

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

BRIAN S. KUNKLE,

Plaintiff,

v.

Case No.

COMMONWEALTH OF VIRGINIA,

DEMAND FOR JURY TRIAL

and

JASON WILSON,
in his individual and official capacities as Director
of the Virginia Center for Behavioral Rehabilitation,

Defendants.

COMPLAINT

Plaintiff Brian S. Kunkle, by and through the undersigned attorney, for his Complaint against Defendants herein, says as follows:

INTRODUCTION

1. Plaintiff brings this action to remedy Defendants' refusal to allow Plaintiff and other Christian inmates to worship together in Bible study sessions and to celebrate communion according to their religious beliefs.

2. Defendants attribute their interference in this regard to, *inter alia*, an internal policy requiring an outside volunteer to be present for any group worship activities. However, this policy is not enforced against other religious groups. Plaintiff maintains that Defendants' actions deprive him and his fellow Christians of their First Amendment rights to worship together, and also violate

the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc-1 & 2000cc-2, and the Virginia Religious Freedom Act, Va. Code § 57-2.02.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343, as it is an action seeking redress under the laws and statutes of the United States for the deprivation of rights secured by the Constitution and the laws of the United States.

4. This Court has supplemental jurisdiction over the state law claim made in this Complaint pursuant to the provisions of 28 U.S.C. § 1367.

5. Venue properly lies in the Eastern District of Virginia, Richmond Division under 28 U.S.C. § 1391(b) and E.D. Va. Local Civ. Rule 3(B), as a substantial part of the events giving rise to this action occurred within this District, specifically Nottoway County, Virginia.

PARTIES

6. Plaintiff Brian S. Kunkle is an adult male currently committed to the Virginia Center for Behavioral Rehabilitation.

7. Defendant Commonwealth of Virginia is a State and proper party defendant pursuant to the provisions of Religious Land Use and Institutionalized Persons Act.

8. Defendant Jason Wilson is the Facility Director for the Virginia Center for Behavioral Rehabilitation. He is sued in this action in his individual and official capacities. In all respects set forth in this Complaint, Wilson acted under color of law of the Commonwealth of Virginia.

FACTS

9. The Virginia Center for Behavioral Rehabilitation (hereinafter referred to as “VCBR”) is a facility created, owned and operated by Defendant Commonwealth of Virginia and located in Burkeville, in the County of Nottoway, Virginia. VCBR is a facility within the Virginia Department of Behavioral Health and Development Services (hereinafter referred to as “DBHDS”), a state agency created and existing under the laws of Defendant Commonwealth of Virginia. Under Va. Code § 37.2-707, Defendant Wilson, as director of a facility within the DBHDS, is responsible for the operations of the VCBR and is charged with taking “any actions consistent with law necessary to ensure that [the] facility complies with all applicable federal and state statutes, regulations, policies, and agreements.”

10. Virginia law provides for the commitment of persons deemed sexually violent predators. The Virginia Department of Corrections, through a Commitment Review Committee, recommends certain persons who are currently incarcerated, to be committed as sexually violent predators. Va. Code § 37.2-904(C). Based upon recommendations of the Commitment Review Committee, the Attorney General of Virginia may file a petition seeking the commitment of persons as sexually violent predators, Va. Code § 37.2-905(A), and a trial is thereafter conducted to determine whether such persons shall be committed. Va. Code § 37.2-908.

11. Plaintiff Kunkle has been committed under Virginia law as a sexually violent predator. Under Va. Code § 37.2-909, persons committed to the custody of the DBHDS for “control, care, and treatment until such time as [their] mental abnormality or personality disorder has so changed that the respondent will not present an undue risk to public safety.” Such

commitment is to a “secure facility” and “[a]t all times, [persons] committed for control, care, and treatment by the Department pursuant to this chapter shall be kept in a secure facility[.]” *Id.*

12. Plaintiff Kunkle has been committed to and is currently held at VCBR, and under Virginia law his commitment is for an indefinite term without any set date for release from custody. The restraints on Plaintiff’s liberty resulting from his commitment and custody at VCBR are equivalent to those imposed on persons committed to the custody of the Virginia Department of Corrections after a conviction for a criminal law violation. The restraints on liberty on Plaintiff and other persons committed to VCBR include restrictions on their freedom to practice their religion according to their religious beliefs.

Disparate Treatment of Christians

13. Plaintiff Kunkle is a practicing Protestant Christian who follows the teachings of Jesus as set forth in the Holy Bible. Plaintiff is a part of a group of approximately 35 to 40 persons committed to VCBR who are practicing Protestant Christians who desire to engage in congregational religious activities with one another while committed at VCBR.

14. Prior to February of 2018, Plaintiff and other Protestant Christians were allowed to meet on Friday mornings to conduct a Bible study, at which the residents in attendance would discuss particular passages from the Holy Bible in order to increase their understanding of the teachings contained in the Holy Bible, obtain comfort, and deepen and enrich their Christian faith. At no time did these Bible study sessions cause any disruption or create a concern for security at VCBR.

15. In February 2018, these weekly Bible study sessions were canceled when a volunteer from outside of VCBR who had previously led these Bible studies was no longer able to

attend and lead the Bible study. The volunteer was dismissed because a Protestant Christian resident, Rodney Clements, asked the volunteer to minister to Clements' aged mother.

16. In cancelling the weekly Friday Bible study, VCBR personnel informed Plaintiff that they were acting pursuant to VCBR Facility Instruction No. 219, which provides that group religious activity "shall be led by Volunteers and/or Spiritual Leaders who has [sic] been pre-approved by" VCBR personnel.

17. On February 11, 2018, Plaintiff Kunkle filed a written Informal Complaint form with the VCBR over the cancellation of the Friday morning Bible study. Kunkle wrote that there are residents who could lead the Bible study. He also pointed out that other groups are allowed to meet for religious activities without a volunteer present, pointing out that Muslim residents are allowed to conduct both Taleem and Jumah services without a volunteer present.

18. Plaintiff Kunkle received a written response to his complaint, which referred him to VCBR Facility Instruction No. 219. The response also contained the following written statement: "Due to the geographical location of the facility, it has been extremely difficult to find a volunteer for the Muslim community. They still require staff to be present in order to hold services." Plaintiff does not admit the accuracy of this statement. The response also incorrectly indicated that Kunkle's complaint was not a "good faith complaint" because it was "[b]ased solely on disagreement with policy, rule, regulation, contract or law operational schedule or voluntary program."

19. On April 3, 2018, Plaintiff Kunkle sent a written VCBR -- Request for Consultation with Advocate to the DBHDS Office of Human Rights. Kunkle's request asked about his informal complaint over the Christian Church not being allowed to meet for Bible study without an outside volunteer and asked whether there were any further complaint procedure he could pursue. Kunkle

also asked if he had any legal recourse available and what further course of action the Advocate would recommend.

20. Plaintiff Kunkle received a written response to his April 3 request signed “C. Young.” The response cited VCBR Facility Instruction 219 and its requirement that group services be led by volunteers and/or spiritual leaders pre-approved by the facility director. The response also provided as follows:

VCBR has been granted a variance for the complaint procedure outlined in the human rights regulation. The VCBR complaint procedure does not allow you to file a complaint in which your complaint is solely about your disagreement with their policy. This is why your complaint was returned to you.

There is no further complaint process within DBDS and I am not sure what legal options may be available.¹

21. As set forth in Plaintiff Kunkle’s informal complaint, he and the other VCBR-committed members of the Christian church to which they belong are not able to meet for congregate religious activities at VCBR unless a volunteer from outside of the facility is present. By contrast, Muslim residents committed to VCBR are able to meet for services without an outside volunteer present. VCBR allowed the Muslim resident to select an Imam to lead their services and approved that selection.

22. As a result, Plaintiff Kunkle and his Christian brethren are allowed fewer congregate religious activities at VCBR than Muslim residents. Additionally, unlike the Muslim residents, Plaintiff Kunkle and his Christian brethren are not allowed to control the content and

¹ This pleading cites various statements made by Defendants and their agents. These statements are included as background information in support of Plaintiff’s claims. To the extent any factual allegations contained in statements by Defendants or their agents cited in this pleading might be construed as inconsistent with Plaintiff’s claims, Plaintiff denies and does not admit the accuracy of the statements. All statements in this pleading should be construed in favor of Plaintiff’s claims.

direction of their congregate religious activities at VCBR, but must accept the leadership of an outside volunteer.

23. The disparate treatment of the Christian residents at VCBR with respect to application of the outside volunteer requirement of VCBR Facility Instruction 219 sends a message of favoritism toward Islam and Muslims and a message of disapproval of Christians and Christianity.

Denial of Communion

24. In May of 2018, Plaintiff Kunkle submitted a VCBR resident request form to VCBR's Volunteer Services Coordinator. Kunkle pointed out that communion is one of the sacraments of the Christian church that Christians are told to perform often in remembrance of Jesus Christ. Kunkle asked the coordinator to ask Hope Aglow, a ministry providing religious services to Christians at VCBR, or some other ministry to conduct communion for VCBR Christians on a monthly basis.

25. Plaintiff Kunkle received the following written response to his request: "The Catholic volunteer provides communion. Please see the posted schedule for the day and time they meet."

26. Plaintiff Kunkle sent a reply to the Volunteer Services Coordinator pointing out that the Catholic communion was offered at a Catholic mass and participation at a Catholic service would be contrary to the religious beliefs of him and other Protestant Christian residents at VCBR. Kunkle again asked that a volunteer be contacted to offer Protestant communion once a month at the Protestant services.

27. The written response Plaintiff Kunkle received was as follows: "VCBR does not have a protestant service nor have we ever. The communion that takes place in Catholic Service

is provided by the volunteer from their budget. The Catholic volunteers offered to provide that service free to VCBR. All of our volunteers provide their time freely so I will not ask them for something that would have to add to the financial responsibilities that they already have. I am grateful for the time and other things that are [sic] volunteers provide and ask that you be appreciative of that as well.”

28. Plaintiff Kunkle and others thereafter told VCBR personnel that they would arrange for obtaining the elements for communion to be held by the Volunteer Services Coordinator, thereby sparing volunteers any expense in that regard. However, VCBR responded that it does not store items for religious services, and that it is the responsibility of the authorized religious leader to ensure they have the appropriate supplies for religious services.

29. Plaintiff and his Christian brethren were also told by VCBR personnel that they were free to engage in communion individually in the privacy of their rooms using crackers and grape juice purchased from the facility market. But individual, private practice of the sacrament of communion would not be in accordance with Plaintiff’s religious beliefs or those of his Christian brethren.

30. When Plaintiff was unable to obtain assistance from VCBR in having communion offered and celebrated at their Protestant worship services, he and another Protestant resident, Rodney Clements, personally approached volunteers who offered services to their religious gatherings and asked the volunteers if it would be possible for them to offer communion at the Protestant services.

31. As a result of making these requests that communion be offered at their religious services, Plaintiff and Clements were cited for misconduct by VCBR, which invoked a purported rule that residents are not to make any requests for services directly to volunteers, but are to make

such requests through the Volunteer Services Coordinator. Plaintiff and Clements were disciplined for their actions by being banned from participating in volunteer services or activities for 30 days.

Request That VCBR Remedy Restrictions

32. In a letter dated October 31, 2018 and addressed to Defendant Wilson, an attorney with The Rutherford Institute, a civil liberties organization located in Charlottesville, Virginia, raised with Defendant Wilson the restrictions imposed on Plaintiff and his Protestant brethren's ability to exercise their religious beliefs. The letter advised Defendant Wilson of Plaintiff's complaints regarding (1) unequal application of VCBR's volunteer requirement to Plaintiff and his Protestant brethren resulting in limiting their religious activity, and (2) refusal of VCBR staff to assist Plaintiff and his Protestant brethren in receiving monthly communion at their Protestant services.

33. The letter from The Rutherford Institute asserted that VCBR was in violation of its obligations under the First Amendment to the United States Constitution and the Religious Land Use and Institutionalized Persons Act because of the actions set forth in the letter.

34. In a letter dated November 9, 2018, Defendant Wilson responded on behalf of VCBR to The Rutherford Institute's letter on behalf of Plaintiff. Defendant Wilson did not deny that Muslim residents are allowed to meet for purposes of congregate religious activities without the presence of a volunteer, but asserted this accommodation was necessary to allow Muslim residents to exercise their religious beliefs and was not a permanent solution.

35. Defendant Wilson's response letter also asserted that no Protestant resident is being prevented from participating in the sacrament of communion because such residents may choose to engage in communion during individual worship time and may purchase their own items. Defendant Wilson wrote that no volunteer leading the Protestant services has offered to provide

communion at these services, that the VCBR Volunteer Services Coordinator is aware that Protestants have requested communion be offered, and that the Coordinator was working with volunteers to see if communion could be offered.

36. In his response letter dated November 9, 2018, Defendant Wilson did not offer or agree to make any changes, modifications or accommodations to the policies, rules or regulations of VCBR that would address the complaints previously made by Plaintiff about the unequal application of the volunteer requirement and their inability to engage in communion on a monthly basis.

37. Since November 9, 2018, VCBR has on one occasion assisted Plaintiff and his Christian brethren in celebrating communion. However, Plaintiff was informed that such assistance with communion will be offered only on the fifth Sunday of a month, resulting in only four (4) opportunities for communion over the next 12 months, instead of once monthly in accordance with the religious beliefs of Plaintiff and his Christian brethren. Otherwise, neither Defendant Wilson nor any other VCBR employee, officer or agent has made any change to the conditions at VCBR to cure or address the complaints made by Plaintiff and his Christian brethren regarding the unequal application of the volunteer requirement or limitation on the Plaintiff's and his Christian brethren's ability to have communion celebrated once a month at their weekly Protestant services.

FIRST CAUSE OF ACTION

42 U.S.C. § 1983—Deprivation of First Amendment Rights

38. The allegations of the foregoing paragraphs are re-alleged as if set out in full.

39. VCBR has and continues to apply the requirement of Facility Instruction No. 219 that group religious activities of residents be led by a volunteer in a disparate manner, showing favoritism toward Muslim residents.

40. Even though both the Protestant Christian residents and Muslim residents have had difficulties obtaining a volunteer to conduct their group religious activities, VCBR has waived the volunteer requirement only for Muslim residents.

41. VCBR has not applied the volunteer/spiritual leader requirement in a neutral manner, in violation of the Establishment Clause of U.S. Const. amend. I, which forbids the government from granting preferences to one religion or denomination over others.

42. VCBR's unequal application of the volunteer/spiritual leader requirement violates the Free Exercise Clause of U.S. Const. amend. I, in that it violates the requirement of *Turner v. Safley*, 482 U.S. 78 (1987), that restrictions imposed by the government on the exercise of First Amendment rights by persons held in custody by the government operate in a neutral fashion.

43. The violations of the First Amendment set forth above have resulted in an ongoing deprivation of Plaintiff's rights and the rights of his Christian brethren under the First Amendment by preventing them from practicing their religion by holding Bible studies and other religious activities.

44. Defendant Wilson is aware of the conditions at VCBR that have resulted in and continue to cause Plaintiff and his Christian brethren to be deprived of their First Amendment rights and is empowered under the laws of the Commonwealth of Virginia to correct those conditions.

45. Plaintiff, having suffered under color of the law of the Commonwealth of Virginia a deprivation of his rights under the First Amendment, is entitled to relief against Defendant Wilson, under 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

42 U.S.C. §§ 2000cc-1 & 2000cc-2 – Religious Land Use and Institutionalize Persons Act

46. The allegations of the foregoing paragraphs are re-alleged as if set out in full.

47. Plaintiff, having been committed to VCBR, resides in or is confined to an institution within the meaning of 42 U.S.C. §§ 1997 and 2000cc-1(a).

48. VCBR's application of Facility Instruction No. 219 and its requirement that resident group religious activities be led by a volunteer or spiritual leader has imposed and continued to impose a substantial burden on Plaintiff's religious exercise by preventing him and his Protestant Christian brethren from holding Bible study on a weekly basis.

49. VCBR's application of Facility Instruction No. 219 and its requirement that resident group religious activities be led by a volunteer or spiritual leader has imposed and continued to impose a substantial burden on Plaintiff's religious exercise by preventing him from having the sacrament of communion observed at Protestant Christian group services, because in the absence of the volunteer/spiritual leader requirement, Plaintiff and other Protestant Christians could decide to include communion at their group services.

50. VCBR has imposed a substantial burden on Plaintiff's religious exercise by refusing to allow Plaintiff to make a request to outside volunteers or spiritual leaders conducting Protestant Christian group service that such services periodically include the sacrament of communion.

51. The VCBR rules, policies or customs resulting in the substantial burdens on Plaintiff's religious exercise set forth in paragraphs 48, 49 and 50 above do not serve a compelling governmental interest and/or are not the least restrictive means of serving any compelling governmental interest.

52. VCBR is a program or activity that receives federal funding for purposes of 42 U.S.C. § 2000cc-1(b)(1).

53. Plaintiff, having suffered and continuing to suffer a substantial burden on his religious exercise in violation of 42 U.S.C. § 2000cc-1(a), is entitled to relief against Defendants under 42 U.S.C. § 2000cc-2(a).

THIRD CAUSE OF ACTION

Va. Code § 57-2.02 – Virginia Religious Freedom

54. The allegations of the foregoing paragraphs are re-alleged as if set out in full.

55. Defendant Wilson and VCBR's application of Facility Instruction No. 219 and its requirement that resident group religious activities be led by a volunteer or spiritual leader has imposed and continued to impose a substantial burden on Plaintiff's religious exercise by preventing him from holding Bible study on a weekly basis.

56. Defendant Wilson and VCBR's application of Facility Instruction No. 219 and its requirement that resident group religious activities be led by a volunteer or spiritual leader has imposed and continued to impose a substantial burden on Plaintiff's religious exercise by preventing him and his Christian brethren from having the sacrament of communion observed at their Protestant Christian group services, because in the absence of the volunteer/spiritual leader

requirement, Plaintiff and other Protestant Christians could decide to include communion at their group services.

57. Defendant Wilson and VCBR have imposed a substantial burden on Plaintiff's religious exercise by refusing to allow Plaintiff to make a request to outside volunteers or spiritual leaders conducting Protestant Christian group service that such services periodically include the sacrament of communion.

58. The VCBR rules, policies or customs resulting in the substantial burdens on Plaintiff's religious exercise set forth in paragraphs 55, 56 and 57 above do not serve a compelling governmental interest and/or are not the least restrictive means of serving any compelling governmental interest.

59. Plaintiff, having suffered and continuing to suffer a substantial burden on his religious exercise in violation of Va. Code § 57-2.02(B), is entitled to relief against Defendant Wilson under Va. Code § 57-2.02(D).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants as follows:

A) That a declaratory judgment be entered that Defendants' refusal to allow Plaintiff and other Protestant Christian residents of VCBR to hold weekly Bible study services on the basis that there is no outside volunteer to lead the Bible study violates the First Amendment, 42 U.S.C. § 2000cc-1(a), and/or Va. Code § 57-2.02(B);

B) That a declaratory judgment be entered that Defendants' action preventing Plaintiff and other Protestant Christian residents of VCBR from conducting or arranging for the

administration of communion as a part of their group religious activities violates 42 U.S.C. § 2000cc-1(a) and/or Va. Code § 57-2.02(B);

C) That this Court enter an order enjoining Defendants and any officers and/or agents acting on behalf of or in conjunction with Defendants from preventing or interfering with Plaintiff and other Protestant Christian residents of VCBR from holding a weekly Bible study;

D) That this Court enter an order enjoining Defendants and any officers and/or agents acting on behalf of or in conjunction with Defendants from preventing or interfering with Plaintiff and other Protestant Christian residents of VCBR from conducting or arranging for the administration of communion as a part of their group religious activities;

E) That this Court order Defendants to pay Plaintiff's attorneys' fees and costs, including expert fees, pursuant to 42 U.S.C. § 1988 and Va. Code § 57-2.02(D); and

F) That this Court order any and all such other and further relief, including nominal and compensatory damages, as it may deem proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a jury trial for all claims and issues so triable.

Dated: July 29, 2019

Respectfully submitted,

/s/Timothy Coffield
Timothy Coffield (VSB # 83430)
COFFIELD PLC
106-F Melbourne Park Circle
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(434) 218-3133
tc@coffieldlaw.com
Participating Attorney for
THE RUTHERFORD INSTITUTE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRIAN S. KUNKLE

(b) County of Residence of First Listed Plaintiff Nottoway

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy Coffield (VSB 83430)

COFFIELD PLC, 106-F Melbourne Park Circle, Charlottesville, VA 22901

p: (434) 218-3133; tc@coffieldlaw.com

DEFENDANTSCOMMONWEALTH OF VIRGINIA and
JASON WILSON, in His Individual and Official Capacities

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983; 42 U.S.C. § 2000cc-1(a); 42 U.S.C. § 2000cc-2(a); Va. Code § 57-2.02

Brief description of cause:

Violations of P's 1st Am. rights re group worship; Religious Land Use Inst. Persons Act; VA Religious Freedom Act

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

07/29/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/Timothy Coffield (VSB 83430)

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

Print

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Reset

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.