

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**JAQUONTEE REELS; ANTHONY MOORE; :
LOUIS SEIGNIOUS; CRAIG ROBINSON, :
and WALLACE CABLE, :**

Plaintiffs,

v. :

**RHODE ISLAND DEPARTMENT OF :
CORRECTIONS, WAYNE SALISBURY, :
BARRY WEINER, and LYNNE CORRY, :
each in their official capacities, :**

Defendants.

COMPLAINT

PRELIMINARY STATEMENT

1. This case addresses the denial by the Rhode Island Department of Corrections and Rhode Island Department of Corrections officials Wayne Salisbury, Barry Weiner, and Lynne Corry (collectively, “RIDOC”), of opportunities for Native American prisoners to practice their religion, in violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq. (“RLUIPA”).

2. Plaintiffs Jaquontee Reels, Anthony Moore, Louis Seignious, Craig Robinson, and Wallace Cable are of Native American ancestry and are adherents to Native American religious traditions, who are incarcerated by RIDOC at the Maximum Security Facility of the Adult Correctional Institutions (“ACI”) in Cranston, Rhode Island.

3. Consistent with RLUIPA, prison systems around the country have adopted comprehensive policies for accommodating the religious practices of Native Americans, under which incarcerated individuals have the opportunity to participate in religious ceremonies, including pipe ceremonies, sweat lodge ceremonies, smudging ceremonies, drum circles, and

powwows; and the opportunity to obtain religious items, including headbands, medicine bags, feathers, and dream catchers.

4. In contrast, RIDOC has adopted no policies for accommodating Native American religious practices. It has created no opportunities for Native American prisoners to receive spiritual guidance from a Native American elder. It does not allow incarcerated people to participate in any Native American religious ceremonies. It does not allow Native American prisoners to obtain Native American religious items.

5. This is not a new problem. For years, Native American prisoners have complained about the absence of any religious accommodations at the ACI, but RIDOC has ignored those concerns.

6. Defendants' ongoing denial of Plaintiffs' right to the free exercise of religion violates RLUIPA and requires immediate action by this Court.

JURISDICTION AND VENUE

7. Pursuant to 28 U.S.C. § 1331, this Court has subject matter jurisdiction over Plaintiffs' claims that Defendants violated Plaintiffs' rights under RLUIPA, 42 U.S.C § 2000cc et seq.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the events giving rise to these claims occurred in Cranston, Rhode Island.

PARTIES

9. Plaintiffs Jaquontee Reels, Anthony Moore, Louis Seignious, Craig Robinson, and Wallace Cable are Native American by ancestry and are adherents to Native Americans religious traditions. They are incarcerated by RIDOC in the ACI's Maximum Security Facility in Cranston, Rhode Island.

10. Defendant RIDOC is a department of the State of Rhode Island, established to provide for the custody, care, discipline, training, treatment, and study of persons committed to state correctional institutions pursuant to R.I. Gen. Laws § 42-56-1, et seq.

11. Defendant Wayne Salisbury is the Director of RIDOC. In this position, Defendant Salisbury bears responsibility for the management, administration, and supervision of the Rhode Island prison system, pursuant to R.I. Gen. Laws § 42-56-10, et seq. As such, Defendant Salisbury is the supervising authority and commanding officer of the other named Defendants and all RIDOC employees. Defendant Salisbury bears responsibility for creating, maintaining, and implementing RIDOC's policies for accommodating the free exercise of religion of all persons incarcerated by RIDOC.

12. Defendant Barry Weiner is RIDOC's Assistant Director for Rehabilitative Services. In that position, he bears responsibility "to coordinate and supervise all religious programs." 240-RICR-10-00-2 § 2.6.

13. Defendant Lynne Corry is the Warden of the Maximum Security Facility where Plaintiffs are incarcerated. She bears responsibility for supervising all RIDOC employees in that facility and for implementing RIDOC's policies in the facility.

14. At all times relevant hereto, each of the individual Defendants has acted under the color of state law. The individual Defendants are each sued in their official capacities.

FACTS

I. PLAINTIFFS' SINCERE RELIGIOUS BELIEFS AND PRACTICES

A. Plaintiffs' Native American Background and Heritage

1. Jaquontee Reels

15. Plaintiff Jaquontee Reels is a Native American whose religious beliefs arise out of the spiritual and cultural traditions of the Mashantucket Pequot and Narragansett tribes, from which he descends through his maternal lineage.

16. Mr. Reels is an enrolled member of the Mashantucket Pequot Tribal Nation.

17. RIDOC recognizes Mr. Reels' Native American heritage, as shown by the fact that it lists his race as "American Indian" in its data management system.

18. RIDOC also recognizes Mr. Reels' Native American religious identity, as his religious designation is "Native American" in RIDOC's data management system.

19. Prior to his incarceration, Mr. Reels lived his entire life on the Mashantucket Pequot reservation, where he was raised by members of his mother's side of the family. On the reservation, Mr. Reels spent his time hunting, fishing, and embracing all aspects of his culture and religion.

20. From a young age, Mr. Reels was deeply immersed in the tribe's religious and spiritual life. Mr. Reels' grandmother, a respected elder and member of the tribal Elders Council, played a central role in his religious upbringing, teaching him how to pray, perform blessings, and observe tribal spiritual customs.

21. Mr. Reels' uncle, who served on the Mashantucket Tribal Council, customarily participated in religious smudging ceremonies with Mr. Reels, further reinforcing his spiritual foundation.

22. On the reservation, Mr. Reels regularly engaged in smudging rituals, frequently sought spiritual counsel from tribal elders, attended powwows, and participated in classes focused

on tribal culture and religious teachings. Mr. Reels participated in cultural classes and powwows regularly from the time he was approximately five years old until he was seventeen.

23. From around the age of five, Mr. Reels began practicing “fancy dancing,” a traditional Native American dance characterized by swift, agile movements and vibrant regalia.

24. For Mr. Reels, fancy dancing is not merely a cultural expression; it is a form of prayer and spiritual healing that is central to the practice of his sincerely held religious beliefs.

25. Prior to his incarceration, Mr. Reels consistently engaged in fancy dancing as part of his spiritual observance and was an active participant in religious ceremonies and powwows conducted on the Mashantucket Pequot reservation, such as Schemitzun, the annual Pequot Festival of Green Corn and Dance.

2. Anthony Moore

26. Plaintiff Anthony Moore is a Native American whose religious beliefs arise out of the traditions of the Narragansett tribe.

27. RIDOC recognizes Mr. Moore’s Native American heritage, as shown by the fact that it lists his race as “American Indian” in its data management system.

28. Mr. Moore is of Native American descent, specifically of Choctaw heritage through his paternal lineage and Wampanoag, Algonquin, and Narragansett heritage through his maternal lineage.

29. Although Mr. Moore did not reside on the Narragansett reservation in Charlestown, Rhode Island, during his youth, he spent a substantial amount of time there, engaging with the community and participating in cultural and religious activities.

30. During his time on the reservation, Mr. Moore first established a spiritual connection with tribal elders, who provided him with religious instruction and guidance that have been central to the development of his faith.

31. Mr. Moore's grandmother played a key role in his early religious development, teaching him traditional prayers and blessings and requiring him to pray each morning and perform smudging rituals before entering her home.

32. Although Mr. Moore experienced a period of distance from his religious practices during adolescence, he began a sincere and deliberate effort to reconnect with his ancestral faith approximately two years before his incarceration at the ACI, and he has continued to explore his faith while incarcerated.

33. As part of his current religious practice, Mr. Moore engages in daily prayer each morning, during which he faces east and recites blessings and prayers in the Algonquin language, in accordance with his deeply held spiritual beliefs.

34. Mr. Moore is actively committed to deepening his understanding and fluency in the Algonquin language by seeking out every available resource to study and improve his knowledge.

35. Mr. Moore is devoted to practicing and preserving his Native American faith. To strengthen his connection to his spirituality, he regularly studies encyclopedias and other educational materials focused on Native American religion, culture, and history.

36. As further evidence of his sincere commitment, Mr. Moore has passed these religious traditions on to his son, who attends powwows and has received a native name from a tribal elder during time spent on the Narragansett reservation.

3. Louis Seignious

37. Plaintiff Louis Seignious is a Native American whose religious beliefs arise out of the spiritual and cultural traditions of the Mashantucket Pequot Tribal Nation.

38. Mr. Seignious is of Native American descent and is an enrolled member of the Mashantucket Pequot Tribal Nation.

39. Mr. Seignious was raised on the Mashantucket Pequot Reservation beginning at the age of five, where he lived and practiced his faith alongside family members, including his cousin, Mr. Reels, until Mr. Seignious was incarcerated at the ACI.

40. Mr. Seignious' grandmother was a member of and a storyteller on the Mashantucket Pequot Reservation's Elders Council. His grandmother was instrumental in developing his faith by teaching him how to smudge and engaging him in storytelling that conveyed key cultural and religious narratives.

41. From a young age, Mr. Seignious regularly participated in smudging ceremonies, sought spiritual guidance from tribal elders, attended powwows, and took classes twice a week focused on tribal culture and religious teachings.

42. Mr. Seignious participated in "Cultural Day" twice a week after school, during which he engaged in traditional Pequot activities such as fishing, hunting, drumming, and basket weaving—practices infused with spiritual significance in his faith tradition.

43. Mr. Seignious is a traditional Pequot drummer, a role he embraces not merely as a cultural activity but as a sacred religious practice. He believes that the drum embodies the heartbeat of Mother Earth and plays a central role in his spiritual connection to the Great Creator and the natural world.

44. Until his incarceration, Mr. Seignious consistently engaged in drumming as part of his spiritual observance. He was an active participant in religious ceremonies and powwows conducted on the Mashantucket Pequot reservation, such as Schemitzun, the annual Pequot Festival of Green Corn and Dance, and Pequot Day.

45. Mr. Seignious continues to pray daily to the Great Creator, facing east. However, he believes that his prayers are incomplete without the use of sacred herbs such as sage, which are essential to his practice for spiritual purification and the dispelling of negative energy.

46. Further demonstrating his beliefs, Mr. Seignious has six daughters who are being raised by his wife, who is Mohegan, in the Native American traditions and beliefs on the Mohegan Reservation.

4. Craig Robinson

47. Plaintiff Craig Robinson is a Native American whose religious beliefs arise out of the traditions of the Narragansett tribe.

48. Mr. Robinson is of Native American descent, specifically of Narragansett heritage through his paternal lineage.

49. Mr. Robinson frequently visited his cousins who lived on the Narragansett reservation during his teenage years.

50. Mr. Robinson's father and grandmother were enrolled members of the Narragansett Tribe.

51. Mr. Robinson's visits to the Narragansett reservation included attending powwows and engaging with his relatives, through which he became immersed in Native American culture.

52. For the past seven years, Mr. Robinson has made many efforts to reconnect with his Native Narragansett faith, including studying available books and other resources pertaining to Narragansett religious beliefs and practices.

53. Mr. Robinson has also sought to engage in communal prayer and religious study with other Native American inmates as a means of deepening his spiritual understanding and observance of his religion.

5. Wallace Cable

54. Plaintiff Wallace Cable is of Native American descent, specifically of Algonquin Nipmuc heritage through his maternal lineage and Narragansett heritage through his paternal lineage, and his religious beliefs arise out of the traditions of the Nipmuc Nation.

55. Mr. Cable is an enrolled member of the Nipmuc Nation.

56. From a young age, Mr. Cable routinely visited the Native American reservation in Connecticut with his mother and grandmother.

57. During Mr. Cable's visits with his grandmother, she would speak to him in the Nipmuc language and introduced him to Nipmuc ceremonies and prayers, forming the foundation of his religious beliefs.

58. As an adolescent, Mr. Cable participated in religious ceremonies on the reservation, including a coming-of-age ritual and several powwows.

59. During his time on the reservation, Mr. Cable also deepened his connection to his cultural heritage through activities such as animal tracking, hunting, and learning about Nipmuc tribal history and traditions.

60. Mr. Cable became disconnected from his religious roots after childhood, but he began reconnecting and practicing daily beginning in 2018, two years before he was incarcerated.

61. Since then, Mr. Cable has prayed daily in the Nipmuc language and incorporates meditation into his regular religious practice.

62. Mr. Cable also creates religious drawings that he believes are a means to ward off evil.

B. Plaintiffs Seek to Participate in Traditional Native American Ceremonies.

63. As adherents of Native American religious traditions, Plaintiffs sincerely desire to participate in traditional Native American religious ceremonies, including pipe ceremonies, sweat lodge ceremonies, drum circles, smudging ceremonies, and powwows. The religious significance to Plaintiffs of each of these ceremonies is described below.

1. Pipe Ceremonies

64. Plaintiffs seek to participate in pipe ceremonies, which are a traditional ceremony within their religious traditions.

65. In Plaintiffs' religious traditions, tobacco is considered a sacred medicine used as an offering to the creator during pipe ceremonies.

66. The Federal Bureau of Prisons has described the importance of pipe ceremonies within Native American traditions:

The Sacred Pipe is the cornerstone of the spiritual teachings of most Native American tribes. A high degree of reverence is given the Sacred Pipe as central to traditional religious belief and practice.

Federal Bureau of Prisons, *Inmate Religious Beliefs and Practices: Practical Guidelines for Administration of Inmate Religious Beliefs and Practices* at p.205/Native Am., p.11. (Mar. 7, 2002) [hereinafter "BOP, *Inmate Religious Beliefs and Practices*"]; see generally Joseph Epes Brown, ed., *The Sacred Pipe: Black Elk's Account of the Seven Rites of the Oglala Sioux* (University of Oklahoma Press 1953).

67. The Oregon Department of Corrections has described a pipe ceremony as follows:

The Pipe Ceremony involves the use of the Sacred Pipe and is an important religious activity for Native Americans. The pipe represents the universe. It is a sacred altar that can be taken anywhere. In it all the kingdoms are united. The bowl is made of stone or clay to represent the elemental kingdom. The stem is of wood and represents the plant kingdom. The pipe is decorated with fur and feathers to represent the animal kingdom. It is used by two-legged humans, thus bringing all the kingdoms into the ceremony. Often the pipe has four streamers of red, black, white and yellow representing the colors of the four directions and the four races of humans. The bowl represents the female energies while the stem represents the male. The bowl is the flesh and blood of the Native people; the stem is the bones. The symbols of the pipe are never ending and like the universe itself.

The pipe and any objects used with it should be smudged before the actual pipe ceremony. When a pipe ceremony is done, the bowl is filled with tobacco, kinnik-kinnik, sage or sweetgrass in a ritual manner. First, pinches are offered to the Great Spirit, to the Earth Mother and to the four directions. When the pipe is lit a puff of smoke is offered to each of the four directions, to the Great Spirit and to our Mother Earth. The smoke from the pipe is the breath of prayer as it drifts up from the bowl and it is believed that when the smoke is drawn in through the stem the breath of the Great Spirit is taken into the body. With the smoke—an ethereal substance which can penetrate between the realms of the physical and the spiritual—prayers are sent to the Creator.

The pipe must be awakened and consecrated by a medicine person. The medicine person selects the pipe bearer who is in charge of preparing for this ceremony. A comparison could be made between the pipe ceremony and a Christian communion service. The pipe as it is passed from person to person becomes a powerful tool for healing and helping the earth and all of her children today.

Oregon Dept. of Corrections, *Handbook of Religious Beliefs and Practices* pp. 40-41 (Apr. 1991).

2. Sweat Lodge Ceremonies

68. Plaintiffs seek to participate in sweat lodge ceremonies, which are a central religious ceremony in their religious traditions.

69. A sweat lodge is a physical structure, typically a dome about ten feet in diameter and six feet tall, made of plant materials and wrapped in a tarp or blankets. Rocks are heated and placed in a small dugout in the center and water is poured on them to emit steam.

70. A sweat ceremony is the primary way that Native Americans in Plaintiffs' traditions detoxify their body and spirit from negative energy to achieve spiritual balance.

71. Sweat lodges have played a part in the religious practice of Native Americans of New England since long before European contact. The earliest recorded description of Native American sweat lodges is from Roger Williams, who lived among the Narragansett in what is now Rhode Island. In 1643, he published a lexicon of the Narragansett language, which includes the following entry:

Pesuponck; an Hot-house. This Hot-house is a kind of little Cell or Cave, six or eight feet over, round, made on the side of a hill (commonly by some Rivulet or Brooke) into this frequently the men enter after they have exceedingly heated it with store of wood, laid upon an heape of stones in the middle. . . . [H]ere doe they sit round these hot stones an houre or more, taking *Tobacco*, discoursing, and sweating together.

Roger Williams, A Key into the Language of America, in Collections of the Rhode Island Historical Society, Vol. I, p.158 (1827), <https://www.gutenberg.org/files/63701/63701-h/63701-h.htm>.

72. The Bureau of Prisons has described the meaning and importance of sweat lodge ceremonies as follows:

Equal to the Sacred Pipe as a cornerstone of Native American traditions is the purification ceremony of the Sweat Lodge. Many lodge rituals are for communal prayer purposes and others are for personal healing. To enter the Sweat Lodge is to return to the womb of Mother Earth for purification, strength, guidance, and for physical, mental, emotional and spiritual healing. Rocks, wood, fire, and water are used in the process. The participants also offer their suffering and prayers for one who is sick, one who needs help, and

for all of creation. These prayers are spoken, chanted, and sung for the interrelatedness of all life. There are typically four periods of prayer called “rounds” or “doors.” Each period ends with a prayer or shout as the door flap is thrown open and the cool breath of the Creator welcomes all into new life.

BOP, *Inmate Religious Beliefs and Practices* at p.208, Native Am. at p.14; *see generally Joseph Bruchac, The Native American Sweat Lodge: History and Legends* (The Crossing Press, 1993).

3. Drum Circles

73. Plaintiffs seek to engage in drum circles, a religious ceremony within their traditions.

74. As its name suggests, a drum circle involves a group of people who play hand drums and other percussion instruments while standing or sitting in a circular formation.

75. The Bureau of Prisons has recognized the importance of drum circles within Native American religious traditions:

The drum is seen as the heartbeat of both the earth and the Native American Nation. It brings the Native peoples together in a Sacred Circle and reunites all in spirit and purpose. The drum is believed to reconnect the Native Americans with the earth and, through it, the Native American sends forth prayers.

BOP, *Inmate Religious Beliefs and Practices* at 207-208, Native American at 13-14.

4. Smudging Ceremonies

76. Plaintiffs seek to engage in smudging ceremonies, a spiritual tradition shared by many Native American tribes, including Plaintiffs’ tribes.

77. Smudging consists of burning sage or other sacred herbs such as sweetgrass, tobacco, and red cedar. The smoke is then wafted over different parts of the practitioner’s body to cleanse the spirit.

78. The Bureau of Prisons has recognized the importance of smudging within many

Native American religious traditions:

The daily burning of sweet grass, sage, cedar, or other indigenous herbs is a widespread practice for those who are deeply involved in Native spirituality. Personal possession of small quantities of certain herbs by Indian inmates is usually permitted. The bitterness of the sage smoke reminds the Native American of the hard, difficult times that Creator has led them through, and the sweet grass smoke evokes the good times that Creator has given. As herbs are burned, the smoke purifies the body so nothing unclean participates in the ceremony. The sacred plants (sweet grass, sage, cedar, tobacco and corn pollen) are used in group ceremonies. Tobacco is used as an offering and in prayer. Sage, sweet grass, and cedar are used in cleansing, blessing, and purification.

BOP, *Inmate Religious Beliefs and Practices* at 205, Native American at 11.

79. The Oregon Department of Corrections describes a typical smudging ceremony and its meaning as follows:

This is a process of using smoke to clear away negative energies and to attract positive energies. Small amounts of sage, sweetgrass or a high grade of tobacco with as few additives in it as possible is used to produce smoke. Tobacco, like sage, tends to draw the negativity out of things and the sweetgrass brings in positive energies. Other plants, like cedar and juniper, may also be used because of their special healing powers. The individual desiring to smudge lights the mixture, lets it smoulder, then draws the smoke toward the heart and over the head to receive its blessing. After the smudging takes place, the smoke is offered to the four directions.

Oregon Dept. of Corrections, *Handbook of Religious Beliefs and Practices* p.40 (Apr. 1991).

5. Powwows

80. Plaintiffs seek to participate in an annual Powwow, which is a traditional practice among many Native American tribes, including Plaintiffs' tribes.

81. A Powwow typically consists of ceremonial practices such as a drum circle, dancing, and eating traditional Native American foods.

82. The Bureau of Prisons has described a Powwow as follows:

The Pow-wow is a day of traditional dancing, speaking, and praying in word, song, and music for all that lives. The gathering of inmates (often with guests from the outside, who may be dressed in ceremonial/liturgical garb) symbolizes a renewal of unity in the Spirit. A feast of traditional, familiar foods (such as fry bread, corn pemmican, and buffalo meat) is seen as central to the gathering. The spiritual advisor(s) establish the order of events for the gathering.

BOP, *Inmate Religious Beliefs and Practices* at 208, Native American at 14.

83. As BOP has recognized, a Powwow is a religious exercise because “All elements in the Pow-wow constitute a whole prayer.” *Id.*

C. Plaintiffs Seek to Obtain Traditional Native American Religious Items.

84. As part of their religious practice, Plaintiffs seek to obtain traditional Native American items that are recognized as having spiritual significance in Plaintiffs’ traditions: headbands, medicine bags, feathers, and dreamcatchers. The religious significance of each item is described below.

1. Headbands

85. Plaintiffs seek to obtain and wear traditional Native American headbands on the same terms that RIDOC allows Muslim inmates to wear kufis and Jewish inmates to wear yarmulkes.

86. For Plaintiffs, wearing a Native American headband expresses their traditions and spirituality.

87. Prison systems around the country allow Native American prisoners to wear headbands as an expression of their spiritual heritage.

88. The U.S. Bureau of Prisons has described the religious significance of headbands in Native American traditions:

The headband for the Native American has significance, in varying degrees, in all traditions. The headband completes and symbolizes

the circle for the wearer. It is believed to maintain oneness with order, conveying clear and respectful thinking. Significantly, some tribes intentionally do not wear headbands during time of war and battle because these are times of disorder. The headband may be worn everyday or on special occasions such as the Pipe, Blessing, Healing, Sweat Lodge, and other ceremonies to invoke the spirits for a good blessing. It can be blessed by a Medicine Man and/or spiritual advisor with appropriate prayers and songs. Generally, headbands have universal colors, each color symbolizing something specific (i.e. Blue—Sky or Deity; Red—Power or Strength; Green—Mother Earth; White—Purity; Yellow—Corn Pollen Road; Black—Darkness or Infinity).

BOP, *Inmate Religious Beliefs and Practices* at p.205, Native American at p.13.

2. Medicine Bags

89. Plaintiffs seek to obtain, carry, and maintain medicine bags containing sacred herbs and other small objects with spiritual significance. A medicine bag is a spiritual item that is common to many Native American tribes, including Plaintiffs' tribes.

90. A medicine bag is a small satchel, typically made of leather, worn around the neck. The medicine bag contains small sacred items that can vary from person to person. Many Native Americans include in a medicine bag the four medicines—sage, sweetgrass, cedar, and tobacco—along with other small tokens. Each item held within a medicine bag has spiritual significance to the person wearing it.

91. The Bureau of Prisons has described the importance of medicine bags in Native American religious traditions:

Traditionally, many Native Americans carry, wear, and maintain the medicine bag. The medicine bag may contain such natural objects as stones, animal parts, herbs, or seeds and kernels of maize, corn or other vegetables. Native Americans believe that each natural object possesses a spirit. As part of one's medicine bag, the spirits of these objects become part of the wearer. The medicine bag becomes the wearer's invocation to the Creator to continually be with and watch over him/her. It represents an extremely personal relationship between the Creator and the wearer, and care should be taken that

the Indian's spiritual significance of the medicine bag not be violated.

BOP, *Inmate Religious Beliefs and Practices* at p.205, Native American at p.10.

3. Feathers and Bird Parts

92. Plaintiffs seek to obtain feathers and bird parts, which are recognized as having spiritual significance in Plaintiffs' traditions.

93. Plaintiffs' traditions teach that the relationship between humans and animals is deeply spiritual. Animals provide more than direct sustenance such as food but also serve as spiritual guides, messengers, educators, and protectors.

94. Birds and bird feathers play a significant part in Plaintiffs' religious traditions and signify a connection to the Creator. Feathers carry spiritual significance and are often gifted to represent honor and wisdom.

95. Many different types of feathers are used in religious ceremonies. For members enrolled in federally recognized tribes, eagle feathers are cleansed using smoke and then brushed over the top of a person when they are feeling sad or hurt to bring positive energy to their bodies and carry their prayers to the Creator.

96. In Plaintiffs' traditions, feathers and bird parts play an essential part in numerous religious exercises, including pipe ceremonies and smudging. In addition, the personal possession of feathers and bird parts is itself a religious exercise.

97. The Bureau of Prisons has described the importance of feathers and bird parts in Native American religious traditions:

Birds and feathers are sacred to Native Americans, but the eagle is regarded in a special way. The eagle represents power, strength, healing, and loyalty for the Indian. Eagle feathers are considered sacred and cannot be purchased by Native Americans for personal possession, but can only be awarded or given by another.

BOP, *Inmate Religious Beliefs and Practices* at p.206, Native American at p. 12.

4. Dreamcatchers

98. Plaintiffs seek to obtain dreamcatchers, which are recognized devotional objects in Plaintiffs' cultures.

99. Typically, a dreamcatcher consists of a willow hoop woven into a web or a net. They can include feathers and beads, and they are traditionally suspended on cradles as a form of armor or protection.

100. Dreamcatchers originated in the Ojibwe tradition and were first documented in the 1920s. Over the course of the twentieth century, they were adopted by many Native American tribes. *See generally Native American Dream Catchers*, NATIVE LANGUAGES OF THE AMERICAS, <https://www.native-languages.org/dreamcatchers.htm>.

101. For Plaintiffs, the dreamcatcher is a symbol of hope and healing. Plaintiffs, like many in their culture, sincerely believe that possession of a dreamcatcher is a religious exercise, in that possession of a dreamcatcher will protect them from negative energy, while also serving as a symbol of culture and heritage during incarceration.

D. Plaintiffs Seek to Obtain a Diet Consistent with Their Religious Beliefs.

102. Plaintiffs seek to obtain a diet on ceremonial occasions and throughout the year that is consistent with their traditions.

103. In Plaintiffs' traditions, food provides a connection to the ancestral world, the natural world, and the spirit world. Plaintiffs have a sincere belief that their diet is part of their spiritual practice that connects them and keeps them in alignment with the natural world.

104. Plaintiffs' traditions include a diet of plant and animal-based foods that are local to New England, including squash, corn, beans, and animal and seafood that are typical of the region.

105. Plaintiffs’ traditions also call for eating traditional foods at regular feasts, including feasts to mark the beginning of each season, the Corn Harvest festival, and at powwows.

II. RIDOC PROHIBITS PLAINTIFFS FROM ENGAGING IN NATIVE AMERICAN RELIGIOUS PRACTICES AND THEREBY IMPOSES “SUBSTANTIAL BURDENS” ON NUMEROUS “RELIGIOUS EXERCISES”

A. RIDOC Prevents Plaintiffs from Practicing Their Religion

106. This case presents a stark and blatant violation of RLUIPA: RIDOC has simply made no accommodations for Native American religious practices.

107. RIDOC has denied Plaintiffs’ requests to hold communal religious ceremonies, including pipe ceremonies, sweat lodge ceremonies, drumming circles, smudging ceremonies, and powwows.

108. RIDOC has denied Plaintiffs’ requests to obtain items that are essential for expressing their religious beliefs, including headbands, medicine bags, dreamcatchers, and feathers.

109. Each of these denials of Plaintiffs’ ability to engage in a religious practice imposes a separate and independent “substantial burden” on a “religious exercise” that could only be sustained if RIDOC could show that the denial was the “least restrictive means” to “further a compelling governmental interest.”

110. RLUIPA defines a “religious exercise” broadly to mean “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc–5(7)(A).

111. Pursuant to that definition, when prison officials prevent a prisoner from engaging in a particular religious practice, they impose a “substantial burden” on that “religious exercise.” For example, a limit on beard length imposes a substantial burden on a religious exercise for

prisoners whose religious beliefs mandate that they grow their beards. *Holt v. Hobbs*, 574 U.S. 352, 358 (2015).

112. This is not a case, however, where prison officials prevent incarcerated people from engaging in one or two religious exercises. Instead, RIDOC prevents Plaintiffs from engaging in nearly *every* religious exercise that is part of their religious traditions.

113. Plaintiffs' inability to practice all aspects of their religion causes them enormous ongoing harms.

114. Plaintiffs have been denied items and practices that help them find peace amidst the stress of daily prison life. Plaintiffs' inability to practice their religion harms their mental health, their ability to form relationships with other Native Americans, and their ability to live in accordance with their traditional precepts.

115. To the extent that Plaintiffs can practice their religious traditions at all, they are forced to do so alone in their cells, while knowing that prisoners of other religions are allowed to participate in communal prayer and communal celebrations of faith.

116. Plaintiff Seignious' faith helps him deal with his stress, anxiety, and PTSD. Practices such as the sweat lodge would serve as an outlet and help balance his energy. Plaintiff Seignious first requested Native services in 2020, and having to continue to fight for the ability to practice his faith serves as an ongoing and additional stressors.

117. For Plaintiff Moore, his journey back to his faith has been a way to find his peace, as his traditional practices guide his life, such as how he engages in his morning prayers and the way he styles his hair; being unable to participate in other aspects of his traditions presents an obstacle on that path.

118. Plaintiff Cable's traditions help him remain grounded, through meditation and prayer. However, his inability to practice with others has left him to face the stress of daily life alone. Instead of practicing as one, he and his fellow Native Americans must remain scattered.

119. For Plaintiff Reels, for whom the ability to congregate is similarly important, this burden is especially difficult during powwow season.

120. RIDOC's refusal to permit Plaintiffs to engage in Native traditional practices not only denies Plaintiffs the incalculable benefits of more fully engaging in their traditions but instead forces them to endure further indignities each day that they are forced to wait for RIDOC's authorization.

B. Plaintiffs Cannot Practice Their Religion Without RIDOC's Authorization.

121. RIDOC policies provide that incarcerated people can participate in communal religious events and obtain items for their religious practice only if the event or item has been authorized by RIDOC officials, but RIDOC has not authorized any Native American ceremonies or items.

122. RIDOC policies provide that religious services must be supervised by an institutional chaplain. *See Religious Programs and Services*, 240 RICR 10-00-2 § 2.6(B) ("Inmate services and religious programs are scheduled, supervised, and directed by institutional chaplains in coordination with facility staff."). Prisoners who attempt to hold religious events without RIDOC's approval, and without the supervision of an institutional chaplain, are in violation of RIDOC's policies and are subject to discipline, including the imposition of disciplinary confinement and loss of privileges.

123. Similarly, RIDOC policies provide that prisoners may only possess those items that have been approved by RIDOC. Religious items that have not been approved by RIDOC are

contraband, and Plaintiffs would be subject to punishment, including disciplinary confinement, if they were caught possessing them. *See* RIDOC Policy 11.01-8, Inmate Discipline § III.2.

124. RIDOC has not approved any Native American religious ceremonies that Plaintiffs can attend. As a result, Plaintiffs are unable to participate in any Native American ceremonies, including pipe ceremonies, sweat lodge ceremonies, drum circles, smudging ceremonies, and powwows.

125. RIDOC has not authorized Plaintiffs to obtain headbands, medicine bags, feathers, or dreamcatchers.

126. Although RIDOC notified Plaintiffs that they would be allowed to obtain a headband with certain specifications, no headband of any kind has actually been made available to them.

127. Similarly, while RIDOC has hired chaplains to provide religious counseling and guidance to inmates of other faiths, it has made no meaningful accommodation for Plaintiffs' need for guidance from a Native American elder.

128. RIDOC policies specify that, while inmates may request permission to hold religious ceremonies, it is the responsibility of the Assistant Director of Rehabilitative Service to "make[] reasonable efforts to arrange for the requested services." *See Religious Programs and Services*, 240 RICR 10-00-2 § 2.7(C). Similarly, while RIDOC policies allow inmates to request visits by a clergy-of-record, RIDOC's institutional chaplains, not inmates, are "responsible for . . . [r]ecruiting, screening, and orienting prospective volunteers for religious programs and services." *Id.* § 2.6(D)(3)(a).

129. Although RIDOC asked Plaintiffs to identify a religious elder, when Plaintiff Reels provided contact information for a qualified elder—Bella Noka, a Narragansett Tribal Elder—

RIDOC did not follow up or take steps to facilitate her involvement.

C. RIDOC Has Long Known that Native American Prisoners Have No Opportunities to Practice Their Religion but Has Ignored and Denied Their Requests for Accommodations.

130. For years, Native American prisoners have requested that RIDOC accommodate their religious practices, as required by RLUIPA, but RIDOC has consistently ignored or rejected those requests.

131. RIDOC requires that all persons incarcerated at the ACI designate a religion. RIDOC recognizes only a few possible religious designations that a prisoner may choose, which include “Catholic,” “Protestant,” “Jewish,” “Muslim,” “Pagan/Wiccan,” “other,” and “no religion.” The religious designation selected by each prisoner becomes part of the official inmate file that RIDOC maintains for each prisoner in a computer system called “INFACTS.”

132. Under RIDOC’s policies, the religion designated by each incarcerated person determines the religious observances they are allowed to attend, the religious items they will be allowed to obtain, whether they will be allowed to receive dietary accommodations consistent with to their religion, and the institutional chaplain to whom they are assigned.

133. This policy was explained in an orientation session for new prisoners in the Medium Security Facility: “Your declared religion is listed in INFACTS, [and] this will determine your eligibility to participate in certain religious events and will also determine which religious items you are permitted to order from catalogs.”

134. For instance, for five years starting in 2019, Wolf Pawochawog-Mequinosh, an inmate in Medium Security, requested permission to have his religion designated as “Native American” and to wear a Native American headband, but he was repeatedly told that RIDOC had no programs for accommodating Native American religious practices. *See Complaint, Pawochawog-Mequinosh v. RIDOC*, Case No. 1:24-cv-00036-WES-PAS (D.R.I).

135. As Mr. Pawochawog-Mequinosh was repeatedly told, RIDOC did not allow prisoners to designate “Native American” as their religion, and RIDOC had approved no Native American religious ceremonies or items.

136. In January 2024, Mr. Pawochawog-Mequinosh brought suit against RIDOC under RLUIPA. *Pawochawog-Mequinosh v. RIDOC*, Case No. 1:24-cv-00036-WES-PAS (D.R.I.). Although RIDOC later entered into a settlement with Mr. Pawochawog-Mequinosh under which he is allowed to wear a headband on the terms that Muslim inmates wear kufis and Jewish inmates wear yarmulkes, RIDOC has not approved a headband as an item that other Native Americans may obtain through the commissary.

137. On June 13, 2025, a group of Native American prisoners held in Medium Security brought an RLUIPA suit against RIDOC, challenging their inability to obtain religious items, engage in religious ceremonies, obtain a diet consistent with their religious traditions, and meet with a Native American elder. *Smith v. RIDOC*, No. 1:25-cv-00272-WES-PAS (D.R.I.). In response to a motion for preliminary injunction filed in the suit, RIDOC stated that it was working to approve Native American religious programming.

138. On November 12th, 2025, the United States District Court issued an Interim Order requiring RIDOC to allow the *Smith* plaintiffs to order medicine bags, dreamcatchers, and feathers.

139. To date, however, the *Smith* Plaintiffs have not been accorded the means to order the Native American religious items that they seek.

140. Likewise, the Plaintiffs in this case have been provided no opportunities to obtain the Native American religious items that they are seeking.

D. Each of the Plaintiffs Has Requested to Engage in Native American Religious Exercises, But RIDOC Has Rejected Each of Those Requests.

141. Again and again, Plaintiffs have asked RIDOC officials for permission to obtain Native American religious items, engage in Native American ceremonies, and obtain guidance from a Native American elder, but Defendants have turned away all of those requests.

142. In doing so, Plaintiffs have exhausted all avenues that RIDOC makes available to them, leaving this lawsuit as the only means for them to obtain permission to practice their religion.

143. Each of the Plaintiffs filed grievances through RIDOC's grievance process to challenge the lack of approved religious services and religious items for Native Americans: for instance:

a. On March 4, 2025, Plaintiff Seignious filed a grievance (Grievance No. 2025-0259), which stated that he had spoken to the Deputy Warden and to the Director of Religious Services to request Native American religious services, but that no religious programming for Native Americans had been approved.

b. On March 26, 2025, Plaintiff Moore filed a grievance (Grievance No. 2025-0390), challenging the lack of items and services available for Native American religious practice: "We do not have access to Native American services ranging from but not limited to meeting with an Elder, Native as a religious designation, communal prayer, drumming ceremonies dancing Native American commissary, dreamcatchers, sweat lodge, language classes, powwows, tobacco ceremonies, medicine bags, small animal parts, headbands, eagle feathers, diet or smudging myself and living space."

c. On April 21, 2025, Plaintiff Reels filed a grievance (Grievance No. 2025-0539), challenging the lack of opportunities to participate in Native American religious services including smudging, powwows, communal prayer, dancing ceremonies, sweat lodges, and drum

ceremonies; he requested approval for religious items, including dreamcatchers, headbands, medicine bags, and feathers; and he requested that RIDOC facilitate guidance by a Native American Elder.

d. By May 7, 2025, Plaintiff Cable had filed a grievance challenging the lack of items and services available for Native American religious practice, including rituals and the guidance of a Native American elder. Plaintiff Cable filed a second grievance approximately one day after the return of his first grievance. Plaintiff Cable later requested a copy of both grievances from RIDOC security staff but was denied.

e. On May 16, 2025, Plaintiff Robinson filed a grievance (No. 2025-0681), challenging the lack of items and services available for Native American religious practice, including smudging, language classes, powwows, the ability to buy or make dreamcatchers, medicine bags, headbands, and bird feathers.

144. Plaintiffs filed these grievances pursuant to RIDOC's grievance policy, which declares that prisoners may file grievances over "[a]ny . . . matter relating to access to privileges, programs, and/or services; conditions of care or supervision; and living facility conditions within the authority of RIDOC." *Inmate Grievances*, RIDOC Policy No. 13.10-5, § IV.B.5 (effective date Jan. 12, 2023).

145. RIDOC's grievance policy identifies specific "non-grievable areas of prison life" and provides that grievances filed over non-grievable areas will be returned as unprocessed. *Id.* § IV.B.6.

146. The grievance policy does not list religious programming as a non-grievable area of prison life. Nonetheless, RIDOC returned as "unprocessed" each of Plaintiff's grievances over the lack of religious programming for Native Americans.

147. RIDOC's grievance policy provides no mechanism for appealing an "unprocessed grievance." The policy defines an "unprocessed grievance" as a grievance that was "returned to an inmate without being processed in any manner." *Id.* at § III(8). While the grievance policy provides a mechanism for an inmate to appeal a "decision" on a grievance, the policy makes no mention of appealing an unprocessed grievance, which by definition is one that did not result in a "decision." *See id.* at § IV(E)(5)(h) ("Upon receipt of the *decision* from the Warden/designee, the inmate has five (5) days to decide whether he/she will appeal the *decision*.") (emphasis added),

148. In returning Plaintiffs' grievances as unprocessed, RIDOC's grievance coordinator told the Plaintiffs that they cannot pursue relief through the grievance process but must first submit their requests for religious programming through the Office of Rehabilitative Services.

149. The decision to require the Plaintiffs to pursue relief through the Office of Rehabilitative Services before they can file grievances conflicts with the express terms of RIDOC's grievance policy. The grievance policy encourages inmates to pursue relief through informal channels, such as by making requests to "staff in the area most responsible for the complaint." *Id.* § IV(D)(1). However, "The informal resolution process is not required to access the formal grievance procedure, and it shall not operate to limit access to filing a formal complaint." *Id.* § IV(D)(4).

150. Heeding the advice that RIDOC gave them, Plaintiffs Reels, Moore, Seignious, and Cable pursued relief by submitting requests to Barry Weiner, RIDOC's Assistant Director of Rehabilitative Services, and to Ken Findlay, RIDOC's Interdepartmental Project Manager. Each submitted letters in which they requested that RIDOC accommodate Native American religious practice.

a. On approximately April 17, 2025, Mr. Moore sent a letter to Mr. Findlay, requesting to participate in religious ceremonies including smudging, powwows, communal prayer, dancing ceremonies, sweat lodges, and drum ceremonies. He requested approval for specific religious items, including dreamcatchers, headbands, medicine bags, and feathers; and he requested access to a Native American Elder or other spiritual adviser. Mr. Moore sent a similar letter to Barry Weiner, RIDOC's Assistant Director of Rehabilitative Services.

b. Likewise, Mr. Seignious sent a letter to Mr. Findlay, which requested permission to participate in religious ceremonies including smudging, powwows, communal prayer, dancing ceremonies, sweat lodges, and drum ceremonies; requested approval for specific religious items such as dreamcatchers, headbands, medicine bags, and feathers; and requested access to a Native American Elder or other spiritual adviser. Mr. Seignious sent a similar letter to Barry Weiner, RIDOC's Assistant Director of Rehabilitative Services.

c. On May 7, 2025, Mr. Reels sent a letter to Mr. Findlay, requesting that RIDOC make accommodations for Native American religious practice: "I respectfully request; A sweat lodge be constructed for our access and use. We be permitted to engage in Smudging ceremonies, Language classes, and powwows. We be allowed to hold drum ceremonies, communal prayer, dancing ceremonies, and ceremonial meals that follow a traditional Native American diet." Mr. Reels sent a similar letter to Mr. Weiner.

d. On July 21, 2025, Mr. Reels sent a letter to Barry Weiner providing contact information for Bella Noka, a qualified Native American Elder, who he believes would be available to conduct religious services at the ACI.

e. On July 28, 2025, having learned from the other Plaintiffs that the grievance process was unavailable and that RIDOC officials had directed them to pursue the matter with

Defendant Weiner's office, Mr. Cable sent a letter to Mr. Weiner, requesting to participate in Native American religious ceremonies and practices, including smudging, powwows, communal prayer, dancing ceremonies, sweat lodges, and drum ceremonies; requested approval for specific religious items such as dreamcatchers, headbands, medicine bags, and feathers; and requested access to a Native American Elder or other spiritual adviser.

151. Neither Mr. Findlay nor Mr. Weiner has acted on any of the requests submitted by the Plaintiffs. Instead, Mr. Weiner sent some of the Plaintiffs a letter on June 3, 2025, which stated that RIDOC was attempting to coordinate Native American religious services with outside groups but had not yet received any responses.

152. No one from RIDOC has responded to Mr. Reels' suggestion to contact Ms. Noka about her availability to lead Native American religious services.

153. Reflecting the informal nature of requests submitted to Defendant Weiner's office, RIDOC policies do not mandate that Defendant Weiner respond at all to Plaintiffs requests or establish any deadline by which he must respond. Instead, RIDOC policies provide Defendant Weiner an indefinite amount of time to determine when, if ever, Plaintiffs may be allowed to practice any aspect of their religion.

154. After awaiting an answer from Defendant Weiner on their requests for religious programming and having received no resolution, Mr. Reels again sought a resolution through RIDOC's grievance system but was again told that the grievance process was unavailable to resolve these issues.

a. On July 21, 2025, Mr. Reels filed a new grievance (Grievance No. 2025-0988), challenging the lack of items and services available for Native American religious practice.

b. On July 23, 2025, that grievance was returned as “unprocessed” on the ground that the issue had been “previously addressed.”

155. Having received no update from RIDOC as to Plaintiffs’ requests, Mr. Seignious also sought to avail himself of the grievance process a second time.

a. On approximately July 4, 2025, Mr. Seignious filed a new grievance (Grievance No. 2025-0897), again asserting his right practice his religion through services or practices such as smudging, meeting with an elder, possessing dreamcatchers, and participating in other important ceremonies.

b. Approximately two weeks later, this grievance was also returned unprocessed as a duplicate.

156. Likewise, and almost four months sense he filed his first grievance, Plaintiff Robinson filed a second grievance asserting his right to practice his religion in September of 2025.

a. This grievance was again returned as unprocessed.

b. In returning these grievances as unprocessed, RIDOC has again told the Plaintiffs that the grievance process remains unavailable to them as a mechanism for pursuing their request for religious accommodation.

157. By pursuing relief both through the grievance process and through Defendant Weiner’s office, Plaintiffs have exhausted all avenues RIDOC has made available to them.

158. Through its responses to these requests, RIDOC has made clear that it believes that Plaintiffs’ only recourse is to wait indefinitely for a decision by Defendant Weiner on whether they can practice any aspect of their religion, while Defendant Weiner is under no deadline to make a decision on their requests.

E. RIDOC Cannot Sustain Its Burden of Justifying the Denials of Plaintiffs’ Right to Practice Religion.

147. RLUIPA requires that prisons accommodate the religious practices of incarcerated people. In particular, RLUIPA prohibits prisons from imposing a “substantial burden” on a “religious exercise” unless the burden is the “least restrictive means” of furthering a “compelling governmental interest.” 42 U.S.C. § 2000cc-1(a).

148. Under RLUIPA, RIDOC bears the burden of establishing that each denial of Plaintiffs’ right to engage in a religious exercise is the “least restrictive means” to achieve a “compelling governmental interest.”

149. RIDOC cannot meet its burden because all of the practices that Plaintiffs have requested are routinely allowed at prisons around the country. As the experience of these prisons shows, prison officials have found ways to accommodate Native American religious practices consistently with their penological missions.

150. For decades, and long before the adoption of RLUIPA, many prisons had adopted comprehensive policies for accommodating Native American religious practices, which guaranty followers of Native American religions to have access to religious counseling, the opportunity to participate in Native American religious ceremonies, and the ability to obtain Native American religious items.

151. For instance, the Federal Bureau of Prisons (“BOP”) has adopted a 343-page policy manual, *Inmate Religious Beliefs and Practices: Practical Guidelines for Administration of Inmate Religious Beliefs and Practices*, which includes a 25-page chapter on Native American religious practices.

152. BOP’s guidelines summarize typical observances for adherents to Native American religions and how those must be accommodated in BOP prisons. The guidelines also list approved

personal and congregate religious items and the need for access to Native American elders to provide religious counseling. The guidelines also provide technical and practical guidance for accommodating Native American religious ceremonies.

153. The policies adopted by BOP are typical of those adopted at prisons around the country:

a. **Pipe ceremonies.** Pipe ceremonies are observed in federal prisons managed by the Federal Bureau of Prisons, as well as in the prison systems managed by the states of Alabama, Arizona, Arkansas, Indiana, Kentucky, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New York, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, among other prisons.

b. **Sweat lodge ceremonies.** Sweat lodge ceremonies are observed in every prison system in New England—except Rhode Island—and the prison systems operated by the states of Connecticut, Maine, Massachusetts, and New Hampshire have erected sweat lodges for Native American prisoners. Sweat lodges are also available in federal prisons operated by the Federal Bureau of Prisons, and in prisons operated by the states of Alabama, Arizona, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming, among other states

c. **Drum circles.** Numerous prison systems accommodate regular drum ceremonies for followers of Native American religions, including the Federal Bureau of Prisons, Alabama, Idaho, Indiana, Kansas, Kentucky, Massachusetts, Nevada, New Hampshire, Pennsylvania, Utah, Vermont, and Wisconsin.

d. **Smudging.** The Federal Bureau of Prisons describes smudging ceremonies as a “required daily observance” for many followers of Native American religion, and it allows

such ceremonies to be conducted in designated outdoor spaces. The Connecticut Department of Corrections allows prisoners to purchase herbs for smudging and permits them to smudge every day during a specified time known as “smudge call.” Smudging ceremonies are also regularly available at prisons in Alabama, Arizona, Idaho, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Nevada, New Hampshire, New York, Oregon, Montana, Pennsylvania, Texas, Vermont, Washington, and Wisconsin, among other prison systems.

e. **Powwows.** The Federal Bureau of Prison authorizes annual powwows in federal prisons. Powwows are also held annually in prisons in Indiana, Kentucky, Massachusetts, Oregon, South Dakota, and Washington, among other prisons.

f. **Headbands.** The Federal Bureau of Prisons makes available headbands for practitioners of Native American religions, as do prison systems around the country.

g. **Medicine bags.** Medicine bags are approved religious items by the Federal Bureau of Prisons, as well as at prisons operated by the states of Alabama, California, Georgia, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, among other prisons.

h. **Feathers.** Many prisons authorize followers of Native American religions to possess feathers, including at prisons operated by the Federal Bureau of Prisons and the states of Alabama, Arkansas, California, Georgia, Indiana, Kentucky, Maine, Massachusetts, Missouri, Montana, Nevada, New Hampshire, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Washington, and Wisconsin, among other prisons.

i. **Dreamcatchers.** Dreamcatchers are available to prisoners in Alabama, California, Maine, Montana, New Hampshire, Nevada, Oklahoma, Texas, Vermont, and Washington, among other state prison systems.

CLAIMS FOR RELIEF

CLAIM 1

Violation of the Religious Land Use and Institutionalized Persons Act by Denying Plaintiffs the Ability to Participate in Native American Religious Ceremonies (Against All Defendants)

1. Defendants are in violation of RLUIPA by denying Plaintiffs the ability to participate in Native American religious exercises.

2. RLUIPA provides:

(a) In general

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) Exception

Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. § 2000cc-1.

3. Plaintiffs are all “persons” as that term is used in RLUIPA. 42 U.S.C § 2000cc-1(a) and 42 U.S.C. § 1997(3).

4. At all relevant times, Plaintiffs were confined to the ACI, which is an “institution,” as defined in 42 U.S.C. 1997(1).

5. Defendant RIDOC is a “government” as defined in RLUIPA. 42 U.S.C. § 2000cc-5(4)(A)(i)-(iii), and each of the individual Defendants are agents of RIDOC.

6. RIDOC has denied Plaintiffs the ability to participate in a variety of Native American religious ceremonies that Plaintiffs seek to engage in as part of their sincere religious beliefs, including:

- a. Pipe ceremonies;
- b. Sweat lodge ceremonies;
- c. Drum circles;
- d. Smudging ceremonies; and
- e. Powwows.

7. Each of these ceremonies is an “exercise of religion” under RLUIPA. 42 U.S.C. § 2000bb-2(4); 42 U.S.C. § 2000cc–5(7)(A).

8. Each of the denials of Plaintiffs’ ability to participate in these ceremonies constitutes a “substantial burden” on Plaintiffs’ ability to participate in an exercise of religion.

9. Defendants cannot meet their burden of demonstrating that the “substantial burdens” they have imposed are the “least restrictive means of furthering [a] compelling governmental interest.”

CLAIM 2

Violation of the Religious Land Use and Institutionalized Persons Act by Denying Plaintiffs the Ability to Obtain Native American Religious Items (Against All Defendants)

10. As set out above, RLUIPA provides that RIDOC may not impose a “substantial burden” on an “exercise of religion” unless the burden is the “least restrictive means” to advance a “compelling governmental interest.”

11. RIDOC has denied Plaintiffs the ability to obtain a variety of Native American religious items, each one of which is essential to engaging in Native American religious activities:

- a. Headbands;
- b. Medicine bags;
- c. Feathers and bird parts; and
- d. Dreamcatchers.

12. Each of these items is essential to engaging in a Native American “exercise of religion.”

13. The denial of each items constitutes a “substantial burden” on Plaintiffs’ ability to participate in an “exercise of religion.”

14. Defendants cannot meet their burden of demonstrating that the “substantial burdens” they have imposed are the “least restrictive means of furthering [a] compelling governmental interest.”

CLAIM 3

Violation of the Religious Land Use and Institutionalized Persons Act by Denying Plaintiffs the Ability to Obtain a Diet Consistent with Their Religious Beliefs (Against All Defendants)

15. As set out above, RLUIPA provides that RIDOC may not impose a “substantial burden” on an “exercise of religion” unless the burden is the “least restrictive means” to advance a “compelling governmental interest.”

16. RIDOC has denied Plaintiffs the ability to obtain a diet consistent with their religious beliefs.

17. Eating a diet consistent with Plaintiffs’ religious beliefs is an “exercise of religion,” and RIDOC’s denial constitutes a “substantial burden” on that religious exercise.

18. Defendants cannot meet their burden of demonstrating that the “substantial burdens” they have imposed on Plaintiffs’ “religious exercises” are the “least restrictive means of furthering [a] compelling governmental interest.”

PRAYER FOR RELIEF

Plaintiffs Reels, Robinson, Moore, Seignious, and Cable request that this Court grant the following relief:

A. A declaratory judgment that Defendants’ denials of Plaintiffs’ requests for Native American religious accommodations violate Plaintiffs’ rights to the free exercise of religion, as protected by RLUIPA;

B. A preliminary injunction and, after a hearing on the merits, a permanent injunction ordering Defendants to allow Plaintiffs to participate in Native American ceremonies, including (1) pipe ceremonies, (2) sweat lodge ceremonies, (3) drum circles, (4) smudging ceremonies, and (5) powwows;

C. A preliminary injunction, and after a hearing on the merits, a permanent injunction ordering Defendants to allow Plaintiffs to obtain Native American religious items, including (1) headbands, (2) medicine bags, (3) feathers and bird parts, and (4) dreamcatchers;

D. A preliminary injunction and, after a hearing on the merits, a permanent injunction ordering Defendants to make available a diet consistent with Plaintiffs’ religious traditions;

E. An award of reasonable attorneys’ fees and costs of litigation, pursuant to 42 U.S.C. § 1988 and other applicable law; and

F. Such other and further relief as this Court deems just and proper.

Respectfully submitted,

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