

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, MICHIGAN, a/k/a CAIR-MI,**
a Michigan non-profit corporation, and
RANEEN ALBAGHDADY, an Individual,

Plaintiff,

Case No:
Judge:
Magistrate:

-VS-

JUDGE WILLIAM CALLAHAN, in his
official capacity as 3rd Circuit Court Judge for
the County of Wayne Family Division, and
WAYNE COUNTY, a unit of Local Government for
the State of Michigan,

Defendant

NABIH H. AYAD & ASSOCIATES, P.C.,
NABIH H. AYAD (P59518)
ZEINA MAKKI (P69840)
Attorney for Plaintiff
2200 Canton Center Rd., Suite 220
Canton, Michigan 48187
Phone: (734) 983-0500
Fax: (734) 983-0520

**VERIFIED COMPLAINT AND
REQUEST FOR DECLARATORY RELIEF**

(First Amendment Violation, 42 U.S.C. § 1983 Civil Rights Violation)

INTRODUCTION

1. **THIS ACTION** is brought under the First Amendment to the United States Constitution, 42 U.S.C. § 1983, and the Declaratory Judgment Act, 28 U.S.C. § 2201.
2. Plaintiff, Council on American-Islamic Relations Michigan (“CAIR-MI”) is an important chapter of a national grassroots civil rights and advocacy group and America's largest

Islamic civil rights organization (CAIR). CAIR-MI counsels, mediates and advocates on behalf of members, Muslims, and others who have experienced religious discrimination, defamation or hate crimes. The Michigan Chapter, in cooperation with the nationwide effort, works to protect and defend the constitutional rights of American Muslims, thereby supporting the rights of all Americans. CAIR-MI works to promote a positive image of Islam and Muslims in America. Through media relations, government relations, education and advocacy, CAIR-MI puts forth an Islamic perspective to ensure the Muslim voice is represented. In offering this perspective, CAIR-MI seeks to empower the American Muslim community and encourage their participation in political and social activism.

3. Plaintiff brings this action seeking a declaration that the customary practice of Wayne County and its Judge, William Callahan, in requiring Muslim women to remove their hijab¹, violated Plaintiff's fundamental right to freely practice her religion under the First Amendment. Additionally, Plaintiff asks this Court to enter an order enjoining Wayne County and its agents from engaging in this same practice in all Circuit and District Court's throughout Wayne County.

JURISDICTION

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 in that the facts of this case give rise to a federal question under the Constitution and laws of the United States of America.

¹ A hijab is a headscarf worn by Muslim women that conceals the hair and neck, compared to a niqab which is a garment that covers the entire body, including the hair and face, except for the eyes.

VENUE

5. Venue is properly before this Judicial District pursuant to 28 U.S.C. § 1332 as all of the acts and/or omissions giving rise to the claim occurred in this district.

PARTIES

6. Plaintiff, CAIR-MI, is Michigan non-profit organization with its principle place of business in Southeastern Michigan.
7. Plaintiff, Raneen Albaghdady, is a resident of the County of Wayne, State of Michigan. She is a naturalized citizen of the United States of Iraqi origin, a practicing Muslim, and a member of CAIR-MI.
8. Defendant Wayne County is a unit of local government within the State of Michigan, duly established under Art VII § 1 of Michigan Constitution.
9. Defendant Judge William Callahan is a judge in the 3rd Circuit Court, Family Division, otherwise known as the Wayne County Circuit Court. This Circuit Court sits in a County with the highest population of Arabs outside of the Middle East, and one of the largest Muslim communities in the United States.

FACTUAL BACKGROUND

10. A hijab is a religious headdress that covers various parts of the head, neck and face pursuant to the local custom.
11. As part of her religious faith and the dictates of Islam, Plaintiff wears a hijab. Plaintiff's hijab covers a majority of her hair and neck, leaving her entire face uncovered and

completely observable. As such, the factfinder is clearly able to view her entire face, unobstructed, for the purpose of assessing credibility and indentifying the Plaintiff.

12. On June 16, 2009, Plaintiff appeared before Defendant Callahan for a hearing on her petition for a name change; case number 09-104347-NC.

13. At this hearing Defendant Callahan instructed Plaintiff to remove her “head piece, and further that, “[n]o hats [are] allowed in the courtroom.”

14. The individual accompanying Plaintiff at the hearing attempted to explain to Defendant Callahan that Plaintiff’s hijab was not a hat, but rather a religious headdress.

15. Defendant Callahan insisted that Plaintiff remove her hijab, and Plaintiff complied.

16. Defendant Callahan subsequently denied Plaintiff’s petition for a name change alleging that Plaintiff filed her petition five (5) days premature.

COUNT I
(FIRST AMENDMENT VIOLATION OF THE UNITED STATES CONSTITUTION)
Free Exercise, Freedom of Religion

17. Defendant Callahan is a state actor and had a duty to not interfere with Plaintiff’s right to exercise her fundamental constitutional right under the First Amendment Free Exercise clause.

18. Defendant Callahan violated the First Amendment of the United States Constitution when he required Plaintiff to remove her hijab before addressing the Court.

19. Plaintiff is now fully eligible for a name change, but fears an additional violation of her First Amendment rights if she appears before a judge in Wayne County, including Defendant Callahan.

20. Likewise, due to the large Muslim population within Wayne County, and the customary practice of Wayne County and its judiciary, other individuals either have or will face imminent harm to their fundamental civil rights.

COUNT II
(VIOLATION OF THE EQUAL PROTECTION CLAUSE)
First Amendment Violation, 42 U.S.C. § 1983 Civil Rights Violation

21. Defendants' policy and/or actions in requiring Plaintiff to remove her hijab unlawfully singles out religion as a basis for participation in the Wayne County court system.

22. This policy and these actions unlawfully burdens Muslim women with the choice of either respecting their religious beliefs, or participating in Wayne County's courts.

23. Thus, the law treats similarly situated people differently in that non-Muslim individuals are not forced to compromise their religious beliefs as a precondition to participating in Defendants' court proceedings.

24. In singling out religion for discriminatory and disparate treatment, Defendants' policies and actions violate the Equal Protection Clause of the Fourteenth Amendment.

COUNT III
(42 U.S.C. § 1983 CIVIL RIGHTS VIOLATION)
Access to our Court System

25. As a Judge for the 3rd Circuit Court, Defendant Callahan had a duty to all those addressing the Court, including Plaintiff, to allow such individuals to exercise their rights to seek redress in the Courts without compromising their religious freedom.

26. By forcing Plaintiff to compromise her religious beliefs as a precondition to appearing before the Court, Defendant Callahan has obstructed Plaintiff from accessing our judicial system.

27. Such actions, arising out of Defendant Callahan's refusal to allow Plaintiff to exercise her constitutionally protected freedom of religion, were a violation of 42 U.S.C § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant the following relief:

1. Issue an Order directing that the customary practice of Wayne County in forcing Muslim women to remove their hijab as a precondition to appearing in Court, as this practice was applied by Defendant Callahan, is unconstitutional and illegal for the following reasons:
 - a. That Defendants' actions deprived Plaintiff of her right to exercise her religion.
 - b. That Defendants' actions prevent Plaintiff from exercising her right to access our judicial system.
2. Issue an Order enjoining Defendant Wayne County and Defendant Callahan from taking similar unconstitutional actions against Plaintiff and like individuals in the Circuit and District Courts of Wayne County.
3. Issue an Order granting attorney fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. 2412(a) and (d)(2)(A).

Respectfully Submitted,
NABIH. H. AYAD & ASSOCIATES, P.C.,

/s/ Nabih H. Ayad


Dated: August 26, 2009

Nabih H. Ayad (P59518)
2200 Canton Center Rd., Suite 220
Canton, Michigan 48187
Phone: (734) 983-0500
Fax: (734) 983-0520

VERIFICATION

I, Raneen Albaghdady, hereby swear under oath, that I have read the entire complaint and I am in agreement to its contents in its entirety and that it is my understanding and knowledge to the best of my recollection that all information contained therein is true and accurate.

Dated: 8-25-09



Raneen Albaghdady