

PRISONER/PAROLEE GRIEVANCE APPEAL FORM

Rec'd 2/13/18

Date Received by Grievance Coordinator at Step II: FEB 15 2018

Grievance Identifier: URF11810210366107A

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 2-23-18. 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, 1/18/18, 2/14/18

STEP II - Reason for Appeal This mail rejection cannot be upheld for any number of reasons, to wit: 1) J. Monteagh has rejected it pursuant to PD 05.03.118 (MM) regarding "An envelope received directly from an attorney or law firm..." yet offers no reason accordingly; 2) Monteagh incorrectly identifies the paper; 3) the Notice is incorrectly dated "1/19/2018," yet received by grievant on 1/18/18; 4) No copy of Notice was sent to sender as required; and 5) a photo of lynching in Libya, previously promulgated in a CNN news story has nothing to do with a prisoner in Michigan, which already has similar photos in its libraries, and cannot be related to any psychological concern, let alone a serious one as required by Turner v. E. State, 482 U.S. 78, 89 (1987). Wherefore, remedy demanded at Step II must be granted, with, at minimum, a new hearing granted based on 1-4 supra, and this matter turned over to state Attorney General and police, U.S. Postal Inspectors and U.S. Attorney General in concern of Federal violation.

STEP II - Response

Date Received by Step II Respondent: FEB 15 2018

See Attached

Respondent's Name (Print): CORNIG HORTON, WARDEN Respondent's Signature: [Signature] Date: 2/23/18

Rec'd 3/01/18 Date Returned to Grievant: 2-27-18

STEP III - Reason for Appeal A rejection for an article with photo of "public lynching/hanging" cannot be rejected pursuant to PD 05.03.118 (MM) regarding "An envelope... From an attorney" as stated in Notice by J. Monteagh and by Warden Cornig Horton, both of whom, as shown are entirely unfamiliar with the mail policy, PD 05.03.118 and therefore guilty of violating MCL 19.142. Moreover, since there is no basis asserted for said mail rejection the grievant's said mail must be handed over to grievant immediately and remedy demanded at steps II & III must be granted, with this matter of illegal censorship turned over to the U.S. Attorney General's office for investigation and prosecution under 18 USC §§ 241, 242, 1702 & 1703.

NOTE: Only a copy of this appeal and the response will be returned to you. 3/05/18

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 0366 07A has been reviewed.

Prisoner is grieving an Administrative hearing on a mail rejection for "Bay View National Newspaper" Vol. 42 No. 12.

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

The Step I Respondent found the rejection and the hearing was proper. No violation of policy exists.

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



Connie Horton, Warden

2/23/18

Date

CH/ka

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94  
CSJ-247A

Date Received at Step I 2-1-18 Grievance Identifier: URF1181021 1031616 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	1/18/18	1/30/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 1/19/18  
 If none, explain why. Grievant requested a hearing in concern of Notice of Package/Mail Rejection (NPMR) issued by Jacqueline Mertaugh (Mertaugh) 1/19/2018 (a.b., NPMR was received on 1/18/18, even though dated 1/19/18); administrative hearing was held on 1/29/18 (a.b., indicated "Date of Notice: 1/29/18"), with no proper or 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.

According to incorrectly dated, thus, improperly promulgated NPMR, "Bay View National Black Newspaper Vol 42 No. 12" (sic), actually San Francisco Bay View Vol. 42, No. 12, December 2017, pp 7-8, 17-18, was rejected because "Article on pg. 17 - Slave Trade in Libya - Displays picture of public lynching/hanging" (sic) violated PD 05.03.119 "Section MM No. 4," when that only concerns legal mail. Moreover, a copy of the NPMR was not sent to sender as required by rule, policy and law rendering NPMR null and void from the start. Furthermore, the rejection was upheld as violating section MM No. 6, which had nothing to do with the NPMR. Reasons for rejection ~~was~~ as so badly miscited. Nevertheless, the article, "Deceptive intelligence: CNN breaks story on slave trade in Libya," had nothing to do with any personal concern, was widely reported national news repeatedly broadcast by CNN over URF's cable system, and while it certainly spoke to racism and ethnic intimidation in Libya, it did not advocate violence, group discipline, insurrection, or racial supremacy, nor did it concern legal mail. Therefore, it does not meet any of the criteria put forward to sustain a rejection. Moreover, books and materials, including encyclopedias, are available in URF's libraries, with photos of lynchings and hangings, to no ill effect. wherefore, said rejection constitutes a wholesale violation of law, rule, policy, and state and Federal Constitutions as set forth in grievant's hearing Statement and all URF employees involved, especially Mertaugh, must, at minimum, be subject to employee discipline pursuant to PD 02.03 to which the matter turned over to USPS Postal Inspectors for investigation and prosecution, with removal pages handed over asap.

Grievant's Signature [Signature] 1/30/18

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

SEE ATTACHMENTS

Rec'd 2/02/18

Respondent's Signature [Signature] Date 2/02/18  
 Respondent's Name (Print) Rand W. Gould Working Title Prisoner  
 Reviewer's Signature [Signature] Date 2-6-18  
 Reviewer's Name (Print) [Name] Working Title [Title]

Date Returned to Grievant: 2-7-18 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature \_\_\_\_\_ Date \_\_\_\_\_

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One; Goldenrod — Grievant

# Step I Grievance Response

Grievance Number:	URF-18-02-366-07-A
Prisoner Name:	GOULD
Prisoner Number:	187131

Prisoner	<input checked="" type="checkbox"/>	was	<input type="checkbox"/>	was NOT interviewed. GIVE REASON:	N/A
----------	-------------------------------------	-----	--------------------------	-----------------------------------	-----

## SUMMARY OF COMPLAINT:

Prisoner Gould is grieving an Administrative Hearing on a mail rejection for "Bay View National Black Newspaper" Vol 42 No. 12.

## INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 02/02/18. Prisoner Gould stated, "Number one this is not properly promulgated. How can she date a notice one day after it's in my possession. The date I got the notice was the 18<sup>th</sup>. The notice was dated the 19<sup>th</sup> making it null and void. Number two, there is no reason for the rejection. It had a picture of a lynching. We have books in the library with that. It has nothing to do with the prison system other than it was a CNN news story. She did this out of spite. Number three, on top of everything else she didn't send a notice to the sender and she doesn't know policy. It's all in the grievance. This is a violation of my civil rights and a felony". PC Ledford was interviewed as to this grievance on 02/02/18. PC Ledford stated, "After review of the article it meets the criteria of section NN #6 of PD 05.03.118 and is rejected per policy".

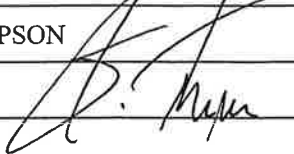
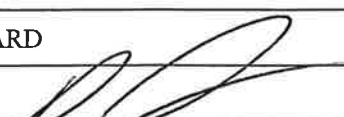
## APPLICABLE POLICY, PROCEDURE, ETC.

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:	02/02/18
REVIEWER NAME:	D. ISARD	TITLE:	DW
REVIEWER SIGNATURE:		DATE:	2-6-18

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: J. Mertaugh	Block/Unit: B	Cell/Room: 1/76	

Purpose of Hearing:

Mail rejection

**REPORTING STAFF MEMBER'S STATEMENT:**

Bay View National Black Newspaper Vol. 42, No. 12. Articals on pg. 17. Slave Trade in Libya - Displays picture of public lynching/hanging.

**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: 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. The following pose such risks under all circumstances and therefore shall be rejected under section NN #6.

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 NN states: 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. The mail rejection is for Bay View Newspaper Vol. 42, No. 12. Articals on pg. 17. is about slave trade in Libya and displays a picture of a public lynching/hanging.


**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 #6. 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, January 29, 2018

STATEMENT OF RAND W. GOULD C-187131

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

1. Notice of Package/Mail Rejection (NPMR) incorrectly identifies rejected pages 7-8 and 17-18 as ~~from~~ From "Bay View National Black Newspaper, Vol 42 No 12" (sic), when, in fact, said pages were removed from San Francisco Bay View, Vol. 42, No. 12, December 2017 by Jacqueline Mertagh, 1/19/2018, over one (1) month after it arrived at URF mail room.

2. A copy of said NPMR was not mailed to sender as specifically required on the NPMR, Admin. R. 791.6603(B), PD 05.03.118(UU), as mandated by the U.S. Supreme Court in Procunier v. Martinez, 416 U.S. 396, 417 (1974) and ~~is~~, therefore, in violation of substantive due process and ~~is~~ rendered null and void.

3. The "picture of public lynching/hanging" (sic) regarding Libya was not provided for review at the hearing as specifically required by MCL 800.43(3), Admin. R. 791.3310, and PD 05.03.118(UU), which constitutes yet another violation of substantive due process.

4. A photo of a lynching in Libya contained in ~~the~~ <sup>the</sup> article ~~in~~ <sup>the</sup> "Deceptive Intelligence: CNN breaks story on slave trade in Libya" that has already been broadcast repeatedly on CNN and widely reported is not a valid reason for rejection as everyone has already seen it. Moreover, there are similar photos in several books in the URF West Library, including the Encyclopedia. As such, the NPMR is simply a continuation of Jacqueline Mertagh's harassment of prisoner for subscribing to a newspaper she personally dislikes, in violation of, at minimum, Mich. Const. 1963, art. 1, § 5, U.S. Const. Am I, ~~and~~ MCL 800.43(1), 18 U.S.C. §§ 1702 and 1703.

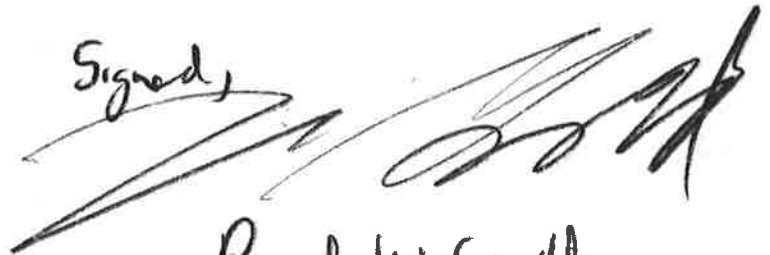
5. Jacqueline Mentaugh's, and UFS Administration's, Failure to know and follow aforesaid law, rule and policy, as well as Civil Service Rule, Ethical Standards and Conduct, embodied in the willful neglect of duty, obstruction of justice, misprison, and misconduct in office are criminal offenses under state law. MCL 19.142, MCL 750.505 and MCL 750.478 that also are violations of 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 & 47.

6. As such they constitute a ~~conspiracy to~~ a violation of prisoner's civil rights, as well as a conspiracy to do so. 18 USC §§ 241 & 242.

7. This statement constitutes "fair warning" of unconstitutional and unlawful conduct prescribed in Hope v. Peller, 536 U.S. 730, 741 (2002), that strips any and all MDOC employees, who aid and abet, or have aided and abetted, Jacqueline Mentaugh in her ~~unlawful~~ unlawful acts in this matter, of any immunity they may have had: Saucier v. Katz, 535 U.S. 194, 201 (2001); and Harlow v. Fitzgerald, 475 U.S. 800, 819 (1992).

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

Executed on: 29 January 2019

Signed,  
  
Rand W. Gould

**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:  
Bay View National Black Newspaper Vol 42 No 12

Article on pg 17 - Slave Trade in Libya - Displays picture of public lynching/hanging

From San Francisco Bay View  
4917 Third Street  
San Francisco, CA 94124

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 <i>J. Mertaugh</i>	Date 1/19/2018
--	------------------	---------------------------------	-------------------

**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>1/18/18</i>
--	------------------------------------	------------------------------	------------------------

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