

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
DIVISION

QUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983

Lester J. Smith Jr. #977285
(Enter above the full name and prisoner
identification number of the plaintiff, GDC
number if a state prisoner.)

5:12-CV-026

-vs-

Brian Owens, sued in his
Official and Individual
Capacities
(Enter above the full name of the defendant(s).)

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U.S. DISTRICT COURT
MIDDLE DIST. OF GEORGIA
MACON, GEORGIA

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes () No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): Lester J. Smith Jr.

Defendant(s): Steve Upton et al.

2. Court (name the district):

Butts County Superior Court

3. Docket Number:

11-ID-4 (2011)

TOPIC: Parties to Previous Lawsuits

DATE:

FILE UNDER:

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Continued from I. B.

1. Parties to this previous lawsuit:

Plaintiff(s): Lester J. Smith Jr.

Defendant(s): Brian Owens et al.

2. Court (name the district): U.S. District Court
Southern District of Georgia (Dublin)

3. Docket No. CV311-044

4. Assigned to judge: Dudley H. Bowen

5. This case does not involve the previous same
facts.

6. Disposition: Still pending

7. Date Filed: May 24, 2011.

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: Thomas Wilson

5. Did the previous case involve the same facts?

Yes () No ()

6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
Appealed, Still pending

7. Approximate date of filing lawsuit: N/A

8. Approximate date of disposition: _____

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

A. Place of Present Confinement: ~~State Prison~~ Hancock State Prison

B. Is there a prisoner grievance procedure in this institution?

Yes () No ()

C. Did you present the facts relating to your complaint under the institution's grievance procedure?

Yes () No ()

D. If your answer is YES:

1. What steps did you take and what were the results?

The entire grievance process

2. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: Lester J. Smith jr.

Address(es): ~~P.O. Box 3877 G.D.C.P~~ Hancock State Prison
~~Jackson, Ga 30233~~ P.O. Box 339
Sparta, Ga 31087

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): Brian Owens

Employed as Commissioner OF G.D.O.C.
at Georgia Dept. Of Correction P.O. Box 1529
Forsyth, Ga 31029

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Plaintiff is being denied his established right to practice his religion in which he is entitled to do, by being forced to shave his beard. Plaintiff is a sincere practicing muslim in which cutting of the beard is against a command from God in al-islam. The defendant, Brian Owens has an unconstitutional policy implemented infringing on all muslims right to practice this aspect of the religion. (See attachmen grievance no. 82697)
This unlawful grooming regulation has been addressed in 2005 or so to one inmate of another religion

IV. Statement of Claim (Cont'd)

different from islam, however a similar practice with the beard etc. He prevailed against the State. Plaintiff is a practicing muslim since 2009 during his incarceration into G.D.C. A prison grooming regulation which requires Smith to cut his beard, also referred to as "peas," in contravention of the tenets of his religious faith. There is absolutely not a penological legitimate security reason for this unconstitutional policy. The pillars of this aspect are located in multiple islamic texts (Sahih Al-Bukhari) being one. Furthermore this courts sister circuit ninth circuit in California, has addressed this same issue. Allen Kimbrough a cal. prisoner had been successful in challenging California grooming policy of C.D.O.C. 15 Cal Code Regs. 3062(e) which is the exact same as the G.D.O.C.'s policy no. S.O.P. IIB01-0011 of prohibiting beards, hair growth longer than three inches. This is ultimately a denial of my rights under the first amendment of the U.S. constitution as well as the Religious Land Use and Institutionalized Persons Act of (2002). Also the Georgia Constitution article I, Section 1 paragraphs III and IV. With respect to current law this out dated Georgia Dept. of Corrections policy must be revised.

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

- 1) Issue an award for nominal damages in the amount of \$1,500 against defendant Owens
- 2) Issue an injunction to defendant Owens and his agents to revise S.O.P. IIB01-0011 directives of no beards or hair growth for the practice of religion purposes.
- 3) Grant such other relief as it may appear that plaintiff is entitled.

