

**FILED**

**Mar 29 - 2024**

John M. Domurad, Clerk

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

JEREMY ZIELINSKI, TRAVIS HUDSON,  
BRUCE MOSES, OSCAR NUNEZ, JEAN MARC  
DESMARAT, and DAVID HAIGH, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

NEW YORK DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION (DOCCS);  
DOCCS ACTING COMMISSIONER DANIEL F.  
MARTUSCELLO III, *in his official capacity*;  
DOCCS SUPERINTENDENT DAVID HOWARD,  
*in his official capacity*; and DEPUTY  
SUPERINTENDENT FOR PROGRAM  
SERVICES DANIELLE GLEBOCKI, *in her official  
capacity*,

Defendants.

No. 9:24-cv-450 (GTS/CFH)

**COMPLAINT**

Plaintiffs Jeremy Zielinski, Travis Hudson, Bruce Moses, Oscar Nunez, Jean Marc Desmarat, and David Haigh, individually and on behalf of a class of similarly situated persons, through the undersigned counsel, file this Complaint against Defendants and allege as follows, upon information and belief:

**PRELIMINARY STATEMENT**

1. In the middle of the afternoon of Monday, April 8, 2024, the Moon will pass between the Sun and the Earth, completely blocking the face of the Sun and causing darkness where there would normally be light. Those in the path of totality—including in some parts of New York State—will witness a total solar eclipse. The rest of viewers in New York State will witness a lesser period of darkness amounting to a partial solar eclipse.

2. A solar eclipse is a rare, natural phenomenon with great religious significance to many. For example, NPR has reported that, “[t]hroughout human history, solar eclipses have been seen as having great religious significance, often as omens or signs of divine warning or punishment,” and that “major and minor religions alike have their own understandings.” Ex. A (NPR). To this day, solar eclipses, like the one on April 8th, are recognized by various religions as special events that warrant gathering, celebration, worship, and prayer. Ex. B (USA Today).

3. The last total solar eclipse visible from the United States was on Monday, August 21, 2017. During the 2017 solar eclipse, various religious groups gathered to observe the solar eclipse and practice their religions together. Ex. A (NPR) (discussing an eclipse-viewing event at a synagogue and the National Convention of American Atheists eclipse-viewing event in Charleston, SC).

4. The April 8, 2024 solar eclipse is similarly expected to be a time for Christians, Santerians, Muslims, and Atheists—to name a few examples—to gather as the world goes dark for a few minutes in the middle of the day. The next total solar eclipse visible from the contiguous United States will not occur for another twenty years, in 2044.

5. The six named Plaintiffs come from varying backgrounds and hold different religious beliefs, but all share the following in common: first, they are incarcerated at Woodbourne Correctional Facility in Sullivan County, New York; second, they have each expressed a sincerely held religious belief that April’s solar eclipse is a religious event that they must witness and reflect on to observe their faiths; and third, they will all be denied their statutory and constitutional rights to practice their religions if this Court does not act quickly to enjoin the New York Department of Corrections and Community Supervision (“DOCCS”) from enforcing a statewide lockdown that illegally prohibits Plaintiffs from observing the solar eclipse on Monday, April 8, 2024.

**PARTIES**

6. Plaintiffs Jeremy Zielinski, Travis Hudson, Bruce Moses, Oscar Nunez, Jean Marc Desmarat, and David Haigh are inmates of DOCCS, who at all relevant times have been housed at the Woodbourne Correctional Facility (“Woodbourne”). Plaintiffs bring this action on behalf of themselves and all others similarly situated.

7. DOCCS is a state agency charged with the care of incarcerated individuals in New York State. DOCCS headquarters is located at The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050, located within the Northern District of New York.

8. Daniel F. Martuscello III is the Acting Commissioner of DOCCS and is sued in his official capacity. Mr. Martuscello III’s office is located at The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050, located within the Northern District of New York.

9. David Howard is the Superintendent of Woodbourne and is sued in his official capacity.

10. Danielle Glebocki is the Deputy Superintendent for Program Services of Woodbourne and is sued in her official capacity.

**JURISDICTION AND VENUE**

11. This Court has jurisdiction over this action because it involves federal claims. 28 U.S.C. § 1331.

12. Venue is proper in this district because DOCCS and Acting Commissioner Martuscello III are resident in the Northern District of New York.

13. Venue is proper in this district because, as described below, a substantial part of the events or omissions giving rise to this action occurred and continue to occur within this district. 28 U.S.C. § 1391(b)(2).

## **BACKGROUND**

### ***Religious Significance of the Solar Eclipse for Christian Plaintiffs***

14. The solar eclipse is recognized as an event of great religious significance for Christians, including for Baptists like Plaintiff Travis Hudson and Seventh Day Adventists like Plaintiff David Haigh. For example, USA Today recently reported that Christian congregations will be gathering to observe the eclipse together and celebrate “the handiwork of God that exists in the universe” and “be reminded that we live in world made by God and sustained by his love and goodness.” Ex. B (USA Today). And, “[a]s the faithful convene in scattered Christian, Jewish and Muslim communities around the country, the gatherings reflect how celestial events once seen as ominous by some religious communities continue to wield spiritual significance today.” *Id.*

15. The importance of the solar eclipse to Christianity stems from portions of the Bible that allude to what many have attributed to a solar eclipse during the crucifixion of Jesus Christ. *Id.* (citing Mark 15:33 (“And when the sixth hour had come, there was darkness over the whole land until the ninth hour.”)); *see also* Luke 23:44–46 (“It was now about noon, and darkness came over the whole land until three in the afternoon, for the sun stopped shining. And the curtain of the temple was torn in two. Jesus called out with a loud voice, ‘Father, into your hands I commit my spirit.’ When he had said this, he breathed his last.”).

16. Plaintiff Travis Hudson is a sincere believer of the Protestant Baptist faith. Before he was incarcerated, he regularly attended services at Lake Placid Baptist Church, participated in prayer walks, and practiced his faith.

17. As Mr. Hudson understands his faith, his sincerely held religious beliefs include the practices below, among others:

- a. Looking for ways to find the Spirit of God in public holidays, even those not traditionally considered Baptist holidays;
- b. Reflecting on Jesus's sacrifice of giving his life to forgive humanity's sins; and
- c. Seeking closeness to God through natural events.

18. The eclipse holds special religious significance to Mr. Hudson because he believes it mirrors the solar eclipse described in the Bible as having happened on the day of Jesus Christ's crucifixion. Ex. C (Hudson Declaration) (citing various Bible passages). He sincerely believes that it is vital to his faith to observe the solar eclipse and reflect on what he believes Jesus saw moments before he died on the cross to forgive Mr. Hudson's sins.

19. Plaintiff David Haigh is a practicing Seventh Day Adventist. He has been attending services since about 1995, was a member of Campus Crusade for Christ at Penn State and Purdue Universities, and now regularly attends services on Saturday afternoons at Woodbourne. Ex. D (Haigh Declaration).

20. As Mr. Haigh understands his faith, his sincerely held religious beliefs include group observation of significant events that he believes are inspired by God. He sincerely believes that Jesus Christ is the redeemer for our sins.

21. The eclipse holds special religious significance to Mr. Haigh because he believes that the Bible describes a solar eclipse happening while Jesus was on the cross. He sincerely believes that it is key to his faith to observe the solar eclipse and reflect on what he believes is the same phenomenon experienced by Jesus Christ before he died.

***Religious Significance of the Solar Eclipse for Muslim Plaintiff***

22. The solar eclipse is also recognized as a significant religious event for Muslims. Ex. B (USA Today). This importance stems from one of the holiest books of Islam, the Hadith,<sup>1</sup> which describes what many believe to be an eclipse happening as Muhammad's son died. Vol. 2, Book 18, Hadith 150. That section of the Hadith sets forth a prayer that Muhammad said during those moments. *Id.* ("Then the Prophet (p.b.u.h) said, 'The sun and the moon do not eclipse because of someone's death. So whenever you see these eclipses pray and invoke (Allah) till the eclipse is over.'"). "[E]ver since, Muslims around the world recite the same prayer whenever they find themselves in the path of an eclipse." Ex. E (Washington Post).

23. Plaintiff Jean Marc Desmarat is a sincere follower of the Islamic faith and has been for many years. He sincerely believes that the solar eclipse has religious significance to Islam. *See* Ex. F (Desmarat Declaration).

24. As Mr. Desmarat understands his faith, his sincerely held religious beliefs include the practices below, among others:

- a. Performing a special prayer in view of the solar eclipse inscribed in the Quran, just as he believes the Prophet Muhammad prayed.
- b. Congregating with other people of faith to enjoy what he believes to be Allah's great creation.

25. Mr. Desmarat sincerely believes observing the solar eclipse and saying a special prayer is critical to practicing his religion. *Id.*

---

<sup>1</sup> The Hadith is a historical account of the acts and statements of the Prophet Muhammed. *See, e.g., Nat'l Grp. for Communs. & Computs. Ltd. v. Lucent Techs. Int'l Inc.*, 331 F. Supp. 2d 290, 296 (D.N.J. 2004).

***Religious Significance of the Solar Eclipse for Santerian Plaintiffs***

26. Plaintiff Bruce Moses is a lifelong follower of the Santeria religion. He sincerely believes that God is the sun and morning, and the being who wakes everyone every morning. He also believes humans should seek to understand God's creation of life. *See* Ex. G (Moses Declaration).

27. As Mr. Moses understands his faith, his sincerely held religious beliefs include the practice of witnessing the solar eclipse and making a spiritual offering. *Id.*

28. Plaintiff Oscar Nunez is a senior member of the Santeria religion. He sincerely believes that the solar eclipse is a significant event in his religion. *See* Ex. H (Nunez Declaration).

29. As Mr. Nunez understands his faith, his sincerely held religious beliefs include the practice of praying and chanting to the moon and the sun for blessings while they meet at the time of the solar eclipse. He sincerely believes that these prayers lead to vibrations of the Orishas (divine spirits) to bless those who pray and chant. *Id.*

***Religious Significance of the Solar Eclipse for Atheist Plaintiff***

30. A total solar eclipse is also an event of great religious significance for Atheists, such as Plaintiff Jeremy Zielinski. For example, the National Convention of American Atheists gathered during the 2017 in the path of the eclipse in Charleston, South Carolina to practice their faith. Ex. A (NPR)

31. Mr. Zielinski is an active atheist. As Mr. Zielinski understands his faith, his sincerely held religious beliefs include the practice of gathering to celebrate science and reason. He sincerely believes that observing the solar eclipse in the presence of others who have sincerely held religious beliefs of its importance is critical to practicing his faith. *See* Ex. I (Zielinski Declaration).

32. Mr. Zielinski firmly believes that observing the solar eclipse with people of different faiths is crucial to practicing his own faith because it is a central aspect of atheism to celebrate common humanity and bring people together to encourage people to find common ground. *Id.*

***Plaintiffs' Requests and State's Denials***

33. Mr. Zielinski was the first Plaintiff to request that the solar eclipse be recognized at Woodbourne as a religious event. He first made this request on January 28, 2024—more than two months before the eclipse.

34. He was informed on January 30, 2024 that he would need to submit an official request to Woodbourne to recognize his religion, atheism, as an official religion before his request could be granted.

35. Mr. Zielinski submitted the request for atheism to be recognized as an official religion on February 19, 2024.

36. On March 4, 2024, Mr. Zielinski was notified that a determination could take up to 120 days.

37. He responded on March 4, 2024 explaining that the nature of his request was time sensitive because the eclipse would be occurring on April 8, 2024. One hundred and twenty days would be long after the eclipse had come and gone.

38. On March 5, 2024, Mr. Zielinski received confirmation that his request had been granted to view the April 8, 2024 total solar eclipse event. He was also informed that the facility would buy and provide him with solar eclipse viewing glasses for use to watch the eclipse. This confirmation applied only to Mr. Zielinski.



39. On March 8, 2024, Mr. Zielinski renewed this request by responding with another request to watch the eclipse together with other inmates who hold sincere religious beliefs regarding the importance of the solar eclipse, including the other Plaintiffs.

40. On March 11, 2024, DOCCS Acting Commissioner Daniel Martuscello III issued a statewide memorandum to all DOCCS facilities, including Woodbourne (“Lockdown Memo”).

This memorandum ordered that, because of the solar eclipse:

On April 8, 2024, all facilities will operate on a holiday schedule. ***There will be no incarcerated movement in facilities from 2:00 p.m. to 5:00 p.m. and incarcerated individuals will remain in housing units except for emergency situations.*** For facilities in the path of totality, visitation will be canceled and publicized on the Department web page and social media, visitation at all other facilities will end at 2:00 p.m.

Ex. K (emphasis added).

41. At the same time the memorandum prohibited any incarcerated persons from leaving the housing units to watch the solar eclipse in the yard, the memorandum also (confusingly) acknowledged that “[t]he Department has placed an order to purchase and distribute solar eclipse safety glasses to facilities in the path of totality for the incarcerated population.” *Id.*

42. Upon information and belief, in 2017, during the last solar eclipse viewable in New York, DOCCS did not issue a Lockdown Memo.

43. Upon information and belief, the hours of 2:00pm to 5:00pm are traditionally a normal time for outdoor recreation.

44. The day after the memorandum issued, on March 12, 2024, Mr. Zielinski filed an official incarcerated grievance complaint (“First Eclipse Grievance”) alleging that the DOCCS Lockdown Memo violated his rights under the Religious Land Use And Institutionalized Persons Act (“RLUIPA”) by prohibiting him from celebrating the solar eclipse with others, as is necessary for him to practice his sincerely held beliefs as an atheist.

45. On March 12, 2024, Mr. Hudson was the next Plaintiff to request permission from the Woodbourne Deputy Superintendent to observe the solar eclipse with Mr. Zielinski.

46. On March 14, 2024, Deputy Superintendent Glebocki denied his request because he is a Baptist and the solar eclipse is not a recorded holy day for Baptists in the facility's calendar.

47. On March 14, 2024, Mr. Zielinski filed another grievance, this time in response to Mr. Hudson's denial ("Second Eclipse Grievance"). He again emphasized that refusing to allow other inmates to observe the solar eclipse based on sincerely held religious beliefs violated his rights to practice his faith as an atheist. Mr. Zielinski also implied that the denial violated Mr. Hudson's rights to practice his faith as a Baptist because DOCCS cannot unilaterally decide that any event not included in its own agency calendar as a "holy day" is not otherwise religiously significant and protected by RLUIPA.

48. On March 14, 2024, Mr. Moses, Mr. Nunez, and Mr. Desmarat were the third, fourth, and fifth Plaintiffs to request permission from the Woodbourne Deputy Superintendent to observe the solar eclipse with Mr. Zielinski and Mr. Hudson.

49. On March 14, 2024, Mr. Moses's request was denied in writing because he is "designated Santeria" and "NYSDOCCS Religious Holy Day Calendar 2024 does not note the viewing of the Solar Eclipse as one of the Santeria Religious Events." Ex. J.

50. Mr. Nunez and Mr. Desmarat also allege that Deputy Superintendent Glebocki denied their requests for similar reasons, that the solar eclipse is not on the calendar as a holy day for Santeria or Islam.

51. On March 15, 2024, Mr. Haigh became the last of the six named Plaintiffs to request authorization to view the solar eclipse on April 8, 2024. Mr. Haigh never received a formal response to his request.

52. On March 18, 2024, Mr. Zielinski received a letter from Superintendent Howard notifying Mr. Zielinski that he had received his March 14, 2024 letter in which Mr. Zielinski had said he was filing a grievance. Superintendent Howard informed Mr. Zielinski that he would “receive a response via the Grievance program.”

53. Mr. Zielinski has yet to receive a response through the Grievance program for either his First or Second Eclipse Grievances.

54. In Plaintiffs’ experience, it usually takes more than a year to receive a response through the Grievance program.

55. Thus, the April 8, 2024 solar eclipse will be long over by the time Mr. Zielinski receives a response through the Grievance program, and it would be futile for any of the other Plaintiffs to file additional grievances.

### **EXHAUSTION OF REMEDIES**

56. Under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), the administrative remedies available to Plaintiffs have been exhausted because there is nothing left to do. While Mr. Zielinski has attempted to resolve these issues through the Grievance program, the DOCCS Lockdown Memo comes from the highest level of DOCCS and is effectively a blanket denial of any pending Grievances or future Grievances on the topic. It constitutes a final decision on the matter, and there are no more administrative options available to Plaintiffs that could reverse the Lockdown Memo.

### **CLASS ALLEGATIONS**

57. The preceding paragraphs are incorporated by reference, as if stated here in full.

58. Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3), as applicable, and (c)(4), Plaintiffs seek certification of a Class (“the Class”) defined as follows:

Plaintiffs seek a proposed Class defined as all detainees at DOCCS facilities who, before April 8, 2024, formally request to view the April 8th solar eclipse based on sincerely held religious beliefs.

59. Plaintiffs reserve their rights to modify or redefine the Class, or, pursuant to Rule 23(c)(5), to propose subclasses, if necessary or alternatively, including but not limited to prisonwide subclasses and/or entity subclasses.

60. DOCCS contains a transitory population of detainees who transfer in and out of the facility as their criminal cases progress and are resolved. Thus, joinder of all members is impracticable.

61. Common questions of law and fact exist, including the DOCCS Lockdown Memo and DOCCS employees' denials of religious accommodations and the propriety of those denials.

62. Plaintiffs' claims are typical of those of the proposed Class.

63. Plaintiffs will fairly and adequately protect the interests of the Class.

64. DOCCS and DOCCS employees have acted or refused to act on grounds that apply generally to the Class, so that final injunctive and declaratory relief will be appropriate respecting the proposed Class as a whole.

**COUNT ONE – DENIAL OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (“RLUIPA”), 42 U.S.C. §§ 2000CC-1 ET SEQ.**

65. The preceding paragraphs are incorporated by reference, as if stated here in full.

66. The RLUIPA applies to DOCCS and its facilities.

67. DOCCS, through its agents, has imposed a substantial burden on Plaintiffs' and the Class's religious exercise.

68. DOCCS statewide ban on incarcerated persons viewing the eclipse from the yard in any DOCCS facility does not promote a compelling governmental interest through the least restrictive means.

69. This Court should thus enter an expedited declaratory judgment that Plaintiffs' and the Class's religious exercise has been illegally burdened and issue an order prohibiting further illegal violations of religious exercise.

**COUNT TWO – 42 U.S.C. § 1983**

70. The preceding paragraphs are incorporated by reference, as if stated here in full.

71. While acting under color of law, Defendants violated and/or permitted the violation of Plaintiffs' and the Class's rights:

- a. Under the Free Exercise Clause, to practice religion; and
- b. Under the Equal Protection Clause, to receive equal treatment as it relates to practicing their religions and/or receiving accommodations to practice their religions.

72. Thus, this Court should enter an expedited declaratory judgment that Plaintiffs' constitutional rights have been violated and issue an order prohibiting future violations, as permitted under *Ex parte Young*, 209 U.S. 123 (1908).

**PRAYER FOR EMERGENCY RELIEF**

73. Plaintiffs pray that this Court will award them and the Class the following expedited injunctive relief:

- A. Declare that Defendants' conduct violates Plaintiffs' and the Class's statutory and constitutional rights;

- B. Order that DOCCS permit Plaintiffs to view the April 8, 2024, eclipse and provide eclipse glasses to those who request them; and
- C. Such further relief as justice may require.

Dated this 29th day of March, 2024.

Respectfully submitted,

*/s/ Madeline E. Byrd* \_\_\_\_\_

Christopher L. McArdle, Esq.  
Sharon Steinerman, Esq.  
Madeline E. Byrd, Esq.  
ALSTON & BIRD LLP  
90 Park Avenue  
New York, NY 10016  
(212) 210-9542  
chris.mcardle@alston.com  
sharon.steinerman@alston.com  
maddy.byrd@alston.com  
*Attorneys for Plaintiffs and Others  
Similarly Situated*

# **EXHIBIT A**

[MORNING NEWS](#)  
[LIVE](#) [PLAY LIVE](#) [Radio](#)  
[PLAYLIST](#)



[DONATE](#)

RELIGION

# The Role Of Solar Eclipses In Religion

AUGUST 18, 2017 · 4:31 PM ET

HEARD ON ALL THINGS CONSIDERED

By Tom Gjelten

**3-Minute Listen**

[PLAYLIST](#) [Download](#)

[Transcript](#)

Throughout human history, solar eclipses have been seen as having great religious significance, often as omens or signs of divine warning or punishment. Major and minor religions alike have their own understandings.

Sponsor Message

KELLY MCEVERS, HOST:



Our fascination with solar eclipses like the one coming up Monday is thousands of years old. It was thought that the sudden disappearance of the Sun was one of those mysteries that only the gods could explain. Science eventually provided the answers, but for religious believers, a solar eclipse remains an occasion of special significance. Here's NPR's Tom Gjelten.

TOM GJELTEN, BYLINE: Imagine you're a Plains Indian on a perfect summer day, hunting buffalo under a cloudless prairie sky. Suddenly, for no reason, the sun begins to go dark.

ANTHONY AVENI: You go through a twilight like you've never seen. You see shadows like you've never seen. You see colors like you've never seen. And then you see what looks like a hole in the sky.

GJELTEN: And you're terrified. Anthony Aveni is a professor of astronomy and anthropology at Colgate University. In his new book, "In The Shadow Of The Moon," Aveni tell stories of how cultures through the ages have related to solar eclipses. In some pre-modern societies, the sun was itself seen as a living thing. During a solar eclipse, some people figured the sun was being eaten and needed to be alerted to the danger it faced.

AVENI: People banging pans and making noise and pinching their dogs to make them howl at the eclipse. And an anthropologist asked them about this and said, you know, are you chasing away the demons with your noise? And one responded, said, no, we're not chasing away the demons. We're trying to get the sun's attention.

GJELTEN: Those who believed in one God, like the Jews, didn't see the sun as a cosmic player, but a solar eclipse scared them as well. They turned to their rabbis for guidance. Jeremy Brown has studied ancient rabbinic teachings recorded as the Talmud.

JEREMY BROWN: In Judaism, human actions have consequences. And so when the rabbis in the Talmud experienced the darkness of a solar eclipse, they thought it was a curse and asked what could have led to this frightening event.

GJELTEN: Some seemingly random explanations appear in the Talmud, among them that an eclipse could follow from a chief rabbi not being properly eulogised at his death. Once it became clear an eclipse could be predicted, of course it was

harder to see it as a divine response to some human conduct. And yet the notion that an eclipse is a sign from God has persisted in some religious circles. A popular Australian pastor, Steve Cioccolanti, posted a lecture on his YouTube channel recently in which he said next week's solar eclipse may portend something bad happening in America.

(SOUNDBITE OF ARCHIVED RECORDING)

STEVE CIOCCOLANTI: I think that a major earthquake or a plague or meteorite strikes are being foretold. Is that what I'm prophesying - no. I'm just saying that's entirely possible.

GJELTEN: Even in faith traditions that now fully accept the science, a solar eclipse remains an occasion that highlights the wonders of the universe and our small place in it. In a book and on his website Talmudology, Jeremy Brown has written about Jewish understandings of solar eclipses.

BROWN: Today, an eclipse is no longer seen as a threat, as an omen but as something to be celebrated. There is a consensus of opinion amongst the rabbis that an eclipse should be witnessed with joy and happiness and appropriate psalms and blessings.

GJELTEN: Brown and his family are heading to Charleston, S.C., for an eclipse-viewing event at a synagogue. But a total solar eclipse is momentous to everyone. The National Convention of American Atheists will also be in Charleston, hosting a viewing of their own. Tom Gjelten, NPR News.

(SOUNDBITE OF THE DIP'S "WON'T BE COMING BACK")

*Copyright © 2017 NPR. All rights reserved. Visit our website terms of use and permissions pages at [www.npr.org](http://www.npr.org) for further information.*

*NPR transcripts are created on a rush deadline by an NPR contractor. This text may not be in its final form and may be updated or revised in the future. Accuracy and availability may vary. The authoritative record of NPR's programming is the audio record.*

## Were you expecting a paywall? Not our style.

We are on a mission to create a more informed public. To make that happen, we need you to do something extraordinary: donate. Your dollars will be transformed into news, shows, and more. And, all that trustworthy journalism will be freely available to everyone. Can you help?

♥ YES, I'LL DONATE

### More Stories From NPR



HISTORY

### Fractures in the Grand Alliance between Black and Jewish Americans



**POLITICS**

**Cash-strapped Trump is now selling \$60 Bibles, U.S. Constitution included**



**RELIGION**

**People say they're leaving religion due to anti-LGBTQ teachings and sexual abuse**



**RELIGION**

**Purim — a festive Jewish holiday with an ending often ignored**



**GLOBAL HEALTH**

**The Gambia is debating whether to repeal its ban on female genital mutilation**



RELIGION

Despite church prohibitions, Catholics still choose IVF to have children

Popular on NPR.org



**YOUR MONEY**

**What is the new etiquette for tipping?**



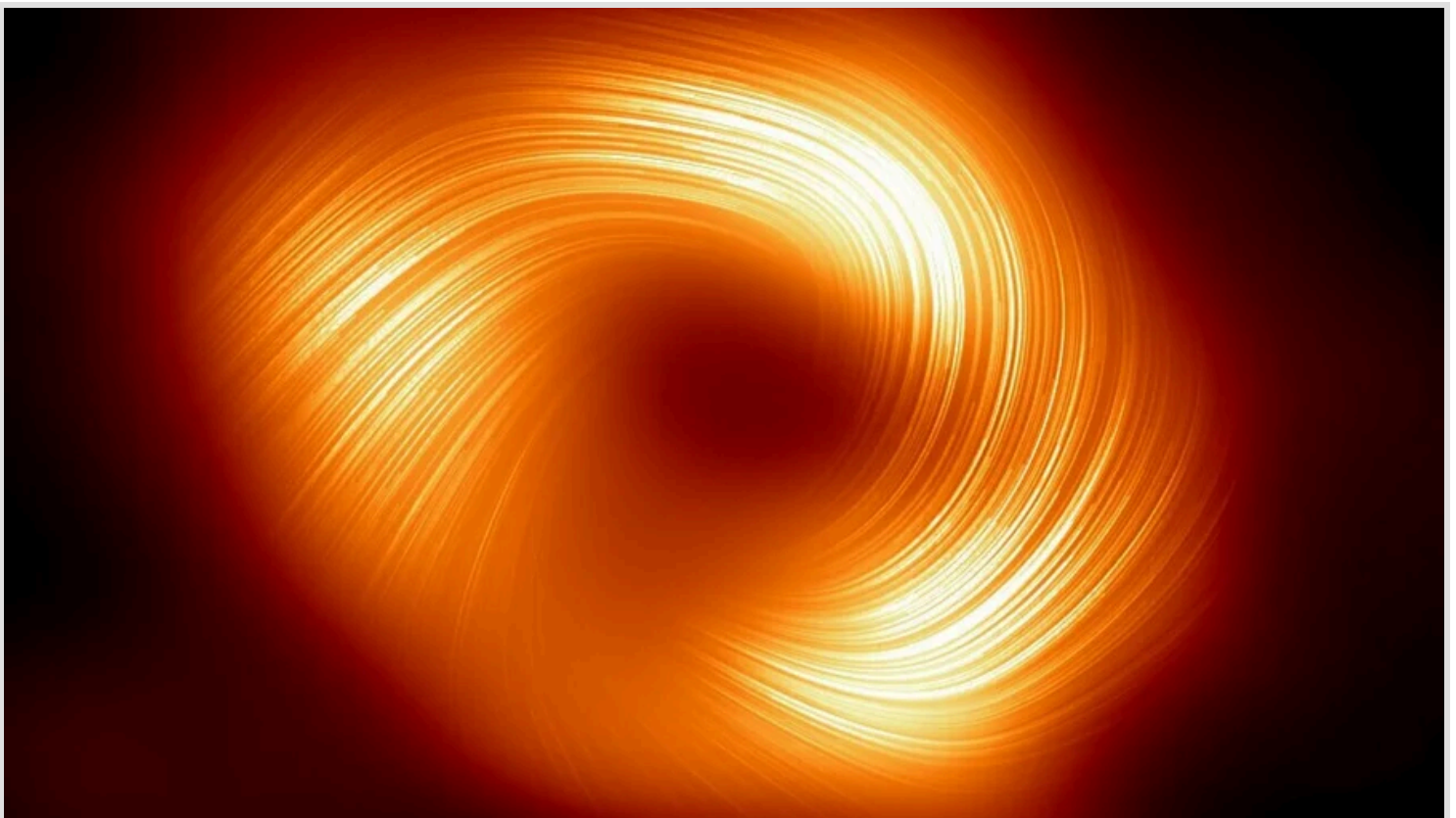
**NATIONAL**

**An Arizona lawmaker announced she was getting an abortion. Here's what happened next**



NATIONAL

**In Florida, there's détente in the battle between Disney and Gov. Ron DeSantis**



SPACE

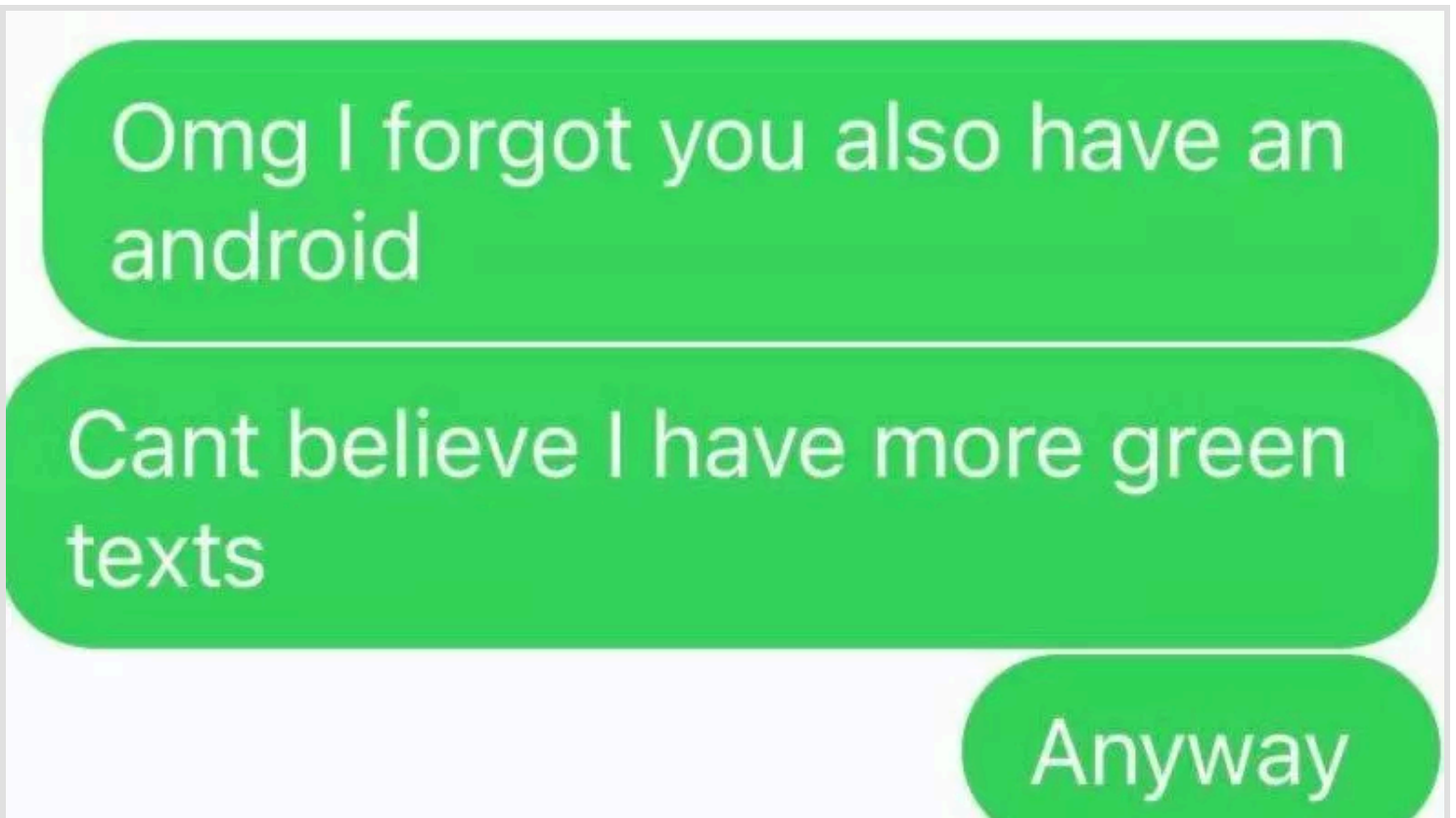
**Milky Way black hole has 'strong, twisted' magnetic field in mesmerizing new image**





**OBITUARIES**

**Best-selling psychologist of 'Thinking, Fast and Slow,' dies at 90**



**TECHNOLOGY**

**'Green bubble shaming' at play in DOJ suit against Apple**

## NPR Editors' Picks



WORLD

**Boiling weeds, eating animal feed: People in Gaza stave off hunger any way they can**



**NATIONAL**

**A comedian, a pug and a politician walk into the quiz. Do you know the punchline?**



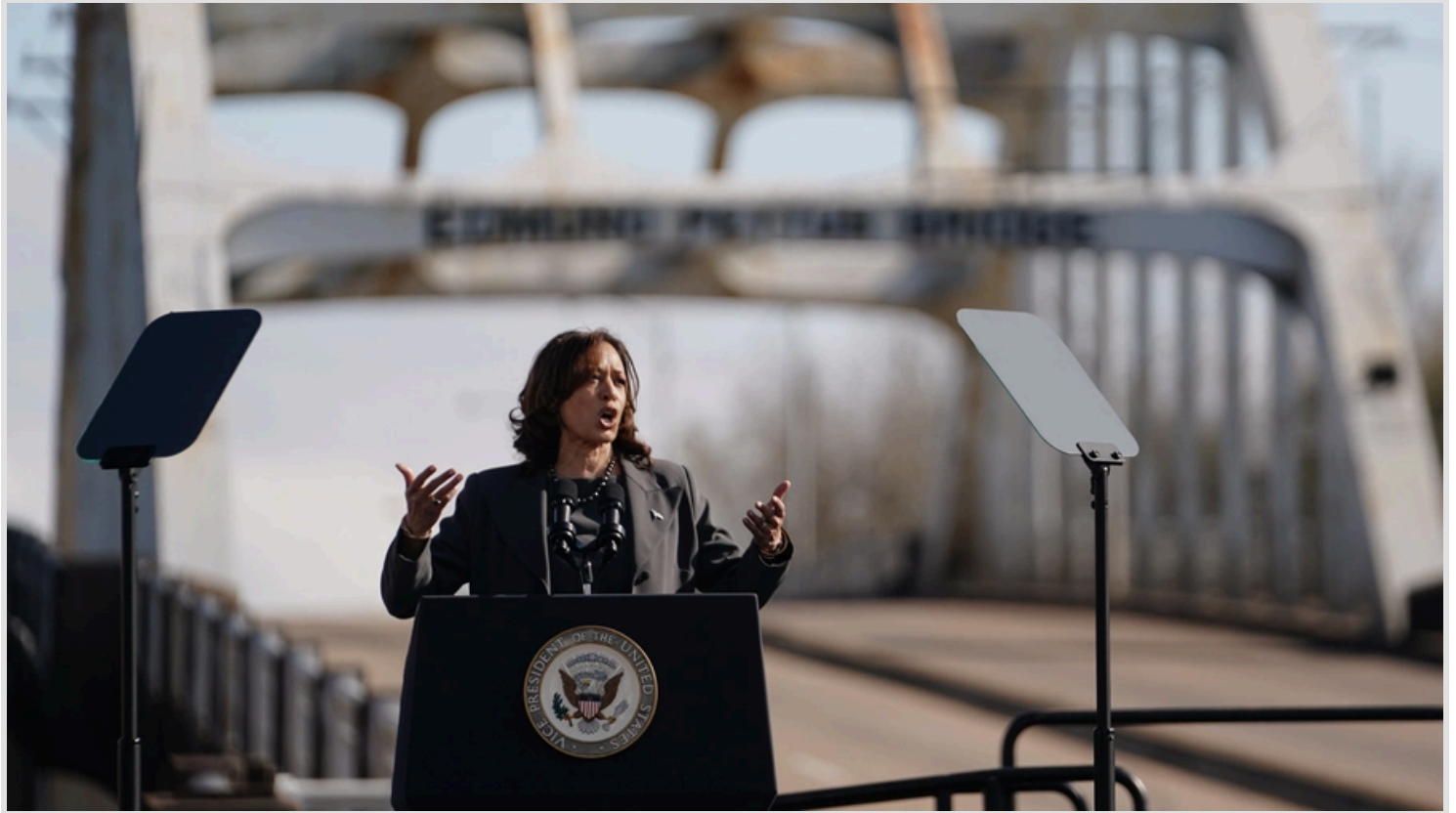
**WORLD**

**U.S. reporter Evan Gershkovich has now spent a whole year jailed in Russia**



**TV REVIEWS**

# New Steve Martin documentary spotlights a comedy legend with nothing left to prove



MIDDLE EAST

## Kamala Harris called for a cease-fire in Gaza. Here's what we know about the talks



TECHNOLOGY

# The White House issued new rules on how government can use AI. Here's what they do

[READ & LISTEN](#)

[CONNECT](#)

[Home](#)

[Newsletters](#)

[News](#)

[Facebook](#)

[Culture](#)

[Instagram](#)

[Music](#)

[Press](#)

[Podcasts & Shows](#)

[Public Editor](#)

[Corrections](#)

[Contact & Help](#)

[ABOUT NPR](#)

[GET INVOLVED](#)

[Overview](#)

[Support Public Radio](#)

[Diversity](#)

[Sponsor NPR](#)

[NPR Network](#)

[NPR Careers](#)

[Accessibility](#)

[NPR Shop](#)

[Ethics](#)

[NPR Events](#)

[Finances](#)

[NPR Extra](#)

---

[terms of use](#)

[privacy](#)

[your privacy choices](#)

[text only](#)

© 2024 npr

# **EXHIBIT B**

[NATION](#)

Solar eclipses

[Add Topic](#)

# A total eclipse is near. For some, it's evidence of higher power. For others it's a warning

**[Marc Ramirez](#)**

USA TODAY

Published 5:01 a.m. ET March 23, 2024 | Updated 8:38 a.m. ET March 29, 2024

*Editor's note: An early cloud forecast for the April 2024 total solar eclipse is in. Read the latest eclipse forecast and news as of Friday, March 29.*

On April 8 in Gatesville, Texas, members of Coryell Community Church will congregate at the campus' hilltop site where a trio of 70-foot crosses tower over the city of 17,000, 38 miles west of Waco.

The region lies in the center of the approaching solar eclipse's path of totality, the last such event to affect the contiguous United States until 2044. Ancient cultures viewed the dusk-like darkness prompted by the passing of the moon between the Earth and sun, temporarily blocking the sun's light, as a sign of the gods' anger or even their impending departure.

Instead, Coryell's "Eclipse of the Crosses" family gathering will feature live music, games and worship – an occasion to celebrate. Meanwhile, organizers at the Jewish Community Center of Greater Buffalo have bought a thousand eclipse glasses for a viewing event, complete with black-and-white half-moon cookies.

**Is the April 2024 eclipse safe for pets?** Why experts want you to leave them at home.

As the faithful convene in scattered Christian, Jewish and Muslim communities around the country, the gatherings reflect how celestial events once seen as ominous by some religious communities continue to wield spiritual significance today.

"An eclipse is yet another opportunity to witness the handiwork of God that exists in the universe," said Eric Moffett, Coryell's lead pastor. "We aren't looking for any omens in the

cosmos, but we are using this as an opportunity to, for a little over four minutes, be reminded that we live in world made by God and sustained by his love and goodness.”

Eclipses have inspired fear and awe among civilizations throughout history, from the Aztecs to the ancient Hindus. They're also associated with some major religious events, including the darkness that accompanied Jesus' crucifixion in Christianity and, in Islam, the passing of the Prophet Muhammad's son, Ibrahim.

As the Bible's Gospel of Mark 15:33 reads: "And when the sixth hour had come, there was darkness over the whole land until the ninth hour."

Such references often emphasize the power of God over the cosmos, said James Willis, an assistant professor of practice for religion at the University of Indianapolis.

“What we today see as an astronomical event, people previously interpreted as having life-and-death significance,” Willis said.

Earlier this month, in the Choctaw Nation newspaper Biskinik, a recurring column exploring Choctaw culture noted the sun was considered to bring life and good fortune; for some communities, when solar eclipses occurred, it was as if great black squirrels in the sky were devouring the sun. In response, all were called upon to make noise in an effort to frighten them away.

Bradley Schaefer, a professor astronomy at Louisiana State University in Baton Rouge, said in most pre-modern cultures, the sun god was among the most powerful deities in the pantheon. An eclipse represented the destruction of that god – or at least a dire sign.

“Where better to put signs from the gods but in the heavens?” Schaefer said. “If you see a sign in the heavens, it's got to be from the gods. They're telling us something, and what was universal from culture to culture is that it was always bad.”

## **In Islam, eclipses offer an occasion to pray**

Fourteen centuries ago, as Islam's Muhammad and his supporters grieved his deathly ill son, the prophet watched the toddler breathe his last as the skies darkened above them – the beginning, it is believed, of a total eclipse.

As the story goes, speculation spread among Muhammad's followers that even the sun and moon were grieving his loss. In response, he summoned them to prayer and dispelled that



notion, but added that such events, as signs of God's power, should nonetheless inspire them to pray.

Omid Safi, a professor of Islamic studies at Duke University in Durham, North Carolina, said tradition holds that both solar and lunar eclipses are "divine matters unfolding in nature" while honoring the prophet's "steadfast refusal to use the fortuitous occasion of a solar eclipse at the passing of his son as a way of bolstering his own standing."

While Islam's eclipse prayer is not a mandatory one, many still take time to recite it. During last fall's annular eclipse, Muslim Americans around the U.S. gathered in places such as the Muslim Community Center–East Bay in Pleasanton, California; The Mecca Center in Willowbrook, Illinois; and at Commons Park in Fridley, Minnesota.

Nadia Abuisnaineh, who volunteers as a NASA solar system ambassador in the Minneapolis area, organized the Minnesota event hoping not only to pique her community's scientific curiosity, but their sense of identity as Muslims.

Still, she had no idea the public gathering would come as Palestinians scrambled to evacuate northern Gaza in anticipation of a massive counteroffensive by Israeli forces, a week after the Oct. 7 attack by Hamas on Israel. The timing made the gathering all the more powerful, she said.

"My community was very hurt, and for them it was a time to reflect and ask God to alleviate the pain and suffering," Abuisnaineh said. "I never imagined that five months later, with the second eclipse coming, that we would still have to think about this and be advocating for our brothers and sisters in Palestine."

Those who witnessed the October eclipse were overcome by the event, she recalled, in particular, two older people moved to tears.

"Whether they were tears of grief because of what was happening in Gaza or just being overwhelmed by the eclipse and strengthening their relationship with God, it's a privilege to allow people to do that," she said.

With the April 8 event coming during the most intense period of Ramadan, Abuisnaineh isn't planning to arrange another prayer gathering. Instead, she plans to remind community members to use the time to reflect.

An avid stargazer who takes any opportunity to view the night sky, she's not about to miss a solar eclipse.

“If it’s sunny, I’ll take out all my eclipse glasses and knock on every door in my neighborhood,” Abuisnaineh said. “It’s just a bummer to live your life and not know these things happen.”

**Where to get free eclipse glasses:** Sonic, Jeni's, Warby Parker and more giving eclipse glasses away

## A warning of God’s imminent wrath?

Perspectives on eclipses vary widely within the Jewish community, said Mark Horowitz, chief operating officer for the Jewish Community Center of Greater Buffalo. More conservative members, he said, still consider them warnings, especially for those in their path of totality.

“There are a lot of people who don’t believe it’s a time for putting on glasses, getting together and drinking or whatever people are going to do,” Horowitz said. “Some people believe it’s a time for prayer and introspection.”

The Hebrew word for eclipse, he noted, translates to “defect.”

**Solar eclipse warnings pile up:** Watch out for danger in the sky, on the ground on April 8

“When the luminaries are stricken, it is an ill omen for the world,” reads the Talmud, a central text of Judaism. The passage offers the example of a king who, after preparing a feast for his servants, becomes angry with them and orders the removal of the lantern illuminating their banquet.

Even now, there are those who say celestial happenings warn of God’s imminent wrath; some have even claimed they bear political significance. In November 2022, some ultraconservative Christian pastors said the approaching blood moon lunar eclipse portended a surge of Republican midterm wins.

“God is warning America of impending disaster and destruction,” Anne Graham Lotz, daughter of iconic evangelist Billy Graham and founder of AnGel Ministries, wrote on her blog as the solar eclipse of August 2017 approached.

More recently, Lotz has seen speculation among some that the combined paths over the U.S. of this year’s eclipse and the previous two solar eclipses appear to mimic the shapes of the first and last letters of the Hebrew alphabet – in other words, the beginning and the end.

“Maybe people are reading too much into it,” she said. “But when you look at the world, you don’t need an eclipse to know that things are getting really dangerous. Maybe it’s telling us it’s time to get right with God and the people in our lives, so that we have no regrets.”

## **Eclipses offer a spiritual experience, even for nonbelievers**

Scafefer, of Louisiana State University, said as the science behind eclipses began to be understood, some used such knowledge to their advantage, among them Christopher Columbus, who in 1504 was shipwrecked with his crew in Jamaica and for months relied on local natives to provide food in exchange for trinkets.

As those gifts started to wear thin, the natives refused to continue, Schaefer said. Columbus seized on the idea of using an approaching lunar eclipse to convince the locals he could commune with the gods and make the moon disappear.

“That’s the beauty of science, is when you make predictions they come true,” Schaefer said. “Columbus knew it was just a shadow. But the Jamaicans saw it as a death of a god. Once you understand what an eclipse is, it’s no longer the realm of the gods.”

Still, he said, even the way Americans view eclipses has changed over time. Accounts of New Yorkers witnessing a total eclipse in 1924 described silent crowds of people solemnly taking it in.

“Now it’s just raucous fun,” Schaefer said. “No one is fearful that Jupiter will come down and steal their soul.”

Witnessing a solar eclipse, however, can provide a spiritual experience, even for those who aren’t necessarily religious, he and others said.

Former NASA engineers Jeff Stone and his wife, Susan, will be experiencing the eclipse from their hilltop home in Kerrville, Texas.

“Her priority was to have a nice view,” Stone said. “My priority was to be as close to the centerline of the eclipse as possible. We managed to do both.”

When they worked as flight controllers for the Space Shuttle program at Houston’s Johnson Space Center, the couple traveled to Mexico in 1991 to experience nearly seven minutes of totality when a solar eclipse passed over the region. They’ve been eclipse-chasers ever since.

April 8, the Stones will host a dozen-plus visitors from as far away as Sweden to experience this year's event.

"It's such an emotional event," Stone said. "It touches your soul, it really does. Any time you realize there's something bigger than you, it gives you perspective. Surely that power has a purpose."

In Buffalo, Horowitz said the eclipse, while an obvious reminder of nature's beauty, offers a chance to reflect on nature's fragility and to find hope amid worldly chaos and personal challenges.

"You can sometimes be clouded by all that darkness," he said. "The natural world is trying to tell us that beyond the darkness, there is light."

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

JEREMY ZIELINSKI, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

DANIEL MARTUSCELLO,

Defendant.

---

Declaration of Travis Hudson

Case No. \_\_\_\_\_

I, Travis Hudson, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a sincere believer of the Protestant Baptist faith, as I have been since I was a child.

2. For many years before I was incarcerated I went regularly to Lake Placid Baptist Church. I participated in prayer walks to spread the blessings of God and other activities with people in the congregation to practice my faith. We always looked for ways to find the Spirit of God in public holidays even if they ordinarily had no religious signs.

3. If I was not incarcerated, I would most definitely invite the other members of our congregation to watch the upcoming solar eclipse together. I cannot do that while here at Woodbourne, but watching the eclipse with the people I know here is a way for me to feel closer to God and remember that Jesus gave his life for our sins.

4. I would therefore like this court to require the facility to allow me and other people of faith, even different faiths, to watch the eclipse.

Executed on March 19, 2024  
at Woodbourne, New York.



---

Travis Hudson, DIN 16A1277  
Woodbourne Correctional Facility  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

JEREMY ZIELINSKI, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

DANIEL MARTUSCELLO, et al.,

Defendants.

---

Declaration of David Haigh

Case No. \_\_\_\_\_

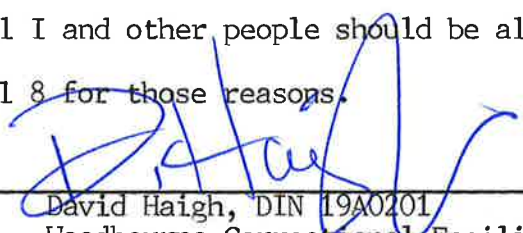
I, David Haigh, declare under penalty of perjury that the following is true and correct pursuant to 28 U.S.C. § 1746:

1. I am currently registered with New York prison authorities as a Seventh Day Adventist and attend services every Saturday. Before I entered state custody I frequently joined other Christians at Hershey Evangelical Free Church in Hershey, Pennsylvania. I began attending Seventh Day Adventist services as I felt called by a close connection with peers.

2. I have attended services since about 1995. For three years at Penn State and Purdue universities, I was a member of Campus Crusade for Christ. My belief in Jesus Christ as redeemer from our sins as the will of God is sincere.

3. The New Testament tells us that as Jesus' life faded, the sky darkened over all the land and the sun went dark. The only phenomenon I know in God's creation that can cause this is a total solar eclipse. As the Bible also tells us God created light and darkness, the sun and the earth, I believe that being able to see all these forces coming together is a very important event, one which I have never been able to see before and which will not be available again for a very long time. I very strongly feel I and other people should be allowed to see the eclipse that will occur on April 8 for those reasons.

Executed on March 19, 2024  
at Woodbourne, New York.

  
\_\_\_\_\_  
David Haigh, DIN 19A0201  
Woodbourne Correctional Facility  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000



# **EXHIBIT E**

## Don't get pregnant, shower in your clothes – Religious traditions on how to watch a solar eclipse.

[wp washingtonpost.com/news/acts-of-faith/wp/2017/08/17/purifying-the-house-praying-for-the-sun-religious-tradition-has-a-lot-to-say-about-solar-eclipses](http://www.washingtonpost.com/news/acts-of-faith/wp/2017/08/17/purifying-the-house-praying-for-the-sun-religious-tradition-has-a-lot-to-say-about-solar-eclipses)

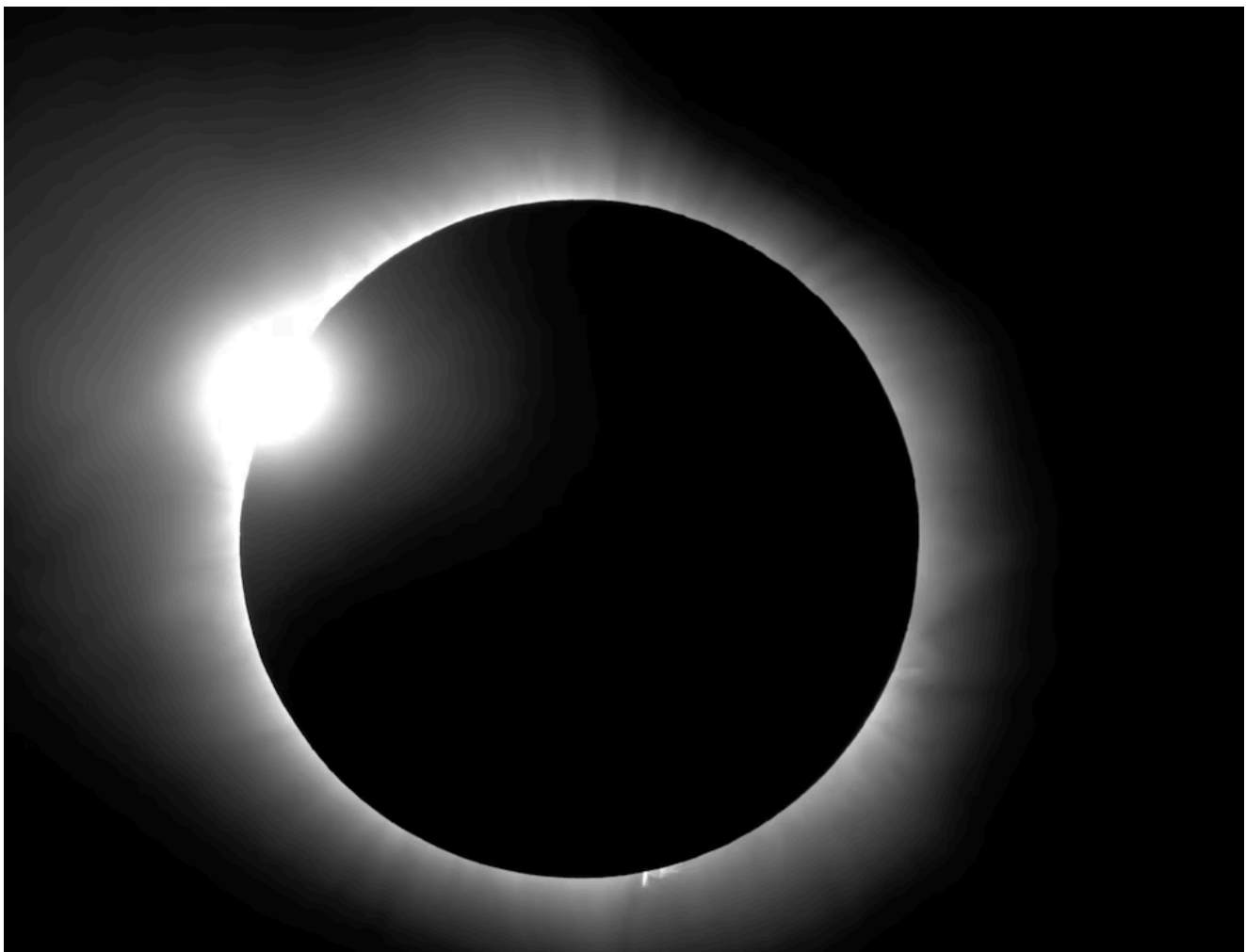
Julie Zauzmer

August 17, 2017

Acts of Faith

By Julie Zauzmer

August 21, 2017 at 7:10 a.m. EDT



A “diamond ring” shape during the 2016 total solar eclipse in Indonesia (R. Baer, S. Kovac/Citizen CATE Experiment/AP)

Here is Illinois pediatrician Pradeep Reddy's game plan for the solar eclipse, which he has been eagerly awaiting: Watch awe-inspiring scientific spectacle. Then go inside and jump in the shower with clothes on. (Or at least run them through the washing machine.)

Reddy's Hindu faith tells him to purify the clothing in which he watched the supposedly inauspicious cosmic event. Hindus for generations have taken all sorts of precautions to ward off the bad luck that they believe an eclipse foretells.

During Monday's first cross-America eclipse in 99 years, believers of all faiths will have their first chance in decades to put their particular religion's eclipse traditions into practice.

For Muslims, it's an opportunity to revisit a section of their scriptures that describes an eclipse occurring on the same day that the prophet Muhammad's young son died, Imam Asif Umar said. During that eclipse, Muhammad gathered the community to pray; ever since, Muslims around the world recite the same prayer whenever they find themselves in the path of an eclipse.

Umar, who leads the Islamic Foundation of Greater St. Louis, will take students at his mosque's school to a Missouri park, where he'll talk to them about the scientific phenomenon of the eclipse as well as its spiritual meaning. "The sun is so much larger than the moon. But the moon is so much closer to the Earth," he will tell them, explaining how the eclipse can occur. "It kind of just shows how God created it that way — from the Islamic viewpoint, in addition to being one of nature's most spectacular sights, it's also a reminder of the power of God."

Dozens of church groups across the country have organized eclipse-viewing parties and trips. Most have the goal of preaching about God's creation, but for the most part, Christianity also doesn't assign specific prayers for an eclipse; Father James Martin, an author and expert on all manner of obscure saints, said he didn't know a patron saint of eclipses.

Some interpret the eclipse as a sign of the coming end times, referring to biblical passages including Acts 2: "I will show wonders in the heavens above and signs on the earth below, blood and fire and billows of smoke. The sun will be turned to darkness and the moon to blood before the coming of the great and glorious day of the Lord." A popular theory in certain evangelical circles posits that the Rapture will occur on Sept. 23, which is 33 days after this eclipse.

Jewish tradition offers specific blessings that believers should say upon seeing many natural phenomena — lightning, a mountain, a flower, a rainbow — but no blessing for an eclipse.

In fact, the Talmud — the rabbinical commentary on the Bible — describes an eclipse as "an ill omen for the world."

"To what can we compare this?" the Talmudic rabbis wrote. "To a king of flesh and blood who prepared a feast for his servants and set a lantern to illuminate the hall. But then he became angry with them and said to his servant: 'Take the lantern from before them and seat them in darkness.'"

Nevertheless, some more liberal rabbis are encouraging their congregants to take Monday's eclipse as an opportunity to give thanks to God for the wonders of the universe. Rabbi Daniel Zemel of Northwest Washington's Temple Micah said it has been a years-long goal of his to see an eclipse; he sometimes reads an excerpt of a particularly poetic 1991 New York Times article about an eclipse in place of a prayer during Shabbat services.

Zemel will finally achieve his goal: he'll watch this eclipse from Wyoming. He provided his congregation with suggested blessings including one from the traditional morning prayer service: "Blessed are You, Adonai, creator of the heavenly lights."

As a white evangelical leader, I have said too little on racism. I ask forgiveness.

The Hindu traditions are more specific. Reddy, who is a member of the board of the Hindu Temple and Cultural Society of Southern Illinois, said his community will go over the guidelines this weekend: Don't eat any food cooked before the eclipse after it's over. If you've stored any drinking water in your house before the eclipse, discard it. Try not to conceive a child around eclipse time, for fear of birth defects.

Hindu scripture teaches that an eclipse occurs when an angry spirit swallows the sun: "They have a score to settle with the sun and the moon. They basically swallow it. That's what causes the light to go out," Reddy said. "That is the old belief. Obviously the new belief is completely different."

At Reddy's temple, where many members like himself work in scientific fields, they're balancing both old and new beliefs. They handed out eclipse glasses to the congregation last week, so members can safely enjoy watching the spectacle. And then those same members can go inside, jump in the shower in their clothing and go from room to room purifying their houses — though not necessarily with the traditional holy water from the Ganges. Reddy says at the temple, they'll use a power cleaner.

It's a balance of modern-day exuberance and traditional reverence that people of faith across the nation will enact on Monday.

Umar told members of his congregation that even if they can't go to the mosque, they should pause from their workday to watch the sun vanish and say at least a sentence or two of prayer.

"Don't do it with the intention, 'I'm going out as a tourist,'" he said. "Do it with the intention of remembering God. Strengthen your faith by looking at it. Use it as a time to reflect on your purpose, why God put you in this world."

.

# **EXHIBIT F**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
JEREMY ZIELINSKI, on behalf of himself and all  
others similarly situated,

**Declaration of  
Jean Marc Desmarat**

Plaintiff,

Case No. \_\_\_\_\_

v.

DANIEL MARTUSCELLO,

Defendant.

-----

I, Jean Marc Desmarat, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am incarcerated at Woodbourne Correctional Facility and acquainted with the Plaintiff. I make this declaration in support of the claims herein that the defendant is violating the Religious Land Use and Institutionalized Persons Act by not allowing incarcerated individuals for whom viewing the April 8, 2024 total solar eclipse (the “Eclipse”) has religious significance to do so.

2. I am a sincere adherent of the Islamic faith and have been for many years.

3. I believe viewing the Eclipse has religious significance because there is a special prayer inscribed in the Holy Quran that we are supposed to perform as the Prophet (peace be upon him) did. I also believe that congregating with other people of faith when possible to enjoy merciful Allah’s great Creation is a very important

religious duty. The Eclipse is the last eclipse that will happen for 20 years and I am 60 years old.

4. On March 14, 2024 I asked Woodbourne CF Deputy Superintendent for Programs, Danielle Glebocki, for permission to view the Eclipse, and she denied it by telling me that it's not on DOCCS's "Religious Holy Days Calendar" for Islam. There is nowhere near enough time before the Eclipse for the DOCCS grievance process to complete. Also I'm aware DOCCS has given the same reasoning to deny other people.

5. I am not aware of any other event for which DOCCS claims authority to decide what is and is not a "holy day." The "Religious Holy Days Calendar" is not an Islamic authority but is just for DOCCS's own convenience.

6. I therefore request the Court order the Defendant to allow me and other incarcerated people to view the Eclipse.

Executed on March 14, 2024  
at Woodbourne, New York.



---

Jean Marc Desmarat #03-A-6318  
Woodbourne Correctional Facility  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000

# **EXHIBIT G**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

JEREMY ZIELINSKI, on behalf of himself  
and all others similarly situated,

Plaintiff,

Declaration of Bruce Moses

Case No. \_\_\_\_\_

v.

DANIEL MARTUSCELLO, et al., Defendants.

---

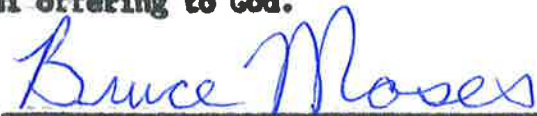
I, Bruce Moses, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a follower of the Santeria religion and have been my whole life.

2. On March 14, 2024 I asked the Superintendent and Deputy Superintendent for Programs of Woodbourne Correctional Facility for permission to watch the April 8, 2024 solar eclipse which will be happening. I explained in my request that it is very important in Santeria to witness this event of a lifetime, to see GOD who is the sun and wakes everyone in the morning, and to make a spiritual offering. A copy of my request is attached.

3. On the same day March 14, DSP Glebocki denied my request, saying that the "NYSDOCCS Religious Holy Day Calendar 2024 does not note the viewing of the Solar Eclipse as one of the Santeria Religious Events, as such your request has been denied." I do not understand why a calendar made by DOCCS, who is not able to say what is and is not holy to me or in Santeria, matters. I am aware that the Plaintiff has received approval but DOCCS did not offer me the same right to me as a follower of Santeria. I would like the Court to make DOCCS allow me to see the eclipse so I can make a spiritual offering to God.

Executed on March 25, 2024  
at Woodbourne, New York.



---

Bruce Moses #18A2398  
Woodbourne Correctional Facility  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000

# **EXHIBIT H**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMY ZIELINSKI, on behalf of himself  
and all others similarly situated,  
Plaintiff,

Declaration of Oscar Nunez

Case No. \_\_\_\_\_

v.

DANIEL MARTUSCELLO, et al., Defendants.

I, Oscar Nunez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a Senior member of the Santeria community at Woodbourne Correctional Facility.

2. On March 14, 2024 I requested that the Superintendent of Woodbourne allow me to view the April 8, 2024 solar eclipse. As I explained in my request, a copy of which is attached, this is an opportunity to partake in a rare religious experience that will bring blessings and help me reach my religious goals. Members of the Ile (home) pray and chant to Ochu (the Moon) and Orun (the Sun) for blessings. When they meet in the eclipse this allows the vibrations of the Orishas to bless those who pray and chant.

3. DOCCS, however, refuses to allow me to attend because they say the viewing of the eclipse is not on the "NYSDOCCS Religious Holy Day Calendar 2024." I understand the Plaintiff in this case is asking this Court to allow individuals such as myself to be allowed to view the eclipse with him, as he has been approved. I ask that the court order DOCCS to stop denying me permission to partake in this event as it is a part of my Santeria beliefs as explained above. Thank you.

Executed on March 25, 2024  
at Woodbourne, New York.



Oscar Nunez, DIN 17A0542  
Woodbourne Correctional Facility  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000

# **EXHIBIT I**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

**JEREMY ZIELINSKI, TRAVIS HUDSON, BRUCE MOSES, OSCAR NUNEZ, JEAN MARC DESMARAT, AND DAVID HAIGH, *on behalf of themselves and all others similarly situated,***

**Plaintiffs,**

**v.**

**NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION; ACTING COMMISSIONER DANIEL F. MARTUSCELLO III, *in his official capacity*; SUPERINTENDENT DAVID HOWARD, *in his official capacity*; and DEPUTY SUPERINTENDENT FOR PROGRAM SERVICES DANIELLE GLEBOCKI, *in her official capacity***

**Defendants.**

No. \_\_\_\_\_

**DECLARATION OF  
JEREMY ZIELINKSI**

I, **Jeremy Zielinski**, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a plaintiff in the above action, which challenges defendants' refusal to allow me to congregate for a religious celebration with other incarcerated people for whom the April 8, 2024 total solar eclipse (the "Eclipse") has religious significance.

2. I make this declaration in support of my instant motion for a temporary restraining order and preliminary injunction barring defendant Daniel Martuscello from enforcing a statewide prison lockdown planned for April 8, 2024 from 2:00PM to 5:00PM that will, unless modified to allow religious exemptions, prevent any congregate observation of the Eclipse in any DOCCS facility.

3. This case ultimately distills to the question of whether the defendants' refusal to allow me and other people to engage in a congregate Eclipse Day celebration imposes a "substantial burden" on a "religious exercise" in violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et seq. ("RLUIPA"). I'll thus describe my sincere religious beliefs, though by necessity in condensed form, then show how the defendants' refusal substantially burdens those beliefs.

4. Since I entered DOCCS custody in late 2016 I've identified my religious beliefs as Atheist.

5. Many people misunderstand what this means. Atheism is often equated with lack of any religious beliefs, thought of as mere "denial of the existence of God" or something to that effect, or treated as equivalent to materialism. None of these is accurate.

6. I summarize Atheism rather as a religious devotion to using only science and reason to ask and answer all questions, including, most importantly, the "ultimate questions" and "deep and imponderable matters" that form the stuff of conventional religions – the nature of reality and our place in it, whether consciousness survives death, the proper basis for and content of a moral code, and so on.

7. Contrary to popular misconception, Atheism is, in fact, based on faith. Faith is our capacity to act in matters of great importance, on the premise that a particular proposition is true, because it's sufficiently convincing to call a belief, even though it contains some remainder of uncertainty that prevents it from being classified as true knowledge. Atheists use science to ask and answer questions, but not merely as a practical enterprise: It's how we seek truth, which is what we consider divine.

8. The terms “truth” and “divine” are of course subject to different interpretations. I mean them, however, as follows: Truth is awareness. Divinity is expansion. William James said (in *The Varieties of Religious Experience*) that “there never can be a state ... to which new meaning may not truthfully be added, provided the mind ascend to a more enveloping point of view.” It’s this kind of ascension that I mean by divine: In Atheism, divinity is not an entity nor a property of any entity – a god, for example – but rather is a process: It is the process, the experience, of converting curiosity into consciousness, of seeking answers and finding them.

9. If there’s any defining characteristic of Atheists, it’s that we are curious. We seek above all else to *know*, to *learn*, to *expand*, to become *more aware*, of the world, of reality, of ourselves, and of others. In Atheism, all acquisition of knowledge is divine. To become more aware of stars and subatomic particles, of the relations we share with each other, of what brings our closest companions joy – to the deepest extent possible – is not merely the means to an end, for there is no end: Every question rightly asked leads to answers, and every answer rightly found leads to yet more awesome questions. And we rejoice that so far as we can tell, no matter how small or great our awareness might be, no matter how vast the darkness might be surrounding what the light of our knowledge reveals, existence knows no bounds to its willingness to yield the darkness to our curiosity – provided we make the right inquiries. To keep on this path, even when we discover what we thought of as knowledge belongs more properly in the category of belief, when what we become aware of requires us to recognize beliefs as mistakes, requires faith. It can’t be *proven* that the questions we sow will reap fruits of knowledge in the future, it can’t be

known to a certainty, but we *believe* it and *choose* to act on it hopefully, joyfully – curiously. This, in the truest sense, is faith.

10. In another sense, faith is what we rely on to stay hopeful through times of great difficulty in our lives, even when it seems there's good reason to give up. In this latter sense, Atheists can and do rely on the old-world religions' vast repository of wisdom, much of which is so self-evident that questioning it would be profoundly unscientific. The Golden Rule, for instance, or the trichotomy presented by the Serenity Prayer. They also made some mistakes, but that doesn't diminish what they found. Flowers are not made less beautiful by the field having a few weeds.

11. I obviously don't speak for all Atheists, and clearly not every Atheist would describe their beliefs in this way. But this is, in my experience a concise approximation of the driving faith behind Atheism as practiced today. At the very least, it's how I practice it.

12. In this case, I asked to observe the April 8 solar eclipse to celebrate scientific achievement. I believe that by celebrating the curiosity behind discoveries like astrophysics and the ability to know precisely when an eclipse will occur, we can inspire even more penetrating inquiries – issues like the nature of time, of life, of human connection, of matter and consciousness and how they relate, and similar areas of inquiry that, we hope, our descendants will wonder at why we didn't explore sooner. Our world is conflicted, injured by our contentiousness, by disagreements that threaten to rend the very fabric of human society, to annihilate millennia of progress in an armageddon of our own design. Think of great works like the Bible, the Quran, the vast body of philosophy, of law, of poetry, music, art, our ability to manipulate individual atoms at so low a cost we had to invent new kinds



of math to measure it. What would it cost us if even a fraction was lost through being careless, for not recognizing its irreplaceable value and acting to ensure we protect it? Our world is a paradise beyond what our ancestors just a few centuries back could even imagine. And yet, it's the product of choice: Of what we've chosen to ask of reality, of the light we've divinely shined into the darkness.

13. It's for this reason I believe that what I've referred to as Eclipse Day simply, absolutely, unavoidably, *must* be a multifaith event. Whatever their mistakes – and this includes Atheism – the world's great religions all have this much in common: They seek truth because they recognize its divinity. Every religion worthy of the name originated in a single individual becoming *aware* of some greater part of reality than their contemporaries were capable of perceiving. Each person with any kind of faith has this much in common: At some point in their lives, they've reached the limits of their understanding, found themselves at the boundaries of their awareness, glimpsed the darkness that lies beyond, and taken a step more or less boldly on with nothing but their own light to guide them – then returned to share with the rest of us what they found. It's that kind of courageous curiosity I believe we most desperately need to navigate the terrain we now find ourselves on as a people. The most effective way to identify the areas of darkness we most need to explore, to disseminate awareness of how to enlighten them quickly, is to bring as many people as possible together who've exercised their faith not in the same way, but in *different* ways.

14. That is, I believe that what we need most now is not sameness, but distinctiveness, not the same well-worn paths to the same well-lit settlements, but divine trailblazers to new understandings. We've reached the capacity of bounded faith to provide

enough light for our world – the darkness beyond what we know has become at once more inviting and more nebulous, subtler, more active. It challenges us, tests us, yields but mirage to the individual wavelengths that served us so well in the past. To light the next steps in our shared path to ascension, we have to combine what we’ve learned in new ways, ask more articulate questions.

15. It’s simply not possible to do that alone. The nature of reality requires that, to find new truths, faith itself innovate, develop new tools, create new instruments, imagine – and make real – a more advanced, more evolved, type of curiosity – one that’s only possible together.

16. I know this case is immeasurably small. The eclipse I seek to observe with others is fleeting, an event that will be gone in a cosmic instant, barely measurable against infinite time. But that same fleetingness makes it valuable in as large a degree as its duration is brief. Moments when people of vastly different faiths converge in a single shared joy are exceedingly rare. The price of missing any is unknowable, but substantial by any measure.

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

Dated: Woodbourne, New York  
March 27, 2024

/s/ Jeremy Zielinski  
JEREMY ZIELINSKI, Plaintiff  
Woodbourne Correctional Facility  
DIN 16A3601  
99 Prison Road, P.O. Box 1000  
Woodbourne, NY 12788-1000

# **EXHIBIT J**



## Corrections and Community Supervision

KATHY HOCHUL  
Governor

DANIEL F. MARTUSCELLO III  
Acting Commissioner

TO: Bruce Moses 18A2398 B-2-16

FROM: D. Glebocki, Deputy Superintendent for Program Services 

SUBJECT: Request to view Solar Eclipse

DATE: March 14, 2024

---

This memorandum is in response to your March 14, 2024, letter concerning your request to view the April 8, 2024, Solar Eclipse as a religious event.

Per directive # 4022 "Special Event Program", "An incarcerated individual may attend only the religious holy day observance of their designated religion."

Be advised, facility records indicate that you are designated Santeria.

NYSDOCCS Religious Holy Day Calendar 2024 does not note the viewing of the Solar Eclipse as one of the Santeria Religious Events, as such your request has been denied.

Cc: D. Howard, Superintendent  
File

# **EXHIBIT K**



# Corrections and Community Supervision

**KATHY HOCHUL**  
Governor

**DANIEL F. MARTUSCELLO III**  
Acting Commissioner

## MEMORANDUM

**TO:** Incarcerated Population

**FROM:** Daniel F. Martuscello III, Acting Commissioner

**SUBJECT:** Total Solar Eclipse – Incarcerated Population

**DATE:** March 11, 2024

---

On April 8, 2024, New York State will be at the center of a total solar eclipse. In anticipation of this event, the Department has taken a proactive approach to ensure the safety of staff, visitors, and the incarcerated population, and to ensure the integrity of our facilities during this event. All facilities within the state will be impacted with some level of darkness during this event. However, twenty-three facilities fall directly within the path of totality and will experience total darkness, ranging from approximately one and a half minutes to approximately three and a half minutes.

The following 23 facilities will be in the path of the totality during the eclipse: Adirondack, Albion, Altona, Attica, Auburn, Bare Hill, Cape Vincent, Cayuga, Clinton, Collins, Five Points, Franklin, Gouverneur, Groveland, Lakeview Shock, Marcy, Mid-State, Mohawk, Orleans, Riverview, Upstate, Wende, and Wyoming.

On April 8, 2024, all facilities will operate on a holiday schedule. There will be no incarcerated movement in facilities from 2:00 p.m. to 5:00 p.m. and incarcerated individuals will remain in housing units except for emergency situations. For facilities in the path of totality, visitation will be canceled and publicized on the Department web page and social media, visitation at all other facilities will end at 2:00 p.m.

Family Reunion Program (FRP) units at facilities that are not located in the glide path, must be vacated and FRP visits terminated by noon on Monday, April 8, 2024. Normal operations will resume on Tuesday, April 9, 2024. For all facilities in the glide path, FRP units should be vacated by Sunday, April 7, 2024. FRP visits may resume at facilities within the glide path on Tuesday, April 9, 2024. These include facilities that utilize the shared site of an FRP facility in the glide path.

The Department has placed an order to purchase and distribute solar eclipse safety glasses to facilities in the path of totality for the incarcerated population.

*law  
lib*

Eclipse – Incarcerated Population  
Page 2

**You must use solar eclipse safety glasses to view a partial eclipse, an annular or “ring of fire” eclipse, and the partial phases of a total eclipse. A total eclipse is partial most of the time within the path of totality and partial all of the time outside the path of totality. Although it may be tempting to look directly at an eclipse with unprotected eyes when so much of the sun is obscured, the small amount of light emitted from a 99.9 percent partially eclipsed Sun is still dangerous.**

A meeting with the Incarcerated Liaison Committee will be held in advance of the eclipse to discuss the operational plan and incarcerated safety.

In addition, this memorandum will be posted in all housing units, the general library, and the law library.

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes for various legal actions like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.