No. 14-10186

IN THE

SUPREME COURT OF THE UNITED STATES

ISRAEL BEN-NEVI — PETITIONER
(Your Name)

vs.

JONATHAN BETH BROWN RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4TH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ISRAEL BEN-NEVI #0248346
(Your Name)

GREENE C.I. #440 P.O. BOX 39
(Address)

MAURY, NC 28554
(City, State, Zip Code)

(252) 747-5780
(Phone Number)

QUESTION(S) PRESENTED

1) Why was Plaintiff's Motion for Discovery denied? How many lawsuits was Betty Brown named in?

2) Why were other Religious groups allowed to meet without an outside volunteer?

3) Does Defendant Brown know the difference between a formal religious service and a Bible study?

4) Does Defendant Brown know her own Religious Policy in the Religious Practice Manual?

5) Why were other groups allowed meetings without an outside volunteer?

6) Is a Programmer/Case worker the facilitators [illegible] detainee and if so, can he/she [illegible] a Bible study?

7) Why was my crime brought up - it has nothing to do with the case on Pg. 2 of 14 - Document 42, filed 9/2/14 #2 at bottom of pg.

8) Defendant Brown should be liable for damages and monetary compensation - not have immunity.

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Chaplain Akbar was dismissed from the beginning.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Turner v. Safley 482 U.S. at 89-90	1
Cruz v. Beto U.S. Supreme Court 405 U.S. 319 (1972)	Pgs. 1-5
Cooper v. Lee, et al. #7:10CV00743 (2011)	Pg. 1-8

STATUTES AND RULES

NO ACCESS to any.

OTHER

I have NO CODE Laws - NO ACCESS to Law Books, Law Library, have NO attorney - am going PRO SE

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[✓] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at 4TH CIR CT E Court of Appeals; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at Eastern District of N.C.; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[✓] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The 1st Amendment
The 8th Amendment
The 14th Amendment

STATEMENT OF THE CASE

On October 4, 2012 I filed a 1983 against Chaplain Betty Brown and Chaplain Akbar - who was later dismissed, but allowed to proceed in Pro Se against Chaplain Betty Brown.

I was holding a Jewish Bible Study in the Dorm - not bothering anyone, as my programmer said I only need 2 people - which I had. When I asked, via Request, Defendant Brown replied it was unauthorized, yet other Faith groups met with 2 people. When I requested a quiet room I was denied, yet 2 people could meet in a room - why not me?

Defendant repeatedly referred to me wanting a "normal Jewish Worship Service" - not a Bible Study, then said it wasn't a Jewish Bible Study, but was a Torah/Talmud Study.

The Federal Court Judge, the Honorable James C. Fox, stated, on Pg. 5 of 6, of Document 32, Filed 3/19/14, that Defendant "failed to plead facts addressing any of the four factors relevant to determining if the Turner v. Safley case) whether the policy is reasonably related to a legitimate penological interest".

It seems that all other Faith groups are allowed to meet yet the Jewish inmates are discriminated against - we are not allowed a Bible Torah/Talmud Study, nor do we have Jewish Chaplain Worship Services - due to a policy that Defendant says she can't get a

REASONS FOR GRANTING THE PETITION

This petition should be granted based on the fact that all other faith groups are allowed, without an outside volunteer to be present) inside the group, yet it seems that the Nenoh inmates are discriminated against. It seems that when it comes to the Nenoh inmates the State seems to be able to find an implement a way of saying that it is related to legitimate penological interest for the Nenoh inmates but not for other Religious Faiths and that our States are unjust

What people fail to remember that all groups of Faith are granted in Judaism, but they are part of Judaism, yet the State does not allow the Nenoh inmates a place to study, nor do they try to get a Rabbi in for services.

As a Nenoh inmate I feel that the Religious Rights of the Nenoh inmates are being violated on a regular basis, that we are being discriminated against by the State and that Anti-Semitism is Alive and well in the State.

So, for the above reasons I feel that this Court

THE PETITION SHOULD BE GRANTED, PLAINTIFF IS ENTITLED TO JUDGMENT UNDER 1ST AMD OF THE FIRST AMENDMENT. DEFENDANT, BEING A MUSLIM SHOULD KNOW ABOUT ISLAM, AS A MUSLIM TO ALL RELIGIOUS BELIEFS - NOT JUST ONE BELIEF.

CONCLUSION

I ASK THAT THE COURT GRANT THE PETITION.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ISRAEL BEN-LEVI ISRAEL BEN-LEVI #1348616

Date: JUNE 4, 2015

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7908

ISRAEL BEN-LEVI, a/k/a Danny L. Loren,

Plaintiff - Appellant,

v.

CHAPLAIN BETTY BROWN,

Defendant - Appellee,

and

CHAPLAIN AKBAR,

Defendant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:12-ct-03193-F)

Submitted: April 27, 2015 Decided: May 1, 2015

Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Israel Ben-Levi, Appellant Pro Se. Kari Russwurm Johnson, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellee.

PER CURIAM:

Israel Ben-Levi appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2012) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Ben-Levi v. Brown, No. 5:12-ct-03193-F (E.D.N.C. Dec. 18, 2014). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:12-CT-3193-F

ISRAEL BEN-LEVI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
CHAPLAIN BETTY BROWN,	)	
	)	
Defendant.	)	

This matter is before the court on: (1) Plaintiff's motion to appoint counsel [DE-36]; (2) Defendant's motion for summary judgment [DE-42]; and (3) Defendant's motion for a protective order [DE-50]. For the following reasons: (1) Plaintiff's motion to appoint counsel [DE-36] is DENIED; (2) Defendant's motion for summary judgment [DE-42] is ALLOWED; and (3) Defendant's motion for a protective order [DE-50] is DENIED AS MOOT.

I. PROCEDURAL BACKGROUND

On October 4, 2012, Plaintiff, an inmate in the custody of the North Carolina Department of Public Safety ("DPS") proceeding pro se, filed this action under 42 U.S.C. § 1983, alleging violations of his constitutional rights while he was housed at Hoke Correction Institution ("Hoke")[1]. Compl. [DE-1]. Specifically, Plaintiff contends that Defendant violated his rights under the First Amendment of the United States Constitution, and also violated the Religious Land Use and Institutional Persons Act ("RLUIPA"), 42 U.S.C. §§ 2000cc et seq. *Id.* ¶ 10.

[1] Plaintiff is no longer incarcerated at Hoke and is currently housed at Alexander Correctional Institution ("Alexander") [DE-45].

Defendant filed a motion to dismiss on July 30, 2013 [DE-23]. The court advised the parties on February 25, 2014 [DE-30] that it intended to construe Defendant's motion to dismiss as one seeking summary judgment, and Plaintiff was afforded additional time to respond. Plaintiff filed a response to the motion for summary judgment on March 7, 2014 [DE-32]. On March 19, 2014, the court allowed in part and denied in part Defendant's motion for summary judgment. Specifically, Plaintiff's RLUIPA claim, as well as his request for declaratory and injunctive relief pursuant to § 1983, was dismissed. March 19, 2014 Order [DE-33]. at pp. 5-6. Plaintiff's claim for monetary damages pursuant to § 1983 survived summary judgment. Id. In so ruling, the court noted "that there remains a material issue of fact as to whether Defendant's actions substantially burden Plaintiff's religious exercise and whether Defendant's actions are reasonably related to legitimate penological interests." Id. at p. 4. However, the court also noted that it would reconsider the issue "[o]n a more fully developed record." Id. at p. 5.

Plaintiff filed the instant motion requesting the appointment of counsel on April 15, 2014 [DE-36]. On September 2, 2014, Defendant filed the instant renewed motion for summary judgment [DE-42]. Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) (per curiam), the court notified Plaintiff about the motion for summary judgment, the consequences of failing to respond, and the response deadlines [DE-44]. Plaintiff filed a response on October 14, 2014 [DE-49], Defendant filed a reply on November 3, 2014 [DE-52], and Plaintiff filed a sur-reply on November 12, 2014 [DE-54]. Finally, Defendant filed the instant motion for a protective order on October 30, 2014 [DE-50]. These matters are now ripe for adjudication.

II. MOTION TO APPOINT COUNSEL

Plaintiff filed his first motion requesting the appointment of counsel on October 3, 2012 [DE-

3], which was denied on April 3, 2013 [DE-12]. He now renews his request for counsel [DE-36]. There is no constitutional right to counsel in civil cases, and courts should exercise their discretion to appoint counsel for pro se civil litigants "only in exceptional cases." Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). The existence of exceptional circumstances justifying appointment of counsel depends upon "the type and complexity of the case, and the abilities of the individuals bringing it." Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984), abrogated on other grounds by Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296 (1989) (quoting Branch v. Cole, 686 F.2d 264 (5th Cir. 1982)); see also Gordon v. Leeke, 574 F.2d 1147, 1153 (4th Cir. 1978) ("If it is apparent . . . that a pro se litigant has a colorable claim but lacks capacity to present it, the district court should appoint counsel to assist him."). Plaintiff's claims are not particularly complex, nor do other exceptional circumstances exist. Furthermore, Plaintiff has demonstrated through his filings that he is capable of proceeding pro se. Finally, Plaintiff has not forwarded any additional evidence or argument to distinguish the instant motion from his prior request for the appointment of counsel [DE-3]. Therefore, Plaintiff's motion to appoint counsel [DE-36] is DENIED.

III. MOTION FOR SUMMARY JUDGMENT

A. Standard of review

Summary judgment is appropriate when, after reviewing the record taken as a whole, no genuine issue of material fact exists, and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986). The party seeking summary judgment bears the initial burden of demonstrating the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986). Once the moving party has met its burden, the nonmoving party may not rest on the allegations or denials in its pleading,

Anderson, 477 U.S. at 248–49, but "must come forward with specific facts showing that there is a genuine issue for trial," Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986) (emphasis removed) (quotation omitted). A trial court reviewing a motion for summary judgment should determine whether a genuine issue of material fact exists for trial. Anderson, 477 U.S. at 249. In making this determination, the court must view the evidence and the inferences drawn therefrom in the light most favorable to the nonmoving party. Scott v. Harris, 550 U.S. 372, 378 (2007).

B. Discussion

The Free Exercise Clause of the First Amendment provides that "Congress shall make no law . . . prohibiting the free exercise" of religion. U.S. Const. amend. I. However, a prisoner does not enjoy the full range of freedoms as those not incarcerated. Rather, state action violates a prisoner's religious rights if it burdens his constitutional rights and is not reasonably related to a legitimate penological interest. Turner v. Safley, 482 U.S. 78, 89 (1987); see O'Lone v. Estate of Shabazz, 482 U.S. 342, 349 (1987). A prisoner asserting a violation of his Free Exercise rights must show that he sincerely holds his religious beliefs. See Hines v. S.C. Dep't of Corr., 148 F.3d 353, 358 (4th Cir. 1998). He also must show that the actions of which he complains substantially burden his religious exercise and the actions are not reasonably related to legitimate penological interests. See O'Lone, 482 U.S. at 349; Hines, 148 F.3d at 358.

In evaluating a prisoner's claim that a prison policy violates his First Amendment rights, the court must evaluate four factors to determine whether the policy is reasonably related to a legitimate penological interest. See Turner, 482 U.S. at 89-90.

> First, is there a valid, rational connection between the prison regulation and the legitimate governmental interest put forward to justify it? Second, are there alternative means of exercising the right that remain open to prison inmates? Third, what impact will accommodation of the asserted constitutional right . . . have on

> guards and other inmates, and on the allocation of prison resources generally? And, fourth, are ready alternatives for furthering the governmental interest available?

Beard v. Banks, 548 U.S. 521, 529 (2006) (internal citations and quotations omitted); see Morrison v. Garraghty, 239 F.3d 648, 655 (4th Cir. 2001). With regard to the appropriate balancing of these factors, the Supreme Court has stated "that evaluation of penological objectives is committed to the considered judgment of prison administrators, who are actually charged with and trained in the running of the particular institution under examination." O'Lone, 482 U.S. at 349 (quotations omitted).

Here, Plaintiff claims that Defendant, as Director of Chaplaincy Services, refused to authorize him access to a quiet room for a Jewish Bible study, despite inmates practicing other faiths being afforded similar privileges. Compl. [DE-1], pp. 3-4. Specifically, on June 24, 2012, Plaintiff wrote Defendant, asking if she had "the authority to let the superintendent [at Hoke] approve a quiet place, as do all other religions here . . . to have a Jewish Bible Study, as there are two of us here." Compl. [DE-1-1], p. 4. Defendant denied Plaintiff's request on July 10, 2012. Brown Aff. [DE-42-2] ¶ 19. In doing so, Defendant stated that "no orthodox Rabbi currently serves as volunteer [at Hoke]. Without an orthodox volunteer to supervise a study group, no formal authorization can be given." Id.[2] On August 6, 2012, the superintendent at Hoke also responded to Plaintiff's request, stating DPS would "attempt to transfer [Plaintiff] to a facility with sufficient practitioners of [Plaintiff's] faith to hold corporate worship." Pl. Documents in Support [DE-6-1], p. 5. Plaintiff has since been transferred from Hoke to Alexander [DE-45].

[2] To this end, Defendant "regularly conduct[ed] community outreach among the various churches and denominations in search of volunteers to aid and assist with prison ministry," and was nonetheless still unable to locate a volunteer Rabbi for Hoke. Brown Aff. [DE-42-2] ¶ 28.

In general, DPS policy permits regular population inmates to attend any corporate worship service held at a facility. Brown Aff. [DE-42-2] ¶ 6. In addition, "any inmate may privately pray, meditate, and study scriptures or religious literature in his or her cell or other designated area as long as the inmate does not interfere with other inmate(s) . . . security or operational management." Id. ¶ 7. Likewise, "[a]n inmate may request a community religious official to perform . . . religious rites/rituals subject to [DPS] policies regarding visitation and after coordination with the facility chaplain or other designated staff and approval of the facility head." Id. ¶ 10.

However, DPS policy prohibits any inmate exercising religious authority over any other inmate. Id. ¶ 11. Accordingly, "[n]o inmate shall be recognize[d] as clergy . . . and shall not be permitted to function as such." Id. To the extent inmates seek to conduct religious group meetings, "[t]he Chaplaincy Service Central office shall provide technical support and assistance in the recommendation of inmate leadership for non-Christian faith groups." Id.[3] Group meeting are not permitted without prior approval. Id. Defendant notes that, with regard to any religious group meeting, "different accommodations are made for dissimilar groups." Id. ¶ 16. For example, "[w]hile some faith practices may require corporate group worships, others may not." Id. Pursuant to these guidelines, a Jewish Bible Study generally requires a quorum of ten adult Jews. Id. ¶ 14. This requirement may be waived when the study is led by a volunteer Rabbi. Id.

In contrast to her prior motion for summary judgment, Defendant now identifies several legitimate governmental interests justifying these policies, including: (1) maintaining order, security, and safety; (2) balancing inmate relationships; (3) coordinating the availability of staff, departmental

[3] To this end, Defendant contends that Plaintiff is not qualified to conduct a Jewish Bible Study. Brown Aff. [DE-42-2] ¶ 20.

and community resources; and (4) avoiding the duplication of existing services. Id. ¶ 20. Defendant also specifically notes that "[r]eligion in the prison system has been used as a means to engage in gang activities and for the promotion of extremist groups." Id. Specifically, "in early 2010 . . . a small group of self-declared Messianic Jewish inmates in prisons in the Western part of the state were White Supremacists, were using the faith practice to mask their gang activity, including recruitment and indoctrination." Id.

Based on the more fully developed record, the court concludes that Defendant did not substantially burden Plaintiff's religious exercise. Adkins v. Kaspar, 393 F.3d 559, 571 (5th Cir. 2004) ("The requirement of an outside volunteer . . . does not place a substantial burden on [a plaintiff's] religious exercise"). Plaintiff is permitted to participate in private and corporate worship. Brown Aff. [DE-42-2] ¶¶ 6-10. Defendant did not forbid Plaintiff from participating in a Jewish Bible Study. Rather, she enforced DPS policy requiring that a study with fewer than ten participants be led by a Rabbi. Id. ¶¶ 14, 20, 24-26, 28. Ultimately, DPS officials attempted to transfer Plaintiff to a facility with a volunteer Rabbi. Pl. Documents in Support [DE-6-1], p. 5.

Morever, even if Plaintiff had demonstrated a burden on his religious exercise, Defendant's actions were reasonably related to legitimate penological interests. As noted by Defendant, any "request to have a quiet area to conduct a 'Jewish Bible study,' or a Torah/Talmud study, without supervision, can compromise order, security, operation, safety, and inmate relationships in the prison system." Brown Aff. [DE-42-2] ¶ 22. Furthermore, as discussed above, Defendant has cited specific examples of extremist groups "using . . . faith practice to mask their gang activity." Id. ¶ 20. Thus, the requirement of a quorum of ten adult Jews or the presence of a Rabbi is a policy that is reasonably related to legitimate government interests. See Griffith v. Bird, No. 3:06CV308-1-MU,

2009 WL 3722804, at *4 (W.D.N.C. Nov. 3, 2009) ("[T]he prison policy of requiring an approved volunteer to oversee religious gatherings . . . is rationally related to the legitimate governmental interest of institutional order and security"). For example, said policy: (1) "ensures the purity of the doctrinal message and teaching"; (2) "promotes institutional security [by] ensur[ing] that groups and services are not co-opted by gangs or other groups which might use it to mask their illicit activities"; (3) "ensures that no one inmate assumes a position of power and authority vis-a-vis another"; and (4) "conserves personnel resources." Brown Aff. [DE-42-2] ¶ 26.

Finally, even if the Turner factors were not satisfied, Plaintiff's Free Exercise claim still fails because he cannot establish that Defendant intentionally violated his Free Exercise rights. See Lovelace v. Lee, 472 F.3d 174, 201 (4th Cir.2006) (only intentional conduct is actionable under the Free Exercise Clause); Griffith, No. 3:06CV308-1-MU, 2009 WL 3722804, at *4 (dismissing Free Exercise claim because, *inter alia*, that plaintiff had "not established that either Defendant acted intentionally to deprive him of his rights under the Free Exercise Clause of the First Amendment"). For these reasons, Plaintiff's claim is DISMISSED.

III. CONCLUSION

For the aforementioned reasons: (1) Plaintiff's motion to appoint counsel [DE-36] is DENIED; (2) Defendant's motion for summary judgment [DE-42] is ALLOWED; and (3) Defendant's motion for a protective order [DE-50] is DENIED AS MOOT. The Clerk of Court is DIRECTED to close this case.

SO ORDERED. This the 18 day of December, 2014.

James C. Fox

JAMES C. FOX
Senior United States District Judge

Attached

Statement of the Case cont.

Rabbi Jin here. I have a certificate from the Aleph Institute/Jewish Learning Institute- and the Spring of 2011. I am also an ordained Rabbi since May 4, 2012. I've been Jewish all my life, I know the Torah/Bible like all the others.

If the Defendant failed to address any of the four prongs/factors of Turner v. Safley then why was the Court upheld what the State says? Do I not an ~~[illegible]~~ inmate to always wrong? It seems the State can change policy/law at whim to stop a Faith Group. Do they even understand Judaism and that we are true Rabbi to others, or do I not we are a minority Religious Group and we can be stopped, treated different than all others?

Defendant did exercise deliberate indifference to the Jewish inmates by denying a quiet place for study. Defendant should know about others beliefs- me being an ordained Rabbi, knows things of others beliefs, not just of Judaism.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ISRAEL BEN-LEVI,
Plaintiff,
v.
CHAPLAIN BETTY BROWN; CHAPLAIN AKBAR,
Defendants.

Judgment in a Civil Case

Case Number: 5:12-CT-3193-F

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for consideration of the defendant Brown's motion for summary judgment.

IT IS ORDERED AND ADJUDGED that defendant Akbar having been dismissed earlier in the action, the remaining defendant's motion for summary judgment is granted and this action is hereby dismissed.

This Judgment Filed and Entered on December 18, 2014, with service on:
Israel Ben-Levi 0248366, Alexander Correctional Institution, 633 Old Landfill Road, Taylorsville, NC 28681 (via U.S. Mail)
Judith M. Estevez (via CM/ECF Notice of Electronic Filing)

December 18, 2014

/s/ Julie A. Richards
Clerk

FILED: May 1, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7908
(5:12-ct-03193-F)

ISRAEL BEN-LEVI, a/k/a Danny L. Loren

Plaintiff - Appellant

v.

CHAPLAIN BETTY BROWN

Defendant - Appellee

and

CHAPLAIN AKBAR

Defendant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

PER CURIAM:

Israel Ben-Levi appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2012) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Ben-Levi v. Brown, No. 5:12-ct-03193-F (E.D.N.C. Dec. 18, 2014). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: May 26, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7908
(5:12-ct-03193-F)

ISRAEL BEN-LEVI, a/k/a Danny L. Loren

Plaintiff - Appellant

v.

CHAPLAIN BETTY BROWN

Defendant - Appellee

and

CHAPLAIN AKBAR

Defendant

MANDATE

The judgment of this court, entered 05/01/2014, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

ISRAEL BEN-LEVI #0214512 PETITIONER
(Your Name)

VS.

CAPTAIN BETTY BROWN — RESPONDENT(S)

PROOF OF SERVICE

I, ISRAEL BEN-LEVI, do swear or declare that on this date, JUNE 4, 2015, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

CAPTAIN BETTY BROWN
831 W. MORGAN STREET
RALEIGH, NC 27603-1459

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JUNE 4, 2015

ISRAEL BEN-LEVI
(Signature)