

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**MARYANN MANGUM, as parent and
next friend of AMBER MANGUM,**



v.

**CHAROSCAR COLEMAN, in his
individual and official capacity as Principal
of Dwight D. Eisenhower Middle School,**



and

**JANE DOE, in her individual and
official capacity as agent and/or employee of
the Board of Education of
Prince George's County, Maryland,**



Civil Action No. 06-CV2541

FIRST AMENDED COMPLAINT

This action is brought to protect and defend the First Amendment rights of a public school student to read a Bible during her free time at school. Contrary to the fundamental liberties enshrined in the United States and Maryland Constitutions, Amber Mangum was ordered, under threat of disciplinary action, to cease reading her personal Bible during her lunch period. Despite requests that the order be withdrawn, the Defendants have refused to renounce their warning that Amber will be disciplined if she

reads her Bible at school. The order and threat deprive Amber of her fundamental First Amendment rights to receive ideas and information and to freely exercise her religious beliefs. Amber is entitled to a declaration that the Defendants' order violates her civil rights, an order enjoining the Defendants from forbidding or preventing Amber from reading her Bible during her free time at school, and such other relief that is in the interest of justice.

Jurisdiction and Venue

1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343, as it is a civil action arising under the Constitution and laws of the United States and seeks redress and relief for deprivations under color of state law of rights and privileges secured by the Constitution of the United States and to secure relief under an Act of Congress providing for the protection of civil rights.

2. This Court has jurisdiction over the Plaintiff's claims arising under the Constitution and laws of the State of Maryland under 28 U.S.C. § 1367(a), as such claims are part of the same case or controversy giving rise to the claims over which this Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

3. Venue for this action is properly in this Court under 28 U.S.C. § 1391(b), as each of the Defendants reside within this judicial district and reside within the State of Maryland and a substantial part of the events or omissions giving rise to the action occurred within this judicial district.

Parties

4. The Plaintiff, Maryann Mangum, is an adult natural person who resides in the City of Laurel, Maryland, and within territory served by Prince George's County Public Schools. Plaintiff Maryann Mangum is the natural grandparent and legal parent of Amber Mangum, having adopted Amber Mangum on August 25, 2004.

5. Amber Mangum is a minor 13 years of age who resides in the City of Laurel, Maryland, with Plaintiff Maryann Mangum. Amber Mangum is in the seventh grade and attends Dwight D. Eisenhower Middle School.

6. Defendant Charoscar Coleman is the duly appointed and acting Principal of Dwight D. Eisenhower Middle School, a public school established by and under the supervision and control of the Board of Education of Prince George's County, a body politic and corporate created and existing under the laws of the State of Maryland. In all respects mentioned or referred to in this Complaint, Defendant Coleman acted under the color of the law of the State of Maryland. Defendant Coleman is sued in both his individual and his official capacities.

7. Defendant Jane Doe¹ is an individual of unknown name who was at the times mentioned in this Complaint acting as an employee and/or agent of the Board of Education of Prince George's County at Dwight D. Eisenhower Middle School. The Plaintiff is informed and believes that Defendant Jane Doe is responsible for the deprivations referred to in this Complaint. In all respects mentioned or referred to in this Complaint, Defendant Jane Doe acted under the color of the law of the State of Maryland, and is sued in both her individual and official capacities. Plaintiff will seek to amend this Complaint to insert the true name and capacity of Jane Doe when Plaintiff ascertains the true name and capacity.

Factual Allegations

8. On September 14, 2006, Amber Mangum was in attendance at Dwight D. Eisenhower Middle School. At approximately 12:15 p.m. that day, she and other classmates had their regularly-

¹ This Amended Complaint eliminates as a Defendant Jeanette Rainey and substitutes in her stead Jane Doe. The remainder of the Amended Complaint changes the original Complaint accordingly.

scheduled lunch break and went to the school cafeteria to eat. Amber's lunch period is scheduled to last 60 minutes.

9. After she had finished eating but before her lunch period had ended, Amber took out a Bible that she brought from home and was carrying with her at that time. Amber is a Christian and takes great comfort in reading the Bible. Amber also believes that an important part of observing and practicing Christianity is to regularly read and study the Bible.

10. Amber began silently reading her Bible in the cafeteria and intended to continue doing so until her lunch period ended and she was required to return to class. It is an established custom, policy, and/or practice of Dwight D. Eisenhower Middle School and other public schools established by the Board of Education of Prince George's County to allow students to read books or engage in interpersonal communications during the non-instructional time that the students are required to be at school, including lunch periods.

11. While Amber was reading her Bible and before her lunch period had ended, Defendant Jane Doe approached Amber and determined that Amber was reading a Bible. Defendant Jane Doe stated to Amber that reading a Bible constituted a violation of school policy. Defendant Jane Doe warned Amber that if she repeated this conduct, she would be subject to more severe disciplinary action by the school.

12. Because Amber has been taught to be obedient and to respect those in authority, she stopped reading her Bible and put it out of sight with her other belongings. However, Amber was concerned and upset by the order Jane Doe had given her and the threat that she would be subject to discipline for reading her Bible.

13. Upon returning home that day, Amber told Plaintiff Maryann Mangum and James Baker, a close friend who has been granted a power of attorney to act for Plaintiff Maryann Mangum, that she had been warned not to read her Bible at school and had been told she would be disciplined if she did so in the future. Amber identified the school official who gave her the order as Vice Principal Jeanette Rainey, but Plaintiff alleges, on information and belief, that Amber was mistaken in her identification and the person who gave her the order was not Vice Principal Rainey.

14. Baker composed a note, a true and correct copy of which is attached to this Complaint as Exhibit A, which was addressed to Defendant Coleman and delivered by Plaintiff Maryann Mangum and Amber to the office of Defendant Coleman at Dwight D. Eisenhower Middle School on September 20, 2006. The note related the circumstances under which Amber was reading her Bible and the directive given by Defendant Jane Doe (identified in the note as Vice Principal Rainey) to Amber that Amber could not read her Bible in school because this violated school policy. The note requested that Defendant Coleman identify the school policy that prohibits students from reading the Bible during their free time and asked that Defendant Coleman produce a copy of any such policy.

15. The note also referred to and quoted Administrative Procedure 2520 of Prince George's County Public Schools titled "Religious and Patriotic Expression," a true and correct copy of which is attached to this Complaint as Exhibit B and which is available at <http://www.pgcps.org/~procedur/2000/2520.pdf>. Administrative Procedure 2520 provides that under holdings of the Supreme Court,

[s]tudents have the same right to engage in individual or group prayer and religious discussion during the school day as they do to engage in other comparable activity. Students may read their Bibles or other scriptures, say grace before meals, and pray before tests to the same extent they may engage in comparable, non-disruptive activities.

Administrative Procedure 2520 also recognizes that students may express religious beliefs in homework, artwork, or other assignments.

16. Although Baker's note requested a response from Defendant Coleman, neither Baker nor Plaintiff Maryann Mangum has received a response from Defendant Coleman or Defendant Jane Doe concerning the directive given to Amber that she not read her Bible in school. Defendant Coleman has thereby ratified and adopted the directive and order given directly to Amber by Defendant Jane Doe.

17. The directive given to Amber that she not read her Bible in school and the Defendants' refusal to withdraw or rescind that directive has chilled and continues to chill Amber's exercise of her First Amendment right to read her Bible.

First Cause of Action

Right to Receive Information – U.S. Const. amend 1

18. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-17 set forth above.

19. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School deprives Amber of her right to receive ideas and information guaranteed and protected by the First Amendment to the United States Constitution.

20. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

21. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under 42 U.S.C. § 1983 for the past and ongoing deprivation of Amber's First Amendment right.

Second Cause of Action

Freedom of Religion – U.S. Const. amend. 1

22. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-21 set forth above.

23. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School deprives Amber of her right to freely exercise her religion protected by the First Amendment to the United States Constitution.

24. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

25. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under 42 U.S.C. § 1983 for the past and ongoing deprivation of Amber's First Amendment right to freely exercise her religion.

Third Cause of Action

Equal Protection of the Law – U.S. Const. amend. 14

26. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-25 set forth above.

27. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School intentionally discriminates against Amber because of her decision to read a religious text and because of the religious content of the material she was reading and desires to read.

28. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

29. The Defendants' directive and order forbidding Amber from reading the Bible constitutes invidious discrimination that deprives Amber of her right to the equal protection of the law guaranteed by the Fourteenth Amendment to the United States Constitution.

30. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under 42 U.S.C. § 1983 for the past and ongoing deprivation of Amber's Fourteenth Amendment right to the equal protection of the law.

Fourth Cause of Action

Md. Const. Declaration of Rights Art. 40

31. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-30 set forth above.

32. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School deprives Amber of her right to receive ideas and information guaranteed and protected by Article 40 of the Maryland Constitution Declaration of Rights.

33. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

34. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under the common law of the State of Maryland for the past and ongoing deprivation of Amber's right to

receive ideas and information guaranteed by Article 40 of the Maryland Constitution Declaration of Rights.

Fifth Cause of Action

Md. Const. Declaration of Rights Art. 36

35. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-34 set forth above.

36. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School deprives Amber of her right to religious freedom guaranteed and protected by Article 36 of the Maryland Constitution Declaration of Rights.

37. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

38. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under the common law of the State of Maryland for the past and ongoing deprivation of Amber's right to religious freedom guaranteed and protected by Article 36 of the Maryland Constitution Declaration of Rights.

Sixth Cause of Action

Md. Const. Declaration of Rights Article 24

39. The Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-38 set forth above.

40. The Defendants' directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School intentionally discriminates against Amber because of her decision to read a religious text and because of the religious content of the material she was reading and desires to read.

41. The Defendants acted under color of the law of the State of Maryland in issuing, ratifying, and adopting the directive and order to Amber that she may not read her Bible at Dwight D. Eisenhower Middle School.

42. The Defendants' directive and order forbidding Amber from reading the Bible constitutes invidious discrimination that deprives Amber of her right to the equal protection of the law guaranteed by Article 24 of the Maryland Constitution Declaration of Rights.

43. The Plaintiff, acting as parent and next friend for Amber Mangum, is entitled to relief under the common law of the State of Maryland for the past and ongoing deprivation of Amber's right to the equal protection of the law guaranteed by Article 24 of the Maryland Constitution Declaration of Rights.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, as follows:

- (1) that judgment be entered finding and concluding that the Defendants deprived Amber Mangum of her rights under the First and Fourteenth Amendments to the United States Constitution and Articles 24, 36 and 40 of the Maryland Constitution Declaration of Rights;
- (2) that a declaratory judgment be entered under 28 U.S.C. §§ 2201-2202 declaring that Defendants' directive and order prohibiting Amber Mangum and other students from reading Bibles or other religious texts during the students' free time is unconstitutional

and invalid and that students have the right to read religious texts during their free time at Dwight D. Eisenhower Middle School;

- (3) that this Court enjoin the Defendants from preventing, impeding, or in any way interfering with the right of Amber Mangum to possess a Bible at Dwight D. Eisenhower Middle School or her right to read from that Bible during her free time at Dwight D. Eisenhower Middle School;
- (4) that this Court award the Plaintiff, as parent and next friend of Amber Mangum, compensatory and punitive damages in an amount to be determined at trial;
- (5) that this Court order the Defendants to pay the Plaintiff's attorneys fees pursuant to 42 U.S.C. § 1988, together with the costs of this litigation; and,
- (6) that this Court grant such other and further relief as this Court may deem just and proper.

DATED this 4th of October, 2006.

/s/ John R. Garza

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