THE HON. J. RICHARD CREATURA 1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 PRISON LEGAL NEWS, a project of the No. 3:14-cy-05304-JRC HUMAN RIGHTS DEFENSE CENTER, 11 ORDER GRANTING PERMANENT 12 Plaintiff, **INJUNCTION** 13 v. 14 LEWIS COUNTY; LEWIS COUNTY SHERIFF'S OFFICE; STEVE MANSFIELD, individually and in his capacity as Lewis 15 County Sheriff; KEVIN HANSON, individually and in his capacity as Lewis County Jail 16 Administrator; and JIM PEA, individually and 17 in his capacity as Lewis County Administrative Lieutenant, 18 Defendants. 19 20 On April 11, 2014, Plaintiff Prison Legal News filed this lawsuit seeking to enjoin 21 Defendants' Postcard-Only Mail Policy and to require due process. Dkt. 1. On September 10, 22 2014, after briefing and argument by both parties, this Court granted Plaintiff's Motion for 23 Preliminary Injunction. Dkt. 76. 24 The parties have filed a Stipulated Motion for Entry of Permanent Injunction, which 25 adopts the findings and conclusions of the Court's Preliminary Injunction Order (Dkt. 76). 26 Further, the parties have agreed that Lewis County Jail's policy or practice of prohibiting mail 27

ORDER GRANTING PERMANENT INJUNCTION - 1

MACDONALD HOAGUE & BAYLESS 705 Second Avenue, Suite 1500 Seattle, Washington 98104 Tel 206.622.1604 Fax 206.343.3961 that is not a postcard violated the First Amendment to the U.S. Constitution, and that the Jail's policy or practice failed to afford to prisoners and non-prisoner correspondents due process notice and an opportunity to appeal the Jail's decisions to censor or reject mail in violation of the Fourteenth Amendment to the U.S. Constitution. Additionally, the parties agree that a permanent injunction is necessary because Plaintiff suffered irreparable harm, remedies at law are inadequate, the balance of the hardships favors the injunction, and the public would not be disserved by entry of a permanent injunction.

The Court, having reviewed the parties' Stipulated Motion, finds that they have satisfied each of the four elements of a permanent injunction under *eBay Inc. v. MercExchange*, *L.L.C.*, 547 U.S. 388, 391 (2006).

## **ACCORDINGLY, IT IS HEREBY ORDERED** that the Court:

- 1. PERMANENTLY ENJOINS defendants from restricting incoming and outgoing prisoner mail to postcards only, and orders defendants not to refuse to deliver or process prisoner mail on the grounds that it is in a form other than a postcard.
- 2. PERMANENTLY ENJOINS defendants from rejecting mail to or from prisoners without providing notice to the prisoner. This notification, at a minimum, will set forth the reason the mail was rejected and the procedure to follow if the prisoner wishes to appeal the rejection.
- 3. PERMANENTLY ENJOINS defendants from rejecting mail from non-prisoner correspondents without providing notice to the non-prisoner correspondent. This notification, at a minimum, will set forth the reason the mail was rejected, and the procedure to follow if the non-prisoner correspondent wishes to appeal the rejection.
- 4. PERMANENTLY ENJOINS defendants to give notice to the non-prisoner correspondent addressee of rejected outgoing mail whenever Constitutionally required.

  When notification is required it will, at a minimum, set forth the reason the mail was rejected, and the procedure to follow if the non-prisoner correspondent wishes to appeal the rejection.

1	5. PERMANENTLY ENJOINS defendants to refer for decision any appeal of
2	rejected mail to a jail official other than the person who originally rejected the correspondence.
3	IT IS SO ORDERED.
4	DATED this 28th day of October, 2014.
5	Though water
6	J. Richard Creatura
7	United States Magistrate Judge
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