

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
Macon DIVISION

QUESTIONNAIRE FOR PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. 1983

Bryan Kaward Simms
1000762491

(GIVE FULL NAME AND PRISON NUMBER OF EACH PLAINTIFF)

Plaintiff(s)

CIVIL ACTION NO: **5 : 13-CV-380**

^{VS.}
Brian Owens, Sheila Oubre,
Cherie Price, Sgt. Duncan,
Board of Corrections, G.D.O.C.

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number(s): Bryan Kaward Simms # 1000762491
2. Name and location of prison where you are now confined: Baldwin State Prison
Laying Farm Rd, Hardwick, Ga 31034 P.O. Box 218
3. Sentence you are now serving (how long?): Life in Prison with Parole
 - (a) What were you convicted of? Armed Robbery, Aggravated Assault, False imprisonment, Cruelty to Children in 1st degree, Possession of Firearm
 - (b) Name and location of court which imposed sentence: Douglas County Superior Court, 8700 Hospital Drive, Douglasville, Ga 30134
 - (c) When was sentence imposed? February 13th 2012
 - (d) Did you appeal your sentence and/or conviction? Yes ☒ No
 - (e) What was the result of your appeal? _____
 - (f) Approximate date your sentence will be completed: no fixed date on life sentence (2041)

II. PREVIOUS LAWSUITS

4. Other than the appeal of your conviction or sentence, have you ever submitted a lawsuit for filing in any federal or state court dealing with the SAME FACTS involved in this lawsuit or otherwise related to your imprisonment? ☐ Yes ☒ No

5. If your answer to question 4 is "Yes", list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

© Docket Number: _____ When did you file this lawsuit? _____

(d) Name of Judge assigned to case: _____

(e) Is this case still pending? ☐ Yes ☐ No

(f) If your answer to (e) is "No" when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?) _____

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Where are you now confined? Baldwin State Prison

(a) How long have you been at this institution? 13 months

(b) Does this institution have a grievance procedure? ☒ Yes ☐ No

© If your answer to question 6(b) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?
☒ Yes ☐ No

(2) What was the result? Harassment claims denied & Religious
Exemption denied on grounds of SDP IIB01-0011

(d) If your answer to question 6(b) is "No", explain why not: _____

(e) What, if anything, have you done to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to: Religious

exemption letter request to Brian Owens (9/19/13) (certified
mail) receipt — cont.

7. In what other institutions have you been confined? Give dates of entry and exit.

Douglas County Jail Aug 2011 - May 2012
Jackson Diagnostic Prison May 2012 - Aug 2012

IV. PARTIES TO THIS LAWSUIT

8. List the name and address of each plaintiff in this lawsuit.

Commissioner Brian Owens, 2 MLK Jr. Drive S.E. Atlanta, Ga
30334, Warden Sheila Aubre, Warden Cherie Price & Cert team
Sgt. Duncan all at Baldwin State Prison, Laying Farm Rd, Hardwick, Ga 31034

9. List the full name, the official position, and the place of employment of each defendant in this lawsuit.
(ATTACH ADDITIONAL PAGES IF NECESSARY)

Brian Owens Commissioner of Ga., Board of Corrections)
Warden Sheila Aubre, Deputy Warden of Care and treatment Cherie Price,
Cert team officer Mr. Duncan (Sgt.) Call 3 employed at Baldwin State P. (G.D.O.C)

V. STATEMENT OF CLAIM

10. In the space hereafter provided, and on separate sheets of paper, if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the Court **WHAT** you contend happened to you, **WHEN** the incident(s) you complain about occurred, **WHERE** the incident(s) took place, **HOW** your constitutional rights were violated, and **WHO** violated them. Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

Do not give any legal argument or cite any cases or statutes at this time; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. **KEEP IN MIND THAT RULE 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, AND DIRECT.** If the court needs additional information from you, you will be notified.

STATEMENT OF CLAIM (continued)

Where did the incident you are complaining about occur? That is, at what institution or institutions?

All incidents occurred At Baldwin State Prison

When do you allege this incident took place? July through October (continuous)

What happened? All claims asserted are related to same issue (Religious Practice)

Claim #1: On 9/18/13 plaintiff Bryan K. Sims recieved response to Religious Exemption Profile request from Deputy warden of care & Treatment Cherie Price and warden Sheila Aubre acknowledging they (Baldwin state prison & G.D.O.C.) refuse to recognize the Rastafarian religious practice of the Sacred Dreadlocks and contest that religious hair growth must conform to G.D.O.C. SOP # B01-0011 and ordered that Rastafarian Bryan K. Sims's hair be clipped and chin be shaved, immediately denying defendant to his RLUIPA rights and his protection under the 1st & 14th Ammendments.

Claim # 2: On the morning of 10/1/13 at 7:40 am on prison outside grounds Plaintiff Bryan K. Sims recieved verbal Harassment with use of threat as in "Cut yo hair or I'm a lock yo stupid ass down, the fuck wrong with you, get yo ass beat round here" "Stupid Motrafucka" "I dont give a damn what the fuck yo religion is" etc. from Sgt. Duncan in the presence of his Superior Administrator Mr. Smith (Deputy warden of Security) and Cert team co-worker officer Cooper. Where after Sgt. Duncan profanely continued to — cont.

11. List the name and address of every person you believe was a witness to the incident(s) you complain about. BRIEFLY stating what you believe each person knows from having seen or heard what happened.
(USE ADDITIONAL SHEETS IF NECESSARY)

7/17/13 Cert team officer Cooper and Inmate Brian Williams witnessed verbal harassment, 10/1/13 Cert team officer Cooper & Deputy warden Smith witnessed verbal Harassment - Continued on final page.

12. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any case or statutes.
(USE ADDITIONAL SHEETS IF NECESSARY)

I Bryan K. Sims seek relief requiring G.D.O.C. and Baldwin State Prison to recognize the Rastafarian religious Practice of Bryan K. Sims and specifically provide a religious exemption profile permitting Bryan K. Sims shaved Dreadlocks to grow 3-feet and -cont

13. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under 1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

14. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT. IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE.

If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 8 day of October, 20 13.


(Signature of Plaintiff)

II Exhaustion of Administrative Remedies

(b.c.) continued

- Religious Exemption letter request to Attorney General and G.D.O.C (9/2/13) (copy).
- Met with Counselor to change religious practice on file (6/27/13)
- Met with Baldwin State Chaplain Chawene McElheney to verify religious practice with Baldwin State Prison and file Affidavit with G.D.O.C. Acknowledging religious practice (7/17/13) and again on (9/16/13)
- Religious Exemption request to Warden of Prison Sheila Dubre and Deputy Warden of Care & Treatment Cherie Price for 3 consecutive weeks before conversion on 7/1/13 and Final Request sent on 9/16/13 (copy)
- Appealed grievance as well and was denied on appeals

Statement of Claims (continued)

- Claim 2 - cont.

- instruct plaintiff Bryan K. Sims to cut his hair (hair length did not exceed grooming policy profile). Sgt. Duncan was in immediate knowledge of Plaintiff's Rastafarian Beliefs and practice. Thereby denying plaintiff Bryan K. Sims RLUIPA rights and Constitutional protection of the 1st & 14th amendment along with the enforcement of verbal Harassment.

Claim #3 -

- On 7/17/13 Sims was profanely verbally insulted and harassed by Deputy Warden Mr. Jordan and Cert team officer Sgt. Duncan and was handcuffed and locked in a cage when Sims refused to violate his religious beliefs and shave his chin area. The Harassment & Religiously oppressive statements continued on the walk to the cage in the presence of Cert team officer Cooper and Inmate Brian Williams. In the cage Plaintiff Sims was approached by a one Lt. Farley whom attempted to coerce Sims into violating his religious practice or be deprived of the law library and muscled down and hair and face shaved by force. These situations together violated Civil liberty, RLUIPA rights, and protection

Claim 3 (cont.)

- under Constitutional Amendment 1 & 14

Claim #4

- On a weekly basis Sims is forced to or threatened to place razor upon him face and head and cut his hair under provisions of Board of Corr. Rule 125-.02-.03-.04 grooming policy & G.D.O.C. SOP #B01-0017 grooming policy by numerous prison officials, Administration and staff whom all are in knowledge of Sim's Rastafarian religious practice depriving Sims of his RLUIPA rights and protection under the 1st and 14th amendments.

Claim #5

- A religious exemption profile request was mailed to Commissioner Brian Owens on 9/2/13 and once again on 9/19/13 by Certified Mail in Receipt. Plaintiff continuously received response from representing staff of the G.D.O.C. refusing to provide a religious exemption profile for Rastafarian Bryan K. Sims permitting the growth of plaintiff's religious sacred Dread locks and 1 inch patch from chin, depriving Sims of his civil RLUIPA rights and protection under the 1st and 14th Constitutional Amendments.

(Cont.) # 11

- Quintel Young, Curtis Roundtree, Frank Hawkins, Octavious Goode and Brian Williams (Baldwin State inmates) all witnessed on a weekly basis how plaintiff was disciplined and denied privileges due to religious practice

(All staff identified work for Baldwin State Prison)

- disciplined - locked in cages, handcuffed, harassed.

- denied privileges - not allowed to walk prison camp or go to class unless religious practice was violated.

(Cont.) # 12 prohibit the cutting of specifically the chin area (below the mouth) and exemption from B.O.C. rule #125-.02-.03-.04 grooming policy and SOP #B01-0017 grooming policy and compensate plaintiff Bryan K. Sims with the payment of Court fees for damages done in Mental Anguish from constant verbal Harassment.

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing
Party(ies) to this action with a true and correct copy of the
within and foregoing _____

by placing a copy of same in the United States Mail, with
adequate postage thereon to ensure prompt delivery, and
addressing it to:

This _____ day of _____, 20____.

Pro Se