

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

DWAYNE LAW, JR.,

Plaintiff,

v.

DAVID ZOOK, Baskerville Correctional
Center Warden, in his official capacity only;

ROBERT WHITT, Baskerville Correctional
Center Assistant Warden, in his official
capacity only; and

CAPTAIN L. BUTCHER (First Name
Unknown), Baskerville Correctional Center
Officer, in his official capacity only;

Defendants.

Civil Action No.

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION**

ORAL ARGUMENT REQUESTED

**PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

Plaintiff hereby moves the Court for an emergency temporary restraining order and/or preliminary injunction requiring Defendants to immediately begin providing Plaintiff with meals before dawn and after sunset during Ramadan in accordance with his sincerely held religious beliefs. This motion is brought pursuant to Federal Rule of Civil Procedure 65 and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000, *et seq.* In support of the instant motion, Plaintiff submits the Complaint, the accompanying memorandum in support, the Declaration of Christopher Godshall-Bennett, and all such further written materials and oral arguments as may be useful to the Court.

Counsel for Plaintiff request an immediate hearing on this motion, even if *ex parte*. Fed. R. Civ. P. 65(b)(1), sets forth that the Court may issue a temporary restraining order without notice

or response from opposing counsel when the Plaintiff makes the requisite showing of immediate, irreparable injury, loss, or harm, and efforts made to give Defendants notice. Here, Counsel have provided notice and a request for relief to the Baskerville Correctional Center via letter and email, which is detailed in the accompanying Declaration of Christopher Godshall-Bennett. Defendants have not yet responded. Mr. Law cannot wait.

The Government forces Mr. Law to choose daily between exercising his religious beliefs and eating. Despite being in their custody, Defendants have left Mr. Law with no other alternative than to feed himself from the commissary rather than simply adjusting his meal time for Ramadan—a time adjustment they have done for Mr. Law in the past and are currently doing for several other inmates. This adjustment would allow Mr. Law to have access to well-balanced, nutritious meals.

This deprivation perpetrated by Defendants puts Mr. Law's health in jeopardy and impermissibly burdens his observance of the holy month of Ramadan. The Government cannot force inmates to choose between eating and adhering to their sincerely held religious beliefs. This must be remedied without delay and the remedy must last through the end of Ramadan on or around May 2, 2022, to allow Mr. Law to finish his fast in peace without subsisting on what little food he can afford on his own.

Dated: April 25, 2022

Respectfully Submitted,

By: /s/ Eden Heilman
Eden Heilman (Va. Bar No. 93554)
American Civil Liberties Union (ACLU)
Foundation of Virginia
701 E. Franklin St., Suite 1412
Richmond, VA 23219
Tel: (804) 644-8022
Fax: (804) 649-2733
ehailman@acluva.org

Christopher Godshall-Bennett (DC 1780920)*
Reem Subei (OH 0092650)*
Muslim Advocates
P.O. Box 34440
Washington, D.C. 20043
Tel: (202) 873-1550
Fax: (202) 508-1007
christopher@muslimadvocates.org
reem@muslimadvocates.org

*Application pro hac vice forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2022, I filed the foregoing document with the Clerk of Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

DAVID ZOOK
Baskerville Correctional Center Warden

ROBERT WHITT
Baskerville Correctional Center Assistant Warden

CAPTAIN L. BUTCHER (First Name Unknown)
Baskerville Correctional Center Officer

I hereby certify that I have also sent an electronic copy of the document to:

MARGARET O'SHEA
Office of the Attorney General
MOShea@oag.state.va.us

DAVID ZOOK
Baskerville Correctional Center Warden
david.zook@vadoc.virginia.gov

By: /s/ Eden Heilman
Eden Heilman (Va. Bar No. 93554)
American Civil Liberties Union (ACLU)
Foundation of Virginia
701 E. Franklin St., Suite 1412
Richmond, VA 23219
Tel: (804) 644-8022
Fax: (804) 649-2733
ehelman@acluva.org