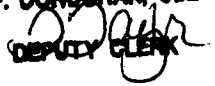


LEROY A. LOVEFACE, #161416
KEEN MOUNTAIN CORRECTIONAL CENTER
POST OFFICE BOX 860
DARWOOD, VIRGINIA 24631-0860

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

OCT 15 2007

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

OCTOBER 12, 2007

707CU00504

THE HONORABLE JOHN F. CORCORAN
CLERK, UNITED STATES DISTRICT COURT
POST OFFICE BOX 1234
ROANOKE, VIRGINIA 24006

RE: LEROY A. LOVEFACE v. JACK LEE, et al.
CIVIL ACTION No. T:03CV 00395

DEAR MR. CORCORAN:

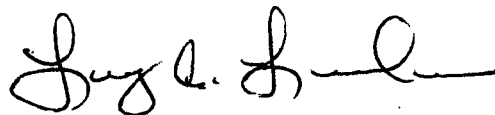
ENCLOSED PLEASE FIND MY MOTION TO SUPPLEMENT PLEADINGS, AS WELL AS
MY SUPPLEMENTAL PLEADINGS AND THE REQUIRED CERTIFICATE.

PLEASE FORGIVE MY HANDWRITTEN PLEADINGS; THIS INSTITUTION IS
CURRENTLY ON AN EMERGENCY LOCKDOWN.

WOULD YOU FILE THESE PLEADINGS AT YOUR EARLIEST CONVENIENCE.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

VERY TRULY,



LEROY A. LOVEFACE

CC: ENCLOSURES

MARK R. DAVIS, ASST. ATTORNEY GENERAL

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Roanoke Division

LEROY A. LOVELACE,
Plaintiff,

v.

CIVIL ACTION NO. 7:03cv00395

JACK LEE, et. al.,
Defendants.

MOTION TO SUPPLEMENT PLEADINGS

COMES NOW your Plaintiff, Leroy A. Lovelace, (Hereinafter "Lovelace") pro se and moves this Honorable Court, pursuant to Rule 15 (d) of the Federal Rules of Civil Procedure, (F.R.C.P.), to allow Lovelace to supplement his U.S.C. § 1983 complaint. The proposed supplemental pleading is filed herewith. In support of said motion Lovelace states as follows:

1. On June 25, 2003, Lovelace filed in this Court his civil complaint under 42 U.S.C. § 1983. On September 13, 2004, this Honorable Court granted summary judgment in favor of Defendants on Lovelace's claims. On December 1, 2004, Lovelace filed his appeal to the United States Court of Appeals for the Fourth Circuit.

2. On December 29, 2006, the Court of Appeals affirmed in part, vacated in part and remanded this case for proceedings consistent with its opinion. Subsequently, Defendant Lee¹ by

¹ On April 4, 2007, Jack Lee moved to have Kathleen Bassett, the current warden at Keen Mountain Correctional Center (KMCC), substituted as a party defendant. Mr. Lee is no longer serving as the warden at KMCC and is no longer an employee of the Virginia Department of Corrections (VADOC). Therefore on May 7, 2007, the Court granted the motion seeking the substitution of Warden Bassett for Mr. Lee.

counsel, filed a motion for summary judgment and a brief in support of those claims concerning possible injunctive relief.

3. On May 17, 2007, Lovelace mailed his brief in opposition to Defendant's motion for summary judgment. On August 24, 2007, the Honorable Judge Jackson L. Kiser granted Warden Bassett's motion for summary judgment as to Plaintiff's claims pursuant to the Religious Land Use and Institutionalized Persons Act (RLUIPA), §§ 2000cc et seq. and Plaintiff's free exercise claims pursuant to 42 U.S.C. § 1983.

4. Defendants' motion for summary judgment on Plaintiff's procedural due process claim was taken under advisement for a period of ten days. On September 13, 2007, Warden's Bassett's motion for summary judgment was granted and this case was transferred to the docket of the Honorable James P. Jones, Chief United States District Judge for the Western District of Virginia for further action regarding Plaintiff's claim that Officer Lester acted intentionally to deny Plaintiff his rights under RLUIPA and the free exercise clause of the First Amendment.

5. In his complaint Lovelace alleged, inter alia, that Defendants violated Lovelace's free exercise and due process rights as well as his right under RLUIPA, by removing him from the list of Ramadan participants because he allegedly broke the Ramadan fast.

6. Lovelace here alleges, for the reasons detailed in the attached supplemental pleadings, that the following defendants Kathleen Bassett, KMCC Warden, Mike Oslin, KMCC Food Service Director, and Larry Huffman, VADOC Western Regional Director,

intentionally and deliberately violated Lovelace's right to freedom of religious expression under the protection of the First Amendment of the United States Constitution and the Religious Land Use and Institutionalized Persons Act ("RLUIPA") 42 U.S.C. §§ 2000cc and violated Lovelace's right to due process as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution when during Ramadan 2005, defendants deprived Lovelace of adequate nutrition and calories for his Ramadan meals.

7. Lovelace further alleges that defendants' actions are a part of a longstanding pattern of violations of Lovelace's rights to freely exercise his religion. These actions by defendants occurred after Lovelace filed his complaint in this Court. Additionally, Lovelace allegations here were not ripe for inclusion into this civil action until Lovelace had exhausted his administrative remedies as to these allegations.

8. The supplemental pleadings substantiate Lovelace's allegations that defendants' actions are a part of a continuing pattern of violations, are presented in good faith with no intent to unduly delay these proceedings, and will further the ends of justice.

WHEREFORE, for the reasons stated, Lovelace requests this Honorable Court grant his motion to supplement pleadings.

Respectfully submitted,


Leroy A. Lovelace

Leroy A. Lovelace, # 161416
Keen Mountain Correctional Center
Post Office Box 860
Oakwood, Virginia 24631-0860