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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 SALMA NASOORDEEN; HASNA AINI,

Case No.: 8:25-cv-01419

19 *Plaintiffs,*

20 vs.

21 COUNTY OF ORANGE, a political
22 subdivision; DON BARNES, in his official
23 capacity; DOES 1 through 20,

24 *Defendants.*

25 **COMPLAINT FOR DAMAGES,**
26 **INJUNCTIVE RELIEF AND**
27 **DECLARATORY RELIEF FOR**
28 **VIOLATIONS OF 42 U.S.C. §§ 2000cc**
et seq.; 42 U.S.C. § 1983; AND
SUPPLEMENTAL STATE-LAW
CLAIMS

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. Plaintiffs SALMA NASOORDEEN and HASNA (“Shenai”) AINI are
3 Muslim women who have been adherents of Islam since birth.

4 2. In accordance with their sincerely held religious beliefs, Plaintiffs
5 Nasoordeen and Aini wear the hijab whenever they are in the presence of men outside
6 of their immediate families. Plaintiffs’ hijabs consist of headscarves that cover their
7 hair, ears, and necks, along with modest clothing that conceals most of their bodies,
8 exposing only their face, hands, and feet.

9 3. For Plaintiffs, wearing the hijab is a deeply rooted expression of their faith
10 and personal commitment to modesty as prescribed by Islamic teachings. To Plaintiffs,
11 the hijab is not merely a cultural tradition or fashion choice, but a spiritual practice that
12 reflects obedience to God’s commandments. For men outside of Plaintiffs’ immediate
13 families to see them without their hijabs—whether in person or in a photograph—
14 constitutes a serious violation of their sincerely held religious beliefs and personal
15 dignity.

16 4. On May 15, 2024, Plaintiffs were present at the University of California,
17 Irvine (“UCI”) during peaceful, non-violent student-led demonstrations when they were
18 swept up in indiscriminate mass arrests carried out by multiple law enforcement
19 agencies. Defendants arrested Plaintiffs and transported them, along with others, to the
20 Orange County Intake Release Center (“IRC”) for booking and processing. While at
21 the IRC, Orange County Sheriff’s deputies searched Plaintiffs and forced Plaintiffs to
22 remove their hijabs and expose themselves in plain view of males who were present at
23 the facility. Defendants also photographed Plaintiffs without their hijabs, creating a
24 permanent public record that exposed each woman in a manner deeply contrary to her
25 religious exercise.

26 5. Defendants’ actions constitute a serious infringement of a fundamental
27 tenet of Plaintiffs’ faith. Defendants forced Plaintiffs to compromise a sacred boundary
28 each woman has maintained and violated their statutory and constitutional right to

1 religious freedom. As a result, Defendants caused Plaintiffs significant emotional
2 distress, shame, and have deeply undermined their sense of safety and dignity. By this
3 Complaint, Plaintiffs seek relief from the substantial harms and burdens that the County
4 of Orange, its officers, and its agents unlawfully imposed on them and their religious
5 practice.

6 **JURISDICTION AND VENUE**

7 6. This action arises under 42 U.S.C. § 2000cc, et seq., 42 U.S.C. § 1983, the
8 laws and Constitution of the United States, and the laws and Constitution of the State of
9 California. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
10 1343, 42 U.S.C. § 2000cc-2(a), and directly under the Constitution of the United States.
11 This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a).

12 7. Venue is proper under 28 U.S.C. § 1391 as to all Defendants because
13 Defendants operate within the geographical boundaries of the State of California and
14 because a substantial part of the events or omissions giving rise to the claims occurred
15 in this district.

16 **PARTIES**

17 **Plaintiffs**

18 8. Plaintiff Salma Nasoordeen is a 26-year-old woman who resides in Orange
19 County, California. Plaintiff Nasoordeen is a practicing Muslim and has been an
20 adherent of Islam since birth. In accordance with her sincerely held religious beliefs,
21 Plaintiff Nasoordeen wears a hijab, which covers her hair, ears, neck, chest, and most of
22 her body, exposing only her face, hands, and feet, when she is in the presence of men
23 who are not part of her immediate family.

24 9. Plaintiff Shenai Aini is a 22-year-old woman who resides in Orange
25 County, California. Plaintiff Aini is a practicing Muslim and has been an adherent of
26 Islam since birth. In accordance with her sincerely held religious beliefs, Plaintiff Aini
27 wears a hijab, which covers her hair, ears, neck, chest, and most of her body, exposing
28 only her face, hands, and feet, when she is in the presence of men who are not part of

1 her immediate family. At the time of the events alleged herein, Plaintiff Aini was
2 enrolled as a student at UCI.

3 **Defendants**

4 10. Defendant County of Orange (the “County”) is a political subdivision,
5 organized under the laws of the State of California. At all times relevant to this
6 Complaint, it employed Defendants Don Barnes and unidentified Defendants named
7 here as DOES. The Orange County Sheriff’s Department (“OCSD”) is a department of
8 the County. On information and belief, and at all times relevant to this Complaint, the
9 OCSD received federal financial assistance.

10 11. Defendant Don Barnes is the Sheriff-Coroner of the County. As such, he
11 manages and supervises all OCSD’s divisions, including the Orange County Jail System
12 and the IRC. The IRC is responsible for processing all individuals booked into, and
13 released from, the Orange County Jail system. At all times relevant to this Complaint,
14 he was acting within the scope of his employment and under color of state law.
15 Defendant Barnes is sued in his official capacity.

16 12. Defendants DOES 1 through 20 are persons who engaged in, were aware
17 of, participated in, supervised, managed, and/or directed the acts alleged herein.
18 Because the true names and capacities of Defendants sued as DOES 1 through 20 are
19 unknown to Plaintiffs, Plaintiffs sue those Defendants by fictitious names. Plaintiffs
20 will seek leave to amend this Complaint, if necessary, to reflect their true names once
21 they have been ascertained. At all times relevant to this Complaint, DOES 1 through 20
22 were acting within the scope of their employment and under color of state law.

23 **PLAINTIFF NASOORDEEN’S EXHAUSTION OF ADMINISTRATIVE**
24 **REMEDIES**

25 13. On or around November 14, 2024, pursuant to California Government
26 Code § 910, et seq., and within the statutory period, Plaintiff Nasoordeen filed an
27 administrative claim for damages she sustained between May 15-16, 2024 with
28 Defendant County.

1 14. Defendant County acknowledged receipt of the claim and assigned
2 Plaintiff Nasoordeen's claim a number – 20241118.

3 15. On January 7, 2025, Defendant County rejected Plaintiff Nasoordeen's
4 claim. Plaintiff Nasoordeen, having exhausted all administrative remedies under the
5 California Tort Claims Act, proceeds with her state law claims for damages against
6 Defendants. *See* Cal. Gov't Code §§ 945.4 and 950.6.

7 **PLAINTIFF AINI'S EXHAUSTION OF ADMINISTRATIVE REMEDIES**

8 16. On or around November 14, 2024, pursuant to California Government
9 Code § 910, et seq., and within the statutory period, Plaintiff Aini filed an
10 administrative claim for damages she sustained between May 15-16, 2024 with
11 Defendant County.

12 17. Defendant County acknowledged receipt of the claim and assigned
13 Plaintiff Aini's claim a number – 20241119.

14 18. On January 8, 2025, Defendant County rejected Plaintiff Aini's claim.
15 Plaintiff Aini, having exhausted all administrative remedies under the California Tort
16 Claims Act, proceeds with her state law claims for damages against Defendants. *See*
17 Cal. Gov't Code §§ 945.4 and 950.6.

18 **FACTUAL ALLEGATIONS**

19 **The Religious Requirement of Hijab for Plaintiffs**

20 19. Plaintiffs Nasoordeen and Aini wear the hijab pursuant to their Islamic
21 faith. The hijab is a religiously mandated form of dress observed by many Muslim
22 women around the world. It typically includes a headscarf that covers the wearer's hair,
23 ears, and neck, along with modest clothing that conceals most of the wearer's body,
24 leaving only the face, hands, and feet exposed. The term "hijab" is derived from the
25 Arabic word "hajaba," meaning to conceal, shield, or cover, reflecting principles of
26 modesty, dignity, and bodily integrity.

1 20. For many observant Muslim women, the practice of covering entails
2 always wearing one's hijab, whether at home or in public, when the wearer is in the
3 presence of men who are not part of her immediate family.

4 21. While women choose to wear the hijab for an array of reasons, many
5 believe that the hijab fulfills the commandments of modesty and devotion that stem
6 from, among other things, the Qur'an, the primary holy book of the Islamic faith, and
7 the ahadith, the oral traditions and teachings carried down from the age of the Prophet
8 Mohammed.

9 22. Once a Muslim woman makes the decision to wear the hijab, requiring her
10 to remove it in the presence of men who are not part of her immediate family is akin to
11 demanding that a secular person strip naked in front of strangers.

12 ***Plaintiff Salma Nasoordeen***

13 23. Salma Nasoordeen is a Muslim woman who, as part of her sincerely held
14 religious beliefs, wears a hijab. She has done so for the past seventeen years, since the
15 age of eight, and upholds the practice as profoundly central to her religious identity and
16 faith.

17 24. Plaintiff Nasoordeen's religious practice dictates that she must wear the
18 hijab as both a headscarf that conceals her hair, ears, neck, chest, as well as a religious
19 covering for most of her body, exposing only her face, hands, and feet. Plaintiff
20 Nasoordeen believes that covering her body and hair fulfills a religious commitment she
21 has to God and enables her to maintain bodily autonomy.

22 25. Plaintiff Nasoordeen believes that her hijab must be worn in the presence
23 of men outside of her immediate family, whether she is at home or in public. This
24 prohibition also extends to her image and photographs, which cannot depict Plaintiff
25 Nasoordeen without her hijab if accessible to men.

26 26. To have her hair or body parts, aside from her hands, feet, and face,
27 uncovered in view of men outside of her family is a flagrant violation of Plaintiff
28

1 Nasoordeen’s sincerely held religious beliefs and a transgression against her faith, her
2 bodily integrity, and her sincere commitment to God.

3 27. In the past seventeen years, since the age of eight, Plaintiff Nasoordeen has
4 never appeared without her hijab in government identification photographs, including
5 her United States passport and California Driver’s License.

6 28. For the past seventeen years, Plaintiff Nasoordeen has never published any
7 photographs of herself without her hijab.

8 ***Plaintiff Shenai Aini***

9 29. Plaintiff Hasna (“Shenai”) Aini was born and raised in Tracy, California, a
10 predominantly non-Muslim community.

11 30. As one of the few Muslims in her school and neighborhood, Plaintiff Aini
12 often felt alienated and vulnerable.

13 31. Plaintiff Aini has faithfully adhered to Islamic teachings throughout her
14 life. However, Plaintiff Aini feared wearing the hijab as an adolescent because she did
15 not belong to a large Muslim community and thus felt more susceptible to Islamophobic
16 attacks and bigotry.

17 32. The start of Plaintiff Aini’s college career at UCI marked the beginning of
18 a profound and transformative spiritual journey—for the first time in her life, Plaintiff
19 Aini found herself surrounded by a robust Muslim community. Plaintiff Aini’s new-
20 found community provided her with a sense of belonging, which allowed her to
21 strengthen her faith and prompted her to consider wearing the hijab in accordance with
22 her sincerely held religious beliefs.

23 33. After studying religious texts, thinking deeply, and seeking guidance
24 through prayer, Plaintiff Aini made the decision to wear the hijab in 2024 as both a
25 headscarf that conceals her hair, ears, neck, chest, as well as a religious covering for
26 most of her body, exposing only her face, hands, and feet. Since then, Plaintiff Aini’s
27 hijab has become a core aspect of her identity and religious beliefs. Plaintiff Aini’s
28 hijab is an essential part of who she is.

1 34. Plaintiff Aini wears the hijab because her religious beliefs dictate that no
2 man outside of her immediate family should see her exposed hair, ears, neck, chest, or
3 body, apart from her face, hands, and feet, whether at home, in public, or in a
4 photograph or image. To Plaintiff Aini, wearing a hijab is a reminder of her faith, of the
5 importance of modesty in her religion, and of her religious obligations. The hijab is a
6 symbol of Plaintiff Aini's strength and bodily autonomy.

7 35. For Plaintiff Aini, to have her hair, ears, neck, chest, or body, with the
8 exception of her face, hands, and feet, exposed to men outside of her immediate family,
9 whether in person or in a photograph, is a serious breach of faith and religious practice,
10 and a deeply humiliating, violating, and defiling experience that substantially burdens
11 her religious practice.

12 **Plaintiff Nasoordeen's Arrest and Detention**

13 36. On May 15, 2025, Plaintiff Nasoordeen arrived at the UCI campus at
14 approximately 6:30 p.m. to observe and support the peaceful, nonviolent students
15 protesting near Rowland Hall.

16 37. Within less than an hour of her arrival at UCI, officers in riot gear, many of
17 whom were OCSD deputies, surrounded the nonviolent protestors, including Plaintiff
18 Nasoordeen.

19 38. The officers began to aggressively advance towards the student protestors
20 and knocked Plaintiff Nasoordeen to the ground.

21 39. Defendants arrested Plaintiff Nasoordeen and tied her hands behind her
22 back.

23 40. Following her arrest, Plaintiff Nasoordeen was patted down and placed on
24 a small bus, where she waited for approximately one hour before being transported to
25 the IRC.

26 41. Shortly after her arrival at the IRC, a female OCSD deputy escorted
27 Plaintiff Nasoordeen to a search area that was not private and was easily accessible to
28 men.

42. At this time, Plaintiff Nasoordeen wore two hijabs: 1) a short, fitted “Adidas” hijab that concealed her hair, ears and neck, leaving only her face visible; and 2) a long, chiffon hijab worn over the “Adidas” hijab for additional modesty.

43. While in the search area, Defendant DOE 1, a female OCSD deputy, instructed Plaintiff Nasoordeen to remove both of her hijabs for the search. This concerned Plaintiff Nasoordeen because the search area was not private and was accessible to men.

44. Believing she had no choice but to comply with Defendant DOE 1’s demands, Plaintiff Nasoordeen removed both hijabs as instructed. She felt exposed, humiliated, and anxious.

45. Defendant DOE 1 searched Plaintiff Nasoordeen’s hair and person. No contraband or weapons were found.

46. Defendant DOE 1 permitted Plaintiff Nasoordeen to keep one hijab after the search. Plaintiff Nasoordeen kept her “Adidas” hijab.

47. A female deputy then escorted Plaintiff Nasoordeen to a separate area of the IRC where her booking photograph would be taken. This area was enclosed in clear glass and located directly beneath an elevated watch post with glass windows (hereinafter, “the elevated watch post”).

48. Due to its height and position, the elevated watch post enabled those within it, including males, to observe arrestees during the booking photograph process.

49. At the time Plaintiff Nasoordeen’s booking photograph was taken, a male deputy was seated in the elevated watch post.

50. Plaintiff Nasoordeen observed two female deputies, Defendants DOE 2 and DOE 3, place a removable divider on the left side of the booking photograph area. The divider, however, was both too short and contained an opening. Thus, Plaintiff Nasoordeen was visible to those outside of the divider, including the male deputy seated in the elevated watch post.

1 51. After fingerprinting Plaintiff Nasoordeen, Defendant DOE 1, demanded
2 Plaintiff Nasoordeen remove her hijab for the booking photograph.

3 52. Defendant DOE 1's demand shocked Plaintiff Nasoordeen, as she was
4 visible to those outside of the removable divider, including the male deputy seated in
5 the elevated watch post.

6 53. Anxious and confused, Plaintiff Nasoordeen asked the female deputies
7 why she needed to remove her hijab given that, in the last seventeen years, she was
8 never asked to remove her hijab for a government identification photograph.

9 54. Implying that Plaintiff Nasoordeen had no other choice but to remove her
10 hijab, the deputies responded that the faster she complied, the faster she could be
11 released. The deputies also claimed that there were "no men around," which Plaintiff
12 Nasoordeen knew to be untrue. Before allowing Plaintiff Nasoordeen to respond,
13 Defendant DOE 1 demanded that Plaintiff "hurry up" and "take it off," indicating her
14 hijab.

15 55. In response, Plaintiff Nasoordeen deliberately shifted her gaze to the male
16 deputy seated in the elevated watch post, signaling to the female deputies that she was
17 in the clear view of a man and thereby contradicting the deputies' false assurances that
18 there were "no men around."

19 56. Instead of acknowledging Plaintiff Nasoordeen's doubts and anxiety, the
20 deputies again demanded that Plaintiff Nasoordeen remove her hijab and pressured her,
21 stating, "the faster you do this, the faster you can leave."

22 57. Plaintiff Nasoordeen anxiously asked the female deputies where the
23 photograph would be stored to understand who could access it. In response, Defendant
24 DOE 1 stated, "Don't worry, there are no guys."

25 58. Feeling profoundly scared and helpless, and fearing that she had no option
26 but to comply, Plaintiff Nasoordeen removed her "Adidas" hijab, looked at the camera,
27 and had her photograph taken. Plaintiff Nasoordeen felt small, powerless, and as though
28 she had been stripped naked.

1 59. After taking the photograph, Defendant DOE 1 allowed plaintiff to replace
2 her hijab.

3 60. Thereafter, Defendant DOE 1 gave Plaintiff Nasoordeen a packet with her
4 booking photograph, which depicted her without her hijab. Plaintiff Nasoordeen was
5 stunned and distressed at the image.

6 61. Defendant DOE 1 demanded that Plaintiff Nasoordeen sign the documents
7 within the packet quickly. Plaintiff Nasoordeen was reluctant to sign, as she was not
8 given sufficient time to review the packet and was extremely concerned that the
9 photograph depicting her without her hijab would be accessible to men outside of her
10 immediate family. Defendant DOE 1 threatened that Plaintiff Nasoordeen's failure to
11 sign the documents within the packet would result in a warrant for her arrest. Feeling
12 coerced, Plaintiff Nasoordeen reluctantly signed the documents within the packet.

13 62. Plaintiff Nasoordeen spent several hours in a cell before she was escorted
14 to the IRC's release area, where she was given the packet with her booking photograph,
15 which depicted her without her hijab.

16 63. Prior to her release, a female deputy, Defendant DOE 4, instructed Plaintiff
17 Nasoordeen to remove her hijab again for another photograph. On information and
18 belief, the release area Defendant DOE 4 was seated in was not private and was easily
19 accessible to males. Plaintiff Nasoordeen pleaded with the deputy, pointing to the
20 packet and photograph in her possession, noting that deputies had already photographed
21 her without her hijab once. She explained that wearing the hijab was a religious
22 obligation and that she could not remove her hijab again.

23 64. Defendants have created a permanent public record depicting Plaintiff
24 Nasoordeen in a manner that is deeply contrary to her religious beliefs. On information
25 and belief, Defendants still retain Plaintiff Nasoordeen's photograph depicting her
26 without her hijab and have either released it to the public and/or the OCSD, and/or have
27 made Plaintiff's photograph accessible to others, including men outside of her
28 immediate family.

65. Following her release, Plaintiff Nasoordeen has experienced profound feelings of humiliation, anger, and shame after being forced to remove her hijab, which directly violated her commitment to God and to her faith. Plaintiff Nasoordeen felt immense sadness that her lifelong adherence to the hijab was unraveled in one instant, where she had no control over her choices, her bodily autonomy, and what parts of her body were visible to men outside of her immediate family. The conduct alleged herein substantially burdened, and continues to substantially burden, Plaintiff Nasoordeen's religious exercise.

66. Plaintiff Nasoordeen has experienced, and continues to experience, feelings of palpable and heightened fear and anxiety both in the presence of law enforcement and in various other contexts, which has caused her to limit her activities. Moreover, she continues to grapple with significant anxiety, humiliation, and emotional distress over her experience at the IRC and the knowledge that the photograph depicting her without a hijab remains with OCSD and is accessible to an unknown number of men outside of her immediate family in direct violation of her sincerely held religious beliefs.

Plaintiff Aini's Arrest and Detention

67. On May 15, 2024, Plaintiff Aini attended a peaceful demonstration near Rowland Hall. At no point during the demonstration did Plaintiff Aini engage in unlawful or violent conduct.

68. Plaintiff Aini wore her hijab to the demonstration in accordance with her sincerely held religious beliefs.

69. Despite the demonstration's peaceful and non-violent nature, UCI summoned dozens of law enforcement agencies to disband the demonstration, including the OCSD.

70. At approximately 3:00 p.m., dozens of law enforcement officers descended on UCI's campus and began arresting demonstrators.

71. Plaintiff Aini was arrested at approximately 7:00 p.m.

1 72. The entirety of Plaintiff Aini's arrest was recorded and televised publicly
2 on at least the following television stations: Fox 11 Los Angeles and KTLA 5.

3 73. At no point did Plaintiff Aini resist arrest or attempt to flee.

4 74. Nevertheless, several male law enforcement officers, including OCSD
5 deputies, threw Plaintiff Aini to the ground and surrounded her. One of the officers
6 grabbed Plaintiff Aini's arm and dragged her toward him to apply zip ties.

7 75. While the officer dragged Plaintiff Aini toward him, Defendant DOE 5, a
8 male OCSD deputy, repeatedly and deliberately stomped on Plaintiff Aini's hijab,
9 which caused it to unravel and exposed her hair to surrounding male officers and
10 demonstrators.

11 76. Plaintiff Aini experienced severe discomfort, humiliation, and emotional
12 distress when she realized that her hair was exposed to men outside of her immediate
13 family. Plaintiff Aini repeatedly shouted "My hijab, my hijab!" to no avail— no officer,
14 including Defendant DOE 5 - made any attempt to cover Plaintiff Aini's hair, nor did
15 any officer remove Plaintiff Aini's zip ties so that she could cover her hair.

16 77. Instead, officers placed Plaintiff Aini's hijab in her restrained hands,
17 causing her to feel exposed and humiliated.

18 78. By exposing her hair to numerous men who are not part of her immediate
19 family, Defendant DOE 5 inflicted severe trauma and caused Plaintiff Aini substantial
20 and enduring emotional distress.

21 79. Plaintiff Aini's religious beliefs and personal integrity would have been
22 violated if only *one* male outside of her immediate family saw her uncovered at the
23 scene of her arrest. But Defendant DOE 5 caused Plaintiff Aini's hair to be exposed to
24 all men who viewed the publicly broadcasted footage of Plaintiff Aini's arrest.

25 80. On information and belief, the footage of Plaintiff Aini's arrest remains
26 publicly accessible. As such, Plaintiff Aini lacks control over who may see her
27 uncovered, a possibility that deeply disturbs and distresses Plaintiff Aini.
28

1 81. Following her arrest, officers escorted uncovered Plaintiff Aini and other
2 arrestees to a UCI parking lot for initial processing. Several men walked past Plaintiff
3 Aini at this time, causing her to panic and exacerbating the severe emotional distress
4 she already felt.

5 82. A female arrestee alerted a nearby male officer that Plaintiff Aini was
6 experiencing distress because she was uncovered.

7 83. In response, the male officer took Plaintiff Aini's hijab from her hands and
8 draped it over her head without fastening it or securing it.

9 84. Following a pat down, Defendants placed Plaintiff Aini on a small bus,
10 where she waited for roughly one hour before being transported to the IRC.

11 85. When Plaintiff Aini and her fellow arrestees arrived at the IRC, OCSD
12 deputies escorted them off the transport bus to an outdoor area to await health
13 screenings.

14 86. Deputies seated Plaintiff Aini directly beside a male arrestee.

15 87. Upon arriving at the IRC, OCSD deputies made several offensive and
16 antagonistic comments that left Plaintiff Aini feeling anxious and unsafe.

17 88. Following Plaintiff Aini's health screening, a female deputy, Defendant
18 DOE 6, observed that Plaintiff Aini's hijab was not secure and offered to re-fasten it.
19 However, Defendant DOE 6 did not offer to take Plaintiff Aini to a private room where
20 she would be shielded from the view of men in the outdoor area of the IRC.

21 89. Remaining in the outdoor area, Defendant DOE 6 removed Plaintiff Aini's
22 hijab entirely before re-fastening it, which exposed Plaintiff Aini's hair to the male
23 arrestee seated directly beside her. This exposure caused Plaintiff Aini to feel
24 humiliated and violated.

25 90. When Plaintiff Aini completed her health screening, female deputies led
26 her down a hallway that was also accessible to male deputies.

27 91. The female deputies then placed Plaintiff Aini into a cell that contained a
28 transparent glass window.

1 92. On information and belief, the female deputies failed to cover or obstruct
2 the transparent glass window in the cell. Male deputies were moving in and out of the
3 hallway.

4 93. Once in the cell, a female deputy, Defendant DOE 7, required Plaintiff
5 Aini to remove her hijab to search her hair, and Plaintiff Aini complied. The female
6 deputy also demanded Plaintiff Aini partially undress and unzip her pants, and Plaintiff
7 Aini complied.

8 94. No contraband or weapon was found under Plaintiff Aini's hijab or
9 anywhere else on her person.

10 95. Throughout the search, Plaintiff Aini experienced extreme distress, as she
11 was fearful her hair and other intimate body parts would be exposed to men because: 1)
12 she was not permitted to fasten her pants following her search; 2) the female deputies
13 who searched her required her to remove her hijab without covering or obstructing the
14 cell's transparent glass window; and 3) the hallway leading to the cell remained
15 accessible to male deputies.

16 96. Plaintiff Aini's concerns were validated when, upon being escorted from
17 the cell after the search without having the opportunity to fully fasten her pants, she
18 observed male deputies walking in the cell's vicinity.

19 97. After Plaintiff Aini was searched, female deputies escorted her to the area
20 of the IRC where her booking photograph would be taken. Plaintiff Aini's pants
21 remained unzipped at this time.

22 98. The area of the IRC where Plaintiff Aini's booking photograph was taken
23 is located beneath an elevated watch post with glass windows. Due to its height and
24 positioning, this watch post allowed those seated inside, including males, to observe
25 arrestees during the booking photograph process.

26 99. A female deputy, Defendant DOE 8, demanded Plaintiff Aini remove her
27 hijab for the booking photograph. Plaintiff Aini hesitated. The female deputy demanded
28 Plaintiff Aini "hurry up" and remove her hijab. Feeling fearful and threatened, Plaintiff

1 Aini reluctantly removed her hijab and was photographed. Plaintiff Aini was agitated,
2 humiliated, and distraught by the coerced removal of her hijab in view of men outside
3 of her immediate family.

4 100. After Plaintiff Aini's intake process was complete, deputies escorted her to
5 the release area of the IRC, which is not private and was easily accessible to males.

6 101. A female deputy, Defendant DOE 9, demanded Plaintiff Aini remove her
7 hijab for a second photograph. This demand made Plaintiff Aini uncomfortable and
8 anxious, but Plaintiff Aini felt coerced, and she had no other choice but to comply or
9 risk criminal penalties. Plaintiff Aini removed her hijab for a second photograph in an
10 area that is not private and was easily accessible to males.

11 102. Defendants have created a permanent public record depicting Plaintiff Aini
12 in a manner that is deeply contrary to her religious exercise. On information and belief,
13 Defendants still retain Plaintiff Aini's photographs depicting her without her hijab and
14 have either released them to the public and/or the OCSD, and/or have made Plaintiff
15 Aini's photographs accessible to others, including men outside of her immediate family.
16 The existence of these photographs haunts Plaintiff Aini, who is distressed by the
17 prospect of the photographs being viewed continuously by men who are not members
18 of her immediate family.

19 103. Defendants' removal of Plaintiff Aini's hijab and failure to shield her from
20 the view of men outside of her immediate family severely traumatized Plaintiff Aini
21 and caused her substantial and lasting emotional distress. As a direct result of
22 Defendants' actions, numerous males outside of Plaintiff Aini's immediate family saw
23 parts of her body that they should not have seen, according to her religious beliefs. In
24 the aftermath of her arrest and detention, Plaintiff Aini experienced unspeakable
25 humiliation, a sense of having had her religious beliefs and personal integrity violated,
26 and she has experienced significant shame and spiritual harm as a result. Defendants'
27 actions have caused Plaintiff Aini to fear wearing her hijab or practicing her religion
28 publicly.

Defendant County's Policies and Practices Regarding Religious Head Coverings

104. OCSD has a policy addressing inmates brought into its custody who wear head coverings as part of the exercise of their religious beliefs.

105. Policy 2015.3 of the OCSD's Custody & Court Operations Manual ("Policy 2015.3") states, in relevant part, that:

a) When an inmate wearing a religious head covering is brought into the IRC for booking, a staff member will immediately notify the Watch Commander or his/her designee.

...

c) During the intake/booking process, inmates wearing religious head coverings shall be escorted to an area of privacy by staff members of the same gender, instruct them to remove their head coverings, and after reasonably ensuring their hair is free of contraband, weapons and drugs, provide them with an approved temporary Orange County Jail issued head covering.

d) Only staff members of the same gender as the inmate shall be present during removal of the head covering. When the inmate's head is uncovered it will be done out of the view of the opposite gender.

...

g) Religious head coverings may not be worn during the booking photo process. When removing religious head coverings for booking photos, only staff members of the same gender as the inmate shall be present.

1. Staff should make every effort to take the booking photo out of view of the opposite gender but due to the physical layout it may not be feasible.

2. The inmate will be allowed to wear the religious head covering after the booking photo process unless there is a compelling security interest not to allow it as determined by the Watch Commander or

1 their designee.

2 106. Defendants' prohibition on Plaintiffs' use of religious head coverings
3 pursuant to the above-described custom, practice or policy, violated Plaintiffs' rights to
4 free exercise of religion, violated their rights under federal and state law, and caused
5 them extreme mental and emotional distress.

6 107. Defendants' failure to train Defendants DOES 1-20 on its policy to ensure
7 that Plaintiffs' rights to free exercise of religion and their rights under federal and state
8 law are respected, violated Plaintiffs' rights to free exercise of religion and their rights
9 under federal and state law, and caused Plaintiffs extreme mental and emotional
10 distress.

11 108. Defendants' policy, practice, or custom of removing religious head
12 coverings for photographs contravenes national norms and practices. From the federal
13 to the local level, government and law enforcement entities permit those in custody to
14 wear religious head coverings for the purpose of official photographs in recognition of
15 the significant constitutional and statutory interests at play.

16 109. The United States Department of State permits an individual to wear a
17 religious head covering in his or her passport photograph if he or she "submit[s] a
18 signed statement that says it is religious attire worn daily in public." U.S. Dep't of
19 State, Passport Photo Examples, Attire, Hats, and Glasses (Jan. 20, 2025),
20 <https://travel.state.gov/content/travel/en/passports/how-apply/photos.html>.

21 110. Similarly, United States Citizenship and Immigration Services ("USCIS")
22 issued a policy memorandum on July 23, 2012, which stated that "USCIS will
23 accommodate an individual who wears headwear as part of their religious practices."
24 U.S. Citizenship and Immigr. Servs., USCIS Policy for Accommodating Religious
25 Beliefs during Photograph and Fingerprint Capture (July 23, 2012),
26 [https://www.uscis.gov/sites/default/files/document/memos/Accommodating%20Religio](https://www.uscis.gov/sites/default/files/document/memos/Accommodating%20Religious%20Beliefs%20PM.pdf)
27 [us%20Beliefs%20PM.pdf](https://www.uscis.gov/sites/default/files/document/memos/Accommodating%20Religious%20Beliefs%20PM.pdf). Should a head covering cast a shadow over the wearer's face
28 or otherwise obscure part of their face, USCIS will "ask an individual to remove or

1 adjust portions of religious headwear that covers all or part of the individual’s face.”

2 *Id.* In this situation, USCIS will offer the wearer a private room or screened area in
3 which to adjust their head covering as well as a photographer of their gender. *Id.*

4 111. Law enforcement agencies across the country have also recognized the
5 right of individuals to wear religious head coverings while being photographed for
6 official government purposes.

7 112. In contrast to OCSD Policy 2015.3, New York City Police Department’s
8 (“NYPD’s”) Patrol Guide 208-83 requires arresting officers to “take photograph[s] of
9 prisoner[s] with religious head covering[s] in place” unless: (1) “[t]here is reasonable
10 suspicion that the arrestee has a distinguishing feature not otherwise fully visible with
11 head covering in place (e.g., hair color, tattoos, piercings, visible injury, moles, birth
12 marks, etc.) that is of investigative value to current investigation or arrest”; or (2)
13 “[t]here is reasonable suspicion that the arrestee committed the crime outside their
14 residence while not wearing a head covering” N.Y. Police Dep’t, Patrol Guide, Arrests
15 – Religious Head Covering (April 27, 2023),
16 [https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf)
17 [pguide1.pdf](https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf). Patrol Guide 208-83 defines a “religious head covering” as “a head
18 covering that appears to be related to a sincerely held religious belief . . . (e.g. . . .
19 hijab).” *Id.*

20 113. Similarly, in September 2024, the Travis County Sheriff’s Office in
21 Austin, Texas “made policy changes to allow female Muslim detainees to keep their
22 Hijab for the [*sic*] photos and during the booking process.” Julianna Russ, *TCSO*
23 *changes hijab policy for Muslim detainees*, KXAN (Sept. 12, 2024),
24 [https://www.kxan.com/news/local/travis-county/tcso-changes-hijab-policy-for-muslim-](https://www.kxan.com/news/local/travis-county/tcso-changes-hijab-policy-for-muslim-detainees/)
25 [detainees/](https://www.kxan.com/news/local/travis-county/tcso-changes-hijab-policy-for-muslim-detainees/).

26 **Supervisory Liability**

27 114. At all times relevant to this Complaint, Defendant Barnes and DOES 10-20
28 managed and supervised Defendant DOES 1-10.

1 115. At all times relevant to this Complaint, Defendants Barnes and DOES 10-
2 20 managed and supervised the IRC and all deputies working therein, including DOES
3 1 through 10, who had contact with Plaintiffs Nasoordeen and Aini between May 15-
4 16, 2024.

5 116. On information and belief, Defendants Barnes and DOES 10-20, as
6 supervisors of Defendants DOES 1-10, the IRC, and all deputies working therein, were
7 aware or should have been aware that deputies, including DOES 1-10, forced and
8 coerced Plaintiffs Nasoordeen and Aini to remove their hijabs in the view of men
9 outside of their immediate families, and that such conduct violated Plaintiffs
10 Nasoordeen and Aini's right to free exercise of religion, violated their rights under
11 federal and state law, and caused them extreme mental and emotional distress.

12 117. Defendants Barnes and DOES 10-20 failed to prevent deputies, including
13 DOES 1-10, from forcing or coercing Plaintiffs Nasoordeen or Aini to remove their
14 hijabs in the view of men outside of their immediate families by either training those
15 deputies, exercising their control over those deputies, or adequately supervising those
16 deputies. Nor did Defendants DOES 10-20, having knowledge of those deputies forcing
17 and coercing Plaintiffs Nasoordeen or Aini to remove their hijabs in the view of men
18 outside of their immediate families, remediate or redress those deputies' conduct.

19 118. As detention officials, Defendants Barnes and DOES 10-20 should have
20 known about the law prohibiting Defendants from imposing a substantial burden on
21 religious exercise without a compelling government interest. Accordingly, Defendants
22 Barnes and DOES 10-20 should have known that causing or allowing subordinate
23 deputies, including DOES 1-10, to force or coerce Plaintiffs Aini and Nasoordeen to
24 remove their hijabs in the view of men outside of their immediate families violated
25 Plaintiffs' rights to free exercise of religion, violated their rights under federal and state
26 law, caused them extreme mental and emotional distress, and would subject them to
27 liability in their individual capacities.
28

1 **Declaratory and Injunctive Relief Allegations**

2 119. An actual and substantial controversy exists between Plaintiffs and
3 Defendants as to their respective legal rights and duties. Plaintiffs contend that
4 Defendants' failure to train and their restriction on Plaintiffs' use of a religious head
5 covering is illegal. On information and belief, Plaintiffs allege that Defendants contend
6 that their restriction is lawful.

7 120. Defendants failure to train its deputies and agents to protect and respect
8 Plaintiffs' exercise of their religious beliefs, as well as Defendants' prohibition on
9 Plaintiffs' use of a religious head covering when taking a photograph, has caused, and
10 will continue to cause, Plaintiffs irreparable harm, including, but not limited to, the
11 violation of their rights under the First Amendment, the California Constitution, and the
12 Religious Land Use and Institutionalized Persons Act. Plaintiffs have no plain,
13 adequate, or complete remedy at law to address the wrongs described herein. Plaintiffs
14 therefore seek injunctive relief restraining Defendants from prohibiting the use of
15 religious head coverings in photographs and restraining the continued use, accessibility
16 and distribution of the photographs which depict Plaintiffs without their religious head
17 coverings.

18 **FIRST CAUSE OF ACTION**

19 **Violation of Religious Land Use and Institutionalized Persons Act**

20 **42 U.S.C. §§ 2000cc et seq.**

21 (Against All Defendants by All Plaintiffs)

22 121. Plaintiffs incorporate the above paragraphs as though fully set forth here.

23 122. Under the Religious Land Use and Institutionalized Persons Act of 2000
24 (“RLUIPA”), 42 U.S.C. § 2000cc-1: “No government shall impose a substantial burden
25 on the religious exercise of a person residing in or confined to an institution . . . even if
26 the burden results from a rule of general applicability, unless the government
27 demonstrates that imposition of the burden on that person – (1) is in furtherance of a
28 compelling governmental interest; and (2) is the least restrictive means of furthering

1 that compelling governmental interest.”

2 123. By their actions described above, including by forcing Plaintiffs to remove
3 their hijabs in view of men outside of their immediate families and to take photographs
4 that would be distributed, and available for men outside of Plaintiffs’ immediate
5 families to view, Defendants imposed a substantial burden on Plaintiffs’ religious
6 exercise in that they forced Plaintiffs to violate a fundamental tenet of their faith. That
7 substantial burden neither furthers a compelling governmental interest nor is the least
8 restrictive means of furthering a compelling government interest.

9 124. Thus, Defendants have violated Plaintiffs’ rights under RLUIPA. As a
10 result of Defendants’ conduct, Plaintiffs suffered, and continue to suffer, extreme
11 humiliation, shame, mental anguish and emotional distress.

12 125. At all relevant times, Plaintiffs were confined to an institution in the
13 custody and control of Defendants County of Orange and Don Barnes, in his official
14 capacity.

15 **SECOND CAUSE OF ACTION**

16 **42 U.S.C. § 1983 – First Amendment Free Exercise Clause**

17 (Against Defendant County by All Plaintiffs)

18 126. Plaintiffs incorporate by reference each and every allegation contained in
19 the foregoing paragraphs as if re-alleged herein.

20 127. At all relevant times, Defendants to this action were acting under color of
21 state law.

22 128. The First Amendment to the United States Constitution provides:
23 “Congress shall make no law respecting an establishment of religion, or prohibiting the
24 free exercise thereof”

25 129. By their actions above, including by failing to train its deputies and agents
26 on the lawful scope of existing policy, and by maintaining a policy and practice of
27 requiring Plaintiffs to remove their hijab in view of men outside of their immediate
28 families and to have their booking and/or release photograph taken, maintained,

1 publicly distributed, and made accessible to men outside of Plaintiffs' immediate
2 families without their hijabs, Defendant County denied Plaintiffs their right to the free
3 exercise of religion as guaranteed by the First Amendment to the Constitution and
4 incorporated to the States through the Fourteenth Amendment.

5 130. As a result of Defendants' policy, practice, and/or failure to train, Plaintiffs
6 suffered, and continue to suffer, extreme humiliation, shame, mental anguish and
7 emotional distress.

8 **THIRD CAUSE OF ACTION**

9 **Violation of California Constitution, Article I, Section 4**

10 (Against All Defendants by All Plaintiffs)

11 131. Plaintiffs incorporate by reference each and every allegation contained in
12 the foregoing paragraphs as if re-alleged herein.

13 132. Article I, Section 4 of the California Constitution provides: "Free exercise
14 and enjoyment of religion without discrimination or preference are guaranteed."

15 133. By their actions above, including, but not limited to, maintaining a policy
16 and practice of requiring Plaintiffs to remove their hijab in view of men outside of their
17 immediate families and to have their booking photograph taken, maintained, publicly
18 distributed, and made accessible to men outside of their immediate families without
19 their hijabs, Defendants denied Plaintiffs their right to the free exercise of religion as
20 guaranteed by Article I, Section 4 of the California Constitution.

21 134. As a result of Defendants' conduct, policy, practice, and/or failure to train,
22 Plaintiffs suffered, and continue to suffer, extreme humiliation, shame, mental anguish
23 and emotional distress.

24 **FOURTH CAUSE OF ACTION**

25 **Bane Act – Cal. Civ. Code § 52.1**

26 (Against Certain DOE Defendants by Plaintiff Aini)

27 135. Plaintiffs incorporate by reference each and every allegation contained in
28 the foregoing paragraphs as if re-alleged herein.

1 136. In violation of the Bane Act, California Civil Code § 52.1, DOE
2 Defendants intentionally interfered, or attempted to interfere with, Plaintiff Aini's civil
3 rights by acting violently against her when DOE Defendants intentionally and
4 repeatedly stomped on Plaintiff Aini's hijab, without cause or justification, causing it to
5 unravel and leaving her exposed and in plain view of men outside of her immediate
6 family.

7 137. DOE Defendants acted violently against Plaintiff Aini with the intent to
8 deprive her of her enjoyment of the interests protected by the right to religious freedom.

9 138. DOE Defendants' conduct was a substantial factor causing Plaintiff Aini's
10 harm, including extreme humiliation, shame, mental anguish, and emotional distress.

11 **FIFTH CAUSE OF ACTION**

12 **Intentional Infliction of Emotional Distress**

13 (Against Certain DOE Defendants by Plaintiff Aini)

14 139. Plaintiffs incorporate by reference each and every allegation contained in
15 the foregoing paragraphs as if re-alleged herein.

16 140. By their conduct described above, including by repeatedly and deliberately
17 stomping on Plaintiff Aini's hijab, which caused it to unravel and exposed Plaintiff
18 Aini's hair to men outside of her immediate family, which constitutes a serious breach
19 of faith for Plaintiff Aini, DOE Defendants engaged in intentional, extreme, outrageous,
20 and unprivileged conduct. DOE Defendants did so with the knowledge that Plaintiff
21 Aini's religious beliefs forbid her from removing her hijab in the presence of men
22 outside her immediate family.

23 141. By this conduct, DOE Defendants, who were in positions of power and
24 exercised authority over Plaintiff Aini, intended to cause or recklessly disregarded the
25 probability of causing Plaintiff Aini to suffer extreme humiliation, shame, mental
26 anguish and emotional distress.

27 142. As a proximate result of DOE Defendants' intentional, extreme,
28 outrageous, and unprivileged conduct, Plaintiff Aini experienced severe and extreme

1 discomfort, humiliation, and emotional distress.

2 143. DOE Defendants' conduct, as alleged herein, was done with a conscious
3 disregard of Plaintiff's rights and with an intent to vex, injure, or annoy, such as to
4 constitute oppression, fraud or malice under California Code of Civil Procedure §3294,
5 entitling Plaintiff to punitive damages.

6 **SIXTH CAUSE OF ACTION**

7 **Negligence**

8 (Against All Defendants by All Plaintiffs)

9 144. Plaintiffs incorporate by reference each and every allegation contained in
10 the foregoing paragraphs as if re-alleged herein.

11 145. Defendants owed Plaintiffs the following duties:

- 12 a. Duty to care for Plaintiffs and honor/respect their right to exercise their
13 religion by being free from exposure to males not from their immediate
14 family without a hijab;
- 15 b. Duty to train deputies, including the deputies and DOE Defendants that
16 had contact with Plaintiffs while they were at the IRC, not to prohibit
17 Plaintiffs from using their hijab;
- 18 c. Duty to adequately supervise deputies, including deputies and DOE
19 Defendants that had contact with Plaintiffs while they were at the IRC,
20 to prevent such deputies from prohibiting Plaintiffs from using their
21 hijabs;
- 22 d. Duty to remediate the conduct of deputies, including DOE Defendants
23 that had contact with Plaintiffs while they were at the IRC, who
24 prohibited plaintiffs from using their hijabs;
- 25 e. Duty to comply with and to ensure that deputies, including DOE
26 Defendants who had contact with Plaintiffs while they were at IRC,
27 complied with RLUIPA, which prohibits Defendants from imposing a
28 substantial burden on Plaintiffs' religious exercise without a compelling

government interest.

146. Defendants breached the above duties by:

- f. Failing to care for Plaintiffs and to honor/ respect their right to exercise their religion by being free from exposure to males not from their immediate family without a hijab;
- g. Failing to train deputies, including DOE Defendants who had contact with Plaintiffs while they were at the IRC, not to prohibit Plaintiffs from using their hijabs;
- h. Failing to exercise control over deputies, including DOE Defendants who had contact with Plaintiffs while they were at the IRC, to prevent such deputies from prohibiting Plaintiffs from using their hijabs;
- i. Failing to adequately supervise deputies, including DOE Defendants who had contact with Plaintiffs while they were at the IRC, to prevent such deputies from prohibiting Plaintiffs from using their hijabs;
- j. Failing to remediate the conduct of the deputies, including DOE Defendants who had contact with Plaintiffs while they were at IRC, that prohibited Plaintiffs from using their hijabs;
- k. Failing to comply with and to ensure that deputies, including DOE Defendants who had contact with Plaintiffs while they were at the IRC, complied with RLUIPA, which prohibits Defendants from imposing a substantial burden on Plaintiffs' religious exercise without a compelling government interest.

147. The above breaches directly and proximately caused Plaintiffs to suffer extreme humiliation, shame, mental anguish and emotional distress.

PRAYER FOR RELIEF

Plaintiffs therefore respectfully request that the Court enter a judgment, including, but not limited to:

- a. A declaration that Defendants' restriction on Plaintiffs' use of hijab violates constitutional and statutory law;
- b. An injunction prohibiting Defendants from restricting Plaintiffs use of hijab, in violation of constitutional and statutory law;
- c. Compensatory damages in an amount to be proven at trial;
- d. Punitive damages against certain individual DOE defendants in an amount to be proven at trial;
- e. Nominal damages;
- f. Costs and reasonable attorneys' fees;
- g. Such additional and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury on all issues so triable.

DATED: June 30, 2025

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS-CA (CAIR-CA)

/s/ Dina Chehata
Dina Chehata

ASIAN LAW CAUCUS

/s/Belinda Escobosa
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