

APR 11 2018

MICHIGAN DEPARTMENT OF CORRECTIONS

PRISONER/PAROLEE GRIEVANCE APPEAL FORM

Rec'd 3/23/18

4835-4248 5/09 CSJ-247B

Date Received by Grievance Coordinator at Step II: MAR 28 2018

Grievance Identifier: URF180210647107A

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 4-2-18. 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.

Table with 6 columns: Name (Print first, last), Number, Institution, Lock Number, Date of Incident, Today's Date. Row 1: GOULD, RAND W., C-187131, URF, B-176, 2/07/18, 3/24/18

STEP II - Reason for Appeal: Aside from the fact of the substantive due process violations committed by Colleen Myotte, a story reported in the national news media cannot be logically related to a serious penological concern. Prisoners already know about it, therefore the rejection is nonsensical. See Statement of Rand W. Gould, 2/26/18, Admin. Hrg. Report 2/26/18. Even more to the point a rejection based on P.O. 05.03.118 (M)(4) "MAY CAUSE GROUP DISRUPTION" (sic), and upheld at said Admin. Hrg. as "in violation of P.O. 05.03.118 section M#4," cannot now be upheld on appeal at Step I as a violation of "§6 Mail advocating racial supremacy or ethnic purity..." without making a sham and a mockery of the grievance process, or making it more of one that it already is. Wherefore remedy demanded at Step I must be granted as, at minimum, this type of censorship is forbidden by MCL 900.43 and state and federal constitutions, art. 15 and Amend. respectively, and constitutes interference with U.S.P.S. mail and rises to the level of a conspiracy to deprive grievant of his civil rights. 19 U.S.C. §§ 1702, 1703 and 5241, 242, 243, 244.

STEP II - Response

Date Received by Step II Respondent: MAR 28 2018

See Attached

Rec'd 4/06/18 Date Returned to Grievant: 4-5-18

Respondent's Name (Print): COOPER HORTON, LANCE

Respondent's Signature: [Signature]

Date: 4/10/18

STEP III - Reason for Appeal: In the typical sham and mockery known as the MDOC grievance process and heavy process is so far from the "fair and just hearing" required by Mich. Const. 1963, art. 1, § 17, that at URF you couldn't spot even the remotest semblance of fairness with a telescope. Rejected as posing a threat under P.O. 05.03.118 (M)(4), upheld as such at 2/26/18 administrative hearing, then upheld as posing a threat under paragraph (M)(6) at Step I, only to be upheld at Step II under paragraph (M)(4), which only concerns legal mail and there is no subparaph (4), indicating the problem is at the top with a corrupt warden, who is not only totally unfamiliar w. the rules and policy, a criminal misdeed or in violation of MCL 17.142, but is also willfully not performing her duties, obstructing justice, committing misconduct in office and misprison, all felonies in violation of MCL 750.473 & MCL 750.505. Remedy demanded at steps I and II must be granted and the warden prosecuted.

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.

DISTRIBUTION: White - Process to Step III; Green, Canary, Pink - Process to Step II; Goldenrod - Grievant

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

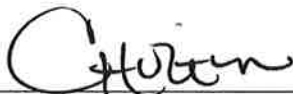
Grievance **URF 1802 0647 07A** has been reviewed.

Grievant is grieving an Administrative Hearing on a mail rejection for Worker World, Volume 60, Number 4.

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 had a hearing regarding the rejected mail and the rejection was 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 2-28-18 Grievance Identifier: URF1181021 10647 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	2/07/18	2/27/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 2/07/18
If none, explain why. Grievant requested an administrative hearing, which was held on 2/26/18, with no 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 2/07/18, Colleen Myrtle GOA issued a Notice of Package/Mail Rejection in concern of "WORKER WORLD VOL 60 NO 4, ARTICLE PG 6 FLORIDA ORGANIZER: HELP SUSTAIN PRISONER STRIKE" (sic), "NN. THREAT TO THE SECURITY AND ORDER OF THE INSTITUTION, #4 MAY CAUSE GROUP DISRUPTION" (sic). Aside from the fact that this is a blatant misstatement of what PD 05.03.118 (NN)(C) actually says, Florida organizer's call for outside support for a prisoner strike in Florida in no way has anything to do with the "security and order" at URF. Even if it did, covering pages 5-8 of said paper serves no purpose in mitigating this imaginary threat as this news was widely reported in news broadcasts and newspapers throughout the world, including on CNN, NBC, ABC, CBS, etc. This is why grievant knows Florida prisoners were demanding payment for their labor, an end to inflated canteen prices, parole incentives for lifers and long indeterminate sentenced prisoners, an end to overcrowding and guard brutality, exposure to extreme temperatures, mold, contaminated water and being placed next to toxic sites, a moratorium on executions, and the restoration of voting rights. Some of which may concern Michigan prisoners, and some of which does not. Nevertheless, censoring news grievant, and population, already knows, that does not concern URF, serves no purpose and cannot be logically related to a serious personal concern as set forth, along with other policy, rule, law and constitutional violations, in grievant's statement at said hearing. Wherefore, a new hearing must be granted as 2/26/18 hearing was not the "fair and just" hearing required by Mich Inst 1963 art 1, §17, or said pages must be turned over to grievant, with Myrtle investigated and prosecuted. 2/27/18

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

Dee Anzures

[Signature]
Respondent's Signature
Thapson
Respondent's Name (Print)
Ruan
Working Title

3/13/18
Date

[Signature]
Reviewer's Signature
Paul
Reviewer's Name (Print)
3-19-18
Date
Paul
Working Title

Date Returned to Grievant: 3-16-18 If resolved at Step I, Grievant sign here. Resolution must be described above. [Signature] Grievant's Signature [Date] Date

Rec'd 3/14/18

Step I Grievance Response

Grievance Number:	URF-18-02-647-7-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. 4.

INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 03/8/18. Prisoner Gould stated, "Give me my paper and missing papers. This is censorship and a violation of my civil rights. This is not a threat. Also citing section NN number 4 doesn't cite what he says. Read my statement of facts, the sender never got notice of rejection either." PC Ledford was interviewed as to this grievance on 03/13/18. PC Ledford stated, "the article is about Florida prisoners striking and does pose a threat to the security and good order of the facility".

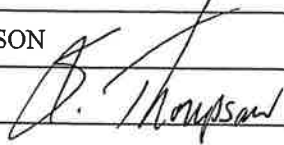

APPLICABLE POLICY, PROCEDURE, ETC.

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: #6 Mail advocating racial supremacy or ethnic purity or attacking a racial or ethnic group, which is reasonably likely to promote or cause violence or group disruption in the facility."

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:	03/13/18
REVIEWER NAME:	D. ISARD	TITLE:	DW
REVIEWER SIGNATURE:		DATE:	3-14-18

MICHIGAN DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE HEARING REPORT

CSJ-144
REV. 12/01

Institution: URF	Prisoner's Name: Gould	Number: 187131	Date of Notice: 2/7/18
Reporting Staff Member's Signature: C. Myotte	Block/Unit: B	Cell/Room: 1/76	
Purpose of Hearing: Mail rejection			

REPORTING STAFF MEMBER'S STATEMENT:

Workers World Vol. 60 No. 4. Article on pg 6, Florida organizer: Help sustain prisoner strike.

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 Workers World Vol. 60 No. 4. Article on pg 6. This article is about Florida prisoners striking. 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, February 26, 2018

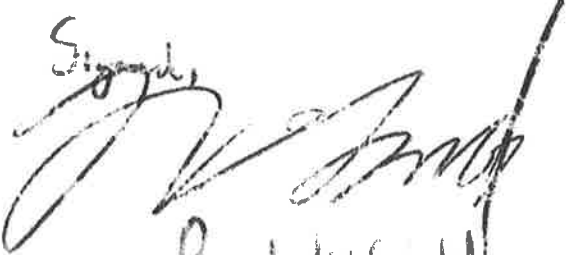
STATEMENT OF RAND W. GOULD C-187131

NOW COMES Rand W. Gould C-187131, and states:

1. Notice of Package/Mail Rejection, "WORKER WORLD VOL 60 NO 4, ARTICLE PG 6 FLORIDA ORGANIZERS HELP SUSTAIN PRISONER STRIKE" (SIC), Colleen Mylotte GOA, 2/07/18, was improperly notified in violation of due process as no notice was sent to sender/publisher as required by the COJ 316, Fed. PD 05.03.118 (W), Admin. R. 791.6603 (8), and Procunier v Martinez, 416 US 396, 417 (1974).
2. Full review of rejected mail was not provided as required by PD 05.03.118 (W), Admin. R. 791.3710, and MCL 900.43(3).
3. The Florida prisoner strike ~~was~~ was an event widely reported in the national media, thus, cannot be logically related to a serious penological concern as it was already out of the bag weeks ago. Whigg Turner v Safety, 482 US 78, 89 (1987).
4. Thus, said notice of rejection constitutes wholesale violations of substantive due process as set required by U.S. Const. Am. 14, ~~III~~ II, as well as Mich. Const. 1963, art. 1, § 17 & 20, along with the initial and intentional violation of my and sender's rights to free speech, a free press, and to send and receive U.S.P.S. mail as mandated by U.S. Const. Am. 1, and Mich. Const. 1963, art. 1, § 5, encompassing violations of 18 U.S.C. §§ 1202, 1763, and 18 U.S.C. §§ 2381, 2382, requiring prosecution by U.S. Attorney General.
5. The aforesaid constitutional and law violations are also clear evidence of Colleen Mylotte's failure to perform her duties in violation of MCL 19.142 and MCL 750.478, rising to the level of the common law offenses of obstruction of justice, misprison and misconduct in office as punishable in MCL 750.505.
6. This statement constitutes "fair warning" of unconstitutional and unlawful conduct. Hoppe v Pelzer, 536 US 730, 741 (2002). As such, immunity is not available to Colleen Mylotte, or any other persons engaged in obstruction of justice in this matter. Sawyer v. Kutz, 535 US 194, 201 (2001).

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

Executed on: 26 February 2018

Signed,

Rand W. Gault

NOTICE OF PACKAGE/MAIL REJECTION

Prisoner Number 187131	Prisoner Name GOULD	Facility URF	Lock B176
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You have received a package or mail containing the following:

WORKER WORLD VOL 60 NO 4 , ARTICLE PG 6 FLORIDA ORGANIZER: HELP SUSTAIN PRISONER STRIKE

From Workers World

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

Staff - Print/Type Name - Colleen Myotte	Title GOA	Signature <i>C. Myotte</i>	Date 2/7/2018
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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 <u>R. GOULD</u>	Prisoner Number <u>G-187131</u>	Signature <i>R. Gould</i>	Date <u>2/07/18</u>
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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: 2/28

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