

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

NORMAN SIMMONDS (Inmate
#X0233489),

Plaintiff,

v.

SHERIFF MELODY M. MADDOX,
DeKalb County Sheriff, in both her
official and individual capacities, *et*
al.,

Defendants.

Civil Action No.

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

ORAL ARGUMENT REQUESTED

Motion Noted: April 18, 2022

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

TO ALL DEFENDANTS AND THEIR COUNSEL: Please take notice that as soon as the matter may be heard in the United States District Court for the Northern District of Georgia, Plaintiff shall and hereby does move the Court for an emergency temporary restraining order and/or preliminary injunction requiring Defendants to provide Plaintiff with adequate nutrition during Ramadan. This motion is brought pursuant to Federal Rule of Civil Procedure 65, the Religious Land Use and Institutionalized Persons Act, 42, U.S.C. § 2000, *et seq.* Plaintiff's motion is based on the Complaint, this motion,

the accompanying memorandum of points and authorities, and all such further written materials and oral arguments as may be presented to the Court.

In accordance with Local Rule 7.2(B),¹ Counsel for Plaintiff requests an immediate hearing on this motion, even if *ex parte*. Fed. R. Civ. P. 65(b)(1) (The court may issue a temporary restraining order without notice or response from opposing counsel with a showing of immediate, irreparable injury, loss, or harm, and efforts made to give notice.). Counsel has provided notice to the Office of the Sheriff of Dekalb County and to representatives of Trinity Services Group via email regarding this request for relief, as detailed in the attached Declaration of Murtaza Khwaja. Defendants have not yet responded. But Mr. Simmonds cannot wait.

The Government daily deprives Mr. Simmonds of the nutrition necessary to maintain his health while practicing his faith during Ramadan in which Muslims fast from first light to sundown each day. For most of the past two weeks – 11 of 14 days – Mr. Simmonds has been forced to subsist on fewer than 700 calories per day. Three of those days, he was provided no food at all. His

¹ Local Rule 7.2(B) provides for Emergency Motions. “Upon written motion and for good cause shown, the Court may waive the time requirements of this rule and grant an immediate hearing on any matter requiring such expedited procedure. The motion shall set forth in detail the necessity for such expedited procedure.”

morning meal is chronically delivered after his daily fast has begun, too late to eat it and still maintain his sincere religious beliefs. And his evening meal, when served at all, is often delivered after 10:00 p.m., sometimes including items he cannot eat due to food allergies. And only three days in the last two weeks has the jail managed to get him two meals in a day, never three, and never larger portions to make up the difference. To make matters worse, the Government also blocked his access to the commissary for the first week of Ramadan, so he was not even able to purchase his own food.

Date:	Meals Accommodated:	Est. Calories:
April 3	Dinner at 9:30 p.m.	390-687
April 4	Dinner at 11:30 p.m.	390-687
April 5	None	0
April 6	None	0
April 7	None	0
April 8	Dinner at 8:30 p.m.	390-687
April 9	Dinner at 9:30 p.m.	390-687
April 10	Breakfast at 6:15 a.m.	620-680
April 11	Breakfast at 5:25 a.m.; dinner at 10 p.m.	1010-1367

April 12	Dinner at 8:19 p.m.	390-687
April 13	Breakfast at 4:30 a.m.; dinner at 8:35 p.m.	1010-1367
April 14	Breakfast at 5:30 a.m.; dinner at 8:40 p.m.	1010-1367

This deprivation perpetrated by the Government has already put Mr. Simmonds' health in jeopardy, and the lack of nutrition also further exacerbates his pre-existing hypertension and pre-diabetes. The Government cannot force detainees to choose between starving and adhering to their sincerely-held religious beliefs. This must be remedied without delay to prevent a greater health emergency.

Dated: April 18, 2022

Relations

Respectfully Submitted,

Counsel on American-Islamic

Georgia Chapter

By: /s/ Murtaza Khwaja
Murtaza Khwaja (750003)
mkhwaja@cair.com
Javeria Jamil (144674)
j-jamil@cair.com

235 Peachtree Street, Suite 901
Atlanta, GA 30303
Phone: (404) 239-2086
Fax: (470) 570-0389

CAIR LEGAL DEFENSE FUND

Lena F. Masri (VA 93291)^o

lmasri@cair.com

Gadeir I. Abbas (VA 81161)* ^o

gabbas@cair.com

Justin Sadowsky (VA 73382) ^o

jsadowsky@cair.com

Kimberly Noe-Lehenbauer (OK
34744)** ^o

knoelehenbauer@cair.com

453 New Jersey Ave., S.E.

Washington, DC 20003

Phone: (202) 742-6420

Fax: (202) 488-0833

**Mr. Abbas licensed in VA, not in
D.C. Practice limited to federal
matters.*

***Ms. Noe-Lehenbauer licensed in
OK, not in D.C. Practice limited to
federal matters.*

*^o Application pro hac vice
forthcoming.*