

In The United States District Court
For the Western District of North Carolina
Charlotte Division

Case No.

FILED
CHARLOTTE, NC

APR 20 2018

Jennifer Ann Jasmaine,
F/K/A Duane L. Fox,
Plaintiff,

US District Court
Western District of NC

3:18cv 201

v.

Chaplain Lizinbee ,
Chaplain Brown ,
defendants.

I. Have you begun other lawsuits in federal court
dealing with these same facts involved in
This Action? Yes NO

II. Did you present the facts relating to your
complaint to the state inmate grievance
procedure? Yes NO

IF your answer is yes, what steps did

2.
you Take?

There are three steps. Ms. Jasmaine Filed an appeal all the way to the third step on my religion and was told to File out a DC-572 - "Inmate Request For Religious Assistance".

What was the result? On the grievance my relief~~s~~ was denied and was told to File out a DC-572, which I did but never got a response

VERIFIED STATEMENT

Ms. Jasmaine has been advised of the requirement regarding exhaustion of administrative remedies and now submit this verified statement. (Choose the box that applies to your action)

There are no grievance procedures at this Correctional Facility at which I am being confined.

3.

This cause of action arose at and I am now being housed at therefore I do not believe I have Administrative remedies relating to this complaint at this time.



Ms. Jasmaine has exhausted her administrative remedies relating to this complaint and have attached copies of her grievances demonstrating completion,

III. Parties - in item (A) below, place your name in the second blank. Do the same for all additional plaintiffs. Note: all plaintiffs listed in this section.

Name of Plaintiff: Jennifer Ann Jasmaine

name and address of present Facility:
Lanesboro Corn Inst
P.O. Box 280
Polkton, N.C. 28135

4.

IV. In item (B) below, Please list the full names of defendants in the first blank, his/her Official position, in the second blank, and his/her place of employment in the third blank. Use item C for the additional defendant. Note: All defendants listed in this caption on the first page should be listed in this section.

B.) Defendant: Lizinbee

Position: Chaplain

Employed at: Lanesboro Corr. Inst.

Address: P.O.Box 280, Polkton, N.C. 28135

Capacity in which defendant is being sued:
Individual OFFicial BOTH

C.) Defendant: Ms. Brown

Position: Regional Chaplain

5.

Address: Central Prison, 4285 m.s.c. Raleigh, N.C. 27699

Capacity in which defendant is being sued:
Individual Official Both

V. 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. If you wish to allege a number of related claims, number set forth each claim in a separate paragraph.

I.) How Each Defendant Is Involved

1.) The defendant, Mr. Lizinbee is the chaplain. The plaintiff, Ms. Jasmaine sent him a DC-572, (Inmate Request for Religious Assistance) on 4-10-2018.

2.) The plaintiff, ms. Jasmaine explained that out of all of the faiths, Witchcraft is the only one that is held to having service only eight times a year. Yet the Native

6.

Americans have service three times a week, every week.

3.) Witchcraft does not get to have their special meal for each sabbats, (but the muslims get ram-in-dan, and Native Americans get corn fest) The policy is incorrect on the entire aspect of Wiccan. ALSO we are not given the proper supplies to have Wiccan service. Then The defendant, Mr. Lizinbee wont even put Wiccan service on the scedual.

4.) Witchcraft is a nature based faith, like Native American's, yet Witchcraft is not allowed to have their service outside like the Native American's do.

II.

1.) The defendant, Ms. Brown is the regional chaplain. The plaintiff, Ms. Jasmaine sent her a DC-572 (Inmate Request For Religious Assistance) on 4-10-2018.

2.) The plaintiff, Ms. Jasmaine, explained that

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out of all of the faiths, Witchcraft is the only one that is held to having service only eight times a year. Yet the Native Americans Have service three times a week, every week

3) Witchcraft does not get to have their special meal For each sabbats (8), (but the muslims get ramindon, and Native Americans get Corn fest)
The policy is incorrect on the entire aspect of Wiccan. Also we are not given the proper supplies to have Wiccan service. ~~there is~~

4.) Witchcraft is a nature based faith, like Native American's, yet Witchcraft is not allowed to have their service outside like the Native American's do.

VI. Violating Ms. Jasmaine right to practice her religion

1.) Ms. Jasmaine is not given adiquate time to practice Witchcraft (Eight times a year)
Then when Ms. Jasmaine has her service – Witchcraft, she is prevented from having her service outside, but Native American's are allowed to go outside.

8.

2.) The American Indians have service three times a week. The Christians have service twice in one day & their service is six times a week.

3.) Everything in the policy is wrong regarding Witchcraft. There is no way to practice Witchcraft the way the policy is written

4.) Ms. Jasmaine filled out a DC-572 ("Inmate Request For Religious Assistance") concerning this matter. This form was sent to Mr. Lizinbee and Ms. Brown. With no response from any of them, (a copy of the DC-572 is being sent with this complaint form)

5.) The First Amendment to the United States Constitution states: Congress shall not make no law respecting an establishment of religion or prohibiting the free exercise thereof..

6.) Ms. Jasmaine's religion is not just her

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religion. It's her way of life. This is the path in which she has taken. Ms. Jasmaine beliefs are not associated with traditional religion, but they don't have to be. Africa v. Commonwealth of Pennsylvania, 662 F.2d 1025 (3d Cir., 1981); Love v. Reed, 216 F.3d 682 (8th Cir., 2000).

7.) However, it is hard to follow her religion rules when the prison system puts in place policy's that counterdict those rules.

8.) In the Wiccan Reed it states, "Harm none so mote it be." Witches believe in that aspect like the monks. That is why she had requested a vegan diet, but was denied. Was told that she would have to change her religion, to rastifarian or Buddist

9.) The plaintiff, Ms. Jasmaine shouldn't have to change her religion to get on the proper diet.

10.) Then under "Approved Practices, (under

10.

Witchcraft);(c) Diet, No formal diet requirements. (This is detailed under "Prayer for Belief") LaFevres v. Saffle, 936 F.2d 1117 (10TH Cir. 1991).

11.) The plaintiff, Ms. Jasmaine has said before, Native Americans are allowed to go outside to have service for their faith. Native American religion and Witchcraft Faith are both allowed to use fire. The restrictions on Witchcraft is not reasonably related to a penological interest.

12.) The Fourteenth Amendment states that the government can't discriminate against the plaintiff, Ms. Jasmaine or treat her poorly because of her religion, yet this is exactly what the defendant, Chaplain Lizinbee, was doing.

13.) "Religious Land Use and ~~Institutionalized~~ Persons Act" states: Facilities that accept Federal Funding, (All state correctional systems accept Federal Funding) cannot

II.

deny prisoners the necessary accomodations to engage in activities for the practice of their own religious beliefs. Yet Wiccans are not allowed to have their rituals outside, not allowed to use fire, not allowed incense sticks, only given eight services a year, (which is unacceptable)

~~Then~~ Then, Wiccans are refused special diet, plus special meals for our Sabbatts.

14.) Special diet: As for the vegan diet, ~~which~~ which is already in place, but is only for two religions (Witchcraft not included). For what we would need for our sabbatts, (as far as food) is cheap. Ashelman v. Wawrzaszek, 111 F.3d 674 (9Th Cir. 1997); Beerheide v. Suthers, 286 F.3d 1179 (10Th Cir 2002); Makin v. Colorado Dept. of Corrections, 183 F.3d 1205 (10Th Cir. 1999).

15.) The plaintiff, Ms. Jasmaine has the right to meet with a religious leader and to attend religious services of her faith, (Witchcraft) She is allowed to meet with a clergy person of a particular faith, even if she wasn't a

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member of this Faith before entering prison.

16.) The plaintiff, Ms. Jasmaine is entitled to reasonable opportunity to attend service or meet with a religious leader. Eight times a year is not a reasonable opportunity. This is depriving the plaintiff, Ms. Jasmaine of all means of expressing her faith. O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987).

~~17. Defendants discriminate~~

II. FOURTEENTH AMENDMENT PROTECTION OF RELIGION

1.) It provides all individuals, including prisoners, with equal protection under the Law. The defendants made special rules and gave special benefits to members of other religions.

2.) The defendants are discriminating against Witchcraft based on suspect classifications because Witchcraft is insular minority. Witchcraft has been historically discriminated against and persecuted for hundreds of years without just cause.

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City of Cleburne v. Cleburne Living Center, 473 U.S. 432 (1985)

III. Religious Land Use And Institutionalized Persons Act

1.) Applies only to programs or activities that receive money from the Federal government. This financial assistance give Congress the right to pass laws that it might not otherwise be able to pass.

2.) The defendants are denying Ms. Jasmaine the necessary accommodations to engage in activities for the practice of her own religious beliefs. Cutler v. Wilkinson, 544 U.S. 709 (2005). All state correctional systems accept Federal Funding.

IV. Special Diets:

1.) The defendants refuse to accommodate the plaintiff, Ms. Jasmaine religious diet (vegan). Ashelman v. Wawrzaszek, 111 F.3d 674 (9th Cir. 1997); Beerheide v. Suthers, 286 F.3d 1179 (10th

14.

Cir. 2002); Makin v. Colorado Dept. of Corrections, 183 F.3d 1205 (10TH Cir 1999).

VI. EXHAUSTION OF LEGAL REMEDIES

1. The plaintiff, Ms. Jasmaine used the prisoner grievance procedure available at Lanesboro Corr. Inst. to try to solve the problems. On April 14, 2018 The plaintiff, Ms. Jasmaine presented the Facts relating to this religious complaint. (Ms. Jasmaine COPY of the grievance is being accomplied this complaint.)
- 2) The plaintiff, Ms. Jasmaine used the DC-572 "Inmate Request For Religious Assistance" available at Lanesboro Corr. Inst. to try to solve the problems. On April 10, 2018 The plaintiff, Ms. Jasmaine presented the Facts relating to this religious complaint. (Ms. Jasmaine sent a copy of the DC-572 with this complaint.)

VII. PRAYER FOR RELIEF

WHEREFORE, The plaintiff, Ms. Jasmaine

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respectfully pray that this court enter judgement:

- 1.) Granting Plaintiff, Ms. Jasmaine a declaration that the act and omissions described herein violated her rights under the Constitution and Laws of the United States.
- 2.) A preliminary and permanent injunction ordering The defendants to stop hindering her religious practicing her religion as follows:
 - A.) Wicca is a Federally recognized religion for 501(c) 3 purposes. *Dettmer v. Landon*, 617 F. supp. 592.

Inmate religious items for Witchcraft

- 1.) Book of Shadows - 12' x 14'
- 2.) Sacred Cloth - needs to be 44' x 72'
not 26' x 44'
- 3.) We need The Vigilia - To teach all the sacred truths revealed through the study of nature, as witches we are taught to use it as an evocation to

16.

appeal to the presence of deity.

4.) We need the cup, which is quite literally a witches
holy grail.

5.) we need The Boline, - its the symbolic tool of
Speculative harvest.

6.) we need The Sitella, - its a large decorative vase
usually made of brass or copper, which contains
items used for Sortis.

7.) We need The Wand, The dimentions $1 \times 3 \times 4$ is a
Block of wood not a wand. A wand 8' TO 10' in. Long
is the proper dimention

8.) Tailsman Bag 3×3

9.) Tarot Cards 78 cards

10.) Set of runes $\frac{3}{8} \times 1\frac{1}{4}$

11.) Athame plastic knife, covered with ~~not~~ picture of
a ceremonial knife

17.

12.) We need The Aspergillum, used to consecrate a sacred space.

13.) We need The Bell, used to signify announcements throughout our craftwork, also used it in a spiritual through communication and proper expression.

14.) We need candles, we have to be able to light the candles, which we cannot use battery powered candles, because no electronics are allowed in the circle.

15.) We need The Besom, or Broom - used to sweep away all the negative debris of life.

16.) We need The Censer, To purge all foul orders in the process of our craftwork also to use it in a spiritual manner whereby cleansing ourselves and refreshing the spirit within.

17.) We need Incense sticks, to purify the body - prior to entering the circle.

18.

18.) We need robes - To be worn during our saramonies. (color - Black)

19.) To be able to purchase a religious box, Like The Native Americans can,

Religious Accommodations

1.) To be able to light our candles during our rituals (have this stated in policy)

2.) To be able to have service twice a week plus our Sabbaths, (one service for outside service - each week)

3.) To be able to have our sabbats and esbats outside with a small fire inside the circle, (just like the Native Americans do)

4.) To be able to be put on a vegan diet under Witchcraft Faith. Due to the fact that we witches believe in not hurting anything.

5.) For the chaplain to start using funds

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For the Witchcraft Faith instead of being extremely bias, (We have next to nothing in the Chapel as far as books, videos, music, but For the Christian Faith has book shelves of book, plenty of videos and music for them.)

6.) For The name "Witch and "Witchcraft be part of the Wiccan policy.

7.) TO WORK ON getting volunteers to come in all N.C. prisons for Witchcraft Faith.

WITCHCRAFT DIETS

1.) Now, under the Wiccan (policy) part (C): (Diet) says: "No formal diet requirements". First and foremost our "Wiccan Creed", (our by-Laws), teach us that we are to harm nothing, (like monks). This is why witches need to be able to request a ~~vegan~~ diet under Witchcraft Faith.

2.) Now as for the eight holy days of the year:

20.

A.) Samhain (October 31) For Food: beets, Turnips, apple, corn, nuts, gingerbread, cider, mulled wines and pumpkin dishes are appropriate dishes.

B.) Mabon (September 21) The food for Mabon consist of: the second harvest's gleanings, grains, fruit and vegetables, predominate especially corn, cornbread is traditional fare as are beans and baked squash

C.) Lughnasadh (August 1) Weat weaving, (The making of corn dollies, ect.) is a appropriate activity for Lughnasadh The food include; bread, blackberries and all berries, crab apple, all grains and locally ripe produce. A cake is baked and cider is used in the place of wine.

D.) Midsummer (circa June 21) Herbs are dried over the ritual fire. Leap the fire for purification and renewed energy fresh fruits are standard fare for Midsummer.

E.) Beltane (April 30) Food traditionally comes from dairy and dishes such as vanilla ice cream.

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and oatmeal cakes are appropriate.

F.) Ostara (circa March 21) Food intune with this day include those made of seeds such as sunflowers, pumpkin and sesame seeds as well as pine nuts, sprouts are equally appropriate, as are leafy, green vegetables. Flower dishes such as stuffed nasturtiums or carnation cupcakes

G.) Imbolc (February 2) Food appropriate to eat on this day include those from the dairy, since Imbolc marks the festival of caving. Sour cream dishes, spicy and full-bodied foods. Curries and all dishes made with pepper, onions, leeks, shallots, garlic or chives are appropriate dishes containing raisins - all foods symbolic of the sun are also traditional.

H.) YULE (circa December 21) As to food:
Nuts, fruits such as apples and pears
cakes of caraway's soaked in cider
and vegan meal are traditional.

22.

VIII. Religious Land use and Institutionalized Persons Act, states: Facilities that accept federal funding (all states correctional systems accept federal Funding) cannot deny prisoners the necessary accommodation to engage in activities for the practice of their own religious beliefs. Yet Witches are not allowed a small fire in the circle, not allowed incense sticks. The policy says we're only allowed Eight services a year, but the chapter policy states all recognized religions will get (1) hour a week.

IX. APPROVED PERSONAL Religious Property

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- 1.) Book of shadows 12'x14'
- 2.) Sacred Cloth 44'x 72'
- 3.) Cauldron - plastic bowl and chalice
- 4.) Talisman bag 3"x3"
- 5.) Tarot cards - 78 cards
- 6.) Runes set - 25 bone Runes $\frac{3}{8} \times 1\frac{1}{4}$ "
- 7.) Wand one small piece of wood 8" to 10"
not 4" (No one sell a wand that small,

23.

(plus the Native Americans get a prece-pipe
and bowl 12" in Long.)

8.) Athame - a plastic knife with a ceremonial
Knife (picture) taped to the plastic knife.

9.) Religious Medallion 2 1/4 - non precious material

10.) Reading Material - book that are considered
religious not counted with regular book
as to how many you can have - 15
religious book (and 15 regular book's).

11.) To be able to buy oil From a
approved vender (Like Azure Green).

12.) Granting the plaintiff, Ms. Jasmaine
nominal damages in the amount of
\$1.00 dollar against each defendant

13.) Plaintiff, Ms. Jasmaine request a Trial
on all issues triable by a Jury.

14.) Plaintiff, Ms. Jasmaine also seeks
recovery of all her cost in this lawsuite.

24.

15.) Any additional relief this court deems just, proper, and equitable.

Dated: April 16, 2018

Respectfully Submitted,

Jennifer Ann Jasmaine
Jennifer Ann Jasmaine #1426625
Lanesboro Corr. Inst.
P.O. Box 280
Polkton, N.C. 28135

VERIFICATION

Ms. Jasmaine had read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, she believes them to be true. Ms. Jasmaine certifies under penalty of perjury that the foregoing is true and correct.

25.

Executed at: Lanesboro Corr. Inst.

Jennifer Ann Jasmaine

Jennifer Ann Jasmaine #1426625

Date: April 16, 2018