

MAY 03

MICHIGAN DEPARTMENT OF CORRECTIONS

PRISONER/PAROLEE GRIEVANCE APPEAL FORM Rec'd 4/19/18

4835-4248 5/09
CSJ-247B

Date Received by Grievance Coordinator at Step II: APR 19 2018

Grievance Identifier: URF1181031 1091181 07A

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: URF
Warden's Office by 4-25-18. If it is not submitted by this date, it will be considered terminated.
untimely.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<u>GOULD, RAND W.</u>	<u>C-187131</u>	<u>URF</u>	<u>B-776</u>	<u>1/26/18</u>	<u>4/13/18</u>

STEP II — Reason for Appeal Noise of the issues raised in grievant's Statement given at administrative hearing were such minimally addressed in Step I Response. This is a total failure of due process and every violation of law raised at Step I and at said hearing must be sustained since they remain unrebuked. Remedy demanded at Step I must be granted.

[Handwritten Signature]

STEP II — Response

See Attached

Date Received by Step II Respondent:
APR 19 2018

DAVE ISARA, All Areas *[Signature]*

4-19-18

Date Returned to Grievant:
4-24-18

STEP III — Reason for Appeal Rejection (NP/MA) was written as violating PD 05-03.119 (mm)(4) which concerns mail from an attorney etc., but was never rewritten and was sustained at hearing for violating PD 05.03.118 (mm)(4), therefore procedurally invalid or violation of due process as pointed out in grievant's Statement at paragraph 4. Moreover, there were 05 (five) additional procedural violations in the rejection process raised in grievant's Statement to wit: At paragraph 1, Notice (NP/MA) was unsigned; at paragraph 2, grievant was improperly identified; at paragraph 3, rejected pages not fully identified; at paragraph 5, a copy of NP/MA was not sent to sender, and at paragraph 6, the missing pages were not provided for review. See Admin. Hrg. Report 3/19/2018. All of this and the rejection was based on a news article, mere reportage which advocated nothing. Wherefore remedy demanded at Step I must be granted and applied to all respondents for the unlawful deprivation of grievant's civil rights.

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

[Handwritten Signature], 5/10/18

STEP II GRIEVANCE RESPONSE FOR PRISONER: GOULD 187131 B-176 (URF)


Grievance URF 1803 0918 07A has been reviewed.

Prisoner is grieving an Administrative hearing on a mail rejection for "Workers World" Vol. 60, No 3 about prisoners against slave labor in Florida.

This Step II Respondent finds the Step I response is appropriate and supported by PD 05.03.118, Prisoner Mail, Paragraph MM states in part "Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected: 4. Mail advocating or promoting violence, group disruption, or insurrection."

The Step I Respondent found that the grievant's mail was properly rejected. No violation of policy exists.

Based on the above finding(s), this grievance appeal is denied.



Dave Isard, A/Warden

9-19-25

Date

DI/ka

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
CSJ-247A

Date Received at Step I 3-27-18 Grievance Identifier: URF1181031 091181 1021A

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
GOULD, RAND W.	C-187131	URF	B-176	1/26/18	3/23/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 1/30/18

If none, explain why. On 1/30/18, grievant requested an administrative hearing, with no hearing scheduled. On 2/13/18, he, again, requested a hearing, with no hearing scheduled or response. On 2/26/18, for the third time, he requested a hearing, with no hearing scheduled or response. On 3/05/18, he filed a grievance on URF mail room's refusal to schedule an administrative hearing with the result that said hearing was scheduled and held on 3/19/18, with no lawful resolution obtained. State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On 3/19/18, a greatly delayed administrative hearing was held concerning the illegal Notice of Package/Mail Rejection (NP/MR) for Workers World, Vol. 60, No. 3, Jan. 18, 2018, alleging "Florida prisoners strike against slave labor - page 1 & page 6 (encourages prisoners to strike in prison)" (sic), by J. Mentagh (OP-7), 1/26/18, which was not signed therefore is invalid notice. Moreover, hearing was held 48 days after NP/MR was issued, amplifying this substantive violation of due process, which also includes its failure to properly identify grievant and the pages illegally removed, namely pp 1-2, 5-8 & 11-12.

Nevertheless, the NP/MR reason for rejection is utterly baseless as it cites policy which no longer exists - "SECTION MM No 4" (sic) of PD 05.03.118, which only serves to illustrate Jacqueline Mentagh's violation of state law, MCL 17.142, which requires her to be familiar with policy and law. Her illegal rejection also illustrates her false-based support of slavery, which has surfaced time and again in her previous NP/MR's.

The news of the Florida prisoners' righteous strike against slavery was widely reported on all major TV cable networks, as such, its rejection cannot logically be related to a serious penological concern as required by Turner v Safley, 482 U.S. 79, 99 (1987). Wherefore, for these reasons, and those set forth in grievant's Statement of Facts at Admin Hearing, 3/19/18, said illegally removed pages must be returned to grievant and Jacqueline Mentagh must be investigated and prosecuted by the appropriate state and federal authorities for violating the numerous state and federal laws cited in grievant's Statement of Facts, Admin Hearing, 3/19/18.

RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.

Joe Attachment

Respondent's Signature: [Signature] Date: 4/6/18
 Respondent's Name (Print): [Signature] Working Title: Rev

Reviewer's Signature: [Signature] Date: 4-9-18
 Reviewer's Name (Print): [Signature] Working Title: [Signature]

Date Returned to Grievant: 4-10-18
 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature: _____ Date: _____

Rec'd 4/12/18

Step I Grievance Response

Grievance Number:	URF-18-03-0918-07-A
Prisoner Name:	GOULD
Prisoner Number:	187131

Prisoner was was NOT interviewed. GIVE REASON: N/A

SUMMARY OF COMPLAINT:

Prisoner Gould is grieving an Administrative Hearing on a mail rejection for "Workers World" Vol. 60, No. 3 about a prisoners strike against slave labor in Florida.

INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 04/06/18. Prisoner Gould stated, "It's all in the grievance Thompson". PC Ledford was interviewed as to this grievance on 04/02/18. PC Ledford stated, "the mail rejection is currently wrote in violation of Section MM #4."


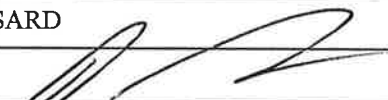
APPLICABLE POLICY, PROCEDURE, ETC.

Per PD 05.03.118 "Prisoner Mail" section NN states in part, "Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected: #4 Mail advocating or promoting violence, group disruption, or insurrection."

SUMMARY

Based on statements by Prisoner Gould and PC Ledford, this respondent finds that Prisoner Gould has not provided any corroborating evidence to support a violation of policy or procedure.

Grievance denied at Step I.

RESPONDENT NAME:	S. THOMPSON	TITLE:	RUM
RESPONDENT SIGNATURE:		DATE:	04/06/18
REVIEWER NAME:	D. ISARD	TITLE:	DW
REVIEWER SIGNATURE:		DATE:	4-9-18

MICHIGAN DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE HEARING REPORT

CSJ-144
REV. 12/01

Institution: URF	Prisoner's Name: Gould	Number: 187131	Date of Notice: 1/26/18
Reporting Staff Member's Signature: J Mertaugh	Block/Unit: B	Cell/Room: 1/76	
Purpose of Hearing: Mail rejection			

REPORTING STAFF MEMBER'S STATEMENT:

Workers World Vol. 60 No. 3. Articles on pg 1 & 6, Florida prisoners strike against slave labor

PRISONER'S STATEMENT:

Gould was interview and attached is a copy of his statement.

HEARING OFFICER'S FINDINGS (INCLUDE REASONS FOR FINDINGS):

PROHIBITED INCOMING MAIL

05.03.118 NN. #4 states in part: Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected under section NN #4.

After reviewing the mail myself and reading the statement of Gould. I determind the material in the notice of package/mail rejection to be be in violation of PD. 05.03.118 section NN # 4. Mail advocating or promoting violence, group disruption, or insurrection. The mail rejection is for Workers World Vol. 60 No. 3. articles on pg 1 & 6. This article is about Florida prisoners striking "Operation Push". The mail rejection is currently wrote in violation of Section MM #4. This is a clerical error since the PD 05.03.118 policy change of 11/1/18 the current section is NN#4. Prisoner was informed that to appeal this hearing he must follow the greivance process.

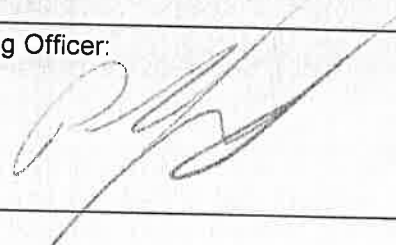
DISPOSITION OF ITEMS, IF ANY:

After reviewing the mail myself and reading the statement of Gould. I determind the material in the notice of package/mail rejection to be be in violation of PD. 05.03.118 section NN #4. Prisoner was informed that to appeal this hearing he must follow the greivance process. After all appeals have been exhausted the prisoner will be required to send the mail out of the facility at his expense or it will be destroyed per P.D. 04.07.112 and PD 05.03.118.

TYPE OR PRINT NAME OF HEARING OFFICER:

P.C. Ledford

Signature of Hearing Officer:



Date of Hearing:

Monday, March 19, 2018

STATEMENT OF RAND W GOULD C-187131

Now comes Rand W. Gould, C-187131, and states:

1. Notice of Package/Mail Rejection (NPMR), Workers World, Vol. 60, No. 3, Jan. 18, 2018, "Florida prisoners strike against slave labor - page 1 & page 6 (encourages prisoners to strike in prison)" (sic), J. Mentagh 604-7, 1/26/18, is not signed, therefore, invalid and cannot be sustained. Moreover, instant hearing is being held forty-eight (48) days after NPMR was issued.
2. Said NPMR fails to correctly identify prisoner, using his full name and number as it appears on his Basic Information Sheet; therefore is invalid and rejection cannot be sustained.
3. NPMR fails to note, pages 1-2, 5-8 & 11-12 have been removed, not just "page 1 & page 6," making this invalid and unsustainable rejection even more harmful to him.
4. NPMR is based on PD 05.03.118 "SECTION MM 104" (sic), which does not exist; therefore, it is invalid and cannot be sustained as written.
5. A copy of said NPMR was not mailed to sender as specifically required on the NPMR (CS-316) itself and by Admin. R. 796.0603(8) and PD 05.03.118(VU) in accordance with Procunier v. Mendez, 416 US 396, 417 (1974), therefore rejection is in violation of substantive due process and sender's rights to send and receive U.S.P.S. mail and Freedom of speech as guaranteed by U.S. Const. Am. I. and Mich. Const. 1983, art 1, § 5.
6. J. Mentagh is lying when her unsigned statement maintains article "encourages prisoners to strike in prison," as it is merely a report on striking prisoners opposed to the socially abhorrent practice of slavery in American prisons, particularly Florida's, among other things and, without this false statement, cannot in any way be logically related to a serious penological concern here in Michigan's prisons. It is simply widely reported news, including by all the major cable TV stations, CNN, FOX, MSNBC, HLN, etc, and major broadcast TV stations, ABC, CBS, NBC, FOX, PBS and their local affiliates. Turner v. Safely, 472 US 78, 89 (1987).

7. NPMR constitutes a direct violation of his constitutionally guaranteed rights to Freedom of press, speech and to receive U.S.P.S. mail. U.S. Const. Am. I, Mich. Const. 1963, art. I, § 5; 18 USC §§ 1702 & 1703; MCL 800.43; Admin R. 791.6603(8); and PD 05.03.118.

8. The missing pages were not provided for review at instant administrative hearing as required by state law, rule and policy, rendering any decision made at the hearing in favorable to him null and void. MCL 800.43(3); Admin R. 791.3310; and PD 05.03.118 (WH).

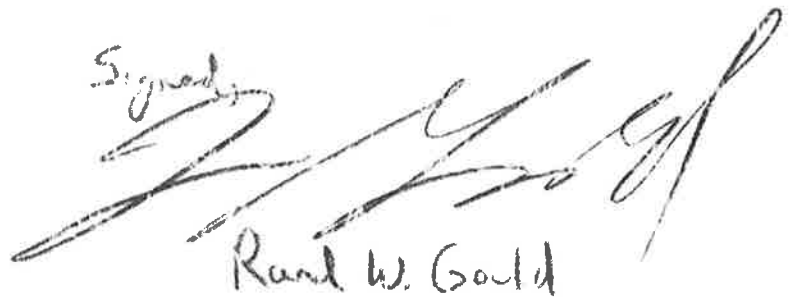
9. As shown above, J. Mentough's Failure to know and follow the fore-said laws, rules and policies, as well as Civil Service Rules, rules of Ethical Standards and Conduct, constitutes a willful neglect of duty, obstruction of justice, misconduct in office and misperson under state law. MCL 19.142; MCL 750.478; and MCL 750.505, as implicated also in PD 01.04.110(A); PD 02.03.107(B); PD 03.03.130; and MDOC Work Rules, Nos. 1, 3, 5, 9, 13, 22, 27, 33 R. 47.

10. J. Mentough has maliciously and intentionally deprived him of his civil rights, engaging in a conspiracy to do so in violation of 18 USC §§ 241 & 242.

11. Instant statement constitutes "Fair warning" of unconstitutional and unlawful conduct, as prescribed in Hope v Pelzer, 536 US 730, 741 (2002), that strips away any 11th Amendment immunity that any MDOC employees may have had if they had and used J. Mentough, or have aided and abetted her, in committing or continuing her unlawful and unconstitutional acts as set forth above. Saucier v Katz, 535 US 794, 201 (2002); and Hicklin v Fitzgerald, 475 US 890, 894 (1982).

12. I state under penalty of perjury the foregoing is true and correct. 28 USC § 1746.

Signed:



Rand W. Gould

Executed on 19 March 2018

Sent for hearing
3/14/18

NOTICE OF PACKAGE/MAIL REJECTION

rec'd 1/30/18

Prisoner Number 187131	Prisoner Name GOULD	Facility URF	Lock B176
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You have received a package or mail containing the following:
Workers World Vol. 60 No. 3 January 18, 2018

Florida prisoners strike against slave labor - page 1 & page 6 (encourages prisoners to strike in prison)

From Workers World
147 W. 24th Street, 2nd Fl.
New York, NY 10011

NOTE: A copy of this notice is being mailed to the sender if rejected pursuant to PD 05.03.118 "Prisoner Mail". The sender has 10 business days to send any opposition to this proposed action to the facility head. The sender will be notified of the final disposition. Sender must not use the bottom section of this form.

The item(s) identified above will not be delivered to you pursuant to
 PD 04.02.105 "Prisoner Funds" PD 04.07.112 "Prisoner Personal Property" PD 05.03.118 "Prisoner Mail"
(This notice must identify the reason for this rejection and the policy section which supports the rejection.)
SECTION MM NO 4 Mail advocating or promoting violence, group disruption, or insurrection

Staff - Print/Type Name J. Mertaugh	Title GOA - 7	Signature	Date 1/26/2018
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THIS SECTION IS TO BE COMPLETED BY THE PRISONER ONLY

Indicate what you want to have done with the item(s) identified above by marking one of the following:

- Return to sender at my expense.
- Send at my expense to: _____
Whose address is: _____
- Hold to be picked up by (photographs, books magazines & property only).
- Destroy (mail & property only).
- Turn over to Prisoner Benefit Fund (funds & postage only).
- Donate to charity (property only).
- Store for me in Record Office File (official documents only; e.g. Birth Certificate).
- Item arrived without receipt/packing slip; I will provide purchase confirmation within seven days (JPay or hard copy acceptable).

I request a hearing.

Prisoner - Print Name R. GOULD	Prisoner Number C-187131	Signature 	Date 1/30/18
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Send reply within 10 business days to: Mail room Other:

THIS SECTION TO BE COMPLETED BY MAIL ROOM STAFF

Fifteen day hold expires on:

Disposition of Package/Mail:

Mailed Picked Up Destroyed Donated Stored in RO file Date

DISTRIBUTION: Prisoner Sender (if required) Housing Unit/Mail Room Counselor File