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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

LEWIS COUNTY; LEWIS COUNTY
SHERIFF'S OFFICE; STEVE MANSFIELD,
individually and in his capacity as Lewis
County Sheriff; KEVIN HANSON, individually
and in his capacity as Lewis County Jail
Administrator; and JIM PEA, individually and
in his capacity as Lewis County Administrative
Lieutenant,

Defendants.

No.

COMPLAINT

I. NATURE OF THE CASE

1.1 Plaintiff Prison Legal News brings this action to enjoin Defendants' censorship of mail sent to and from prisoners held in custody at the Lewis County Jail without notice and an opportunity to appeal, in violation of the First Amendment and of the Fourteenth Amendment's Due Process Clause. Defendants have adopted and implemented written mail policies and practices that unconstitutionally: restrict correspondence to and from prisoners to postcards only; prohibit delivery of book catalogs to prisoners; and do not afford adequate due process. In this action, PLN seeks a preliminary and permanent injunction, damages, and a declaration that Defendants' policies and conduct violate the Constitution.

1 operations of the Sheriff's Office and the Lewis County Jail, and the training and supervision of
2 the Jail staff who interprets and implements the Jail's mail policy for prisoners. He is the
3 policymaker for the Jail policy governing mail for prisoners.

4 3.5 Defendant Kevin Hanson is a member of the Command Staff of the Lewis County
5 Sheriff's Office, and is the Jail Administrator of the Lewis County Jail. He is employed by and
6 is an agent of Lewis County and the Sheriff's Office. As Jail Administrator, he is responsible for
7 the operations of the jail, the training and supervision of Jail Staff, and implementing and
8 enforcing the Jail's mail policies and practices.

9 3.6 Defendant Jim Pea is the Administrative Lieutenant of the Lewis County Jail. As
10 the Administrative Lieutenant, he is responsible for making the final decision regarding
11 censorship of incoming and outgoing mail.

12 3.7 Each of the acts and omissions of the persons alleged herein were taken under
13 color of state law and within the scope of their official duties as employees, officers, or agents of
14 Lewis County and the Lewis County Sheriff's Office.

15 **IV. FACTUAL ALLEGATIONS**

16 4.1 Prison Legal News publishes and distributes a soft-cover monthly journal, book
17 catalogs, informational brochures, and book offers, and publishes and distributes paperback
18 books, about the criminal justice system and legal issues affecting prisoners. PLN also
19 distributes by mail legal opinions and other correspondence to prisoners incarcerated in various
20 correctional facilities across the country.

21 4.2 Prison Legal News has thousands of subscribers in the United States and abroad,
22 including prisoners in more than 2,000 federal, state, and local correctional facilities across the
23 United States, attorneys, journalists, public libraries, judges, and other members of the public.
24 PLN publications are distributed without incident to prisoners and law librarians in the vast
25 majority of correctional facilities across the United States, including the most secure facilities of
26 the Federal Bureau of Prisons, the Washington Department of Corrections and many other
27 States, and other jails and detention facilities in Washington and across the nation.

1 test; how to write letters to government agencies and officials; and how to support family
2 members facing criminal charges.

3 4.8 **Book Offers:** Prison Legal News sent certain prisoners at the Lewis County Jail a
4 double-sided single-page informational brochure about two books for sale: *The Habeas*
5 *Citebook: Ineffective Assistance of Counsel*, a handbook containing case citations, pleadings, and
6 forms designed to help a prisoner seek habeas corpus relief; and *Prisoners' Guerrilla Handbook*
7 *to Correspondence Programs in the United States and Canada*, a handbook on high school,
8 vocational, paralegal, undergraduate, and graduate courses available through correspondence
9 study.

10 4.9 Collectively, the PLN Brochure, Book List, and Book Offer described above in
11 Paragraphs 4.6 through 4.8 are referred to as "Informational Brochure Packs" below.

12 4.10 Prison Legal News sent all of the Informational Brochure Packs in white standard
13 #10 envelopes via first-class mail.

14 4.11 Prison Legal News mailed Informational Brochure Packs addressed to each of the
15 following prisoners at the Lewis County Jail on or about the following dates:

4.11.1 Prisoner Name	Date Mailed to Prisoner
Norman Jay Field	October 8, 2013
Yahdriel Euteast Jones	September 13, 2013
Jennifer Christine Lantau	September 13, 2013
Steven Michael Ledoux	September 13, 2013
Ashley Leanna Leonard	October 8, 2013
Harvey Clem Maddux	October 8, 2013
Jonathon Manual Margart	September 13, 2013
Brandt Daniel McKenna	September 13, 2013
Corey Ross Morgan	October 8, 2013
Johnathan Adam O'Connor	September 17, 2013
Rodney Dee Oleachea	September 17, 2013
Kristy Ann Price-Alvarez	October 8, 2013
Jerrell Scott Redmill	September 17, 2013
Howard Eugene Ross	September 17, 2013
Curtis James Rudolph	October 11, 2013
Diaz Guadalupe Solis	September 17, 2013
Michael Troy Taylor	October 11, 2013
Eric Dale Waller	October 11, 2013
Joshua Ryan O'Neil Whittler	September 17, 2013
Clifton Roy Young	October 11, 2013

1	4.11.2 <u>Prisoner Name</u>	<u>Date Mailed to Prisoner</u>
2	Damon Keith Burgess	October 4, 2013
3	Roy Alan Dever	October 4, 2013
4	4.11.3 <u>Prisoner Name</u>	<u>Date Mailed to Prisoner</u>
5	Dominic Lee Combs	October 4, 2013
6	4.11.4 <u>Prisoner Name</u>	<u>Date Mailed to Prisoner</u>
7	Bonny Ray Jr. Anderson	October 4, 2013
8	Zachery Bynum	October 4, 2013

9 The prisoners identified above were prisoners at the Lewis County Jail at the time that the Jail
10 received the Informational Brochure Packs addressed to each prisoner from PLN.

11 4.12 Defendants rejected each Informational Brochure Pack identified in paragraphs
12 4.11.1 to 4.11.4 and did not deliver them to the prisoner-addressees. Defendants returned each
13 item of mail to PLN unopened.

14 4.13 By rejecting the Informational Brochure Packs, Defendants interfered with PLN's
15 protected free speech rights.

16 4.14 By rejecting the Informational Brochure Packs, Defendants interfered with the
17 prisoner-addressees' protected free speech rights.

18 4.15 For the Informational Brochure Packs listed above in Paragraph 4.11.1, the Jail
19 stamped the mail "RETURN TO SENDER This facility accepts postcards only." The Jail did
20 not provide PLN any information about a right to appeal the censorship decision.

21 4.16 For the Informational Brochure Packs listed above in Paragraph 4.11.2, the Jail
22 stamped the mail "Returned to Sender REASON CHECKED BELOW." The reason
23 "Unauthorized Mail" was circled or checked by the Jail on both envelopes. The Jail did not
24 provide PLN any information about a right to appeal the censorship decision.

25 4.17 For the Informational Brochure Packs listed above in Paragraph 4.11.4, the Jail
26 stamped the mail "RETURN TO SENDER *This facility accepts postcards only*" and "Returned
27 to Sender REASON CHECKED BELOW." (Emphasis added). No boxes were checked, but
"Unauthorized Mail" was circled by the Jail. The Jail did not provide PLN any information
about a right to appeal the censorship decision.

1 Roy Alan Dever
2 Norman Jay Field
3 Ronald Joe Gleason
4 Stephen Lavale Hardy
5 Yahdriel Euteast Jones
6 Jennifer Christine Lantau
7 Steven Michael Ledoux
8 Harvey Clem Maddux
9 Jonathan Manual Margart
10 Kristy Ann Price-Alvarez
11 Howard Eugene Ross
12 Jerrell Scott Redmill
13 Guadalupe Solis-Diaz
14 Joshua Ryan O'Neil Wittler

15 4.24 Prison Legal News sent each of the Ninth Circuit opinions in white standard # 10
16 envelopes via first-class mail. Defendants returned each item of mail to PLN unopened.

17 4.25 Defendants rejected each Court Opinion identified in paragraph 4.23 and did not
18 deliver them to the prisoner-addressees.

19 4.26 By rejecting the Court Opinions, Defendants interfered with PLN's protected free
20 speech rights.

21 4.27 By rejecting the Court Opinions, Defendants interfered with the prisoner-
22 addressees' protected free speech rights.

23 4.28 For the Court Opinions listed above in Paragraph 4.23, the Jail stamped the mail
24 "RETURN TO SENDER This facility accepts postcards only." The Jail did not provide PLN
25 any information about its right to appeal the censorship decision.

26 4.29 Defendants failed to provide due process notice to PLN of the reason for rejecting
27 PLN's mail by, among other inadequacies, failing to identify the specific mail policy that
28 Defendants relied on. Defendants also failed to provide PLN with any notice of or opportunities
29 to be heard to challenge the censorship decisions.

30 4.30 On information and belief, Defendants fail to provide due process notice and an
31 opportunity to appeal to other senders of censored mail addressed to prisoners at the Lewis
32 County Jail.

1 provide the prisoner with any notice of or opportunity to be heard to challenge the censorship
2 decisions.

3 4.41 On information and belief, when rejecting outgoing mail that is not in postcard
4 form, Defendants failed to provide constitutionally adequate notice to the intended recipient, and
5 failed to provide the intended recipient with any notice of or opportunity to be heard to challenge
6 the censorship decisions.

7 **B. JAIL POLICIES**

8 4.42 POL 05.07.050 is the Lewis County Jail policy that “applies to incoming and
9 outgoing inmate mail.” Exhibit A is a true copy of the Lewis County Jail Policy.

10 4.42.1 This policy states, in pertinent part, “Incoming and outgoing personal mail
11 shall be postcard media only.”

12 4.42.2 This policy requires notice for rejected incoming mail that contains
13 “contraband” by referring to a Notice of Withheld Material but does not describe the contents of
14 such Notice, provide an exemplar, or require notice of an opportunity to appeal the censorship
15 decision.

16 4.42.3 Although this policy requires written notice to the sender and inmate when
17 the Administrative Lieutenant authorizes restrictions of incoming or outgoing mail because he or
18 she deems mail “a threat to the legitimate penological interest of the facility,” the policy does not
19 describe the contents of the notice, how it differs from the Notice of Withheld Material, and in
20 what way a “threat” differs from “contraband.” Among other deficiencies, the policy requires
21 notice of a right to request a review but does not state it will be conducted by someone other than
22 the person who made the censorship decision.

23 4.42.4 Other than the provisions described above, this policy does not provide for
24 any due process notice or opportunity to be heard.

25 4.42.5 This policy mandates that Jail staff “impose disciplinary sanctions when
26 inmates violate or attempt to violate the mail policy.” This would include attempting to mail a
27 letter from Jail or requesting receipt of a letter in Jail.

1 4.43 The Lewis County Sheriff Website states: “ALL INCOMING MAIL, WITH
2 THE EXCEPTION OF LEGAL MAIL, WILL NEED TO BE ON A POSTCARD.” Exhibit B is
3 a true copy of a printout of the Lewis County Sheriff’s Website stating this policy.

4 **V. CLAIM ALLEGATIONS**

5 **COUNT 1**

6 **FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION**

7 5.1 Plaintiff realleges and incorporates by reference the preceding paragraphs.

8 5.2 The acts described above constitute violations of Plaintiff’s rights, the rights of
9 other correspondents who have attempted to or want to correspond with prisoners at the Lewis
10 County Jail, and the rights of prisoners confined at the Lewis County Jail, under the First
11 Amendment to the United States Constitution through 42 U.S.C. § 1983.

12 5.3 The acts described above have caused damages to Plaintiff, and will continue to
13 cause damage.

14 5.4 Plaintiff seeks declaratory and injunctive relief against all Defendants in their
15 official capacities. Plaintiff seeks compensatory and nominal damages against all governmental
16 entities and against all individual Defendants in their individual capacities. Plaintiff seeks
17 punitive damages solely against the individual Defendants in their individual capacities.

18 **COUNT 2**

19 **DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT**
20 **TO THE UNITED STATES CONSTITUTION**

21 5.5 Plaintiff realleges and incorporates by reference the preceding paragraphs.

22 5.6 The acts described above constitute violations of Plaintiff’s rights, the rights of
23 other correspondents who have attempted to or want to correspond with prisoners at the Lewis
24 County Jail, and the rights of prisoners confined at the Lewis County Jail, under the Fourteenth
25 Amendment to the United States Constitution through 42 U.S.C. § 1983.

26 5.7 The acts described above have caused damages to Plaintiff, and will continue to
27 cause damage.

