

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRISON LEGAL NEWS and
HUMAN RIGHTS DEFENSE CENTER,
Plaintiffs

VERSUS

SID J. GEATREAU, Sheriff, East Baton
Rouge Parish Sheriff, DENNIS GRIMES,
Warden, East Baton Rouge Parish Prison,
MAX SCHIELE, Deputy Warden, East Baton
Rouge Parish Prison, JOHNNY SCOTT,
Chief of Security, East Baton Rouge
Parish Prison, J. DOE 1, Mailroom
Supervisor, East Baton Rouge Parish
Prison, J. DOE 2, Lieutenant, Mailroom
Supervisor, East Baton Rouge Parish Prison,
J. DOE 3, Mailroom Employee,
East Baton Rouge Parish Prison,
Defendants

NUMBER:

SECTION:

JUDGE:

MAG. SECTION:

MAGISTRATE:

COMPLAINT

Introduction

This lawsuit involves a challenge to defendants' policies and practices, which have resulted in the unlawful censorship and exclusion of magazines and periodicals protected by the U.S. Constitution. Plaintiffs publish and distribute a magazine, Prison Legal News, which is core-protected speech, protected by the First Amendment to the U.S. Constitution. Plaintiffs send their magazine via U.S. mail to individual subscribers in custody at the East Baton Rouge Parish Jail.

Plaintiffs also challenge the defendants' policies and practices, which fail to provide adequate notice and an opportunity to be heard to review decisions censoring and excluding magazines, including the magazines the plaintiffs distribute to East Baton

Rouge Parish Prison detainees. These policies and practices violate plaintiffs' rights to due process of the law, protected by the Fourteenth Amendment to the U.S. Constitution.

The law on these issues is well-established. Defendants have acted in an arbitrary and unreasonable manner in contravention of over thirty years of well-settled case law.

Statement of Claims

1. Plaintiffs Prison Legal News and Human Rights Defense Center bring this civil rights action for redress of violations of their right to free speech and expression and due process under the law, seeking injunctive and declaratory relief, as well as damages.

2. At all relevant times, defendants have acted under color of law and in the course and scope of their employment. Defendants have violated and continue to violate plaintiff's constitutional rights protected by the First and Fourteenth Amendments to the U.S. Constitution. The actions of the defendants have caused and continue to cause injuries to the plaintiffs, as described herein.

Jurisdiction and Venue

3. This action is brought pursuant to 42 U.S.C. § 1983 and 1988. Jurisdiction is based on 28 U.S.C. § 1331, 1343(a)(3) and (4), and the aforementioned federal statutory and constitutional provisions.

4. Venue is proper in this Court under 28 U.S.C. § 1391 as the events complained of occurred within this district.

Parties

5. Plaintiff Prison Legal News (hereafter referred to as PLN) is a monthly magazine distributed across the nation to prisoners, attorneys, judges, law libraries and other subscribers. Plaintiff PLN is also a book distributor, specializing in books and self-help

materials regarding prisoner's rights and issues related to the criminal justice and corrections systems. Plaintiff PLN is a project and wholly owned subsidiary of the plaintiff Human Rights Defense Center (HRDC) which is a non-profit, tax exempt (IRS § 501(c)(3)) corporation. HRDC's mission is centered on public education, prisoner education, advocacy, and outreach in support of prisoners' rights and in furtherance of basic human rights. HRDC is the publisher of PLN the magazine. PLN's primary offices are in Brattleboro, Vermont.

6. Defendant Sheriff Sid J. Gautreaux is the elected Sheriff of East Baton Rouge Parish. He has overall responsibility for the policies, procedures, operation and supervision of the East Baton Rouge Parish Sheriff's Office, its employees, agents and assigns, including all correctional facilities under the control of his office, including the East Baton Rouge Parish Jail (hereinafter, "the parish prison"). Defendant Gautreaux is a final policymaker for the East Baton Rouge Parish Sheriff's Office and the parish prison. He is sued in his official and individual capacity. He is a resident, of full age of majority, of the Middle District of Louisiana.

7. Defendant Dennis Grimes is an employee of the East Baton Rouge Sheriff's Office, acting under the direction and supervision of Defendant Gautreaux. He is the warden of the parish prison. He has responsibility for the policies, procedures, operation and supervision of the parish prison, its employees, agents and assigns, including receipt and distribution of books, magazines and other materials to detainees. On information and belief, Defendant Grimes is a final policymaker for the parish prison. He is sued in his official and individual capacity. He is a resident, of full age of majority, of the Middle District of Louisiana.

