

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRISON LEGAL NEWS
a/k/a HUMAN RIGHTS DEFENSE CENTER, a
Washington not-for-profit organization

Plaintiffs,

Case No.

vs.

Hon.

SHERIFF, ANTHONY M. WICKERSHAM,
individually and in his official capacity; MICHELLE
SANBORN, individually and in her official capacity;
MACOMB COUNTY, MICHIGAN; DOES 1-10,
individually and in their official capacities,

JURY TRIAL DEMANDED

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER
THE CIVIL RIGHTS ACT 42 U.S.C. § 1983 AND DAMAGES**

I. INTRODUCTION

1. Plaintiff, PRISON LEGAL NEWS (“PLN”), a/k/a HUMAN RIGHTS DEFENSE CENTER (collectively as “PLN” or “Plaintiff”), brings this action to enjoin Defendants’ censorship of its monthly journal, *Prison Legal News*, and other correspondence from Plaintiff and other senders mailed to prisoners at the Macomb County Jail (the “Jail”), in violation of the First and Fourteenth Amendments of the United States Constitution. Defendants have adopted and implemented mail policies prohibiting delivery of mail from Plaintiff and other senders, failing to provide due process notice and an opportunity to challenge the censorship, and denying senders equal protection as required under the Constitution.

II. JURISDICTION AND VENUE

2. This action is brought pursuant to 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 herein all occurred within this judicial district.

4. Plaintiff's claims for relief are predicated upon 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges and immunities secured to the Plaintiff by the First, Fifth, and Fourteenth Amendments to the U.S. Constitution and the 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 Rules 57 and 65 of the Federal Rules of Civil Procedure, as well as nominal and compensatory damages, against all Defendants.

6. Plaintiff'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 pursuant to 42 U.S.C. § 1983.

7. Plaintiff is informed, believes, and based thereon alleges that the individual Defendants acted as described herein with the intent to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights with the intention of causing Plaintiff injury and depriving it of its constitutional rights.

8. As a result of the foregoing, Plaintiff seeks compensatory and punitive damages against the individual Defendants.

III. PARTIES

9. Plaintiff, Human Rights Defense Center (HRDC), is a not-for-profit, Washington charitable corporation recognized under § 501(c)(3) of the Internal Revenue Code with principal offices in Lake Worth, Florida. HRDC publishes *Prison Legal News*, a monthly journal of prison news and analysis.

10. Defendant, Anthony M. Wickersham, is currently the Sheriff of Macomb County, Michigan, and is sued in his individual and official capacities. At all times relevant, he acted under the color of state law. Defendant Wickersham has ultimate responsibility for the promulgation and enforcement of all Jail staff policies and procedures and is responsible for the overall management of the Jail, including all aspects of the Jail's mail services.

11. Defendant, Michelle Sanborn, is the Jail Administrator of the Jail and is sued in her individual and official capacities. At all times relevant, she acted under the color of state law. Defendant Sanborn supervises and manages the daily operations of the Jail and mailroom staff, to include enactment and enforcement of all Jail policies, including mail.

12. Defendant, Macomb County is an organized municipal corporation existing under the laws of the State of Michigan.

13. The true names and identities of Defendants DOES 1 through 10 are presently unknown to PLN. Each of Defendants DOES 1 through 10 are or were

employed by and are or were agents of Defendants when some or all of the challenged inmate mail policies and practices were adopted and/or implemented. Each of Defendants DOES 1 through 10 were personally involved in the adoption and/or implementation of the mail policies at the Jail, and/or were responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and/or control of Jail staff who interpret and implement these mail policies. PLN will seek to amend this Complaint as soon as the true names and identities of Defendants DOES 1 through 10 have been ascertained.

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

IV. FACTUAL ALLEGATIONS

15. PLN publishes and distributes a soft-cover monthly journal titled *Prison Legal News: Dedicated to Protecting Human Rights*, which contains news and analysis about prisons, jails and other detention facilities, prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters pertaining to the rights and/or interests of incarcerated individuals.

16. PLN has thousands of subscribers in the United States and abroad, including prisoners, attorneys, journalists, public libraries, judges, and members of the general public. PLN distributes its monthly publication to prisoners and law librarians in more than 2,400 correctional facilities located across all fifty states,

including the Federal Bureau of Prisons and the Michigan Department of Corrections.

17. PLN also distributes approximately fifty (50) different books about the criminal justice system, legal reference books, and self-help books of interest to prisoners. These books are designed to foster a better understanding of criminal justice policies and to allow prisoners to educate themselves about related issues, such as legal research, how to write a business letter, health care issues, and similar topics.

18. The purpose of PLN, as stated in HRDC's Articles of Incorporation, Article III, Part 6, is to educate prisoners and the public about the destructive nature of racism, sexism, and the economic and social costs of prisons to society.

19. PLN engages in core protected speech and expressive conduct on matters of public concern, such as the operation of prison facilities, prison conditions, prisoner health and safety, and prisoners' rights. Plaintiff's monthly journal, as described above, contains political speech and social commentary, which are at the core of First Amendment values and are entitled to the highest protection afforded by the U.S. Constitution.

20. For more than 25 years, the core of PLN's mission has been public education, advocacy and outreach on behalf of, and for the purpose of assisting, prisoners who seek legal redress for infringements of their constitutionally

guaranteed and other basic human rights. PLN's mission, if realized, has a salutary effect on public safety.

21. On information and belief, in August 2013, the Jail instituted a postcard-only mail policy that restricted incoming correspondence to metered, 5x7 white postcards. The Jail also only permits book orders from one distributor: Amazon Prime, and limits magazines to twelve (12) titles, namely: *People*, *Field & Stream*, *Newsweek*, *Outside*, *Time*, *Money*, *Reader's Digest*, *O the Oprah Magazine*, *Men's Fitness*, *Shape*, *Martha Stewart Living and Parenting*. Plaintiff's magazine, *Prison Legal News*, is not on the list of approved periodical publications.

A. *Censorship of Prison Legal News*

22. Since August 2014, PLN has sent at least one hundred twenty-eight (128) issues of its monthly journal to subscribers at the Jail. On information and belief, the following issues were not delivered to the subscribers listed below, each one of which was intended to receive his or her own individual copy of the monthly magazine:

August 2014 issue of *Prison Legal News*

Jeremy Adams
Permon Anderson
David Collins
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards

Michael Harris
Kenneth Hill
Belinda Jones

September 2014 issue of *Prison Legal News*

Permon Anderson
David Collins
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Sean Taylor
Willie Taylor
Hezekiah Williams
James Williams-Bey

October 2014 issue of *Prison Legal News*

Permon Anderson
David Collins
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore

Aaron Smith
Anthony Smith
Antonio Smith
Sean Taylor
Willie Taylor
Hezekiah Williams
James Williams-Bey

November 2014 issue of *Prison Legal News*

Permon Anderson
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Willie Taylor
Hezekiah Williams

December 2014 issue of *Prison Legal News*

Permon Anderson
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore

Anthony Smith
Antonio Smith
Willie Taylor
Hezekiah Williams

January 2015 issue of *Prison Legal News*

Permon Anderson
Malvern Cooper
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Antonio Smith
Hezekiah Williams

February 2015 issue of *Prison Legal News*

Permon Anderson
Malvern Cooper
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Antonio Smith
Hezekiah Williams

March 2015 issue of *Prison Legal News*

Kenneth Hill
Duane Johnson
Belinda Jones
Theron Lambert
Antonio Smith

Hezekiah Williams

April 2015 issue of *Prison Legal News*

Kenneth Hill
Duane Johnson
Theron Lambert

May 2015 issue of *Prison Legal News*

Kenneth Hill
Duane Johnson
Theron Lambert

23. PLN will continue to mail copies of *Prison Legal News* to subscribers imprisoned at the Jail.

24. There is no legitimate penological reason for censorship of PLN's monthly journal.

25. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

B. *The Habeas Citebook: Ineffective Assistance of Counsel*

26. Defendants have censored PLN's books mailed to people held in custody at the Jail, by refusing to accept books delivered by Plaintiff and limiting orders exclusively to Amazon Prime, without due process, violating PLN's First and Fourteenth Amendment Rights to Free Speech, Due Process and Equal Protection.

27. *The Habeas Citebook: Ineffective Assistance of Counsel* ("Habeas Citebook") is published and distributed by Plaintiff, and describes the procedural

and substantive complexities of Federal *habeas corpus* litigation with the goal of assisting prisoners in the process of identifying and litigating claims involving ineffective assistance of counsel. The *Habeas Citebook* is also a valuable resource for pre-trial detainees involved in active litigation of pending criminal charges.

28. Since July 2014, PLN has sent at least nineteen (19) issues of *Habeas Citebook* to prisoners at the Jail. On information and belief, the books were not delivered to the prisoners listed below, each one of which was intended to receive his or her own copy of the book:

July 2014

Rachel Edwards
Permon Anderson
Malvern Cooper
Jeremy Adams
David F. Collins

August 2014

Kenneth D. Hill
Michael V. Harris
Mark R. Edwards
Lisa M. Davis
Theron Lambert
Belinda Jones

May 2015

Daryle Williams
Eric Hughes
Joseph Lacroix
Lloyd Dejohn
John R. Wilson
Anthony Monday
Julian M. Braxton
Terry S. Smith

29. PLN will continue to mail its books to prisoners imprisoned at the Jail.

30. There is no legitimate penological reason for censorship of PLN's books.

31. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

C. 2014 Annual Fundraiser

32. Each year, PLN sends out its annual Fundraiser to all of its subscribers. The 2014 Fundraiser was mailed to all *PLN* subscribers in November 2014.

33. Seventeen (17) prisoners at the Jail were mailed a copy of the 2014 Fundraiser. On information and belief, the following the Fundraiser was not delivered to the following intended recipients:

November 2014 Fundraiser

Permon Anderson
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Anthony Smith
Antonio Smith
Willie Taylor
Anthony Williams

Hezekiah Williams

34. PLN will continue to mail its annual Fundraiser to subscribers imprisoned at the Jail.

35. There is no legitimate penological reason for censorship of PLN's annual Fundraiser.

36. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

D. Informational Brochures

37. PLN sends prisoners an "Informational Brochure Packet," which includes three items: (1) a PLN Brochure and Subscription Order Form; (2) a PLN Book List; and (3) a Published Books Brochure. These brochures are sent directly to individuals who have requested information about PLN publications and to others who are identified by PLN as people likely to be in need of the information that PLN distributes.

38. PLN sent Informational Brochure Packets to the following twenty (20) prisoners at the Jail during the months listed below:

July 2014

Jeremy Adams
Permon Anderson
Malvern Cooper
Rachel Edwards

August 2014

Mark Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Mark Taylor
Sean Taylor
Willie Taylor
Anthony Williams
Hezekiah Williams
James Williams-Bey

39. Fourteen (14) of the Information Brochure Packets mailed to the following prisoners were returned to PLN with a sticker affixed to the front of the envelope that reads: **“MAIL DENIED. Does not meet institutional criteria. Appeals may be directed in writing within 20 days to Jail Administration Mail Appeal.”**

Rachel Edwards
Permon Anderson
Duane Johnson
Marques Johnson
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Mark Taylor
Sean Taylor
Willie Taylor
Anthony Williams
Hezekiah Williams

James Williams-Bey

40. The remaining six (6) Information Brochure Packets, listed below, were returned to PLN with a sticker identical to the one detailed in Paragraph 39 affixed to the front of the envelope **and** a second sticker that reads: ***Not in form of approved postcard *NOTE. Plain White METERED POSTCARDS ONLY 5" X 7" or smaller NO IMAGES/NO STICKERS/NO STAMPS.**

Michael Harris
Kenneth Hill
Malvern Cooper
Mark Edwards
Jeremy Adams
Belinda Jones

41. PLN will continue to mail its Informational Brochure Packets to prisoners at the Jail.

42. There is no legitimate penological reason for censorship of PLN's Informational Brochure Packets.

43. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

E. Sample Issues of Prison Legal News

44. PLN mails sample copies of the *PLN* monthly journal in an envelope affixed with U.S. First-Class postage and addressed to certain individual prisoners as part of its outreach activities. PLN mailed envelopes containing sample issues

of *PLN* to the following twenty-one (21) prisoners during the months indicated in each section below:

July 2014

Jeremy Adams
Permon Anderson
David Collins
Malvern Cooper
Rachel Edwards

August 2014

Lisa Davis
Mark Edwards
Michael Harris
Kenneth Hill
Duane Johnson
Marques Johnson
Belinda Jones
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Mark Taylor
Sean Taylor
Anthony Williams
Hezekiah Williams
James Williams-Bey

45. Nine (9) sample copies of the monthly *PLN* journal mailed to the prisoners listed below were returned to *PLN* with a sticker affixed to the front of the envelope that reads: “**MAIL DENIED Does not meet institutional criteria. Appeals may be directed in writing within 20 days to Jail Administration Mail Appeal.**”

Duane Johnson

Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Sean Taylor
Anthony Williams
Hezekiah Williams
James Williams-Bey

46. One (1) of the sample copies of the *PLN* journal sent to Marques Johnson was returned with no sticker on the envelope.

47. Four (4) sample copies of the monthly *PLN* journal mailed to the prisoners listed below were returned to PLN with a sticker affixed to the front of the envelope that reads: ***Not in form of approved postcard *NOTE. Plain White METERED POSTCARDS ONLY 5" X 7" or smaller NO IMAGES/NO STICKERS/NO STAMPS.**

Jeremy Adams
Permon Anderson
Malvern Cooper
Lisa Davis

48. Seven (7) sample copies of the monthly *PLN* journal mailed to the prisoners listed below were returned to PLN with both stickers described in Paragraphs 45 and 47 affixed to the front of the envelopes:

Rachel Edwards
David Collins
Mark Edwards
Theron Lambert
Michael Harris
Kenneth Hill

Belinda Jones

49. PLN will continue to mail sample issues of *Prison Legal News* to prisoners at the Jail.

50. There is no legitimate penological reason for the censorship of sample issues of *Prison Legal News* mailed to prisoners at the Jail.

51. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

F. Court Rulings

1. *Prison Legal News v. Columbia County*, Case No. 3:12-cv-00071-SI (D.Or. May 29, 2012)

52. PLN mails copies of case law printed from the Internet, to inform prisoners of recent legal developments impacting their personal rights and freedoms and to provide source material for authors of articles contained in its monthly journal. PLN mailed copies of the ruling in *Prison Legal News v. Columbia County*, Case No. 3:12-cv-00071-SI (D.Or. May 29, 2012) to the following twenty (20) prisoners at the Jail during the month of August 2014:

Permon Anderson
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson

Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Sean Taylor
Willie Taylor
Anthony Williams
Hezekiah Williams
James Williams-Bey

53. All mailings were sent in No. 10 standard business envelopes with First Class U.S. postage. All twenty (20) mailings were returned to PLN with a sticker affixed to the front of the envelope that reads: “**MAIL DENIED Does not meet institutional criteria. Appeals may be directed in writing within 20 days to Jail Administration/Mail Appeal.**”

2. *Prison Legal News v. Ventura County*, Case No. 2:14-cv-00773-GHK-E (C.D.Ca May 29, 2014)

54. PLN mailed copies of the ruling in *Prison Legal News v. Ventura County*, Case No. 2:14-cv-00773-GHK-E (C.D.Ca May 29, 2014) to twenty (20) prisoners at the Jail during the month of August 2014:

Permon Anderson
Malvern Cooper
Lisa Davis
Mark Edwards
Rachel Edwards
Michael Harris
Kenneth Hill
Duane Johnson

Marques Johnson
Belinda Jones
Theron Lambert
Jalan Moore
Aaron Smith
Anthony Smith
Antonio Smith
Sean Taylor
Willie Taylor
Anthony Williams
Hezekiah Williams
James Williams-Bey

55. All mailings were sent in No. 10 standard business envelopes with First Class U.S. postage. All twenty (20) mailings were returned to PLN with a sticker affixed to the front of the envelope that reads: “**MAIL DENIED Does not meet institutional criteria. Appeals may be directed in writing within 20 days to Jail Administration/Mail Appeal.**”

56. PLN will continue to mail Court Rulings to prisoners at the Jail to inform prisoners of recent legal developments impacting their personal rights and freedoms.

57. There is no legitimate penological reason for the censorship of Court Rulings mailed to prisoners at the Jail.

58. Defendants failed to provide PLN with constitutionally adequate due process notice of the censorship and a meaningful opportunity to appeal.

G. Defendants’ Unconstitutional Mail Policy and Practice is Ongoing

59. The accommodation of the free speech, expression, equal protection and due process rights of Plaintiff with respect to written speech protected by the Constitution will not have any significant impact on the prison, its staff or prisoners.

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

61. Defendants' actions and inactions were and are motivated by ill motive and intent, and were and are all committed under color of law with reckless indifference to PLN's rights.

62. 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 or adopting them. Further, Defendants are responsible for training and supervising the staff persons whose conduct has injured and continues to injure PLN.

63. Defendants' unconstitutional policy, practices, and customs are ongoing, continue to violate PLN's rights, and were and are the moving force

behind the injuries Plaintiff suffered as a direct result of the constitutional violations. As such, PLN has no adequate remedy at law.

64. PLN is entitled to declaratory relief as well as injunctive relief prohibiting Defendants from refusing to deliver publications and correspondence from plaintiff and other senders without any legal justification, and prohibiting Defendants from censoring mail without due process of law.

IV. CLAIMS

Count I – 42 U.S.C. § 1983 ***Violation of the First Amendment (Censorship)***

65. PLN realleges and incorporates the allegations of Paragraphs 1 through 64 of the Complaint as if fully set forth herein.

66. The acts described above constitute violations of Plaintiff's rights, the rights of other correspondents who have attempted to or intend to correspond with prisoners at the Jail, and the rights of prisoners confined at the Jail, under the First Amendment to the United States Constitution.

67. Plaintiff has a constitutionally protected liberty interest in communicating with incarcerated individuals, a right clearly established under existing case law.

68. The conduct of Defendants was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to the rights of others.

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

70. The acts described above have caused damages to Plaintiff, and if not enjoined, will continue to cause damage to Plaintiff.

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

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

72. PLN realleges and incorporates the allegations of Paragraphs 1 through 71 of the Complaint as if fully set forth herein.

73. The acts described above constitute violations of Plaintiff's rights and the rights of other correspondents who have attempted to or intend to correspond with prisoners at the Jail under the Fourteenth Amendment to the United States Constitution.

74. Because Plaintiff and others outside the jail have a liberty interest in communicating with prisoners, PLN and other senders have a right under the Due Process Clause of the Fourteenth Amendment to receive notice of and an opportunity to appeal Defendants' decisions to censor their written speech.

75. Defendants' policy and practice fail to provide Plaintiff and other senders with adequate notice and an opportunity to be heard.

76. The conduct of Defendants was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to the rights of others.

77. Plaintiff's injuries and the violations of its constitutional rights were directly and proximately caused by the policies and practices of Defendants, which were the moving force of the violation.

78. The acts described above have caused damages to Plaintiff, and if not enjoined, will continue to cause damage to Plaintiff.

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

Count III – 42 U.S.C. § 1983
Violation of the Fourteenth Amendment (Equal Protection)

80. PLN realleges and incorporates the allegations of Paragraphs 1 through 79 of the Complaint as if fully set forth herein.

81. By permitting the publishers of only twelve (12) magazine titles to speak to prisoners at the Jail, to the exclusion of PLN and all other publishers, and permitting book orders only from Amazon Prime, Defendants, acting under color of state law, violated the right of Plaintiff and all other publishers to equal

protection as guaranteed by the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983.

82. Plaintiff is suffering ongoing and irreparable harm by Defendants' discriminatory treatment, and the harm will continue unless the mail policies limiting magazines to only twelve (12) titles, excluding *Prison Legal News* and other publishers, and the book order limitation are declared unlawful and enjoined by this Court.

Count IV – Injunctive Relief

83. PLN realleges and incorporates the allegations of Paragraphs 1 through 82 of the Complaint as if fully set forth herein.

84. Defendants' unconstitutional policies and practices are ongoing and continue to violate Plaintiff's constitutional rights and the rights of other correspondents and prisoners. As such, there is no adequate remedy at law.

85. Plaintiff is entitled to injunctive relief prohibiting Defendants from refusing to deliver mail for the reason that it is not a postcard, that it is not one of the twelve (12) magazines permitted, or that it is not a book ordered from Amazon Prime. Plaintiff is also entitled to injunctive relief prohibiting Defendants from censoring mail without providing due process of law to the sender thereof.

V. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests relief as follows:

86. A declaration that Defendants' policies and practices violate the Constitution.

87. A preliminary and permanent injunction preventing Defendants from continuing to violate the Constitution, and providing other equitable relief.

88. Compensatory damages in an amount to be proved at trial.

89. Punitive damages against the individual Defendants in an amount to be proved at trial.

90. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988, and under other applicable law.

91. Nominal damages for each violation of Plaintiff's rights by the Defendants.

92. Any other such relief that this Court deems just and equitable.

JURY DEMAND

Plaintiff, Prison Legal News, 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.

Respectfully Submitted,

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COHN LLP
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