

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR

Mikulski

FACILITY:

S.C.I. Mahanoy

DATE:

4-17-12

FROM: (INMATE NAME & NUMBER)

SIGNATURE of INMATE:

WORK ASSIGNMENT:

NONE

HOUSING ASSIGNMENT:

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). **State all relief that you are seeking.**

This is MY appeal to the Denial of MY Publication (Under Lock & Key-Mar/April, 12) for reason(s) stated in section 2. # (3)-(4) of DC-ADM 803 attachment 3-C. The following is in support of Publication in question Not Violating DC-ADM 803; The Publication in question is of Political/social substance of which seems to be the sole reason/Purpose for its denial due to the Political/social subject matter it contains and present to its readers. It seems as though I am being kept from learning and/or expressing my Political and social views. It seems as though nothing has really changed from when slaves/prisoners against there will had no rights at all. If you have no respect for the Constitution how should I? As a free man one day respect or honor the rights of others when own rights are being denied? I am facing a real challenge when I return to society soon and I need the necessary tools to be a Law abiding citizen of which pertains to Political and social knowledge and understanding. I believe that this appeal and/or Law suite will begin the process for a collective change in the blatant falsified denial reason(s) of the IPRC placing Publications of Political, social or religious nature on the Master Publication list. The following is case law in support of this appeal to have Publication issued.

(Continued on Page 2 of 2)

- B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

Continued from page 1 of 2 -

CASE LAW IN SUPPORT OF GRIEVANCE FOR THE RETURN/ISSUANCE OF PUBLICATION

The U.S. Constitution protects free speech. Regulations that permit the government or its employees to discriminate on the basis of the content of the message cannot be tolerated under First Amendment. Reagan v. Time, INC., 468 U.S. 641, 648-49, 104 S.Ct. 262 (1984) "The fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if it is the speaker's opinion that gives offense, that consequence is reason for according it constitutional protections..." Hustler Magazine, Inc. v. Feltwell, 485 U.S. 45, 46, 108 S.Ct. 876, 882. The government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. United States v. Eichman, 496 U.S. 310, 319, 110 S.Ct. 2404 (1990) "Above all else, the first amendment means that government has no power to restrain expression because of its message, its ideas, its subject matter or its content." Police Dept. of Chicago v. Mosley, 408 U.S. 92, 95, 92 S.Ct. 2286, 2290 (1972). "Whether or not you agree or the D.O.C. agrees with a particular view, a political view, social view, religious view, I am entitled to voice those views and read or publish them without government or D.O.C.'s interference. If you discriminate against my views, your actions are unlawful. Further, prisoners retain free speech rights. "Thought-control by means of prohibiting beliefs, would not only be undesirable but impossible. Jones v. North Carolina Prisoners Labor Union, 433 U.S. 119, 97 S.Ct. 2532 (1977) "Facts of confinement and needs of a penal institution imposes rational limitations on free speech rights." Pell v. Procunier, 417 U.S. 817, 894 S.Ct. 2800, 2804 (1974) But those restrictions must have a "valid rational connection" to legitimate penological interest. ... If you disallow printed materials for unlawful basis, or simply conjure up a pretext for its exclusion, you have broken the law. I have cause for bringing a federal civil rights law suit against you, and have cause for gaining punitive damages which means money. I have cause for a federal action against you, as you are violating my Constitutional right. You and everyone who permits this action. For these reasons I ask that you conform to federal law and refrain from unlawful discrimination, permitting me my publication." under lock & key...