed a separate and disfavored regime for the most important religious holidays of incarcerated Muslims—Eid al-Fitr and Eid al-Adha.
90. The Plaintiffs have experienced long-standing disparate treatment from ODOC officials. For Eid al-Fitr 2023, EOCI omitted the holiday from the chapel call-out, provided no certified halal meal, and served only an unidentified mainline tray. In 2024, prison staff again scheduled the observance for the wrong day and permitted only a single Muslim to pray—nullifying the Islamic requirement of congregational worship. Eid al-Adha has fared no better: in 2023 Plaintiffs received a meager three-ounce portion of halal lamb, were barred from inviting family members, and learned that staff discarded the surplus halal meat—conduct directly contrary to Islamic teachings prohibiting food waste.
91. Meanwhile other faith groups have received preferential treatment for their holidays. During the same period when Plaintiffs were denied religious accommodations, Defendants welcomed families for Native American Powwows and reinstated “Enhanced Visiting Events” for Easter, Independence Day, Thanksgiving, and Christmas. Thus, the privilege of guest visitation, culturally specific meals, and accurate holiday is extended to incarcerated individuals from other faiths, but withheld from Muslims.
92. There is no neutral justification for the Defendants’ continued refusal to allow comparable Eid celebrations for incarcerated Muslims, including Plaintiffs. The EOCI

chaplain acknowledged that the family visitation bans for Eid “came directly from Religious Services Administration” and would remain in effect until a uniform statewide policy was issued in September of 2024. Yet to date, no such policy has emerged, and Defendants have offered no security or budgetary rationale for the disparity. Because ODOC routinely facilitates large gatherings for other holidays, the exclusion of Muslims cannot plausibly be tied to any legitimate penological objective.

93. Under the first *Turner* factor, there is no rational connection between denying Muslims family visitation and any legitimate governmental interest, particularly when comparable events are permitted for other religious groups. The second factor also favors Plaintiffs, as an obvious alternative—readopting ODOC’s pre-2020 Eid guest policy—poses minimal cost and has already proven workable. The third and fourth factors likewise support Plaintiffs: granting equal Eid accommodations would not burden staff or incarcerated individuals and would be consistent with ODOC’s own rule that each faith may host an annual family event.

94. Because ODOC policy and practice has singled out Islam for inferior treatment, Defendants are subject to heightened scrutiny and must demonstrate that their actions are narrowly tailored to serve compelling interests. Defendants cannot meet that burden, particularly where less-restrictive, fully tested accommodations—such as certified halal meals, accurate holiday scheduling, and supervised family visitation—are already provided to other religious groups.

95. By misstating Eid dates, denying congregational prayer, withholding family celebration, and reducing the holiday meal to a token portion—while granting comparable or superior accommodations to Native American, Jewish, Christian, and

secular groups—Defendants have intentionally subjected incarcerated Muslims to unequal treatment on the basis of religion.

96. Plaintiffs therefore are entitled to declaratory relief that this conduct violates the Equal Protection Clause, a permanent injunction reinstatement of family-guest Eid celebrations on the proper lunar dates with customary halal meals, and compensatory and punitive damages to remedy the years of unconstitutional discrimination.

WHEREFORE, Plaintiffs request this Honorable Court grant declaratory relief and injunctive relief in the form requested in the Prayer for Relief below, in addition to all such other relief this Court deems just and proper under RLUIPA and 42 U.S.C. §§ 1983 and 1988, including costs and attorneys’ fees in this action.

COUNT II

Violation of the Religious Land Use and Institutionalized Persons Act (Religious Exercise – Halal Diet)

Against Defendants Reese and Pedro in their official capacities only

97. Plaintiffs repeat and re-allege the foregoing paragraphs as though fully set forth herein.

98. RLUIPA provides that a government may not “impose a substantial burden on the religious exercise of a person residing in or confined to an institution” unless it demonstrates that the burden furthers “a compelling governmental interest” and does so by “the least restrictive means.” 42 U.S.C. § 2000cc-1(a).

99. Plaintiffs are practicing Muslims with a sincere belief that they must follow a halal diet. This belief constitutes religious exercise within the meaning of RLUIPA.

100. A prison substantially burdens religious exercise when it “puts substantial pressure on an adherent to modify his behavior and to violate his beliefs.” See *Holt v.*

Hobbs, 574 U.S. 352, 361 (2015). The Ninth Circuit has recognized the same principle. See *May v. Baldwin*, 109 F.3d 557, 563 (9th Cir.1997).

101. By denying any certified halal meat, preparing all food in a pork-contaminated kitchen, mislabeling entrées, and offering only vegetarian trays as a purported “accommodation,” Defendants force Plaintiffs to choose between violating Islamic law or foregoing adequate nutrition. The resulting involuntary fasting, skipped calories, and anxiety over hidden pork mirror burdens that multiple courts have found sufficient to trigger RLUIPA’s strict-scrutiny standard.

102. Defendants’ own policies lack even a single safeguard—such as separate utensils, dedicated equipment, or cleaning protocols—to prevent pork contamination, and the written food-handling manual is silent on halal requirements. Staff have admitted that pork appears on approximately 40 percent of weekly menus and that pans and trays frequently exit the sanitizing line with visible residue. Plaintiffs have repeatedly and credibly reported discovering pork in ostensibly vegetarian dishes and ingesting it before realizing the error.

103. This substantial burden is not in furtherance of a compelling government interest, and Defendants have failed to articulate one. Defendants could readily provide certified halal meals to Plaintiffs consistent with widely accepted correctional practices nationwide. While Defendants already accommodate other religious diets—such as by purchasing pre-packaged kosher meals and providing holiday feasts—they have offered no justification for denying equivalent halal options. The incremental expense of sourcing halal equivalents is de minimis.

104. At least three obvious, less restrictive alternatives exist: (i) contracting for certified halal entrées, (ii) dedicating a small, segregated kitchen line (as ODOC once did for kosher meals), or (iii) allowing bona fide Muslim volunteers, such as Plaintiff Hassan, to prepare sealed Ramadan sacks and Eid meals under staff supervision. Defendants’ refusal even to consider these reasonable options renders their policy indefensible under RLUIPA. They continue to deny halal accommodations on terms equal to those afforded to other religious at ODOC facilities, including EOCL.

105. Under RLUIPA, it is Defendants’ burden to “set forth detailed evidence, tailored to the situation before the court, that identifies the failings in the alternatives advanced by” incarcerated individuals challenging religious restrictions. *See Warsoldier v. Woodford*, 418 F.3d 989, 1000 (9th Cir. 2005) (citing *May*, 109 F.3d at 564-65).

106. Because Defendants cannot show that their blanket refusal to serve uncontaminated halal meat is the least restrictive means of advancing a compelling governmental interest, Plaintiffs are entitled to declaratory judgment that the policy violates RLUIPA. Plaintiffs further seek a permanent injunction requiring Defendants to provide certified halal meals daily—including during Ramadan, Eid-al-Fitr, and Eid-al-Adha—and to implement written food-handling protocols that segregate pork and non-halal products.

WHEREFORE, Plaintiffs request this Honorable Court grant declaratory relief and injunctive relief in the form requested in the Prayer for Relief below, in addition to all such other relief this Court deems just and proper under RLUIPA and 42 U.S.C. §§ 1983 and 1988, including costs and attorneys’ fees in this action.

Prayer for Relief

WHEREFORE, Plaintiffs request that this Honorable Court enter judgment in their favor and against Defendants on all counts in this Complaint, and enter an order awarding the following relief:

1. Declaratory judgment stating that Defendants have violated RLUIPA and the Fourteenth Amendment by:
 - a. Denying Plaintiffs access to a certified halal diet consistent with their sincere religious beliefs; and
 - b. Denying Plaintiffs the ability to celebrate Eid in the same manner in that incarcerated individuals of other religious backgrounds are permitted to observe their respective holidays.
2. Injunctive relief ordering the official capacity Defendants to:
 - a. Provide Plaintiffs Khoshnaw and Hassan nutritionally sufficient and certified halal meals on a daily basis, including during Ramadan, Eid al-Fitr, and Eid al-Adha;
 - b. Implement written food-handling protocols that segregate pork and non-halal products from halal foods and preparation areas;
 - c. Provide all similarly situated incarcerated Muslims at EOCI and other ODOC facilities with nutritionally sufficient certified halal meals upon request; and
 - d. Provide accommodations for annual Eid celebrations equivalent to those extended to other religious groups, including the restoration of

family-visiting privileges for Eid celebrations on the correct lunar dates and provision of a communal certified halal meal.

3. An award of compensatory and punitive damages against the individual capacity Defendants pursuant to 42 U.S.C. §1983.
4. An award of attorneys' fees, costs, and litigation expenses pursuant to 42 U.S.C. § 1988; and
5. Any and all other relief this Court deems just and proper.

Dated: June 27, 2025

Respectfully submitted,

CAIR LEGAL DEFENSE FUND

s/ Lena Masri

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JURY DEMAND

NOW COME Plaintiffs, through their counsel, and demand a trial by jury of the above-referenced causes of action.

Dated: June 27, 2025

Respectfully submitted,

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