

FORM A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT DISTRICT OF NORTH DAKOTA

Ashley Hunter (4058) / Lyin Jildo Alau (5075)
Donivan Jay Weis (2054) / Abdi Sahel (133)

[NOTE: Enter the FULL name and inmate number of each Plaintiff]

vs.

COMPLAINT

Cass County Jail
LT Katy Fuller, LT Amanda
Henrickson, Sgt Ben Schwandt,
Sgt Morse, Corrections officer Sanders
Captain Frobis.

[NOTE: Enter the FULL name of each Defendant]

I. Previous Lawsuits:

[NOTE: If there is more than one plaintiff, attach a separate sheet with the information in part I and II below for EACH plaintiff.]

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or have you filed any other lawsuits relating to your imprisonment? Yes [ ] No [x]
B. If your answer to A is Yes, please answer questions 1 through 7. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs
Defendants

2. Court :
[NOTE: for federal court lawsuits, name the district and for state court lawsuits, name the county]

3. Case Number:

4. Name of judge to whom lawsuit was assigned:

5. Disposition of lawsuit, if known:
[NOTE: for example, was the lawsuit dismissed, appealed, or still pending]

- 6. Approximate date lawsuit was filed: \_\_\_\_\_
- 7. Approximate date lawsuit ended: \_\_\_\_\_

II. Place of Present Confinement: Cass County Jail

A. Is there a prisoner grievance procedure in this institution? Yes  No

B. Did you present the facts relating to your complaint to the institution's prisoner grievance procedure? Yes  No

C. If your answer is YES,

1. What steps did you take?

Waiting for response

2. What was the result?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. If your answer is NO, explain why not:

After receiving factual evidence, we reached out by inmate request numerous times to high level officials of the jail concerning evidence and information we received.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes  No

F. If your answer is YES,

1. What steps did you take?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What was the result?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Parties

[NOTE: In item A below, enter your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, on line B, if any.]

A. Name of plaintiff: Ashley K. Hunter  
Address: 450 34<sup>th</sup> St SW Fargo ND 58103

B. Additional plaintiffs:  
Uyinjildo Alan - 450 34<sup>th</sup> St SW  
Donivan Weis - 450 34<sup>th</sup> St SW  
Abd: Sahel - 450 34<sup>th</sup> St SW

[NOTE: In items C-F below, enter the full name of the defendant in the first blank, defendant's official position in the second blank, whether you are suing defendant in both official and individual capacity in third blank and defendant's place of employment in the fourth blank.]

C. Name of Defendant #1: Cass County Jail  
Official Position: Jail

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes  No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes  No

Place of Employment: \_\_\_\_\_

D. Name of Defendant #2: Administrative Sgt Morse  
Official Position: Seargent at Cass County Jail

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes  No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes  No

Place of Employment: Cass County Jail

E. Name of Defendant #3: Lt Katy Fuller  
Official Position: Lieutenant Katy Fuller

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes  No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes  No

Place of Employment: Cass County Jail

F. Name of Defendant #4: LT Henrickson (female)

Official Position: Lieutenant

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes  No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes  No

Place of Employment: Cass County Jail

G. Additional Defendants : Use a separate sheet of paper. Write the heading **PART II CONTINUED** at the top of that sheet. For each additional defendant list:

- Name
- Official Position
- Suing in Official and/or Individual Capacity
- Place of Employment

**IV. Jurisdiction**

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1343(a)(3). Plaintiff(s) allege(s) that the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

Part II Continued

(G)  
Name:

Seargent Ben Schwandt

Seargeant

Suing in official capacity

Cass County Jail

H. Correctional officer Sanders

Correctional officer (one stripe)

Suing in official capacity

Cass County Jail

I

Captain Frobisg

Captain

Suing in official capacity

Cass County Jail

V. Statement of Claim

A. Claim No. 1: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes  No  If yes, please describe.

We have factual information and evidence that after the Cass County Jail declared itself a non-pork facility on or about 11-15-15. Via E-mail by Sgt Morse that we (Muslim inmates) were still served pork which we find to be in clear violation of our 1st Amendment right to practice our religion which is safeguarded by the United States Constitution. Our evidence and information was disclosed to us by a correctional officer who's also muslim. See attached letter

B. Claim No. 2: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes  No  If yes, please describe.

Blank lined area for writing the response to Claim No. 2.



Complaint:

Let this letter constitute a complete complaint against the Cass County Jail Staff and administration for its role in the factual accusations disclosed within it's contents.

- 1 Ashley Hunter
- 2 Doniven Weis
- 3 Nym Alau
- 4 Sahel Abci

ON or about November 15<sup>th</sup> 2015, the Cass County Jail declared itself a Non pork facility. On this day (11-15-15) Administrative Sgt Morse sent out a Mass email to all Correctional Staff detailing this declaration. Though the factual reasons as to why this declaration was made was never disclosed to us in writing or explained verbally, we believe this declaration was made due to the many requests made to jail staff by Muslim inmates who did not want to be served pork due to Islamic religious



beliefs. Prior to the jail's declaration of becoming a non-pork facility, Muslim Inmates were served meals that did not have pork meat, however, we believe that even at that time we were being served cake coated with icing made from pork gelatin. We believe that having kitchen staff prepare separate meals for Muslim inmates was becoming a hassle and affecting their budget. We also believe that due to the jail being prejudiced towards our religion and beliefs, that the administration and/or decision makers conspired to violate our right to 'practice our religion' which is safeguarded by the United States Constitution. We believe that their declaration of being a non-pork facility was a lie to calm our worries of being fed pork in any form.

Many Muslim inmates complained that they were still being fed pork, but had no proof other

than the fact that they had never eaten pork and I knew that because of the smell and texture of the meat that it had to have been something other than turkey, chicken, or beef.

On April 2<sup>nd</sup> 2016 which was "three months after" the jail declared itself a non-pork facility, a correctional officer who is also Muslim and does not want their name disclosed gave me an envelope filled with dated menus, labels, and recipes showing that the jail not only had pork in the facility but, was still serving it to inmates including Muslim inmates. This evidence is available for the court's review. Upon receiving this evidence I felt betrayed. Muslim inmates trusted that the Cass County Jail was not feeding them pork, and now we have evidence that the declaration was a lie and that those responsible willfully violated our right to practice

our religion by willfully feeding us pork which is unlawful in Islamic beliefs. Myself (Ashley Hunter) Donovan Weis, and Alay Uyin decided to ask questions. We each individually confronted staff by way of inmate request to find out if maybe the jail decided to serve pork again. Each of us received detail responses from Seargent, Lieutenants and Corpral's indicating that the jail was still a non-pork facility and that they hadn't served pork in over a year.

These responses confused us being that Sgt Morse's Email (which Correctional Officer Boll allowed Donovan Weis (Muslim Inmate) to read) was dated in November of 2015 which was only five months prior to Donovan Weis's request to Lt Katy Fuller labeled (OW 1). I wrote a letter to Captain Frobig which is enclosed in my complaint response and is labeled (AHU) but he never responded to me

At this time we decided we were no longer gonna eat the jail meat and we continued to seek answers. We reached out to various organizations and Muslim advocates to seek help.

No one in North Dakota would help us and we are still awaiting responses from the A.C.L.U. of Minnesota and North Dakota as well as the U.S.D.A. Being that we could not get outside help we decided that because of the evidence we received we were going to file a lawsuit against the Cass County Jail for blatantly and willfully violating our Constitutional right to practice our religion. We have informed our community leaders and we will be going public with the case. We are asking for relief of 100 million dollars each, we want a public apology and all those found to be connected and/or responsible to be fired for violating the

United States Constitution.

Myself, Donovan Weiss,  
and Alan Myrin have submitted  
separate packets but together  
we are the Union of Islam  
and ask that our evidence,  
complaints, supplements, grievances  
any further evidence that may  
be added represent us as one  
although we seek financial  
relief separately.

Respectfully

Ahley Hunter

E. Additional Claims: Attach an extra sheet if necessary, and write the heading **PART V CONTINUED** at the top of that sheet

VI. Relief

[NOTE: State briefly exactly what you want the Court to do for you.]

We the Muslim Inmates of E-main in Cass County Jail want the Court to hold Cass County Jail accountable for blatantly and willfully interfering with our religious practices which are protected by the free exercise clause of the United States Constitution. We are seeking 100 million dollars as well as a public apology. We are also asking that all those found responsible to be removed from their positions. This is the relief we seek

VII. Signature(s) of Plaintiff(s)

Signed this 23<sup>rd</sup> day of June, 2016.

Ashley Hunter  
(Signature of Plaintiff)

Signatures of additional plaintiffs, if any:

Alyin Alau  
Donivan Weiss

Sahel Abdurahman