

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LEROY A. LOVEACE  
PLAINTIFF,

v.

CIVIL ACTION NO. 7:03CV00395

JACK GEE, et al,  
DEFENDANTS.

SUPPLEMENTAL PLEADINGS

COMES NOW, YOUR PLAINTIFF, LEROY A. LOVEACE, (HEREINAFTER "LOVEACE") PRO SE, PURSUANT TO RULE 15 (d) OF THE FEDERAL RULES OF CIVIL PROCEDURE ("F.R.C.P.") AND PRESENTS TO THIS HONORABLE COURT HIS SUPPLEMENTAL PLEADINGS.

DEFENDANTS ADDED

LOVEACE HEREBY ADDS THE FOLLOWING DEFENDANTS TO THIS ACTION:

1. DEFENDANT LARRY HUFFMAN WAS REGIONAL DIRECTOR, WESTERN REGIONAL OFFICE, VIRGINIA DEPARTMENT OF CORRECTIONS, 5427 PETERS CREEK ROAD, SUITE 150, ROANOKE, VIRGINIA 24019, WAS RESPONSIBLE FOR REVIEWING LEVEL-II GRIEVANCE COMPLAINTS TO INSURE THAT PRISON OFFICIALS AT KEEN MOUNTAIN CORRECTIONAL CENTER ("THE PRISON") ADHERE TO VIRGINIA DEPARTMENT OF CORRECTIONS ("VA.D.O.C.") DEPARTMENTAL POLICIES AND PROCEDURES AT ALL TIMES DURING THE EVENTS DESCRIBED IN THIS COMPLAINT. HE IS SUED BOTH IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.

2. DEFENDANT KATHLEEN BASSETT WAS THE WARDEN AT KEEN MOUNTAIN CORRECTIONAL CENTER, POST OFFICE BOX 860, OAKWOOD, VIRGINIA 24631, AT ALL TIMES DURING THE EVENTS DESCRIBED IN THIS COMPLAINT

AND WAS RESPONSIBLE FOR REVIEWING AND RESPONDING TO ALL LEVEL-1 INMATE GRIEVANCE COMPLAINTS FILED BY THE PRISON'S INMATES AND MAINTAINED PRIMARILY INSTITUTIONAL LEVEL RESPONSIBILITY FOR THE PROPER OPERATION OF THE PRISON'S FOOD SERVICE OPERATION. SHE IS SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITY.

3. DEFENDANT MIKE OSCIN WAS FOOD SERVICE DIRECTOR AT KEEN MOUNTAIN CORRECTIONAL CENTER, POST OFFICE BOX 860, OAKWOOD, VIRGINIA 24631, AT ALL TIMES DURING THE EVENTS DESCRIBED AND WAS RESPONSIBLE FOR PREPARING, REVIEWING, APPROVING, AND IMPLEMENTING ALL FOOD SERVICE POLICIES AND ACTIVITIES AT THE PRISON. HE IS SUED BOTH IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.

#### INADEQUATE CALORIES AND NUTRITION

4. LOVELACE ALLEGES THAT DURING THE HOLY MONTH OF RAMADAN 2005, DEFENDANTS RESTRICTED LOVELACE'S CALORIC INTAKE BY MORE THAN ONE-THIRD THUS DEPRIVING LOVELACE OF ADEQUATE NUTRITION AND CALORIES IN VIOLATION OF LOVELACE'S RIGHT TO FREEDOM OF RELIGIOUS EXPRESSION UNDER THE FIRST AMENDMENT AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT ("RLUIPA") 42 U.S.C. §§ 2000 CC; AND RIGHT TO DUE PROCESS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS.

5. SPECIFICALLY, IN 2001, LOVELACE WAS GRANTED ACCEPTANCE INTO THE VIRGINIA DEPARTMENT OF CORRECTIONS' ("VA D.O.C.") COMMON FARE RELIGIOUS DIET PROGRAM. THE COMMON FARE DIET IS AN APPROPRIATE RELIGIOUS DIET FOR INMATES WHOSE RELIGIOUS DIETARY NEEDS CANNOT BE MET BY THE MASTER MENU. THE COMMON FARE MENU HAS BEEN ANALYZED AND CERTIFIED TO MEET OR EXCEED MINIMUM DAILY NUTRITIONAL REQUIREMENTS. THIS MENU IS BASED ON A 14 DAY CYCLE OF 3 MEALS PER DAY. (EXHIBIT A: VATOC COMMON FARE 14 DAY CYCLE MENU.)

6. THE COMMON FARE AGREEMENT STIPULATES ONLY THREE VIOLATIONS THAT MAY RESULT IN THE SUSPENSION OR PERMANENT TERMINATION OF COMMON FARE MEALS: a) MISSING TWENTY-FIVE PERCENT (25%) OR MORE COMMON FARE MEALS IN ONE CALENDAR MONTH, b) EATING UNAUTHORIZED FOODS FROM THE MAIN LINE, AND c) OBSERVED PURCHASING OR EATING FOOD FROM THE COMMISSARY INCONSISTENT WITH THE COMMON FARE PROGRAM. (EXHIBIT B: D.O.P. #611, COMMON FARE AGREEMENT, ATTACHMENT 2)

7. EACH YEAR PRIOR TO THE MONTH OF RAMADAN FAST, MIKE OSLIN, KMCC FOOD SERVICE DIRECTOR (HEREINAFTER "OSLIN") AND LOVEFACE, NATION OF ISLAM INMATE LIAISON, MET TO DISCUSS THE MENUS FOR THE UPCOMING RAMADAN FAST OBSERVANCE. EACH YEAR LOVEFACE IMPLORED OSLIN TO RECONSIDER LOVEFACE'S REQUEST OF PAST YEARS TO ALLOW COMMON FARE PARTICIPANTS PARTAKING IN THE MONTH OF RAMADAN FAST TO RECEIVE THEIR DAILY PRE-PACKAGED COMMON FARE KOSHER LUNCH MEALS AT THE SAME TIME THEY ARE SERVED THEIR DINNER MEALS AFTER SUNSET. AND EACH YEAR OSLIN DENIED THESE REQUESTS.

8. AGAIN PRIOR TO THE HOLY MONTH OF RAMADAN<sup>1</sup> 2005, LOVEFACE MET WITH OSLIN TO DISCUSS AMONG OTHER THINGS THE COMMON FARE RAMADAN PARTICIPANTS' MENU. AND AGAIN LOVEFACE'S REQUEST, AS A COMMON FARE RAMADAN PARTICIPANT, TO BE SUPPLEMENTED WITH

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<sup>1</sup> RAMADAN IS THE NINTH MONTH OF THE ARABIAN LUNAR CALENDAR. RAMADAN IS A VERY SACRED MONTH FOR MUSLIMS BECAUSE IT WAS IN THIS MONTH THAT THE REVELATION OF THE HOLY QUR'AN BEGAN AND FASTING AS AN OBLIGATORY INSTITUTION WAS PRESCRIBED BY GOD. (HOLY QUR'AN, CH. 2, V. 185; SAHIH MUSLIM HADITH, VOL. 2 (OF 4) PG. 136, HADITH # 1079, N. 1).

ADDITIONAL CALORIES AT HIS BREAKFAST AND/OR DINNER MEALS WERE DENIED BY OSLIN.

9. ON OCTOBER 5, 2005, THE FIRST DAY OF FASTING FOR THE RAMADAN OBSERVANCE, OSLIN PROVIDED TO LOVEFACE ONLY THE COMMON FARE STANDARD BREAKFAST AND DINNER MEALS BUT WITHHELD THE LUNCH MEAL. THE THREE (3) COMMON FARE KOSHER MEALS PROVIDED TO THE NON-FASTING COMMON FARE PRISONERS CONTAIN A TOTAL OF APPROXIMATELY 2500 CALORIES. THE COMMON FARE KOSHER LUNCH MEAL IS THE LARGEST OF THE THREE MEALS AND CONTAINS APPROXIMATELY 1000 CALORIES. BECAUSE LOVEFACE WAS DEPRIVED OF HIS LUNCH MEALS, AND WAS RESTRICTED TO NORMAL-SIZED COMMON FARE BREAKFAST AND SUPPER MEALS, DEFENDANTS PROVIDED TO LOVEFACE BETWEEN 1200 AND 1500 CALORIES EACH DAY DURING RAMADAN.

10. THEREFORE, ON OCTOBER 7, 2005, LOVEFACE FILED AN INFORMAL COMPLAINT #260-1863 WHEREIN LOVEFACE COMPLAINED THAT OSLIN VIOLATED DEPARTMENTAL OPERATING PROCEDURE (D.O.P.) #601, #611, BY SUBSTANTIALLY REDUCING LOVEFACE'S CALORIC INTAKE BELOW THE APPROXIMATELY 2800 CALORIES REQUIREMENT PROVIDED DAILY TO NON-FASTING PRISONERS WHO EAT FROM THE REGULAR DIET LINE, AND ALTHOUGH LOVEFACE CHOSE TO RECEIVE COMMON FARE KOSHER MEALS THROUGHOUT RAMADAN AND TO BE SERVED TWO MEALS PER DAY, PRE-DAWN AND AFTER SUNSET, LOVEFACE DID NOT CHOOSE TO FOREGO THE MINIMUM DAILY CALORIC AND NUTRITIONAL VALUE PROVIDED IN THE 3 COMMON FARE KOSHER MEALS. (EXHIBIT C: INFORMAL COMPLAINT FORM #260-1863)

11. BECAUSE LOVEFACE RECEIVED INADEQUATE CALORIES DURING RAMADAN 2004, LOVEFACE EXPLICITLY INFORMED OSLIN BEFORE RAMADAN 2005, THAT TO SO DRASTICALLY RESTRICT LOVEFACE'S CALORIC AND

NUTRITIONAL INTAKE WAS A VIOLATION OF DEPARTMENTAL OPERATING PROCEDURE # 601, # 611, FOOD SERVICE MANUAL WHICH REQUIRES INMATES' MEALS ON AN AVERAGE TO TOTAL APPROXIMATELY 2800 CALORIES DAILY; THAT LOVEACE WAS DEPRIVED OF MORE THAN ONE-THIRD OF THE CALORIC INTAKE LOVEACE NORMALLY RECEIVED THROUGHOUT THE YEAR; THAT OSLIN IMPROPERLY EQUATED THE MONTH OF RAMADAN FAST TO A STARVATION DIET RESULTING IN LOVEACE HAVING LOST 10 POUNDS DURING RAMADAN 2004; AND THAT LOVEACE'S CHOICE TO RECEIVE COMMON FARE KOSHER MEALS, THE DIET LOVEACE HAS BEEN RECEIVING SINCE MAY 2001, WAS SIMPLY LOVEACE CHOOSING THE APPROPRIATE DIET FOR LOVEACE'S FAITH, WERE ALL FACTS EXPLICITLY PRESENTED TO DEFENDANTS. (EXHIBIT D: INFORMAL COMPLAINT FORM # 260-1899)

12. ON OCTOBER 12, 2005, LOVEACE MET WITH OSLIN TO DISCUSS THE ISSUE OF LOVEACE INFORMAL COMPLAINT, # 260-1863 REGARDING RECEIVING INADEQUATE CALORIES. THERE OSLIN CONCEDED THAT LOVEACE WAS RECEIVING FEWER CALORIES DAILY THAN THE GENERAL POPULATION ONLY BECAUSE LOVEACE CHOSE TO FAST. OSLIN FURTHER STATED THAT IF LOVEACE WAS NOT GETTING ENOUGH FOOD, LOVEACE COULD SUPPLEMENT HIS DIET THROUGH FOOD PURCHASES FROM THE INMATE COMMISSARY.

13. LOVEACE EXPLAINED TO OSLIN THAT ISLAM REQUIRES THAT DURING THE MONTH OF RAMADAN EVERY MUSLIM FASTS ONLY BETWEEN DAWN AND SUNSET FOR 30 CONSECUTIVE DAYS, AND THAT ISLAM DOES NOT LIMIT FOOD CONSUMPTION OUTSIDE OF THE DAWN TO SUNSET PERIOD. STILL OSLIN REFUSED TO PROVIDE LOVEACE THE LUNCHTIME COMMON FARE MEAL OR SUPPLEMENT LOVEACE'S DAWN OR SUNSET MEALS TO INCREASE LOVEACE'S CALORIC AND NUTRITIONAL INTAKE DURING RAMADAN.

14. AS A RESULT OF DEFENDANT'S ACTIONS IN DEPRIVING LOVEACE

OF ADEQUATE AMOUNTS OF FOOD DURING THE MONTH OF RAMADAN 2005, LOVEFACE LOST APPROXIMATELY 10 POUNDS.<sup>2</sup> (SEE: CAMBELL V. CAUTHRON, 623 F.2d 503 (1980). TWO SWEET ROLLS AND COFFEE FOR BREAKFAST AND FROZEN "T.V." DINNERS FOR NOON AND EVENING MEALS ARE CALORICALLY AND NUTRITIONALLY INADEQUATE. AN AVERAGE SIZED SEDENTARY PERSON ON THIS DIET COULD BE EXPECTED TO LOSE 9 POUNDS PER MONTH. Id. 508).

15. MOREOVER, FOR LOVEFACE THE QUALITATIVE SPIRITUAL EXPERIENCE OF THE FAST WAS SUBSTANTIALLY DIMINISHED BECAUSE LOVEFACE WAS CONSTANTLY HUNGRY AND HAD TO ENGAGE IN FREQUENT DISPUTES WITH DEFENDANTS TO BE PROVIDED ADEQUATE AMOUNTS OF FOOD. THEREFORE, IN A LAST EFFORT TO SALVAGE WHATEVER QUALITATIVE SPIRITUAL EXPERIENCE LEFT IN THE 2005 RAMADAN OBSERVANCE, LOVEFACE SOUGHT RELIEF BY FILING ON OCTOBER 20, 2005, A REGULAR GRIEVANCE WHEREIN LOVEFACE COMPLAINED TO WARDEN BASSETT THAT LOVEFACE'S NUTRITIONAL AND CALORIC INTAKE HAD BEEN REDUCED BY ONE-THIRD; THAT DEFENDANTS' ACTIONS IN REDUCING THE COMMON FARE KOSHER MEALS WITHOUT FOOD SUPPLEMENTS VIOLATED D.O.P. # 601, FOOD SERVICE MANUAL, COMMON FARE AGREEMENT, AND LOVEFACE'S FIRST AMENDMENT RIGHT TO FREE EXERCISE OF RELIGION. TOO, LOVEFACE GAVE NOTICE TO WARDEN BASSETT THAT DEFENDANTS' ACTIONS WERE CAUSING LOVEFACE PHYSICAL HARM. (EXHIBIT E: REGULAR GRIEVANCE #260-09329)

16. THE WARDEN'S GRIEVANCE RESPONSE (11-14-05) STATED, IN RELEVANT PORTION, THAT: INVESTIGATION REVEALS, RAMADAN IS NEITHER

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LOVELACE IS A 58 YEAR OLD, 6 FEET-2 INCHES TALL, 195 POUNDS AFRICAN-AMERICAN MALE.

A REQUIREMENT FOR COMMON FARE NOR A REQUIREMENT BY THE DEPARTMENT OF CORRECTIONS; WHICH MAKES IT YOUR CHOICE TO PARTICIPATE. YOU SIGNED A REQUEST STATING YOU WISHED TO CONTINUE YOUR COMMON FARE MEALS DURING YOUR PARTICIPATION OF RAMADAN ON SEPTEMBER 21, 2005. THAT REQUEST CLEARLY STATED PER D.O.P. 601, CHAPTER 4, RELIGIOUS DIETS/COMMON FARE MEALS; THOSE INMATES THAT CHOOSE TO PARTICIPATE IN RAMADAN MAY ELECT TO CONTINUE THEIR COMMON FARE MEALS OR CHOOSE TO RECEIVE THE APPROPRIATE RAMADAN MENU DURING THE MONTH OF FASTING. NOTE: PER POLICY, THOSE CHOOSING TO PARTICIPATE IN RAMADAN AND CONTINUE RECEIVING THEIR COMMON FARE MEALS WILL ONLY RECEIVE BREAKFAST AND SUPPER TRAYS IN ADDITION, KMCC IS NOT AUTHORIZED TO CHANGE THE MASTER MENU AT THE INSTITUTIONAL LEVEL; THEREFORE THEY WILL NOT SUPPLEMENT ADDITIONAL MEALS DURING THAT TIME. . . . D.O.P. 601 SECTION II STATES, THE PLANNED COMMON FARE MENU MAY NOT BE CHANGED AT THE INSTITUTIONAL LEVEL, EXCEPT WHERE SEASONAL AVAILABILITY OF PRODUCE ITEMS WARRANTS THAT SUBSTITUTIONS BE MADE."

IN ACCORDANCE WITH DOP 601 AND THE ABOVE INFORMATION YOUR GRIEVANCE IS UNFOUNDED. (EXHIBIT F: WARDEN'S GRIEVANCE RESPONSE (4-14-05))

17- THE WARDEN'S GRIEVANCE RESPONSE IS MISLEADING AND INACCURATE. FIRST, THE WARDEN STATED THAT RAMADAN IS NOT A REQUIREMENT FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS AND THAT FASTING FOR MUSLIMS IS MERELY ONE'S CHOICE. HOWEVER, FASTING DURING THE HOLY MONTH OF RAMADAN IS A CENTRAL TENET OF ISLAM AND IS A DUTY INCUMBENT UPON ALL MUSLIMS. MOREOVER, RAMADAN IS A REQUIREMENT FOR

THE VIRGINIA DEPARTMENT OF CORRECTIONS IN THAT MUSLIM INMATES HAVE A "LIBERTY INTEREST IN OBSERVING THE RAMADAN FAST, DERIVED FROM HIS CONSTITUTIONAL FREE EXERCISE RIGHT." LOVELACE V. LEE, et al., MEMORANDUM OPINION, PG. 37, BY THE HONORABLE JACKSON L. KISER (8-24-2007)

18. SECOND, LOVELACE SIGNED THE REQUEST STATING THAT LOVELACE WISHED TO CONTINUE RECEIVING HIS COMMON FARE KOSHER MEALS DURING RAMADAN. LOVELACE HAS ELECTED TO RECEIVE COMMON FARE KOSHER MEALS SINCE SIGNING THE COMMON FARE AGREEMENT IN MAY 2001, WHICH IS THE VADOC APPROPRIATE DIET FOR INMATES WHO DIETARY NEEDS CAN NOT BE MET BY THE MASTER MENU. LOVELACE AT NO TIME SIGNED A WAIVER TO FORFEIT LOVELACE'S CALORIC AND NUTRITIONAL INTAKE DURING THE MONTH OF RAMADAN.

19. THIRD, THE WARDEN STATED, "KMCC IS NOT AUTHORIZED TO CHANGE THE MASTER MENU AT THE INSTITUTIONAL. . . ." HOWEVER, FOR DEFENDANTS TO PROVIDE TO LOVELACE HIS COMMON FARE KOSHER LUNCH MEALS ALONG WITH HIS EVENING MEALS DOES NOT CONSTITUTE A CHANGE TO THE MASTER MENU. AND AT ANY RATE, KMCC DID AUTHORIZE A CHANGE FROM THE COMMON FARE MASTER MENU REGARDING CALORIES AND NUTRITION PROVIDED TO LOVELACE WHEN DEFENDANTS RESTRICTED LOVELACE TO A MERE 1500 CALORIES OR LESS THROUGHOUT THE 30 DAYS OF THE MONTH OF RAMADAN FAST.

20. NEXT, LOVELACE APPEALED THE WARDEN'S LEVEL-I GRIEVANCE RESPONSE TO REGIONAL DIRECTOR GARRY HUFFMAN WHO MIRRORED AND UPHOLD THE WARDEN'S LEVEL-I GRIEVANCE RESPONSE. (EXHIBIT G: REGIONAL DIRECTOR'S LEVEL-II RESPONSE (12-1-05). IN ADDITION, REGIONAL DIRECTOR HUFFMAN'S LEVEL-II GRIEVANCE RESPONSE TOTALLY PRETERMITTED THE

ISSUES PRESENTED IN LOVEFACE'S APPEAL: a) THAT DEFENDANTS' CALORIC AND NUTRITIONAL INTAKE RESTRICTION ON RAMADAN COMMON FARE PARTICIPANTS, INCLUDING LOVEFACE, WAS DISCRIMINATORY BECAUSE ON WEEKENDS AND HOLIDAYS WHEN THE GENERAL POPULATION ONLY RECEIVE TWO MEALS, THE GENERAL POPULATION'S BREAKFAST AND DINNER MEALS ARE SUPPLEMENTED TO MEET THE VIRGINIA DEPARTMENT OF CORRECTIONS' 2800 DAILY CALORIES REQUIREMENT; (EXHIBIT B: )

b) THAT AS A FOLLOWER OF ISLAM AS IS TAUGHT BY HONORABLE ELIJAH MUHAMMAD, LOVEFACE HAS NO ALTERNATIVE DIET WITHIN THE VA.DOC TO MEET THE DIETARY OBLIGATION OF HIS FAITH; AND c) THAT DEFENDANTS' RESTRICTION ON LOVEFACE'S CALORIC AND NUTRITIONAL INTAKE THROUGHOUT THE 30 DAYS OF RAMADAN WHILE SUPPLEMENTING THE GENERAL POPULATIONS' WEEKEND AND HOLIDAYS CALORIC AND NUTRITIONAL INTAKE CONSTITUTED GROSS NEGLIGENCE AND DELIBERATE INDIFFERENCE.

21. LOVEFACE ASSERTS THAT DEFENDANTS COULD HAVE EASILY RECTIFIED THE ISSUE OF LOVEFACE'S RESTRICTED CALORIC AND NUTRITIONAL INTAKE WITHOUT ADDITIONAL COST TO DEFENDANTS SIMPLY BY SERVING TO LOVEFACE DURING RAMADAN AFTER SUNSET THE SAME KOSHER LUNCH MEALS FROM THE COMMON FARE MENU THAT LOVEFACE RECEIVED OUTSIDE OF THE MONTH OF RAMADAN.

22. INDEED, DEFENDANTS ALREADY FACILY ACKNOWLEDGE THEIR RESPONSIBILITY TO INSURE INMATES ARE PROVIDED COMPENSATORY NUTRITION AND CALORIES IN THAT DEFENDANTS DO INCREASE THE BREAKFAST AND DINNER PORTIONS FOR THE NON-FASTING PRISONERS ON WEEKENDS BECAUSE THE PRISON DOES NOT SERVE LUNCH ON WEEKENDS. AND OUTSIDE OF RAMADAN, LOVEFACE RECEIVES HIS COMMON FARE KOSHER LUNCH MEALS ON WEEKENDS AND HOLIDAYS. TOO, WHEN THE PRISON IS LOCKED DOWN,

DEFENDANTS SERVE 3 MEALS EVEN ON WEEKENDS TO THE GENERAL POPULATION BECAUSE THE LOCKDOWN MEAL TRAYS WILL NOT ACCOMMODATE THE LARGER WEEKEND BREAKFAST AND DINNER MEALS.

23. FOR MUSLIMS THE HOLY MONTH OF RAMADAN IS ONE OF HEIGHTENED SPIRITUAL OBSERVANCES INCLUDING FASTING AND INCREASED PRAYER. RAMADAN IS TO BE A TIME OF PEACE AND TRANQUILITY WHEREIN THE MUSLIM ASPIRES TO A CLOSER CONNECTION WITH HIS CREATOR. DURING RAMADAN MUSLIMS ARE SPECIFICALLY ENJOINED TO AVOID ARGUMENTS AND DISPUTES.<sup>3</sup>

#### INJURED SUFFERED

24. DEFENDANTS' ACTIONS HAVE INJURED LOVEACE. FIRST, FOR LOVEACE THE QUALITATIVE SPIRITUAL EXPERIENCE OF THE RAMADAN FAST WAS SUBSTANTIALLY DIMINISHED BECAUSE LOVEACE WAS CONSTANTLY HUNGRY. SUCH UNRELIEVED HUNGER ALONE SUBSTANTIALLY DIMINISHED THE QUALITATIVE SPIRITUAL EXPERIENCE OF RAMADAN BECAUSE THE HUNGER PREVENTED LOVEACE FROM PARTICIPATING IN OR DISTRACTED LOVEACE FROM THE SPIRITUALLY UPLIFTING ASPECTS OF THE RAMADAN OBSERVANCE SUCH AS HIS READING THE QUR'AN AND HIS PERFORMANCE OF HIS PRAYERS. MOREOVER, LOVEACE'S SPIRITUAL EXPERIENCE WAS DIMINISHED BECAUSE LOVEACE WAS FORCED TO ENDURE CONTENTIOUS EXCHANGES WITH PRISON STAFF REGARDING LOVEACE'S CONSTITUTIONAL PROTECTED RIGHT TO EXERCISE HIS RELIGIOUS BELIEFS.

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"WHEN ANY OF YOU GETS UP IN THE MORNING FASTING, HE SHOULD NEITHER USE OBSCENE LANGUAGE NOR DO ANY ACT OF IGNORANCE. AND IF ANYONE SLANDERS HIM OR QUARRELS WITH HIM, HE SHOULD SAY: 'I AM FASTING, I AM FASTING.'" (SAHIH MUSLIM HADITH, VOL 2 (OF 4) PG. 179 HADITH # 1151).

25. ADDITIONALLY, THE UNRELIEVED HUNGER CAUSED LOVELACE FREQUENT "HUNGER HEADACHES" AND ADVERSELY AFFECTED HIS ABILITY TO SLEEP. THE FOOD DEPRIVATION ALSO CAUSED LOVELACE TO LOSE APPROXIMATELY 10 POUNDS DURING RAMADAN AND TO ALWAYS BE LETHARGIC AND LISTLESS. AND THE ENDLESS DISPUTES AND EFFORTS BY LOVELACE BEFORE AND DURING RAMADAN TO SECURE FROM DEFENDANTS MINIMAL OPPORTUNITY TO PRACTICE HIS FAITH ROBBED LOVELACE OF THE VERY PEACE HE SOUGHT TO ENJOY DURING RAMADAN.

26. DEFENDANTS, INDIVIDUALLY AND COLLECTIVELY VIOLATED LOVELACE'S RIGHT TO FREELY EXERCISE HIS RELIGIOUS BELIEFS AND STAND IN VIOLATION OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA) WHEN THEY FORCED LOVELACE TO SUFFER EGREGIOUS DEPRIVATIONS OF NUTRITION AND CALORIES FOR NO OTHER REASON OTHER THAN LOVELACE CHOSE TO FULFILL HIS RELIGIOUS DUTY TO FAST DURING THE HOLY MONTH OF RAMADAN 2005. AND LOVELACE SUFFERED THESE DEPRIVATIONS ABSENT ANY DUE PROCESS.

#### RELIEF REQUESTED

WHEREFORE, LOVELACE REQUESTS THAT THIS HONORABLE COURT GRANT THE FOLLOWING RELIEF:

1. ISSUE A DECLARATORY JUDGMENT STATING THAT:
  - 2) THE ACTIONS OF AND/OR DELIBERATE INDIFFERENCE BY DEFENDANTS VARRY HUFFMAN, KATHLEEN BASSETT AND MIKE OSUIN, COLLECTIVELY AND/OR INDIVIDUALLY, DEPRIVED LOVELACE OF ADEQUATE NUTRITION AND CALORIES DURING THE ISLAMIC MONTH OF RAMADAN 2005, IN VIOLATION OF LOVELACE'S RIGHT TO FREELY EXERCISE HIS RELIGIOUS BELIEFS UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED

PERSONS ACT, AND IN VIOLATION OF LOVEFACE'S RIGHT TO DUE PROCESS AS GUARANTEED BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

2. ISSUE AN INJUNCTION ORDERING DEFENDANTS LARRY HUFFMAN, KATHLEEN BASSETT, MIKE OSCIN OR THEIR AGENTS TO:

a) REVISE THE PRESENT RAMADAN COMMON FARE "KOSHER" MENU IN A MANNER THAT INSURES THAT ALL MUSLIM COMMON FARE RAMADAN FAST PARTICIPANTS RECEIVE MEALS BETWEEN SUNSET AND DAWN THAT ARE NUTRITIONALLY AND CALORICALLY EQUIVALENT TO THE 3 MEALS PROVIDED TO THE NON-FASTING PRISONERS EACH DAY AT THE REGULAR TIMES.

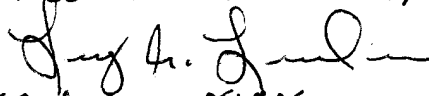
3. AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS:

a) NINE THOUSAND DOLLARS [3,000.00 FOR EACH OF 3 DEFENDANTS] AGAINST DEFENDANTS LARRY HUFFMAN, KATHLEEN BASSETT AND MIKE OSCIN FOR DEPRIVING LOVEFACE OF ADEQUATE NUTRITION AND CALORIES, AND FOR THE ATTENDANT SUFFERING AND DIMINUTION OF THE QUALITATIVE SPIRITUAL EXPERIENCE OF RAMADAN SUFFERED BY LOVEFACE BECAUSE OF DEFENDANTS' ACTIONS.

4. GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT LOVEFACE IS ENTITLED.

WHEREFORE, FOR ALL THE REASONS STATED, LOVEFACE REQUESTS THIS HONORABLE COURT GRANT LOVEFACE'S MOTION TO SUPPLEMENT PLEADINGS, SET THIS MATTER FOR TRIAL, AND GRANT ANY OTHER RELIEF THE COURT DEEMS APPROPRIATE.

RESPECTFULLY SUBMITTED,

  
VERDY A. LOVEFACE

VEROY A. LOVEACE, #161416  
KEEN MOUNTAIN CORRECTIONAL CENTER  
POST OFFICE BOX 860  
DANWOOD, VIRGINIA 24631-0860

VERIFIED STATEMENT

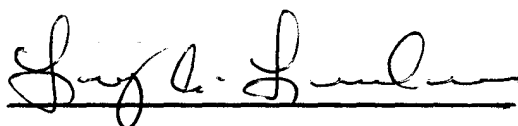
I HAVE BEEN ADVISED OF THE REQUIREMENTS REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES AS OUTLINED IN 42 U.S.C. 1997 e AND NOW SUBMIT THIS VERIFIED STATEMENT:

I HAVE EXHAUSTED MY ADMINISTRATIVE REMEDIES BY EXHAUSTING ALL AVAILABLE GRIEVANCE PROCEDURES AND HAVE ATTACHED COPIES OF GRIEVANCE DEMONSTRATING SAID EXHAUSTION. COPIES OF THE RECORD OF THE PROCEEDINGS ARE ATTACHED TO THE FOREGOING SUPPLEMENTAL COMPLAINT AS EXHIBITS E, F AND G.

I AFFIRM THAT I AM THE PLAINTIFF IN THIS ACTION AND I KNOW THE CONTENT OF THE ABOVE STATEMENT AS WELL AS THE FOREGOING SUPPLEMENTAL COMPLAINT; THAT IT IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO THOSE MATTERS THAT ARE STATED IN IT TO BE BASED ON MY OWN INFORMATION AND BELIEFS; AND TO THOSE MATTERS, I ALSO BELIEVE THEM TO BE TRUE. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: OCTOBER 12, 2007

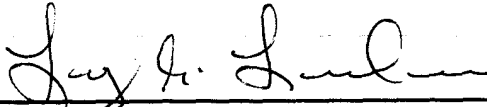
SIGNED:



VEROY A. LOVEACE

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT ON THIS  
12<sup>TH</sup> DAY OF OCTOBER, 2007, A TRUE COPY OF THE  
FOREGOING MOTION TO SUPPLEMENT PLEADINGS AND THE  
SUPPLEMENTAL PLEADINGS WAS MAILED, FIRST-CLASS  
POSTAGE PREPAID, TO COUNSEL FOR DEFENDANTS HEREIN  
MARK R. DAVIS, SENIOR ASSISTANT ATTORNEY GENERAL,  
400 EAST MAIN STREET, RICHMOND, VIRGINIA 23219.

  
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VEROY A. LOVELACE