

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA**

United States of America,

Plaintiff;

v.

Secretary, Florida Department of Corrections;
and

Florida Department of Corrections,

Defendants.

No. 1:12-cv-22958

COMPLAINT

THE UNITED STATES OF AMERICA hereby files this Complaint and alleges upon information and belief:

INTRODUCTION

1. By refusing to offer kosher meals, the Florida Department of Corrections (“FDC”) forces hundreds of its prisoners to violate their core religious beliefs on a daily basis, in violation of the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc (“RLUIPA”).
2. Keeping kosher is a central tenet of Judaism and other religious traditions observed by prisoners incarcerated at FDC facilities. FDC’s refusal to provide kosher meals to these prisoners substantially burdens their religious exercise.
3. FDC’s dietary policy is an outlier among American correctional institutions. The Federal Bureau of Prisons (“BOP”) and most state departments of correction offer kosher meal options to all prisoners with a religious basis for keeping kosher.
4. FDC itself offered kosher meals until late 2007, when it discontinued its kosher food program over the objections of its own Study Group commissioned to evaluate the kosher

food program. Indeed, FDC disregarded the Study Group's warning that ending the kosher food program would violate RLUIPA.

5. Moreover, since 2010 FDC has voluntarily provided kosher meals to approximately one dozen prisoners per day through its pilot kosher program in a south Florida facility. While the pilot program accommodates only a small fraction of the 250 prisoners previously enrolled in FDC's statewide kosher program, it demonstrates that FDC can provide kosher meals consistent with its compelling interests.
6. The United States seeks declaratory and injunctive relief to remedy Defendants' violations of the law, and to ensure that FDC implements sustainable reforms that guarantee the religious freedoms protected by RLUIPA.

DEFENDANTS

7. Defendant Secretary of the Florida Department of Corrections is the ultimate decision-maker with authority to approve all FDC policies, including its dietary policies. The current Secretary of FDC is Kenneth S. Tucker, who is sued in his official capacity.
8. Defendant Florida Department of Corrections incarcerates over 100,000 prisoners in 146 facilities across the state of Florida, including 68 prisons, 40 work camps, and 33 work release centers. FDC has an annual budget of approximately \$2.4 billion and employs 25,000 people.
9. FDC receives federal funding and is an "institution" within the meaning of 42 U.S.C. § 2000cc-1(a) and 42 U.S.C. § 1997.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345.
11. The United States is authorized to initiate this action against Defendants under RLUIPA, 42 U.S.C. § 2000cc-2(f).
12. The declaratory and injunctive relief sought by the United States is authorized by 42 U.S.C. § 2000cc-2(f) and 28 U.S.C. §§ 2201 and 2202.
13. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391(b). Defendants operate approximately 20 facilities in the Southern District of Florida, including the South Florida Reception Center that contains the pilot kosher program; Defendants incarcerate in the Southern District of Florida dozens of Jewish prisoners desiring to keep kosher, including ten prisoners named in this Complaint; and virtually all of the events, actions, or omissions giving rise to this claim occurred in Florida.

FACTUAL ALLEGATIONS

14. FDC's refusal to provide kosher meals violates the federal rights of hundreds of prisoners. FDC's dietary policies force prisoners with a religious basis for consuming kosher meals to violate their core religious beliefs on a daily basis.
15. The substantial burden that FDC's dietary policies impose on these prisoners is not necessary to achieve any compelling state interest. Indeed, the Federal Bureau of Prisons and most state departments of correction offer kosher meals while achieving interests that are indistinguishable from FDC's.
16. FDC further demonstrates that it can provide kosher meals consistent with its interests by voluntarily operating a pilot kosher food program in one of its facilities.

I. FDC Does Not Provide Kosher Meals

17. FDC does not provide kosher meals to its prisoners. The only exception to FDC's blanket refusal to offer kosher meals is the handful of prisoners eligible for the "pilot" kosher program in the South Florida Reception Center.
18. FDC's pilot program has the capacity to serve approximately one dozen out of the hundreds of FDC prisoners who possess a religious basis for keeping kosher. Moreover, most FDC prisoners are not eligible for assignment to the kosher program, as the program admits only prisoners who are at least 59 years old or are eligible for assignment to a work squad.
19. Instead of providing kosher meals, FDC offers two mainline dining options for most meals – a meat entrée and non-meat entrée. In addition to these options, prisoners may request vegan meals by submitting a request to the food service director.
20. FDC also provides a variety of therapeutic diets, including a prenatal diet, liquid diet, puree diet, mechanical dental diet, mental health diet, low residue diet, fat intolerance diet, calorie regulated diet, and a renal diet.
21. None of the meal options offered by FDC is kosher.
22. Keeping kosher requires adherence to the laws of kashruth, which prescribe religiously acceptable sources of food and methods of food preparation.
23. To be kosher, a food item must derive from religiously-acceptable sources, be stored in kosher containers, prepared in a particular manner, and served on tableware that has not contacted non-kosher food. In addition, meat and dairy products may not be mixed.
24. While most correctional institutions in the United States offer kosher meals consistent with these requirements, Florida prisoners desiring to keep kosher cannot do so.

II. FDC Previously Offered Kosher Meals, But Discontinued Its Kosher Food Program Against the Advice of Its Own Study Group

25. Until August 2007, FDC – like BOP and most state correctional institutions – offered kosher meals to all prisoners who passed a religious sincerity test.
26. Under that program, known as the “Jewish Dietary Accommodation Program” (“JDA Program”), FDC assigned eligible prisoners to 1 of 13 FDC facilities equipped to offer kosher meals. These facilities had the capacity to serve kosher meals to 900 prisoners per day, easily sufficient to accommodate the JDA Program’s average enrollment of 250 prisoners per day.
27. In April 2007, FDC commissioned a Study Group to review the JDA Program. The Study Group’s report (“the Report”) noted several challenges associated with offering kosher meals, but recommended that FDC “[r]etain a kosher dietary program,” with participation limited to “those inmates who have been expertly appraised or vetted by a rabbi as eligible to participate.”
28. Indeed, the Study Group concluded that RLUIPA requires FDC to provide kosher meals. The Report explained that a prisoner desiring to keep kosher “is substantially burdened” by the denial of kosher food “because the regulations [denying kosher food] leave him with no meaningful choice. He may either eat the non-kosher food and fail to obey his religious laws or not eat the non-kosher food and starve.”
29. The Report further posited that “it is improbable that [FDC] can satisfy a court’s inquiry into whether the department is furthering a compelling interest, let alone that denying inmates’ religious accommodation is the least restrictive means available.”

30. Despite the Study Group's recommendation to continue providing kosher meals to eligible prisoners, FDC terminated the JDA Program on August 16, 2007.

III. FDC's Denial of Kosher Food Unlawfully Burdens Religious Exercise

31. FDC's denial of kosher meals substantially burdens the religious exercise of prisoners desiring to keep kosher, as consuming a kosher diet is a fundamental tenet of Judaism and other religions practiced by FDC prisoners.

32. FDC's dietary policies substantially burden the religious exercise of hundreds of prisoners. For example:

- a. Prisoner 1 is a 54-year-old prisoner housed in the minimum security unit of the Tomoka, C.I. facility. Prisoner 1 is a sincere adherent of Judaism and has requested a transfer to the South Florida Reception Center so that he can participate in the pilot kosher program. To date, FDC has not granted his request, forcing Prisoner 1 to violate his religious beliefs by consuming non-kosher food.
- b. Prisoner 2 is a 50-year-old Jewish prisoner incarcerated in the Suwanee C.I. Annex. Prisoner 2 has submitted several lengthy requests for kosher meals that explain how his religious beliefs compel him to eat properly prepared kosher foods. In December 2011, FDC denied Prisoner 2's request by stating simply that its vegetarian meal option "allows the majority of religious groups . . . to meet the basic tenets of their belief systems." FDC's dietary policies continue to force Prisoner 2 to violate his religious beliefs daily by consuming non-kosher food.
- c. Prisoner 3 is a 52-year-old Jewish prisoner incarcerated in the Charlotte, C.I. facility in Punta Gorda, Florida. Prisoner 3, who desires to keep kosher as part of his religious practice, participated in the JDA Program until its termination in

2007. FDC has not allowed Prisoner 3 to participate in the kosher pilot program, forcing him to consume non-kosher food in violation of his sincere religious beliefs.

- d. Prisoner 4 is a Jewish prisoner who has been incarcerated at FDC since 1999. He is currently housed in the Everglades Correctional Institution. Prisoner 4 was raised by two Jewish parents and has been a sincere adherent to the Jewish faith his entire adult life. FDC's refusal to provide a kosher diet forces Prisoner 4 to violate his religious conviction that his faith requires him to keep kosher.
- e. Prisoner 5 is a Jewish prisoner incarcerated in the Everglades Correctional Institution. Prisoner 5 was raised by two Jewish parents and has been a sincere adherent to the Jewish faith his entire adult life. He believes his faith requires him to keep kosher. FDC's dietary policies force Prisoner 5 to violate his religious convictions on a daily basis.
- f. Prisoner 6 is a Jewish prisoner incarcerated at the FDC since 2009. Prisoner 6 is currently housed in the Everglades Correctional Institution. Prisoner 6's mother was Jewish by birth, and he has been a sincere adherent of the Jewish faith throughout his adult life. Prisoner 6 believes that keeping kosher is a core aspect of his religious practice. FDC's refusal to provide kosher meals substantially burdens Prisoner 6's religious exercise.
- g. Prisoner 7 is a 48-year-old Jewish prisoner serving a life sentence. Prisoner 7 is incarcerated in the South Bay, C.F. facility. Prisoner 7 believes that keeping kosher is a core part of his religious faith. FDC's refusal to provide kosher meals

substantially burdens Prisoner 7's religious exercise, and will continue to do so for the remainder of his life sentence.

- h. Prisoner 8 is a 68-year-old Jewish prisoner who has been incarcerated at FDC for the past 10 years. Prisoner 8 is currently housed in the South Bay, C.F. facility, where he is serving a life sentence. Prisoner 8 believes that consuming exclusively kosher food is an important part of his religious practice. FDC's dietary policies substantially burden Prisoner 8's religious exercise, and will continue to do so for the duration of his life sentence.
- i. Prisoner 9 is a 52-year-old Jewish prisoner serving a life sentence. Prisoner 9 is currently housed in the South Bay, C.F. facility, where he does not have access to kosher meals. Prisoner 9 believes such meals are important to exercising his Jewish faith. FDC's dietary policies force Prisoner 9 to violate his religious beliefs on a daily basis by consuming non-kosher food.
- j. Prisoner 10 is a 22-year-old prisoner incarcerated in the Dade Correctional Institution. Prisoner 10 is a sincere adherent of the Jewish faith, which he believes compels him to keep kosher. FDC's dietary policies substantially burden Prisoner 10's religious exercise, and will continue to do so until his release, which is not scheduled until 2034.
- k. Prisoner 11 is a 58-year-old minimum security prisoner incarcerated in the Dade Correctional Institution. Prisoner 11 is a sincere adherent of the Jewish faith, which he believes compels him to consume kosher food. FDC's dietary policies substantially burden Prisoner 11's religious exercise.

- l. Prisoner 12 is a 35-year-old minimum security prisoner housed in the Okeechobee Correctional Institution. Prisoner 12 is a sincere adherent of the Jewish faith who believes that keeping kosher is an important aspect of his religious practice. FDC's dietary practices substantially burden Prisoner 12's religious exercise.
 - m. Prisoner 13 is a 49-year-old prisoner serving a life sentence. Prisoner 13 is currently housed in the Okeechobee Correctional Institution. He is a sincere adherent of the Jewish faith who believes keeping kosher is an important part of his religious exercise. FDC's dietary policies substantially burden Prisoner 13's religious exercise.
33. FDC's dietary policies likewise burden the religious exercise of hundreds of other prisoners.
34. From 2004 to 2007, the JDA Program served kosher meals to 784 prisoners, with an average daily enrollment of 250.

IV. Providing A Kosher Diet Is Consistent With FDC's Compelling Government Interests

35. FDC is capable of providing kosher meals to prisoners consistent with its compelling government interests.
36. From 2004 to 2007, FDC provided kosher meals to all prisoners deemed eligible by a screening process that measured the sincerity of their religious convictions. During this period, FDC's kosher food program enrolled an average of 250 prisoners per day.
37. In 2007, a Study Group commissioned by the FDC Secretary recommended that FDC continue to make kosher meals available to prisoners deemed eligible by the religious

sincerity screening. FDC rejected the advice of its own Study Group and discontinued its kosher program.

38. FDC's termination of its kosher food program was not supported by any studies or analysis other than the Study Group Report, which recommended that FDC maintain the program. FDC did not consider numerous alternative ways to provide kosher meals consistent with its compelling interests.

39. Most states and the federal government offer kosher diets to prisoners, and FDC itself operates a pilot kosher program at the South Florida Reception Center.

40. FDC's voluntary operation of the pilot program demonstrates that it can provide kosher food consistent with its compelling interests.

41. FDC initiated the pilot program on August 16, 2010, at the South Florida Reception Center. FDC invested \$11,668 to establish a kosher kitchen at that facility and spends approximately \$4.70 per day to provide kosher meals to prisoners in the program.

42. After initially authorizing the program to run for 6 months, FDC has continued it for the past 18 months.

43. FDC's decision to voluntarily establish and continue the pilot program demonstrates that providing kosher food is consistent with FDC's compelling interests.

44. Nevertheless, the pilot program cannot accommodate most FDC prisoners who desire to keep kosher. The program started with 11 prisoners in 2010 and its enrollment has dropped to as few as 8 prisoners. From 2004-2007 the enrollment in FDC's Jewish Dietary Program averaged 250 individuals.

45. For the hundreds of prisoners unable to participate in the pilot program, FDC's dietary policies unlawfully burden religious exercise that RLUIPA protects.

CLAIM FOR RELIEF:

DEFENDANTS' DENIAL OF KOSHER MEALS VIOLATES RLUIPA

The United States incorporates by reference the allegations set forth in Paragraphs 1 – 45 as if fully set forth herein.

46. Defendants do not provide kosher meals to prisoners in their custody who request the meals in accordance with their religious beliefs.
47. Defendants' denial of kosher meals constitutes a substantial burden on the religious exercise of prisoners in their custody, and denial of kosher meals is not the least restrictive means of furthering any compelling government interest.
48. Accordingly, FDC's refusal to provide kosher meals violates RLUIPA, 42 U.S.C. § 2000cc.

PRAAYER FOR RELIEF

RLUIPA authorizes the United States to seek injunctive and declaratory relief for Defendants' failure to provide a kosher diet to prisoners in their custody who desire such a diet to exercise their religious beliefs.

WHEREFORE, the United States prays that the Court:

- a. Declare that Defendants have violated RLUIPA by failing to offer kosher meals to prisoners in their custody who desire a kosher diet to exercise their religious beliefs;
- b. Order Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with

them to provide prisoners in their custody with nutritionally sufficient kosher meals; and

- c. Order such other relief as the interests of justice may require.

Respectfully submitted for the United States of America,

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DATED: August 14, 2012

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

<p>I. (a) PLAINTIFFS United States of America</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Michael J. Songer U.S. Department of Justice **See attachment for full attorney information.**</p>	<p>DEFENDANTS Florida Department of Corrections; Secretary, Florida Department of Corrections</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known) Phillip Fowler, Assistant General Counsel, Florida Department of Corrections</p>
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(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKECHOBEE HIGHLANDS

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

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

1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See Instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 2000cc. Denial of kosher food to state prisoners.

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: *Michael J. Songer* DATE: August 14, 2012

FOR OFFICE USE ONLY

AMOUNT _____ RECEIPT # _____ IFP _____

Attachment - Attorney Information

United States v. Florida Department of Corrections, et. al.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

No. 1:12-cv-22958

United States of America, Plaintiff,

v.

**Secretary,
Florida Department of Corrections, et. al.,**

Defendants.

_____ /

CIVIL ACTION CERTIFICATION

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? _____ Yes **X** No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? _____ Yes **X** No

Respectfully submitted,

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