

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CAIR FLORIDA, INC.; DERRICK ISSAC BROWN;
CHRISTOPHER ADAMS JAMES; HARDIN GERARD
JEAN-PIERRE; and MAURICIO HUMBERTO
RIVAS-PENAILILLO,

Plaintiffs,

v.

Hon.
Case No.

MIAMI-DADE COUNTY; MARYDELL GUEVARA,
in her individual capacity as Director of the MIAMI-
DADE COUNTY CORRECTIONS AND
REHABILITATION DEPARTMENT; EDDIE
DENSON, in his individual capacity as Acting Chief of
the MIAMI-DADE COUNTY CORRECTIONS AND
REHABILITATION DEPARTMENT; JOSE
HERNANDEZ, in his individual capacity as Chaplain
of the MIAMI-DADE COUNTY CORRECTIONS
AND REHABILITATION DEPARTMENT; TERRY L.
BROWNE, in her individual capacity as Commander of
the Reentry Program Service Bureau of the MIAMI-
DADE COUNTY CORRECTIONS AND
REHABILITATION DEPARTMENT; and DEBRA
GRAHAM, in her individual capacity as Commander
of the Food Services Bureau of the MIAMI-DADE
COUNTY CORRECTIONS AND REHABILITATION
DEPARTMENT

Defendants.

COMPLAINT

1. Plaintiffs are all Muslim inmates housed in jails operated by the Miami-Dade Corrections and Rehabilitation Department (MDCR), whose repeated requests for a Halal diet have been denied. Consequently, Plaintiffs file this lawsuit pursuant to 42 U.S.C. § 1983 for violation of their rights under the First and Fourteenth Amendments to the U.S. Constitution, Sections 2 and 3 of Article I to the Florida Constitution, as well as the federal Religious Land

Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc et seq. Plaintiffs seek a declaratory judgment, an injunction against any future denial of their rights, and nominal damages.

2. Miami-Dade County, through MDCR and Director Marydell Guevara, Captain Eddie Denson, Chaplain Jose Hernandez, Commander Terry L. Browne, and Commander Debra Graham (“Individual Defendants”), created and implemented a Faith-Based Meals Policy providing for four diets for its inmates: a diet for the general population, a diet with a non-meat entrée, a faith-based Kosher meal upon approval, and a therapeutic medically prescribed diet. The County’s Policy explicitly provided that Muslim inmates requesting a Halal diet would instead receive the diet for the general population, even though the County has been informed that this diet does not comply with Islamic principles of Halal.

3. Plaintiffs Derrick Issac Brown, Christopher Adams James, Hardin Gerard Jean-Pierre, and Mauricio Humberto Rivas-Penailillo (“Individual Plaintiffs”) are all Muslim inmates at MDCR who have requested a Halal diet. The word “halal” in Arabic simply means permissible, thus a “Halal diet” is food that is permissible for Muslims to consume. Under Islamic principles, a Halal diet, among other things, prohibits the meat of certain animals or their derivatives, requires animals eaten to be slaughtered in a particular manner, prohibits the consumption of alcohol or food containing alcohol, and mandates that the food not come into contact with non-Halal foods. All of the Individual Plaintiffs and other constituents of CAIR Florida, Inc. (CAIR-FL) have had their requests rejected, based on the County’s Faith-Based Meals Policy. CAIR-FL has expended resources to intercede on their behalf, without success. As a result, Individual Plaintiffs and other CAIR-FL constituents have been unable to eat in MDCR’s dining halls due to the County not offering Halal meals or an acceptable alternative.

They have had to consume meals that are inconsistent with their faith, rely on foods they can purchase with their meager funds, or else go hungry.

4. By denying the Individual Plaintiffs and CAIR-FL constituents a Halal diet consistent with their sincerely held religious beliefs, the Policy violates Plaintiffs' rights to free exercise of religion under the United States and Florida Constitutions, as well as the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq. Plaintiffs seek a court order requiring Defendants to provide Individual Plaintiffs and current and future Muslim inmates a Halal diet, a declaratory judgment that Defendants' refusal to do so pursuant to the County's Faith-Based Meals Policy violates the rights of prisoners to religious freedom and equal protection under the law, and nominal damages.

Jurisdiction and Venue

5. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights). Equitable relief is authorized by 28 U.S.C. § 1343(a)(4), and declaratory relief is authorized by 28 U.S.C. § 2201(a) and § 2202. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over the state law claims, as those claims form part of the same case or controversy as the federal questions asserted herein. This Court is authorized to grant Plaintiffs' prayer for relief regarding costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988.

6. Plaintiffs request a speedy decision and advancement on this Court's calendar under Fed. R. Civ. P. 57 and 28 U.S.C. § 2201.

7. Venue is proper in the Southern District of Florida, pursuant to 28 U.S.C. § 1391(b), in that (i) Defendants are situated within this judicial district, (ii) Individual Plaintiffs

are all detained in this district and Plaintiff CAIR-FL has an office in this judicial district, and (iii) all of the claims asserted by Plaintiffs arose within this judicial district.

Parties

Individual Plaintiffs

8. Plaintiff Derrick Issac Brown is an inmate in the custody of MDCR. His inmate number is 140042785. He is currently housed at Metro West Detention Center. He is a Muslim whose sincerely-held religious beliefs require that he maintain a Halal diet.

9. Plaintiff Christopher Adams James is an inmate in the custody of MDCR. His inmate number is 140121994. He is currently housed at Metro West Detention Center. He is a Muslim whose sincerely-held religious beliefs require that he maintain a Halal diet.

10. Plaintiff Hardin Gerard Jean-Pierre is an inmate in the custody of MDCR. His inmate number is 110043454. He is currently housed at Metro West Detention Center. He is a Muslim whose sincerely-held religious beliefs require that he maintain a Halal diet.

11. Plaintiff Mauricio Humberto Rivas-Penailillo is an inmate in the custody of MDCR. His inmate number is 140121727. He is currently housed at Metro West Detention Center. He is a Muslim whose sincerely-held religious beliefs require that he maintain a Halal diet.

Organizational Plaintiff CAIR-FL

12. Plaintiff CAIR Florida, Inc. (CAIR-FL) is a Florida nonprofit chapter of the national Council on American-Islamic Relations, which defends the civil rights of all people, but especially those of Muslims, while combatting discrimination and defamation against Muslims and Islam. CAIR-FL was formed in 2000 with a mission “to enhance understanding of Islam,

encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.”

13. To further its mission CAIR-FL engages in education and advocacy efforts, including organizing conferences, conducting town hall meetings and know your rights presentations, participating in interfaith events, offering legal clinics, and lobbying members of the Florida Legislature on issues affecting Muslims.

14. CAIR-FL has thousands of constituents in Miami-Dade County. CAIR-FL’s constituents include Muslims who have been, are being, and will be detained by MDCR and subjected to Defendants’ Faith-Based Meals Policy.

15. CAIR-FL has had to divert significant resources from its advocacy and education efforts to work and consult with Muslim inmates, including Individual Plaintiffs, affected by Defendants’ unconstitutional Policy and to try to educate correctional officials in Miami-Dade County regarding Halal diets and the religious practices of Muslims.

16. Because MDCR continues to operate County detention facilities under the unconstitutional Policy that requires Muslims to consume non-Halal meals while failing to offer Muslim inmates any reasonable and acceptable alternatives in order to satisfy their religious beliefs, CAIR-FL expects to divert considerable additional resources to assist Muslims in the custody of MDCR deprived of their free exercise rights under the Policy.

17. The diversion of resources CAIR-FL must spend on combating Defendants’ unconstitutional Policy frustrates CAIR-FL’s efforts through other initiatives to achieve its organizational mission.

Defendants

18. Defendant Miami-Dade County is a Florida municipal corporation organized under the Constitution and Laws of the State of Florida. The Board of County Commissioners of Miami-Dade County is the governing body of Miami-Dade County and a political subdivision of the State of Florida. Under the County's home rule charter, the Board of County Commissioners has the power to provide jails. Accordingly, the Board of County Commissioners, through the Miami-Dade Corrections and Rehabilitation Department (MDCR), operates the County's correctional facilities, including Turner Guilford Knight Correctional Center, Metro West Detention Center, and Pre-Trial Detention Center. The County effectuates this authority through implementation and enforcement of a set of County customs, policies, and regulations that govern the operation of detention centers in the County. The County enacted and enforces the Faith-Based Meals Policy.

19. On August 4, 2015, the undersigned sent a letter to the Miami-Dade County Mayor and the Board of County Commissioners notifying them of the Faith-Based Meals Policy, to the extent that they were otherwise unaware of it. *See* 8/4/15 ltr. from T. Clevenger to Miami-Dade Mayor and Board of Commissioners, attached as Ex. 2. The letter asked the County to rescind the Policy by August 14, 2015. As of that date, no such rescission occurred.

20. On August 14, 2015, Defendant Marydell Guevara sent a letter to the undersigned confirming the County's decision to deny Muslim inmates with a Halal diet. *See* 8/14/15 ltr. from M. Guevara to T. Clevenger, attached as Ex. 3. This decision was based partially on a Memorandum summarizing MDCR's benchmark of other correctional facilities' faith-based meal program.

21. Defendant Marydell Guevara is the Director of MDCR and, in practice, the official with final policymaking authority for Miami-Dade County with respect to correctional operations, including the creation and enforcement of MDCR's Faith-Based Meals Policy. She is sued in her individual capacity.

22. Defendant Eddie Denson is a Captain and Acting Chief of MDCR. He is sued in his individual capacity.

23. Defendant Jose Hernandez is a Chaplain at MDCR. He is sued in his individual capacity.

24. Defendant Terry L. Browne is the Commander of the Reentry Program Service Bureau at MDCR. She is sued in her individual capacity.

25. Defendant Debra Graham is the Commander of the Food Services Bureau at MDCR. She is sued in her individual capacity.

26. All policies, practices, actions and threatened actions of Defendants alleged in this complaint are actions taken or threatened under color of state law.

Factual Allegations

The County's Faith-Based Meals Policy

27. Effective October 1, 2014, the County adopted a Faith-Based Meals Policy, which requires all inmates housed at a MDCR correctional facility to be fed meals from one of four main diets: “1) the master (general population) menu, 2) an alternative entrée with a non-meat substitute, 3) faith based kosher meals (upon approval), and 4) therapeutic diets prescribed by the Miami-Dade Inmate Medical Provider.” Faith-Based Meals Policy, attached as Ex. 1.

28. Pursuant to the Policy, “[i]nmates requesting a faith-based diet for the Muslim faith will be approved for the master (general population) menu,” and “Muslim inmates currently on the faith-based menu will be automatically changed to the general population menu.” *Id.*

29. The Policy further states that all of MDCR’s meals are free of alcohol, pork, pork products, trans-fats, and shellfish. *Id.*

30. The Policy, while consigning Muslim inmates to the general population diet explicitly makes an accommodation for inmates of the Jewish faith to receive Kosher meals upon approval.

31. Prior to this Policy, when Muslim inmates at MDCR had requested a Halal diet in accordance with their sincerely held religious beliefs, the County had provided them with faith-based Kosher meals.

32. Since the Policy, Muslim inmates have generally not been approved for Halal or Kosher meals. According to some of the grievance responses some inmates were given "Halal" meals during the month of Ramadan, between June 18 and July 17, 2015.

33. On or about the week of October 13, 2014, CAIR-FL's Regional Operations Director Nezar Hamze spoke to Defendant Chaplain Jose Hernandez and informed him that CAIR-FL had received two complaints of discrimination that Muslim inmates at MDCR had been denied Kosher meals and were placed on the general population diet against their will. Mr. Hamze informed Defendant Hernandez that the general diet does not meet religious requirements for Muslim inmates.

34. Based on Mr. Hamze's discussion with Defendant Hernandez, and upon information and belief, MDCR instituted the Faith-Based Meals Policy to reduce the cost of meals for Muslim inmates. Upon information and belief, Defendant Hernandez worked with a volunteer, Imam S. Nassirnia, to reduce the cost..

35. MDCR concluded that its general diet meets Muslim dietary requirements because the general diet does not contain pork or alcohol and, thus, was Halal-compliant.

36. Mr. Hamze explained to Defendant Hernandez that the absence of pork and alcohol does not make a diet Halal-compliant. He clarified that the meat must be slaughtered to

include a prayer and must be handled in a particular manner. Mr. Hamze noted that although the general diet does not meet Muslim dietary requirements, the Kosher diet does, as the manner in which the meat is slaughtered and strict handling procedures conform with Halal.

37. Although Defendant Hernandez did not know how the meat on the general population menu was slaughtered he never followed up with Mr. Hamze or CAIR-FL to further discuss the Faith-Based Meals Policy and the complaints CAIR-FL had received.

38. On or about October 20, 2014, Mr. Hamze spoke to Defendant Commander of Food Services Debra Graham and informed her that CAIR-FL had received two complaints of discrimination that Muslim inmates at MDCR had been denied Kosher meals and were placed on the general population diet against their will. Mr. Hamze informed Defendant Graham that the general diet does not meet religious requirements for Muslim inmates.

39. Defendant Graham refused to consider alternative proposals from Mr. Hamze to reduce the cost of meals for Muslim inmates, would not set up a meeting with MDCR officials to discuss the policy, and would not otherwise address the issue.

40. When Mr. Hamze responded that the County's policy and MDCR's treatment of Muslim inmates was discriminatory, Defendant Graham gave no substantive response but simply said that someone from the County's legal department would contact him. No one from MDCR's legal department ever contacted Mr. Hamze.

41. On or about the week of October 27, 2014, Mr. Hamze spoke to Defendant Commander of the Reentry Program Services Bureau Terry L. Browne and informed her that CAIR-FL had received two complaints of discrimination that Muslim inmates at MDCR had been denied Kosher meals and were placed on the general population diet against their will. Mr.

Hamze informed Defendant Browne that the general diet does not meet religious requirements for Muslim inmates and asked for her help in arranging a meeting with MDCR command staff.

42. Defendant Browne set up a meeting for Mr. Hamze to meet with MDCR command staff on November 13, 2014. At this meeting, attended by Defendant Browne, Defendant Graham, Defendant Hernandez, and MDCR's Division Chief, Donald E. Coffey, Mr. Hamze again explained that CAIR-FL had by then received three complaints of discrimination from Muslim inmates at MDCR who were denied Kosher meals and placed on the general population diet against their will. Mr. Hamze explained that the general diet does not meet religious requirements for Muslim inmates because of Halal guidelines on how meat must be slaughtered and how the food should be handled. No MDCR staff at the meeting could verify how the meat served on the general population menu was slaughtered. Mr. Hamze noted that the faith-based Kosher meals provided by MDCR do satisfy Halal requirements because of similar restrictions on the way the meat must be slaughtered. Mr. Hamze also stated that MDCR's provision of Kosher meals to Jewish inmates and denial of Halal or Kosher meals to Muslim inmates is discriminatory and offered himself as a resource to help MDCR find Halal meat suppliers that could provide low-cost meals for Muslim inmates.

43. Despite repeated emails to Defendant Browne and MDCR staff to follow up on this issue over the next three months, Mr. Hamze received only one response from Defendant Browne on December 3, 2014, informing him that MDCR was researching the religious diet policies used by other correctional departments in the state and would update him on any resulting recommendations.

44. Mr. Hamze sent Defendant Browne another email on January 30, 2015 inquiring about the Faith-Based Meals Policy, but did not receive any response from Defendant Browne.

45. Individual Plaintiffs and CAIR-FL constituents have repeatedly requested that MDCR provide them with the Halal food they are required to consume pursuant to their sincerely held religious beliefs.

46. Individual Plaintiffs and CAIR-FL constituents do not find the general menu to be satisfactorily in compliance with the religious dietary needs of Muslims and have requested Halal diets.

47. Neither do Individual Plaintiffs and CAIR-FL constituents find the menu with a non-meat alternative entrée to be in compliance with the religious dietary needs of Muslims, as there is no assurance that the vegetarian diet is not contaminated by coming into contact with non-Halal foods during preparation and storage.

48. Individual Plaintiffs and CAIR-FL have repeatedly informed MDCR officials, including Chaplain Hernandez, Director Guevara, Mayor Carlos Gimenez, and the Miami-Dade County Board of Commissioners, that the general population diet does not comply with Muslim principles of Halal, and effectively forces Muslim inmates to violate their sincerely held religious belief that meals must be prepared in conformance with Halal requirements.

49. Despite the protestations and reasonable requests by Individual Plaintiffs and CAIR-FL constituents that Halal meals be provided due to their religious beliefs and CAIR-FL's efforts to intercede on their behalf, MDCR followed the County's Policy and did not provide them with any satisfactory substitutes for the master (general population) menu.

50. Defendants' Faith-Based Meals Policy has violated, continues to violate, and will violate in the future the right to free religious exercise of Individual Plaintiffs, Plaintiff CAIR-FL, and CAIR-FL constituents as protected under the U.S. and Florida Constitutions and the right to religious practice without substantial burden under RLUIPA.

51. Defendants' Faith-Based Meals Policy has violated, continues to violate, and will violate in the future the right to equal protection under the law of Individual Plaintiffs, Plaintiff CAIR-FL, and CAIR-FL constituents as protected under the U.S. and Florida Constitutions.

52. As a direct result of Defendants' Policy, Plaintiffs are suffering irreparable harm for which there is no adequate remedy at law.

53. Consequently, Plaintiffs are entitled to a declaration that the Policy is unconstitutional, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

Exhaustion of Administrative Remedies

54. Individual Plaintiffs have fully exhausted administrative remedies according to the grievance procedures set forth by MDCR in its Department Standard Operating Procedure 15-001.

55. MDCR has a two-step grievance procedure: (1) a written inmate grievance form followed by a grievance resolution within 10 days, and (2) a subsequent request for appeal within 2 workdays followed by a final resolution within 5 days. In the event that there is no response to the initial grievance, an inmate may file an appeal after 30 days, followed by a final resolution within 5 days.

56. Each Individual Plaintiff has completed all steps in the grievance process.

Plaintiff Brown

57. On June 12, 2015, Plaintiff Brown, through CAIR-FL, submitted a written inmate grievance form, completing step 1 of the process. *See* 6/12/15 Grievances, attached as Ex. 4.

58. After receiving no resolution of his grievance, Plaintiff Brown submitted an Inmate Grievance Form on June 29, 2015, again completing step 1. *See* Brown Grievance Packet, attached as Ex. 5, at page 1.

59. MDCR provided a written response to Brown's grievance on July 14, 2015. *See* Ex. 5, at page 2.

60. Plaintiff Brown appealed the decision on July 14, 2015, thereby completing step 2 of the process. MDCR provided a final decision of this appeal to Brown on July 22, 2015. *See* Ex. 5, at page 3.

Plaintiff James

61. On June 12, 2015, Plaintiff James, through CAIR-FL, submitted a written inmate grievance form, completing step 1 of the process. *See* 6/12/15 Grievances, attached as Ex. 4.

62. After receiving no resolution of his grievance, Plaintiff James submitted an Inmate Grievance Form on June 29, 2015, again completing step 1. *See* James Grievance Packet, attached as Ex. 6, at page 1.

63. MDCR provided a written response to James's grievance on July 16, 2015. *See* Ex. 6, at page 1.

64. Plaintiff James appealed the decision on July 16, 2015, thereby completing step 2 of the process. MDCR provided a final decision of this appeal on July 30, 2015. *See* Ex. 6, at page 2.

Plaintiff Jean-Pierre

65. On June 12, 2015, Plaintiff Jean-Pierre, through CAIR-FL, submitted a written inmate grievance form, completing step 1 of the process. *See* 6/12/15 Grievances, attached as Ex. 4.

66. After receiving no resolution of his grievance, Plaintiff Jean-Pierre submitted an Inmate Grievance Form on June 29, 2015, again completing step 1. *See* Jean-Pierre Grievance Packet, attached as Ex. 7, at page 1.

67. MDCR provided a written response to Jean-Pierre's grievance on July 10, 2015. *See* Ex. 7, at page 1.

68. Plaintiff Jean-Pierre appealed the decision on July 16, 2015, completing step 2 of the process, and received a written response from MDCR on July 30, 2015. *See* Ex. 7, at page 2.

Plaintiff Rivas-Penailillo

69. On June 12, 2015, Plaintiff Rivas-Penailillo, through CAIR-FL, submitted a written inmate grievance form, completing step 1 of the process. *See* 6/12/15 Grievances, attached as Ex. 4.

70. After receiving no resolution of his grievance, Plaintiff Rivas-Penailillo submitted Inmate Grievance Forms on June 29 and July 26, 2015, again completing step 1. *See* Rivas-Penailillo Grievance Packet, attached as Ex. 8, at pages 1, 3.

71. MDCR provided written responses to Rivas-Penailillo's grievances on July 16 and July 21, 2015. *See* Ex. 8, at pages 2, 4.

72. Plaintiff Rivas-Penailillo appealed the decision on July 16 and July 21, 2015, thereby completing step 2 of the process. MDCR provided final decisions of these appeals on July 30, 2015, 2015. *See* Ex. 8, at page 5.

Class Action Allegations

73. Individual Plaintiffs bring this action on behalf of themselves and all others similarly situated, pursuant to Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure.

74. Individual Plaintiffs seek to represent a class defined as “all current and future Muslim inmates incarcerated in correctional facilities within the Miami-Dade County Corrections and Rehabilitation Department whose sincerely-held religious beliefs require them to maintain a Halal diet.”

75. The proposed class is so numerous and so fluid that joinder of all members is impracticable and uneconomical. Several thousand persons are admitted to MDCR facilities annually. On August 10, 2015, the average daily inmate population in MDCR facilities was 4,391 and the average length of stay was 29.23 days. Upon information and belief, approximately 200 inmates currently at MDCR self-identify as Muslims, although the identity of this group changes daily as inmates are booked and released from MDCR facilities.

76. There are questions of law and fact common to the members of the Plaintiff Class. The same Faith-Based Meals Policy applies to all class members. The questions common to all members of the Plaintiff Class are (1) whether the denial of Halal meals substantially burdens their religious practice in the absence of a compelling interest and where the denial of Halal meals is the least restrictive means of furthering that interest; (2) whether the denial of Halal meals is reasonably related to a legitimate penological interest; and (3) whether MDCR’s denial of Halal meals or Halal-compliant Kosher meals to Muslim inmates while providing Kosher meals to Jewish inmates constitutes intentional discrimination. These common questions predominate.

77. Individual Plaintiffs’ claims are typical of the claims of the members of the class. Their injuries are similar in kind and degree as to the class. Their claims raise questions of fact and law common to the class. Their injuries arise from the same conduct as the class injuries.

They seek a permanent injunction to end the unlawful policy and practices as the class would desire.

78. Individual Plaintiffs will fairly and adequately protect the interests of the class. They have no interest that is now or may be potentially antagonistic to the interests of the class. They understand the duties and responsibilities of serving as class representatives. Individual Plaintiffs are represented by attorneys employed by or working in cooperation with CAIR-FL and the ACLU Foundation of Florida,. One of the representing organizations, ACLU Foundation of Florida, has extensive experience in class action cases involving federal civil rights claims.

79. MDCR and Individual Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

COUNT I

Violation of the Religious Land Use and Institutionalized Persons Act (42 U.S.C. § 2000cc et seq.)

80. Plaintiffs reallege and incorporate by reference all of the foregoing allegations.

81. Section 3 of RLUIPA provides, in part, that “[n]o government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution,” unless the burden furthers “a compelling governmental interest,” and does so by “the least restrictive means.” 42 U.S.C. § 2000cc-1(a)(1)-(2).

82. The Faith-Based Meals Policy Defendant Miami-Dade County has implemented through MDCR and the Individual Defendants substantially burdens and threatens to continue burdening Plaintiffs’ religious practice by forcing Individual Plaintiffs and the members and constituents of CAIR-FL to consume non-Halal meals, which violates their sincerely-held religious beliefs.

83. The burden on Individual Plaintiffs' and other Muslim inmates' religious practice does not further a compelling government interest.

84. Defendant Miami-Dade County receives financial assistance from the United States Government.

85. Consequently, Plaintiffs are entitled to a declaration that the Policy is unconstitutional, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

COUNT II

Right to Free Exercise of Religion Guaranteed by the First Amendment to the United States Constitution (42 U.S.C. § 1983)

86. Plaintiffs reallege and incorporate by reference all of the foregoing allegations.

87. The First Amendment protects the rights of all persons to freely exercise their religious beliefs. It protects the right of inmates to receive a diet that conforms to their sincerely-held religious beliefs. Maintaining a Halal diet is central to Individual Plaintiffs' and the members and constituents of CAIR-FL's sincerely held religious beliefs. Accordingly, the First Amendment protects the rights of Individual Plaintiffs and other Muslim inmates to receive and continue receiving a Halal diet.

88. The Faith-Based Meals Policy Defendant Miami-Dade County has implemented through MDCR and the Individual Defendants, on its face, authorizes MDCR and Individual Defendants to deny or deprive inmates of their Halal diets for reasons that have no reasonable relationship with any legitimate penological interests.

89. Individual Plaintiffs' requests for Halal diets were denied for reasons that have no reasonable relationship to any legitimate penological interest.

90. By forcing Individual Plaintiffs and members/constituents of CAIR-FL to consume non-Halal meals in violation of their sincerely-held religious beliefs through the Faith-Based Meals Policy, Defendants have improperly and unjustifiably infringed Plaintiffs' right to the free exercise of religion, in violation of the First Amendment.

91. Consequently, Plaintiffs are entitled to a declaration that the Policy is unconstitutional, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

COUNT III

Violation of the Right to Equal Protection Guaranteed by the Fourteenth Amendment to the United States Constitution (42 U.S.C. § 1983)

92. Plaintiffs reallege and incorporate by reference all of the foregoing allegations.

93. The Equal Protection Clause protects the rights of all persons to equal treatment under the law. It protects the right of Muslim inmates to receive a diet in accordance with their sincerely-held religious beliefs where inmates of other religions are provided a diet in accordance with their faith.

94. Maintaining a Halal diet is central to Individual Plaintiffs' and the members and constituents of CAIR-FL's sincerely held religious beliefs. Defendants refused to accommodate Plaintiffs' and other Muslim inmates' requests for Halal diets instead of the general population diet. Defendants, however, accommodated the requests of Jewish and other non-Muslim inmates for faith-based kosher meals. As a result, Plaintiffs and other Muslim inmates were unable to eat in conformity with their sincerely held religious beliefs, while inmates of other faiths could eat consistently with their religions at MDCR.

95. Plaintiffs' and other Muslim inmates' dietary requests were not accommodated solely because they are Muslim.

96. The difference in treatment is not reasonably related to any legitimate penological interest.

97. Plaintiffs were deprived and continue to be deprived of their right to equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution.

98. Consequently, Plaintiffs are entitled to a declaration that the Policy is unconstitutional, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

COUNT IV

Violations of Free Exercise Rights under Florida Constitution Article I, Section 3

99. Plaintiffs reallege and incorporate by reference all of the foregoing allegations, including those under Count II.

100. Article 1, Section 3 of the Florida Constitution, like the First Amendment of the U.S. Constitution, protects the rights of all persons to exercise their religious beliefs, including the right of inmates to receive a diet that conforms with their sincerely-held religious beliefs.

101. For the same reasons articulated in Count II, Plaintiffs are entitled to a declaration that Defendants' Faith-Based Meals Policy violates the free exercise provision of the Florida Constitution, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

COUNT V

Violations of Equal Protection Rights under Florida Constitution Article I, Section 2

102. Plaintiffs reallege and incorporate by reference all of the foregoing allegations.

103. Article I, Section 2 of the Florida Constitution, like the Fourteenth Amendment to the U.S. Constitution, protects the rights of all persons to equal treatment under the law. It protects the right of Muslim inmates to receive a diet in accordance with their sincerely-held religious beliefs where inmates of other religions are provided a diet in accordance with their faith.

104. For the same reasons articulated in Count III, Plaintiffs are entitled to a declaration that Defendants' Faith-Based Meals Policy violates the equal protection of the Florida Constitution, both on its face and as applied to them; injunctive relief; nominal damages; and costs and attorneys' fees.

Relief Requested

WHEREFORE, Plaintiffs respectfully request the following relief:

A. An order declaring Defendants' Policy that MDCR detention centers only serve non-Halal meals to Muslim inmates violates—both facially and as-applied—the First and Fourteenth Amendments to the United States Constitution, Article 1, Sections 2 and 3 of the Florida Constitution, and RLUIPA;

B. An order permanently enjoining Defendants from denying Muslim inmates a Halal diet, effectively forcing Muslim inmates to violate their sincerely held religious beliefs by providing no alternative other than to consume a non-Halal diet;

C. An award of nominal damages;

D. An award to Plaintiffs of reasonable attorneys' fees, litigation expenses, and costs incurred in this action;

E. An order retaining the Court's jurisdiction of this matter to enforce the terms of the Court's orders; and

F. Such other and further relief as the Court deems equitable, just, and proper to make Plaintiffs whole.

Dated: September 3, 2015

Respectfully Submitted,

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