

TARRANT COUNTY DISTRICT COURT
48th District

141 305850 19

Cause Number: _____

FILED
TARRANT COUNTY
2019 JAN 31 P 12: 24
THOMAS A. WILDER
DISTRICT CLERK

Lisa Biron,
Plaintiff

v.

Federal Medical Center ("FMC")
Carswell Warden Jody Upton;
FMC Carswell Psychologist Leticia
A. Armstrong; FMC Carswell
Psychologist E. Dixon,
Defendants

CIVIL COMPLAINT FOR
DAMAGES AND INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL
Requested

1. Plaintiff, Lisa Biron, is a federal inmate presently incarcerated in Federal Correctional Institution, Waseca, MN. The events giving rise to the within claims occurred at Federal Medical Center, Carswell, in Fort Worth, Texas, Tarrant County.
2. She brings the within claims for damages under the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.), under Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and for declaratory and injunctive relief to redress the deprivation, under color of federal law of rights secured under the Constitution and Laws of Texas, and under the Constitution and Laws of the United States.
3. Defendant Mr. Jody Upton is the Warden of FMC Carswell. He is legally responsible for the operations of FMC Carswell and protecting the constitutional rights of the inmates housed there.
4. Defendant Leticia A. Armstrong is a psychologist and correctional officer at FMC Carswell.

5. Defendant E. Dixon is a psychologist and correctional officer at FMC Carswell.

6. Warden Upton is sued in his official capacity only.

7. Leticia Armstrong and E. Dixon are sued in their individual and official capacity.

Claims

8. On or about September 25, 2015, E. Dixon conducted a search of Ms. Biron's locker and removed a 144-page manuscript draft and notes written by Ms. Biron.

9. The writing contained the documentation and information gleaned from hours of Biblical study and research on the Christian view of morality regarding sexual conduct.

10. It is Ms. Biron's sincerely held religious belief that she was directed by God to research, pray about, and study the Bible concerning God's view on the matter and to record these conclusions in writing, which would culminate in a book on the subject.

11. It is Ms. Biron's sincerely held religious belief that this process, as directed by the Lord, is a part of her practice of her Christian faith and self-improvement process.

12. E. Dixon's act of removing this document from Ms. Biron's possession violated her rights under the First Amendment's Free Exercise Clause and Freedom of Expression Clause; the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.); the Fifth Amendment; and Texas law.

13. On or about October 15, 2015, Leticia Armstrong paged Ms. Biron to the lieutenant's office where L. Armstrong permanently confiscated the 144-page manuscript.

14. Armstrong's act of confiscating Ms. Biron's writing violated the

First Amendment's Free Exercise Clause and Freedom of Expression Clause; the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.) and the Fifth Amendment to the United States Constitution and Texas law.

15. On or about September 30, 2015 (after the writing was taken but before it was officially confiscated) Ms. Biron sent an email to Warden Upton advising him of the situation. He failed to intervene to protect Ms. Biron's civil rights and religious liberties.

16. On May 2, 2017, Ms. Biron received the final denial of Administrative Remedy # 842574 (dated 4/10/2017) regarding her stolen writing.

Remedies and Relief

17. Ms. Biron seeks compensatory and punitive damages against L. Armstrong and E. Dixon.

18. Ms. Biron's remedy at law, however, is inadequate and incomplete, and she will be irreparably injured by the loss of her writing unless the Court grants declaratory and injunctive relief.

WHEREFORE, Ms. Biron requests this Honorable Court:

19. Grant her a declaration that the acts and omissions described herein violate her rights under the United States Constitution, the Texas Constitution, the Religious Freedom Restoration Act and State and Federal Law.

20. Grant a preliminary and permanent injunction ordering the Defendants to return Ms. Biron's writing to her.

21. Award Ms. Biron compensatory and punitive damages against L. Armstrong and E. Dixon to the fullest extent allowed under the law.

22. Grant Ms. Biron her costs and fees incurred for prosecuting this lawsuit.

23. Grant such other relief as this Court deems just and equitable.

Respectfully submitted

1/23/2019
Date

Lisa Biron
Lisa Biron (#12775-049)
FCI Waseca
P.O. Box 1731
Waseca, MN 56093

Verification

I hereby swear, under penalty of perjury, that the matters and facts alleged in the foregoing Complaint are true and correct.

1/23/2019
Date

Lisa Biron
Lisa Biron