

FEB 21

MICHIGAN DEPARTMENT OF CORRECTIONS  
**PRISONER/PAROLEE GRIEVANCE APPEAL FORM**

4835-4248 5/09  
CSJ-247B

Rec'd 2/01/18

Date Received by Grievance Coordinator  
at Step II: FEB 06 2018

Grievance Identifier: URF1181010194107A

**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 2-9-18. 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	12/28/17	2/02/18

**STEP II - Reason for Appeal** Whether or not "I-Card with Glitter" can be rejected pursuant to the constitutionally invalid new mail policy is not the question here. The question is whether it can be rejected without proper notice, i.e., complying with notice requirements, in violation of substantive due process, as set forth in PD 05.03.118 (00)(un), Admin. R. 791.3310(2)(b), Admin. R. 791.6603(8), MCL 800.43 and, most importantly, Procunier v. Martinez, 416 U.S. 396, 417 (1974). Wherefore, remedy requested at Step I must be granted and card returned to grievant, as a p, or, in the alternative, a proper notice must be issued, with a copy sent to sender, so a new hearing may be held in compliance with due process.

**STEP II - Response**

See Attached

Date Received by  
Step II Respondent:  
**FEB 06 2018**

Connie Horton, Warden  
Respondent's Name (Print)

[Signature]  
Respondent's Signature

2/16/18  
Date

Rec'd 2/21/18  
Date Returned to  
Grievant:  
2-16-18

**STEP III - Reason for Appeal** Step II Respondent, Warden Connie Horton, is lying when she falsely claims grievance was reviewed when it was not, mail rejection was made pursuant to PD 05.03.118 (un)(4) and "no violation of policy exists." Despite all this prevarication, she refuses to address the numerous policy, rule and law violations raised in grievant's statement at the Administrative Hearing and at Steps I & II. Certainly, Horton's claim that "glitter" on a Christmas card is a threat and is "mail advocating or promoting violence, group disruption, or insurrection" is as risible as it is false. As such it is clear Horton is refusing to perform her duties in order to cover-up the rampant staff corruption which she watches at URF, particularly in the mail room, in violation of MCL 19.142, MCL 750.473, and MCL 750.505. Wherefore, remedy demanded at Steps I & II must be granted and this matter turned over to Internal Affairs and state Attorney General for investigation.

**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.**

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

Grievance **URF 1801 0194 07A** has been reviewed.

Prisoner is grieving an Administrative hearing on a mail rejection for a card that contained glitter.

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 proper notice was sent for the rejection and the hearing was properly held. No violation of policy exists.

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



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

2/14/18

\_\_\_\_\_  
Date

CH/ka

MICHIGAN DEPARTMENT OF CORRECTIONS  
**PRISONER/PAROLEE GRIEVANCE FORM**

4835-4247 10/94  
 CSJ-247A

Date Received at Step I 1-17-18 Grievance Identifier: URF1181011 0194 197A

**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
<u>GOULD, RAND W.</u>	<u>C-187131</u>	<u>URF</u>	<u>B-176</u>	<u>12/28/17</u>	<u>1/13/18</u>

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 1/02/18  
 If none, explain why. Requested administrative hearing, which was held on 1/11/18, with all issues raised remaining unaddressed in the report.

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.

As set forth in grievant's Administrative Hearing Statement, 1/11/18, the Notice of Package/Mail Rejection, "1-Card with Glitter" From "Nat'l Prisoner's Information" (sic), J. Martynagh, 12/28/17, was never signed or sent to sender, therefore invalid, nor was review of the rejected material provided. See PD 05.03.113(00)(w); Admin. R. 791.3310(2)(b); Admin. R. 791.6603(8); MCL 800.43, and Procurer V. Martinez, #16US396, #17(1977). All of which are constitutionally guaranteed violations of grievant's and sender's constitutionally guaranteed rights to due process and to send and receive mail. Mich. Const. 1963, art. 1 §§ 5, 17, and U.S. Const. Amst. I, II, XIII. As such, J. Martynagh and her aids and abettors are clearly implicated in a criminal conspiracy to violate grievant's civil rights. 18 USC §§ 241, 242, 1702 & 1703. With no fair warning having been given, Hope v. Pelzer, 536 U.S. 730, 741 (2002) they no longer have any immunity in civil actions but should be investigated and charged, accordingly, by Michigan and U.S. Attorney General's Offices, with MDOC employee disciplinary policy provisions never used and, essentially, meaningless to deter these crimes, which have been repeated ad nauseam by defendants.

Grievant's Signature [Signature], 1/11/18

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

[Signature]  
 De A. Adams

Rec'd 1/26/18

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

1/23/18  
 Date  
Ran  
 Working Title

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

1-22-18  
 Date  
[Signature]  
 Working Title

Date Returned to Grievant: 1-25-18 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_

# Step I Grievance Response

Grievance Number:	URF-18-01-193-07-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 card that contained glitter.

## INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 01/22/18. Prisoner Gould stated, "The copies that were presented to me at the hearing had glitter all over them. Therefore, if the glitter had the drug then the copies given to me already had the drug. This is ridiculous just give me the cards. The rest of my statement is in the grievance Thompson". PC Ledford was interviewed as to this grievance on 01/23/18. PC Ledford stated, "the mail contained glitter which is in violation of PD 05.03.118 section OO #5. Because it violates policy it was rejected."

## APPLICABLE POLICY, PROCEDURE, ETC.

Per PD 05.03.118 "Prisoner Mail" section OO states, "Mail which prevents an effective search may provide a means of introducing controlled substances, for example Suboxone or Fentanyl, or other contraband which poses a threat to the security, good order, or discipline of the facility. The following prevents an effective search and therefore shall be rejected. #5. "Non-commercially produced or multi-fold greeting cards, greeting cards made of non-standard card stock paper, which have embellishments, or exceed 6"x8" in size". Furthermore, section VV states, "Unless the prisoner waives his/her right to a hearing in writing, and the prisoner and staff agree on the appropriate disposition of the mail, a prompt hearing shall be conducted pursuant to Administrative Rule 791.3310 to determine if the mail violates policy for the reason(s) identified in the Notice of Package/Mail Rejection (CSJ-316) and, if so, the appropriate disposition of the mail. The hearings officer shall not be the person who issued the Notice. Mail may be disposed of only as set forth below."

## 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:	01/23/18
REVIEWER NAME:	D. ISARD	TITLE:	DW
REVIEWER SIGNATURE:		DATE:	1-27-18

0197

MICHIGAN DEPARTMENT OF CORRECTIONS  
**ADMINISTRATIVE HEARING REPORT**

CSJ-144  
REV. 12/01

Institution: URF	Prisoner's Name: Gould	Number: 187131	Date of Notice: 12/28/17
Reporting Staff Member's Signature: J. Mertaugh		Block/Unit: B	Cell/Room: 1/76

Purpose of Hearing:  
Mail rejection

REPORTING STAFF MEMBER'S STATEMENT:  
1-card with glitter

*Mertaugh*

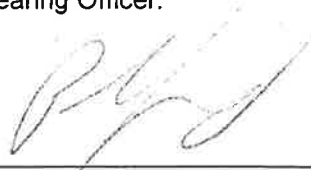
PRISONER'S STATEMENT:  
Gould was interview and attached is a copy of his statement.

HEARING OFFICER'S FINDINGS (INCLUDE REASONS FOR FINDINGS):  
**PROHIBITED INCOMING MAIL**  
05.03.118 OO No. 5. states: Non-commercially produced or multi-fold greeting cards, greeting cards made of non-stard card stock paper, which have embellishments, or exceed 6"x8" in size.

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 OO No. 5. Mail containing glitter is an embellishment and is in violation of PD 05.03.118. 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 OO No. 5. 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, January 11, 2018

STATEMENT OF RAND W. GOULD C-187131

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

1. Notice of Package/Mail Rejection, "1-Card with Glitter" From "Mail Prisoner's Information" (51C), J. Mentaugh, 12/28/17, is not signed, therefore not properly promulgated in violation of due process, thus null and void.

2. Said Notice was not sent to sender in violation of due process required by Notice itself, PDOS.03.118(WU), Admin. R. 791.6603(8), and U.S. Supreme Court in Procunier v. Martinez, 416 U.S. 396, 417 (1974).

3. Review of rejected mail was not provided as required by, and in violation of, PDOS.03.118(WU), Admin. R. 791.3310, and M.C.L. 800.43(3).

4. Aforesaid Flagrant violations of due process requirements, both procedural and substantive, of laws, rules, policy and state and Federal constitutions provide an absolute bar to the continued unlawful rejection and seizure of said U.S.P.S. mail in violation of U.S. Const. Am. I and Mich. Const. 1983, art. 1, §5. To continue to do so is an intentional violation of 18 U.S.C. §§ 241, 242, 1702 and 1703 requiring prosecution by U.S. Attorney General.

5. This statement constitutes the "fair warning" of unconstitutional and unlawful conduct required in Hope v. Pelzer, 536 U.S. 730, 741 (2002) and strips all MDOC employees involved in said acts, especially Jacqueline Mentaugh and those who aid and abet her and cover-up her illegal acts, of any immunity they may have had when legal action is taken. Sweitzer v. Katz, 535 U.S. 194, 201 (2001).

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

Signed,



Rand W. Gould

Executed on: 11 January 2018

**NOTICE OF PACKAGE/MAIL REJECTION**

Prisoner Number 187131	Prisoner Name GOULD	Facility URF	Lock B176
---------------------------	------------------------	-----------------	--------------

You have received  a package or  mail containing the following:  
1 - Card with Glitter

From Nat'l Prisoner's Information  
PO Box 44779  
Detroit, MI 4824

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.)

PD 05.03.118 "Prisoner Mail" SECTION 00 NO 5

Non-commercially produced or multi-fold greeting cards, greeting cards made of non-standard card stock paper, which have embellishments, or exceed 6"x8" in size.

Staff - Print/Type Name J. Mertaugh	Title GOA-7	Signature	Date 12/28/2017
--	----------------	-----------	--------------------

**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 1/02/18
----------------------------------	-----------------------------	---------------	-----------------

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