Edward Barocas
Nadia Seeratan
ACLU of New Jersey Foundation
P.O. Box 32159
Newark, NJ 07102
(973) 642-2086

Daniel Mach (appearing *pro hac vice*)
ACLU Foundation Program on Freedom of Religion and Belief
915 15th St., NW
Washington, DC 20005
(202) 675-2330

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

(VICINAGE OF TRENTON)

HOWARD THOMPSON, JR., Plaintiff, v. MICHELLE R. RICCI, in her official capacity as Administrator, New Jersey State Prison; and GEORGE W. HAYMAN, in his official capacity as Commissioner, New Jersey Department of Corrections, Defendants.	Hon. Anne E. Thompson, U.S.D.J. Civil Action No. 08-5926 (AET) Motion Date: February 17, 2009

PLAINTIFF'S REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

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INTRODUCTION AND SUMMARY OF ARGUMENT

Defendants' opposition brief is most revealing for what it fails to say. Defendants do not deny that Mr. Thompson's religious beliefs and his calling to preach are sincerely held, or that prohibiting him from preaching imposes a substantial burden on his religious exercise. Nor could they: Mr. Thompson's religious sincerity has never been in doubt, and the case law makes clear that preaching is a protected form of religious exercise. Defendants also do not refute that Mr. Thompson was permitted to sermonize at Sunday church services and teach Bible-study classes for years *without incident*, and has now been barred from doing so; that inmates in other, nonreligious groups at New Jersey State Prison (NJSP) have been permitted to take on similar or more extensive leadership roles *without incident*; or that other prisons, including federal penitentiaries, expressly allow the very type of religious activity Mr. Thompson seeks to resume. Defendants' silence as to these matters concedes their truth, and highlights the weak grounds on which they base their refusal to accommodate Mr. Thompson's request.

Unable to contest the basic material facts that demonstrate Mr. Thompson's entitlement to a preliminary injunction, or to point to a single case refuting Plaintiff's position, Defendants instead invent three new details to bolster their case: (1) that prison rules already permit Mr. Thompson to preach (and so his motion is somehow unnecessary); (2) that Defendants' refusal to allow Mr. Thompson to sermonize at church services and lead weekly Bible studies is a byproduct of a DOC-wide ban on inmate "leadership" of prison groups; and (3) that because Mr. Thompson seeks nothing less than "the unfettered ability to determine the time, manner, and circumstances of his preaching, counseling and ministering," exempting him from the leadership ban would compromise the safety and security of the prison. Opp. at 3, 4, 8-10. Even if they somehow could overcome the clear law supporting Mr. Thompson's claims — and they cannot — those assertions are simply incorrect.

Mr. Thompson does not, as Defendants suggest, seek "blanket permission to conduct whatever activities he desires, in the manner and time of his choosing." Opp. at 7. Rather, Mr. Thompson, an ordained Pentecostal minister, merely seeks to deliver — under the supervision of a prison or volunteer official — the sermon (or morning message) at Sunday church services and to teach weekly Bible-study classes, as he had done for years *without incident*.

Defendants argue that prison policy already adequately accommodates Mr. Thompson's calling to preach by permitting preaching to informally gathered groups of six or fewer inmates. The realities of prison life, however, render Defendants' purported accommodation utterly meaningless: Mr. Thompson is rarely allowed time outside of his cell during which he can freely mingle with other inmates, and, even during those rare blocks of "free time," he has access to very few Christian inmates; further, during those times, he is prohibited from carrying his Bible, a necessary component of his preaching. As a policy and practical matter, Mr. Thompson is unable to heed his calling to preach.

Defendants' arguments that NJSP has an inviolable rule against inmate leadership of any kind, and that Mr. Thompson's sermonizing and teaching Bible studies would somehow compromise the safety and security of the prison are also belied by the evidence. Far from banning inmate leadership, state administrative regulations expressly contemplate and allow inmate leadership over prison groups. Moreover, Defendants' proffered security concerns are speculative, grounded in generalized fears, and cast into doubt by the uncontested facts noted above. In the end, Defendants' justifications fall well short of the compelling-interest and least-restrictive-means requirements of the Religious Land Use and Institutionalized Persons Act (RLUIPA) – which applies with full force in this case, despite Defendants' failure even to mention or address the statute. Unless this Court enters a preliminary injunction, Defendants will continue to substantially burden Mr. Thompson's religious exercise.

I. MR. THOMPSON HAS NO MEANINGFUL OPPORTUNITY TO PREACH.

As a Pentecostal, Mr. Thompson regards the Bible as *sola scriptura*: He believes that it is the actual Word of God and that it must be heeded as literally as possible. Thompson Dec. ¶ 1; Pierce Dec. ¶ 7.[1] As explained by Dr. Yolanda Pierce, an expert in Pentecostal studies and a Pentecostal minister herself, Pentecostals believe the Bible commands them to spread the Word of God far and wide. Pierce Dec. ¶¶ 2-8; Thompson Dec. ¶ 1. Thus, the primary religious calling of every Pentecostal is to evangelize or proselytize as many people as possible, a calling with even greater urgency for ordained ministers. Pierce Dec. ¶¶ 8-9. Mr. Thompson is no exception. Thompson Dec. ¶ 1. Failure to carry out this biblical mandate is, for Mr. Thompson, tantamount to disobedience of God, which results in serious spiritual, mental, and emotional repercussions. *Id.* ¶ 1; Pierce Dec. ¶ 10.

Mr. Thompson cannot carry out his religious calling, however, under current NJSP rules and regulations. As an initial matter, the pool of inmates to whom Mr. Thompson might preach is drastically limited by a prison regulation that bars any inmate proselytizing that "deliberately seek[s] to persuade an inmate to change his or her religious affiliation." N.J.A.C. § 10A:17-5.2. Mr. Thompson, therefore, must confine his preaching to inmates whom he knows to be Christians. Thompson Dec. ¶ 5. Additionally, by further restricting preaching to informal gatherings, Defendants effectively limit Mr. Thompson's preaching to those times (other than religious services) when he can gather and associate freely with other inmates. The sole such time available to him occurs during yard recreation, which he is permitted to attend for only one to two hours every three days. *Id.* ¶ 4. Mr. Thompson remains otherwise confined to his cell, except for work, meals, and religious services or other approved meetings. *Id.*

[1] The Declaration of Howard Thompson, Jr. is "Attachment 1" to this reply brief. The Declaration of Dr. Yolanda Pierce is "Attachment 2" to this reply brief.

On the yard, Mr. Thompson's access to other Christians is significantly circumscribed: Yard recreation is segregated by "area" (Mr. Thompson's area representing one of five), so he has regular yard contact with only those Christian inmates who are assigned to his area and who are not precluded from attending recreation. Thompson Dec. ¶ 6. Mr. Thompson is never permitted yard access to prisoners assigned to any of the other four areas. *Id*. The number of Christian inmates in the yard area is even smaller in Mr. Thompsons's case because the area to which he is assigned is made up entirely of special-needs units (except for his own), whose inmates often are unable or not authorized to take advantage of recreation time. *Id*. ¶ 7.

But even if Mr. Thompson's access to the yard and other Christian inmates were not limited so severely, he *still* would be precluded from acting in accordance with his religious calling because he would be missing the one thing that is indispensable to his ability to preach: his Bible. *Id.* ¶¶ 1, 8; Pierce Dec. ¶ 11. Prison rules strictly forbid inmates from taking any book or reading material to the yard. Thompson Dec. ¶ 8. The rule would even bar Mr. Thompson from bringing to the yard handwritten notes from which he could deliver a prepared sermon. *Id*. Yet without his Bible — the sole source, for Mr. Thompson, of God's divine guidance, and a necessary component of his preaching — Mr. Thompson cannot even begin to preach in a manner that satisfies his religious calling and complies with his beliefs. *See* Thompson Dec. ¶ 8; Pierce Dec. ¶ 11. Defendants' purported accommodation, therefore, is hollow, and results in nothing less than an outright denial of Mr. Thompson's fundamental right to preach.[2]

[2] In addition, there is a stark contrast between conversing in the yard with a few friends and sermonizing during Sunday services or teaching Bible classes. Sunday services and Bible classes take place in a space dedicated (for the time being) to worship, praise, and study, among men gathered for and focused on those purposes. These settings provide for a meaningful and effective preaching experience in a way Defendants' purported accommodation does not. *See* Thompson Dec. ¶ 10; Pierce Dec. ¶12.

II. DEFENDANTS HAVE FAILED TO MEET THEIR BURDEN UNDER RLUIPA.

Having substantially burdened Mr. Thompson's sincere religious exercise, Defendants must, under RLUIPA, now demonstrate that prohibition of Mr. Thompson from preaching at church services and teaching Bible studies serves a compelling interest, and is the least restrictive means available to achieve that interest.[3] *See Spratt v. R.I. Dep't of Corr.*, 482 F.3d 33, 38-39 (1st Cir. 2007); Opening Br. at 8-13. Defendants do not come close to satisfying their burden. Indeed, they fail to address their burden under RLUIPA at all; their brief does not once mention the statute or cite to any case in which RLUIPA was applied.[4]

A. Defendants' Purported Leadership Ban and Speculative Security Concerns Do Not Constitute Compelling Interests.

RLUIPA requires Defendants to demonstrate that their preaching policy and their refusal to exempt Mr. Thompson from the policy both serve compelling interests. *See* Opening Br. at 8-10. Defendants argue that their refusal to permit Mr. Thompson to preach is justified because they are merely enforcing a system-wide prohibition on "inmate leadership of formal activities," rather than a preaching ban *per se*,[5] and because the leadership ban is necessary to prevent security risks attendant to granting inmates "control over other inmates." Opp. at 8. But Defendants' purported leadership ban appears to be nothing more than an invented, post-hoc rationalization of their treatment of Mr. Thompson: Other than Ms. Ricci's declaration, Defendants provide no evidence that the ban even exists. Neither N.J.A.C. § 10:A17-5.6 nor

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[3] Defendants argue that they should be "accorded wide-ranging deference" pursuant to *Turner v. Safley*, 482 U.S. 78 (1987). Opp. at 7. But the deferential *Turner* standard, while applicable to Mr. Thompson's Free Exercise claim (*see* note 4, *infra*; Opening Br. at 14), does not govern his RLUIPA claim. *See, e.g., Spratt*, 482 F.3d at 42 n. 12; *Lovelace v. Lee*, 472 F.3d 174, 198-200 (4th Cir. 2006).

[4] Though not addressed in this reply brief, Mr. Thompson also brings a claim under the Free Exercise Clause. *See* Opening Br. at 14-16.

[5] It is irrelevant under RLUIPA whether the prohibition on inmate preaching at Sunday services and teaching weekly Bible classes stems from a general ban on "inmate leadership of formal activities," or instead from a targeted ban on inmate preaching. In either case, RLUIPA requires Defendants to demonstrate a compelling interest in maintaining that result.

Internal Management Procedure PCS.0002.Rel.004, which Defendants cite as the sources of the claimed system-wide ban, contains any language that could reasonably be interpreted as an outright prohibition on inmate leadership.[6] On the contrary, the New Jersey Administrative Code, which governs all state Department of Corrections facilities, expressly contemplates inmate leadership of prison groups and makes clear that such leadership is both permitted and expected: Inmates seeking to establish a new group must submit a request that includes, among other requirements, "[i]nformation regarding *inmate leadership positions*, such as: (i) Duties; (ii) Terms of office; (iii) Manner of election; and (iv) Other proposed organizational structure." N.J.A.C. § 10A:12-2.2 (emphasis added); and in terminating an inmate group, the Code requires the prison administrator to "provide written notice of termination and the reasons therefor to the *elected leaders of the inmate group*." *Id*. § 10A:12-2.8 (b) (emphasis added).

Moreover, even if such a leadership ban did exist, the speculative and nonspecific security concerns on which Defendants base their refusal to exempt Mr. Thompson, do not, as a matter of law, rise to the level of a compelling interest under RLUIPA. *See Washington v. Klem*, 497 F.3d 272, 283 (3d Cir. 2007) ("Even in light of the substantial deference given to prison authorities, the mere assertion of security of health reasons is not, by itself, enough for the government to satisfy the compelling interest test."); *Spratt*, 482 F.3d at 39 (holding that Department of Corrections "must do more than merely assert a security concern" to sustain ban on inmate preaching) (internal quotation marks and citation omitted). These generalized security

[6] Both the administrative code section and IMP policy cited by Defendants address only religious meetings, so they could not possibly evince a blanket leadership ban. In addition, by Defendants' own admission N.J.A.C. § 10A:17-5.6 requires only that religious services and meetings be "coordinated and scheduled" by prison personnel, and does not speak at all to the role inmates may play in religious services. Opp. at 10. IMP PCS.0002.Rel.004 similarly contains no language reflecting a ban on inmates' assumption of leadership roles. *See generally,* Ricci Cert., Ex. B. Quite the opposite: The policy guarantees inmates the "opportunity to participate in practices of their religious faith that are deemed essential by the faith judicatory, *limited only by documentation showing threat* to the safety of the persons involved in such activities or that the activity itself disrupts order in the institution." *See id.* (emphasis added).

concerns are especially inadequate in this case because (1) Mr. Thompson has preached for more than a decade without incident; (2) he does not seek authority or control over other inmates; and (3) Defendants have permitted inmates in other, nonreligious groups to assume similar, if not more expansive, leadership roles with no problems.

1. Defendants' speculative security concerns are insufficient to overcome their burden under RLUIPA.

Defendants contend that Mr. Thompson cannot sermonize during church services and teach Bible classes because he would be placed in a position of leadership that would compromise "the safety and security of the institution." Opp. at 8. But Defendants do not provide even one example of an actual security breach or threat stemming from an inmate's leadership of formal activities generally. Nor do they cite any specific security problems caused by an inmate's sermonizing at religious services or teaching of Bible classes. Instead, they speculate that "an emergent situation *could* arise at any time that demands full correctional control over the inmate population," and that "uncertainty as to who is in control *can* quickly escalate into an extremely dangerous situation." Opp. at 8-9 (emphasis added). They further hypothesize that inmates might be "persuaded to follow the inmate leader, rather than correctional staff and institutional rules and regulations," and that "[e]ven inmates with relatively clean disciplinary histories can be sophisticated operators who work through intermediaries and pose a significant threat to internal security." Opp. at 8-9. Defendants' conclusory statements, unsupported by even one identifiable example, make clear that Defendants' refusal to accommodate Mr. Thompson's religious exercise is predicated on '"mere speculation, exaggerated fears, [and] post-hoc rationalizations.'" *See* Opening Br. at 8 (quoting RLUIPA's legislative history); *id* at 9-10. Speculative and nonspecific security concerns of this nature, however, do not satisfy RLUIPA's rigorous compelling-interest prong. For example, in *Spratt*, a case with nearly identical facts, the First Circuit rejected the defendants' unsupported speculation

that "having leaders in prison (even those sanctioned by the administration) is detrimental to prison security," noting that the defendants had "cite[d] no past instances where having inmates in leadership positions endangered security." 482 F.3d at 39.

Recognizing that, under RLUIPA's compelling-interest test, they simply cannot justify their refusal to permit Mr. Thompson to continue his preaching by sermonizing and teaching weekly Bible-study classes, Defendants instead resort to mischaracterizing the relief he seeks in a misguided effort to lend more credibility to their proffered security concerns. If Mr. Thompson did indeed seek "blanket permission to conduct whatever activities he desires, in the manner and time of his choosing," as Defendants contend, this Court and Defendants would surely be justified in denying his request on a variety of grounds under even the weakest legal standard. But Mr. Thompson's goals are far more limited: He seeks only to resume delivering — under the supervision of a prison or volunteer official — the sermon (or morning message) at Sunday church services and to teach Bible-study classes, as he has done for years *without incident*.[7] *See* Thompson Dec. ¶ 9. Defendants have no legal basis for denying Mr. Thompson's modest request. *See Spratt*, 482 F.3d at 39-40.

2. Mr. Thompson does not seek control over other inmates.

Defendants' speculative security concerns are especially inadequate as applied to Mr. Thompson, who has preached for more than a decade without incident, thereby "cast[ing] doubt on the strength of the link between his activities and institutional security."[8] *See Spratt*, 482 F.3d

[7] These two activities are complementary forms of preaching, which, when combined, allow Mr. Thompson to fulfill his religious calling: Sermonizing provides him an opportunity to expound at length each week, and spread the Word of God, regarding a general topic of his choosing; teaching Bible classes each week, meanwhile, enables him to explore in-depth, via a give-and-take discussion, a number of unrelated topics, as well as to address the spiritual concerns of inmates by preaching about specific questions they may have. Thompson Dec. ¶¶ 9-10

[8] Administrator Ricci's admission that she was unaware of Mr. Thompson activities for over a year-and-half, though disputed by Mr. Thompson (*see* Thompson Dec. ¶ 12), further undermines this link. (*See* Ricci Cert. ¶ 8.)

at 40 (noting that "Spratt's seven-year track record as a preacher, which is apparently unblemished by any hint of unsavory activity" further undermined defendants' claim that their preaching ban was crucial to preserving prison security). He does not seek and has never sought to be in control of religious services or Bible classes. Thompson Dec. ¶ 11. As explained in his declaration, Mr. Thompson does not wish to serve, be designated as, or in any way be recognized as an authority figure with power or control over other inmates. *Id*. Rather, he has always been clear that he seeks to preach *under the supervision of* a chaplain, other prison official, or approved volunteer. In his years of preaching, he has never claimed authority over other inmates or disputed the fact that authority and control over inmates is the province of the prison official or other authorized volunteer who is required to be present during meetings. *Id*. Where no such authority figure has been available for a specific occasion, Mr. Thompson has never contested Defendants' right to cancel or postpone the particular service or class. *Id*. Thus, barring him from preaching does nothing to further the security aims of Defendants' purported leadership ban. Indeed, as in *Spratt*, Defendants have failed to explain "why a person who expounds on the scripture during a weekly religious service [under the supervision of a Chaplain] would be considered a leader." 482 F.3d at 39. Defendants, accordingly, have no compelling interest in barring Mr. Thompson from preaching.[9]

3. Permitting Mr. Thompson to preach with supervision would be consistent with Defendants' treatment of inmates' participation in nonreligious groups.

Furthermore, though they claim that any leadership titles are "self-designated,"[10] Defendants do not dispute that inmates in other groups, including Toastmasters, the prison

[9] Defendants' speculative, nonspecific security concerns also fail to meet the "reasonable relationship" test applied under *Turner* to Mr. Thompson's Free Exercise claim. *See* Opening Br. at 14-16.

[10] In fact, Mr. Thompson understands that, several years ago, in a bid to ensure that the officers of inmate clubs did not claim various self-aggrandizing titles, prison administrators officially

chapter of NAACP, the Inmate Legal Association, and the Trenton Incarcerated Veterans, take on significant roles and responsibilities. *See* Opp. at 10; Thompson Dec. ¶¶ 13-15. For example, in both Toastmasters, which has twice-monthly meetings attended by 15 to 30 inmates, and the NAACP, which has twice-annual meetings attended by 70-100 inmates, a "group leader" (elected by his peers) is in charge of setting the agenda for meetings and often running them (under the supervision of a prison official or volunteer). *Id.* These inmates are also responsible for communicating with the staff liaison assigned to every inmate club. *Id.* Toastmasters has, in the past, even had an elected sergeant-at-arms, who ostensibly was charged with keeping order at meetings. *Id*. ¶ 13. Inmates' collective designation of a particular person to plan for and lead meetings, and the subsequent assumption of special roles by these elected inmates are clear indicia of leadership, but Defendants have taken no action to stop these activities.[11]

"If safety and security are the paramount concerns, these exceptions seem to undermine the *compelling* nature of the [leadership] limitation." *See Klem*, 497 F.3d at 284 (holding that myriad exceptions to prison's ten-book rule weakened defendants' claim that the limitation was necessary to prevent fire hazards, the concealment of weapons and contraband, and sanitation problems). Defendants' failure to prevent inmates in other groups from taking on leadership roles and responsibilities belies their claim that a leadership ban exists, and surely disproves the notion that such a ban is necessary to preserve prison security.[12]

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mandated that all inmate positions of authority in such clubs be assigned the title of "group leader." Thompson Dec. ¶ 15.

[11] Administrators are well aware of the leadership roles played by inmates in these groups. Thompson Dec. ¶ 13; *supra*, note 10. In addition, a prison official or approved volunteer is required to be present at all meetings, and a staff liaison is assigned to each inmate club to monitor its progress and submit reports on events to the prison administrator. Thompson Dec. ¶ 13. Moreover, in some cases, officials have attended special club events where inmates' leadership positions were evident, such as the Toastmasters' annual end-of-year banquet celebrating its success and the election of new leadership. *Id.*

[12] Moreover, by allowing inmate leadership in nonreligious groups while simultaneously banning all forms of religious leadership, Defendants also impermissibly disfavor religion in violation of

B. Defendants' Bar on Mr. Thompson's Preaching Is Not the Least Restrictive Means Available to Achieve Their Interests.

Assuming Defendants could show that their policies and practices serve a compelling interest, completely barring Mr. Thompson from sermonizing and teaching Bible studies is hardly the least restrictive means of furthering that interest, as required by RLUIPA and Defendants' own internal operating procedures. *See* Opening Br. at 11-14; Ricci Cert., Ex. B. (requiring any limitation on inmates' free exercise to be "subject to the least restrictive means available relative to the maintenance of a safe secure, and orderly operating correctional facility"). As illustrated by the Federal Bureau of Prisons policy on religious beliefs and practices, which permits inmate-led religious services and programs, potential security concerns raised by inmate leadership are easily addressed by ensuring that proper staff supervision is present. *See* Opening Br. at 12-13; *Spratt*, 482 F.3d at 42 ("the Federal Bureau of Prisons policy suggests that some form of inmate preaching could be permissible without disturbing prison security"). Defendants' IMP policy also points to another, much less restrictive means of redressing potential security threats during religious programs, providing that, where "there is substantial evidence that disruptive or illicit activity has occurred or is likely to occur, one or more inmates may have their attendance at group worship restricted or denied, or a scheduled religious service, activity or meeting may be canceled or terminated." Ricci Cert., Ex. B.

CONCLUSION

Mr. Thompson meets the requirements for a preliminary injunction.[13] *See* Opening Br. at 4. He is highly likely to prevail on the merits of his claims, and absent immediate injunctive

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the Free Exercise Clause. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532-540 (1993) (holding that a governmental regulation that "single[s] out [religious practice] for discriminatory treatment" violates the Free Exercise Clause even if the regulation appears neutral to religion on its face).

[13] Defendants misconstrue the Prison Litigation Reform Act to "impose[] four additional criteria that must be met in order to issue an injunction." Opp. at 5. But the PLRA does not

relief, he will continue to suffer irreparable harm as a result of Defendants' violations of his rights under RLUIPA and the Free Exercise Clause.[14] *See* Opening Br. at 5, 17. Furthermore, the balance of hardships tips heavily in favor of Mr. Thompson: Defendants do not deny that Mr. Thompson has preached without incident for more than a decade; nor do they identify any specific harm likely to occur in the future, their speculative security concerns notwithstanding. Finally an injunction would serve the public interest. *See* Opening Br. at 18-19.

Accordingly, Mr. Thompson respectfully requests that the Court grant him a preliminary injunction barring Defendants from further depriving him of his fundamental religious-exercise rights, including (1) the right to sermonize at Sunday church services; and (2) the right to teach weekly Bible-study classes.

Respectfully submitted,

/s/ Edward Barocas
Edward Barocas
Nadia Seeratan
ACLU of New Jersey Foundation
P.O. Box 32159
Newark, NJ 07102
(973) 642-2086

Daniel Mach (appearing *pro hac vice*)
ACLU Foundation Program on Freedom of Religion and Belief
915 15th St., NW
Washington, DC 20005
(202) 675-2330

Attorneys for Plaintiff

Dated: February 9, 2009

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impose on prisoners any additional burden with respect to the showing required to obtain preliminary relief. Rather, the statute addresses the nature of the injunctive relief that a Court may order on behalf of an inmate. *See* 18 U.S.C. § 3626 (1995).

[14] The lull between Mr. Thompson's discovery of the preaching ban and his filing suit does not diminish the gravity of this injury or suggest that it is not irreparable. *See* Opp. at 6. As a matter of law, the loss of First Amendment and RLUIPA freedoms constitutes irreparable harm. *See* Opening Br. at 17. Moreover this gap in time is not unreasonable in light of at least two facts: (1) Mr. Thompson's religious beliefs required that he first attempt to resolve the dispute over the preaching ban without "going to law" (filing suit) against his fellow Christian, then-Chaplain Moore (*see* Thompson Dec. ¶ 16; Pierce Dec. ¶ 13); and (2) Mr. Thompson's incarceration imposed significant obstacles on his abilities to gather all relevant facts and information needed for a lawsuit, consult with and retain counsel, and work with counsel to prepare the necessary court paperwork. (Thompson Dec. ¶ 16).

CERTIFICATION OF SERVICE

I hereby certify that Plaintiff's Reply Brief in Support of Motion for Preliminary Injunction; the Declaration of Howard Thompson, Jr., in Support of Plaintiff's Reply Brief; and the Declaration of Dr. Yolanda Pierce in Support of Plaintiff's Reply Brief were filed electronically with the Clerk of the United States District Court, causing a "Notice of Electronic Filing," with a link to the filed documents, to be sent to the following:

Anne Milgram, Attorney General of New Jersey
Dianne M. Moratti, Deputy Attorney General of New Jersey
R.J. Hughes Justice Complex
P.O. Box 112
Trenton, New Jersey 08625

Attorneys for Defendants

By: /s/ Edward Barocas
Edward Barocas

Date: February 9, 2009