

~~U.S. DISTRICT COURT~~  
U.S. DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
13 APR 22 PM 1:03  
OFFICE OF THE CLERK

PRO SE CIVIL COMPLAINT

Case No. 8:13CV130  
(the court will assign a number)

I. CASE CAPTION: Parties to this Civil Action:

Pursuant to Fed. R. Civ. P. 10(a), the names of all parties must appear in the case caption.  
The court will not consider a claim against any defendant who is not listed in the caption.

A. Plaintiff(s) Name(s):	Address(es):	Telephone No. (only if you are NOT a prisoner)
Harold B. Wilson #37418	Box 22800 Lincoln, NE 68542-2800	N/A
Gracy S. Sedlak	1035 Hartley, Lincoln, NE 68503	471-4107

B. Defendant(s) Name(s):	Address(es) If known:
Jon Bruning Attorney General	2115 State Capitol, Lincoln, NE 68509
Robert Houston Dir of Corrections	Box 94661, Lincoln, NE 68509-4661
Robert Madsen Associate Warden LCC	Box 22800 Lincoln, NE 68542-2800
Frank Hopkins Asst Dir	Box 94661, Lincoln, NE 68509-4661
Mario Pearl Warden LCC	Box 22800 Lincoln, NE 68542-2800
State of Nebraska	
Dept of Corrections	
All in their individual and professional Capacities	

(Attach extra sheets if necessary.)

RECEIVED

APR 22 2013

CLERK  
U.S. DISTRICT COURT  
OMAHA

## II. STATEMENT OF CLAIM(S)

State briefly the facts of your claim. Describe how each defendant is involved. You do not need to give legal arguments or cite cases or statutes. Use as much space as you need to state the facts. (Attach extra sheets if necessary.)

A. **When** did the events occur?

Nov, 30,2012 inital event

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B. **What** happened?

I rerequested and was denied the right to marry the person  
Gracy S Sedlak of my choosing. Ms Sedlak is a mmale ~~that~~ female  
transgender pre-op female. She is undergoing treatment by  
Planned Parenthood via hormones, toward transition from male  
to female. She suffers from Gender Identity Disorder (GID). She  
is a former Inmate in the Dept of Correction, discharged successfully  
from parole on 3/23/2012. On 11/30/2012 I was denied permission  
to meet with Ms Sedlak and members of the Quaker Meeting of Lincoln  
Clearness Committe to obtain permission from them, as a member  
of the Meeting to Marry Ms Sedlak Such a union is allowed by the  
Tenets of the Quaker Meeting and governing Body of the Iowa Yearly  
Meeting.

The Dept of Corrections has a three year waiting period bfore  
former inmates who are not immediate family will be consider for  
Visiting. If we are alloed to marry then she would be considered

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immediate family and allowed to visit as my spouse.

Same sex marriages like this are legal in Iowa and many other states. We are being treated differently because we reside in Nebraska, and are not afforded the same rights as those in the Iowa dept of Corrections and other states where same sex unions are recognized. I am not being allowed to follow the sincerely held tenets of my religion. Ms Sedlak and I also practice the religion of Wicca, as does Ms Sedlak which also allows same sex marriages called "handfastings" Which we have had accomplished by an authorized Member of the Clergy of the Wiccan faith. We wish to be married after the practice of Quakers and that Gracy Sedlak be recognized legally as a female, or that Nebraska Initiative Measure 416 be over-ruled and declared UnConstitituional as it violated the Equal protection clause of the US and State constitutions. Transgender individuals should not be discriminated against because they do not conform to gender stereo typical roles in appearance and dress. For Gracy Sedlak to not be recognized as her true self per her GID diagnosis violates title VII of the Civil rights act.

Because the Plaintiffs are a transgender couple they are treated unequally to Hetrosexual couples who would be allowed to legally marry and be approved to visit as immediate family members. Also Once Plaintiff Wilson is paroled, the only way he can be approved to co-habitate with Ms Sedlak would be if the couple are leagally married. The Plaintiffs should not be treated as second class citizen<sup>ed</sup> because they resid<sup>d</sup> in Nebraska which has yet to approve this right for all couples. We believe that Judge Battalions ruling on Measure 416 was correct, that it violates the Constitution of the United States and State of Nebraska. We ask the court to over turn Measore 416 on a violation of Equal Protection of our rights,

3A

We further ask injunctive relief and request that the court order the Defendants to approve Gracy Sedlak as a visitor for Plaintiff Wilson and order that the plaintiffs be allowed to meet together with the members of the Clearness Committee of the Lincoln Friends Meeting for the Meetings approval of a Marriage ceremony to take place under the Care of the Meeting after the fashion of Friends under the tenets of the Iowa Yearly Meeting.

Plaintiff Wilson further asks the court to order the Defendants to allow him to wear a cap/hat after the tradition and beliefs of Quakers who believe that they should not remove their hat for any man, save God Himself. This is a well established Quaker belief. The <sup>DCS</sup> Dept. of Corrections only at LCC has a rule that forces inmates to remove headgear, except religious headgear, while indoors. Inmates at NSP and other institutions like York do have such a rule which staff use as a way <sup>to</sup> harass and embarrass inmates and issue petty misconduct reports for violation of this rule which effect parole and custody issues. Plaintiffs ask for injunction suspending enforcement of this rule until such time as the court may rule upon it. Other faith groups are allowed to wear religious head gear at all times, Plaintiff Wilson requested equal treatment but was denied such by the LCC staff and Religious Studies Committee of the DCS.

Measure 416 does not ban death row and lifer inmates from enjoying the right of marriage and they have no way to procreate as M 416 mandates as the main motivation for limiting marriage only to Hetrosexual couples. This violates the equal Protection of the U.S. and State Constitutions.

**III. STATEMENT OF JURISDICTION**

Check any of the following that apply to this case (you may check more than one):

United States or a federal official or agency is a party

Claim arises under the Constitution, laws or treaties of the United States

Violation of civil rights

Employment discrimination

Diversity of Citizenship (a matter between citizens of different states in which the amount in controversy exceeds \$75,000)

Other basis for jurisdiction in federal court (explain below)

~~The right to equal treatment and protection as members~~  
of Hetrosexuals are allowed to marry in other states and  
the Plaintiffs are not allowed this right. Plaintiffs are  
unable to move to a different state which allows such marriage  
because one of the Plaintiffs is incarcerated.

**IV. STATEMENT OF VENUE**

State briefly the connection between this case and Nebraska. For example, does a party reside or do business in Nebraska? Is a party incorporated in Nebraska? Did an injury occur in Nebraska? Did the claim arise in Nebraska?

All parties reside in and are residents of the state of Nebraska

**V. RELIEF**

State briefly what you want the court to do for you.

Issue an order that the Plaintiffs may legally marry and  
be allowed to meet with the Clearness Comm. of the local  
Friends Meeting, and that Gracy Sedlak be approve to visit  
Harold Wilson on his approved visiting list as immediate  
family, and order the DCS to allow all Quakers to equally wear hats.

**VI. EXHAUSTION OF ADMINISTRATIVE PROCEDURES**

Some claims, but not all, require exhaustion of administrative procedures. Answer the questions below to the best of your ability.

A. Have the claims which you make in this civil action been presented through any type of administrative procedure within any state or federal government agency?

Yes   x   No                     

B. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure:

Final response on Grievance of marriage and meeting with  
Clearness Comm and Gracy Sedlak was on 1/18/13 Issue of Wearing  
a hat indoors was grieved on 1/11/13. In both cases the DcS  
refused requested relief.

C. If you answered no, give the reasons, if applicable, why the claims made in this action have not been presented through administrative procedures:

N/A

**VII. ARE YOU REQUESTING TRIAL BY A JURY OR BY A JUDGE? (check one):**

JURY \_\_\_\_\_ JUDGE XX \_\_\_\_\_

**VIII. VERIFICATION**

**I (we) declare under penalty of perjury that the foregoing is true and correct.**

Date(s) Executed:	Signature(s) of Plaintiff(s):	
3=30=2013	<i>Harold Wilson</i>	Harold Wilson
4-2-2013	<i>Gracy S. Sedlak</i>	Gracy Sedlak

Note:

**IF YOU CANNOT AFFORD TO PAY THE COURT'S FILING FEE UPON THE FILING OF YOUR COMPLAINT, THERE IS A SEPARATE FORM TO BE USED FOR APPLYING TO PROCEED IN FORMA PAUPERIS. Also, if there is more than one plaintiff in the case who wishes to proceed in forma pauperis, each such plaintiff must submit a separate application to proceed in forma pauperis.**

*To Harold*

- making new members and attenders welcome, introducing them to other Friends, and offering them means of deepening their knowledge of Friends' beliefs;
- encouraging membership for those in harmony with Friends' principles and who are willing to share in the service and responsibility of the Meeting;
- developing activities, programs, study groups, and retreats to assist members and attenders in deepening the life of the Spirit.

In some cases, loving care can be carried out to better advantage by Friends who are not on M&C. The resources of the yearly meeting may be used where the action could not appropriately be performed by any monthly meeting members. The committee members may need to discern whether professional help from other resources is needed in care and counseling. In some cases, a clearness committee may be useful.

The committee may help the meeting maintain good order in the following ways:

- encouraging Friends to attend meeting faithfully and to settle into the meeting for worship in a quiet, reverent, and timely manner;
- reminding Friends of the value of conducting committee meetings and meeting for business as meetings for worship;
- eldering (nurturing, supporting, and helping members and attenders grow spiritually;)
- encouraging private worship and meditation, devotional readings, and religious study;
- encouraging those who give evidence of particular gifts and concerns and help Friends discern and respond to divine promptings;
- helping meeting find a balance of vocal ministry and quiet worship since both vocal ministry and the opportunity for silent communion with God are fundamental to our religious practice. Undue invasion of silent worship is to be lovingly discouraged.

#### **MARRIAGE PROCEDURE**

A Quaker wedding is a form of marriage available to members and those who, while not being in formal membership, are in unity with the religious nature and witness of Friends. It is usually expected that the couple have an ongoing relationship with Friends.

A couple intending marriage writes a letter to the monthly meeting under whose care they wish to marry, stating their intention and requesting the approval and oversight of the meeting. The letter is signed by both partners and may be accompanied by the written consent of the parents or guardians. If either partner is a minor, statement(s) of consent (or a statement explaining why consent cannot be obtained) must accompany the proposal. Should the consent be withheld on grounds that seem to the monthly meeting to be insufficient, the meeting may permit the marriage to proceed under its care.

A meeting may take under its care a marriage in which one or both of the partners has been divorced, subject to the same careful consideration by a committee on clearness as any other marriage.

#### **Marriage Clearness Committee**

A committee to establish clearness is appointed by the meeting to make sure that no obstructions exist. The committee meets with the couple to offer guidance and counsel and establishes insofar as it can be determined that there is nothing to interfere with the permanence and happiness of the union. The clearness committee reports as soon as possible to the monthly meeting with a recommendation as to whether the proposed marriage should proceed under the care of the meeting.



following may be chosen to sign: 1) the couple (as they say the vows and marry each other;) 2) the clerk of the monthly meeting; 3) the clerk of the committee which oversees the wedding. Some couples choose to forego licensing and the privileges it brings because they feel marriage is a personal spiritual matter in which the state has no part. Others choose not to seek licensure because, in many states, not all committed couples (specifically, same-gender couples) are allowed to share the opportunities it affords.

The wedding committee meets with the couple to discuss plans for the wedding and reception, taking thought in this planning for the simplicity, reverence, and dignity befitting the occasion. The committee is also responsible for seeing that the certificate of marriage and other necessary documents are properly completed. Two example wedding certificates are provided below. Variations on these examples may be created by the couple in consultation with the wedding committee. It is also the committee's responsibility to see that the marriage is properly recorded in the monthly meeting records and, if the couple so desires, in the county records. The committee reports to the first meeting for business following the wedding on the accomplishment of its task.

The marriage having been authorized and the meeting for worship at which it is to be solemnized having gathered, it is recommended that a substantial period of unprogrammed worship precede the exchange of vows. At a suitable time in the meeting, the couple rises and exchanges their vows. Promptly after exchanging their vows, the couple signs the marriage certificate, the certificate is read aloud by a person designated in advance, and the meeting returns to worship. At the rise of meeting, the wedding committee and all in attendance are invited to sign the certificate as witnesses.

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

GRIEVANCE FORM

Step One

CHIEF EXECUTIVE OFFICER

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPLICATE.

From: Wilson Harold B 37418 LCC6244  
LAST NAME FIRST MIDDLE INITIAL NO. FACILITY/HOUSING UNIT

Part A - INMATE REQUEST/CONCERN:

I renew my request to meet with the Friends Meeting (Quakers) Committee on Marriage and Gray Sedlak (There is no one with the legal name John Girinsky) Ms. Sedlak will soon undergo sex reassignment surgery and we plan to marry as soon after that as possible. Marriage is a constitutional right of inmates see *Turner v. Safley*. And it is a value practice to allow and recognize same sex marriages within their sincerely held religious beliefs as is my own. I again ask for this meeting as both a religious practice and constitutional right to marry and practice my sincerely held religious beliefs. There is no justifiable penological reason not to allow this meeting to take place which is a prerequisite to my marriage to Ms. Sedlak which is my right.

12-4-12  
DATE

[Signature]  
SIGNATURE OF REQUESTOR

Part B - RESPONSE AND REASONS FOR DECISION REACHED

I support the response on the informal grievance resolution form. Per policy, AR 205.02, Visiting, ex-felons cannot visit or enter the facility for three years after discharge date. This person is not immediate family, will not be considered for visit until March 23, 2015.

12/21/2012  
DATE

[Signature]  
CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

ECF

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

GRIEVANCE FORM

Step Two

CENTRAL OFFICE APPEAL

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPLICATE.

From: Wilson Harold B 37418 LU 92014  
LAST NAME FIRST MIDDLE INITIAL NO./GROUP INSTITUTION

\*Part A - REASON FOR APPEAL:

The denial of my meeting with the members of The Quaker Community of the Friends Meeting and Gray Sedlak denies my right of my faith as a Quaker to practice my faith which includes the right of marriage to any one - despite gender. Also this denies my right to marry as guaranteed by the Turner v. Safely case. I again renew my request to meet with this Quaker Community and my intended spouse Gray Sedlak. There is no justified psychological reason for this denial, especially since former inmates can be approved as volunteers after 18 months post custody.

12-29-12

DATE

[Signature]

SIGNATURE

\*THE COMPLETED INSTITUTIONAL GRIEVANCE FORM, INCLUDING THE CHIEF EXECUTIVE OFFICER'S/SUPERINTENDENT'S RESPONSE, MUST ACCOMPANY THIS APPEAL.

Part B - RESPONSE AND REASONS FOR DECISION REACHED

1-18-13

DATE

See attached response.

[Signature]

DIRECTOR

ORIGINAL: TO BE RETURNED TO INMATE/STUDENT AFTER COMPLETION.

E LCC

WILSON HAROLD B. #37418  
2012-8550

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
**GRIEVANCE FORM**  
**Step Two**  
**Central Office Appeal**  
RESPONSE AND REASONS FOR DECISION REACHED

Inmate Name: WILSON HAROLD B.

Inmate Number: 37418

Date Received: 1/2/2013

Grievance Number: 2012-8550

Subject: Visitation

Response:

You are <sup>grieving</sup> giving the denial of your request to have Gracy Sedlak aka John Jorvocky visit you. This person is an ex-felon who was released from the Department's custody on March 23, 2012. Therefore, he will not be allowed to visit someone in the Department's custody for three years (he can be considered at that time).

JW.

1-18-13

Date

Director

J.K. Hopkins for

Handwritten: 11/16/13 37918

Handwritten: 0308 28000  
Lynch Ave  
Le 8542-2800

46-09-07

Handwritten: Clerk of the United States District Court  
111 South 18th Plaza  
Suite 1152  
Omaha, NE 68102-7132



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04/19/2013  
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