

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
~~CHARLESTON~~ DIVISION
ROCK HILL

NATHANIEL JACKSON,

Plaintiff,

v.

ADMIRAL MICHAEL GILDAY, former
Chief of Naval Operations, in his individual
capacity only;

**VICE ADMIRAL RICHARD
CHEESEMAN, JR.**, Chief of Naval
Personnel, in his individual capacity only;

**EXECUTIVE OFFICER JOHNNY
MINCEY**, former Commanding Officer of
Naval Consolidated Brig Charleston, in his
individual capacity only;

COMMANDER ELY INFANTE, former
Executive Officer of the Naval Consolidated
Brig Charleston, in his individual capacity
only;

**LIEUTENANT COMMANDER LUKE
WILSON**, Chaplain of the Naval
Consolidated Brig Charleston, in his
individual capacity only;

UNKNOWN OFFICERS 1-10, U.S. Navy
officials, in their individual capacities only,

Defendants.

Civil Action No.: ~~XXXXXX~~ 0:24-1155-SAL-PJG

COMPLAINT
(JURY TRIAL DEMANDED)

Plaintiff, **NATHANIEL JACKSON** brings this complaint for damages against Defendants **ADMIRAL MICHAEL GILDAY, VICE ADMIRAL RICHARD CHEESEMAN, JR., EXECUTIVE OFFICER JOHNNY MINCEY, COMMANDER ELY INFANTE, LIEUTENANT COMMANDER LUKE WILSON, and UNKNOWN OFFICERS 1-10** for

violating the Religious Freedom Restoration Act (“RFRA”) 42 U.S.C. § 2000bb-1, pursuant to 28 U.S.C. § 1331, and states as follows:

Introduction

1. The Religious Freedom Restoration Act protects religious liberty by forbidding the federal government from substantially burdening an individuals’ religious beliefs and practices unless that burden is narrowly tailored to a compelling governmental interest.

2. That guarantee does not stop at the jailhouse door. Incarcerees in federal prisons, jails, and military brigs retain their right to practice their faith under the law’s robust protections.

3. Nathaniel Jackson is a Muslim man and Air Force veteran whose faith commands that he maintain a beard. While incarcerated at the Naval Consolidated Brig Charleston, Airman Jackson requested a religious exemption from the Brig’s grooming policy, which required all incarcerated to be clean shaven.

4. Naval officials did not substantively respond to Airman Jackson’s exemption request for nearly ten months. And while they held his request in administrative limbo, Naval officials punished Airman Jackson for maintaining a beard in keeping with his religious beliefs by placing him in solitary confinement. Airman Jackson served those months isolated from human contact and unable to earn time off his sentence because he refused to compromise his religious beliefs and practice.

5. Defendants’ actions were egregious violations of the Religious Freedom Restoration Act. The law protected Airman Jackson’s religious liberty, and he is entitled to be made whole for the harms that he unjustly suffered while incarcerated.

Jurisdiction and Venue

6. This Court has federal question jurisdiction over Airman Jackson's claims of violations of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1, pursuant to 28 U.S.C. § 1331.

7. This Court has personal jurisdiction over Defendants because they reside and conduct business in the State of South Carolina or, in the alternative, have sufficient contacts with the State of South Carolina for personal jurisdiction.

8. Nathaniel Jackson's claims for damages are authorized by 28 U.S.C. §§ 2201, 2202, and 1343; 42 U.S.C. § 2000bb-1(c); Federal Rules of Civil Procedure 57 and 65; and by the general, legal, and equitable powers of this court.

9. Venue is proper under 28 U.S.C. § 1391 as to all Defendants because a substantial part of the acts described here occurred within this District.

Parties

10. Plaintiff Nathaniel Jackson is a resident of Gibsonton, Florida.

11. Defendant Admiral Michael Gilday is the former Chief of Naval Operations. At the time of the events described in this Complaint, he was the Chief of Naval Operations. Admiral Gilday is being sued in his individual capacity only.

12. Defendant Vice Admiral Richard Cheeseman Jr. is the Chief of Naval Personnel. At the time of the events described in this Complaint, he was the Chief of Naval Personnel. Vice Admiral Cheeseman is being sued in his individual capacity only.

13. Defendant Executive Officer Johnny Mincey is currently the Executive Officer of the Naval ROTC at Savannah State University. At the time of the events described in this Complaint, he was the Commanding Officer of the Naval Consolidated Brig Charleston. Accordingly, he will be referred to in this Complaint as "Commander Mincey." Commander

Mincey is being sued in his individual capacity only.

14. Defendant Commander Ely Infante is currently the Commanding Officer of the Naval Consolidated Brig Charleston. At the time of the events described in this Complaint, he was the Executive Officer of the Brig. Accordingly, he will be referred to in this Complaint as “Executive Officer Infante.” Executive Officer Infante is being sued in his individual capacity only.

15. Defendant Lieutenant Commander Luke Wilson is the Chaplain at the Naval Consolidated Brig Charleston. At the time of the events described in this Complaint, he retained the rank of Lieutenant. Accordingly, he will be referred to in this Complaint as “Lieutenant Wilson.” Lieutenant Wilson is being sued in his individual capacity only.

16. Defendants Unknown Officials 1-10 are U.S. Navy officials. They are being sued in their individual capacities only.

Factual Background

Airman Jackson Has a Sincerely Held Religious Belief That He Must Maintain an Untrimmed Beard

17. Plaintiff Nathaniel Jackson joined the United States Air Force on February 16, 2015. He served his country for almost six years and rose through the ranks to become a Staff Sergeant.

18. Airman Jackson was court martialed and convicted of violating the Uniform Code of Military Justice. He was sentenced to a dishonorable discharge, confinement for 36 months, forfeiture of all pay and allowances, reduction to the grade of E-1, and a reprimand.

19. On November 16, 2021, Airman Jackson accepted Islam while in confinement at the U.S. Naval Consolidated Brig Charleston. Since his conversion, he has been a devout follower of Islam, even attempting to legally change his name to Mansur Abdul-Aleem, an Islamic name.

20. Airman Jackson sincerely believes that his faith compels him to adhere to all the commandments in Islam. These commandments are made up of many sources including the Quran, the Sunnah, and Ahadith.¹

21. Based on the commandments of Islam, Airman Jackson sincerely believes that he must keep his beard grown out and leave it as it is naturally.

22. Airman Jackson's beliefs are deeply grounded in the foundational texts of Islam. In Hadith #5892, for example, the Prophet (peace be upon him) states, "Grow abundantly the beards and cut the mustaches short." Similarly, Hadith #5893 states, "Cut the moustaches short and leave the beards (as it is)."

23. Airman Jackson also sincerely believes that his faith requires him to maintain a beard even if he is instructed by authority figures to shave. He looks to the Quran, which states, "he who obeys the Messenger has obeyed Allah," and a Hadith from the Prophet (pbuh), which states, "Obedience may not be offered to a human being if it involves disobeying Allah."

**Airman Jackson Requested a Religious Exemption
From the Brig's Shaving Policy**

24. The Naval Consolidated Brig Charleston requires all incarcerated to remain clean-shaven. According to Brig rules, all inmates must shave every morning and inmates are subject to daily inspections to ensure they are clean-shaven.

25. Anticipating a conflict between his religious beliefs and the Brig's shaving policy, in November 2021, Airman Jackson contacted Defendant Lieutenant Luke Wilson, the Brig's Chaplain, for advice on how to proceed.

¹ The Quran is the central religious text of Islam, which is believed by Muslims to have been revealed by God. The Sunnah are the practices and teachings of the Prophet (pbuh) that operate as a model for Muslims to follow. The Ahadith is a collection of hadiths, which are narrations of what the Prophet (pbuh) said or did. Additionally, Hadith Qudsi is a subset of hadiths that are believed to be direct revelation from God through the Prophet (pbuh).

26. Lieutenant Wilson instructed Airman Jackson to request and fill out an exemption form to seek a religious accommodation from the shaving policy.

27. Following Lieutenant Wilson's advice, Airman Jackson submitted a form (known as a DD510) to request a faith-based exemption to the shaving policy. Airman Jackson submitted that exemption request to Lieutenant Wilson.

28. Lieutenant Wilson noted his recommended disposition of the exemption request and sent it along to Commander Mincey, who also noted his recommended disposition. Upon information and belief, both Lieutenant Wilson and Commander Mincey recommended that Airman Jackson's request for a religious exemption to the Brig's shaving policy be denied.

29. Commander Mincey then sent the request, along with those recommendations, up the chain of command to higher-ranking officials in the U.S. Navy, including, upon information and belief, Unknown Officials 1-10, Vice Admiral Cheeseman, and Admiral Gilday. Eventually, one of those officials denied the exemption request.

30. In December 2021, Lieutenant Wilson informed Airman Jackson that his initial exemption request was denied by an unnamed U.S. Navy official, named here as Unknown Official 1. Lieutenant Wilson instructed Airman Jackson to submit a different form to request a religious exemption to the Brig's shaving policy. According to Lieutenant Wilson, Airman Jackson needed to request a blank memorandum template, which he could then fill out and submit to Lieutenant Wilson.

31. Again, following the instructions given by Lieutenant Wilson, Airman Jackson requested the memorandum template.

32. Lieutenant Wilson provided Airman Jackson with the memorandum template on December 14, 2021. The template was entirely blank save for a "To/From/Signature Block &

Subject Line.” Lieutenant Wilson did not give Airman Jackson any additional guidance on filling out the exemption form.

33. On January 7, 2022, Airman Jackson submitted a comprehensive memorandum on that template to Lieutenant Wilson explaining why his Islamic faith required him to maintain a beard and requesting an exemption to the Brig’s shaving policy.

34. Airman Jackson would not receive a response to that exemption request for nearly a year.

Defendants Refused to Respond to Airman Jackson’s Exemption Request and Subjected Him to Nearly a Year of Punishments for Following His Beliefs

35. Meanwhile, in February 2022, Defendant Executive Officer Infante issued Airman Jackson his first Disciplinary Report (Reprimand) for not following the Brig’s shaving policy.

36. Executive Officer Infante had discretion to give Airman Jackson various punishments for the infraction of not following the clean-shaven requirement such as extra cleaning duties, loss of TV privileges, or taking away days of freedom. However, month after month, Executive Officer Infante chose to give Airman Jackson solitary confinement. The cycle of solitary confinement would last until November 2022.

37. From February 2022 until November 2022, Brig officials would warn Airman Jackson that he was not allowed to maintain a beard, ask him if he had a “chit” or exemption to the shaving policy, and ask if Airman Jackson planned to shave. When Airman Jackson refused to shave on the basis of his sincerely held religious beliefs, Executive Officer Infante would issue him a disciplinary report, find him guilty of violating the shaving policy, and place him in disciplinary segregation for 30 days. At the end of those 30 days, officials would place him back into administrative segregation and—because Airman Jackson continued to maintain his beard and Lieutenant Wilson, Commander Mincey, and Unknown Officials 1-10 had not responded to his

exemption request—the cycle would repeat itself.

38. Throughout that cycle, Airman Jackson would submit appeals of his placement in disciplinary segregation to Commander Mincey, explaining that he had a sincerely held religious belief that compelled him to maintain a beard in violation of the Brig’s shaving policy. Commander Mincey denied every appeal.

39. On April 22, 2022, Lieutenant Wilson informed Airman Jackson that “Big Navy”—unnamed U.S. Navy officials who were apparently responsible for reviewing and making decisions about his request for a religious exemption—had informed him that Airman Jackson’s exemption request was improperly formatted.

40. Upon information and belief, “Big Navy” included Unknown Officials 1-10, Vice Admiral Cheeseman, and Admiral Gilday.

41. Specifically, Lieutenant Wilson had provided Airman Jackson with the incorrect memorandum template on which Airman Jackson had submitted his January 7, 2022, exemption request and then had waited several months to submit the exemption request to Commander Mincey and “Big Navy,” resulting in the several-month delay in Airman Jackson learning that he had been provided with an improperly formatted template.

42. Lieutenant Wilson told Airman Jackson to resubmit the memorandum exemption request with the date changed from January 7, 2022, to April 2022 to make it seem like Airman Jackson had submitted the request later in time. Airman Jackson refused to inaccurately date his request.

43. After Airman Jackson resubmitted his reformatted exemption request to Lieutenant Wilson in April 2022, he received no response from Defendants Lieutenant Wilson, Commander Mincey, Vice Admiral Cheeseman, Admiral Gilday, Unknown Officials 1-10, or any other U.S.

Navy official until November 2022.

44. When Airman Jackson asked Lieutenant Wilson for updates on his exemption request, Lieutenant Wilson informed him that the request was ascending the ranks of the U.S. Navy, being considered by higher- and higher-ranked officials in “Big Navy.” Lieutenant Wilson refused to provide further specifics about who was evaluating the exemption request or why it was taking months to receive a response.

45. Upon information and belief, those higher-ranked officials in “Big Navy” included Unknown Officials 1-10, Vice Admiral Cheeseman, and Admiral Gilday.

46. On October 12, 2022, after eight months of solitary confinement, Lieutenant Wilson told Airman Jackson that his exemption request was being evaluated by the Chief Naval Officer, the highest-ranking officer in the Navy. At the time, Admiral Gilday was the Chief Naval Officer.

47. Still, Airman Jackson received no answer to his exemption request and remained trapped in the repeated cycle of discipline and solitary confinement because he continued to maintain a beard in keeping with his faith.

48. Throughout Airman Jackson’s solitary confinement, Lieutenant Wilson, Executive Officer Infante, Commander Mincey, Vice Admiral Cheeseman, Admiral Gilday, and Unknown Officials 1-10 knew that Airman Jackson had converted to Islam, that his faith required him to maintain a beard, and that he had a pending request for waiver in support of religious practice. Despite this knowledge, Executive Officer Infante continued to issue him verbal or written Disciplinary Reports; Commander Mincey continued to deny his appeals; and Lieutenant Wilson, Commander Mincey, Unknown Officials 1-10, Vice Admiral Cheeseman, and Admiral Gilday continued to refuse to approve his exemption request.

49. For example, the first Disciplinary Report that Airman Jackson received is entitled

“DD Forms 2714, Prisoner Disciplinary Report/Action” and is dated February 1, 2022. That Report notes in the findings that Airman Jackson “submitted an exemption of policy due to religious purpose of being Muslim.” The second Disciplinary Report, dated March 4, 2022, notes that Airman Jackson has been advised “on the matter by staff, Chaplain, and the Imam.”

50. As he waited for a response to his exemption request, Airman Jackson endured nearly ten months of solitary confinement. His treatment in solitary confinement was dictated by the “handling letter” posted on his cell door, which was approved by Commander Mincey and Executive Officer Infante.

51. As instructed by the handling letter, Airman Jackson was confined alone for 22 hours every day in a small cell in which the lights remained on from 5:30am to 9:30pm.

52. Between 5:30am and 9:30pm, Airman Jackson was not permitted to lay down or sit on his bed. If he did, Brig officials would remove his mattress from the cell.

53. The handling letter also restricted Airman Jackson’s ability to practice and learn about Islam. He was forbidden to attend Islamic Studies classes with other Muslim incarcerated and was only permitted to see the Brig’s Imam for a few minutes at a time. Lieutenant Wilson had the discretion to allow Airman Jackson to go to Islamic Studies, Eid, and congregate for weekly obligatory prayer despite being subject to solitary confinement. However, Lieutenant Wilson never allowed him to do so.

54. Until June 2022, the handling letter instructed that Airman Jackson was permitted to possess only one religious text—the Quran—which deeply hindered his ability to learn more about his faith.

55. One of the most painful aspects of Airman Jackson’s time in solitary confinement was the handling letter’s condition that he not be allowed to worship or pray with fellow Muslim

incarcerees. Congregational prayer is critical to the practice of the Islamic faith.²

56. Indeed, Airman Jackson spent his entire first month of Ramadan, a holy month for Muslims where Muslims fast together from sunrise to sundown, completely alone and isolated from the rest of the Muslim community at the Brig.

57. Moreover, Commander Mincey and Executive Officer Infante prohibited Mr. Jackson from participating in Eid al-Fitr, a religious holiday celebrated at the conclusion of the month of Ramadan, with other Muslims.

58. Commander Mincey and Executive Officer Infante even prohibited the Imam from bringing Airman Jackson food from the Eid al-Fitr celebration.³

59. Commander Mincey and Executive Officer Infante also punished Airman Jackson for following his sincerely held religious beliefs in other ways. As a result of his placement in solitary confinement, Airman Jackson was unable to obtain work certificates and lost all normal privileges (including regular access to television, emails, and phone calls).

60. Airman Jackson also experienced a reduction in custody classification, a work rate reset which caused a loss of approximately 30 workdays, and a loss of good conduct time.⁴

61. He was also unable to attend any rehabilitation and treatment programs provided by the facility.

62. As a result of Airman Jackson's inability to obtain work certificates and attend

² The Quran is the central religious text of Islam that is believed by Muslims to have been revealed by God. In the Quran, Chapter 62 discusses the virtues and the obligatory nature of congregational prayer for observers of Islam.

³ The religious significance of Eid al-Fitr is strongly centered around food, since observers are celebrating the end to their fast. Further it is a celebratory custom to share food amongst the community during Eid al-Fitr.

⁴ Airman Jackson's having a beard was documented as not being "good conduct." If an incarcerated had "good conduct," they would be rewarded with added free time. Airman Jackson was excluded from this benefit due to his beard.

rehabilitation and treatment programs, he was prevented from earning “abatement days” that would be subtracted from his time in confinement. In other words, as a direct result of Defendants’ choices to punish Airman Jackson for maintaining a beard in conformity with his sincerely held religious beliefs, Airman Jackson was incarcerated for longer than he would have been otherwise.

63. On November 18, 2022, CAIR sent a letter on Airman Jackson’s behalf to Brig officials and other officials at the U.S. Department of Defense, demanding Defendants grant Airman Jackson a religious exemption from the Brig’s shaving policy.

64. Later that day, Vice Admiral Cheeseman finally approved Airman Jackson’s exemption request, bringing Airman Jackson’s ordeal to an end.

Count I

VIOLATION OF THE RELIGIOUS FREEDOM RESTORATION ACT, 42 U.S.C. § 2000bb-1

65. Plaintiff repeats and re-alleges the foregoing paragraphs, as though full set forth here.

66. The Religious Freedom Restoration Act prohibits the government from substantially burdening a person’s exercise of religion, even if the burden results from a rule of general applicability, unless the burden is narrowly tailored to a compelling governmental interest. RFRA’s protections are broad, as the law defines “exercise of religion” to include *any* exercise of religion, whether or not compelled by, or central to, a system of religious belief.

67. RFRA commands that no federal official may impose a substantial burden on an individual’s religious exercise, whether or not the burden results from a general rule of applicability.

68. RFRA protects Airman Jackson’s right to exercise his faith free of substantial burdens imposed by federal officials, including his right to maintain a beard while incarcerated at

the Naval Consolidated Brig Charleston.

69. Defendants' failure to grant Airman Jackson's religious exemption request from the Brig's shaving policy and punishment of Airman Jackson for maintaining a beard did not further any governmental interest.

70. As a direct and proximate result of Defendants' violation of RFRA, Airman Jackson has sustained damages, and he has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

Prayer for Relief

WHEREFORE, Airman Jackson respectfully requests this Court to enter a judgment in his favor, and against each of the Defendants, for damages in an amount Airman Jackson is found to be entitled; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Jury Demand

Plaintiff demands a trial by jury.

(Signature Follows)

Date: March 6, 2024

Respectfully submitted,

s/Matthew T. Richardson

Matthew T. Richardson (Fed. I.D. # 7791)

Miranda B. Nelson (Fed. I.D. # 13559)

WYCHE, P.A.

807 Gervais Street, Suite 301

Columbia, SC 29201

Phone: 803-254-6542

mrichardson@wyche.com

mnelson@wyche.com

Lena Masri (*pro hac vice* forthcoming)

Gadeir Abbas (*pro hac vice* forthcoming)

CAIR LEGAL DEFENSE FUND

453 New Jersey Avenue SE

Washington, DC 20003

Phone: 202-742-6420

ldf@cair.com

gabbas@cair.com

Attorneys for Plaintiff Nathaniel Jackson