

MAR 21

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09  
CSJ-247B

Rec'd 3/05/18

Date Received by Grievance Coordinator  
at Step II: MAR 07 2018

Grievance Identifier: URF18102 10478 107A

**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 3-14-18. 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
GOULD, RAND W.	C-187131	URF	B-176	1/29/18	3/06/18

**STEP II - Reason for Appeal** While it is admittedly true that the MDOC's <sup>contracts</sup> ~~contracts~~, questionably legal in the first place, are clearly "a threat to the security, good order, or discipline of the Facility" and absolutely "facilitate or encourage criminal activity" and "interfere with the rehabilitation of" prisoners across the board as proven by the numerous incidences of Aramark and Trinity employees misconduct - smuggling, sex with prisoners - not to mention the intentional subjection of prisoners to a diet so poor, it's a ~~miracle~~ <sup>miracle</sup> we don't all suffer from pellagra. Nevertheless, this type of censorship is illegal as set forth in the grievance and grievant's statement at the administrative hearing. Wherefore, remedy demanded at Step I must be granted with this matter turned over to the U.S.P.S. Postal Inspector and U.S. Attorney General for investigation and prosecution for violating 18 U.S.C. §§ 241, 242, 1702 & 1703. *[Signature]* 3/06/18

STEP II - Response

Date Received by  
Step II Respondent:  
MAR 07 2018

*See Attached*

*[Signature]*  
Respondent's Name (Print)

*[Signature]*  
Respondent's Signature

3/13/18  
Date

Rec'd 3/16/18  
Date Returned to  
Grievant:  
3-14-18

**STEP III - Reason for Appeal** Step II Response serves to confirm two things: 1) Staff at URF are not required to know or follow rule, policy, procedure, law or the constitutions, both state and Federal, nor do they, and 2) the ~~Warden, Carrie Horton, is not familiar with mail policy as she confusedly cites PD 05.03.118 (um)~~ to support the unlawful mail rejection as stating "prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the Facility", when in fact, it states: "An envelope directly received from an attorney or law firm, etc., that concerns legal mail. As such, step II response cannot be sustained, more than step I or hearing decision. Remedy demanded at steps I & II must be granted with Horton investigated and charged by IA, Mail and Attorney General for violating Mich 19.142, Mich 700.478 and Mich 700.505."

**NOTE:** Only a copy of this appeal and the response will be returned to you. *[Signature]* 3/13/18

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

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

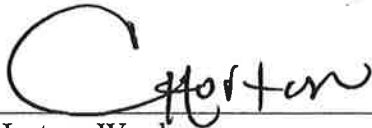
Grievance **URF 1802 0478 07A** has been reviewed.

Prisoner is grieving an Administrative hearing on a mail rejection for a "Prison Legal News" article page 46 on "MI Prison Food Service program provider failing to meet contract terms."

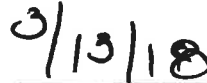
This Step II Respondent finds the Step I response is appropriate and supported by PD 05.03.118, Prisoner Mail, Paragraph MM states in part "Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner."

The Step I Respondent found that the rejection was properly upheld. No violation of policy exists.

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



\_\_\_\_\_  
Connie Horton, Warden



\_\_\_\_\_  
Date

CH/ka

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94  
CSJ-247A

Date Received at Step I 2-12-18 Grievance Identifier: URF 18102 104781 107A

**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	1/29/18	2/09/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 2/08/18  
If none, explain why. On 1/30/18, grievant requested a hearing, which was held on 2/08/18 with no legal 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.

Colleen Myotte (Myotte) claims, and hearing officer PC Ledford upheld, that Prison Legal News, Jan. 2018 article on Trinity's Failure to meet its contract terms, like preceding Food service contractor, Aramark, is a "threat to the security and order of the institution" is as visible as is the illegal promulgation of the so-called Notice of Package/Mail Rejection<sup>as sent</sup> which was NOT sent to sender as required by C.S.J.-316, PD 05.03.118 (U), Admin. R. 791.6603 (8), and Prouner v. Martinez, 416 U.S. 396, 417 (1974), thereby rendering the rejection null and void by law. As such, to further withhold this periodical entails a violation of substantive due process, while violating grievant and sender's rights to send and receive mail via the U.S.P.S. and Freedom of Press and speech. U.S. Const. Am. I, ~~VI~~ VI R. III; Mich. Const. 1963, art. 1, §§ 5, 17 & 20. See also 18 USC §§ 1702 & 1703; and Mich 800.43. News article on widely reported misconduct of Trinity employees, personally experienced by prisoners at URF, is not a "threat" to anything but the exposure of MACE's utter incompetence and malfeasance, and cannot be logically related to a serious penological concern, especially to the "security and order," when that threat is Trinity not prisoners. Turner v. Safety, 482 U.S. 78, 84 (1987). wherefore, grievant demands his periodical be handed over to his possession asap, and employees involved, particularly Myotte, be subject to employee discipline pursuant to PD 03.03.100

Grievant's Signature [Signature] 2/09/18

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

See Attachment

[Signature]  
Respondent's Signature  
[Print Name]  
Respondent's Name (Print)

2/23/18  
Date  
[Print Title]  
Working Title

[Signature]  
Reviewer's Signature  
[Print Name]  
Reviewer's Name (Print)

2/26/18  
Date  
[Print Title]  
Working Title

Date Returned to Grievant: 2-27-18 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Rec'd 2/28/18

# Step I Grievance Response

Grievance Number: URF-18-02-478-07-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 "Prison Legal News" article pg. 46 "MI Prison Food Service program provider failing to meet contract terms."

## INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 02/23/18. Prisoner Gould stated, "This doesn't make sense. All you have to do is read the grievance as written. There is no reason for the mail rejection." PC Ledford was interviewed as to this grievance on 02/22/18. PC Ledford stated, "I found that the article on page 46 in the Prison Legal News was in violation of PD 05.03.118 section NN #4 because it could compromise the security or good order of the facility."

## APPLICABLE POLICY, PROCEDURE, ETC.

Per PD 05.03.118 "Prisoner Mail" section NN states, "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: 02/23/18

REVIEWER NAME: D. ISARD

TITLE: DW

REVIEWER SIGNATURE: 

DATE: 2-26-18

MICHIGAN DEPARTMENT OF CORRECTIONS  
**ADMINISTRATIVE HEARING REPORT**

CSJ-144  
REV. 12/01

Institution: URF	Prisoner's Name: Gould	Number: 187131	Date of Notice: 1/29/18
Reporting Staff Member's Signature: C. Myotte	Block/Unit: B	Cell/Room: 1/76	
Purpose of Hearing: Mail rejection			

**REPORTING STAFF MEMBER'S STATEMENT:**

Prison Legal News article pg 46 "Mi Prison Food Service program provider failing to meet contract terms."

**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. 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 "Prison Legal News". The article is about things in the MDOC and the current Food Service program. Prisoner was informed that to appeal this hearing he must follow the greivance process.

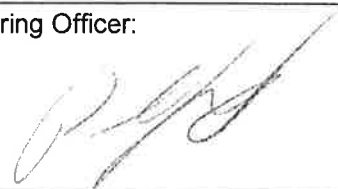
**DISPOSITION OF ITEMS, IF ANY:**

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. 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:**

Thursday, February 08, 2018

STATEMENT OF RAND W. GOULD C-187131

NOW COMES RAND W. GOULD, C-187131, and states:

1. On 1/30/18 he received a Notice of Package/Mail Rejection (NPMR) issued by Colleen Myette, GOA, on 1/29/18 in concern of Prison Legal News, January 2018 "ARTICLE PG46 MI NEW FOOD SERVICE PROVIDER FAILING TO MEET CONTRACT TERMS" (sic) as "NN. #4 THREAT TO THE SECURITY AND ORDER OF THE INSTITUTION, MAY CAUSE GROUP DISRUPTION" (sic).

2. A copy of said NPMR was NOT mailed to sender, as specifically required on the NPMR Form (CSJ-316) and by Admin. R. 791.6603(8), PD 05.03.118(UU), as mandated by the United States Supreme Court in Procunier v. Martinez, 416 U.S. 396, 417 (1974).

3. This denial of sender's right to substantive due process in concern of sender's constitutionally guaranteed rights to send and receive mail via the United States Postal Service and Freedom of press and speech renders said NPMR and the rejection it entails null and void. U.S. Const. Ams I, V, VI & XIV; and Mich. Const. 1963, art 1, § 5, 17 & 20.

4. A NPMR, such as this one, cannot be based on widely published news in the media, especially news prisoners at this prison are familiar with based on the Trinity employees barred from entering the prison due to numerous rule violations, i.e., over-familiarity and sex with prisoners, smuggling in contraband, etc., not to mention serving rotten and inadequate food, therefore said news is not a "threat to security" in any way as it cannot be rationally related to a serious penological concern or any concern at all as required by Turner v. Safely, 482 U.S. 78, 89 (1987) and Parrish v. Johnson, 800 F.2d 600, 604 (6th Cir. 1986). See also MCL 800.43; U.S. Const. Am. I; ~~and~~

Mich Const. 1963, art. 1, § 5; 18 U.S.C. §§ 1702 & 1703.

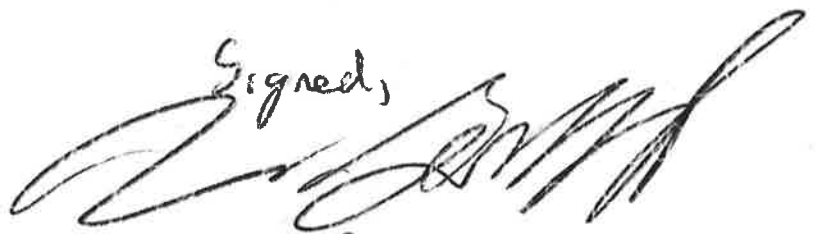
5. Said disregard for law and both prisoner's and sender's civil rights, embodied in the failure to know and follow rules, policy, procedures, as well as state and federal law, constitutes a willful neglect of duty, obstruction of justice, misprison and all-round misconduct in office and are criminal offenses under state law. MCL 19.142; MCL 750.478; and MCL 750.505. See also PD 01.04.110(A); PD 02.03.100; PD 02.03.107(B); PD 03.03.130, and MDCC Work Rules Nos. 1, 3, 5, 9, 13, 22, 27, 33 & 47.

6. Said disregard also constitutes a violation of, and a conspiracy to violate, prisoner's and sender's civil rights. 18 U.S.C. §§ 241 & 242.

7. Instant statement constitutes the "fair warning" of unconstitutional and unlawful conduct required by Hope v. Pelzer, 536 U.S. 730, 741 (2002) in order to strip Colleen Myotte and any MDCC employees who aid and abet her in said unlawful acts, either before or after the fact, of any immunity they may have had. Saucier v. Katz, 535 U.S. 194, 201 (2001); and Harlow v. Fitzgerald, 475 U.S. 800, 818 (1992).

8. I state under penalty of perjury the foregoing is true and correct.  
28 U.S.C. § 1746.

Signed,



Rand W. Gold

Executed on: 8 February 2019

**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:

PRISON LEGAL NEWS JANUARY 2018 ARTICLE PG46 MI NEW PRISON FOOD SERVICE PROVIDER FAILING TO MEET CONTRACT TERMS

From Prison Legal News  
 P.O. BOX 1151  
 LAKE FORTH FL 33460

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.)

NN. #4 THREAT TO THE SECURITY AND ORDER OF THE INSTITUTION, MAY CAUSE GROUP DISRUPTION

Staff - Print/Type Name Colleen Myotte	Title GOA	Signature <i>Colleen Myotte</i>	Date 1/29/2018
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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 <i>R. GOULD</i>	Prisoner Number <i>C-187131</i>	Signature <i>R. Gould</i>	Date <i>1/30/18</i>
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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