

JUN 14 2013

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCES

TO:  Warden  Assistant Warden  Secretary, Florida Department of Corrections

From: [Redacted] [Redacted] F.S.P.  
Last First Middle Initial Number Institution

Part A - Inmate Grievance

13-6-18432

This Appeal is regarding the decision for Impoundment of "Under Lock & Key" (NO: 32 May/Jun) 2013 publication received by F.S.P. on 06/03/2013 and impounded on 06/03/2013. This decision was authorized by the institution under Rule 33-501.401 F.A.C., Section (3)(M) Admissible Reading Material. See DC5-101 page 2 of 2. Rule 33-501.401 (3)(M) Authorizes impoundment for reading material which "Presents a threat to the security, good order, or discipline of the correctional system or the safety of any person." Page 2 of 2 on DC5-101 (Attached) states the specific written matter to "Describes situations which is believed to be inadmissible pgs: 6, An end to torture of all prisons, pgs: MIM Investigated As STG in Florida, "Under Lock & Key" publication is permitted in all of the prisons in the U.S., which provides prisoners with legal advice, case law info, and ideals. Therefore, this publication doesn't present a threat to the security, good order, or discipline of the correctional system or the safety of any person for "describing" situations for protest of departmental rules, which is an "expression". See Regan v. Time, Inc., 468 U.S. 641, 648-49, 104 Sct 3262 (1984). "The fact that society may find speech offensive is not sufficient reason for suppressing it. Indeed, if it is the speaker's opinion that gives offense, that consequence is a reason for according it constitutional protection." See, Hustler Magazine, Inc. v. Falwell, 495 US 45, 46, 108 Sct 876, 882. The government may not prohibit the expression of an idea simply because the institution finds the idea itself offensive or disagreeable, U.S. v. Eichman, 496 US 310, 319, 110 Sct

2404 (1990). Above all else, the FIRST AMENDMENT MEANS THAT GOVERNMENT CANNOT CENSOR EXPRESSION BECAUSE OF ITS MESSAGE, ITS IDEALS, ITS SUBJECT MATTER, OR ITS CONTENT. "Police Dept of Chicago V. Mosley, 408 US 92, 95, 92 Sct 2286, 2290 (1972). Pages 6: ONLY STATES AN "OPINION" WHICH SHOULD NOT BE THE GROUNDS THAT THE ABOVE PUBLICATION BE IMPOUNDED FOR. "THE REGULATION OR PRACTICE IN QUESTION MUST FURTHER AN IMPORTANT OR SUBSTANTIAL GOVERNMENT INTEREST UNRELATED TO SUPPRESSION OF EXPRESSION." YOU HAVE THE RIGHT TO RECEIVE PUBLICATIONS OF YOUR CHOICE UNLESS OFFICIALS CAN SHOW MATERIAL POSES A TANGIBLE THREAT TO SECURITY GOOD ORDER. Remedy Seeking: For the "Under lock & Key" BE RELEASED TO GRIEVANT.

06/13/2013  
DATE

[REDACTED]  
SIGNATURE OF GRIEVANT AND D.C. #

\*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS:

0  
#

INSTRUCTIONS

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 33-103, 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 entitled by Chapter 33-103 to file a direct grievance he may address his grievance directly to the Secretary's Office. The grievance may be sealed in the envelope by the inmate and processed postage free through routine institutional channels. The inmate must indicate a valid reason for not initially bringing his grievance to the attention of the institution. If the inmate does not provide a valid reason or if the Secretary or his designated representative feels that the reason supplied is not adequate, the grievance will be returned to the inmate for processing at the institutional level.

Receipt for Appeals Being Forwarded to Central Office

Submitted by the inmate on: 6/10/13  
(Date)

Institutional Mailing Log #: 20513001011

14a (205)  
M. Vickers  
(Received By)  
Under Lock & Key  
May / June 2013

DISTRIBUTION:

- INSTITUTION/FACILITY
- INMATE (2 Copies)
- INMATE'S FILE
- INSTITUTIONAL GRIEVANCE FILE

CENTRAL OFFICE

- INMATE
- INMATE'S FILE - INSTITUTION / FACILITY
- CENTRAL OFFICE INMATE FILE
- CENTRAL OFFICE GRIEVANCE FILE

DC1-303 (Revised 2/05)

RECEIVED  
INMATE GRIEVANCES  
DEPARTMENT OF CORRECTION  
RECEIVED