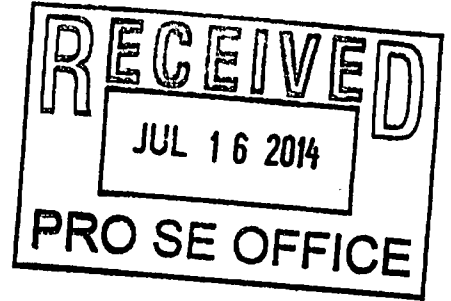


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Roberto Nieves



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

City of New York
Captain Harvey (G.R.V.C.)
C.D. Rogers (G.R.V.C.)
Personally and Capacity and
Color of Office

COMPLAINT
under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

CV 14-4355
Jury Trial: Yes No
(check one)

ROSS, J.

BLOOM, M.J.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Roberto Nieves
ID # 1411400912
Current Institution G.R.V.C
Address 09-09 Hazen Street
East Elmhurst, New York 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of New York Shield # _____
Where Currently Employed Corporation Council
Address 100 Church Street
New York, New York 10007

Defendant No. 2 Name Captain Harvey Shield # 1109
Where Currently Employed G.R.V.C
Address 09-09 Hazen Street
East Elmhurst, New York 11370

Defendant No. 3 Name C.O. Rogers Shield # 9168
Where Currently Employed G.R.V.C
Address 09-09 Hazen Street
East Elmhurst, New York 11370

Defendant No. 4 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 5 Name _____ Shield # _____
Where Currently Employed _____
Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
The events took place at G.R.V.C when my brother tried to leave the books for me at the property window.
- B. Where in the institution did the events giving rise to your claim(s) occur?
It started at the property window and ended on the visiting floor while on my visit after having the conversation with Captain Harvey about my books.
- C. What date and approximate time did the events giving rise to your claim(s) occur?
The occurred while my brother was visiting me and it ended at 10:12 am. while still on the visiting floor with my brother.

D. Facts: See the Rider annexed

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

Extreme Emotional Distress
Denied Right to practice my Religion
Denied Religious Bible and Materials
Undo Sexual Harassment

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

G.R.V.C (Rikers Island)

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No Do Not Know

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes No Do Not Know

If YES, which claim(s)? All

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

G.R.V.C I.G.R.C

1. Which claim(s) in this complaint did you grieve? All

2. What was the result, if any? Recieved books so far, only because it was granted by Higher Ranking Superiors

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. All

The Chaplain interviewed me and said that I was correct but there still isnt any services established for Wicca

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Not

Applicable

2. If you did not file a grievance but informed any officials of your claim, state who you informed.

when and how, and their response, if any: Not applicable

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Complaints were filed to the Federal Bureau of Investigation, Commission on Civil Rights, Dept. of Correction, Board of Correction, Warden MS County and my lawyer, as well as Prisoner Right project and the Inspector General.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

① To establish the full and complete Wicca Religion in New York City, state and federal prisons.

② To be compensated for the 1st Amendment violation et al at a rate of 10,000.000 dollars

③ Punitive damages not to exceed 30 million dollars with 10 million dollars to issue to the City, state and federal government to run and monitor the religious programs.

④ To establish officer training or handling of religious materials to prevent this manifest error from re-occurring.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No

On these claims

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Roberto Nieves

Defendants City of New York, et al. Clerk of Court

2. Court (if federal court, name the district; if state court, name the county) Eastern District

3. Docket or Index number 14-CV-2666

4. Name of Judge assigned to your case A.R. Rose

5. Approximate date of filing lawsuit March 2014

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Case was ordered to be amended

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 01 day of July, 2014

Signature of Plaintiff

Roberto News

Inmate Number

1411400912

Institution Address





09-09 Hazea street
East Elmhurst, New York
11370
19B cell # 3

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 01 day of July, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Roberto News

		CITY OF NEW YORK - DEPARTMENT OF CORRECTION			
INMATE GRIEVANCE AND REQUEST PROGRAM			Form: # 7102R Eff.: 09/10/12 Ref.: Dir. #3376		
DISPOSITION FORM					
Grievance/Request Reference #: Nieves, Robert 141-14-00912 V-57/14		Date Filed: 6/5/14		Facility: GRVC	
Title of Grievance or Request: Property/Package			Category: 20		
From IGRP Inmate Statement Form, print or type short description of request/grievance: <u>On 5-18/14 I got a visit from my</u> <u>brother Ruben Nieves. He tried to leave me (3) religious books (My Wicca Bible and book of shadows plus a Religious</u> <u>history book). CO Rogers stated that she has to confirm it with Captain Harvey if I was allowed to have them. Captain Harvey</u> <u>stated to me and my brother that Wicca was not a religion because she looked it up on the computer. I asked her to show me</u> <u>were it states that andher answer was "No." She told CO Rogers that the books were detrimental to the other inmates. She</u> <u>refused to give me my books (Religious) with no explanation</u>					
Action Requested by Inmate: <u>Comply with minimum standards and the Constitution and stop blocking my 1st and 14th</u> <u>amendment rights for my religious bible and reading material.</u>					
STEP 1: INFORMAL RESOLUTION					
Check one box: <input checked="" type="checkbox"/> Grievance <input type="checkbox"/> Request <input type="checkbox"/> Submission not subject to the IGRP process.					
The Inmate Grievance and Request Program proposes to informally resolve your grievance or request as follows below. Alternatively, IGRP staff shall provide an explanation for why the submission is not subject to the IGRP process.					
IGRC confirmed with the Deputy Warden and the Administrative Chaplin that the grievant can receive the books so long as the books are not hard cover and/or have not been manipulated, therefore, your action requested is accepted.					
Are you satisfied with the proposed resolution?					
<input checked="" type="checkbox"/> Yes, I accept the resolution. <input type="checkbox"/> No					
I request a formal hearing of the Inmate Grievance Resolution Committee within 5 business days from notification of the proposed resolution. I understand that if my submission involves a request to exercise religious beliefs or practices not currently available, then the Committee on Religious Accommodations will review my request					
Inmate's Signature: 		Date: 6-12-14	Grievance Supervisor's Signature: 		Date: 5/30/14 6/5/14

Form: # 7101R, Eff.: 09/10/12, Ref.: Dir. #3376 - page 1



City of New York - Department of Correction

INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name: Roberto Nieves	Book & Case #: 1411400912	NYSID # (optional):	
Facility: GRVC	Housing Area: 19B Cell # 3	Date of Incident: May 18, 2014	Date Submitted: May 19, 2014 6-3-2014

R.W
6-3-2014

All grievances and requests must be submitted within ten business days after the incident occurred, unless the condition or issue is ongoing. The inmate filing the grievance or request must personally prepare this statement. Upon collection by Inmate Grievance and Request Program (IGRP) staff, IGRP staff will time-stamp and issue it a grievance/request reference number. IGRP staff shall provide the inmate with a copy of this form as a record of receipt within two business days of receiving it.

Request or Grievance:

On 5.18.2014 I got a visit from my brother Ruben Nieves. He tried to leave me (3) religious books (My Wicca Bible and book of shadows plus a Religious history book). CO Rogers stated that she has to confirm it with Captain Harvey if I was allowed to have them. Captain Harvey stated to me and my brother that Wicca was not a religion because she looked it up on the computer. I asked her to show me where it states that and her answer was "NO". she told CO Rogers that the books were detrimental to the other inmates. she refused to give me my books (Religious) with no explanation.

Action Requested by Inmate: Comply with minimum standards and the Constitution and stop blocking my 1st and 14th amendment rights for my religious bible and reading material

Please read below and check the correct box:

- | | | |
|---|------------------------------|--|
| Do you agree to have your statement edited for clarification by IGRP staff? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Do you need the IGRP staff to write the grievance or request for you? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Have you filed this grievance or request with a court or other agency? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Did you require the assistance of an interpreter? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Inmate's Signature: Roberto Nieves

Date of Signature: May 19, 2014

6-3-2014

R.N

For DOC Office Use Only
IGRP RETAINS THE DOUBLE-SIDED ORIGINAL FOR ADMINISTRATIVE RECORDS.
IGRP MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

Time Stamp Below:

Grievance and Request Reference #:

Category:

V-57/14

20-

Inmate Grievance and Request Program Staff's Signature:

A. Conady

(1 of 2)

To: Warden, Ms Canty,

May 19, 2014

My name is Roberto Nieves and my religion is Wicca,

On May 18, 2014 I recieved a visit from my brother Ruben Nieves. Upon entering the building (G.R.V.C) he approached the package window so that he could leave me (3) religious books for me to pick up after our visit. C.O. Rogers looked threw the books and then stated that "she had to ask her superior if I was allowed to have the religious material.

After C.O. Rogers contacted Captain Harvey and explained the nature of the books in question, Ms. Harvey took it upon her self to deny me my right to my religious books (Wicca Bible, Book Of Shadows and one book of religious history/ The Chalice And The Blade).

When I was informed about this by my brother I then approached C.O. Morris and requested to speak to Ms. Harvey about the matter at hand. C.O. Morris spoke to Ms. Harvey and in return Ms. Harvey asked Ms. Morris for the name of my religion. I gave her all the information and C.O. Morris told me that Ms. Harvey will be out to speak with me in a few minutes.

I was approached by Ms. Harvey and I made it clear to her that my religion is Wicca and in return she stated to me that "Wicca is not a religion because she looked it up on the D.O.C computer and it is not documented on there as one of the choices when it comes to religions". She then stated that "I must speak to one of the people at social service so that they can add my religion on to there data and print on my I.D. card before I am allowed to obtain any of my religious material.

I then requested to see this information she quoted and her answer to me was "NO" I cannot, I then informed Ms. Harvey that Wicca is a recognized religion by the United States Goverment, The Federal Government and The United States Military as well. I also informed her of the fact that I currently have (4) Wicca books in my cell that I have recieved since I have been detained. She then stated " I have nothing to do with that ".

After the visit I approached C.O. Rogers about the situation and she stated that " if my brother continuess to persue the issue he would not be allowed to visit me for (45) days. Ms. Harvey stated to Ms. Rogers that " the reason why she denied me my books was because they were detrimental to the staff and the Inmates here at (G.R.V.C.). Captain Harvey.

context on the book was the issue

and condition of the book was the other issue the book was not a religious bible it was a book titled witch craft. the book was burned and in bad condition

The book talked about Wicca, the people of Wicca

(2 of 2)

I personally feel that the ethics displayed by Captain Harvey are "disrespectful, distasteful, un-professional and disgraceful due to her retaliation tactics because she could not take being challenged when it came to proving her fabricated story as to why she was denying me my right to my religious publications. SHE LIED TO ME SO THAT SHE CAN JUSTIFY HER DECISION!

Captain Harvey needs to be made aware or reminded of the fact that " IGNORANCE OF THE LAW IS NO EXCUSE ". She is in violation of my Constitutional and Civil Rights (Article 1- sections (1,3, 5 and 14) and so is the Department Of Corrections for not having there system up-dated so that all religions are documented and th e services of these religions can be provided to people of my religious belief as well.

As of this day, Rikers Island (D.O.C.) does not offer any prog ram what so ever so that I may excercise my religion just like the Christians, Muslims, Catholics and the Jewish Community here at Rikers Island which is also a violation of my Constitutional and Civil Rights (Article 1- Sections (1,3,5 and 14). I have all the rights just like everyone else.

This matter needs to be addressed and corrected by "The Depar tment Of Corrections and the Warden here at (G.R.V.C) Ms. Canty.

Respectfully,

Roberto News
Authorized Representative

C.C
C.C

Federal Bureau Of Investigation
935 Pennsylvania Avenue
NW, Washington, DC 20535





Board Of Correction
51 Chambers Street Room #923
New York, New York 10007

Commission On Civil Rights
624 Ninth Avenue
NW, Washington, DC 20425

Warden Of (G.R.V.C) Ms. CANTY
09-09 Hazen Street . .
East Elmhurst, New York 11370

Department Of Correction
75-20 Astoria Blvd.
East Elmhurst, New York 11369

Allana Alexander
Attorney At Law
40 Wall Street Suite #2800
New York, New York 10005

	CITY OF NEW YORK - DEPARTMENT OF CORRECTION	
INMATE GRIEVANCE AND REQUEST PROGRAM		Form: # 7102R Eff.: 09/10/12 Ref.: Dir. #3376
DISPOSITION FORM		
Grievance/Request Reference #: Nieves, Robert 141-14-00912	Date Filed: 5/30/14	Facility: GRVC
Title of Grievance or Request: Request	Category: Request For Religious Accomadations	
From IGRP Inmate Statement Form, print or type short description of request/grievance: <u>I am requesting to meet with the</u> <u>administrative chaplain regarding to Religious programs that are not available to me at this facility</u>		
Action Requested by Inmate: <u>I am of the Wicca Religion and I am requesting that it be posted as a program call out and</u> <u>documented on my I.D. card as well</u>		
STEP 1: INFORMAL RESOLUTION		
Check one box: <input type="checkbox"/> Grievance <input checked="" type="checkbox"/> Request <input type="checkbox"/> Submission not subject to the IGRP process.		
The Inmate Grievance and Request Program proposes to informally resolve your grievance or request as follows below. Alternatively, IGRP staff shall provide an explanation for why the submission is not subject to the IGRP process.		
IGRC confirmed that the grievants request was accepted and the Administrative Chaplain will in fact meet with the grievant		
Are you satisfied with the proposed resolution?		
<input type="checkbox"/> Yes, I accept the resolution. <input type="checkbox"/> No		
I request a formal hearing of the Inmate Grievance Resolution Committee within 5 business days from notification of the proposed resolution. I understand that if my submission involves a request to exercise religious beliefs or practices not currently available, then the Committee on Religious Accommodations will review my request		
Inmate's Signature: 	Date: 6.4.2014	Grievance Supervisor's Signature: 
		Date: 5/30/14

	CITY OF NEW YORK - DEPARTMENT OF CORRECTION	
INMATE GRIEVANCE AND REQUEST PROGRAM		Form: # 7102R Eff.: 09/10/12 Ref.: Dir. #3376
DISPOSITION FORM		Attachment - C

If this is a submission not subject to IGRP process, DOC Grievance Supervisor must choose its category and write down the next steps for the inmate.

<input type="checkbox"/> Staff-on-inmate non-sexual assault (use of force) allegation <input type="checkbox"/> Staff-on-inmate sexual assault/abuse allegation <input type="checkbox"/> Staff-on-inmate non-sexual harassment <input type="checkbox"/> Inmate-on-inmate non-sexual assault allegation <input type="checkbox"/> Inmate-on-inmate sexual assault/abuse allegation <input type="checkbox"/> Inmate-on-inmate non-sexual harassment allegation <input type="checkbox"/> Status as an intended contraband recipient, enhanced restraint, Red ID, or centrally monitored case inmate	<input type="checkbox"/> Medical staff, e.g., complaints regarding quality of care, request for second medical opinion <input type="checkbox"/> Mental health staff, e.g., complaints regarding quality of care, request for second medical opinion <input type="checkbox"/> Request for protective custody (fear for safety) <input type="checkbox"/> Request for accommodation due to disability <input type="checkbox"/> Inmate disciplinary process and dispositions <input type="checkbox"/> Freedom of Information law request <input type="checkbox"/> Other
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Next steps:	Date of Deadline for Status Update from Relevant Entity:
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Inmate's Signature:	Date:	Grievance Supervisor's Signature:	Date:
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STEP 2: FORMAL HEARING OF INMATE GRIEVANCE RESOLUTION COMMITTEE

Formal Hearing Disposition: _____

Date returned to inmate: _____ IGRC Members Signatures: _____

Please decide within five business days of receipt whether to appeal (Check one box below.)

Yes, I agree with the IGRC hearing disposition.

No, I disagree with the IGRC hearing disposition and seek to appeal to the Commanding Officer.

Inmate's Signature:	Date:	Grievance Supervisor's Signature:	Date:
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STEP 3: APPEAL TO THE COMMANDING OFFICER

Grievance Supervisor must check only one box below.

Grievance forwarded to the Commanding Officer for action upon IGRC recommendation.

Grievance not forwarded to the Commanding Officer (explain):

Grievance Supervisor's Signature:	Date:
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