

**IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS**

HUMAN RIGHTS DEFENSE CENTER,
a not-for-profit corporation,

Plaintiff,

Case No.

v.

JURY TRIAL DEMANDED

PEORIA COUNTY, ILLINOIS; CHRIS
WATKINS, Sheriff, individually and in his
official capacity; CARMISHA TURNER,
Corrections Superintendent, individually and in
her official capacity; BRIAN J. JOHNSON,
Assistant Corrections Superintendent,
individually and in his official capacity; and
JOHN AND JANE DOES 1-5, Staff, individually
and in their official capacities,

Defendants.

COMPLAINT

INTRODUCTION

1. The United States Supreme Court has long recognized that the freedom for incarcerated individuals to correspond with and read materials from the outside world carries important benefits to both prisoners and society as a whole. Plaintiff, the Human Rights Defense Center (“HRDC” or “Plaintiff”), provides prisoners across the United States with publications about their legal and civil rights, as well as options for accessing education while incarcerated. Defendants’ policies and practices, however, frustrate HRDC’s mission by unconstitutionally prohibiting delivery of Plaintiff’s publications to prisoners housed in the Peoria County Jail (the “Jail”), in violation of the First Amendment. Defendants’ policies and practices also deny due process of law to senders, such as Plaintiff, whose mail is censored, by failing to provide notice of

and an opportunity to challenge each instance of censorship as required by the Fourteenth Amendment. HRDC brings this action to enjoin Defendants' censorship of its books and magazines sent to prisoners held in the Jail, and to require Defendants to provide due process when they reject items sent to prisoners at the Jail.

JURISDICTION AND VENUE

2. This suit is brought under 42 U.S.C. § 1331 (federal question), as this action arises under the Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343 (civil rights), as this action seeks redress for civil rights violations under 42 U.S.C. § 1983.

3. Venue is proper under 28 U.S.C. § 1391(b). At least one Defendant resides within this judicial district, and the events giving rise to the claims asserted here all occurred within this judicial district.

4. HRDC's claims for relief are brought pursuant to 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges, and immunities secured by the First and Fourteenth Amendments to the Constitution and laws of the United States.

5. This Court has jurisdiction over claims seeking declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, and this Court also has jurisdiction to award damages against all Defendants.

6. HRDC's claim for attorneys' fees and costs is predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to prevailing plaintiffs in actions brought under 42 U.S.C. § 1983.

PARTIES

7. HRDC is a not-for-profit charitable organization recognized under § 501(c)(3) of the Internal Revenue Code, incorporated in the State of Washington and with principal offices in Boynton Beach, Florida.

8. Defendant Peoria County, Illinois (the “County”) is a unit of government organized and existing under the laws of the State of Illinois. The County operates the Jail, and it was and is responsible for adopting and implementing policies governing incoming mail and publications for prisoners at the Jail.

9. Defendant Chris Watkins is the Sheriff of Peoria County, Illinois. He has held that position since June 2022. Defendant Watkins is employed by and is an agent of the County, and is responsible for the overall management of the Jail. He has ultimate responsibility for the promulgation and enforcement of all Jail policies, practices, and procedures, including the policies, practices, and procedures relating to prisoners’ receipt of mail and access to reading material. He is sued in his individual and official capacities.

10. Defendant Carmisha Turner is the Corrections Superintendent of the Jail. Turner is employed by and is an agent of the County and Watkins. As Corrections Superintendent, Turner is responsible for overseeing the management and operations of the Jail, and for the hiring, screening, training, retention, supervision, discipline, counseling, and control of the personnel of the Jail who interpret and apply the mail policy for prisoners. She is sued in her individual and official capacities.

11. Defendant Brian J. Johnson is the Assistant Corrections Superintendent of the Jail. Johnson is employed by and is an agent of the County and Watkins. As Assistant Corrections Superintendent, Johnson is responsible for overseeing the management and operations of the Jail,

and for the hiring, screening, training, retention, supervision, discipline, counseling, and control of the personnel of the Jail who interpret and apply the mail policy for prisoners. He is sued in his individual and official capacities.

12. The true names and identities of Defendant DOES 1 through 5 are unknown to the HRDC. Each of Defendants DOES 1 through 5 is or was employed by or were agents of the County and/or Defendant Watkins. Defendant DOES 1 through 5 were personally involved in the adoption and/or implementation of the Jail's policy concerning publications and mail.

13. At all times material to this action, the actions of all Defendants as alleged here were taken under the authority and color of state law.

14. At all times material to this action, all Defendants were acting within the course and scope of their employment as agents and/or employees of the County.

FACTUAL ALLEGATIONS

A. HRDC's Mission and Outreach to Detention Facilities

15. For over thirty-five years, HRDC has focused its mission on education, advocacy, and outreach to prisoners and the public about the economic and social costs of prisons to society, the constitutional and human rights afforded to prisoners, and the ways in which prisoners can access education while incarcerated. HRDC's mission, if realized, helps prisoners to educate themselves and has a salutary effect on public safety.

16. To accomplish its mission, HRDC publishes and distributes books, magazines, and other materials containing news and analysis about prisons, jails and other detention facilities, the rights of prisoners, court rulings, management of prison facilities, prison and jail conditions, and other matters pertaining to the rights and interests of prisoners. HRDC's publications contain

political speech and social commentary, which are core First Amendment rights and are entitled to the highest protection afforded by the United States Constitution.

17. Sending publications through the mail to prisoners is essential to accomplishing the HRDC's mission. HRDC's primary aim is to communicate with prisoners about developments in the law and the protection of one's health and personal safety while in jail or prison. Reading materials enable prisoners to engage in productive activity rather than sitting idle, thus helping to avoid conflicts and incidents of violence in correctional facilities and encouraging lawful methods of dispute resolution. In addition, reading allows prisoners to keep their minds sharp, helping them prepare to become productive citizens when released back into society.

18. In furtherance of its mission, HRDC sends outreach materials to individuals who are incarcerated in prisons and jails across the United States. HRDC does not send a large volume of mail. Rather, HRDC sends individually addressed mailings to specific incarcerated persons, including, for instance, people who subscribe to its magazines or who place orders for books published and/or distributed by HRDC.

19. Since 1990, HRDC has sent its publications and books by mail to prisoners and law librarians in more than 3,000 correctional facilities in all fifty states. These facilities include death row housing units and "supermax" prisons like the federal Administrative Maximum Facility at Florence, Colorado, which is known as the most secure prison in the United States. HRDC's publications have been distributed without incident to prisoners at prisons and jails throughout the State of Illinois including: FCI Pekin; FCI Greenville; MCC Chicago; FCI Marion; FCI Thomson; Boone County Jail; Champaign County Jail; Cook County Jail; DuPage County Jail; Henry County Jail; Jefferson County Jail; Kane County Jail; Kankakee County Detention Center; Kendall County Jail; Knox County Jail; Lake County Jail; LaSalle County Jail; Lee County Jail; Livingston County

Jail; Macon County Jail; Marion County Jail; McHenry County Jail; McLean County Detention Center; Mercer County Jail; Piatt County Jail; Pulaski Detention Center; Randolph County Jail; Richland County Jail; Sangamon County Jail; Tazewell County Jail; Vermillion County Jail; White County Jail; Will County Adult Detention Facility; Winnebago County Justice Center; and Woodford County Jail.

20. HRDC publishes and distributes an award-winning monthly magazine titled *Prison Legal News: Dedicated to Protecting Human Rights* (“*Prison Legal News*”), which contains news and analysis about correctional facilities, the rights of prisoners, court opinions, prison and jail conditions, excessive force, and religious freedom. *Prison Legal News* is published on newsprint bound by two small staples, and each edition is 72 pages long.

21. HRDC also publishes and distributes a second monthly magazine titled *Criminal Legal News: Dedicated to Protecting Human Rights* (“*Criminal Legal News*”), which contains news and analysis about individual rights, court rulings, and other criminal legal-related issues. *Criminal Legal News* is also published on newsprint bound by two small staples, and was 48 pages long per edition, but has more recently expanded to 56 pages long.

22. HRDC also publishes and/or distributes several different soft-cover books on criminal justice, health, and legal issues that are of interest to prisoners and others. Specifically, HRDC publishes and distributes *Prisoners’ Guerilla Handbook: A Guide to Correspondence Programs in the United States and Canada* (“*Prisoners’ Handbook*”), which provides information on enrolling at accredited higher educational, vocational and training schools. HRDC also publishes and distributes *The Habeas Citebook: Ineffective Assistance of Counsel* (“*Habeas Citebook*”), which describes the procedural and substantive complexities of federal habeas corpus litigation with the goal of identifying and litigating claims involving ineffective assistance of

counsel. HRDC does not publish, but is the sole national distributor of *Protecting Your Health and Safety* (“PYHS”), which describes the rights, protections and legal remedies available to persons concerning their health and safety while they are incarcerated.

23. In addition to its publications, HRDC also communicates with prisoners through the United States Postal Service by sending and receiving letters with pertinent information about HRDC’s publications and related topics and sending subscription renewal letters. HRDC also sends informational brochures, which provide pertinent information about HRDC’s publications.

24. HRDC has been attempting to send these important publications to prisoners incarcerated at the Jail. Yet, Defendants maintain mail policies or practices that unconstitutionally prevent HRDC from doing so.

B. Defendants’ Unconstitutional Policies and Practices

25. Defendants’ mail policy (the “Policy”) provides, in pertinent part, as follows:

All incoming Inmate mail will be opened and inspected for contraband, but not read. Items that are **NOT** accepted by the jail include but are not limited to:

- Books, including torn out pages and copies of;
- Magazines, including torn out pages and copies of;
- Newspaper clippings; including copies of;
- Envelopes, stamps, and writing paper;
- Personal checks;
- Voice recorded or musical cards;
- Any metal or plastic;
- Sexually explicit material;
- Polaroid pictures;
- Pictures with gang signs or mugshots; or
- Anything determined by staff to be a security threat.

Any mailing found to contain contraband will be returned to the sender in its entirety.

26. The Policy is posted on the Peoria Sheriff's webpage at <https://www.peoriacounty.gov/580/Jail-Inmate-Information> (last visited August 29, 2025). The Policy is both unconstitutional on its face and as applied.

27. By completely banning all books and magazines, Defendants' Policy is unconstitutional on its face as it violates the rights of HRDC and the rights of all other publishers under the Free Speech Clause of the First Amendment.

28. Furthermore, Defendants have unconstitutionally applied the policy by censoring mail that HRDC has sent to prisoners.

29. Between March 2025 and August 2025, HRDC sent books, magazines, informational brochures, and correspondence to individuals confined at the Jail.

30. Between April 2025 and August 2025, at least thirty-eight (38) of those items were returned to the HRDC by the Jail. The items returned were addressed to individuals confirmed to still be in custody at the Jail on the day that HRDC received the returned mail.

31. The thirty-eight (38) returned items received by HRDC consisted of: fifteen (15) copies of *Prison Legal News*; eight (8) copies of the *Habeas Citebook*; eight (8) copies of the *Prisoners' Handbook*; four (4) copies *Criminal Legal News*; and three (3) copies of *PYHS*.

32. Many of the rejected items were returned to HRDC marked "UNABLE TO FORWARD," "Not Deliverable As Addressed," or "Items Not Approved."

33. Upon information and belief, the Jail has failed to deliver numerous other books, magazines, and other correspondence mailed by HRDC to prisoners at the Jail, but those items were not returned to HRDC.

34. Defendants failed to provide HRDC with any notice of these censorship decisions or any opportunity to appeal these censorship decisions. Therefore, Defendants' policies and practices also violate HRDC's Fourteenth Amendment rights to due process.

35. Because of Defendants' actions, as described above, HRDC has suffered damages, and will continue to suffer damages, including, but not limited to: the suppression of HRDC's speech; the impediment of HRDC's ability to disseminate its message; frustration of HRDC's non-profit organizational mission; the loss of potential subscribers and customers; and, the inability to recruit new subscribers and supporters.

36. Defendants, and other agents of the Jail, are responsible for or personally participated in, creating and implementing these unconstitutional policies, practices, and customs, or for ratifying and adopting them. Further, Defendants are responsible for training and supervising the staff members, whose conduct has injured and continues to injure HRDC.

37. Defendants' actions and inactions were and are impermissibly motivated, and were and are all committed under color of law with deliberate indifference to HRDC's rights.

38. Plaintiff will continue to send its books and magazines to subscribers, customers, and other individuals imprisoned at the Jail.

39. Defendants' unconstitutional policy, practices, and customs continue to violate HRDC's rights, and they were and are the moving force behind the injuries HRDC suffered and will continue to suffer as a direct result of the constitutional violations. As a result, HRDC has no adequate remedy at law.

40. Without relief from this Court HRDC will suffer irreparable injury, since its fundamental free speech and due process rights are being denied. The balance of hardship favors Plaintiff and the public interest will be served by granting injunctive and declaratory relief.

41. The accommodation of the free speech and due process rights of HRDC with respect to written speech protected by the Constitution will not have any significant negative impact on the Jail, its staff, prisoners, or the public.

42. HRDC is entitled to declaratory relief as well as injunctive relief prohibiting Defendants from refusing to deliver publications from HRDC and other publishers and distributors without legal justification, and prohibiting Defendants from censoring mail without due process of law.

CLAIMS

COUNT I – 42 U.S.C. § 1983

Violation of the First Amendment (Free Speech)

43. HRDC re-alleges and incorporates the allegations of Paragraphs 1 through 42 of the Complaint as if fully set forth herein.

44. The acts described above constitute violations of HRDC's right to communicate with incarcerated individuals under the Free Speech Clause of the First Amendment.

45. Defendants' conduct was objectively unreasonable, arbitrary, and undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to the rights of others.

46. HRDC's injuries and the violations of its constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were and are the moving force of the violations.

47. Defendants' acts described above have caused damages to HRDC, and if not enjoined, will continue to damage HRDC.

48. HRDC seeks declaratory and injunctive relief, and nominal and compensatory damages against all Defendants. HRDC seeks punitive damages against the individual Defendants in their individual capacities.

COUNT II – 42 U.S.C. § 1983
Violation of the Fourteenth Amendment (Due Process)

49. HRDC re-alleges and incorporates the allegations of Paragraphs 1 through 48 of the Complaint as if fully set forth herein.

50. Because HRDC has a liberty interest in communicating with prisoners, HRDC has a right under the Due Process Clause of the Fourteenth Amendment to receive notice of and an opportunity to challenge Defendants' decision to censor HRDC's written speech.

51. Defendants' policies and practices fail to provide HRDC and other senders with adequate notice and an opportunity to be heard.

52. Defendants' conduct was objectively unreasonable and was undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to the rights of others.

53. HRDC's inquiries and the violations of its constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were and are the moving force of the violations.

54. Defendants' acts described above have caused damages to the HRDC, and if not enjoined, will continue to cause damage to the HRDC.

55. HRDC seeks declaratory and injunctive relief, and nominal compensatory damages against all defendants. HRDC seeks punitive damage against the individual Defendants in their individual capacities.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests relief as follows:

1. A declaration that Defendants' policies and practices violate the Constitution.
2. A preliminary and permanent injunction preventing Defendants from continuing to violate the Constitution, and providing other equitable relief.
3. Nominal damages for each violation of the HRDC's rights by the Defendants.
4. Compensatory damages in an amount to be proved at trial.
5. Punitive damages against the individual Defendants in an amount to be proved at trial.
6. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988, and under other applicable law.
7. Any other such relief that this Court deems just and equitable.

JURY DEMAND

Plaintiff, Human Rights Defense Center, by and through its attorneys, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Dated: September 2, 2025

Respectfully Submitted,

/s/ Caryn C. Lederer

Caryn C. Lederer (*lead counsel*)

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**Admission pending*