

PELICAN BAY STATE PRISON  
SECOND LEVEL REVIEW

DATE: APR 22 2011

Inmate [REDACTED]  
Pelican Bay State Prison  
Facility C, Security Housing Unit  
Building 11, Cell 106

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
[REDACTED]

RE: WARDEN'S LEVEL DECISION  
APPEAL LOG NO. PBSP-C-11-00752

APPEAL: DENIED  
ISSUE: MAIL

This matter was reviewed by G. D. Lewis, Warden (A), at Pelican Bay State Prison (PBSP). On March 19, 2011, Correctional Sergeant M. Traylor interviewed the inmate at the First Level of Review.

ISSUES

The inmate demands his mail from C. J. Studies be issued to him immediately.

FINDINGS

I

[REDACTED] alleges the Maoist International Ministry of Prisons is not a banned publication, and has no relationship to Maoist International Movement.

II

The inmate was dissatisfied with the First Level of Review. He claims there is a court case overruling the December 2006 statewide ban of this publication. He demands to be issued his mail.

III

The Second Level Reviewer conducted a Google search utilizing the information provided by [REDACTED] for any decisions by the Courts overturning this ban. Nothing supporting the claims of the inmate was located.

DETERMINATION OF ISSUE

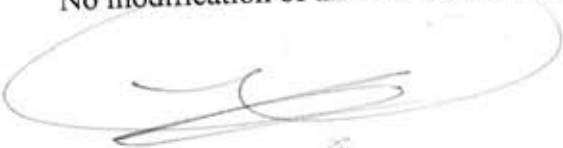
The California Code of Regulations, (CCR) Title 15, Section 3001, states, in part, "*Regardless of commitment circumstances, every person confined or residing in facilities of the department is subject to the rules and regulation of the director, and to the procedures established by the warden responsible for the operation of that facility.*"

The CCR, Title 15, Section 3006 (c) (1) (16) (d), states, in part, "Except as authorized by the institutional head, inmates shall not possess or have under their control any matter which contains or concerns any of the following; Material that is reasonably deemed, to be a threat, to legitimate penological interests. Anything in the possession of an inmate which is not contraband but will, if retained in the possession of the inmate, present a serious threat to facility security, or the safety of inmates and staff, shall be controlled by staff to the degree necessary to eliminate the threat."

The Warden has the responsibility of establishing and implementing safety and security procedures for the safe operation of the institution. Safety and security procedures are not determined by the opinions of inmates. The Warden of PBSP, under the direction and authority granted to him by the CCR, Title 15, has determined these publications pose a threat to the safety and security of his institution. Although the information within these publications is public information, this does not mean any prisoner within the Department of Corrections and Rehabilitation has the right to access this information. The publication listed in the Memorandum, dated December 13, 2006, authored by Scott Kernan, Director of Division of Adult Institutions, clearly documents these publications contains information deemed to be a threat to the safety and security of all state institutions. Therefore, these publications are restricted from possession by convicted felons incarcerated within the Department of Corrections and Rehabilitation, and such restrictions are not a violation of the First Amendment. Therefore, this appeal is **DENIED** at the Second Level of Review.

MODIFICATION ORDER

No modification of this decision or action taken is required.

  
G. D. LEWIS  
Warden (A)

MRF Date 04/12/11

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
