

**UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF ALABAMA
MOBILE DIVISION**

YUSEF MAISONET,

Plaintiff,

v.

JEFFERSON S. DUNN, Commissioner,
Alabama Department of Corrections, in his
official and individual capacities;

STEVE WATSON, Associate
Commissioner, Plans and Programs,
Alabama Department of Corrections, in his
individual capacity, only;

THOMAS WOODFIN, Pastoral Programs
Supervisor, Alabama Department of
Corrections, in his individual capacity,
only;

TERRY RAYBON, Correctional Warden
III, William C. Holman Correctional
Facility, Alabama Department of
Corrections, in his individual capacity,
only; and,

CHRIS SUMMERS, Facility Chaplain,
William C. Holman Correctional Facility,
Alabama Department of Corrections, in his
individual capacity, only;

Defendants.

Case No. 21-59
Hon.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND FOR DAMAGES**

Plaintiff Yusef Maisonet files this Complaint, by and through his attorneys' CAIR Legal Defense Fund ("CAIR") against Defendants Alabama Department of Corrections ("ADOC") Commissioner Jefferson S. Dunn; ADOC Associate Commissioner of Plans and

Programs Steve Watson; ADOC Pastoral Programs Supervisor Thomas Woodfin; ADOC William C. Holman Correctional Facility Correctional Warden III Terry Raybon; and William C. Holman Correctional Facility Chaplain Chris Summers. This Complaint alleges violations of the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution pursuant to 42 U.S.C. § 1983 and the Alabama Religious Freedom Amendment to its State Constitution (“ARFA”).

NATURE OF THE CLAIM

1. Since about 2014, Yusuf Maisonet (“Imam Maisonet”) has ministered to the religious needs of Muslims on Alabama’s death row, housed within William C. Holman Correctional Facility. He has led the Muslims condemned to death in prayer, educated them about Islam, and otherwise tended to their spiritual needs.

2. As a volunteer chaplain at William C. Holman Correctional Facility, Muslims have also called on Imam Maisonet for support and guidance in preparation for their execution. Those Muslims include Dominique Ray, who was executed in 2019, and Nathaniel Woods, who was executed in 2020—both of whom were Muslims Imam Maisonet supported in their final days.

3. Imam Maisonet provides spiritual support for condemned persons on death row as part of his Islamic faith. His faith guides him to take care of the least fortunate including the condemned Muslims on death row. Imam Maisonet believes that Islam belongs to all Muslims, even those who society has decided to execute.

4. Defendants, however, maintained a policy with an explicit religious preference that required Facility Chaplain Chris Summers – who is a Protestant Christian – to

accompany a condemned person into the execution chamber but prohibited all other religious advisors, including Imam Maisonet.

5. Based on this policy, Defendants excluded Imam Maisonet from the execution chamber during Dominique Ray's execution on February 7, 2019, precluding Plaintiff from attending to Dominique Ray's religious needs as he died.

6. In a dissent from the Supreme Court's decision to allow Dominique Ray's execution prior to the resolution of his Establishment Clause claims, Justice Kagan observed that Defendants' execution chamber policy allows "a Christian incarcerated [to] have a minister of his own faith accompany him into the execution chamber to say his last rites. But if an incarcerated practices a different religious...he may not die with a minister of his own faith by his side." *Dunn v. Ray*, 139 S. Ct. 661, 662 (2019) (Kagan, J., dissenting).

7. Subsequent to Dominique Ray's execution, Defendants changed their execution chamber policy to exclude all religious advisors, including Facility Chaplain Summers, from the execution chamber. While this policy applies to all religious advisors, Defendants' apparent purpose in adopting it was to exclude non-Christian chaplains, like Imam Maisonet, from the execution chamber.

8. Under this new policy, on March 5, 2020, Imam Maisonet was again denied the ability to minister to a condemned man, Nathaniel Woods, in the execution chamber as Mr. Woods was executed that day.

9. Plaintiff challenges Defendant's policy, practice, and custom of advancing, endorsing, affiliating with, and sponsoring a Christian Facility Chaplain and refusal to provide the same benefit to other religions in the context of official governmental activity in

violation of the Establishment and Free Exercise Clauses of the United States Constitution and the Alabama Religious Freedom Restoration Act (“AFRA”).

10. Plaintiff seeks injunctive and declaratory relief and damages under 42 U.S.C. § 1983 against Defendant to redress said ARFA, Establishment and Free Exercise Clause violations, together with recovery of attorney’s fees and costs under 42 U.S.C. § 1988(b)

JURISDICTION & VENUE

11. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 (federal question jurisdiction), § 1343(a)(3) (deprivation of rights under federal law) and § 1367 (supplemental jurisdiction over state law claims). This Court has the authority to issue a declaratory judgment under 28 U.S.C. § 2201 and to grant injunctive relief and damages under 28 U.S.C. § 1343 and Federal Rule of Civil Procedure 65.

12. Venue is appropriate in the Southern District of Alabama because a substantial part of the events or omissions giving rise to these claims occurred within Escambia County, where William C. Holman Correctional Facility is located, and within this District. 28 U.S.C. §§ 1391(b)(2).

PARTIES

13. Plaintiff Yusef Maisonet is a United States citizen, a Muslim Chaplain and an Imam residing in Mobile County, Alabama.

14. Defendant Jefferson Dunn is the Commissioner of the ADOC and is responsible for the development of the protocol and procedures governing the execution of death row incarcerated in the State of Alabama. He has authority to alter, amend, make exceptions to, and/or implement the protocol and procedures governing the execution of

death-sentenced incarcerated in the State of Alabama. Defendant Dunn is being sued in both his personal and official capacities.

15. Defendant Steve Watson is the Associate Commissioner of Plans and Programs of the ADOC. Defendant Watson is responsible for ensuring that incarcerated in all ADOC facilities, including the William C. Holman Correctional Facility (HFC), have the ability to practice their religious faith. Defendant Watson is also a member of the RARC¹, which is a committee composed of the Associate Commissioner of Programs, the Pastoral Programs Supervisor, the Regional Chaplains and the Facility Wardens for the purpose of developing, reviewing and editing ADOC administrative regulations, policies and procedures for religious and faith/character-based programs and chaplaincy related duties. Defendant Watson is being sued in his individual capacity, only.

16. Defendant Thomas Woodfin is the Pastoral Programs Supervisor of the ADOC. Defendant Woodfin is responsible for overseeing the religious programs conducted within the ADOC and HFC and facilitating training for volunteer chaplains. Defendant Woodfin is also a member of the RARC, which is a committee composed of the Associate Commissioner of Programs, the Pastoral Programs Supervisor, the Regional Chaplains and the Facility Wardens for the purpose of developing, reviewing and editing ADOC administrative regulations, policies and procedures for religious and faith/character-based programs and chaplaincy related duties. Defendant Woodfin is being sued in his individual capacity, only.

17. Defendant Terry Raybon is the Correction Warden III of HFC, an ADOC correctional facility. Defendant Raybon is responsible for ensuring that incarcerated in HFC,

¹ See State of Alabama Department of Corrections, Chaplain Services, Administrative Regulation No. 461, available at: <http://www.doc.alabama.gov/docs/AdminRegs/AR461.pdf>.

have the ability to practice their religious faith. Defendant Raybon is also a member of the Religious Activities Review Committee (RARC), which is a committee composed of the Associate Commissioner of Programs, the Pastoral Programs Supervisor, the Regional Chaplains and the Facility Wardens for the purpose of developing, reviewing and editing ADOC administrative regulations, policies and procedures for religious and faith/character-based programs and chaplaincy related duties. Defendant Raybon is being sued in his individual capacity, only.

18. Defendant Chris Summers is the HFC Facility Chaplain and is employed by ADOC. Mr. Summers is a mainline Protestant Christian. Defendant Summers is responsible for administering ADOC's execution practices and policies that regard religious services made available to condemned men approaching their execution date. Until 2019, Defendant Summers had been required by Defendants' policies to be inside the execution chamber at every execution, and was the only chaplain permitted to accompany condemned men during their executions—a policy Defendants have followed for every execution other than Dominique Ray's execution for the previous twenty prior years.

FACTS

19. Alabama conducts all executions at the William C. Holman Correctional Facility ("HFC"). HFC also houses all of Alabama death row incarcerated. *See* Ala. Code § 15-18-82(b).

20. For decades, Defendants maintained a practice and policy that required Defendant Summers, a mainline Protestant Christian Chaplain and the HFC Facility Chaplain, to be present in the execution chamber and precluded any other chaplain of other religions to be present—no matter the faith of the death-sentenced man.

21. At all times relevant to this lawsuit, this policy was memorialized in Defendants' 2014 Execution Protocol, which mandated the presence of HFC's Facility Chaplain in the execution chamber and prohibited other religious advisors, like Imam Maisonet, from it.

22. Since 1997, the only Facility Chaplain employed at HFC has been Chaplain Chris Summers, a mainline Protestant Christian.

23. Prior to the adoption of the 2019 Execution Protocol, Defendant Summers was permitted and required to be present in the execution chamber with the death row incarcerated and is permitted to provide spiritual support during the execution.

24. Prior to the adoption of the 2019 Execution Protocol, a condemned man who wanted to have a religious advisor provide him with last rites inside the execution chamber, make a final prayer inside the execution chamber, or engage in any desired religious practice inside the execution chamber may so do only with the prison chaplain.

25. Prior to the adoption of the 2019 Execution protocol, if an incarcerated requests prayer during an execution, Defendant Summers would kneel at his side and pray with him.

26. Chaplain Summers has been present at every execution at HFC over the 20 years prior to Dominique Ray's execution.

27. No religious advisor of any faith other than Christianity has been present in the execution chamber during an execution over the past 20 years.

28. The ADOC has identified no specific security concern or any other reason, for that matter, to explain why a religious advisor of another faith, or another variation of the Christian faith, could not be trained on execution protocol and allowed to be present in the execution chamber during an execution.

29. The ADOC otherwise allows religious advisors who are not ADOC employees to visit incarcerated on death row through a volunteer program.

30. The ADOC conducts a thorough security clearance of these religious advisors and requires them to complete volunteer training.²

31. Imam Maisonet successfully completed the ADOC's volunteer training and was approved for physical visits without any barrier between himself and the incarcerated at HFC. He has led congregational prayers with Muslims on death row in groups of about ten, without barriers between himself and the incarcerated without incident.

32. Imam Maisonet visited HFC for over five years on a volunteer basis.

33. Imam Maisonet has been a practicing Muslim for over 50 years. He was certified to be an Imam in the United Arab Emirates and obtained several certificates in Muslim chaplaincy.

34. Imam Maisonet provided religious ministry to Muslim incarcerated at HFC from 2014 to 2019. During that time, he visited Muslim incarcerated and provided Friday prayer services to death row incarcerated.

35. Prior to the State's execution of Dominique Ray, Imam Maisonet had been visiting him for five years, since he first started as a volunteer chaplain at HFC. He knew and provided spiritual guidance for Dominique Ray for the entire time he was volunteering at HFC.

36. Defendants initially denied Imam Maisonet the ability to accompany Dominique Ray into the execution chamber on January 23, 2019. Dominique Ray challenged that decision in a lawsuit on January 28, 2019.

² See State of Alabama Dep't of Corrections Admin. Reg. No. 462 (2015), available at: <http://www.doc.state.al.us/docs/AdminRegs/AR461.pdf>.

37. After the District Court for the Middle District of Alabama denied Dominique Ray's motion for an emergency stay of execution to resolve the RLUIPA and constitutional challenges to the ADOC's policy, Dominique Ray appealed to the Court of Appeals for the Eleventh Circuit. On February 6, 2019, a three-judge panel granted a stay "in the face of what we see as a powerful Establishment Clause claim...the central constitutional problem here is that the state has regularly placed a Christian cleric in the execution room to minister to the needs of Christian incarcerated, but has refused to provide the same benefit to a devout Muslim and all other non-Christians." *Ray v. Comm'r*, 915 F.3d 689, 695, 697 (11th Cir. 2019).

38. Though the Eleventh Circuit Court of Appeals stayed Dominique Ray's execution, the Supreme Court lifted that stay in a 5-4 decision on February 7, 2019.

39. On February 7, 2019, after a visit with Dominique Ray in the death watch cell, Imam Maisonet reiterated to Defendant Summers that, per Dominique Ray's wishes, he wanted to accompany Dominique Ray into the execution chamber to perform last rites and otherwise tend to Dominique Ray's spiritual needs during the execution itself.

40. Defendant denied Imam Maisonet's request to accompany Dominique Ray during his execution, per Dominique Ray's wishes.

41. The State executed Dominique Ray without the presence of his religious advisor Imam Maisonet.

42. The physical presence of an imam at the time of his execution is an integral part of Imam Maisonet's death row chaplaincy and his Islamic faith.

43. Defendants' policies and practices, including the 2014 Execution Protocol, burdened Imam Maisonet's religious exercise and disfavored Islam by excluding him from the execution chamber at the time of Dominique Ray's execution.

44. Imam Maisonet was not allowed to instruct Dominique Ray on the recitation of the *shahada* (the Islamic declaration of faith) in the execution chamber prior to his death.

45. Imam Maisonet was not allowed to aid Dominique Ray's transition between life and death or provide spiritual guidance to Dominique Ray during his passing, which is an important part of the Islamic faith.

46. Muslims believe that the dying person who is going through the agony of death and who is able to speak should recite the *shahadah*: "I bear witness that there is no god except Allah (God) and that Muhammad is the messenger of Allah." The Prophet Muhammad said, "He whose last words are: *La ilaha illal-lah*, enters Paradise." The Prophet Muhammad instructed, "Prompt your dying people to say, '*Lailaha illal-lah*'."³

47. Imam Maisonet was harmed and continues to be harmed by being prohibited from practicing his faith by assisting condemned incarcerated to recite the *shahadah* and provide them with spiritual guidance prior to their execution in accordance with his faith.

48. Subsequent to the adoption of Defendants' 2019 Execution Protocol, Defendants excluded all religious advisors from the execution chamber, including Defendant Summers and Imam Maisonet.

49. Defendants adopted this policy for the purpose of excluding non-Christian religious advisors and prohibiting condemned men of non-Christian faiths from requesting their religious advisors to accompany them in the execution chamber.

50. Defendants relied upon the 2019 Execution Protocol to deny Imam Maisonet the ability to accompany Nathaniel Woods to the execution chamber on March 5, 2020, where Mr. Woods was executed that day.

³ *Lailaha illal-lah* is the *shahadah*, or Islamic declaration of faith, in Arabic.

51. Nathaniel Woods, a Muslim on HFC's death row, had requested Imam Maisonet provide religious and spiritual guidance and support to him in his final days.

52. Imam Maisonet counseled Nathaniel Woods, visiting with him, and offered him religious guidance during his last days.

53. Despite Defendants' illegal interference with Imam Maisonet's ability to minister to the condemned at HFC, Imam Maisonet remains committed to providing religious support and guidance to the Muslims on Alabama's death row.

54. ADOC's refusal to allow Imam Maisonet to be present in the execution chamber with Dominique Ray and Nathaniel Woods violated all three of their religious rights—because, just like other religions—there is special significance and obligation for an imam to provide spiritual guidance as a person dies.

55. The Establishment Clause of the United States Constitution bars the state from passing “laws which aid one religion” or which “prefer one religion over another.” *Everson v. Bd. of Educ.*, 330 U.S. 1, 15 (1947).

56. Based on the ADOC's former and current policy and its pattern and practice with respect to executions, absent relief from this Court, the ADOC will continue to enforce a policy of excluding religious advisors—including Imam Maisonet—from the execution chamber.

FIRST CAUSE OF ACTION
(Violation of the First Amendment’s Establishment Clause)
(U.S. Const. amend. I, as enforced by 42 U.S.C. § 1983)

57. Imam Maisonet realleges and incorporates by reference the allegations set forth above.

58. Federal law permits a cause of action to be brought against any “person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws,” and that such person “shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress[.]” 42 U.S.C. § 1983.

59. Under the First Amendment, “Congress shall make no law respecting an establishment of religion.” U.S. Const. amend. I. this command is also binding on the states though the due process guarantee of the Fourteenth Amendment see, e.g. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

60. The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Ray*, 915 F.3d at 695 (quoting *Larson v. Valente*, 456 U.S. 228, 244 (1982)). When government action conveys a denominational preference, it is subject to strict scrutiny. *Larson*, 456 U.S. at 246.

61. To survive strict scrutiny, the classification must be “narrowly tailored ... [to] further [a] compelling governmental interest [].” *Gratz v. Bollinger*, 539 U.S. 244, 270 (2003) (quotations omitted).

62. Defendants have created a denominational preference when they preferred and required the presence of the HFC Facility Chaplain, a mainline Protestant Christian, and

prohibited Imam Maisonet from joining Dominique Ray in the execution chamber in his stead.

63. Defendants furthered no compelling governmental interest, or any governmental interest when they prevented Imam Maisonet from joining Dominique Ray in the execution chamber at the time of his execution. Additionally, that prohibition was not narrowly tailored to achieving any such interest.

64. There was no compelling governmental interest in the ADOC's policy of requiring the HFC Facility Chaplain, a mainline Protestant Christian—and the exclusion of other religious advisors—in the execution chamber at the time of other death row incarcerated's execution, when that incarcerated belonged to a different faith, including Dominique Ray.

65. Even if there was a compelling government interest, the policy is not narrowly tailored to achieve that interest.

66. Accordingly, Defendants' policy requiring the presence of the HFC Facility Chaplain, a mainline Protestant Christian, in the execution chamber at the time of Dominique Ray's execution but excluding religious advisors of other faiths, including Imam Maisonet, violates the Establishment Clause of the First Amendment.

67. In response to litigation, Defendants changed their policy, but—in a patent attempt to continue to exclude non-Christian chaplains from the execution chamber—made their policy even more exclusive by banning all chaplains from the execution chamber rather than permitting non-Christian chaplains to participate. The revised policy is also not narrowly tailored to meet any compelling government interest. Because the intended purpose of the facially-neutral updated policy remains an attempt to discriminate against non-Christians, the updated policy also violates the Establishment Clause.

68. The new policy prevented Imam Maisonet from ministering to Nathaniel Woods in the execution chamber during Woods' execution.

69. Defendants furthered no compelling governmental interest, or any governmental interest when they prevented Imam Maisonet from joining Nathaniel Woods in the execution chamber at the time of his execution. Additionally, that prohibition was not narrowly tailored to achieving any such interest.

70. There was no compelling governmental interest in exclusion of all religious advisors in the execution chamber at the time of death row incarcerated's execution including Nathaniel Woods.

71. Even if there was a compelling government interest, the policy is not narrowly tailored to achieve that interest.

72. Accordingly, Defendants' new policy violates Imam Maisonet's rights under the Establishment Clause of the First Amendment.

SECOND CAUSE OF ACTION
(Violation of First Amendment's Free Exercise Clause)
(U.S. Const. amend. I, as enforced by 42 U.S.C. § 1983)

73. Imam Maisonet realleges and incorporates by reference the allegations set forth above.

74. Federal law permits a cause of action to be brought against any "person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws," and that such person "shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress[.]" 42 U.S.C. § 1983.

75. Under the First Amendment, “Congress shall make no law... prohibiting the free exercise” of religion. U.S. Const. amend. I. this command is also binding on the states though the due process guarantee of the Fourteenth Amendment. *See, e.g. Cantwell*, 310 U.S. at 303.

76. Defendants’ policy requiring and permitting only the HFC Facility Chaplain, a mainline Protestant Christian, in the execution chamber at the time of execution at the exclusion of Imam Maisonet infringed on Imam Maisonet’s free exercise of religion.

77. There is no valid and rational connection between Defendants’ policy and any purported government interest in security. Defendants have not identified any particular security concern, and the fact that the ADOC trained, paid, and allowed Defendant Summers into the execution chamber demonstrates the feasibility of having a religious advisor present and undermines any argument to the contrary.

78. Furthermore, Imam Maisonet had no alternative means of providing the spiritual guidance and comfort a religious advisor would have provided to a dying incarcerated of his own faith at the time of Dominique Ray’s execution. Dominique Ray effectively died alone with no guidance at the time of his execution.

79. Accordingly, Defendants’ requiring the presence of the prison chaplain, a mainline Protestant Christian, in the execution chamber at the time of the execution of a member of another faith (such as Dominique Ray) violates the Free Exercise Clause.

80. In response to litigation, Defendants changed their policy, but—in a patent attempt to continue to exclude non-Christian chaplains from the execution chamber—made their policy even more exclusive by banning all chaplains from the execution chamber rather than permitting non-Christian chaplains to participate.

81. The refusal to allow any Chaplain to be present in the execution chamber did not further any compelling governmental interest and is not narrowly tailored to meet any compelling governmental interest.

82. The updated policy thus also violates the Free Exercise Clause.

83. Relatedly, the ADOC's exclusion of religious advisors of other faiths including Imam Maisonet for Dominique Ray, violated his Free Exercise Clause.

84. Defendants independently violate the general non-discrimination principles articulated in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017) and *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018).

THIRD CAUSE OF ACTION
Violation of Alabama Religious Freedom Amendment
(Ala. Const. Art. I, § 3.01)

85. Imam Maisonet realleges and incorporates by reference the allegations set forth above.

86. The Alabama Religious Freedom Amendment to the Alabama State Constitution ("ARFA") provides: "The Government shall not burden a person's freedom of religion even if the burden results from a rule of general applicability, except as provided in subsection (b)."

87. The Government may burden a person's freedom of religion only if it demonstrates that application of the burden to the person:

- a. Is in furtherance of a compelling governmental interest; and
- b. Is the least restrictive means of furthering that compelling governmental interest. Ala. Const. Art. I, § 3.01.

88. Defendants have violated and continue to violate ARFA in two overlapping and distinct respects.

89. First, while Defendants recognize the importance of religious counsel at the time of death for decades because, prior to the adoption of the 2019 Execution Protocol, the HFC Facility Chaplain, a mainline Protestant Christian, was required to be present in the execution chamber, Defendants nonetheless prohibited other religions' religious advisors, such as an Imam, from being present in the execution chamber at the time of execution. Defendants violated the ARFA by substantially burdening Imam Maisonet's religious exercise without adequate justification.

90. Furthermore, prohibiting Imam Maisonet from providing spiritual guidance to Dominique Ray during his execution by excluding him from the execution chamber in accordance with Mr. Maisonet's sincerely held religious beliefs does not further a compelling governmental interest or any government interest for that matter.

91. In any event, excluding an imam from the execution chamber is not the least restrictive means of furthering any compelling governmental interest – especially when the State has, for decades, demonstrated its ability to allow the HFC Facility Chaplain in the execution chamber without compromising any such interest.

92. Excluding religious advisors, like Imam Maisonet from the execution chamber is not the least restrictive means because other execution chambers do not follow Alabama's process. For example, the Federal Bureau of Prisons—during more than half a dozen executions in 2020—allowed volunteer religious advisors to minister to the needs of condemned men inside the execution chamber during their executions.

93. Additionally, Defendants could have, but did not, require Imam Maisonet to be trained in whatever manner Defendants deemed sufficient to ensure that Imam Maisonet would comply with Defendants' execution practice.

94. The fact that Defendants did not even offer or make available training for Imam Maisonet or seek to provide a Defendants-approved alternative to Imam Maisonet to enter the execution chamber is an indication that Defendants' true purpose was to exclude non-Christian chaplains from the execution chamber.

95. In response to litigation, Defendants changed their policy, but—in a patent attempt to continue to exclude non-Christian chaplains from the execution chamber—made their policy even more exclusive by banning all chaplains from the execution chamber rather than permitting non-Christian chaplains to participate.

96. Defendants violated the ARFA by substantially burdening Imam Maisonet's religious exercise without adequate justification when they excluded the presence of Imam Maisonet from the execution chamber at the time of Dominique Ray's execution over Dominique Ray's religious objection.

97. The requirement that the Facility Chaplain, a mainline Protestant Christian, be present in the execution chamber during executions, instead of a religious leader that shares the faith of the death row incarcerated did not further any compelling governmental interest.

98. The refusal to allow any Chaplain to be present in the execution chamber did not further any compelling governmental interest.

99. The Facility Chaplain's mandatory presence in the execution chamber, in accordance with Defendants' 2014 Execution Protocol, is not narrowly tailored to achieve any such interest.

100. The refusal to allow any Chaplain to be present in the execution chamber is not narrowly tailored to achieve any such interest.

PRAYER FOR RELIEF

Plaintiff Yousef Maisonet respectfully requests that this Court grant the following relief:

1. A declaratory judgment that Defendants' actions and policies described above violate the Alabama Religious Freedom Amendment to the Alabama State Constitution and the Establishment and Free Exercises Clauses of the First Amendment to the United States Constitution;

2. A declaratory judgment that the above actions of the Defendants:

- a. Lack a secular purpose;
- b. Have the effect of endorsing, favoring, preferring, Protestant Christianity over other religions including Islam;
- c. Result in excessive government entanglement with religion; and,
- d. Result in coercing citizens to participate in religious activity in violation of the establishment clause.

3. Injunctive relief that allows Imam Maisonet and other religious leaders to remain in the execution chamber when requested by a member of the leader's faith, subject only to an ADOC security clearance, which shall not be unreasonably withheld;

4. Nominal or other damages to Imam Maisonet that the Court deems reasonable and proper;

5. Reasonable costs and attorney's fees pursuant to 42 U.S.C. § 1988; and

6. Award Imam Maisonet such other and further relief as this Court may deem to be just and proper.

JURY DEMAND

Plaintiff demands trial by jury of the above-referenced causes of actions.

/s/Henry Brewster
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** Pro Hoc Vice forthcoming*

Date: February 4, 2021