

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

John Mason IV, )

Ishmael Khalid Gregory, )

Darrell Lee Maddox )

and others similarly situated )

**Plaintiffs,** )

v. )

Mike Hale, in his individual )

and official capacities as )

Sheriff of Jefferson County, )

Alabama, Jefferson County, )

Alabama, the Jefferson )

County Commission, David )

Carrington, George Bowman, )

Sandra Little Brown, Jimmie )

Stephens, and Joe Knight, )

in their individual and official )

capacities, )

**Defendants.**

Case No. 2:11-CV-03155-TMP

## **AMENDED COMPLAINT**

This is a civil rights action brought by John Mason IV, Ishmael Khalid Gregory, and Darrell Lee Maddox, inmates, and others similarly situated at the Jefferson County Jail ("the Jail"). Their claims are due to the deliberate indifference of government officials responsible for their protection and care as required by 42 U.S.C. §1983 and because the actions complained of constitute a violation of the Religious Land Use and Institutionalized Person Act ("RLUIPA").

In addition, this action is brought against the Jefferson County Commission for their failure to comply with federal mandated funding and federal constitutional mandates which do not deal with the Sheriff and the Jail.

## **PARTIES**

1) John Mason IV ("Mason"), Ishmael Khalid Gregory ("Gregory") Darrell Lee Maddox ("Maddox") and others similarly

situated are current or future inmates residing in the Jefferson County Jail located in Birmingham, Alabama. They are the named Plaintiffs in this action.

2) Mike Hale, who is sued both in his individual and official capacities as the Sheriff of Jefferson County, Alabama, is responsible for the general operation of the Jefferson County Jail. See e.g. Ala. Code §§ 11-14-21, 11-16-29, 14-6-1,14-6-4,14-6-8, 14-6-17, 14-6-19,14-6-21,14-6-40,14-6-94,14-6-95, 14-6-95,14-6-96 (1975). At all times relevant to the events described herein, the actions and omissions of Sheriff Hale have been taken under the color of state law, and Sheriff Hale has acted as the final policy maker of Jefferson County for those aspects of jail operation under his control. Sheriff Hale is also constitutionally mandated to maintain certain standards of care.

3) Jefferson County, the Jefferson County Commission, and the individual Commissioners are also parties to this action.

They provide funds for the Jail's operation and also are the governing body of Jefferson County, (the "Jefferson County Defendants").

4) Sheriff Hale, Jefferson County, and the Jefferson County Commission have been involved in a prior injunctive action in State Court which concerned many of these same issues. See *Mike Hale vs. Jefferson County* (CV-09-2041). That case was originally filed in the Bessemer Division of Jefferson County and ultimately transferred to the Birmingham Division. The Honorable Joseph Boohaker presided over that action. Henceforth, that action will be referred to as the "State Action" and the Order that Judge Boohaker issued is hereinafter referred to as the "State Order". The First Amended Verified Petition for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Declaratory Judgment, Common Law Writ of Mandamus, and Common law Writ of Prohibition filed in that

State Action is attached to this Amended Complaint as **Exhibit "A."** The State Order is attached as **Exhibit "B."**

### **JURISDICTION AND VENUE**

5) The Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1343. Plaintiffs seek declaratory and injunctive relief under 28 U.S.C. §1343, 42 U.S.C. §1983 *et seq.*, the First, Eighth and Fourteenth Amendments to the United States Constitution, and the Religious Land Use and Institutionalized Person Act ("RLUIPA"). The separate counts against the Jefferson County Defendants are based on 42 U.S.C. §1983.

6) The matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000 and is a class action in which there is a federal question.

7) This Court has venue under 28 U.S.C. § 1391(b) because the events giving rise to the Plaintiffs' claims occurred within the Northern District of Alabama. Moreover, according to local rules, this action arises within the Southern Division of the Northern District since that is where the Jefferson County jail is located.

## **INTRODUCTION**

8) Jefferson County, Alabama, is the county in which Birmingham and Bessemer, Alabama are located along with numerous other municipalities. Birmingham and Bessemer each contain a county jail. The Jefferson County Jail, located in Birmingham, Alabama, is designed for approximately 600 inmates and currently houses 1400 plus inmates. The Birmingham jail is at over 200% capacity. Meanwhile, the county jail located in Bessemer jail is empty. The Bessemer jail could house in excess of 450 inmates, if it were in use.

9) The purpose of a county jail is to process people into jail as they are arrested, hold those who are pretrial detainees who do not bond out, house inmates who are serving sentences, and to hold state inmates until they can be transferred elsewhere. The Jail also holds child support detainees, and individuals who have violated their probation.

10) The Jefferson County Jail in Birmingham is hopelessly overcrowded. While the same can be said for the state prison system, the County Jail does not have the liberty of releasing inmates to an outdoor area. There is nowhere for the inmates to go. A range of adverse effects occur when a facility is overcrowded.

11) With few exceptions, prison overcrowding has a number of serious negative consequences. The crowded conditions heighten the cognitive strain of inmates. This occurs when social complexity, turnover and interpersonal instability is

introduced into an already dangerous jail world. Here interpersonal mistakes or errors in social judgment can be fatal.

12) Currently, there is a fixed amount of resources available and an increasing number of inmates. This is a guarantee for disaster. Further, the reduced staffing of the Jail due to financial cuts exacerbates the situation.

13) The following conditions currently exist in the Jefferson County Jail in Birmingham:

a) Each cell is designed for two inmates. Because the facility is at over 200% capacity, inmates are being housed with 6-8 inmates per cell. There are often three to four inmates sleeping on the concrete floor, some without mattresses;

b) The Jail is only serving two meals per day and these meals are nutritionally deficient and sparse;

c) The Sheriff has discontinued any visitors or clergy from coming into the jail to visit inmates. This policy is not seen even in this country's most secure prisons. However, the Sheriff is allowing counsel in (to date);

d) There is no effective segregation of inmate population as to varying levels of offenses;



- e) The mental health of inmates is ignored;
- f) The physical health of inmates is ignored;
- g) The threat of violence increases on a daily basis;
- h) The Sheriff has prevented mail from reaching inmates;
- i) The Sheriff has prevented the practice of religions other than Christianity in the Jail; and
- j) The Sheriff is not providing handicapped inmates with services required under the Americans with Disabilities Act.

The Sheriff has been given notice that these conditions are occurring.

14) The Defendants will no doubt admit that the above conditions are true. However, will point to budgetary constraints imposed by the failure of the Alabama Legislature to fund Jefferson County's 1% income tax (known as the "occupational tax"). In the prior State Action, the Sheriff averred in his verified complaint that the budget cuts forced on him by the County Commission would result in his department being in violation of federal law. See Exhibit A. The Sheriff's budget has since been

cut twice. As a result, the Sheriff is in violation of various constitutional mandates as a matter of law.

15) The Plaintiffs believe that budget constraints are not an excuse for ignoring clear and well known constitutional mandates. In the State Action, the County Commission was made aware of the fact that the budget cuts would violate the federal mandates. They nonetheless proceeded to cut the budget in an arbitrary and capricious manner both in 2010 and 2011, and intend to do so again in 2012.

### **CLASS AVERMENTS**

16) This action is properly maintained as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure in that the character of the rights sought to be enforced for the Class are common.

17) The First Class consists of all inmates who have been, are, or will be, in the custody of the Jefferson County Jail. The Second Class consists of all the citizens of Jefferson County who will be impacted by the failure of Jefferson County to administer and carry out its federally mandated duties outside of the Jefferson County Jail.

18) The Classes and Members of the Classes are sufficiently numerous so that it is impracticable to bring all Plaintiffs before the Court. With regard to the First Class, numerosity has been satisfied because there are more than 1,300 inmates currently being housed in the County Jail. With regard to the Second Class, numerosity has been satisfied because the number of citizens in Jefferson County is well into the hundreds of thousands.

19) The named Plaintiffs will fairly ensure the adequate representation for the interests of the members of the Class. The

interests of the named Plaintiffs are not antagonistic to each other or to those of the Class members. This is because the named Plaintiffs and the Class members all seek declaratory and injunctive relief to end the systemic patterns, customs, practices and legal violations alleged on their behalf.

20) Each named Plaintiff is sufficiently familiar with the facts and circumstances surrounding the circumstances at the Jefferson County Jail to fairly and adequately represent the inmates' interests in this litigation.

21) Plaintiffs and Class members are represented by attorneys employed by each named Plaintiff. They are represented by Alabama attorneys, who have extensive experience litigating the rights of inmates, including Alabama inmates. Plaintiffs' counsel have the resources, expertise, and experience to prosecute this action.

22) The character of the rights sought to be enforced by Plaintiffs and the Class is common. The questions of law and fact raised by the claims of the named Plaintiffs and the Class are common. The questions of law and fact common to Plaintiffs and the Class predominate over any individual issues of law or fact.

23) All of the named Plaintiffs and Class members are in need of adequate jail conditions and they must rely on the Defendants for these services. They are harmed by the Defendants' systemic failure to provide the legally required and adequate services and conditions. In addition, the members of the Second Class are in need of adequate fulfillment of their federally mandated rights.

24) The harms suffered by all of the named Plaintiffs are typical of the harms suffered by the Class members.

25) Common issues include, but are not limited to:

a) whether, contrary to law and reasonable professional standards, Defendants fail to provide Plaintiffs and Class members with safe, stable, and appropriate jail service, which are necessary to prevent inmates from deteriorating physically, psychologically or emotionally while in government custody;

b) whether the actions and inactions of the Defendants violate the rights of the Plaintiffs and Class members under the Due Process Clause of the Alabama State Constitution, the First, Eighth and Fourteenth Amendments to the United States Constitution, RLUIPA, 42 U.S.C. §1983, *et seq.*, and regulations promulgated thereunder; the Americans with Disabilities Act (the "ADA") and §504 of the Rehabilitation Act; and

c) Whether the actions of the Defendants are deliberately indifferent to the needs of the Plaintiffs and the Class members.

26) It is constitutionally required that jails be maintained to a known standard of care. The United States Constitution prohibits the cruel and unusual punishment of both prisoners and pretrial detainees.

27) The Eighth Amendment affords convicted prisoners protection from cruel and unusual punishment.

28) This protection has been extended to pretrial detainees of various types via the Due Process Clause of the Fourteenth Amendment.

29) As defined by the United State Supreme Court, this Constitutional prohibition of cruel and unusual punishment requires correctional officials to provide "humane conditions" for the confinement of jail inmates.

30) When a government entity takes a citizen into custody, the Constitution imposes a corresponding duty on that entity to assume some responsibility for that citizen's safety and general well-being.

31) The duties imposed and rights conferred by the Eighth Amendment include the unreasonable risk of serious harm, even if such harm has not occurred.

32) It is deliberate indifference for corrections officials to allow serious medical or mental health needs to go unmet.

33) It is deliberate indifference for corrections officials to house inmates without reasonable protection from harm, without adequate meals, and in overcrowded conditions.

34) The Eighth Amendment guarantees that prisoners will not be deprived of the minimal necessities. Accordingly, corrections officials are required to provide adequate ventilation, sanitation, bedding, hygienic materials and utilities.



35) Conditions violate the Constitution when they pose an unreasonable risk of serious damage to an inmate's current or future health. It offends contemporary standards of decency for an inmate to be exposed to such risk.

### **NAMED PLAINTIFFS**

36) John Mason IV is currently in the Jefferson County Jail pending a hearing to obtain release. He has Hepatitis C and is not being treated for it by the jail. He has also been in numerous fights due to the overcrowding.

37) Ishmael Gregory is currently awaiting transfer to the State Department of Corrections. He has a boil which has not been treated, despite numerous attempts on his part to obtain medical assistance. He is in a crowded cell and his laundry is not done for weeks at a time.

38) Darrell Lee Maddox is a pretrial detainee who is deaf and can communicate only via writing. He is not receiving any services to assist him with his disability.

**COUNT I**  
**The Jefferson County Sheriff's Violations of**  
**42 U.S.C. §1983**

39) Plaintiffs and Class Members adopt and incorporate by reference each and every allegation contained in this Complaint.

40) Plaintiffs aver that the named Plaintiffs suffer the enumerated harms which are in violation of 42 U.S.C. §1983 and the First, Eighth and Fourteenth Amendments to the United States Constitution.

41) The Plaintiffs aver that the overcrowding alone leads to the violation of all of the above-listed constitutionally mandated standards.

42) It is well-established law that an institution which is at more than 137.5% capacity can be characterized as constitutionally insufficient.

43) The overcrowding, lack of proper meals, lack of medical care, non-segregation of inmates, lack of mental health care, dangerous conditions, various violations of the Americans with Disabilities Acts, and lack of sufficient supervisory personnel will continue to exist unless and until court action is taken. The Sheriff has numerous duties which the State of Alabama requires of him. He must ferret out crime, maintain custody of prisoners, and provide basic services for them. His duties as are detailed in Exhibit A.

Plaintiffs pray for an Order which requires the Jefferson County Sheriff to desist in all of the unconstitutional practices, and awards fees pursuant to 42 U.S.C. §1988.

## **COUNT II**

### **RLUIPA**

44) Plaintiffs and Class members adopt and incorporate by reference each and every allegation contained in this Complaint.

45) The Jefferson County Sheriff's Office and Sheriff Mike Hale prohibit receipt and possession of virtually all mail and other expressive materials by inmates at the Jefferson County Jail. Inmates may not receive books, magazines, newspapers or other expressive materials sent to them through the mail, regardless of whether the materials are routed directly from publishers or sent by friends, family members or community organizations. In the

past two years, Defendants have denied numerous prisoner requests for expressive material, including educational materials required by a correspondence education course, and other books, magazines and legal newsletters. Defendants compound these restrictions by failing to provide a library or any other avenue through which prisoners can access expressive material. These practices violate prisoners' rights secured by the Free Speech Clause of the First Amendment to the Constitution.

46) Defendants also prohibit a wide range of religious materials to Jefferson County inmates of various faiths. Prisoners may not possess any religious publications other than the single foundational text for their religions, and Defendants make no accommodation for prisoners whose religious exercise requires access to multiple religious materials. For example, Defendants denied access to pamphlets, newsletters and other Christian publications sought by an inmate incarcerated at Jefferson County Jail for much of the past two years. Further, non-Christian

inmates often cannot access even the single foundational texts that the Jefferson County Jail's policy purports to allow.

47) Indeed, the only book, magazine, newspaper or religious publication that Defendants consistently permit prisoners to possess is the Bible. Defendants distribute copies of the King James Bible to prisoners at no cost. Defendant Gregory is denied the practice of his Islamic faith.

48) These practices discriminate against non-Christian prisoners in violation of the First Amendment's Establishment Clause. Moreover, they substantially burden the religious exercise of all prisoners - Christians, Jews, Muslims or those of other faiths - who require materials other than the Bible to practice their religion. Because Defendants cannot show that imposing a substantial burden on these and other prisoners is the least restrictive means of furthering a compelling government interest, Defendants' policies and practices contravene RLUIPA.

49) The conduct of the Defendants constitutes a pattern and practice of the denial of a federal right - specifically the Speech and Establishment Clauses of the First Amendment to the Constitution. In addition, the Defendants violate the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000 ("RLUIPA") by unlawfully impeding the religious exercise of inmates of the Jefferson County jail whose religious exercise requires access to materials other than the Bible.

50) Moreover, Jefferson County inmates have filed grievances within the past year asserting that the facility prohibits prisoners from possessing any reading material except for a single religious text. Further, the "primary religious book" must be hand-delivered' to prisoners as prisoners cannot order religious materials through the mail.

51) In short, Defendants have effectively prohibited Jefferson County inmates from reading anything except, under certain circumstances, a religious book or a personal letter.

52) Defendants have no compelling government interest in burdening the religious exercise of prisoners who wish to possess religious texts other than the Bible. Defendants' policy of not allowing clergy of any type to visit substantially interferes with the ability of the inmates to practice their religion whatever it may be.

53) Similarly, Defendants' policy and practice of denying such materials is not the least restrictive means of furthering a compelling government interest. Indeed, Defendants' restrictions prohibit many items permitted by other penal institutions with similar compelling interests, such as the Federal Bureau of Prisons and Alabama Department of Corrections.



54) Not only do Defendants burden prisoners of various faiths by forbidding possession of most religious materials, Defendants engage in a pattern and practice of conduct that unlawfully favors Christian prisoners over non-Christian ones.

55) Specifically, Defendants' policies and practices make King James Bibles freely available to some prisoners while erecting significant barriers to accessing other religious texts. The prison Chaplain sometimes distributes King James Bibles to inmates, but not on a regular basis. No other persons are allowed to distribute any religious material.

56) Defendants make no comparable accommodations from prisoners who seek religious texts other than the Bible, such as the Torah or Koran. The Jefferson County Jail does not provide prisoners of non-Christian faiths copies of their religious texts on site, nor do Defendants make non-Christian religious materials available for purchase in the Jefferson County Jail's commissary.

57) Defendants compound the effects of this discriminatory practice by prohibiting prisoners from ordering religious materials directly from the publishers of the desired items. Moreover, the Jefferson County Jail's general restrictions on prisoners' receipt of mail preclude friends or family members from sending religious materials through the mail.

58) Defendants' denial of access to outside reading material constitutes a pattern or practice of conduct that deprives prisoners in their custody of rights secured by the Speech Clause of the First Amendment, the RLUIPA and the Constitution of the United States.

**COUNT III**  
**The Jefferson County Defendants' violations of**  
**42 USC § 1983**

59) Plaintiffs and class members adopt and incorporate by reference each and every allegation contained in this Complaint.

60) The Jefferson County Commission is well aware of the deficiencies in the Sheriff's Department. In the prior State Action, there was extensive testimony as to the deficiencies in the federally mandated actions which Jefferson County's budget cuts would create. The State Order, which is incorporated into this Complaint by reference and is attached to this Complaint as Exhibit "B," sets forth the same facts as this Complaint regarding the conditions of the Jail. See Exhibit B.

61) Because of the previous State Action, the Jefferson County Defendants are well aware of the fact that their budget cuts have caused the Sheriff to violate his constitutionally mandated duties. Moreover, they have been informed of this fact both by testimony in front of the Commission by way of budget hearings and meetings with the Sheriff.

62) The Jefferson County Defendants are liable for failing to carry out their statutory duties under Alabama law regarding the operation of a jail. *See Shaw vs. Coosa County Commission*, 330 F. Supp 2d 1285, 1289 (M.D. Ala. 2004). The Court in *Shaw* found that it was possible to find a county commission liable for failing to adequately fund the medical expenses of the operation of the jail. *Id.* The Jefferson County Defendants are liable for the same actions.

63) The Jefferson County Defendants have also eliminated funding for the Mental Health Court. This funding provided for mental health evaluations of the jail population. The result of this elimination is that the Sheriff has no ability to treat or segregate mentally ill inmates. As a result, the mentally ill inmates have no care. This is in direct violation of a federal constitutional mandate regarding the right of prisoners to mental health care. See, for example, *Plata v. Brown*, 131 S. Ct. 1910 (2011). The

other result of this lack of treatment for mentally ill inmates is that they are released into the general jail population where their situation is at best precarious. It is a violation of basic human decency in a civilized society.

64) The Jefferson County Commission was found to be arbitrary and capricious in its prior budget cuts to the Jefferson County Sheriff. In his Order of July 16, 2009, Judge Boohaker found, as a matter of law, that 'across the board cuts' of the Jefferson County Sheriff's budget were arbitrary and capricious, and were simply done as a matter of expediency. See Exhibit B. Since that Order, the County Commission has continued the pattern and practice of cutting the Sherriff's budget in the same arbitrary and capricious manner.

65) Since Jefferson County's cuts to the Jefferson County Sheriff's budget have been found to be arbitrary and capricious as

a matter of law, it is well settled that this is a violation of the Fourteenth Amendment.

66) The definition of deliberate indifference is the subjective knowledge of a constitutionally mandated duty, the ability to carry out the duty, and the failure to carry out said duty. Being found to be arbitrary and capricious as a matter of law dictates the conclusion that the Jefferson County Defendants are deliberately indifferent to the fate of the prisoners at the Jail.

67) The well-reasoned opinion of Judge Boohaker lays out the reasoning for this finding of law. See Exhibit B.

68) The failure to fund the Sheriff's operations in a constitutionally proper manner is a matter of policy and custom for the Jefferson County Defendants. It is a policy and custom because the Jefferson County Defendants have failed to

adequately fund the jail over a course of many years. A county commission can be found to be liable for such a failure under §1983 under the theory of *Monell*. *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, (1978).

69) Further, the elimination of the Treatment Alternatives for Safer Communities ("TASC") program increased the Sheriff's by approximately 1000 prisoners per year. This is because the elimination of TASC will dramatically increase the jail population. Thus, the Commission has adopted yet another policy which they know to be constitutionally deficient regarding the Jail and have done so as a matter of expediency.

70) In 2009, the TASC program was funded at approximately two million dollars. The County Commission then proceeded to take TASC through a series of roller coaster budget cuts, the end result of which was the elimination of the TASC budget. Both the Sheriff and L. Foster Cook (TASC Director) have

informed the County Commission that for every dollar that TASC spends on pre-trial diversion, the Sheriff saves ten dollars.

Therefore, elimination of the TASC budget has the net effect of increasing the Sheriff's budget by \$20 million. This refusal to fund TASC is both arbitrary and capricious. It is also deliberately indifferent in that this policy is known to lead to further overcrowding of the Jail and the exponential increase in the difficulty of the Sheriff to meet his federal constitutional mandates.

71) Persons, whose acts constitute official policy, can be sued under § 1983 for monetary, declaratory, and injunctive relief when they act in a way or promulgate a rule that results in a constitutional deprivation. Local governments are 'persons' and may be sued when they engage in a custom or practice that result in a constitutional deprivation. See *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).



72) The County Commission's past budgets cut every department in an arbitrary and capricious manner and are deliberately indifferent. These budgets violate federal constitutional mandates and cause constitutional deprivations.

73) In Judge Boohaker's Order, the Court references the case of *Etowah County Commission v. Hayes*, 569 So.2d 397 (Ala. 1990). See Exhibit B. *Hayes* provides an example of an arbitrary and capricious exercise of the budgetary authority of a county commission. In *Hayes*, the Etowah County Commission withheld the Etowah County Sheriff's funding for a large portion of the 1989-1990 fiscal year. The Alabama Supreme Court found that the withholding of all funds which effectively closed the operation of the Sheriff's Department was an arbitrary and capricious act. *Hayes* at 398.

74) There is no difference between completely shutting down a Sheriff's department and reducing its funds to the point

that it cannot operate. Therefore, the County Commission is also in violation of state law.

75) Therefore, the arbitrary and capricious manner in which the Jefferson County budget cuts have affected the Sheriff are prohibited under both Alabama and federal law.

WHEREFORE, PREMISES CONSIDERED the Plaintiffs pray for injunctive relief ordering the Jefferson County Commission to fund the Sheriff's office in an adequate manner, and award fees pursuant to 42 U.S.C. §1988 and costs to the Plaintiffs.

#### **COUNT IV**

**The Jefferson County Commission's other violation of  
42 USC § 1983**

76) Plaintiffs and Class members adopt and incorporate by reference each and every allegation contained in this Complaint.

77) This count of the Complaint concerns the failure of the Jefferson County Commission to comply with other federal mandates required under federal law by way of its budget cuts.

78) This count of the Complaint will be amended upon receipt of more information from the County.

79) The Jefferson County Commission carries out many functions which are affected by federal statutory law, federal case law, and federal regulation, in addition to its functions with respect to the Jefferson County Jail. These functions include, but are not limited to, the operation of the following:

- a) The Criminal Justice System;
- b) The Family Court System;

- c) The District Attorney's Office;
- d) The Department of Community & Economic Development;
- e) The Office of Senior Citizens Services;
- f) Youth Detention; and
- g) Roads and Transportation.

80) All of the above-named activities are federally mandated and/or regulated and/or funded. The arbitrary and capricious manner in which the Jefferson County Commission cut the budget caused these services to be operated in a constitutionally deficient manner.

81) Obviously, the *de facto* elimination of jury trials in the county affects the rights of persons in the criminal justice system to speedy trials.

82) The failure to adequately fund the family court system violates the federal consent decree of the *R.C. vs. Nachman*, 969 Fed. Supp. 682 (1997).

83) The effect on the District Attorney's Office is the same as the effect on the criminal justice system.

84) The funding for the Department of Community & Economic Development is federally driven.

85) The rest of the above-listed departments are funded in a federally deficient manner due to the continuing arbitrary and capricious budget cuts of the Commission.

86) Jefferson County administers a vast amount of federal funds. The local reductions in budget have adversely impacted

these funds. Plaintiffs aver that expert testimony will be required to provide further details.

87) While the state court does not have the power to remedy the above-referenced constitutional violations, this Honorable Court does have that power.

WHEREFORE, PREMISES considered, Plaintiffs seek injunctive and general relief for the above federal constitutional violations, costs and attorney fees pursuant to 42 U.S.C. §1988.

**PLAINTIFFS SPECIFICALLY RESERVE THE RIGHT TO ADD  
PLAINTIFFS TO THIS ACTION AND TO AMEND SAME.**

Respectfully submitted,

/s/ Dan C. King, III

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the parties of record.

**/s/ Dan C. King, III**