

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 04 2017

JEFFREY P. COLWELL
CLERK

Civil Action No. 15-CV-02849-RM-KLM
(To be supplied by the court)

AHMAD MOHAMMAD AJAJ, Plaintiff,

v.

UNITED STATES OF AMERICA
FEDERAL BUREAU OF PRISONS
DERRICK JONES
MICHAEL CUNDIFF
TAMMY RUDA-SORRENTI
"FNU" IZZETTI
CHARLES ALVAREZ
SEAN SNIDER
D. SHEPARD
C. OLGUIN
D. OBA

_____, Defendant(s).

(List each named defendant on a separate line.)

PRISONER COMPLAINT

"VERIFIED SECOND AMENDED COMPLAINT"

(Rev. 1/30/07)

A. PARTIES

1. AHMAD MOHAMMAD AJAJ #40637-053,
(Plaintiff's name, prisoner identification number, and complete mailing address)
ADX-FLORENCE, P.O. BOX 8500, FLORENCE, CO 81226

2. UNITED STATES OF AMERICA
(Name, title, and address of first defendant)
WASHINGTON, D.C.

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☐ Yes ☒ No (CHECK ONE). Briefly explain your answer:

UNDER COLOR OF FEDERAL LAW

3. FEDERAL BUREAU OF PRISONS, 320 FIRST
(Name, title, and address of second defendant)
STREET, N.W., WASHINGTON, D.C. 20534

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☐ Yes ☒ No (CHECK ONE). Briefly explain your answer:

UNDER COLOR FEDERAL LAW

4. DERRICK JONES, FOOD SERVICES ADMINISTRATOR, ADX,
(Name, title, and address of third defendant)
P.O. BOX 8500, FLORENCE, CO 81226-8500

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☐ Yes ☒ No (CHECK ONE). Briefly explain your answer:

UNDER COLOR OF FEDERAL LAW

(If you are suing more than three defendants, use extra paper to provide the information requested above for each additional defendant. The information about additional defendants should be labeled "A. PARTIES.")

"A. PARTIES"

5. MICHAEL CUNDIFF, ASSISTANT FOOD SERVICES ADMINISTRATOR, P.O. BOX 8500, FLORENCE, CO 81226.
6. TAMMY RUDA-SORRENTI, ASSISTANT FOOD SERVICES ADMINISTRATOR, P.O. BOX 8500, FLORENCE, CO 81226.
7. "FNU" IZZETT, COOK SUPERVISOR, ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.
8. CHARLES ALVAREZ, WAS A LIEUTENANT AT ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.
9. SEAN SNIDER, WAS A CAPTAIN AT ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.
10. D. SHEPARD, SENIOR CORRECTIONAL OFFICER, ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.
11. C. OLEVIN, A NURSE, ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.
12. D. OBA, CLINICAL DIRECTOR, ADX, P.O. BOX 8500, FLORENCE, CO 81226-8500.

OFFICIAL AND INDIVIDUAL CAPACITIES

13. DEFENDANT U.S.A IS BEING SUED UNDER THE FEDERAL TORT CLAIMS ACT
14. AND THE ADMINISTRATIVE PROCERE (PROCEDURE) ACT.
15. DEFENDANT BOP IS BEING SUED UNDER THE ADMINISTRATIVE PROCEDURE ACT, 28 U.S.C. §§ 2201-2202, THE ACCARDE DOCTRINE, RFRA, AND REHABILITATION ACT FOR INJUNCTIVE RELIEF ONLY.
16. ALL OTHER NAMED DEFENDANTS ARE BEING SUED IN THEIR INDIVIDUAL CAPACITIES FOR COMPENSATORY AND PUNITIVE DAMAGES PURSUANT TO 28 U.S.C. §§ 1331, 1350, 42 U.S.C. §§ 1985-1986, THE RFRA, AND UNDER ANY OTHER APPLICABLE CONSTITUTIONAL AND STATUTE PROVISIONS, AND UNDER ANY OTHER POSSIBLE LEGAL THEORY.
17. ALL DEFENDANTS ARE ALSO BEING SUED FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT UNDER THEIR OFFICIAL CAPACITIES.

CLAIMS UNDER THE ALIEN TORT CLAIMS ACT

18. PLAINTIFF IS AN ALIEN CARRY'S A JORDANIAN PASSPORT. DEFENDANTS ARE BEING SUED UNDER UNDER THE ALIEN TORT CLAIMS, 28 U.S.C. § 1350, FOR VIOLATING THE CUSTOMARY INTERNATIONAL LAW STANDARDS AND U.S. TREATIES INCLUDING, BUT NOT LIMITED TO, THE UNITED NATIONS INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT, THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS, THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AND OTHER TREATIES.

B. JURISDICTION

1. I assert jurisdiction over my civil rights claim(s) pursuant to: (check one if applicable)

☐ 28 U.S.C. § 1343 and 42 U.S.C. § 1983 (state prisoners)

☒ 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) (federal prisoners)

2. I assert jurisdiction pursuant to the following additional or alternative statutes (if any):

FTCA, APA, ACCARDI DOCTRINE, RFRA, REHABILITATION ACT,
28 U.S.C. §§ 1331, 1350, 2201-2202, 42 U.S.C. §§ 1985-1986

C. NATURE OF THE CASE

BRIEFLY state the background of your case. If more space is needed to describe the nature of the case, use extra paper to complete this section. The additional allegations regarding the nature of the case should be labeled "C. NATURE OF THE CASE."

THE DEFENDANTS NAMED IN THIS COMPLAINT WILLFULLY,
RECKLESSLY, MALICIOUSLY, AND INTENTIONALLY
VIOLATED PLAINTIFF'S CONSTITUTIONAL AND STATUTORY
RIGHTS.

D. CAUSE OF ACTION

State concisely every claim that you wish to assert in this action. For each claim, specify the right that allegedly has been violated and state all supporting facts that you consider important, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific cases to support your claim(s). If additional space is needed to describe any claim or to assert more than three claims, use extra paper to continue that claim or to assert the additional claim(s). The additional pages regarding the cause of action should be labeled "D. CAUSE OF ACTION."

AGAINST DEFENDANTS JONES, SORRENTI, CUNDIFF, EZZIT,

1. Claim One: **UNITED STATES AND THE BOP (SEE PARAGRAPHS 75-93)**

Supporting Facts:

1. PLAINTIFF WAS DIAGNOSED OF HAVING IRRITABLE BOWEL SYNDROME, REFLUX ESPHAGITIS, HIATAL HERNIA, GASTRIC ANGIODYSPHASIS, GASTRITIS, COLONIC ANGIODYSPHASIS, COLONIC DIVERTICULOSIS, LACTOSE INTOLERANCE, HYPERTENSION, AND OTHER GI DISORDERS.
2. PLAINTIFF HAS BEEN FORCED TO LIVE IN CONSTANT PAIN FROM CRAMPING, IRREGULAR BOWEL HABITS, DIARRHEA, HEARTBURN, BLOATING, AND OTHER PAINFUL SYMPTOMS.
3. PLAINTIFF'S IBS CAUSES HIM FREQUENT AND SUDDEN URGES TO USE THE BATHROOM; ON AVERAGE HE SPENDS UP TO THREE HOURS PER DAY USING THE BATHROOM.
4. DIET PLAYS A MAJOR ROLE IN TRIGGERING IBS AND OTHER GASTROINTESTINAL DISORDERS SYMPTOMS.
5. BOP'S PROGRAM STATEMENT No. 4700.04, STATES THAT "ALL INSTITUTIONS SHALL PROVIDE A MEDICAL DIET".
6. BOP'S P.S. No. 6013.01, STATES THAT A PRISONER HAS "THE RIGHT TO BE PROVIDED HEALTHY AND NUTRITIOUS FOOD".
7. 28 C.F.R. § 541.12(4), STATES THAT A PRISONER HAS "THE RIGHT TO HEALTH CARE, WHICH INCLUDES NUTRITIOUS MEALS".
8. P.S. No. 4700.04, STATES THAT MEDICAL "DIETS SHALL BE PRESCRIBED BY THE CLINICAL DIRECTOR, STAFF PHYSICIAN OR STAFF DENTIST".
9. THE BOP GUIDELINES FOR MEDICAL DIETS, STATES THAT "THE FSA [FOOD SERVICE ADMINISTRATOR] WILL DEVELOP PROCEDURES TO ENSURE THAT INMATES WHO HAVE A MEDICAL OR SPECIAL DIET, OR A SUPPLEMENTAL FEEDING ORDER, RECEIVE THE PROPER FOOD ITEMS".
10. THE GUIDELINES ALSO STATES THAT "THE MISSION OF THE FOOD SERVICE BRANCH IS TO PROVIDE INMATES WITH MEALS THAT ARE NUTRITIONALLY ADEQUATE, PROPERLY PREPARED, AND ATTRACTIVELY SERVED".
11. MOST IMPORTANTLY, THE GUIDELINES STATES THAT "ONLY THE AUTHORIZING PROVIDER MAY DISCONTINUE ORDERS FOR MEDICAL OR SPECIAL DIETS OR SUPPLEMENTAL FEEDING".
12. ON 3-28-2014, DR. SANTINI (ADX-CLINICAL DIRECTOR) ISSUED A WRITTEN MEDICAL DIET ORDER REQUIRES THE FOOD SERVICES STAFF TO SERVE PLAINTIFF A MEDICAL DIET THAT CONTAINS "NO MILK, NO CEREAL, NO COOKED GRAINS, NO PROCESSED MEAT, NO VEGETABLE, A LOW FAT DIET, NO CAFFEINATED BEVERAGES, BAKED INSTEAD OF FRIED FOODS, AND WHITE BREAD (NOT WHEAT), TO HELP ALLEVIATE PLAINTIFF'S SEVERE SYMPTOMS.
13. ON 3-28-2014, THE MEDICAL ORDER WAS DELIVERED TO DEFENDANTS JONES (THE FOOD SERVICES ADMINISTRATOR), SORRENTI (ASSISTANT FOOD SERVICES ADMINISTRATOR), AND IZZETT.

(Rev. 1/30/07)

"D. CAUSE OF ACTION- CLAIM ONE"

(THE COOK SUPERVISOR) BY THE MEDICAL STAFF TO ENSURE COMPLIANCE BY DEFENDANTS. 14. DEFENDANTS JONES, SORRENTI, AND IZZETT ARE NOT PERMITTED TO MODIFY, ALTER, IGNORE, OR DEFY DR. SANTINI'S MEDICAL DIET ORDER AND THEY WERE REQUIRED TO COMPLY WITH THE MEDICAL ORDER.

15. DEFENDANTS JONES, SORRENTI, AND IZZETT WILLFULLY, WANTONLY, MALICIOUSLY, AND UNCONSCIONABLY REFUSED TO COMPLY WITH THE MEDICAL DIET ORDER AND THEY DIRECTED ALL THE FOOD SERVICES STAFF TO IGNORE AND DEFY THE ORDER AND TO CONTINUE FEED PLAINTIFF THE DAILY FOOD ITEMS PROHIBITED BY THE ORDER TO UNLAWFULLY INFLICT PAIN AND SUFFERING ON HIM.

16. ON 4-7-2014, DEFENDANTS JONES AND SORRENTI WERE MADE AWARE AGAIN^{OF} PLAINTIFF'S SEVERE SYMPTOMS TRIGGERED BY THEIR DELIBERATE DEFIANCE OF THE MEDICAL DIET ORDER AND THE DAILY PROHIBITED FOOD ITEMS SERVED TO HIM.

17. ON 4-7-2014, PLAINTIFF ALSO BROUGHT TO JONES' AND SORRENTI'S ATTENTION, THAT THEY WERE LEGALLY OBLIGATED TO PROVIDE HIM A "SPECIAL DIET DUE TO HIS MEDICAL CONDITION" UNDER THE PREVIOUS SETTLEMENT AGREEMENT BETWEEN HIM AND THE BOP IN AJAJ v. U.S.A, 03-cv-01959. IN RESPONSE, JONES TOLD HIM, AMONG OTHER THINGS, THAT AS LONG AS HE IS THE FOOD SERVICES ADMINISTRATOR HE WILL MAKE SURE THAT "A SAND NIGGER LIKE YOU [PLAINTIFF] RECEIVE NO MEDICAL DIET".

18. ON 4-15-2014, DR. SANTINI ISSUED A NEW MEDICAL DIET ORDER REQUIRES DEFENDANTS JONES, SORRENTI, IZZETT, AND THE FOOD SERVICES STAFF TO SERVE PLAINTIFF "LOW FAT DIET. NO MILK AND CHEESE PRODUCTS. NO CEREALS, SOY, COOKED GRAINS. NO PEANUT BUTTER, PROCESSED MEATS, VEGETABLES, NO CAFFEINATED BEVERAGES. BAKED INSTEAD OF FRIED FOODS. WHEAT BREAD- NOT WHEAT BREAD (WHITE BREAD ONLY)", TO HELP ALLEVIATE PLAINTIFF'S SEVERE SYMPTOMS.

19. ON 4-16-2014, DEFENDANTS JONES AND SORRENTI UNLAWFULLY AND UNCONSCIONABLY PRESSURED DR. SANTINI TO CHANGE HIS 4-15-2014 MEDICAL DIET ORDER TO "LOW FIBER DIET" THAT UNSUITABLE FOR PLAINTIFF'S GASTROINTESTINAL DISORDERS AND HIS HYPERTENSION AND OVERLOADED WITH PROHIBITED FOOD ITEMS INCLUDING MILK AND CHEESE PRODUCTS TO WILLFULLY AND MALICIOUSLY INFLICT DAILY PAIN AND SUFFERING ON PLAINTIFF THAT JONES CALLED "A SAND NIGGER".

20. ON 4-16-2014, DR. SANTINI DOCUMENTED THE UNLAWFUL PRESSURE ON HIM BY JONES AND SORRENTI TO CHANGE HIS MEDICAL DIET ORDER, BY STATING IN HIS "ADMINISTRATIVE NOTE ENCOUNTER" THAT HIS 4-15-2014 MEDICAL DIET ORDER WAS "REVISED. PER FOOD SERVICES ADMINISTRATOR".

21. NEITHER DEFENDANTS JONES NOR SORRENTI HAD THE RIGHT TO INTERFERE WITH PLAINTIFF'S MEDICAL DIETARY NEEDS OR TO USE THEIR INFLUENCE TO PRESSURE DR. SANTINI TO CHANGE HIS MEDICAL DIET ORDER.

22. ON 4-15-2014, DEFENDANT SORRENTI SENT E-MAIL TO MITCHEL HOLLIDAY WITH ATTACHMENT OF DR. SANTINI'S 4-15-2014 MEDICAL DIET ORDER, PROTESTING HIS

"D. CAUSE OF ACTION-CLAIM ONE"

DR. SANTINI'S MEDICAL ORDER, SHE STATED IN HER E-MAIL THAT "THIS IS THE NEW AND IMPROVED MDS DR. SANTINI WROTE. IT DOESN'T JIVE WITH THE LOW-FIBER DIET. HE IS PUTTING ME IN A REAL BIND HERE. DO YOU AGREE WITH THIS???"

23. ON 4-16-2014, DEFENDANT SORRENTI SENT ANOTHER E-MAIL TO MITCHEL HOLLIDAY, AFTER SHE UNLAWFULLY PRESSURED DR. SANTINI TO CANCEL HIS 4-15-2014 MEDICAL ORDER AND TO CHANGE IT TO UNSUITABLE "LOW FIBER DIET" ORDER THAT OVERLOADED WITH FOOD ITEMS THAT ARE PROHIBITED BY THE PREVIOUS MEDICAL ORDERS AND BY THE ACADEMY AND DIETETICS ASSOCIATION, HER E-MAIL STATED "OK... I TALKED TO DR. [SANTINI] TODAY. HE SAID HE WOULD WRITE THE MDS FOR LOW FIBER ONLY. I ASKED THAT HE NOT ADD ANYTHING ELSE ON THE MDS AND HE SAID HE WOULD DO THAT. THEN AJAJ CAN FILE ALL HE WANTS AND WE ARE GOOD. THANK YOU!"

24. ON 4-16-2014, MITCHEL HOLLIDAY REPLIED TO DEFENDANT SORRENTI'S E-MAIL BY STATING "WE ALSO HAVE ONE OTHER POTENTIAL AVENUE IF AJAJ CONTINUES TO PUSH. WE CAN DISCUSS NEXT WEEK."

25. ON 4-28-2014, DEFENDANT SORRENTI SENT E-MAIL TO ADX COOK SUPERVISORS STATING THAT "HE [PLAINTIFF] SENDS ME, THE A.W. AND THE WARDEN COP-OUTS DAILY". PLAINTIFF'S COP-OUTS SOUGHT CORRECTIVE ACTIONS BE TAKEN TO REMEDY THE DAILY DELIBERATE VIOLATIONS OF HIS MEDICAL DIETARY NEEDS, THE WILLFUL DEFIANCE OF MEDICAL DIET ORDERS BY DEFENDANTS, THE KNOWINGLY DISREGARD OF THE DAILY PAIN AND SUFFERING INFLICTED UPON HIM BY THE DEFENDANTS, THE MALICIOUS INTERFERENCE WITH MEDICAL NEEDS BY UNLAWFULLY PRESSURING DR. SANTINI AND OTHERS TO DEPRIVE HIM OF MEDICAL DIET NECESSARY FOR HIS GASTROINTESTINAL DISORDERS AND HYPERTENSION FOR PURE RACIST AND RETALIATORY REASONS, AND TO REMEDY OTHER PROVOCATIVE AND RACIST ACTS BY DEFENDANTS. DEFENDANTS REFUSED TO TAKE ANY CORRECTIVE ACTION.

26. ON 4-28-2014, IN RESPONSE TO PLAINTIFF'S COMPLAINTS AND REQUESTS FOR CORRECTIVE ACTIONS OF THE DAILY VIOLATIONS BY DEFENDANTS JONES, IZZETT, SORRENTI, AND THE FOOD SERVICES STAFF, SORRENTI TOLD PLAINTIFF "I DON'T CARE IF YOU ARE IN PAIN. I DON'T CARE IF YOU SUFFERING... GO CRY TO THE WARDEN AND A.W. HALL ABOUT YOUR DIET, BUT THEY WON'T OVERRIDE MY DECISION..."

27. ON 4-14-2014, PLAINTIFF SENT ANOTHER COP-OUT TO WARDEN BECKIBLE STATING THAT "AFSA SORRENTI INTENTIONALLY AND DELIBERATELY SERVING ME FOOD ITEMS THAT AGGRAVATING MY HEALTH PROBLEMS, SERVING ME BADLY PREPARED FOOD TRAYS, AND SHOWN CLEAR PREJUDICE AGAINST ME. I REQUEST EFFECTIVE AND MEANINGFUL CORRECTIVE ACTIONS". NO CORRECTIVE ACTION WAS TAKEN BY WARDEN BECKIBLE OR ANY OF HIS

FOOD SERVICES STAFF INCLUDING THE DEFENDANTS.

28. ON 5-19-2014, PLAINTIFF WENT ON A HUNGER STRIKE TO PROTEST DEFENDANTS JONES, SORRENTI, AND IZZETT REFUSAL TO COMPLY WITH THE MEDICAL DIET ORDERS, THEIR UNLAWFUL INTERFERENCE WITH HIS MEDICAL NEEDS, THEIR MALICIOUS AND UNCONSCIONABLE INSISTING TO FEED PLAINTIFF PROHIBITED FOOD ITEMS KNOWN TO THEM THAT SUCH ITEMS WERE AGGRAVATING HIS HEALTH PROBLEMS AND VIOLATES MEDICAL ORDERS, THEIR DAILY PROVOCATIVE AND RACIST ACTS TOWARD HIM INCLUDING SINGLING OUT HIS LABELED FOOD TRAYS FOR MISCHIEF INCLUDING SERVING HIS MEALS IN DIRTY TRAYS, SENDING HIM ROTTEN FRUIT AND SOGGY BREAD AND ALMOST EMPTY TRAYS, OR DELIBERATELY SENDING HIM FOOD ITEMS THAT ALSO PROHIBITED BY HIS ISLAMIC FAITH AS "HARAM" OR "MASHBOOH" TO OFFEND HIS ISLAMIC FAITH, AND TO PROTEST THE REFUSAL OF THE WARDEN AND HIS ADMINISTRATIVE STAFF TO TAKE ANY CORRECTIVE ACTION DESPITE HIS VERBAL AND WRITTEN COMPLAINTS.
29. ON 5-22-2014, THE CLINICAL DIRECTOR DR. GEORGE SANTINI SEND E-MAIL TO ADMINISTRATIVE STAFF STATING THAT "I'VE BEEN INFORMED THAT THE ABOVE INMATE [PLAINTIFF] IS COMPLAINING THAT THE CENTRAL OFFICE DIETITIAN'S REQUEST FOR THE MODIFIED DIET HAS NOT BEEN HONORED. I REVIEWED THE REQUEST AND I HAVE REWRITTEN THE RECOMMENDATIONS THAT HE HAD ORIGINALLY MADE. THE INMATE IS ON POSSIBLE HUNGER STRIKE STATUS AS OF NOW. I WILL SPEAK TO THE INMATE TOMORROW TO INFORM HIM OF THE CHANGES. I HOPE THIS MDS DOES NOT INCONVENIENCE YOU".
30. ON 5-22-2014, DR. SANTINI ISSUED A PROPER MEDICAL DIET ORDER FOR PLAINTIFF'S GASTROINTESTINAL DISORDER REQUIRED DEFENDANTS JONES, SORRENTI, IZZETT, AND THE FOOD SERVICES STAFF TO SERVE PLAINTIFF "LOW FAT DIET. NO MILK/CHEESE PRODUCTS. NO CEREALS, SOY, COOKED GRAINS. NO BP, PROCESSED MEATS, VEGETABLE, CAFFEINE. BAKED INSTEAD OF FRIED FOODS. WHITE BREAD NOT WHEAT".
31. ON 5-23-2014, DR. SANTINI PERSONALLY WENT AND DELIVERED HIS NEW MEDICAL DIET ORDER TO THE DEFENDANTS' FOOD SERVICES DEPARTMENT AND A COPY OF THE ORDER ALSO EMAILED E-MAILED TO DEFENDANTS TO EMPHASIZE THE IMPORTANCE OF THE IMPORTANCE OF THEIR COMPLIANCE WITH THE ORDER.
32. ONCE AGAIN, DEFENDANTS JONES, SORRENTI, AND IZZETT UNLAWFULLY AND MALICIOUSLY DEFIED AND DIRECTED ALL THE FOOD SERVICES EMPLOYEES TO DEFY DR. SANTINI'S NEW MEDICAL DIET ORDER AND TO CONTINUE TO DAILY FEED PLAINTIFF THE FOOD ITEMS PROHIBITED BY THE MEDICAL ORDER AND TO INFLICT PAIN AND SUFFERING UPON HIM.
33. ON 5-28-2014, THE UNIT COUNSELOR DAVE HUNPHRIES SENT E-MAIL TO DEFENDANT SORRENTI AND SPOKE TO HER REGARDING THE DAILY VIOLATIONS OF THE NEW MEDICAL DIET ORDER BUT SHE REFUSED TO COMPLY WITH THE ORDER AND CONTINUED TO INFLICT PAIN AND SUFFERING ON PLAINTIFF BY FEEDING HIM THE PROHIBITED FOOD ITEMS.
34. ON 5-30-2014, PLAINTIFF WENT ON ANOTHER MEALS STRIKES AND REFUSED ALL MEALS FOR "29" DAYS TO PROTEST DEFENDANTS JONES, SORRENTI, AND IZZETT UNLAWFUL DEFIANCE

OF THE NEW MEDICAL DIET ORDER, THEIR MALICIOUS AND UNCONSCIONABLE DAILY INFLECTION OF PAIN AND SUFFERING UPON HIM BY INTENTIONALLY FEEDING HIM THE FOOD ITEMS PROHIBITED BY THE MEDICAL ORDER, THEIR DAILY PROVOCATIVE AND RACIST ACTS TOWARD HIM BY SINGLING OUT HIS LABELED AND TAGGED FOOD TRAYS FOR MISCHIEF BY REPEATEDLY SERVING HIM HIS MEALS IN DIRTY TRAYS CLEARLY STAINED WITH FOOD MATTERS PREVIOUSLY SERVED, SERVING HIM ROTTEN FRUIT AND SOGGY BREAD, AND ALMOST EMPTY TRAYS, AND BY CONTINUE TO DELIBERATELY SERVING HIM FOOD ITEMS PROHIBITED BY HIS ISLAMIC FAITH AS "HARAM" OR "MASHBOOH" TO OFFEND HIS ISLAMIC FAITH AND TO PREVENT HIM FROM EATING OR TO FORCE HIM TO EAT THEM IN VIOLATION OF HIS ISLAMIC FAITH, AND TO PROTEST THE WARDEN'S AND HIS ADMINISTRATIVE STAFF REFUSAL TO TAKE ANY ACTION TO CORRECT THE ABOVE DAILY VIOLATIONS. THE WARDEN AND HIS ADMINISTRATIVE STAFF IMPROPERLY GAVE DEFENDANTS JONES, SORRENTI, AND CUNDIFF THE AUTHORITY TO RESPOND TO PLAINTIFF'S ADMINISTRATIVE REMEDIES AND COMPLAINTS AGAINST THEM AND THUS ENSURING THAT THE VIOLATIONS CONTINUED UNABATED AND NO CORRECTIVE WOULD BE TAKEN.

35. ON 5-30-2014, PLAINTIFF MET WITH DEFENDANTS JONES, SORRENTI, AND ADMINISTRATIVE STAFF. THROUGHOUT THE MEETING, THE DEFENDANTS WENT OUT THEIR WAY TO OPENLY DISPLAY THEIR HATRED OF THE PLAINTIFF. THEY TOLD HIM, AMONG OTHER THINGS, THAT HIS REJECTION OF ALL MEALS "DO NOT BOTHER THEM AT ALL"; "YOU'RE NOTHING BUT A STUPID ARAB"; "WE DON'T CARE IF YOU DIE"; "WE DON'T CARE WHAT THE [MEDICAL] ORDER SAY. YOU ARE NOT GETTING A MEDICAL DIET OR ANYTHING FROM US"; AND "WE WILL MAKE SURE THAT THE NEW MEDICAL ORDER IS CANCELED". JONES ALSO TOLD PLAINTIFF AT THAT MEETING "I DON'T CARE IF YOU SUE ME AGAIN. NO JUDGE WILL RULE IN FAVOR OF AN ARAB PRISONER LIKE YOU".

36. DEFENDANT SORRENTI ALSO TOLD PLAINTIFF, AMONG OTHER THINGS, "I WILL DO WHATEVER IT TAKES IN MY PERSONAL POWER TO MAKE SURE THAT YOU NEVER RECEIVE A MEDICAL DIET... I PREFER TO WATCH YOU DYING SLOWLY FROM STARVATION THAN SERVE YOU THE MEDICAL DR. SANTINI ORDERED"; AND "NO ONE IN THE WORLD WILL SHED TEARS IF YOU AND ALL YOUR ARAB PRISONERS FRIENDS DIED SLOW DEATH".

37. ON 6-5-2014, DEFENDANT SORRENTI UNLAWFULLY USED THE HEALTH SERVICES ASSISTANT SEAN AMILLS TO PRESSURE AGAIN DR. SANTINI TO CANCEL HIS NEW MEDICAL DIET ORDER AND TO PRESCRIBE FOR PLAINTIFF UNSUITABLE AND HARMFUL DIET THAT OVERLOADED WITH THE PROHIBITED FOOD ITEMS TO INFLICT PAIN AND SUFFERING ON HIM. DR. SANTINI REFUSED TO CANCEL HIS AIDS "MEDICAL DIET ORDER", AND THE DEFENDANTS JONES, SORRENTI, AND IZZETT CONTINUED TO DEFY HIS ORDER.

38. ON 6-11-2014, DR. SANTINI TOLD PLAINTIFF THAT DEFENDANTS JONES AND SORRENTI WERE USING HIS STAFF AND HIS SUPERVISORS TO IMPROPERLY PRESSURE HIM TO CANCEL HIS NEW MEDICAL DIET ORDER BUT HE REFUSED TO CANCEL IT.

39. WHEN PLAINTIFF COMPLAINED TO DR. SANTINI THAT DEFENDANTS JONES, SORRENTI, AND IZZETT CONTINUED TO DEFY HIS MEDICAL ORDER AND CONTINUED TO SERVE PLAINTIFF

THE FOOD ITEMS PROHIBITED BY HIS ORDER, DR. SANTINI REPLIED "I DON'T KNOW WHAT ELSE I CAN DO TO FORCE THEM TO FOLLOW MY ORDER"

40. ON 6-12-2014, THE REGIONAL FOOD SERVICES ADMINISTRATOR PAUL SCOFIELD RECEIVED FROM PLAINTIFF THREE PAGES COMPLAINT WITH OTHER DOCUMENTARY ATTACHMENTS AGAINST DEFENDANT JONES, SORRENTI, AND THE FOOD SERVICES DEPARTMENT FOR THEIR CONTINUED DEFIANCE OF DR. SANTINI'S MEDICAL ORDERS AND ASKED HIM TO DIRECT THEM TO COMPLY WITH DR. SANTINI'S MEDICAL ORDER.
41. ON 6-13-2014, PAUL SCOFIELD SENT E-MAIL TO DEFENDANTS SORRENTI AND JONES WITH ATTACHMENT OF PLAINTIFF'S THREE PAGES COMPLAINT WITH THE DOCUMENTS THAT ATTACHED TO THE COMPLAINT AND ASKED THEM "TAKE CARE OF THIS FOR ME PLEASE". THE DEFENDANTS TOOK NO CORRECTIVE ACTION AND RETALIATED AGAINST PLAINTIFF BY MAKING HIS DAILY MEALS WORSE.
42. ON 6-23-2014, DEFENDANT SORRENTI TOLD PLAINTIFF, AMONG OTHER THINGS, "I DON'T CARE TO WHOM YOU COMPLAIN, NO ONE WILL FORCE ME TO DO ANYTHING FOR YOU. I AM RUNNING THE FOOD SERVICES NOT DR. SANTINI AND I WILL CONTINUE TO FEED YOU SHIT".
43. ON 7-23-2014, DEFENDANT SORRENTI TOLD PLAINTIFF, AFTER COMPLAINING AGAINST HER, JONES, AND IZZETI TO WARDEN BERTKLE, "DON'T FORGET YOU'RE JUST AN ARAB INMATE, AND I DON'T WANT TO HEAR ANY MORE COMPLAINTS ABOUT YOUR DIET. YOU ARE NOT GETTING THE MEDICAL DIET ORDERED BY DR. SANTINI FROM ME OR MY STAFF. JUST EAT THE SHIT WE SERVE YOU AND STOP COMPLAINING".
44. ON 7-28-2014, PLAINTIFF SENT FIVE PAGES COMPLAINT TO PAUL SCOFIELD ASKING HIM TO DIRECT DEFENDANTS JONES AND SORRENTI TO COMPLY WITH DR. SANTINI'S MEDICAL ORDER AND TO STOP THEIR RETALIATORY ACTIONS AGAINST HIM INCLUDING THE SINGLING OUT HIS FOOD TRAYS FOR MISCHIEF, AND INFORMING HIM THAT HIS BLOOD TEST REVEALED THAT HE SUFFERING FROM "MALNUTRITION - BUNT CREATININE RATIO LOW" CAUSED BY DEFENDANTS UNLAWFUL AND MALICIOUS ACTS AGAINST HIM. (SEE, ECF DOC. TO AT EX. 2 P. 18). PAUL SCOFIELD E-MAILED PLAINTIFF'S COMPLAINT TO DEFENDANTS SORRENTI AND JONES BUT THEY REFUSED TO COMPLY WITH DR. SANTINI'S ORDER.
45. ON 7-30-2014, ONCE AGAIN PLAINTIFF DECLARED MEALS STRIKE AND REJECTED ALL MEALS FOR "5" DAYS TO PROTEST THE UNLAWFUL CONTINUED DEFIANCE OF DR. SANTINI'S MEDICAL ORDER, THE CONTINUED RETALIATORY AND RACIST ACTS MENTIONED AT PARAGRAPH "34", THE CONTINUED UNLAWFUL PRESSURE ON DR. SANTINI TO DEPRIVE HIM OF HIS MEDICAL DIET, AND THE FAILURE OF THE ADMINISTRATIVE STAFF AND THE BOP TO TAKE ANY CORRECTIVE ACTION AND INSTEAD REFERRING HIS COMPLAINTS TO THE DEFENDANTS TO ENSURE NO CORRECTIVE ACTION BE TAKEN AND ALLOW THEM TO CREATE THE NECESSARY FABRICATED RECORDS TO COVER UP THEIR DELIBERATE WRONGDOING AGAINST HIM. AS ALWAYS PLAINTIFF NOTIFIED DEFENDANTS JONES, SORRENTI, IZZETI,

AND THE ADMINISTRATIVE STAFF OF THE REASONS BEHIND HIS STRIKE. AS ALWAYS THE DEFENDANTS REFUSED TO TAKE ANY CORRECTIVE ACTION.

46. ON 7-9-2014, DEFENDANTS JONES AND SORRENTI MALICIOUSLY USED THE ASSOCIATE WARDEN TO PRESSURE DR. SANTINI TO CANCEL HIS 5-22-2014 MEDICAL DIET ORDER DESPITE THE FACT THAT THEY NEVER FOLLOWED THE ORDER. DR. SANTINI REFUSED TO CHANGE HIS ORDER.
47. ON 7-15-2014, PLAINTIFF'S UNIT COUNSELOR SENT E-MAIL TO SORRENTI REGARDING THE INTENTIONALLY BADLY PREPARED RAMADAN MEALS SERVED TO PLAINTIFF WHICH ALSO VIOLATED BOTH THE MEDICAL ORDER AND PLAINTIFF'S SINCERELY HELD RELIGIOUS BELIEF THAT PROHIBITS HIM FROM CONSUMING SUCH "HARAM" MEALS AND INVALIDITY HIS FASTING AND ALL OTHER WORSHIP ACTS. AS ALWAYS, SORRENTI REFUSED TO TAKE ANY CORRECTIVE ACTION AND CONTINUED TO DELIBERATELY SERVING HIM THE PROHIBITED FOOD ITEMS.
48. ON 8-15-2014, DR. SANTINI TOLD PLAINTIFF THAT NOTHING MORE HE CAN DO TO FORCE JONES, SORRENTI, AND IZZETT TO COMPLY WITH HIS ORDER, THAT THEY COMPLIED WITH OTHER MEDICAL DIET ORDERS FOR OTHER INMATES EXCEPT THE PLAINTIFF, AND THAT THEY CONTINUED TO PRESSURE HIM TO CANCEL HIS ORDER.
49. ON 8-19-2014, PLAINTIFF'S UNIT COUNSELOR SENT ANOTHER E-MAIL TO SORRENTI REGARDING THE DAILY VIOLATIONS OF PLAINTIFF'S MEALS. SORRENTI TOOK NO ACTION TO CORRECT THE VIOLATIONS.
50. ON 8-22-2014, PLAINTIFF DECLARED ANOTHER MEALS STRIKE AND REJECTED ALL MEALS FOR "5" DAYS TO PROTEST THE CONTINUED DEFIANCE OF DR. SANTINI'S MEDICAL ORDER, BY THE DEFENDANTS, THEIR DAILY VIOLATIONS OF HIS ISLAMIC FAITH BY DELIBERATELY SERVING HIM FOOD ITEMS PROHIBITED BY HIS FAITH, THEIR UNLAWFUL INTERFERENCE WITH HIS MEDICAL NEEDS BY PRESSURING DR. SANTINI TO CANCEL HIS MEDICAL ORDER, AND THEIR DAILY RACIST AND RETALIATORY ACTS HIM DESCRIBED IN PARAGRAPH "34," AND THE FAILURE OF THE ADMINISTRATIVE STAFF TO CORRECT THE DAILY VIOLATIONS. PLAINTIFF NOTIFIED DEFENDANTS JONES, SORRENTI, IZZETT, AND THE ADMINISTRATIVE STAFF OF THE REASONS BEHIND HIS STRIKE BUT THEY REFUSED TO TAKE ANY ACTION AND THE DAILY VIOLATIONS CONTINUED UNABATED.
51. ON OR AROUND 9-4-2014, DEFENDANTS JONES AND SORRENTI AGAIN USED THE ASSOCIATE WARDEN TO PRESSURE DR. SANTINI TO CANCEL HIS 5-22-2014 MEDICAL ORDER AND INSTEAD TO PLACE PLAINTIFF ON ANOTHER DIET THAT HARMFUL TO PLAINTIFF'S GASTROINTESTINAL DISORDERS AND HIS HYPERTENSION TO INFLICT PAIN AND SUFFERING ON HIM. TO PRESSURE DR. SANTINI TO CANCEL HIS ORDER, THE ASSOCIATE WARDEN SENT E-MAIL TO DR. SANTINI^{TELEPHONE} HIM "TO BE ON THE SAME PAGE" WITH THE DEFENDANTS "AND NOT ALLOW THIS INMATE TO WEDGE THE TWO DEPARTMENTS".
52. ON 9-5-2014, DR. SANTINI WAS FORCED TO CANCEL HIS 5-22-2014 MEDICAL ORDER AND FORCED TO PLACE PLAINTIFF ON KNOWN HARMFUL DIET TO HIS HEALTH "LOW FIBER DIET" THAT OVERLOADED BY FOOD ITEMS HARMFUL TO HIS GASTROINTESTINAL

DISORDERS AND HIS HYPERTENSION INCLUDING THE FOOD ITEMS THAT PROHIBITED BY THE 5-22-2014 ORDER AND OTHER MEDICAL ORDERS IN COMPLIANCE WITH THE DEMANDS OF DEFENDANTS JONES AND SORRENTI WHO ARE NOT MEDICAL STAFF AND NOT AUTHORIZED TO DEFY MEDICAL ORDERS, INTERFER WITH THE MEDICAL NEEDS OF INMATES, TO DEMAND CHANGES TO MEDICAL ORDERS, OR TO PRESSURE MEDICAL STAFF UNDER THE BOP POLICIES AND GUIDELINES.

53. DURING THE PERIOD BETWEEN MAY 2014 AND SEPTEMBER 2014, DEFENDANTS JONES AND SORRENTI MALICIOUSLY AND UNCONSCIONABLY REFUSED TO COMPLY WITH DR. SANTINI'S MEDICAL ORDER AND USED THEIR INFLUENCE TO DIRECTLY AND INDIRECTLY TO PRESSURE DR. SANTINI TO CANCEL HIS ORDER AND TO PLACE PLAINTIFF ON VERY HARMFUL DIET TO DELIBERATELY INFLICT PAIN AND SUFFERING UPON HIM. THE DEFENDANTS ALSO UNLAWFULLY DEFIED EACH AND EVERY MEDICAL DIET ORDER ISSUED FOR THE PLAINTIFF.

54. ON OR AROUND 9-28-2014, WHEN PLAINTIFF COMPLAINED TO DEFENDANT IZZETT (THE COOK SUPERVISOR) ABOUT THE DEFIANCE OF THE MEDICAL DIET, THE SINGLING OUT OF HIS LABELED AND TAGED FOOD TRAYS FOR MISCONDUCT INCLUDING SERVING HIS MEALS IN DIRTY TRAYS, SERVING HIM SOGGY BREAD AND ROTTEN FRUIT, SERVING HIM FOOD ITEMS PROHIBITED BY HIS ISLAMIC FAITH, AND SERVING HIM ALMOST EMPTY TRAYS WITH VERY SMALL PORTION OF FOOD COMPARED TO OTHER FOOD TRAYS SERVED TO OTHER INMATES, AND HIS REFUSAL TO TAKE ANY CORRECTIVE ACTION DESPITE PLAINTIFF'S DOZENS OF CO-OUTS TO HIM AND REPEATEDLY PHONES CALLS BY THE UNIT OFFICERS TO HIM, DEFENDANT IZZETT REPLIED BY TELLING PLAINTIFF AMONG OTHER THINGS, "YOU'RE AN ARAB AND YOU DON'T HAVE ANY RIGHTS, AND NO ONE HERE GIVES A FUCK ABOUT YOU. I HATE YOU AND ALL THE ARAB PRISONERS. YOU ALWAYS COMPLAINING ABOUT US. YOU SHOULD STOP COMPLAINING. YOU'RE LUCKY, IF IT'S UP TO ME, I WILL ONLY FEED YOU PORK OR WATER AND BREAD".

55. ON 10-1-2014, DR. SANTINI WROTE PLAINTIFF CONFIRMING THAT DEFENDANT JONES WAS DIRECTLY INVOLVED IN PRESSURING HIM TO CANCEL HIS 5-22-2014 MEDICAL DIET ORDER AND TO CHANGE IT TO A DIET THAT HARMFUL TO PLAINTIFF'S GASTROINTESTINAL DISORDERS AND HIS HYPERTENSIONAL "LOW FIBER DIET".

56. PLAINTIFF REPEATEDLY COMPLAINED TO DEFENDANTS JONES, SORRENTI, IZZETT, ADMINISTRATIVE STAFF, AND THE BOP THAT THE "LOW FIBER DIET" VIOLATES ALL THE MEDICAL ORDERS ISSUED FOR PLAINTIFF'S MEDICAL CONDITIONS, VIOLATES THE INSTRUCTIONS BY THE ACADEMY AND DIETETICS ASSOCIATION FOR THE PROPER MEDICAL DIET FOR PLAINTIFF'S CONDITIONS, VIOLATES ALL THE PRINT-OUT INSTRUCTIONS PROVIDED TO PLAINTIFF, AND VIOLATES HIS SINCERELY HELD RELIGIOUS BELIEFS BECAUSE THE LOW FIBER DIET SERVED TO PLAINTIFF IS OVER-LOADED BY ITEMS PROHIBITED BY THE MEDICAL ORDERS ISSUED FOR

PLAINTIFF'S MEDICAL CONDITIONS SUCH AS THE DAILY MILK AND CHEESE PRODUCTS, SOY PRODUCTS, PEANUT BUTTER, FRIED AND GREASY FOODS, SPICY FOODS, HIGH FAT FOODS, AND HIGH-FIBER FOODS SERVED TO HIM BY THE DEFENDANT DAILY DESPITE SUCH ITEMS ARE PROHIBITED BY THE SO-CALLED "LOW FIBER DIET". DEFENDANTS JONES, SORRENTI, CUNDIFF, AND IZZETT REFUSED TO TAKE ANY CORRECTIVE ACTION AND MADE IT CLEAR TO HIM THAT THEY DON'T CARE THAT THE FOODS SERVED TO HIM AGGRAVATING HIS CONDITIONS.

57. DEFENDANTS JONES, SORRENTI, CUNDIFF, AND IZZETT ALSO MADE IT CLEAR TO PLAINTIFF THAT THEY DON'T CARE THAT THE DAILY FOOD ITEMS SERVED TO HIM VIOLATES HIS SINCERELY HELD RELIGIOUS BELIEFS DESPITE REPEATEDLY EXPLAINING TO THEM (BOTH VERBALLY AND IN WRITING) THAT HE REQUIRED UNDER HIS ISLAMIC DIETARY LAW TO AVOID FOOD ITEMS THAT HARMFUL TO HIS HEALTH "HAKROOH", TO AVOID "HARAM" FOODS THEY SERVED INCLUDING FOOD ITEMS CONTAINING ANIMAL SOURCED INGREDIENTS OR ISLAMICALLY PROHIBITED INGREDIENTS SUCH AS "ERGOSTEROL" WHICH IS A STEROID ALCOHOL ADDED TO MILK FOR VITAMIN D, MONOGLYCERIDE USED AS AN EMULSIFIER IN MARGARINE, PEANUT BUTTER AND BAKERY PRODUCT, AND VITAMINS ADDED TO CEREAL AND OTHER PRODUCTS, AND TO AVOID "MASHBOOH" WHICH MEANS ISLAMICALLY DOUBTFUL FOOD ITEMS SERVED TO HIM BY THE DEFENDANTS DAILY.

58. ON OR AROUND 11-19-2014, PLAINTIFF COMPLAINED TO DEFENDANT CUNDIFF (ASSISTANT FOOD SERVICES ADMINISTRATOR) REGARDING THE DAILY VIOLATIONS OF HIS RIGHTS BY HIS DEPARTMENT INCLUDING SERVING HIM FOOD ITEMS THAT AGGRAVATING HIS HEALTH PROBLEMS AND VIOLATES HIS SINCERELY HELD RELIGIOUS BELIEFS, AND THE DAILY MISHANDLING OF HIS FOOD TRAYS TO INFLICT PAIN AND SUFFERING UPON HIM AS DESCRIBED IN PARAGRAPH 34 OF THIS COMPLAINT. DEFENDANT CUNDIFF REFUSED TO TAKE ANY CORRECTIVE ACTION AND PERMITTED AND CONDONED THE DAILY RACIST AND RETALIATORY ACTIONS AGAINST PLAINTIFF BY HIS DEPARTMENT.

59. ON 12-1-2014, AIX STAFF BEVERLY HAYS SENT E-MAIL TO DEFENDANT CUNDIFF INFORMING HIM THAT "INMATE AJAJ IS THREATENING HUNGER STRIKE" TO PROTEST THE DAILY MISHANDLING OF HIS FOOD TRAYS AND THE CONTINUED VIOLATIONS MENTIONED IN PARAGRAPH "34" OF THIS COMPLAINT. DEFENDANT CUNDIFF AGAIN REFUSED TO TAKE ANY CORRECTIVE ACTION AND PERMITTED THE DAILY VIOLATIONS TO CONTINUE UNABATED.

60. ON 1-3-2015, PLAINTIFF FORCED TO DECLARE ANOTHER STRIKE TO PROTEST THE UNLAWFUL ACTS BY DEFENDANTS JONES, SORRENTI, CUNDIFF, IZZETT, AND THEIR DEPARTMENT AGAINST HIM, AND THE ADMINISTRATIVE STAFF REFUSAL TO TAKE ANY CORRECTIVE ACTION AND INSTEAD ENABLED THE DEFENDANTS TO COVER UP THEIR MISCONDUCT AND BLOCK ANY RELIEF REQUESTED BY PLAINTIFF'S COMPLAINTS AND ADMINISTRATIVE REMEDIES BY REFERRING TO THEM HIS COMPLAINTS AND ADMINISTRATIVE

REMEDIES TO DENY THEM. PLAINTIFF REJECTED ALL MEALS FOR "46" DAYS. PLAINTIFF NOTIFIED THE DEFENDANTS AND THE ADMINISTRATIVE STAFF OF THE REASONS BEHIND HIS STRIKE BUT THEY REFUSED TO TAKE ANY CORRECTIVE AND CUNDIFF OPENLY EXPRESSED THAT HE WISH THAT PLAINTIFF DIE FROM STARVATION.

61. ON 1-5-2015, THE U.S. PUBLIC HEALTH OFFICER CRAIG THOMPSON SENT E-MAIL TO DEFENDANT CUNDIFF TELLING HIM THAT THE PLAINTIFF "JUST CAN'T EAT THE MEALS THAT FOOD SERVICE SERVING HIM BECAUSE IT AGGRAVATES HIS MEDICAL ISSUES". CUNDIFF REFUSED TO SERVE PLAINTIFF MEALS THAT SUITABLE FOR HIS MEDICAL CONDITIONS.
62. ON 1-9-2015, DEFENDANTS JONES AND CUNDIFF VISITED PLAINTIFF'S CELL. WHEN PLAINTIFF NOTIFIED THEM OF THE REASONS BEHIND HIS STRIKE, JONES RESPONDED BY TELLING PLAINTIFF, AMONG OTHER THINGS, "SUE ME AGAIN, I DON'T GIVE A SHIT. I WILL NEVER HELP YOU. I WILL CONTINUE TO FEED YOU MY SHIT. YOU'RE AN ARAB, YOU CAN'T WIN A LAWSUIT". CUNDIFF TOLD PLAINTIFF "DON'T FORGET TO SUE ME ALSO. WE'RE DOING NOTHING FOR YOU. WE DON'T GIVE A DAMN IF YOU DIE".
63. ON 2-10-2015, THE ASSOCIATE WARDEN DOMINIC JOHN SENT PLAINTIFF A "RESPONSE TO INMATE REQUEST TO STAFF MEMBER" STATING THAT "I AM WRITING IN RESPONSE TO YOUR INMATE REQUEST TO STAFF MEMBER, DATED FEBRUARY 4, 2015, WHEREIN YOU STATE THAT FOOD SERVICE IS NOT PROVIDING YOU A LOW FIBER DIET THAT IS SUITABLE TO YOUR CHRONIC MEDICAL CONDITIONS. SPECIFICALLY, YOU STATE THAT HIGH FIBER ITEMS ARE PLACED ON YOUR TRAY AND THERE IS NO SUITABLE PROTEIN SUBSTITUTE PROVIDED. A REVIEW OF THE ISSUES REVEALED ON FEBRUARY 2, 2015, THE MEAL SERVED FOR LUNCH MEAL DID NOT COMPLY WITH THE NATIONAL LOW FIBER DIET. I HAVE CONSULTED WITH THE BUREAU OF PRISONS DIETICIANS IN REGARD TO YOUR DIET NEEDS AND NUTRITIONAL ADEQUACY. WE WILL PROVIDE YOU WITH THE LOW FIBER DIET AS WRITTEN WITH EXCEPTIONS TO A PROTEIN ALTERNATIVE THAT MAY BE SUITABLE DIGESTIVE NEEDS".
64. ON 2-11-2015, THE ASSOCIATE WARDEN DOMINIC JOHN INFORMED PLAINTIFF THAT HE DIRECTED DEFENDANTS JONES, CUNDIFF, IZZETT, AND THE FOOD SERVICE STAFF TO STOP MISHANDLING HIS TRAYS AND TO SERVE HIM BOILED EGGS AND FISH PRODUCTS AS A PROTEIN ALTERNATIVE THAT SUITABLE FOR HIS DIGESTIVE NEEDS. DEFENDANTS JONES, CUNDIFF, IZZETT, AND THE FOOD SERVICE STAFF REFUSED TO COMPLY WITH A.W. JOHN'S AND DIETICIANS NEW ORDER TO SERVE PLAINTIFF BOILED EGGS AND FISH PRODUCTS TO INFLICT PAIN AND SUFFERING UPON HIM AND THEIR DAILY VIOLATIONS MENTIONED IN PARAGRAPH "34" CONTINUED UNABATED.
65. ON 2-16-2015, PLAINTIFF'S UNIT MANAGER CHARLES PORCO SENT E-MAIL TO ASSOCIATE WARDEN DOMINIC JOHN AND THE DEFENDANTS STATING THAT "DURING ROUNDS TODAY, INMATE AJAJ TOLD ME THAT SINCE HE HAD A CONVERSATION WITH YOU LAST WEEK, NOTHING HAS CHANGED CONCERNING HIS Food

TRAYS. HE SAID HE IS GOING TO STOP ACCEPTING/EATING THE FOOD TRAYS UNLESS THE PROBLEM IS FIXED. JONES, CUNDIFF, AND IZZETT REFUSED TO TAKE ANY CORRECTIVE ACTION AND THE DAILY VIOLATIONS CONTINUED.

66. ON 2-23-2015, DR. LUKE WEBB, ALLERGIST/IMMUNOLOGIST ISSUED A MEDICAL REPORT STATING THAT "TO BETTER MANAGE OR PREVENT CAJAJ'S IBS SYMPTOMS, HE WOULD LIKELY BENEFIT FROM AVOIDING MILK PRODUCTS, FRIED OR GREASY FOODS, BEANS, PEAS, BROCCOLI, WHOLE KERNEL CORN OR FRUITS AND VEGETABLES WHICH ARE HIGH IN FIBER. FURTHERMORE AVOIDANCE OF THESE PRODUCTS TO THE GREATEST EXTENT POSSIBLE - WOULD MINIMIZE HIS GAS, BLOATING, DIARRHEA AND ABDOMINAL DISCOMFORT. HE SHOULD AVOID SPICY FOODS, CAFFEINE, AND CARBONATED BEVERAGES WOULD ALSO PREVENT ACID REFLUX - PEANUT BUTTER MAY ALSO WORSEN THAT SYMPTOMS". (DOC. 60, EX. 2-P. 4).
67. DEFENDANTS JONES, CUNDIFF, AND IZZETT MALICIOUSLY ARE STILL REFUSING TO SERVE PLAINTIFF A DIET THAT CONSISTENT WITH DR. WEBB'S INSTRUCTIONS. DESPITE NUMEROUS REQUESTS AND ADMINISTRATIVE REMEDIES AND THEY DELIBERATELY CONTINUES TO DAILY FEED HIM FOOD ITEMS THAT AGGRAVATING HIS HEALTH PROBLEMS AND VIOLATES HIS SINCERELY HELD RELIGIOUS BELIEFS TO INFLICT PAIN AND SUFFERING UPON HIM.
68. ON 5-18-2015, PLAINTIFF SENT "4" PAGES LETTER TO THE ADX ATTORNEY CLAY COOK REGARDING THE DEFENDANTS' DEFIANCE OF THE MEDICAL ORDERS AND PREVIOUS LEGAL SETTLEMENT AND REQUESTED THAT CORRECTIVE ACTION BE TAKEN. NO CORRECTIVE ACTION WAS TAKEN. (ECF DOC. 60 AT EX. 2 - PP. 6-10).
69. ON 6-3-2015, PLAINTIFF COMPLAINED IN WRITING TO P.A. OSAGIE AGAINST THE DEFENDANTS CUNDIFF, JONES, AND IZZETT STATING THAT THEY "DELIBERATELY CONTINUES TO PROVOKE PROBLEMS BETWEEN ME AND THE UNIT OFFICERS. TODAY, THE RACISTS SENT ME A HOT TRAY WITH NOTHING EXCEPT TWO SLICES OF BREAD AND PROVOKED PROBLEMS BETWEEN ME AND OFFICER J. MARTINEZ WHO REFUSED TO CALL THEM AGAIN AND I LEFT WITH NOTHING TO EAT - BECAUSE OF THEIR RACIST GAMES - AS LONG AS MY TRAYS HAVE LABELS ON THEM, THEY WILL BE ABLE TO CONTINUE THEIR RACIST GAMES AND THE ONLY SOLUTION THAT I BE PLACED ON "NO MEAT" REGULAR TRAY WITHOUT LABEL, SO THAT THEY DON'T KNOW THAT THEY ARE MY TRAYS UNTIL I SUE THEM -". (ECF DOC. 60 AT EX. 2 - PP. 16-18).
70. PLAINTIFF FILED DOZENS OF COMPLAINTS AND ADMINISTRATIVE REMEDIES AGAINST THE DEFENDANTS BUT ALL HIS REQUESTS FOR CORRECTIVE ACTIONS WERE DENIED BY DEFENDANTS OR BASED ON FABRICATED INFORMATION PROVIDED BY THEM TO ENSURE THAT HIS COMPLAINTS AGAINST THEM AND HIS REQUESTS FOR RELIEF BE DENIED. (ECF DOC. 60 AT EX. 2 - PP. 1-20).
71. ON 3-10-2016, THE BOP CENTRAL OFFICE CONFIRMED IN WRITING THAT DR. SANTINI'S MAY 22, 2014, MEDICAL ORDER THAT THE DEFENDANTS JONES, SCORRENTI, CUNDIFF, AND IZZETT UNLAWFULLY AND MALICIOUSLY DEFIED AND FORCED DR. SANTINI TO CANCEL WAS BASED ON THE "DIET DESIGNED BY THE CENTRAL OFFICE DIETICIAN" FOR PLAINTIFF'S HEALTH PROBLEMS. DESPITE THE CONFIRMATION, THE DEFENDANTS ARE STILL REFUSING TO COMPLY WITH THE ORDER.
72. THE DEFENDANTS ARE STILL DAILY FEEDING PLAINTIFF FOOD ITEMS THAT CAUSING HIM CONSTANT PAIN AND SUFFERING AND TRIGGERS HIS GASTROINTESTINAL DISORDERS SYMPTOMS AND UNSUITABLE FOR HIS HYPERTENSION CONDITIONS AND VIOLATES ALL THE MEDICAL ORDERS ISSUED FOR HIM AND ALL THE MEDICAL INSTRUCTIONS PROVIDED TO HIM. (ECF DOC. 60 AT EX. 2 - PP. 1-20, AND DOC. 70 AT EX. 2 - PP. 1-44).
73. PEOPLE, SUCH AS THE PLAINTIFF, WITH HIGH BLOOD PRESSURE CAN SUFFER DAMAGE TO BLOOD VESSELS, THE KIDNEY, BRAIN, HEART, AND RUN THE RISK OF STROKE.

74. THE SEVERITY OF PLAINTIFF'S GASTROINTESTINAL DISORDERS WAS DESCRIBED IN E-MAIL FROM YVETTE FETTERHOFF TO THE CHIEF DIETICIAN STATING THAT "WE HAVE HAD ESCORT TEAM GO TO HIM SEVERAL TIMES IN ONE DAY TO GET HIM FOR MEDICAL APPOINTMENTS AND HE ALWAYS REFUSES STATING THAT HE IS ON THE TOILET. NOT SURE HOW SOMEONE CAN BE ON THE TOILET FOR HOURS ON END".
75. THE DEFENDANTS' CONDUCT DESCRIBED ABOVE CONSTITUTE A DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS AND BASIC HUMAN NEEDS AND VIOLATES PLAINTIFF'S EIGHTH AMENDMENT RIGHTS.
76. DEFENDANTS JONES, SORRENTI, CUNDIFF, AND IZZETT MADE IT PLAIN TO PLAINTIFF (WITH WORDS, INSINUATION, AND DIRECT ACTIONS-INSIDIOUSLY) THEIR HATRED OF ARABS AND MUSLIMS INCLUDING PLAINTIFF AND THE ABOVE DESCRIBED PREJUDICE OF EACH OF THEM CONTRIBUTED TO THE HARSH TREATMENT PLAINTIFF RECEIVED AND THE DELIBERATE DEPRIVATION OF PRESCRIBED MEDICAL DIET PROVIDED TO SIMILARLY SITUATED NON-ARAB PRISONERS.
77. DEFENDANTS JONES, CUNDIFF, SORRENTI, AND IZZETT DEPRIVED PLAINTIFF OF HOLIDAY MEALS PROVIDED TO ALL INMATES.
78. DEFENDANTS' CONDUCT DESCRIBED ABOVE VIOLATES PLAINTIFF'S RIGHTS UNDER THE EQUAL PROTECTION CLAUSE.
79. THE DEFENDANTS' RETALIATORY ACTIONS DESCRIBED ABOVE VIOLATES PLAINTIFF'S FIRST AMENDMENT RIGHTS.
80. PLAINTIFF'S SINCERELY HELD RELIGIOUS BELIEFS REQUIRES HIM TO AVOID CONSUMING FOOD ITEMS THAT ARE HARMFUL TO HIS HEALTH WHICH ISLAMICALLY CALLED MAKROOH (DISCOURAGED OR HATED), TO AVOID CONSUMING FOOD ITEMS WITH MASHBOOH (DOUBTFUL) INGREDIENTS UNLESS HE IS ABLE TO CONFIRM THAT SUCH ITEMS DO NOT CONTAIN HARAM (PROHIBITED) INGREDIENTS, AND TO AVOID CONSUMING HARAM (PROHIBITED) FOOD ITEMS INCLUDING NON-MEAT ITEMS THAT CONTAINS ISLAMICALLY PROHIBITED ITEMS SUCH AS MILK WITH "ERGOSTEROL"-A STEROID ALCOHOL ADDED TO MILK FOR VITAMIN D, CHEESE PRODUCTS WITH ISLAMICALLY PROHIBITED ENZYMES USED IN ITS PRODUCTION, PEANUT BUTTER WITH HARAM MONO OR DI-GLYCERIDES INGREDIENT, CEREAL WITH HARAM ARTIFICIAL AND NATURAL FLAVORS AND VITAMINS, BAKERY PRODUCTS WITH HARAM DISTILLED MONOGLYCERIDE AND OTHER HARAM INGREDIENTS, AND OTHER FOOD ITEMS WITH ISLAMICALLY PROHIBITED INGREDIENTS.
81. UNDER THE ISLAMIC FAITH, CONSUMING HARAM "PROHIBITED" FOOD ITEMS RENDER PLAINTIFF'S PRAYERS AND FASTINGS INVALID AND UNACCEPTABLE. ALSO, CONSUMING HARAM IS A PUNISHABLE SIN.
82. DEFENDANTS JONES, SORRENTI, CUNDIFF, AND IZZETT DELIBERATELY FED AND CONTINUE TO FEED PLAINTIFF MAKROOH, MASHBOOH, AND HARAM FOOD ITEMS DAILY AND DURING HIS RAMADAN FASTS DESPITE HIS REPEATED COMPLAINTS AND NUMEROUS ADMINISTRATIVE REMEDY FILINGS. THEY ALSO DENIED ALL PLAINTIFF'S REQUESTS TO BE PROVIDED WITH READILY AVAILABLE INGREDIENT LABELS FOR THE FOOD ITEMS SERVED TO HIM AND DENIED ALL HIS REQUESTS THAT THE MAKROOH, MASHBOOH, AND HARAM FOOD ITEMS SERVED TO HIM DAILY BE REPLACED WITH OTHER READILY AVAILABLE AND ISLAMICALLY ACCEPTABLE FOOD ITEMS SUCH AS BOILED EGGS OR AT LEAST NOT BE PLACED IN HIS FOOD TRAYS NOR BE PLACED ON OR MIXED WITH OTHER ISLAMICALLY EDIBLE FOOD ITEMS.
83. PLAINTIFF SINCERELY HELD RELIGIOUS BELIEF REQUIRES HIM TO CELEBRATE THE TWO MOST IMPORTANT ISLAMIC EVENTS WHICH ARE EID AL-FITER AND EID ALADHA. THE CELEBRATION OF TWO EIDS MUST INCLUDES THE HALAL EID FEASTS WHICH ARE CRITICAL TO HIS OBSERVANCE OF THE EIDS.
84. SINCE 2012, DEFENDANTS JONES, SORRENTI, CUNDIFF, IZZETT, AND THE BOP ARE REFUSING TO SERVE PLAINTIFF WITH HALAL EID FEASTS FOR EID-AL-FITER AND EID AL-ADHA DESPITE NUMEROUS REQUESTS AND ADMINISTRATIVE REMEDIES FILED BY HIM.

85. DEFENDANTS JONES, SORRENTI, CUNDIFF, IZZETT, AND THE BOP SERVE WELL-PREPARED SPECIAL MEALS AND SWEATS FOR THE PASSOVER, NEW YEAR'S DAY, FOURTH OF JULY, THANKSGIVING, CHRISTMAS, AND OTHER NON-ISLAMIC HOLIDAYS BUT THEY ARE REFUSING TO SERVE HALAL EID FEASTS AND HALAL SWEATS FOR THE ISLAMIC EIDS IN CLEAR VIOLATION OF THE RFRA AND THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT.
86. THE BOP PROHIBITS PLAINTIFF FROM PURCHASING HALAL FOOD ITEMS AND HALAL SWEATS FOR THE HOLY MONTH OF RAMADAN AND FOR THE EIDS NOR ALLOWS HIM TO OBTAIN SUCH ITEMS VIA CARE PACKAGES FROM ANYONE.
87. OTHER PRISONS INCLUDING STATE PRISONS SERVE HALAL EID FEAST AND HALAL SWEATS FOR THE ISLAMIC EIDS AND ALLOWS INMATES TO PURCHASE HALAL FOOD ITEMS AND HALAL SWEATS FOR THE EIDS AND THE HOLY MONTH OF RAMADAN.
88. THE DEFENDANTS ABOVE DESCRIBED ACTIONS PREVENTED PLAINTIFF FROM FULFILLING HIS ISLAMIC DUTIES, DEPRIVED HIM OF THE ABILITY TO RECEIVE BLESSING AND REWARD FROM ALLAH, DENIED HIM SPIRITUAL GROWTH AND RELIGIOUS ENJOYMENT, AND SUBSTANTIALLY DIMINISHED HIS QUALITATIVE SPIRITUAL EXPERIENCE AND FORCED HIM TO VIOLATE HIS SINCERELY HELD RELIGIOUS BELIEFS IN VIOLATION OF THE RFRA.
89. THE DEFENDANTS' ABOVE DESCRIBED VIOLATIONS (PARAGRAPHS 80 TO 88), BOTH INDIVIDUALLY AND COMBINED, SUBSTANTIALLY BURDENING PLAINTIFF'S EXERCISE OF HIS RELIGION AND FAIL TO FURTHER A COMPELLING GOVERNMENT INTEREST OR OTHERWISE ARE NOT THE LEAST RESTRICTIVE MEAN IN VIOLATION OF THE RFRA AND THE ALIEN TORT CLAIM ACT 28 U.S.C. § 1350.
90. PLAINTIFF REPEATEDLY COMPLAINED (VERBALLY AND IN WRITING) TO DEFENDANTS JONES, SORRENTI, CUNDIFF, AND IZZETT ABOUT THE ABOVE DESCRIBED VIOLATIONS BUT THEY REFUSED TO TAKE ANY CORRECTIVE ACTION.
91. DEFENDANT BOP'S PRACTICAL GUIDELINES FOR ADMINISTRATION OF INMATE RELIGIOUS BELIEFS AND PRACTICES No. TS360.01, ACKNOWLEDGES THAT THE CELEBRATION OF EID AL-FITEKR AND EID AL-ADHA ARE CRITICAL TO OBSERVANCE OF THE ISLAMIC FAITH.
92. THE DEFENDANTS' ABOVE DESCRIBED VIOLATIONS (PARAGRAPHS 1 TO 91) OF PLAINTIFF'S RIGHTS VIOLATES THE INTERNATIONAL LAW AND U.S. TREATIES INCLUDING THE (ICCPR), THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, "SMR", THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT, BASIC PRINCIPLES FOR THE TREATMENT OF PRISONERS, AND OTHER U.S. TREATIES. THE DEFENDANTS' VIOLATIONS ARE ACTIONABLE UNDER 28 U.S.C. § 1350 BECAUSE PLAINTIFF IS AN ALIEN CARRIES A JORDANIAN PASSPORT.
93. DEFENDANT U.S.A IS LIABLE UNDER THE FICA FOR THE VIOLATIONS IN (PARAGRAPHS 1-80) FOR BREACHING ITS DUTY TO EXERCISE REASONABLE CARE IN PROVIDING FOR PLAINTIFF'S SAFEKEEPING, CARE, AND SUBSISTENCE.

2. Claim Two:

"AGAINST DEFENDANTS ALVAREZ AND SNIDER UNDER THE EIGHTH AMENDMENT, EQUAL PROTECTION CLAUSE, AND 28 U.S.C. § 1350 (SEE PAGE THREE) AND AGAINST U.S.A UNDER THE FTCA"

Supporting Facts: 94. PLAINTIFF'S LEFT LUNG WAS REMOVED DUE TO CANCER AND HE

WAS DIAGNOSED OF HAVING ASTHMA AND ALLERGIES INCLUDING ALLERGY TO PEPPER GAS. PLAINTIFF IS DAILY REQUIRED TO USE THREE DIFFERENT INHALERS.

95. PLAINTIFF WAS ALSO DIAGNOSED OF HAVING TRICUSPID VALVE DISORDERS.

96. ON 6-5-2006, DR. AMY OLSON, A PULMONOLOGIST, ISSUED A REPORT STATING THAT "MR. AJAJ HAS ONLY HALF HIS LUNG CAPACITY. FOR AN INDIVIDUAL WHO IS AT HALF LUNG CAPACITY, SUCH AS MR. AJAJ, IT IS IMPORTANT THAT HE HAS MAXIMUM BREATHING ABILITY.

97. ON 1-20-2010, THE FORMER ADX WARDEN DAVIS CONFIRMED IN WRITING THAT IN RESPONSE TO PREVIOUS SETTLEMENT AGREEMENT BETWEEN PLAINTIFF AND BOP "IN OCTOBER 2009, A MEMORANDUM WAS PLACED IN YOUR INMATE CENTRAL FILE AND MEDICAL RECORD. THE MEMORANDUM, IN RELEVANT PART STATES: THE FEDERAL BUREAU OF PRISONS WILL CONSIDER [PLAINTIFF'S] FOLLOWING RESTRICTIONS WHEN MAKING DECISIONS REGARDING AJAJ'S FUTURE JOB AND HOUSING ASSIGNMENTS AND MEDICAL NEEDS: ... NO SMOKING ENVIRONMENT, POLLUTION FREE ENVIRONMENT ... AND THAT HEALTH SERVICES WILL MONITOR HIS ENVIRONMENT FOR EXCESSIVE DUST, MOLDS, COLD EXTREMES, AND RESPIRATORY POLLUTANTS". IN ADDITION, "THE UNITED STATES AGREED TO MAKE THOSE MEDICAL RESTRICTIONS AVAILABLE TO STAFF MAKING FUTURE JOB ASSIGNMENTS, HOUSING ASSIGNMENTS, AND MEDICAL DECISIONS."

98. SINCE 6-5-2003, ADX STAFF WERE AWARE THAT PLAINTIFF IS ALLERGIC TO OC PEPPER GAS.

99. ON 2-4-2013, WARDEN BERKEBILE CONFIRMED IN WRITING THAT ADX WAS AWARE THAT PLAINTIFF'S MEDICAL CONDITIONS REQUIRES THAT HE BE PROTECTED FROM AN EXPOSURE TO "DUST, CHEMICALS, OR RESPIRATORY IRRITANTS".

100. ON 5-4-2013, A MEDICAL ORDER "HDS" WAS ALSO ISSUED ORDERING THAT PLAINTIFF BE PROTECTED FROM EXPOSURE TO "RESPIRATORY POLLUTANTS" AND "CHEMICALS OR IRRITANTS". THIS ORDER WAS POSTED ON PLAINTIFF'S UNIT BULLETIN BOARD AND A COPY WAS PROVIDED TO UNIT OFFICERS.

101. ON 3-17-2014, DEFENDANTS SNIDER AND ALVAREZ USED OC PEPPER GAS TO REMOVE FEW INMATES FROM PLAINTIFF'S UNIT TO SHU. THE GAS WAS USED IN A CLOSE PROXIMITY TO PLAINTIFF'S CELL. THE GAS FUMES FILLED PLAINTIFF'S CELL AND HIS UNIT.

102. BOTH PLAINTIFF'S CELL AND HIS UNIT HAVE NO WINDOWS THAT CAN BE OPENED TO AVOID EXPOSURE TO CHEMICAL GAS AND ONLY THE DEFENDANTS AND ADX STAFF WERE PROTECTED FROM THE EXPOSURE TO GAS BY USING SPECIAL GAS MASKS WHICH THEY WORE WHEN THE GAS WAS USED AND FOR HOURS AFTER THE GAS WAS USED, WHILE THEY WERE INSIDE THE UNIT, DUE TO STRONG GAS FUMES FILLED THE UNIT FOR HOURS AS THE UNIT'S VIDEO-RECORDINGS WILL REVEAL.

"D. CAUSE OF ACTION- CLAIM TWO"

103. PRIOR TO THE DEFENDANTS USE OF THE GAS IN THE UNIT, PLAINTIFF TOLD DEFENDANTS SNIDER, ALVERZE, AND OTHERS THAT HE HAS ONLY ONE LUNG, THAT HE SUFFERS FROM ASTHMA, ALLERGIES INCLUDING ALLERGY TO OC PEPPER GAS, AND THAT HE SUFFERS FROM TRICUSPID VALVE DISORDERS, AND HE REQUIRES TO USE "3" DIFFERENT INHALERS DAILY. PLAINTIFF ALSO SHOWED THEM THE MEDICAL ORDERS WHICH REQUIRED THEM TO PROTECT HIM FROM EXPOSURE TO "CHEMICALS, OR IRRITANTS, AND RESPIRATORY POLLUTANTS" AND SHOWED THEM A COPY OF THE MEMORANDUM OF THE SETTLEMENT AGREEMENT WHICH ALSO REQUIRED THEM TO PROTECT HIM FROM SUCH EXPOSURE AND REPEATEDLY ASKED THEM TO REMOVE HIM TO HIS UNIT'S OUTDOOR RECREATION CAGE AS REQUIRED BY THEIR POLICY.
104. IN RESPONSE TO PLAINTIFF'S REQUESTS TO BE REMOVED FROM THE UNIT TO THE OUTDOOR CAGE, DEFENDANT SNIDER TOLD HIM, AMONG OTHER THINGS, "I DON'T CARE IF YOU DIE, YOU GOING NO WHERE, YOU'RE STAYING IN YOUR CELL... YOU NEED TO SHUT UP AND TO STOP BOTHERING ME OR I WILL THROW YOU IN THE HOLE."
105. WHEN PLAINTIFF ASKED SNIDER WHY HE REMOVED A WHITE INMATE WITH ASTHMA TO THE OUTDOOR RECREATION PRIOR TO THE USE OF THE GAS BUT NOT HIM, SNIDER REPLIED BY SAYING TO HIM "YOU ARE A FUCKING ARAB TERRORIST.. THAT WHY".
106. WHEN PLAINTIFF ASKED ALVERZE TO REMOVE HIM TO THE OUTDOOR RECREATION CAGE PRIOR TO THE USE OF THE GAS, ALVERZE REPLIED BY TELLING HIM "NO, YOU'RE STAYING IN YOUR CELL".
107. EXPOSURE TO OC PEPPER GAS IRRITATES THE MUCOUS MEMBRANES OF EYES, NOSE, THROAT, AND LUNG. IT ALSO CAUSES DILATION OF CAPILLARIES, WHICH INHIBITS THE ABILITY TO BREATHE. IN FACT, PROMOTIONAL LITERATURE FROM MANUFACTURERS OF OC PEPPER GAS REFER TO IT AS "WEAPON".
108. WHEN THE DEFENDANTS USED THE GAS, PLAINTIFF SUFFERED A BAD AND SEVERE ALLERGIC REACTION, HE WAS STRUGGLING TO BREATHE AND HE WAS VOMITING, COUGHING, AND HE SUFFERED FROM A CHEST PAIN, BURNING, HEADACHE, AND ITCHY AND WATERY EYES AND NOSE. PLAINTIFF AND OTHER INMATES PRESSED THE DISTRESS BUTTON IN THEIR CELLS TO CALL FOR MEDICAL HELP FOR THE PLAINTIFF. AFTER APPROXIMATELY "30" MINUTES OF CALLING FOR HELP, THE UNIT OFFICERS WEARING SPECIAL GAS MASKS REMOVED PLAINTIFF FROM HIS CELL AND PLACED HIM INSIDE OUTDOOR RECREATION CAGE WHERE A WHITE INMATE WITH ASTHMA WAS PLACED IN ANOTHER CAGE PRIOR TO THE USE OF THE GAS.
109. THE UNIT OFFICER THEN CALLED FOR A MEDICAL HELP AND PROVIDED PLAINTIFF WATER TO WASH HIS FACE, EYES AND MOUTH AND GAVE HIM HIS INHALERS AND KEPT HIM FOR FEW YEARS IN THE CAGE TO BE ABLE TO BREATHE. AFTER APPROXIMATELY TWO "2" HOURS A MEDICAL STAFF RESPONDED TO THE CALLS FOR MEDICAL HELP.
110. THERE WAS NO JUSTIFICATION OR ANY SECURITY REASON FOR REFUSING TO REMOVE THE PLAINTIFF PRIOR TO THE USE OF THE GAS OTHER THAN TO DELIBERATELY INFLICT PAIN AND SUFFERING UPON HIM.
111. AT LEAST THREE HEALTH PROVIDERS ORDERED THAT PLAINTIFF MUST BE PROTECTED FROM EXPOSURE TO OC PEPPER GAS.

"CLAIMS AGAINST SHEPARD UNDER THE FIRST AND EIGHTH AMENDMENT, THE EQUAL PROTECTION CLAUSE, THE RFRA (MACK V. LORETO, 834 F.3d 286 (3d Cir. 2016)), AND UNDER 28 U.S.C. § 1350

FOR VIOLATING U.S. TREATIES INCLUDING THE ICCPR ARTICLES 2, 7, 818, THE SMR 6, 22-26, 45-48, 54-66,

3. Claim Three: THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT, AND OTHER TREATIES

Supporting Facts: 10. FROM MARCH, 2015 TO JUNE, 2015, DEFENDANT SHEPARD INTENTIONALLY DEPRIVED

PLAINTIFF ACCESS TO FRESH AIR, SUNLIGHT, OUTSIDE RECREATION, AND RECREATIONAL CONTACTS AND ASSOCIATION WITH OTHER INMATES FOR NO REASONS OTHER THAN HIS OPENLY EXPRESSED ANIMOSITY AND HATRED OF PLAINTIFF'S RELIGION, RACE, ETHNICITY AND NATIONAL ORIGIN. PLAINTIFF IS AN ALIEN

113. DEMANDANT SHEPARD OPENLY EXPRESSED HIS ANIMOSITY AND HATRED OF PLAINTIFF'S RELIGION AND RACE BY CALLING HIM, AMONG OTHER THINGS, "FUCKING ARAB," "FUCKING MUSLIM," "MUSLIM ASSHOLE," "CAMEL JOCKEY". HE ALSO REPEATEDLY MOCKED PLAINTIFF'S ISLAMIC FAITH, DISRUPTED AND INTERRUPTED HIS PRAYERS BY VIOLENTLY SHAKING HIS CELL'S BAR DOORS TO CREATE NOISE WHILE LOUDLY MOCKING HIS ISLAMIC FAITH, AND DEMANDING THAT HE STOP PRAYING, AND HE DELIBERATELY THROWN PLAINTIFF'S SACRED RELIGIOUS MATERIALS ON THE FLOOR NEXT TO THE TOILET. SHEPARD'S ANTI-ISLAMIC CONDUCT SUBSTANTIALLY BURDENED PLAINTIFF'S EXERCISE OF HIS RELIGION BY INTERRUPTING HIS PRAYERS, DEPRIVING HIM OF THE ENJOYMENT AND TRANQUILITY OF PRAYING, AND BY INVALIDATING HIS PRAYERS.

114. ON 4-10-2015, SHEPARD UNLAWFULLY REFUSED TO GIVE PLAINTIFF HIS MEAL LEAVING HIM WITH NOTHING TO EAT AND RANSACKED HIS CELL LEAVING IT IN A TOTAL DISARRAY, THROWN HIS HOLY QURAN AND SACRED MATERIALS ON THE FLOOR NEXT TO TOILET TO OFFEND HIS ISLAMIC FAITH, AND UNLAWFULLY CONFISCATED COMMISSARY ITEMS IN RETALIATION FOR PLAINTIFF'S COMPLAINTS AGAINST HIM TO OTHER ADOX STAFF AND TO INFLICT PAIN AND SUFFERING ON PLAINTIFF.

115. ON 5-29-2015, PLAINTIFF WENT ON "5" DAYS HUNGER STRIKE TO PROTEST, AMONG OTHER THINGS, SHEPARD'S REPEATED UNLAWFUL ACTS AGAINST HIM AND THE FAILURE OF THE BOP OFFICIAL TO PROTECT HIM FROM SUCH ACTS DESPITE HIS REPEATED COMPLAINTS.

116. ON 5-29-2015, PLAINTIFF'S UNIT MANAGER AND DR. KIMBLE (A PSYCHOLOGIST) TOLD HIM THAT THEY REPORTED SHEPARD'S CONTINUED UNLAWFUL ACTS AGAINST HIM TO THE CAPTAIN. THE SAME DAY, DR. KIMBLE ISSUED A REPORT STATING THAT "THE INMATE WAS INTERVIEWED VIA INNER CELL SIDE DUE TO HIS REQUEST TO SPEAK WITH THE UNIT MANAGER AND PSYCHOLOGY. INMATE AJAJ SPOKE ABOUT HIS FRUSTRATIONS RELATED TO A UNIT OFFICER [SHEPARD'S]... AND HIS INTENTION TO ENGAGE IN HUNGER STRIKE".

117. DEFENDANT SHEPARD RESPONDED TO PLAINTIFF'S REPEATED COMPLAINTS AGAINST HIM TO THE UNIT MANAGER, THE PSYCHOLOGIST AND OTHERS BY REPEATEDLY AND LOUDLY CALLING HIM "A SAITCH" WITHIN THE HEARING OF ALL THE INMATES IN THE UNIT AND BY LOUDLY SAYING THAT "THE ONLY GOOD MUSLIM IS A DEAD MUSLIM" TO DELIBERATELY AND MALICIOUSLY ENCOURAGE OTHER INMATES TO HIM AND PUT PLAINTIFF'S FUTURE LIFE AND SAFETY AT RISK.

118. IN ADDITION, SHEPARD OPENLY THREATENED PLAINTIFF'S LIFE AND SAFETY BY TELLING HIM NUMEROUS TIMES "YOU'RE GOING TO REGRET FILING COMPLAINTS AGAINST ME", "I WILL MAKE YOUR LIFE A LIVING HELL", AND "THE ONLY GOOD MUSLIM IS A DEAD MUSLIM". SHEPARD'S CONDUCT INFLICTED PAIN AND SUFFERING ON HIM.

119. ON OR AROUND JUNE 1, 2015, CHALLENGED PLAINTIFF TO FIGHT HIM AND WHEN HE IGNORED HIM, SHEPARD LOUDLY CALLED HIM "A COWARD", "GIRL", AND "A PUSSY CAT" TO GIVE THE IMPRESSION TO OTHER INMATES THAT HE IS AN EASY TARGET.

120. THE ABOVE DESCRIBED ACTS CAUSED PLAINTIFF PAIN AND SUFFERING, PANIC ATTACKS, ANXIETY, FEAR, AGGRAVATED HIS IBS, INSOMNIA AND OTHER HEALTH PROBLEMS AND PLACED HIS FUTURE LIFE AND SAFETY AT RISK AND VIOLATES HIS FIRST AMENDMENT RIGHTS TO ASSOCIATION WITH OTHER INMATES AND TO BE FREE FROM RETALIATORY ACTS, HIS 8TH AMENDMENT RIGHTS, THE (Rev. 1/30/07) RFRA, AND OTHER LAWS.

CLAIM FOUR: FAILURE TO ACCOMMODATE RELIGIOUSLY MANDATED VISITS AGAINST DEFENDANT BOP FOR INJUNCTIVE RELIEF ONLY UNDER THE RFRA, THE FIRST AMENDMENT RIGHT TO ASSOCIATION, THE EQUAL PROTECTION CLAUSE, THE APA, AND THE ALIEN TORT CLAIMS ACT

121. DEFENDANT BOP'S REGULATION 28 C.F.R. § 540.4a, STATES THAT "THE BUREAU OF PRISONS ENCOURAGES VISITING BY FAMILY, FRIENDS, AND COMMUNITY GROUPS TO MAINTAIN THE MORAL OF THE INMATE AND DEVELOP CLOSER RELATIONSHIPS BETWEEN THE INMATE AND FAMILY MEMBERS OR OTHERS IN THE COMMUNITY. THE WARDEN SHALL DEVELOP PROCEDURES CONSISTENT WITH THIS RULE TO PERMIT INMATE VISITING".

122. 28 C.F.R. § 541(S) STATES THAT INMATES "HAVE RIGHT TO VISIT AND CORRESPOND WITH FAMILY MEMBERS, AND FRIENDS".

123. DEFENDANT BOP'S PROGRAM STATEMENT 217.01, STATES THAT "INMATE MAY RECEIVE VISITORS IN ACCORDANCE WITH 28 C.F.R. PART 540. INMATE MAY BE PROVIDED NON-CONTACT VISITS, THROUGH THE USE OF VIDEOCONFERENCING OR OTHER TECHNOLOGY".

124. 28 C.F.R. APPENDIX A TO PART 35, 28 C.F.R. § 35.16a, AND 28 C.F.R. § 36.303(F), ALLOWS THE USE OF VIDEO-CONFERENCING FOR DISABLED PRISONERS.

125. DEFENDANT BOP REPEATEDLY REFUSED TO ACCOMMODATE PLAINTIFF'S RELIGIOUSLY MANDATED VISITS WITH HIS MOTHER AND FAMILY THROUGH THE USE OF VIDEOCONFERENCING WHICH IS THE ONLY READILY AVAILABLE MEANS FOR HIM TO VISIT WITH HIS MOTHER AND FAMILY.

126. PLAINTIFF'S MOTHER AND FAMILY LIVES IN JERUSALEM AND LACKS THE MEANS AND THE ABILITY TO TRAVEL TO THE UNITED STATES TO VISIT WITH HIM AND TO ENABLE HIM TO VISIT WITH THEM REGULARLY IN COMPLIANCE WITH HIS RELIGIOUS OBLIGATIONS.

127. VISITS WITH HIS MOTHER AND FAMILY PLAYS AN INDISPENSABLE ROLE IN PLAINTIFF'S SINCERELY HELD RELIGIOUS BELIEF AND VITAL TO HIS PRACTICE OF HIS RELIGION. PLAINTIFF'S SINCERELY HELD RELIGIOUS BELIEFS MANDATE THAT HE VISIT REGULARLY WITH HIS MOTHER AND FAMILY AND PROHIBITS HIM FROM NOT VISITING WITH THEM AND WARNS HIM AS A MUSLIM THAT IT IS A MAJOR TRANSGRESSION OF DIVINE LAW TO SEVER CLOSE TIES AND VISITS WITH HIS MOTHER AND FAMILY.

128. PROPHET MOHAMMAD (PBUH) SAID THAT "THE PERSON WHO SEVERES THE BOND OF KINSHIP WILL NEVER ENTER INTO PARADISE".

129. PROPHET MOHAMMAD (PBUH) ALSO SAID THAT "HE, WHO IS PLEASED TO BE GRANTED MORE WEALTH WITH HIS LIFETIME PROLONGED, SHOULD KEEP CLOSE RELATIONS WITH HIS KITH AND KIN".

130. IN ADDITION, PROPHET MOHAMMAD (PBUH) SAID "NO DUTIFUL SON GIVES HIS PARENTS A KIND LOOK WITHOUT GOD RECORDING TO HIS CREDIT AN APPROVED PILGRIMAGE FOR EVERY LOOK." HE WAS ASKED IF THAT WAS SO EVEN IF HE GAVE A HUNDRED LOOKS DAILY AND REPLIED, "YES, GOD IS MOST GREAT AND MOST GOOD".

131. THE PROPHET MOHAMMAD (PBUH) SAID "THERE IS NO SIN MORE FITTED TO HAVE PUNISHMENT METED OUT BY GOD TO ITS PERPETRATOR IN ADVANCE IN THIS WORLD ALONG WITH WHAT HE STORES UP FOR HIM IN THE NEXT WORLD THAN OPPRESSION

SEVERING TIES OF RELATIONSHIP"

132. PROPHET MOHAMMAD (PBUH) SAID "...ARE YOU AWARE, ABU RAZIN, THAT WHEN A MAN GOES OUT... TO VISIT HIS BROTHER HE IS ACCOMPAINED BY SEVENTY THOUSAND ANGELS, ALL OF THEM INVOKING BLESSINGS ON HIM AND SAYING, 'O OUR LORD, HE HAS UNITED TIES OF FRIENDSHIP FOR THY SAKE, SO BRING HIM NEAR TO THYSELF? IF YOU CAN EMPLOY YOUR BODY IN THAT WAY, DO SO".
133. PROPHET MOHAMMAD (PBUH) SAID "IN PARADISE THERE ARE PILLARS OF RUBIES ON WHICH THERE ARE ROOTS OF EMERALD WITH OPEN DOORS SHINING LIKE A SPARKLING PLANET". HE WAS ASKED WHO WOULD OCCUPY THEM AND REPLIED, "THOSE WHO LOVE ONE ANOTHER FOR GOD'S SAKE, THOSE WHO SIT TOGETHER FOR GOD'S SAKE, AND THOSE WHO VISIT ONE ANOTHER FOR GOD'S SAKE".
134. PROPHET MOHAMMAD (PBUH) SAID "IF ONE KEEPS APART FROM HIS BROTHER FOR A YEAR IT IS LIKE SHEDDING HIS BLOOD".
135. PROPHET MOHAMMAD (PBUH) SAID "THE ONE WHO JOINS TIES OF RELATIONSHIP IS NOT THE ONE WHO REQUITES OTHERS, BUT HE IS THE ONE WHO JOINS HIS TIES OF RELATIONSHIP WHEN THEY ARE SEVERED".
136. PROPHET MOHAMMAD (PBUH) SAID (THAT GOD WHO IS BLESSED AND EXALTED HAS SAID, "I AM GOD, AND I AM THE COMPASSIONATE ONE (AR-RAHMAN). I HAVE CREATED TIES OF RELATIONSHIP (RAHIM) AND DERIVED A NAME FOR THEM FROM MY NAME. WITH HIM UNITES THEM I SHALL KEEP CONNECTION, BUT HE WHO SEVERES THEM I SHALL CUT OFF".
137. PROPHET MOHAMMAD (PBUH) SAID THAT LOOKING AT YOUR BROTHER WITH KIND SMILE IS RECORDED BY GOD AS AN ACT OF CHARITY.
138. IN ADDITION, THERE ARE SO MANY HADITHS BY PROPHET MOHAMMAD AND VERSES FROM THE HOLY QUR'AN MANDATE VISITS WITH PARENTS AND FAMILY.
139. ALL BOP PRISONS HAVE VIDEO-CONFERENCE SYSTEM AND ACCESS TO THE INTERNET.
140. THE FEDERAL BUREAU OF PRISONS ALLOWS DEAF PRISONERS TO COMMUNICATE BY A VIDEOPHONE OR VIDEO-CONFERENCE SYSTEM WITH THEIR ATTORNEYS, FAMILY, AND FRIENDS WHILE IN THE CUSTODY OF THE BOP.
141. SINCE SEPTEMBER, 2009, THE PENTAGON IS ALLOWING GUANTANAMO DETAINEES INCLUDING HIGH-VALUE DETAINEES SKYPE VIDEO CONVERSATIONS WITH THEIR FAMILIES. THE PENTAGON ALSO ALLOWED DETAINEES AT U.S. BAGRAM AIR BASE DETENTION FACILITY SKYPE VIDEO CONVERSATIONS WITH THEIR FAMILIES.
142. IN ADDITION, JAILS AND STATE PRISONS ACROSS THE COUNTRY ALLOWS PRISONERS VISITS WITH THEIR FAMILIES VIA VIDEO-CONFERRING.
143. THE DEFENDANT BOP FAILED TO EXPLAIN OR GIVE ANY REASON TO PLAINTIFF IN ITS RESPONSES TO HIS ADMINISTRATIVE REMEDIES WHY THE PENTAGON AND OTHER JAILS AND PRISONS WITH THE SAME COMPELLING INTERESTS ARE ABLE TO ACCOMMODATE THE SAME RELIGIOUS PRACTICE (VISITS) VIA VIDEOCONFERRING OR WHY THE

BOP IS ALLOWING IS ABLE TO ACCOMMODATE SAME REQUEST FOR DEAF PRISONERS, FOR VIDEO-CONFERENCING WITH COURTS, OUTSIDE MEDICAL SPECIALISTS, VIDEO-CONFERENCING WITH PSYCHIATRISTS, DISCIPLINARY HEARING OFFICERS IN THE REGIONAL DIRECTOR OFFICE, AND OTHERS BUT REFUSING TO EXTEND THE SAME PRACTICE FOR PLAINTIFF'S RELIGIOUSLY MANDATED VISITS WITH HIS FAMILY.

144. ON FEBRUARY 23, 2017, THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT RULED AGAINST THE BOP'S BAN ON VIDEOPHONES AND HELD THAT "THE DETAINEE'S FIRST AMENDMENT CLAIM BASED ON DEFENDANT'S BAN ON VIDEOPHONES SURVIVED BECAUSE, INTER ALIA, HE COULD NOT COMMUNICATE EFFECTIVELY THROUGH THE ONLY MEANS THAT DEFENDANT'S MADE AVAILABLE TO HIM, AND THERE WERE REASONS THAT A FACTFINDER MIGHT QUESTION THE LEGITIMACY OF THE PARTICULAR SECURITY RISKS ASSERTED". THE FOURTH CIRCUIT ALSO, HELD THAT "GIVEN HEYER'S EVIDENCE OF THE MINIMAL COST OF A VIDEOPHONE ["A CAMERA CONNECTED TO A DESKTOP COMPUTER"] AND THE EASE WITH WHICH SECURITY CONCERNS COULD BE MITIGATED, WE BELIEVE THAT A FACT-FINDER COULD REASONABLY CONCLUDE THAT BOP'S REFUSAL TO PROVIDE A VIDEOPHONE IS AN EXAGGERATED RESPONSE TO THE PERCEIVED SECURITY CONCERNS". HEYER V. UNITED STATES BUREAU OF PRISONS, 849 F.3d 202, 217-218 (4th Cir., 2017).

145. PLAINTIFF COULD NOT FULFILL HIS RELIGIOUSLY MANDATED VISITS WITH HIS MOM AND FAMILY THROUGH THE ONLY MEANS THAT DEFENDANT BOP MADE AVAILABLE TO HIM WHICH IS FOR HIS MOM AND FAMILY TO TRAVEL TO UNITED STATES REGULARLY TO VISIT WITH HIM.

146. PRISON SECURITY EXPERTS STATED THAT VIDEO-CONFERENCE VISITATION IS THE MOST LOGICAL, ECONOMICAL AND SECURITY SOLUTION AND SERVE LEGITIMATE GOVERNMENTAL PURPOSE AND VALID PENOLOGICAL INTEREST BECAUSE SUCH VISITS ELIMINATE ANY POSSIBILITY OF DRUG AND CONTRABAND ENTERING THE PRISON, SAVE MAN POWER AND OTHER RESOURCES ASSIGNED FOR ESCORTING INMATES AND FAMILY MEMBERS TO VISITING ROOM AND ASSIGNING STAFF MEMBERS TO MONITOR THE VISITING AREA, ALLOWS CLOSE MONITORING IN REAL TIME AND VIA RECORDING, LOWERING RECIDIVISY, ALLOW VISITATIONS TO START AND STOP AT PRESET TIMES, VISITATION CAN EASILY BE STOPPED AT ANY TIME, HAVE POSITIVE EFFECT ON PRISONERS BY ENCOURAGING THEM TO MAINTAIN CLEAR CONDUCT, MAKE CONTRIBUTION TO BETTER MENTAL ATTITUDE AND REFORMATION, STRENGTH FAMILY TIES, AND ELIMINATE THE NEED FOR HUMILIATING AND DEMEANING STRIP SEARCHES AND SEXUAL HARASSMENT.

147. PLAINTIFF IS APPROXIMATELY "52" YEARS OLD WITH LIFE SENTENCE AND WON'T BE ABLE TO LEAVE THE PRISON TO FULFILL HIS RELIGIOUSLY MANDATED REGULAR VISIT WITH HIS MOM AND FAMILY.

148. MORE IMPORTANTLY, THE VIDEOPHONE OR VIDEO-CONFERENCE VISITS IS THE ONLY

READILY AVAILABLE AND VIABLE ALTERNATIVE FOR PLAINTIFF TO RECEIVE GOD'S BLESSINGS AND REWARDS GIVEN TO THOSE WHO PERFORMED THE OBLIGATORY HAJJI (PIGRIMAGE) TO MECCA IN SAUDI ARABIA. PLAINTIFF IS UNABLE TO PERFORM THE OBLIGATORY RITUAL OF HAJJI BUT HE IS SINCERELY BELIEF IF HE REGULARLY VISIT WITH HIS MOTHER THAT HE WILL RECEIVE THE BLESSING AND REWARDS OF HAJJI AS STATED BY PROPHET MOHAMMAD (PBUH).

149. ON JUNE 5, 2017, PLAINTIFF'S FATHER PASSED AWAY AND FOR ^{THE} PAST "25" YEARS THE PLAINTIFF NEVER SAW HIM NOR THE BOP ALLOWED PLAINTIFF TO VISIT WITH HIM THROUGH VIDEOPHONE OR VIDEO-CONFERENCING SYSTEM NOR ALLOWED HIM TO ATTEND HIS FUNERAL AS ISLAMICALLY REQUIRED VIA VIDEOPHONE OR VIDEO-CONFERENCING SYSTEM.

150. PLAINTIFF'S MOTHER IS STILL ALIVE AND VIDEO-CONFERENCING WITH HER IS THE ONLY READILY AVAILABLE MEANS FOR HIM TO RECEIVE THE BLESSING AND REWARDS OF THE OBLIGATORY HAJJI BEFORE SHE ALSO PASS AWAY.

151. DUE TO PLAINTIFF'S LIFE SENTENCE HE IS NOT LEGIBLE TO BENEFIT FROM 18 U.S.C. § 3622 WHICH PROVIDES THAT "THE BUREAU OF PRISONS MAY RELEASE A PRISONER FROM THE PLACE OF HIS IMPRISONMENT FOR A LIMITED PERIOD... TO VISIT A RELATIVE WHO IS DYING... TO ATTEND A FUNERAL OR A RELATIVE... OR ESTABLISH OR RE-ESTABLISH FAMILY OR COMMUNITY TIES".

152. THE RIGHT TO VISITS HAS BEEN AFFIRMED IN MANY INTERNATIONAL TREATIES INCLUDING, BUT NOT LIMITED TO, THE STANDARDS MINIMUM RULES FOR THE TREATMENT OF PRISONERS WHICH STATES THAT "PRISONERS SHALL BE ALLOWED UNDER NECESSARY SUPERVISION TO COMMUNICATE WITH THEIR FAMILY AND REPUTABLE FRIENDS AT REGULAR INTERVALS, BOTH BY CORRESPONDENCE AND BY RECEIVING VISITS", THE UNITED NATIONS INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), AND THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (PRINCIPLES 15-16, AND 19-20).

153. THE VIOLATIONS OF INTERNATIONAL LAW OR U.S. TREATIES ARE ACTIONABLE UNDER THE ALIEN TORT CLAIMS ACT WHICH APPLIES TO PLAINTIFF.

154. THE BOP'S REFUSAL TO ACCOMMODATE PLAINTIFF'S RELIGIOUSLY MANDATE VISITS WITH HIS MOTHER AND FAMILY VIOLATES THE RFRA BECAUSE PLACES SUBSTANTIAL BURDEN ON PLAINTIFF'S FREE EXERCISE OF RELIGION AND DOES NOT FURTHER A COMPELLING GOVERNMENTAL INTEREST.

155. DEFENDANT BOP'S REFUSAL PREVENTED AND CONTINUE TO PREVENTS PLAINTIFF FROM FULFILLING HIS RELIGIOUS OBLIGATES, DEPRIVED HIM OF THE ABILITY TO RECEIVE BLESSINGS AND REWARDS FROM GOD, AND DENYS HIM A SPIRITUAL GROWTH AND RELIGIOUS ENJOYMENT

156. THE DEFENDANT BOP'S REFUSAL ALSO VIOLATES PLAINTIFF'S FIRST AMENDMENT RIGHT.

CLAIM FIVE: AGAINST DEFENDANTS OBA AND OLGUIN FOR VIOLATING PLAINTIFF'S EIGHTH AMENDMENT, HIS EQUAL PROTECTION RIGHTS, AND HIS DUE PROCESS PROCEDURAL RIGHTS, AND UNDER 28 U.S.C. § 1350, AND AGAINST U.S.A UNDER THE FTA

157. PLAINTIFF'S SEVERE SPINAL CANAL STENOSIS, LUMBAR WITH NEUROGENIC CLAUDICATION, LUMBAGO, OSTEOARTHRITIS, AND OTHER HEALTH PROBLEMS REQUIRES HIM TO TAKE TWICE A DAY CRUSHED POWDERED MEDICATIONS DILUTED WITH WATER THROUGH THE PILL-LINE.

158. ON 8-25-2016, DEFENDANT OLGUIN FABRICATED A DISCIPLINARY INCIDENT REPORT AGAINST PLAINTIFF FALSELY ACCUSING HIM OF "MIS-USE OF AUTHORIZED MEDICATION", WHICH LATER WAS EXPUNGED DUE TO THE FACT THAT PLAINTIFF ^{NEVER} MIS-USED ANY MEDICATION, TO DELIBERATELY AND MALICIOUSLY DEPRIVE HIM OF HIS MEDICATION AND TO INFLICT PAIN AND SUFFERING UPON HIM IN RETALIATION FOR HIS PREVIOUS VERBAL AND WRITTEN COMPLAINTS AGAINST HER AND FOR OTHER IMPROPER REASONS. (ECF DOC. NO. 60 AT EX. 1 AT PP. 1-27).

159. ON 8-29-2016, DEFENDANT OBA CANCELED PLAINTIFF'S PRESCRIBED MEDICATION BASED ON THE FABRICATED INCIDENT REPORT AND DENIED PLAINTIFF'S REQUESTS FOR A BLOOD AND URINE TESTS TO PROVE THAT THE INCIDENT REPORT WAS FABRICATED AND TO PROVE THAT HE NEVER MIS-USED HIS MEDICATION, REFUSED TO REVIEW THE VIDEO-RECORDINGS OF THE ALLEGED DATE AND TIME OF THE INCIDENT WHICH ALSO PROVE THAT PLAINTIFF NEVER "MIS-USED AUTHORIZED MEDICATION", AND REFUSED TO CONFIRM THE FACT THAT PLAINTIFF HAS NO HISTORY OF MIS-USING ANY MEDICATION DURING HIS APPROXIMATELY "25" YEARS IN PRISON BY REVIEWING HIS MEDICAL RECORDS AND ASKING ALL OTHER ADX PILL-LINE STAFF WHO FOR YEARS SERVED PLAINTIFF HIS MEDICATIONS. (ECF DOC. 60 AT EX. 1 AT PP. 13, 22-26).

160. DEFENDANT OBA ALSO REFUSED TO TAKE IN CONSIDERATION THAT OLGUIN HAD WELL-DOCUMENTED HISTORY OF TARGETING THE ARAB AND MUSLIM AND BLACK PRISONERS FOR ABUSE. (ECF DOC. 60 AT EX. 1 AT P. 14).

161. IN ADDITION, DEFENDANT OBA DENIED PLAINTIFF'S REPEATED REQUESTS TO REINSTATE THE IMPROPERLY CANCELED MEDICATION DESPITE HIS KNOWLEDGE THAT THE CANCELLATION OF THE MEDICATION WAS CAUSING PLAINTIFF CONSTANT PAIN AND DEPRIVATION OF SLEEP AND DENIED PLAINTIFF'S ^{REQUESTS} TO AT LEAST PROVIDE HIM WITH ANY EFFECTIVE ALTERNATIVE MEDICATION IN REPLACE OF THE IMPROPERLY CANCELED MEDICATION.

162. ON 9-15-2016, PLAINTIFF'S CANCELED MEDICATION WAS REINSTATED BY THE ORDER OF DR. YUTZY WHO INFORMED PLAINTIFF THAT HIS MEDICATION WAS IMPROPERLY CANCELED.

163. DURING THE PERIOD BETWEEN 9-26-2016 AND 5-1-2017, DEFENDANT OLGUIN UNLAWFULLY AND MALICIOUSLY REPEATEDLY DEPRIVED PLAINTIFF OF HIS MEDICATION IN VIOLATION OF ADMINISTRATIVE AND MEDICAL ORDERS AND FABRICATED OFFICIAL RECORDS

TO COVER-UP HER UNLAWFUL ACTS AGAINST PLAINTIFF AND TO DELIBERATELY INFLICT PAIN AND SUFFERING UPON HIM BY DEPRIVING HIM OF HIS NECESSARY MEDICATION.

164. DURING THE PERIOD BETWEEN AUGUST, 2016 AND MAY, 2017, DEFENDANT OLGIN ALSO UTILIZED OTHER STAFF MEMBERS, INCLUDING OFFICERS STRAIGHT, HANSEN, AND ROGER, TO FABRICATE FALSE MEMORANDUMS AGAINST PLAINTIFF IN ORDER TO HELP HER COVER UP HER RACIST AND RETALIATION ACTS AGAINST AND TO UNLAWFULLY DEPRIVE HIM OF HIS NECESSARY MEDICATIONS. (ECF DOC. 60 AT EX. 1 AT PP. 9-10, 21, AND 27-28).

165. FURTHERMORE, DEFENDANT OLGIN UNLAWFULLY AND WITHOUT AUTHORIZATION DELETED FROM PLAINTIFF'S MEDICAL RECORDS INFORMATION FROM WRITTEN COMPLAINTS FILED BY PLAINTIFF AGAINST HER TO COVER-UP HER UNLAWFUL ACTS AGAINST PLAINTIFF INCLUDING DELETING APPROXIMATELY TEN "10" LINES FROM HIS REQUEST FOR ADMINISTRATIVE REMEDY No. 876255-FL AND DELETING APPROXIMATELY THREE "3" LINES FROM HIS REQUEST FOR ADMINISTRATIVE REMEDY No. 876004-FL. IN ADDITION, UNLAWFULLY CREATED FABRICATED RECORDS IN PLAINTIFF'S MEDICAL RECORDS INCLUDING MARKING HIM AS REFUSING HIS MEDICATION WHEN IN FACT THE VIDEO-RECORDINGS FOR PLAINTIFF'S RANGE DEMONSTRATED THAT HE DID NOT REFUSE HIS MEDICATION BUT HE UNLAWFULLY WAS DEPRIVED OF HIS MEDICATION BY HER. (ECF DOC. 60 AT EX. 1 AT PP. 9-10, 21, AND 27-28).

166. THE ABOVE DESCRIBED ACTIONS BY DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH AMENDMENT RIGHTS, HIS EQUAL PROTECTION RIGHTS, HIS FIRST AMENDMENT RIGHTS TO BE FREE FROM RETALIATORY ACTIONS, AND HIS EQUAL PROTECTION RIGHTS AND DUE PROCESS PROCEDURAL RIGHTS.

167. THE ABOVE ACTIONS ALSO ACTIONABLE UNDER THE ALIEN TORT CLAIMS ACT, 28 U.S.C. § 1350 BECAUSE THEY VIOLATE PLAINTIFF'S RIGHTS UNDER THE INTERNATIONAL LAW AND U.S. TREATIES. (PLEASE, SEE PAGE "3" OF THIS COMPLAINT).

168. DEFENDANT U.S.A IS LIABLE UNDER THE FEDERAL TORT CLAIMS ACT.

CLAIM SIX: AGAINST DEFENDANT U.S.A UNDER THE FTCA AND AGAINST THE BOP UNDER THE APA, THE REHABILITATION ACT, AND §§2201-2202

169. ON 3-26-2014, DR. SANTINI ISSUED A MEDICAL ORDER DIRECTED ADX STAFF TO ACCOMMODATE PLAINTIFF'S MEDICAL NEEDS WITH RESPECT TO THE ACCESS TO RECREATION. THE MEDICAL ORDER STATES THAT PLAINTIFF "MAY BE RELIEVED FROM REC IF HE NEEDS TO SUDDENLY USE THE TOILET DUE TO MEDICAL CONDITION", AND ORDERED THAT "NO PROLONGED STANDING" FOR PLAINTIFF.
170. PLAINTIFF'S IRRITABLE BOWEL SYNDROME CAUSES A SUDDEN AND URGENT NEEDS TO USE THE RESTROOM AND HIS SEVERE SPINAL STENOSIS, LUMBAR WITH NEUROGENIC CLAUDICATION, LOW BACK PAIN, LUMBAGO, AND HIS OSTEOPOROSIS CONDITIONS LIMITS HIS ABILITY TO PROLONGED STANDING.
171. ADX RECREATION CAGES ARE NOT EQUIPPED WITH A TOILET, A CHAIR, OR A DURESS BUTTON TO SUMMON THE OFFICERS FOR MEDICAL HELP OR TO ENABLE PLAINTIFF TO ASK TO BE ESCORTED BACK TO HIS CELL DUE TO MEDICAL NEED.
172. DURING THE PERIOD BETWEEN MARCH, 2014 AND AUGUST, 2015, PLAINTIFF CONTINUOUSLY REQUESTED (VERBALLY AND IN WRITING) THAT ADX STAFF ACCOMMODATE HIS DISABILITY NEEDS BY ALLOWING HIM ACCESS TO THE RESTROOM AND A CHAIR TO ENABLE HIM TO HAVE ACCESS TO RECREATION. PLAINTIFF'S REQUESTS FOR A PLASTIC CHAIR WERE IMPROPERLY DENIED AND THE BOP OFFICIALS AND ADMINISTRATIVE STAFF FAILED TO TAKE ANY EFFECTIVE STEPS TO ENSURE THAT THE UNIT OFFICERS COMPLY WITH THE MEDICAL ORDERS TO RELIEVE HIM FROM RECREATION WHEN HE NEEDED TO USE THE TOILET, AND AS A RESULT, PLAINTIFF WAS REPEATEDLY DEPRIVED OF ACCESS TO FRESH AIR AND SUNLIGHT IN VIOLATION OF 28 C.F.R. § 541.12 (4), 28 C.F.R. § 551.90, 28 C.F.R. § 35.152, AND 42.501, ET. SEQ., AND OTHER REGULATIONS AND POLICIES.
173. DURING THE PERIOD BETWEEN DECEMBER 2013 AND APRIL 2016, PLAINTIFF REPEATEDLY REQUESTED (VERBALLY AND IN WRITING) THAT ADX AND BOP OFFICIALS ACCOMMODATE HIS MEDICAL CONDITIONS BY REMOVING THE UNJUSTIFIED AND UNNECESSARY FULL IRON RESTRAINTS (A BLACK BOX, MARTIN CHAIN, WAIST AND LEGS IRONS, AND HAND CUFFS) DURING HIS LONG HOURS OF NON-CONTACT LEGAL VISITS WHICH WERE CONDUCTED IN A COMPLETELY SECURE SMALL BOOTH WITH A THICK GLASS PARTITION THAT PRECLUDES ANY POSSIBLE PHYSICAL CONTACTS WITH THE VISITORS, STAFF, AND OTHER INMATES. IN ADDITION, THE VISITING BOOTH IS VERY CLOSELY MONITORED BOTH BY STAFF AND SURVEILLANCE CAMERAS. THE BOP AND ADX OFFICIALS DENIED PLAINTIFF'S REQUESTS AND REFUSED TO ACCOMMODATE HIS MEDICAL CONDITIONS.
174. IT SHOULD BE NOTED, THAT THE RESTRAINTS ARE USED FOR LEGAL VISITS ONLY AND THEY REMOVED DURING SOCIAL VISITS WHICH CLEARLY DEMONSTRATE THE USE OF THE RESTRAINTS IS UNJUSTIFIED NOR NECESSARY.
175. PLAINTIFF SUFFERED FROM THE LONG HOURS UNDER FULL IRON RESTRAINTS PAIN, NUMBNESS, CUTS, LEG CRAMPING AND FEET NUMBNESS, AND AGGRAVATION TO HIS MEDICAL PROBLEMS.

176. ON 5-12-2014, DR. ERWIN DIAGNOSED PLAINTIFF OF HAVING SEVERE INSOMNIA AND SHE PRESCRIBED FOR HIM "MELATONIN". THE BOP REFUSED TO PROVIDE THE PRESCRIBED MEDICATION AND FAILED TO PROVIDE HIM ANY EFFECTIVE AND LOW RISK TREATMENT FOR HIS INSOMNIA NOR IT ALLOWED HIM TO PURCHASE ALTERNATIVE TREATMENT OR NATURAL REMEDIES FOR HIS INSOMNIA.
177. SLEEPING IS INDISPENSABLE TO MAINTAINANCE OF PERSONAL HEALTH AND IS NECESSARY FOR SURVIVAL.
178. BOP PROGRAM STATEMENT No. 6013.01 STATES THAT "YOU HAVE THE RIGHT TO RECEIVE PRESCRIBED MEDICATIONS AND TREATMENTS IN A TIMELY MANNER, CONSISTENT WITH THE RECOMMENDATIONS OF PRESCRIBING HEALTH CARE PROVIDER".
179. DURING THE PERIOD BETWEEN 2014 AND 2016, PLAINTIFF REPEATEDLY REQUESTED (VERBALLY AND IN WRITING) A PROPER TREATMENT FOR HIS INSOMNIA OR TO BE ALLOWED TO OBTAIN TREATMENT INCLUDING ALTERNATIVE NATURAL REMEDIES ON HIS OWN BUT HIS REQUESTS WERE DENIED.
180. ON 7-30-2014, DR. ERWIN PRESCRIBED "MODAFINIL" FOR PLAINTIFF'S DIAGNOSED SEVERE CHRONIC FATIGUE SYNDROME BUT THE BOP REFUSED TO PROVIDE THE PRESCRIBED MEDICATION TO PLAINTIFF NOR PROVIDED ANY EFFECTIVE PROPER TREATMENT NOR ALLOWED PLAINTIFF TO PURCHASE THE MEDICALLY PRESCRIBED MEDICATION OR ANY ALTERNATIVE TREATMENT OR NATURAL REMEDIES, AND AS A RESULT, PLAINTIFF CONTINUES TO SUFFER FROM CFS WITHOUT TREATMENT DESPITE PLAINTIFF'S REPEATED REQUESTS FOR TREATMENT.

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ☒ Yes ☐ No (CHECK ONE). If your answer is "Yes," complete this section of the form. If you have filed more than one lawsuit in the past, use extra paper to provide the necessary information for each additional lawsuit. The information about additional lawsuits should be labeled "E. PREVIOUS LAWSUITS."

1. Name(s) of defendant(s) in prior lawsuit: U.S.A, BOP, TRVE, OLIVER, BERKEBILE, HALL, LAMB, JOHNSON, CANYACHO, MCCOYC, AND OTHERS
2. Docket number and court name: 15-cv-00912-RBJ/KLN (U.S.D. COLORADO)
3. Claims raised in prior lawsuit: RELIGIOUS CLAIMS
4. Disposition of prior lawsuit (for example, is the prior lawsuit still pending? Was it dismissed?): PENDING
5. If the prior lawsuit was dismissed, when was it dismissed and why? N/A
6. Result(s) of any appeal in the prior lawsuit: N/A

"PLEASE, SEE THE ORIGINAL COMPLAINT FOR OTHER PREVIOUS LAWSUITS"

F. ADMINISTRATIVE RELIEF

1. Is there a formal grievance procedure at the institution in which you are confined?
☒ Yes ☐ No (CHECK ONE).
2. Did you exhaust available administrative remedies? ☒ Yes ☐ No (CHECK ONE).

G. REQUEST FOR RELIEF

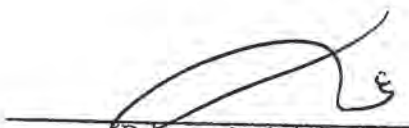
State the relief you are requesting. If you need more space to complete this section, use extra paper. The additional requests for relief should be labeled "G. REQUEST FOR RELIEF."

1. TRIAL BY JURY ON ALL ISSUES TRIABLE BY JURY;
2. COMPENSATORY AND PUNITIVE DAMAGES;
3. REASONABLE ATTORNEY'S FEES AND ALL COSTS OF LITIGATION;
4. TO REMEDY ALL VIOLATIONS DESCRIBED IN THIS COMPLAINT;
5. A DECLARATORY JUDGMENT THAT DEFENDANTS' ACTION ALLEGED HEREIN ARE ILLEGAL AND VIOLATE PLAINTIFFS RIGHTS;
6. ORDER SUCH FURTHER RELIEF AS THE COURT CONSIDER JUST AND PROPER.

DECLARATION UNDER PENALTY OF PERJURY

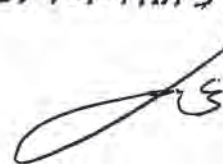
I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on 8-2-2017
(Date)


(Prisoner's Original Signature)

CERTIFICATE OF MAILING UNDER THE MAIL-BOX RULE

I, AHMAD MOHAMMAD AJAJ, DECLARE UNDER THE PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. § 1746, THAT THIS COMPLAINT WAS DELIVERED TO PRISON STAFF ON 8-2-2017, INSIDE PRE-PAID POSTAGES FIRST-CLASS MAIL ENVELOPE, FOR FORWARDING TO: CLERK OF THE COURT, ALFRED A. ARRATA U.S. COURTHOUSE, 901-19TH STREET, ROOM 1105, DENVER, CO 80294-3589.



U.S. Penitentiary MAX
P.O. Box 8500
Florence, CO. 81226-8500

8/2/17
J

CLERK OF THE COURT
U.S. DISTRICT COURT
ALFRED A. ARRAJ COURTHOUSE
901-19TH STREET, ROOM A105
DENVER, CO 80294-3580

1-800-441-4451

Administrative Maximum

P.O. Box 8500

Florence, CO 81226-8500

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.