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Johnstown Division

Mailing Address:

Penn Traffic Building
319 Washington Street
Johnstown, PA 15901

James Graves, Division Supervisor

814-533-4504

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Date: 12/15/2004
Time: 12:20 PM
Page 1 of 1

Clearfield County Court of Common Pleas

User: BILLSHAW

Complete Case History

2004-01649-CD

Jerome Boykin, etal. vs. State Correctional Institution At Houtzdale, etal.

Filed: 10/21/2004

Subtype: Civil Other

Physical File: Y

Appealed: N

Comment:

Register of Actions

10/21/2004	Motion to Proceed InForma Pauperis, Original to C/A (Motion misplaced, sent letter to Plaintiff to resubmit IFP with complaint on 11-16-04)	No Judge,
11/23/2004	Received Second, Application for Leave to Proceed InForma Pauperis, from Plaintiff. Sent IFP to C/A with copy of Complaint.	No Judge,
12/15/2004	ORDER, filed. Cert. copies to Boykin & Richardson at SCI Houtzdale AND NOW, this 14th day of December 2004, ORDER : Court finds that the U.S. District Court for the Third Circuit, Western District is a more appropriate forum for this action and ORDERS: This matter is hereby transferred to the federal court, located in Johnstown. No costs associated with the transfer of this case are to be charged to plaintiffs.	Ammerman, Fredric Joseph

I hereby certify this to be a true and attested copy of the original statement filed in this case.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JEROME BOYKIN,
VERON RICHARDSON.
PLAINTIFFS,
v.
SCI HOUTZDALE, ET. AL.,
DEFENDANTS.

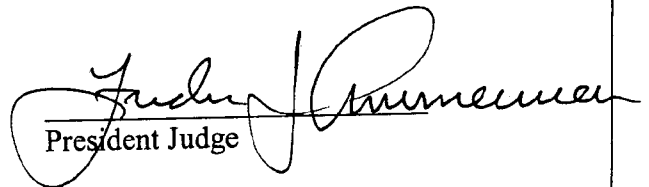
:
:
: No. 04-1649-CD
:
: JURY TRIAL DEMANDED
:
:

ORDER

AND NOW, this 14th day of December 2004 following the Court's review of the filings in this matter, as well as an examination of Amendment I of the United States Constitution, the Court FINDS that the United States District Court for the Third Circuit, Western District is a more appropriate forum for this action and ORDERS as follows:

This matter is HEREBY TRANSFERRED to the federal court for the Third Circuit, Western District, located in Johnstown, Pennsylvania. The Prothonotary is directed to take, or cause to be taken, all necessary steps to effectuate this transfer. No costs associated with the transfer of this case from the Clearfield County Court of Common Pleas are to be charged to plaintiffs.

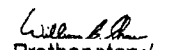
By the Court,


President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 14 2004

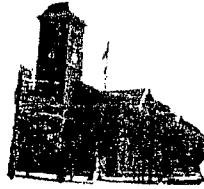
Attest.


Prothonotary/
Clerk of Courts

CLEARFIELD COUNTY
OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

DAVID S. AMMERMAN
SOLICITOR



JACKI KENDRICK
DEPUTY PROTHONOTARY

BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

December 15, 2004

Clerks Office
Third Circuit, Western District
Penn Traffic Building
319 Washington Street
Johnstown, PA

RE: Clearfield County Civil Case 2004-1649-CD

Dear Clerk:

Please find enclosed the case of Jerome Boykin and Vernon Richardson vs. State Correctional Institution at Houtzdale, etal, transferred by the Honorable Fredric J. Ammerman's Court Order of December 14th, 2004. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

WAS/brh
Enclosures

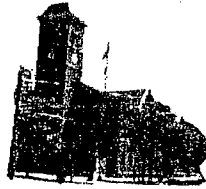
Please acknowledge receipt of this case by returning a signed copy of this letter in the self-addressed stamped envelope. Thank you.

CLEARFIELD COUNTY
OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY

DAVID S. AMMERMAN
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December 15, 2004

Clerks Office
Third Circuit, Western District
Penn Traffic Building
319 Washington Street
Johnstown, PA

RE: Clearfield County Civil Case 2004-1649-CD

Dear Clerk:

Please find enclosed the case of Jerome Boykin and Vernon Richardson vs. State Correctional Institution at Houtzdale, etal, transferred by the Honorable Fredric J. Ammerman's Court Order of December 14th, 2004. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

WAS/brh
Enclosures

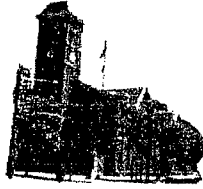
Please acknowledge receipt of this case by returning a signed copy of this letter in the self-addressed stamped envelope. Thank you.

CLEARFIELD COUNTY

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

DAVID S. AMMERMAN
SOLICITOR



JACKI KENDRICK
DEPUTY PROTHONOTARY

BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830
Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

December 15, 2004

Jerome Boykin
EK-2252
SCI Houtzdale
Houtzdale, PA 16698

Vernon Richardson
DQ-6432
SCI Houtzdale
Houtzdale, PA 16698

Re: Case # 2004-1649-CD

Dear Sirs:

Please be advised that the above-captioned action has been transferred to the Third Circuit, Western District, located in Johnstown, Pennsylvania on the 15th day of December 2004, per Court Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Shaw', is written over the typed name.

William A. Shaw
Prothonotary

WAS/brh

CC: Honorable Fredric J. Ammerman, Judge

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

JEROME BOYKIN,ET AL.,	:	CIVIL ACTION 04-1649CD
PLAINTIFFS,	:	JURY TRIAL DEMANDED
VS.	:	RE:ESTABLISHMENT
		CLAUSE
SCI HOUTZDALE,ET AL.,	:	CLASS ACTION-LAW
DEFENDANTS,	:	

ORDER TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER

Upon the supporting affidavit of the plaintiff and the accompanying memorandum of law,it is;

ORDERED that defendants show cause in room_____of the Clearfield County Courthouse,Clearfield,Pennsylvania 16830, on the day of_____,2004,at___o'clock,why a preliminary injunction should not issue,enjoining said defendants,their successors in office,agents and employees and all other persons acting in concern and participation with them,to refrain from with-holding parole recommendation and parole in reprisal to plaintiff's filing of grievances and the filing of the above-captioned action. IT IS FURTHER **ORDERED** that this order to show cause,and all other papers attached to this application,shall be served on defendants by the Clearfield County Sheriff,and the Clearfield County Sheriff is hereby directed to effectuate such service.

BY THE COURT:

J.

Dated:_____

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD
COUNTY

JEROME BOYKIN,ET AL., : CIVIL NO.04-1649 CD
PLAINTIFFS, :
VS. : PLAINTIFF'S DECLARATION
SCI HOUTZDALE,ET AL., : IN SUPPORT OF PRELIMINARY
DEFENDANTS, : INJUNCTION
:

DECLARATION IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

JEROME BOYKIN(PLAINTIFF),declares under the penalty of perjury provided by 18 Pa.CS.4904 that;

- 1.That I am the plaintiff in this case.I make this declaration in support of my motion for a temporary restraining oredere and a preliminary injunction to ensure that I receive a parole determination free from reprisal for having filed the above-captioned action in addition to grievances.
- 2.As set forth in the Complaint in this case,the defendants retaliated against members of this class action at numerous times which also illustrated the defendants'propensity for reprisal.
- 3.That I am scheduled for parole review in January 2005.
- 4.That prior to the defendants' knowledge of the above captioned action coupled with the filing of several grievances by plaintiff,that plaintiff(Boykin),received favorable parole recommendation from Unit Manager(Garman),and plaintiff's counselor(Rice),and from regular assigned block officials.
- 5.That after defendants and all other persons acting in concern and participation with them became knowledgeable of plaintiff's litigation activity and grievances,plaintiff then received an unfavorable parole recommendation.
- 6.That plaintiff's counselor(Rice),refused repeatedly to provide basis for nonfavorable parole recommendation in response to plaintiff's several inquiries.
- 7.That plaintiff's counselor(Rice),impermissibly disposed of plaintiff's original home-plan document via saying"that he never received document from the plaintiff".

8. That the plaintiff will suffer irreparable damages/harm if the defendants or all other persons acting in concern and participation with them are allowed to retaliate against plaintiff's parole process.
9. For the reasons set forth in the memorandum of law filed with this motion, the plaintiff is entitled to a temporary restraining order and to a preliminary injunction precluding the defendants from impermissible interference in plaintiff's parole process.
10. For the foregoing reasons, the court should grant the plaintiff's motion in all respects.

Pursuant to 18 Pa.C.S.4904, I declare under the penalty of perjury that the foregoing is true and correct.

Supreme D. Dwyer /Plaintiff/Affiant,

November 24, 2004
Date

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

JEROME BOYKIN,ET AL.,	:	CIVIL NO.04-1649-CD
PLAINTIFFS,	:	JURY TRIAL DEMANDED
VS.	:	RE:ESTABLISHMENT CLAUSE
SCI HOUTZDALE,ET AL.,	:	CLASS ACTION-LAW
DEFENDANTS	:	

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
TRO AND PRELIMINARY INJUNCTION

Statement of the case:

This is a civil action rights action by state prisoners who in the past and are presently being denied their First Amendment Rights, and their rights under the Establishment Clause in addition to their rights to be free from acts of reprisals for having filed grievance, etc.. The plaintiff (Boykin), seeks a TRO and preliminary injunction to ensure non-interference in his parole process.

Statement of facts:

As stated in the declaration submitted with this motion, the plaintiff previously received a favorable recommendation for parole from his counselor (Rice), Unit Manager (Garman) and regular assigned block officials and, afterwards, received negative parole recommendation after defendants or all other persons acting in concern and participation with defendants, became aware of plaintiff's submission of grievances and the filing of the above-captioned action.

ARGUMENT

THE PLAINTIFF IS ENTITLED TO A TEMPORARY RESTRAINING ORDER AND A
PRELIMINARY INJUNCTION

In determining whether a party is entitled to a TRO or a preliminary injunction, courts generally consider several factors; whether the party will suffer irreparable injury, the balance of hardships between the parties, the likelihood of success on the merits, and the public interest. Each of these favors the grant of this motion.

A. THE PLAINTIFF IS THREATENED WITH IRREPARABLE INJURY:

The plaintiff alleges that prison officials are interfering with his parole process based upon his filing of grievances and filing of the above captioned action. Such conduct by prison officials is a clear violation. "Because the Constitution protects an inmates's access to the courts, prison officials may not retaliate against those who seek redress or obtain such access- whether the retaliation takes the form of withholding property or privileges does not matter. Rizzo v. Dawson, 778 F.2d 527, 531 32(9th Cir.1985); McDaniel v. Rhodes, 512 F.Supp.117, 120(S.D. Ohio 1981)(threats of adverse parole action); Inmates of Nebraska Penal and Correctional Complex v. Greenholtz, 436 F. Supp.432, 437(D.Neb.1976)(refusal of parole consideration).

As a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. Elrod v. Burns, 427 U.S. 347, 373, 96 S.Ct.2673(1976). This principle has been applied in prison litigation generally, see Newson v. Norris, 888 F2d 371, 378(6th Cir. 1989).

B. THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFF:

In deciding whether to grant TRO's and preliminary injunctions, courts ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. See, e.g., Mitchell v. Cuomo, 748 F2d 804, 808(2nd Cir.1984)(holding that prisoner's interest in safety outweighed state's financial and administrative concerns. In this case, the "suffering" the defendants will experience if allowed to interfere impermissibly in plaintiff's parole process is a violation of the Constitution.

C. THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS:

The plaintiff has a great likelihood of success on the merits. What defendants have done...intentionally interfering with the Establishment Clause and violating the First Amendment Right to the U.S. Constitution was emphatically singled out by the Supreme Court of the United States as a fundamental constitutional violation. U.S. Const., Amend. I.

D. THE RELIEF SOUGHT WILL SERVE PUBLIC INTEREST:

In this case the grant of relief will serve public interest because it is always in the public interest for prison officials to obey the law. Duran v. Anaya, 642 F.Supp.510, 527(D.N.M.1986) ("respect for the law, particularly by officials responsible for the administration of the state's correctional system, is in itself a matter of the HIGHEST public interest).

WHEREFORE, for the foregoing reasons, the court should grant the motion in its entirety.

11-24-04
Date:

BY: Sergio J. Dwyer
PLAINTIFF

CERTIFICATE OF SERVICE

I, Jerome Boykin, plaintiff, hereby certify that I have caused to be mailed a true and correct copy of the foregoing "Motion for Order To Show Cause And Temporary Restraining Order" on this 24th day of November 2004, via first class mail and personal delivery as follows;

NASR ELSAID,
ET AL., DEFENDANTS
P.O. BOX 1000
HOUTZDALE, PENNSYLVANIA, 16698-1000

WILLIAM A. SHAW/PROTHONOTARY
and CLERK OF COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA, 16830

COURT ADMINISTRATOR/DAVID S. MEHOLICK
CLEARFIELD COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

BY: Jerome Boykin

JEROME BOYKIN,EK.2253,	:	IN THE COURT OF COMMON PLEAS
VERNON RICHARDSON,DQ.6432,	:	FOR CLEARFIELD COUNTY
CLASS ACTION,	:	CIVIL DIVISION
PLAINTIFFS,	:	RE:RELIGIOUS ESTABLISHMENT
	:	CLAUSE
VS.		
STATE CORRECTIONAL INSTITUTION	:	CLASS ACTION:
AT HOUTZDALE,	:	JURY TRIAL DEMANDED
MUSLIM CHAPLAIN,NASR ELSAID,	:	
FRANK HARTNETT,	:	
DEFENDANTS,	:	

RULE TO SHOW CAUSE

AND NOW,this _____ day of _____,
upon consideration of the foregoing Complaint,it is hereby
ordered that

- 1)a rule be issued upon the Defendants to show cause why the
Plaintiffs are not entitled to the relief requested.
- 2)the Defendants shall file an answer to the complaint
within twenty(20)days of service upon the defendants.

BY THE COURT:

J.

JEROME BOYKIN,EK2253,
VERNON RICHARDSON,DQ-6432,
CLASS ACTION,

PLAINTIFFS,

VS.

STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN,NASR ELSAID,
FRANK HARTNETT,
DEFENDANTS,

: IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY

: CIVIL DIVISION

: CLASS ACTION:

: RE:RELIGIOUS ESTABLISHMENT
CLAUSE

: JURY TRIAL DEMANDED

:

:

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE COMPLAINT/THE FOLLOWING PAGES, YOU MUST TAKE ACTION IN /WITHIN TWENTY(20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR OFFENCES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTER AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU GET LEGAL HELP.

LEGAL SERVICE OFFICE
KEYSTONE LEGAL SERVICE
211 1/2 E. LOCUST STREET
CLEARFIELD, PA. 16830
Telephone No. (800) 326-9177

JEROME BOYKIN,EK-2253
VERNON RICHARDSON,DQ-6432,
PLAINTIFFS,

IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY
CIVIL DIVISION

VS.
STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN NASR ELSAID,
FRANK HARTNETT,ET.,AL.,

CLASS ACTION:
RE:RELIGIOUS ESTABLISHMENT
CLAUSE
JURY TRIAL DEMANDED

COMPLAINT

- 1.Plaintiff is Jerome Boykin,who currently resides at the State Correctional Institution at Houtzdale,Houtzdale,Pa. 16698,since 09-13-2004,
- 2.Vernon Richardson,who currently resides at SCI Houtzdale, Houtzdale,Pa.16698.
- 3.Defendant,Nasr elsaid,who currently is employ as Muslim Chaplain,at S.C.I.Houtzdale,
- 4.Defendant,Frank Hartnett,who currently is employ as grievance counslor,at S.C.I.Houtzdale,

ARGUMENT

- 1)Defendant,Nasr elsaid,is an advocate of a extremist deviant Islaamic group named(Qutbism/Tabligi Jama'ah)whose methodology have given birth to Islaamic fanaticism and terrorism through-out the world,
- 2)The majority approximately 95% ninetyfive percent of the Muslims housed at S.C.I.Houtzdale,are followers of Ahlul/ Sunnat/Salaf Salih,whose methodology is based faithfully upon the way and path of Prophet Muhammad,and his companions and the following two pious generation of Muslims. See exhibit"A"for Class Certification and Statement of Verification.
- 3)Nasr(deviant fanatical Muslim)has been employed by S.C.I. Houtzdale,as MUSLIM Chaplain for several years,and within

the years of his employment he has perpetrated the following numbered violations;

- 1) Periodically throughout the years, Nasr elsaid has abused and exploited Friday Muslim services to attack and humiliate the beliefs, methodology and qualities of the Muslims who are advocates of Salaf Salih, which comprises majority of the Muslim Community at S.C.I. Houtzdale,
- 2) Throughout the years of his employment Nasr elsaid, has exploited his official status (state employee at SCI Houtzdale) via retaliation against Muslims who sought redress and grieved Nasr's deviant oppression and spiritually pernicious methodology. The reprisals consisted of and are not limited to the following:
 - a) Disciplinary actions in reprisal and circumvention of Muslims' grievances,
 - b) He has been conducive to vindictive transfers of Muslims who grieved his deviant and extreme practices,
 - c) Precludement and rejection on Muslims from group and individual religious duty in reprisal to grievances,

d) Malicious and retaliatorial exploitation of religious activities to humiliate and degrade the Muslim advocates of as Salaf Salih, and many more un-number reprisals.

4) That the Plaintiffs have numerous civil rights which preserves and protect the right of the people in their belief and access to spiritual leader of their belief and, one who is non-fanatical, especially in light of the fact that the majority of Muslims housed at S.C.I. Houtzdale are advocates of true Islaamic methodology which is despise and hated by the methodology advocated by the Fanatical group supported by Nasr, particularly named (Ihwaani Muslimun).

5) The Plaintiffs seek Class Certification and trial by jury.

6) The Plaintiffs move the Court to grant a (TRO) temporary restraining Order against the defendants prohibiting reprisal.

7) Predicated on Plaintiffs Boykin, insignificant access to Prison Law Library, the Plaintiffs move the Court to consider liberally the Pro-Se Complaint. Plaintiffs' preserve the right to amend Complaint with other defendants upon discovery.

8)

Relief

Wherefore, The Plaintiffs seek Compensatory and Punitive damages in addition to whatever other relief granted.

By: Jerome Doukin, Plaintiff

By: Vernon Richardson,
Plaintiff

Certificate of Service

I, Jerome Doukin, Plaintiff, hereby certify that I have caused to be deliver and mail by first class on this 16th day of October 2004, a true and correct copy of "Plaintiffs' Complaint" as follows:

Nasr Elsaid,
P.O. Box 1000
Houtzdale, Pa. 16698-1000

David S. Meholick,
Court Administrator
Clearfield County Court House
Clearfield, Pa. 16830

Frank Hartnett
P.O. Box 1000
Houtzdale, Pa. 16698-1000

Daykin vs. Nasr Elbaid

Verified Statement/Class Certification

Pursuant to the penalty of perjury:

- 1, Jerome Daykin, Plaintiff, verify that the allegations established in the Complaint are true and based on my knowledge,
2. That approximately one to two (2) hundred Muslims housed at Houtzdale Correctional Institution, aspire eagerly to join in this Complaint as a plaintiff seeking to liberate their beliefs from fanaticism.
3. That the defendant Nasr is a strong advocater of Ikhwaani Muslimoun, an extremist group responsible for worldwide terrorism.
4. I Jerome Daykin Plaintiff, verify that the statements herein are true and correct to the best of my knowledge,

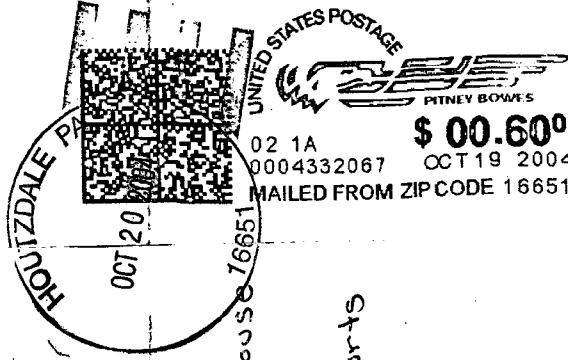
Jerome Daykin, EK 2253
Affiant

October 16, 2004

Exhibit "A"

NAME Jerome Deykin
NUMBER EX 2253
P.O. BOX 1000
HOUTZDALE PA 16698-1000

Clearfield County Courthouse
% William Shaw
Prothonotary Clerk of Courts
P.O. Box 549
Clearfield, PA. 16830



Inmate Mail
PA Department of Corrections
16830+0343 03

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

JEROME BOYKIN, ET AL.,

PLAINTIFFS,

VS.

SCI HOUTZDALE, ET AL.,

DEFENDANTS,

CIVIL ACTION 04-1649CD

JURY TRIAL DEMANDED

RE: ESTABLISHMENT
CLAUSE

CLASS ACTION-LAW

ORDER TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER

Upon the supporting affidavit of the plaintiff and the accompanying memorandum of law, it is;

ORDERED that defendants show cause in room _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830, on the day of _____, 2004, at ____ o'clock, why a preliminary injunction should not issue, enjoining said defendants, their successors in office, agents and employees and all other persons acting in concern and participation with them, to refrain from with-holding parole recommendation and parole in reprisal to plaintiff's filing of grievances and the filing of the above-captioned action. IT IS FURTHER **ORDERED** that this order to show cause, and all other papers attached to this application, shall be served on defendants by the Clearfield County Sheriff, and the Clearfield County Sheriff is hereby directed to effectuate such service.

BY THE COURT:

J.

Dated: _____

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD
COUNTY

JEROME BOYKIN,ET AL., : CIVIL NO.04-1649 CD
PLAINTIFFS,
VS. : PLAINTIFF'S DECLARATION
IN SUPPORT OF PRELIMINARY
INJUNCTION
SCI HOUTZDALE,ET AL.,
DEFENDANTS, :

DECLARATION IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

JEROME BOYKIN(PLAINTIFF),declares under the penalty of perjury provided by 18 Pa.CS.4904 that;

- 1.That I am the plaintiff in this case.I make this declaration in support of my motion for a temporary restraining order and a preliminary injunction to ensure that I receive a parole determination free from reprisal for having filed the above-captioned action in addition to grievances.
- 2.As set forth in the Complaint in this case,the defendants retaliated against members of this class action at numerous times which also illustrated the defendants'propensity for reprisal.
- 3.That I am scheduled for parole review in January 2005.
- 4.That prior to the defendants' knowledge of the above captioned action coupled with the filing of several grievances by plaintiff,that plaintiff(Boykin),received favorable parole recommendation from Unit Manager(Garman),and plaintiff's counselor(Rice),and from regular assigned block officials.
- 5.That after defendants and all other persons acting in concern and participation with them became knowledgeable of plaintiff's litigation activity and grievances,plaintiff then received an unfavorable parole recommendation.
- 6.That plaintiff's counselor(Rice),refused repeatedly to provide basis for nonfavorable parole recommendation in response to plaintiff's several inquiries.
- 7.That plaintiff's counselor(Rice),impermissibly disposed of plaintiff's original home-plan document via saying"that he never received document from the plaintiff".

8. That the plaintiff will suffer irreparable damages/harm if the defendants or all other persons acting in concern and participation with them are allowed to retaliate against plaintiff's parole process.

9. For the reasons set forth in the memorandum of law filed with this motion, the plaintiff is entitled to a temporary restraining order and to a preliminary injunction precluding the defendants from impermissible interference in plaintiff's parole process.

10. For the foregoing reasons, the court should grant the plaintiff's motion in all respects.

Pursuant to 18 Pa.C.S.4904, I declare under the penalty of perjury that the foregoing is true and correct.

 /Plaintiff/Affiant,

November 24, 2004
Date

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

JEROME BOYKIN,ET AL.,	:	CIVIL NO.04-1649-CD
PLAINTIFFS,	:	JURY TRIAL DEMANDED
VS.	:	RE:ESTABLISHMENT CLAUSE
SCI HOUTZDALE,ET AL.,	:	CLASS ACTION-LAW
DEFENDANTS	:	

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
TRO AND PRELIMINARY INJUNCTION

Statement of the case:

This is a civil action rights action by state prisoners who in the past and are presently being denied their First Amendment Rights, and their rights under the Establishment Clause in addition to their rights to be free from acts of reprisals for having filed grievance, etc.. The plaintiff (Boykin), seeks a TRO and preliminary injunction to ensure non-interference in his parole process.

Statement of facts:

As stated in the declaration submitted with this motion, the plaintiff previously received a favorable recommendation for parole from his counselor (Rice), Unit Manager (Garman) and regular assigned block officials and, afterwards, received negative parole recommendation after defendants or all other persons acting in concern and participation with defendants, became aware of plaintiff's submission of grievances and the filing of the above-captioned action.

ARGUMENT

THE PLAINTIFF IS ENTITLED TO A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION

In determining whether a party is entitled to a TRO or a preliminary injunction, courts generally consider several factors; whether the party will suffer irreparable injury, the balance of hardships between the parties, the likelihood of success on the merits, and the public interest. Each of these favors the grant of this motion.

A. THE PLAINTIFF IS THREATENED WITH IRREPARABLE INJURY:

The plaintiff alleges that prison officials are interfering with his parole process based upon his filing of grievances and filing of the above captioned action. Such conduct by prison officials is a clear violation. "Because the Constitution protects an inmates's access to the courts, prison officials may not retaliate against those who seek redress or obtain such access--whether the retaliation takes the form of withholding property or privileges does not matter. Rizzo v. Dawson, 778 F.2d 527, 531 32(9th Cir.1985); McDaniel v. Rhodes, 512 F.Supp.117, 120(S.D. Ohio 1981)(threats of adverse parole action); Inmates of Nebraska Penal and Correctional Complex v. Greenholtz, 436 F. Supp.432, 437(D.Neb.1976)(refusal of parole consideration).

As a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. Elrod v. Burns, 427 U.S. 347, 373, 96 S.Ct.2673(1976). This principle has been applied in prison litigation generally, see Newson v. Norris, 888 F2d 371, 378(6th Cir. 1989).

B. THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFF:

In deciding whether to grant TRO's and preliminary injunctions, courts ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. See, e.g., Mitchell v. Cuomo, 748 F2d 804, 808(2nd Cir.1984)(holding that prisoner's interest in safety outweighed state's financial and administrative concerns. In this case, the "suffering" the defendants will experience if allowed to interfere impermissibly in plaintiff's parole process is a violation of the Constitution.

C. THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS:

The plaintiff has a great likelihood of success on the merits. What defendants have done...intentionally interfering with the Establishment Clause and violating the First Amendment Right to the U.S. Constitution was emphatically singled out by the Supreme Court of the United States as a fundamental unconstitutional violation. U.S. Const., Amend. I.

D. THE RELIEF SOUGHT WILL SERVE PUBLIC INTEREST:

In this case the grant of relief will serve public interest because it is always in the public interest for prison officials to obey the law. Duran v. Anaya, 642 F.Supp.510, 527(D.N.M.1986) ("respect for the law, particularly by officials responsible for the administration of the state's correctional system, is in itself a matter of the HIGHEST public interest").

WHEREFORE, for the foregoing reasons, the court should grant the motion in its entirety.

11-24-84
Date;

BY: Sereno J. Dwyer
PLAINTIFF

CERTIFICATE OF SERVICE

I, Jerome Boykin, plaintiff, hereby certify that I have caused to be mailed a true and correct copy of the foregoing "Motion for Order To Show Cause And Temporary Restraining Order" on this 24th day of November 2004, via first class mail and personal delivery as follows;

NASR ELSAID,
ET AL., DEFENDANTS
P.O. BOX 1000
HOUTZDALE, PENNSYLVANIA, 16698-1000

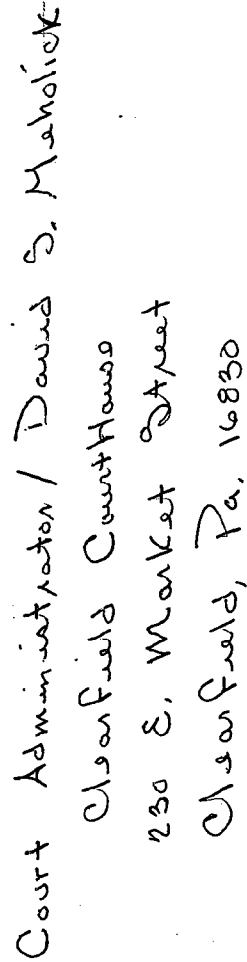
WILLIAM A. SHAW/PROTHONOTARY
and CLERK OF COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA, 16830

COURT ADMINISTRATOR/DAVID S. MEHOLICK
CLEARFIELD COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

BY: Jerome Boykin

100

**PA Dept of Corrections
Inmate Mail**



15230+2444

Jerome Boykin, EK 2253
P.O. Box 1000
Houtzdale, Pa. 16698-1000

December 8, 2004

In Re: 04-1649-CD

Jerome Boykin, et al., vs. SCI Houtzdale, et al.,

Dear President Judge Ammerman,

On 10-16-04 the above captioned plaintiffs filed a class action civil complaint. And on 12-02-04 plaintiffs' filed "motion for class certification" which was returned on 12-06-04 with a note asking "that we refile after Informa Pauperis motion is ruled on." We have concerns, 1) The unusual slow or no judicial process toward our complaint and, 2) The return of our "motion for class certification". Please advise us on these matters,

Truly,
Jerome Boykin

cc:

NAME Jerome Boykin
NUMBER 84 2253
P.O. BOX 1000
HOUTZDALE PA 16698-1000

PA Dept of Corrections
Inmate Mail

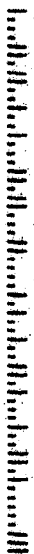


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President Judge Ammerman
Clearfield County Courthouse
Clearfield, Pa. 16830
P.O. Box 549

Inmate Mail
PA Department of Corrections

16830/0549



Jerome Boykin - EK 2253,

Vernon Richardson,

Class Action,

Plaintiffs,

vs.

State Correctional Institution
at Houtzdale,

Nasr Elsaid,

Frank Hartnett,

Defendants

Court of Common Pleas
of Clearfield County

Civil Division

Civil Action Law

(Class Action)

Re: Establishment Clause

04-1649-4

*Original
Copy to CA*

Motion To Proceed Informa Pauperis

And Now Comes the Plaintiff Jerome Boykin, by and through
Pro. Se representation and avers;

- 1). Plaintiff lacks the wherewithal to pay cost and fees associated with this action above named caption.
- 2) That the above captioned action is not frivolous and is based upon substantial meritorious argument,
- 3). That the Plaintiff has no income or source and, is currently un-employed.
- 4) That the Plaintiff has no checking, savings account,
- 5) That the Plaintiff does not own bonds, stocks, home,

Jerome Boykin - EK 2253
P.O. Box 1000
Houtzdale, Pa. 16698-1000

11-2-04
ORIGINAL TO
CIA

10-29-04

Re: Jerome Boykin vs. Nasr Elsaid,
Civil Class Action

04-1649-C

Mr. William Shaw

What is the status of our Complaint
in the above-captioned?

Would you please acknowledge receipt
and acquaint me with the status.

Appreciate it!

Jerome Boykin

cc. Vernon Richardson

November 16, 2004

Jerome Boykin
EK 2253
SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

In Re: 04-1649-CD
Jerome Boykin, et al vs. SCI Houtzdale, et al

Dear Mr. Boykin:

I am in receipt of your letter regarding the status of your complaint. Could you please re-submit your application for In Forma Pauperis status, along with the complaint you wish to file.

Your original Motion to Proceed In Forma Pauperis was somehow misplaced when forwarded to the Court Administrator's office. I apologize for any inconvenience.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Jerome Boykin - EK 2253
P.O. Box 1000
Houtzdale, Pa. 16698-1000

10-29-04

Re: Jerome Boykin vs. Nasr Elsaid,
Civil Class Action

04-1649-C

Mr. William Shaw:

What is the status of our Complaint
in the above-captioned?

Would you please acknowledge receipt
and acquaint me with the status.

Appreciate it!

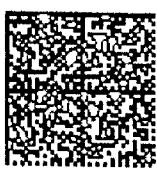
Jerome Boykin

cc. Vernon Richardson

NAME John L. Robinson
NUMBER FT-0217
P.O. BOX 1000
HOUTZDALE PA 16698-1000

Inmate Mail
PA Department of Corrections

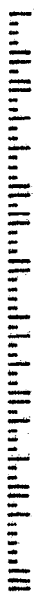
PA Dept of Corrections
Inmate Mail



UNITED STATES POSTAGE
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William Shaul
Prisoners / Clerk of Court
P.O. Box 549
Cheney, Pa. 16830

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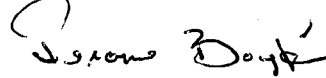
JEROME BOYKIN, EK2253
P.O. BOX 1000
SCI HOUTZDALE
HOUTZDALE, PA. 16698

RE: JEROME BOYKIN, VS. SCI HOUTZDALE ET AL., 04-1649-CD.
TO: WILLIAM A. SHAW/PROTHONOTARY

November 19, 2004

As per your request, please find included another copy of
plaintiff's "Request To Proceed IFP and Plaintiffs' Class
Action Complaint".

Verily,

Handwritten signature of Jerome Boykin in cursive script.

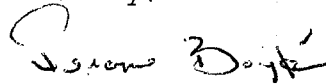
JEROME BOYKIN, EK2253
P.O. BOX 1000
SCI HOUTZDALE
HOUTZDALE, PA. 16698

RE: JEROME BOYKIN, VS. SCI HOUTZDALE ET AL., 04-1649-CD
TO: WILLIAM A. SHAW/PROTHONOTARY

November 19, 2004

As per your request, please find included another copy of
plaintiff's "Request To Proceed IFP and Plaintiffs' Class
Action Complaint".

Verily,

Handwritten signature of Jerome Boykin in cursive script.

JEROME BOYKIN,EK2253,
VERNON RICHARDSON,DQ-6432,
CLASS ACTION,

PLAINTIFFS,

VS.

STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN,NASR ELSAID,
FRANK HARTNETT,
DEFENDANTS,

: IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY

: CIVIL DIVISION

: CLASS ACTION:

: RE:RELIGIOUS ESTABLISHMENT
CLAUSE

: JURY TRIAL DEMANDED

:

:

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE COMPLAINT/THE FOLLOWING PAGES, YOU MUST TAKE ACTION IN /WITHIN TWENTY(20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR OFFENCES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTER AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU GET LEGAL HELP.

LEGAL SERVICE OFFICE
KEYSTONE LEGAL SERVICE
211 1/2 E. LOCUST STREET
CLEARFIELD, PA. 16830
Telephone No. (800) 326-9177

IN THE COURT OF COMMON PLEAS FOR
CLEARFIELD COUNTY

JEROME BOYKIN,
VERNON RICHARDSON,

PLAINTIFFS,

VS.

SCI HOUTZDALE, ET AL.,
DEFENDANTS,

:
CIVIL ACTION IN LAW
RE: RELIGIOUS ESTABLISH-
MENT CLAUSE
:
CLASS ACTION
JURY TRIAL DEMANDED
No. 04-1649-CD
:
:
:

APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Pursuant to Pa. Rules of Civil Procedure, Plaintiff request
this Honorable Court for leave to proceed in forma pauperis.

As certified in the accompanying Verified Statement, Plaintiff
is unable to retain counsel or to pay the costs of this
proceeding.

Jerome Boykin
Signature

11-19-04
Date

Jerome Boykin
Pro-Se

JEROME BOYKIN, EK-2253
VERNON RICHARDSON, DQ-6432,
PLAINTIFFS,

:

IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY

CIVIL DIVISION

:

VS.

STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN NASR ELSAID,
FRANK HARTNETT, ET., AL.,

:

CLASS ACTION:
RE: RELIGIOUS ESTABLISHMENT
CLAUSE

JURY TRIAL DEMANDED

:

:

COMPLAINT

1. Plaintiff is Jerome Boykin, who currently resides at the State Correctional Institution at Houtzdale, Houtzdale, Pa. 16698, since 09-13-2004,
2. Vernon Richardson, who currently resides at SCI Houtzdale, Houtzdale, Pa. 16698.
3. Defendant, Nasr elsaid, who currently is employ as Muslim Chaplain, at S.C.I. Houtzdale,
4. Defendant, Frank Hartnett, who currently is employ as grievance counslor, at S.C.I. Houtzdale,

ARGUMENT

- 1) Defendant, Nasr elsaid, is an advocate of a extremist deviant Islaamic group named (Qutbism/Tabligi Jama'ah) whose methodology have given birth to Islaamic fanaticism and terrorism through-out the world,
- 2) The majority approximately 95% ninetyfive percent of the Muslims housed at S.C.I. Houtzdale, are followers of Ahlul/Sunnat/Salaf Salih, whose methodology is based faithfully upon the way and path of Prophet Muhammad, and his companions and the following two pious generation of Muslims. See exhibit "A" for Class Certification and Statement of Verification.
- 3) Nasr (deviant fanatical Muslim) has been employed by S.C.I. Houtzdale, as MUSLIM Chaplain for several years, and within

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

JEROME BOYKIN, ET AL., : CIVIL ACTION 04-1649CD
PLAINTIFFS, : JURY TRIAL DEMANDED
VS. : RE: ESTABLISHMENT
SCI HOUTZDALE, ET AL., : CLAUSE
DEFENDANTS, : CLASS ACTION-LAW
:

ORDER TO SHOW CAUSE AND TEMPORARY
RESTRAINING ORDER

Upon the supporting affidavit of the plaintiff and the
accompanying memorandum of law, it is;

ORDERED that defendants show cause in room _____ of
the Clearfield County Courthouse, Clearfield, Pennsylvania 16830,
on the day of _____, 2004, at _____ o'clock, why a
preliminary injunction should not issue, enjoining said
defendants, their successors in office, agents and employees
and all other persons acting in concern and participation
with them, to refrain from withholding parole recommendation
and parole in reprisal to plaintiff's filing of grievances
and the filing of the above-captioned action. IT IS FURTHER
ORDERED that this order to show cause, and all other papers
attached to this application, shall be served on defendants
by the Clearfield County Sheriff, and the Clearfield County
Sheriff is hereby directed to effectuate such service.

DAVE

11-29-04

ATTACH# TO

RT:

I.F.P. +

J.

COMPLAINT

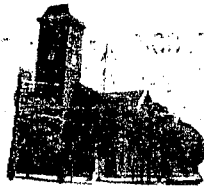
THIS IS NOT FILED IN, WAITING
ON STATUS OF I.F.P.

CLEARFIELD COUNTY

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW
PROTHONOTARY/
CLERK OF COURTS

DAVID S. AMMERMAN
SOLICITOR



JACKI KENDRICK
DEPUTY PROTHONOTARY

BONNIE HUDSON
ADMINISTRATIVE ASSISTANT

P.O. Box 549, Clearfield, PA 16830

Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659

December 15, 2004

Clerks Office
Third Circuit, Western District
Penn Traffic Building
319 Washington Street
Johnstown, PA

RE: Clearfield County Civil Case 2004-1649-CD

Dear Clerk:

Please find enclosed the case of Jerome Boykin and Vernon Richardson vs. State Correctional Institution at Houtzdale, etal, transferred by the Honorable Fredric J. Ammerman's Court Order of December 14th, 2004. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

WAS/brh
Enclosures

FILED

m/10-390
DEC 17 2004

Please acknowledge receipt of this case by returning a signed copy of this letter in the self-addressed stamped envelope. Thank you.

William A. Shaw
Prothonotary/Clerk of Courts

Our Case No: 3:04-cv-309

FILED

DEC 17 2004

William A. §
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS FOR
CLEARFIELD COUNTY

JEROME BOYKIN,
VERNON RICHARDSON,

PLAINTIFFS,

VS.

SCI HOUTZDALE, ET AL.,
DEFENDANTS,

CIVIL ACTION IN LAW
RE: RELIGIOUS ESTABLISH-
MENT CLAUSE
CLASS ACTION
JURY TRIAL DEMANDED
No. 04-1649-CD

APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

Pursuant to Pa. Rules of Civil Procedure, Plaintiff request
this Honorable Court for leave to proceed in forma pauperis.

As certified in the accompanying Verified Statement, Plaintiff
is unable to retain counsel or to pay the costs of this
proceeding.

Jerome Boykin
Signature

11-19-04
Date

Jerome Boykin
Pro-Se

FILED

NOV 23 2004

William A. Shaw
Prothonotary

2 NO Filing

IN THE COURT OF COMMON PLEAS FOR
CLEARFIELD COUNTY

JEROME BOYKIN,
VERNON RICHARDSON,

PLAINTIFFS,

VS.

SCI HOUTZDALE, ET AL.,
NASR ELSAID,

DEFENDANTS,

CIVIL ACTION-LAW
RE:RELIGIOUS ESTABLISH-
MENT CLAUSE

CLASS ACTION
JURY TRIAL DEMANDED

No.04-1649-CD

IFP VERIFIED STATEMENT

Jerome Boykin, Plaintiff in the above captioned matter, states under the penalty provided by 18 Pa.C.S. §4904 that;

Because of my financial condition I am unable to pay the following fees and costs;

1. retention of counsel,
2. cost of reproducing transcripts and records; and
3. other fees and costs associated with this application for the above-captioned action.

The following statements relating to my ability to pay the fees and costs of prosecuting this action are true and correct to the best of my knowledge and belief.

1. I am not presently employed.
2. I have received no other income within the past twelve months except; \$13.00 dollars,
3. I have no cash or savings account nor do I own any real estate, stocks, bonds, notes, automobiles or other valuable property.
4. I have approximately \$13.00 dollars in my prison account.
5. I have the following debts and obligations; None.
6. The following persons are dependant upon me for support; None.

I understand that a false statement or answer to any questions in this verified statement will subject me to the penalties provided by law.

Jerome Boykin
Signature

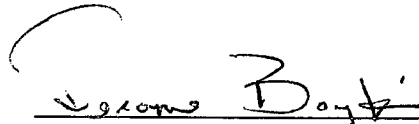
11-19-04
Date

CERTIFICATE OF SERVICE

I, Jerome Boykin, hereby certify that I caused to be mailed a true and correct copy of the foregoing "Plaintiff's Application To Proceed In Forma Pauperis" via first class mail on this 19th day of November 2004, as follows ;

WILLIAM A. SHAW
PROTHONOTARY
P.O. BOX 549
CLEARFIELD, PA. 16830

NASR ELSAID, FRANK HARTNETT,
P.O. BOX 1000
HOUTZDALE, PA. 16698-1000



Signature/Pro-Se

JEROME BOYKIN,EK.2253,	:	IN THE COURT OF COMMON PLEAS
VERNON RICHARDSON,DQ.6432,	:	FOR CLEARFIELD COUNTY
CLASS ACTION,	:	CIVIL DIVISION
PLAINTIFFS,	:	RE:RELIGIOUS ESTABLISHMENT
VS.	:	CLAUSE
STATE CORRECTIONAL INSTITUTION	:	CLASS ACTION:
AT HOUTZDALE,	:	JURY TRIAL DEMANDED
MUSLIM CHAPLAIN,NASR ELSAID,	:	
FRANK HARTNETT,	:	
DEFENDANTS,	:	

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____,
upon consideration of the foregoing Complaint, it is hereby
ordered that

- 1) a rule be issued upon the Defendants to show cause why the
Plaintiffs are not entitled to the relief requested.
- 2) the Defendants shall file an answer to the complaint
within twenty(20) days of service upon the defendants.

BY THE COURT:

_____ J.

JEROME BOYKIN,EK2253,
VERNON RICHARDSON,DQ-6432,
CLASS ACTION,

PLAINTIFFS,

VS.

STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN,NASR ELSAID,
FRANK HARTNETT,
DEFENDANTS,

IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY

CIVIL DIVISION

CLASS ACTION:

RE:RELIGIOUS ESTABLISHMENT
CLAUSE

JURY TRIAL DEMANDED

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE COMPLAINT/THE FOLLOWING PAGES, YOU MUST TAKE ACTION IN /WITHIN TWENTY(20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR OFFENCES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTER AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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LEGAL SERVICE OFFICE
KEYSTONE LEGAL SERVICE
211 1/2 E. LOCUST STREET
CLEARFIELD, PA. 16830
Telephone No. (800) 326-9177

JEROME BOYKIN, EK-2253
VERNON RICHARDSON, DQ-6432,
PLAINTIFFS,

VS.

STATE CORRECTIONAL INSTITUTION
AT HOUTZDALE,
MUSLIM CHAPLAIN NASR ELSAID,
FRANK HARTNETT, ET., AL.,

IN THE COURT OF COMMON PLEAS
FOR CLEARFIELD COUNTY
CIVIL DIVISION

CLASS ACTION:
RE: RELIGIOUS ESTABLISHMENT
CLAUSE

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff is Jerome Boykin, who currently resides at the State Correctional Institution at Houtzdale, Houtzdale, Pa. 16698, since 09-13-2004,
2. Vernon Richardson, who currently resides at SCI Houtzdale, Houtzdale, Pa. 16698.
3. Defendant, Nasr elsaid, who currently is employ as Muslim Chaplain, at S.C.I. Houtzdale,
4. Defendant, Frank Hartnett, who currently is employ as grievance counslor, at S.C.I. Houtzdale,

ARGUMENT

- 1) Defendant, Nasr elsaid, is an advocate of a extremist deviant Islaamic group named (Qutbism/Tabligi Jama'ah) whose methodology have given birth to Islaamic fanaticism and terrorism throughout the world,
- 2) The majority approximately 95% ninetyfive percent of the Muslims housed at S.C.I. Houtzdale, are followers of Ahlul/Sunnat/Salaf Salih, whose methodology is based faithfully upon the way and path of Prophet Muhammad, and his companions and the following two pious generation of Muslims. See exhibit "A" for Class Certification and Statement of Verification.
- 3) Nasr (deviant fanatical Muslim) has been employed by S.C.I. Houtzdale, as MUSLIM Chaplain for several years, and within

the years of his employment he has perpetrated the following numbered violations;

- 1) Periodically throughout the years, Nasr elsaid has abused and exploited Friday Muslim services to attack and humiliate the beliefs, methodology and qualities of the Muslims who are advocates of Salaf Salih, which comprises majority of the Muslim Community at S.C.I. Houtzdale,
- 2) Throughout the years of his employment Nasr elsaid, has exploited his official status (state employee at SCI Houtzdale) via retaliation against Muslims who sought redress and grieved Nasr's deviant oppression and spiritually pernicious methodology. The reprisals consisted of and are not limited to the following:
 - a) Disciplinary actions in reprisal and circumvention of Muslims' grievances,
 - b) He has been conducive to vindictive transfers of Muslims who grieved his deviant and extreme practices,
 - c) Precludement and rejection on Muslims from group and individual religious duty in reprisal to grievances,

- d) Malicious and retaliatory exploitation of religious activities to humiliate and degrade the Muslim advocates of as Salaf Salih, and many more un-number reprisals.
- 4) That the Plaintiffs have numerous civil rights which preserves and protect the right of the people in their belief and access to spiritual leader of their belief and, one who is non-fanatical, especially in light of the fact that the majority of Muslims housed at S.C.I. Houtzdale are advocates of true Islaamic methodology which is despise and hated by the methodology advocated by the fanatical group supported by Nasr, particularly named (Ikhwaan Muslimun).
- 5) The Plaintiffs seek Class Certification and trial by jury.
- 6) The Plaintiffs move the Court to grant a (TRO) temporary restraining Order against the defendants prohibiting reprisal.
- 7) Predicated on Plaintiffs Boykin, insignificant access to Prison Law Library, the Plaintiffs move the Court to consider liberally the Pro-Se Complaint. Plaintiffs preserve the right to amend Complaint with other defendants upon discovery.

8)

Relief

Wherefore, The Plaintiffs seek Compensatory and Punitive damages in addition to whatever other relief granted.

By: Jerome Doukin, Plaintiff

By: Vernon Richardson,
Plaintiff

Certificate of Service

I, Jerome Doukin, Plaintiff, hereby certify that I have caused to be deliver and mail by first class on this 16th day of October 2004, a true and correct copy of "Plaintiffs' Complaint" as follows:

Nasr Elsaid,
P.O. Box 1000
Houtzdale, Pa. 16698-1000

David S. Meholick,
Court Administrator
Clearfield County Court House
Clearfield, Pa. 16830

Frank Hartnett
P.O. Box 1000
Houtzdale, Pa. 16698-1000

Daykin vs. Nasr Elbaid

Verified Statement/Class Certification

Pursuant to the penalty of perjury:

- 1, Jerome Daykin, Plaintiff, verify that the allegations established in the Complaint are true and based on my knowledge,
2. That approximately one to two (2) hundred Muslims housed at Houtzdale Correctional Institution, aspire eagerly to join in this Complaint as a plaintiff seeking to liberate their beliefs from fanaticism.
3. That the defendant Nasr is a strong advocater of Ihwaani Muslimun, an extremist group responsible for worldwide terrorism.
4. I Jerome Daykin Plaintiff, verify that the statements herein are true and correct to the best of my knowledge,

Jerome Daykin, EK 2253
Affiant

October 16, 2004

Exhibit "A"