

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MUSTAFA RAFAQ BARAZAH SADDIQ — PETITIONER
(Your Name)

vs.

CHARLES L. RYAN, ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

CA NO. 16-16473

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MUSTAFA RAFAQ BARAZAH SADDIQ #86527
(Your Name)

ARIZONA STATE PRISON COMPLEX - EYMAN/
MEADOWS UNIT - P.O. BOX 3300
(Address)

FLORENCE, AZ 85132
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

- I. DID DISTRICT COURT AND APPEALS COURT ERR WHEN IT FAILED TO GRANT A JURY TRIAL FOR EVIDENT GENUINE ISSUE OF MATERIAL FACTS IN DISPUTE IN A RLUIPA/EQUAL PROTECTION CASE?
- II. DID APPEALS COURT AND DISTRICT COURT ERR WHEN IT FAILED STATE WHAT GOVERNMENT INTERESTS OUTWEIGHED PLAINTIFF/PETITIONER'S BURDENED RELIGIOUS PRACTICE WHEN HE WAS DENIED HALAL MEALS SERVED IN ACCORD TO ISLAMIC LAW, TALEEM GROUP STUDY, EID UL-FITR AND EID AL-ADHA ENHANCED MEALS AND SPECIAL HOLIDAY PRAYERS IN CONGREGATION, AND EDIBLE DATES AT NO COST OR REASONABLE COST FOR RAMADAN FASTING?
- III. DID APPEALS COURT AND DISTRICT COURT ERR WHEN IT FAILED TO SHOW LACK OF SUBSTANTIAL BURDON ON PLAINTIFF/PETITIONER'S RELIGIOUS PRACTICE OF GROUP TALEEM STUDY AND RAMADAN CONGREGATION PRAYERS DENIED BY DEFENDANTS RYAN & VICKLUND?
- IV. DID APPEALS COURT AND DISTRICT COURT ERR BY NOT RULING IN LIGHT OF SUPREME COURT'S DECISIONS ON RLUIPA IN HOLT AKA MUHAMMAD V. HOBBS, 574 U.S. ____ (2015) AND BRUNELL V. HOBBY LOBBY STORES, INC., 573 U.S. ____ (2014)?
- V. DID DISTRICT COURT ERR BY NOT CERTIFYING CASE AS A CLASS ACTION PER 28 U.S.C. § 1453 (c) CLASS ACTION FAIRNESS ACT WHEN ISSUES AFFECT A PROTECTED CLASS AND BEAR NATIONWIDE IMPACT ON THE RELIGIOUS PRACTICES OF AMERICANS AND PRISONERS OF DIVERSE FAITHS AND BELIEFS?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

JAMES VICKLUND, SENIOR CHAPLAIN AT
ARIZONA STATE PRISON COMPLEX - EYMAN
4374 BUTTE AVENUE
FLORENCE, AZ 85132

TRINITY SERVICES GROUP, INCORPORATED
11225 N. 28TH DRIVE, SUITE 204
PHOENIX, AZ 85029

CHARLES L. RYAN, DIRECTOR OF ARIZONA
DEPARTMENT OF CORRECTIONS AT
CENTRAL OFFICE
1601 W. JEFFERSON STREET
PHOENIX, AZ 85007

DEFENDANTS / RESPONDENTS.

MUSTAFA RAFAEQ BARAZAHⁱ SADDIQ[#] 86527
ARIZONA STATE PRISON COMPLEX - EYMAN
MEADOWS UNIT - P.O. BOX 3300
FLORENCE, AZ 85132

PLAINTIFF / PETITIONER.

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1. 42 U.S.C. § 2000cc (2006) RELIGIOUS LAND USE AND
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2. EQUAL PROTECTION CLAUSE.

3. 28 U.S.C. § 1453 (C) CLASS ACTION FAIRNESS ACT.

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7. 28 U.S.C. § 1291.

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CASES:

- * 13. UNITED STATES VS. PLAYBOY ENTERTAINMENT GROUP, INC.,
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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was NOVEMBER 15, 2017.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S.C. § 2000 cc (2006) RELIGIOUS LAND USE AND
INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA);
42 U.S.C. § 2000 cc et seq. 114 STAT 803.

FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT
OF THE U.S. CONSTITUTION.

FIRST AMENDMENT RETALIATION

EQUAL PROTECTION CLAUSE

STATEMENT OF THE CASE

PETITIONER IS A SUDANESE BORN PRISONER IN THE CUSTODY OF THE ARIZONA DEPARTMENT OF CORRECTIONS AT ASPC- EYMAN MEADOWS UNIT. ON FEBRUARY 4, 2015, PETITIONER FILED A COMPLAINT IN THE U.S. DISTRICT COURT OF ARIZONA (D.C. DOCKET NO. 18) AGAINST TRINITY SERVICES GROUP, INCORPORATED, UNDER U.S.C. § 2000 CC (2006) RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT 2000 (RLUIPA) FOR WRONGFULLY BURDENING THE FREE EXERCISE OF HIS RELIGIOUS PRACTICE OF ISLAM. TRINITY IS A PRIVATE COMPANY CONTRACTED TO PROVIDE MEALS TO PRISONERS AT ARIZONA DEPARTMENT OF CORRECTIONS (ADOC) (THIRD AMENDED COMPLAINT "TAC" AT 3). TRINITY ROUTINELY SERVED RAW, ROTTEN, UNDERCOOKED, FROZEN OR UNCLEAN SERVINGS FOR ITS KOSHER MEALS, WHICH PETITIONER WAS GIVEN IN LIEU OF HIS REQUESTED HALAL DIET MEALS PER SETTLEMENT AGREEMENT STIPULATED IN SADDIQ VS. SCHRIRO, ET AL., D.C. CASE NO. CV-07-0510-ROS (MHB). FURTHER, TRINITY SERVED SAID KOSHER MEALS ON NON-KOSHER TRAYS WRAPPED IN CELLOPHANE IN VIOLATION OF THE STRUCTURES OF PETITIONER'S CHOSEN FAITH. (TAC AT 3) (ALSO D.C. DOCKET 87 AT ¶ 13)

AS A RESULT OF TRINITY'S ACTIONS AS A STATE ACTOR, PETITIONER SUFFERED A CHILLED EFFECT ON

STATEMENT OF THE CASE (CONT'D)

HIS RELIGIOUS TENETS OF ORTHODOX ISLAM AND QURANIC LAW REQUIRING MUSLIMS TO ADHERE TO A STRICT HALAL DIET. PETITIONER FURTHER ENDURED HUNGER, POOR NUTRITION, PHYSICAL AILMENTS AND RETALITION (D.C. DOC 87 AT ¶ 14). TRINITY'S RETALIATION AND UNLAWFUL PRACTICES AFFECTED OTHER ADHERENTS OF THE ISLAMIC FAITH, JEWISH FAITH, AND MESSIANIC CHRISTIANS WHO ADHERE TO KOSHER/HALAL TENETS (D.C. DOC. 87, EXH. A-I "AFFIDAVITS") (DC. DOCKET 79 AT ¶ 10-22).

PETITIONER ALSO RAISED CLAIMS UNDER 42 U.S.C. § 1983 FOR EQUAL PROTECTION CLAUSE VIOLATIONS AGAINST CHARLES L. RYAN, DIRECTOR OF ARIZONA DEPARTMENT OF CORRECTIONS (ADOC) IN COUNT FIVE OF HIS COMPLAINT. (DOCKET 18 AT PG. 10) RYAN IN HIS INDIVIDUAL AND OFFICIAL CAPACITY DENIED PETITIONER CRITICAL RELIGIOUS OBSERVANCES CENTRAL TO HIS FAITH AS AN ORTHODOX SAHIH MUSLIM. DENIED BY RYAN WERE SPECIAL HOLIDAY MEALS ENHANCED AT 30% OF COST FOR THE ANNUAL EID AL-ADHA AND EID UL-FITR OBSERVANCES, AND FOR IMPLEMENTING A POLICY OF PROVIDING ONLY A LOCKDOWN STYLE "MEGA SACK" FOR RAMADAN MEALS. RYAN'S POLICY DISCRIMINATED AGAINST MUSLIM PRISONER WHILE PROVIDING JEWISH PRISONERS WITH HOT, FULLY ENHANCED HOLIDAY MEALS FOR PASSOVER, AND ENHANCED CHRISTMAS MEALS, CINCO DE MAYO, JUNETEENTH,

FOURTH OF JULY, AND THANKSGIVING CELEBRATIONS PAID FOR BY ADOC. (D.C. DOCKET 18 AT PG. 10). PETITIONER SUFFERED DISCRIMINATION, RETALIATION, SUBSTANTIAL BURDENS ON HIS SINCERELY HELD BELIEFS PRESCRIBED BY THE HOLY QUR'AN AND THE TEACHINGS OF HOLY PROPHET MUHAMMAD (PEACE BE ON HIM). (D.C. DOCKET 79 AT ¶¶ 10-23).

PETITIONER ALSO BROUGHT 42 U.S.C. § 1983 CLAIMS AGAINST ADOC'S SENIOR CHAPLAIN, JAMES VICKLUND UNDER 42 U.S.C. § 2000cc (2006) RLUIPA VIOLATIONS. IN HIS PERSONAL AND OFFICIAL CAPACITY, VICKLUND DENIED PETITIONER'S OBSERVANCE OF SACRED ISLAMIC OBSERVANCES ON NUMEROUS OCCASIONS SINCE 2007. (D.C. DOCKET 18 AT COUNT NINE, PG. 5-I (10)) (TAC AT 16). VICKLUND DENIED PETITIONER CONGREGATIONAL PRAYERS FOR THE EID AL-ADHA SERVICE IN OCTOBER 3, 2014. HE ALSO DENIED A WEEKLY TA'LEEM STUDY GROUP, RAMADAN CONGREGATIONAL PRAYERS FOR MORNING (FAJR) AND SUNSET (MAGRIB), AND EDIBLE DATES FOR RAMADAN FASTING DESPITE OFFERING FREE MATZO BREAD FOR JEWISH PRISONERS DURING PASSOVER AND FREE THROUGH THE CHAPLAIN'S OFFICE. ADOC GIVES MATZO BREAD AT NO COST TO JEWISH PRISONERS BY PROVISIONS OF A KOSHER/PASSOVER MEAL PLAN. THUS, PETITIONER SUFFERED A CHILLED RIGHT TO OBSERVE ISLAMIC TENETS, SUFFERED UNDUE BURDENS ON HIS SINCERE FAITH AND

PRACTICE OF ORTHODOX ISLAM, SUFFERED DISCRIMINATORY POLICY AND AN ATMOSPHERE OF INSTITUTIONALIZED PREJUDICE AGAINST MUSLIMS. (D.C. DOCKET 87 AT 5-J (pg. 17)) (D.C. DOCKET 79 AT ¶ 12, 13-20). VICKLUND RETALIATED AGAINST PETITIONER AND OTHER MUSLIM PRISONERS BY ROUTINELY DENYING MUSLIMS ACCESS TO WEEKLY JUMAH PRAYERS, NOT INTERVENING WHEN HIS SUBORDINATE CHAPLAINS (FREEMONT, HENRY, CHILDS) CANCELLED PRAYER SERVICES. VICKLUND FURTHER RETALIATED BY REMOVING PLAINTIFF AND OTHER MUSLIMS FROM THE KOSHER DIET PLAN ROSTER. (D.C. DOCKET 87 AT ¶¶ 63-65).

ON AUGUST 4, 2015, PETITIONER FILED A MOTION TO CERTIFY CLASS (MOTION TO JOIN PARTIES AS A CLASS ACTION), WHICH WAS DENIED BY MAGISTRATE JUDGE MICHELLE H. BURNS ON SEPTEMBER 9, 2015. (D.C. DOCKETS 29 AND 33).

ON OCTOBER 6, 2015, HONORABLE ROSLYN O. SILVER DENIED PETITIONER'S MOTION FOR PRELIMINARY JUDGMENT OR TEMPORARY RESTRAINING ORDER. (D.C. DOCKETS 35 AND 44).

ON MAY 13, 2016, PETITIONER MOVED THE COURT TO TAKE JUDICIAL NOTICE OF EXTRAORDINARY FACTS AND EVIDENCE WITH OBJECTIONS IN LIMINE FILED AGAINST TESTIMONY BY STATE WITNESS CORIZON AND ITS EMPLOYEES XUONG WILKINSON, MA WHO FALSIFIED OR COVERED UP "GROSS DEFICIENT" CARE FOR PRISONERS.

JUDGE ROSLYN O. SILVER DENIED SAID MOTION AND INSTEAD MADE AN EMPHASIS ON THE COURT'S JUDICIAL NOTICE OF DEFENDANTS' TESTIMONY, DECLARATIONS AND AFFIDAVITS IN SUPPORT OF THEIR OPPOSITION AS "RELEVANT TO THE UNDERLYING ISSUE PRESENTED IN THIS CLAIM." BY REFUSING TO STRIKE OR HONOR PETITIONER'S OBJECTIONS TO LAURA DONNELLY'S DECLARATION AS IT CONSTITUTED NEWLY INTRODUCED EVIDENCE, THE DISTRICT COURT FURTHER OVERSTEPPED IT DISCRETION AND MANDATE TO ENSURE A JUST EXAMINATION OF MATERIAL FACTS IN DISPUTE BEFORE GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT. (D.C. DOCKET 105 AT 13-14).

ON MARCH 14, 2016, DEFENDANT TRINITY LODGED A MOTION FOR SUMMARY JUDGMENT WHICH THE COURT DEEMED FILED ON MARCH 10, 2016. PETITIONER RESPONDED WITH AN ANSWER LODGED APRIL 6, 2016, AND DEEMED FILED APRIL 12, 2016. TRINITY REPLIED ON JUNE 15, 2016.

ON AUGUST 3, 2016, THE DISTRICT COURT ROSLYN O. SILVER GRANTED SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS TRINITY, CHARLES L. RYAN AND JAMES VICKLUND. A NOTICE OF APPEAL WAS FILED BY PETITIONER AUGUST 16, 2016. APPELLANT'S OPENING BRIEF FILED NOVEMBER 17, 2016 AND REFILED DECEMBER 13, 2016. APPELLEES CHARLES L. RYAN AND JAMES VICKLUND'S ANSWERING BRIEF

FILED JANUARY 25, 2017 FOR REVIEW, APPELLEE TRINITY FILED AN ANSWERING BRIEF ON JANUARY 26, 2016, FOR REVIEW. RYAN AND VICKLUND'S FILED ANSWERING BRIEF ON FEBRUARY 2, 2017. TRINITY'S FILED ANSWERING BRIEF ON JANUARY 31, 2017. (CA NO. 16-16473)

ON FEBRUARY 21, 2017, PETITIONER/ APPELLANT FILED HIS REPLY BRIEF.

ON NOVEMBER 15, 2017, A MEMORANDUM DECISION WAS SUBMITTED BY U.S. APPEALS COURT NINTH CIRCUIT JUDGES CANBY, TROTT, AND GRABER AFFIRMING THE DISTRICT COURT'S RULING. MANDATE FILED DECEMBER 13, 2017.

A PETITION FOR WRIT OF CERTIORARI IS HEREBY DELIVERED TO THE UNITED STATES SUPREME COURT ON THIS 24TH DAY OF JANUARY, 2018, IN GOOD FAITH BY PETITIONER/ APPELLANT MUSTAFA R.B. SADDIQ.

APPOINTMENT OF COUNSEL AND A PRELIMINARY INJUNCTION AGAINST RESPONDENTS TRINITY, CHARLES L. RYAN AND JAMES VICKLUND IS PRAYED FOR IN THE NAME OF THE MOST HIGH CREATOR.

IN JUSTICE FIAT, AMAN!

* NINTH CIRCUIT COURT OF APPEALS CASE NO. 16-16473

REASONS FOR GRANTING THE PETITION

I. THE DISTRICT COURT ERRED WHEN IT FAILED TO GRANT A JURY TRIAL WHEN EVIDENT GENUINE ISSUES OF MATERIAL FACTS WERE IN DISPUTE IN A RLUIPA/EQUAL PROTECTION CASE.

BY AFFIRMING THE DISTRICT COURT'S RULING, THE NINTH CIRCUIT COURT OF APPEALS IGNORED THE JUDGES FUNCTION TO DETERMINE WHETHER THERE IS GENUINE ISSUE FOR TRIAL. INSTEAD THE COURT CHOSE TO WEIGH THE EVIDENCE IN FAVOR OF STATE ACTORS AND DETERMINE THE TRUTH SOLELY ON THE MERITS OF THE APPELLEES' DECLARATIONS, WITNESSES OR EXHIBITS. FURTHER, THE COURT IN ITS ANALYSIS, CHOSE NOT TO BELIEVE THE NONMOVANT'S EVIDENCE (SUPPORTED BY AFFIDAVITS OF SIMILARLY AFFECTED PRISONERS AND VOLUMINOUS EXHIBITS) AND DRAW ALL INFERENCES IN THE NONMOVANT'S FAVOR. ANDERSON VS. LIBERTY LOBBY, INC., 477 U.S. 242, 249 (1986). FED. R. CIV. P. 56 (c) (3). NEITHER THE DISTRICT COURT'S OPINION NOR THE NINTH CIRCUIT COURT'S RULING ON THE SUMMARY JUDGMENT REFLECT WHAT CONSIDERATION, IF ANY, WAS GIVEN TO PETITIONER'S SUMMARY JUDGMENT EVIDENCE OR DREW REASONABLE INFERENCES IN HIS FAVOR,

REASONS FOR GRANTING THE PETITION (CONT'D)

AS REQUIRED WHEN DECIDING A MOTION FOR SUMMARY JUDGMENT, DAVIS VS. DAVIS, 826 F. 3d 258 (5TH CIR. 2016).

MOREOVER, PETITIONER'S EVIDENCE AND DECLARATIONS OF WITNESSES DEMANDS A NEED FOR FURTHER FINDINGS UNDER THE STANDARD FOR EVALUATING RLUIPA CLAIMS AS DISCUSSED IN HOLT VS. HOBBS, 135 S. CT. 853, 864 (2015). AS IN THIS CASE BEFORE THE U.S. SUPREME COURT, IN LIGHT OF HOBBS, A STATE ACTOR OR OFFICIALS ASSERTED COMPELLING INTERESTS MUST BE EXAMINED IN LIGHT OF THE PARTICULAR CHARACTERISTICS OF PETITIONER'S SINCERELY HELD BELIEFS AND A LACK OF RISK TO SECURITY OR JEOPARDY TO OTHERS SEEKING SIMILAR RELIGIOUS RIGHTS.

II. THE NINTH CIRCUIT COURT AFFIRMED THE DISTRICT COURT'S RULING BUT FAILED TO STATE WHAT GOVERNMENT INTERESTS OUTWEIGHED PETITIONER'S BURDENED RELIGIOUS PRACTICE WHEN HE WAS DENIED HALAL MEALS SERVED IN ACCORD WITH ISLAMIC LAW, TA'LEEM GROUP STUDY, EID UL-FITR AND EID AL-ADHA ENHANCED MEALS AND SPECIAL HOLIDAYS PRAYER IN CONGREGATION, AND EDIBLE DATES FOR RAMADAN. UNITED STATES VS. SECRETARY, FLORIDA DEPT.

OF CORRECTIONS, 828 F.3d 1341 (11TH CIR. 2016) (HELD THAT [STATE PRISON OFFICIALS] FAILED TO PROVE THAT DENIAL OF KOSHER MEALS WAS THE LEAST RESTRICTIVE MEANS OF FURTHERING A GOVERNMENTAL INTEREST WHEN WEIGHED AGAINST PRISONERS' RELIGIOUS RIGHTS UNDER RLUIPA).

AS TO ISSUE OF HALAL MEALS (KOSHER) SERVED ON NON-KOSHER TRAYS WRAPPED IN CELLOPHANE, A LEAST RESTRICTIVE ALTERNATIVE WAS OFFERED BY PETITIONER TO ACCOMMODATE HIS RELIGIOUS DIETARY TENETS OF ORTHODOX ISLAM. DIRECTOR CHARLES L. RYAN AND TRINITY COULD REQUIRE HALAL/KOSHER MEALS BE ONLY SERVED ON SPECIALLY DESIGNATED KOSHER TRAYS THAT NEVER ARE USED FOR NON-KOSHER MEALS!

EDIBLE DATES COULD BE ADDED TO THE YEARLY RAMADAN MEAL PLAN AT NO COST TO MUSLIM PRISONERS AS MATZO BREAD IS GIVEN TO JEWISH PRISONERS AT NO COST ON PASSOVER OBSERVANCE BY ADOC'S "PASSOVER MEAL PLAN," (APPELLANT'S REPLY BRIEF, PG. 10; D.C. DOCKET 98 "DECLARATION OF LAURA DONNELLY" AT ¶ 4 PG. 2).

THE ISLAMIC TERM "HALAL" MEANS PERMISSIBLE ACCORDING TO QURANIC LAW. ISLAM'S DIETARY LAWS ARE DEEMED CLOSE ENOUGH TO THOSE OF JEWISH "KOSHER" LAWS FOR MOST MUSLIMS.

AS TO ADOC'S RESTRICTIVE POLICY REQUIRING A THIRTY-DAY NOTICE FOR RELIGIOUS GATHERINGS, PETITIONER SUFFERS UNDUE BURDENS ON HIS SINCERELY HELD FAITH OF ORTHODOX ISLAM. A PRISONER'S FREE EXERCISE IS CHILLED BY ADOC'S D.O. 912 AND D.O. 904 POLICY (A) DOESN'T EXPRESSIVELY CITE A 30-DAY PRIOR NOTICE TO OBSERVE WEEKLY TA'LEEM, ANNUAL EID AL-ADHA OR EID UL-FITR CONGREGATIONAL PRAYERS, (B) IS NOT A LEAST-RESTRICTIVE MEANS TO ACCOMMODATE PETITIONER'S FAITH, AND (C) WAS ONLY CITED BY RESPONDENTS - APPELLEES WHEN HE COMPLAINED THROUGH PRISON'S GRIEVANCE SYSTEM ABOUT ONGOING PROBLEMS WITH THE TURNOUT TIMES FOR RAMADAN PRAYERS AND MEALS, OR ABOUT HIS HALAL / KOSHER DIET MISHANDLED BY TRINITY.

FINALLY, IT IS ILLOGICAL TO ENFORCE A 30-DAY PRIOR NOTICE FOR A WEEKLY GATHERING LIKE TA'LEEM STUDY GROUP WHEN NO OUTSIDE GUESTS, BANQUETS, PERFORMANCES, MUSICAL INSTRUMENTS OR EVEN A SPECIAL HOLIDAY MEAL IS REQUESTED — ONLY A PLACE AND TIME TO GATHER FOR GROUP STUDY OF ISLAMIC TENETS. JUMAH FRIDAY CONGREGATIONAL PRAYERS ARE HELD WEEKLY IN A ROOM SUPERVISED BY A PRISON CHAPLAIN, SO IT IS A SUBSTANTIAL BURDEN ON

PETITIONER'S BELIEFS TO REQUIRE A 30-DAY PRIOR NOTICE FOR A WEEKLY TALEEM STUDY GROUP. COMPARATIVELY, CHRISTIAN PRISONERS HAVE WEEKLY BIBLE STUDY, CHOR, BAND PRACTICE, MASS AND PRAYER SERVICES WITHOUT 30-DAY PRIOR NOTICES TO ATTEND MULTIPLE SERVICES. HUDSON VS. DENNEHY, 538 F. SUPP. 2d 400, 411 (D. MASS. 2008) (CITING DIETARY ACCOMMODATIONS TO JEWISH, BUDDIST, AND SEVENTH DAY ADVENTIST INMATES IN FINDING DENIAL OF HALAL FOOD VIOLATED RLUIPA) AFFIRMED SUB NOUN CRAWFORD VS. CLARK, 578 F. 3d 39 (1ST CIR. 2009).

THE DIRECTOR OF ADOC CHARLES L. RYAN HAS FULL AUTHORITY TO REVISE, REMOVE OR IMPLEMENT ANY INSTITUTIONAL POLICY DEEMED NECESSARY TO ACCOMMODATE A PRISONER'S RELIGIOUS TENETS. SENIOR CHAPLAIN JAMES VICKLUND IS INVESTED WITH THE AUTHORITY TO SANCTION ANY REASONABLE REQUEST FOR TALEEM, CONGREGATIONAL PRAYERS OR SPECIAL HOLIDAY FEASTS FOR EID AL-ADHA AND EID UL-FITR OBSERVANCES. EDIBLE DATES CAN BE PROVIDED AT MINIMAL COST TO ADOC OR TRINITY. HALAL KOSHER DIET TRAYS COULD BE PURCHASED TO SERVE HALAL/KOSHER MEALS AS LEAST-RESTRICTIVE MEANS TO ACCOMMODATE ISLAMIC DIETARY LAWS.

III. THE NINTH CIRCUIT COURT OF APPEALS AND THE DISTRICT COURT ERRED WHEN IT FAILED TO SHOW A LACK OF SUBSTANTIAL BURDEN ON PETITIONER/APPELLANTS RELIGIOUS PRACTICE OF GROUP TALEEM STUDY AND RAMADAN CONGREGATIONAL PRAYERS DENIED BY RESPONDENTS/APPELLEES RYAN AND VICKLUND.

THE SUPREME COURT HAS CLEARLY CITED THE STANDARD FOR A RLUIPA CLAIM TO SUCCEED IN ITS RULINGS IN HOBBS AND BRUNELL VS. HOBBY LOBBY STORES, INC., 573 U.S. ____ 2015

"THE LEAST-RESTRICTIVE-MEANS STANDARD IS EXCEPTIONALLY DEMANDING," AND IT REQUIRES THE GOVERNMENT TO "SHO[W] THAT IT LACKS OTHER MEANS OF ACHIEVING ITS DESIRED GOAL WITHOUT IMPOSING A SUBSTANTIAL BURDEN ON THE EXERCISE OF RELIGION BY THE OBJECTING PART[Y]."

HOBBY LOBBY, SUPRA AT ____ (SLIP OP., AT 40)

"[I]F A LESS RESTRICTIVE MEANS IS AVAILABLE FOR THE GOVERNMENT TO ACHIEVE ITS GOALS, THE GOVERNMENT MUST USE IT."

CITING: UNITED STATES V. PLAYBOY ENTERTAINMENT GROUP, INC., 529 U.S. 803, 815 (2000).

RESPONDENTS HAVE NOT EXPLORED ANY LEAST RESTRICTIVE MEANS TO ACCOMMODATE PETITIONER'S

RELIGIOUS EXERCISE.

III THE NINTH CIRCUIT COURT ERRED WHEN IT AFFIRMED A DECISION BY THE DISTRICT COURT TO IGNORE THE SUPREME COURT'S DECISIONS ON RLUIPA IN HOLT AKA MUHAMMAD VS. HOBBS, 574 U.S. — (2015) AND BRUNELL VS. HOBBY LOBBY STORES INC., 573 U.S. — (2015). THE DISTRICT COURT'S DECISION GAVE "UNQUESTIONING DEFERENCE" TO PRISON OFFICIALS TESTIMONY EVEN WHEN RESPONDENTS/APPELLEES PROVIDED LARGELY CONCLUSORY AND SPECULATIVE TESTIMONY IN DEFENSE OF THEIR UNCONSTITUTIONAL POLICIES. WHEN DECIDING CASES THAT HAVE SUCH IMPORTANT IMPACT ON THE JUSTICE STANDARDS THAT WEIGH ON THE RELIGIOUS RIGHTS OF PROTECTED CLASSES, THE COURT MUST CONSIDER THE RISKS OF CHILLED FREEDOMS OF RELIGIOUS EXERCISE. IF BIAS AND CULTURAL IGNORANCE ARE ALLOWED TO GOVERN A JUDICIAL BODY'S ABILITY TO FAIRLY BALANCE GOVERNMENTAL INTERESTS AGAINST A PRISONER'S BURDENED RELIGIOUS PRACTICE, NO SPIRITUAL PURSUITS ARE SAFE FROM INSTITUTIONALIZED PREJUDICE. ISLAM IS THE SECOND-LARGEST RELIGION ON EARTH BUT SUFFERS AGE-OLD DISCRIMINATORY POLICY

IN AMERICA'S PRISONS AND INSTITUTIONS OF GOVERNMENT, EQUAL PROTECTION OF FIRST AMENDMENT FREE EXERCISE MUST BE HELD TO A NOBLE STANDARD INTENDED BY CONGRESS WHEN IT ADOPTED 42 U.S.C. § 2000cc et seq. RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (2006).

EVEN A PRIVATE CONTRACTOR SUCH AS TRINITY IS BOUND BY CONSTITUTIONAL LAW AND IS NOT IMMUNE FROM THE PROTECTIONS AFFORDED TO PRISONERS UNDER RLUIPA. KNOWLES VS. PFISTER, 829 F.3d 516 (7TH CIR. 2016). EVIDENCE OVERWHELMS TRINITY'S ATTEMPT TO CONSTRUCT A LEGAL ARGUMENT THAT DEFINES WHAT A "STATE ACTOR" IS ACCORDING TO RLUIPA. THE RESPONDENTS TRY TO DEFLECT THE COURT'S ATTENTION (QUITE EVIDENTLY WITH SUCCESS IN THE DISTRICT COURT'S CASE) FROM EXHIBITS THAT PROVE TRINITY'S ROLE IN IMPLEMENTING, REVISING, CERTIFYING OR DIRECTLY INFLUENCING POLICY AND PROCEDURE THAT GOVERNS OR AFFECTS THE PLAINTIFF/PETITIONER'S ABILITY TO OBSERVE CENTRAL TENETS OF HIS SINCERELY HELD RELIGIOUS BELIEFS OF ORTHODOX ISLAM. ADHERING TO A STRICT HALAL DIET IS A PINNACLE OF QURANIC LAW:

"O YE WHO BELIEVE! MAKE NOT UNLAWFUL THE GOOD THINGS WHICH ALLAH HATH MADE LAWFUL (HALAL) FOR YOU, BUT COMMIT NO EXCESS, FOR ALLAH LOVETH NOT THOSE GIVEN TO EXCESS.

EAT OF THE THINGS WHICH ALLAH HATH PROVIDED FOR YOU, LAWFUL (HALAL) AND GOOD; BUT FEAR ALLAH, IN WHOM YE BELIEVE."

(SURAH 5: VERSES 87-88 - QURAN)

HOLT, ID. AND 42 U.S.C. § 2000 CC-5(4) (iii) DEFINES THE TERM "GOVERNMENT" AS INCLUDING "ANY... PERSON ACTING UNDER COLOR OF STATE LAW." OTHER CASES RULED ON BY THE SUPREME COURT HOLD CONCURRING OPINIONS SUCH AS MC CLESKY V. KEMP, 481 U.S. 279, 292, 107 S. CT. 1756, 95 L. Ed. 2d. 262, 278 (1978) AND THE NINTH CIRCUIT'S OWN SHAKUR VS. SCHIRO, 514 F.3d 878, 890-91 (9TH CIR. 2008).

THE RECENT RULINGS IN BROWN VS. LIVINGSTON, U.S. D.C. (S.D. TEXAS), CASE NO. 4:69-CV-00074, OFFER A RULING THAT CONFLICTS WITH THE NINTH CIRCUIT'S RULING IN PETITIONER'S LAWSUIT. THE SUPREME COURT

MUST CONSIDER THIS NATIONALLY IMPACTFUL ISSUE OF RELIGIOUS FREEDOMS.

IV. THE DISTRICT COURT ERRED BY NOT CERTIFYING THIS CASE AS A CLASS ACTION PER 28 U.S.C. § 1453 (c) CLASS ACTION FAIRNESS ACT WHEN THE ISSUES AFFECT A PROTECTED CLASS AND BEAR NATIONWIDE IMPACT ON THE RELIGIOUS RIGHTS AND PRACTICES OF AMERICANS AND PRISONERS OF DIVERSE FAITHS AND BELIEFS.

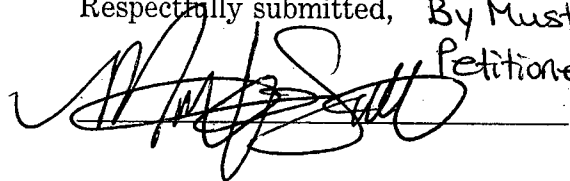
CONSIDERING PETITIONER'S DEFICIENT ENGLISH AS A FOREIGN-BORN LITIGANT, AND WEIGHING THE IMPORTANCE AND COMPLEXITY OF THE CIVIL RIGHTS ISSUES BEFORE THE COURT, A CLASS ACTION CERTIFICATION SHOULD HAVE BEEN GRANTED. A COURT-APPOINTED COUNSEL WOULD HAVE LIKELY SUCCEEDED IN ARTICULATING THE FACTS OF THE CASE, LEGAL AUTHORITIES, AND BETTER NAVIGATE THE PROCEDURAL PROCESS (I.E., DISCOVERY, INTERROGATIONS, ADMISSIONS, EXHIBITS, ETC.) THE MANY AFFIDAVITS AND DECLARATIONS SUBMITTED AS EVIDENCE AND TESTIMONY SHOULD HAVE IMPACTED THE DISTRICT COURT'S DECISION — OR COMPELLED A JURY TRIAL TO EXAMINE THE LEGAL BASIS OF THE CLAIMS.

ANDERSON V. LIBERTY LOBBY, INC., 477 U.S. 242, 249 (1986).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted, By Mustafa R. B. Saddiq
Petitioner in Pro Se

A handwritten signature in black ink, appearing to read 'Mustafa R. B. Saddiq', written over a horizontal line.

Date: JANUARY 24, 2018.