

TO: Warden Assistant Warden Secretary, Florida Department of Corrections DEPARTMENT OF CORRECTIONS INMATE GRIEVANCES

From: [Redacted] [Redacted] State Correctional
Last First Middle Initial Number Institution

Part A - Inmate Grievance 13-6-01062

This is an appeal of the Notice of Rejection or Impoundment of Publications (Form DC5-101) that the subject received dated 12/07/12 informing him that the publication or newsletter Underhook and Key, Nov/Dec. 2012 issue, No. 29, is now suddenly being impounded because it is believed that it may contain subject matter that is impermissible per Section (3) of Rule 33-501.401, F.A.C. However, the subject cannot see or understand how - or all of a sudden - said publication or newsletter can be deemed as such when in actuality (or reality) the subject has been receiving said publication for over 20 years now - or ever since he has been incarcerated within the FDOC - with no problems, consequences, or repercussions whatsoever. Furthermore, said notice also falsely alleges that this publication "depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption," when in actuality said publication/newsletter clearly and explicitly advises against such activities or behavior in its' statement as to "What is Underhook & Key?" on page 2 which says: "We encourage prisoners to join only these [legal] battles while explicitly discouraging them from engaging in any violent or illegal acts." [Emphasis and parenthesis mine.] Additionally said notice also falsely alleges that said publication is "dangerously inflammatory in that it advocates or encourages riot, insurrection, disruptions the institution, violation of department or institution rules," when, in the same statement, response, or evidence cited above would also apply to this incorrect and unsubstantiated allegation. Also contrary to or in violation of FDOC regulations and constitutional law, said notice does not specifically note or quote

12/20/12
DATE

SIGNATURE OF GRIEVANT AND D.C. #

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS: 0 / 1 [Redacted] # [Redacted] Signature

INSTRUCTIONS

(cont.)

This form is used for filing a formal grievance at the institution or facility level as well as for filing appeals to the Office of the Secretary in accordance with Rule 33-102 Florida Administrative Code. When an appeal is made to the Secretary, a copy of the initial response to the grievance must be attached (except as stated below). When the inmate feels that he may be adversely affected by the submission of a grievance at the institutional level because of the sensitive nature of the grievance, or is

(2)

DC1-363 (cont.)

12/20/12

what particular reference, statements, or activities it is referring to in any of the aforesaid publications or exactly what particular page number or section it is located on. Consequently, the subject respectfully requests to have said publication or newsletter (Under Lock and Key, Nov./Dec. 2012 issue, No. 29) that was impounded on 12/07/12 for no reason released and forwarded to him in accordance with all the applicable rules, regulations, statutes and constitutional law as soon as possible. See also: *Turner v. Safely*, 482 U.S. 78 89 (1987). *Lindell v. Frank*, 377 F.3d 655, 657 (7th Cir. 2004). *Thornburg v. Abbott*, 490 U.S. 401, *Procun v. Martinez*, 416 U.S. 396, 94 S. Ct 1800. *Prison Legal News v. Lehman* 397 S.3d 692 (9th Cir. 2005). *Morris v. Hall*, 261 F.3d 896 (9th Cir. 2001). *Sostre v. M. Cinnis*, 442 F.2d 178. *Prison Legal News v. Cook* 238 F.3d 1145 (9th Cir. 2001). *Walker v. Summer*, 917 F.2d 382, 385 (9th Cir. 1990). *Crofton v. Roe* (9th Cir. 1999) 170 F.3d 957. Attached, as required, is a copy of Form DC5-101, Notice of Rejection or Impoundment of Publications, concerning this matter.

