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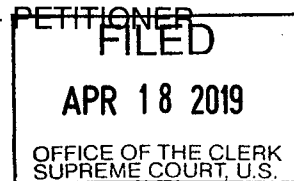
IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

DENNIS RYDBOM

(Your Name)



VS.

LISA BOGGS, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Fourth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DENNIS RYDBOM OJD#3571836

(Your Name)

Mt. Olive Correctional Complex

(Address)

Mt. Olive, WV 25185

(City, State, Zip Code)

NONE

(Phone Number)

QUESTION(S) PRESENTED

Prison officials withheld mail addressed to prisoner Dennis Rydbom; such mail being (1) an Edward R. Hamilton book catalog, and (2) a National Academy of Science report on eyewitness identification printed from the internet.

Prison officials incorrectly described the internet document as "book(s), newspaper(s), or magazines(s) not received directly from the publisher 'COPIES NOT ALLOWED,'" received from Steven Saines, and costing \$1.89 to mail out.

Prison officials and the lower courts refused to explain how withholding Rydbom's mail was reasonably related to legitimate penological objectives.

1. Is the ban against West Virginia prisoners' receipt of catalogs and of internet documents excessive and overly broad under the First Amendment's free speech clause?

2. Does the Fourteenth Amendment's Due Process clause require prison officials to give a prisoner a reasonably honest and accurate description of seized mail along with a valid penological reason for withholding a particular catalog or internet document, so the prisoner can knowingly and intelligently decide whether to accept/dispute such seizure?

3. Must a federal court actually state how withholding a prisoner's mail is "reasonably related to legitimate penological interests" when dismissing a prisoner's civil rights complaint for failure to state a claim?

LIST OF PARTIES

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Dennis Rydbom, OID#3571836

Petitioner,

v.

Lisa Boggs, Supervisor II at Mt. Olive Correctional Complex

David Ballard, Warden of Mt. Olive Correctional Complex

James Rubenstein, Commissioner of the W.Va. D.O.C.

Respondents.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 21 DECEMBER 2018.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 23 January 2019, and a copy of the order denying rehearing appears at Appendix D.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTION, AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONSTITUTION, AMENDMENT XIV, SECTION 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

This case stems from West Virginia prison officials seizing harmless mail addressed to the petitioner, Dennis Rydbom. Rydbom exhausted the prison grievance process and then sued for relief. The U.S. District Court dismissed the complaint for failure to state a claim.

On Friday, 03 October 2014, the USA Today published an editorial from Barry Scheck of the Innocence Project regarding the National Academy of Science's "groundbreaking" report on memory and eyewitness identification.

Rydbom wrote to the National Academy of Science, 500 Fifth Street, NW, Washington, DC 20001, requesting a copy of their report on memory & eyewitness identification. Rydbom never received any response to his 22 October 2014 letter to the National Academy of Science.

Rydbom next asked the W.Va. State Law Library for a copy of the National Academy of Science Report on memory & eyewitness identification. Rydbom received a note from the W.Va. State Law Library on 18 November 2014, saying they did not have the requested NAS report.

On 18 November 2014, Rydbom heard on National Public Radio a professor Brandon Garrett of the University of Virginia discuss the National Academy of Science report on memory & eyewitness identification.

The next day, Rydbom wrote to Professor Brandon Garrett, c/o University of Virginia, Charlottesville, VA 22903, trying to find a copy of the NAS report. Rydbom's

letter to professor Garrett was Returned to Sender.

Rydbom then went back and wrote to Barry Scheck at the Innocence Project, 100 Fifth Ave., 3rd Floor, New York, NY 10011, for the NAS report referred to above. Rydbom's letter to Barry Scheck was also Returned to Sender.

After trying various other avenues described above, Rydbom wrote to Steve & Sherri Saines in January 2015, asking for help in obtaining the National Academy of Science report on memory & eyewitness identification -- by either double checking the addresses that Rydbom wrote to or by searching the internet.

Steve & Sherri Saines found the NAS report on memory & eyewitness identification on the Internet, downloaded and printed the report, and mailed it to Rydbom in loose-leaf form.

Rydbom received from prison officials at West Virginia's Mount Olive Correctional Complex two MAIL REFUSAL forms (2/4/15) regarding:

1. catalog(s); and
2. book(s), newspaper(s), or magazine(s) not received directly from the publisher "COPIES NOT ALLOWED" received from Steven Saines, and costing \$1.89 to mail out.

On 13 February 2015, Rydbom asked prison officials for more information in order to have a reasonable opportunity to protest (or accept) the prison's censorship of mail from Steve Saines.

Specifically, Rydbom asked:

- a. Do these two mail refusal forms pertain to two

separate mailings from Steven Saines? Or are they two separate items in the same mailing?

- b. Exactly how many catalogs and exactly what catalogs are they (title, company, season)?
- c. Exactly what book(s), newspaper(s), or magazine(s) was/were photocopied (assuming this is what happened) (title, publisher, etc.)?
- d. How many pages were copied? One? Ten? One chapter, the entire book?
- e. How many pages does/do the book(s), newspaper(s), or magazine(s) consist of?

Prison official Lisa Boggs returned Rydbom's request with a note saying: *"Both refusal stand as written. I have reviewed both refusals both items are against policy. If no action both refusals will be disposed of as per policy."*

West Virginia Division of Corrections Policy Directive 503.03 says **catalogs** shall **not** be considered permissible publications and, therefore, shall not be permitted to be received by inmates.

Earlier, in June 2003, attorney William Summers mailed Rydbom a letter, with 3 photocopied pages of an office-supply catalog, asking what kind of folders Rydbom was allowed to have. Prison officials at the Mt. Olive Correctional Complex (MOCC) permanently seized the photocopied pages.

After exhausting the prison grievance process, Rydbom filed a civil rights complaint under 42 U.S.C. §1983 alleging that the prison officials dishonestly and inaccurately labeled the NAS report (or portion thereof since the postage was only \$1.89) as a banned copy of a book, newspaper, magazine. Rydbom complained that the prison officials

violated Rydbom's Freedom of Speech and Due Process rights. Rydbom sought declaratory, injunctive, and monetary relief.

The prison officials filed a motion to dismiss for failure to state a claim, under Rule 12(b)(6) of the Federal Rules of Civil Procedure, and memorandum in support thereof. In their motion to dismiss, counsel for the prison officials never discussed the NAS report mailed to Rydbom.

After receiving Rydbom's response, the U.S. Magistrate Judge submitted a *Proposed Findings and Recommendation* recommending that the District Judge grant the prison officials' motion to dismiss for failure to state a claim.

The Magistrate Judge's *Proposed Findings and Recommendation* said (1) that the NAS report "clearly" appears to fall into the category of publications under Policy Directive 503.03 that are required to be sent by the publisher or retailer, (2) that Rydbom has alternative means of obtaining the NAS report within the reasonable parameters of the Policy Directive, and (3) Rydbom had no First Amendment right to receive commercial speech.

The Magistrate Judge's *Proposed Findings and Recommendation* also said that an inmate is entitled to only minimal due process protections, including: (a) notification that mail has been withheld; (b) a reasonable opportunity to protest the decision; and (c) referring the prisoner's complaint to a prison official other than the one who made the decision to withhold the mail (citations omitted).

Rydbom made several objections to the Magistrate Judge's *Proposed Findings and Recommendation*. For example, in Objection #2, Rydbom complained that, without a meaningful statement of what exactly was censored and the reasons for the censorship, it cannot be honestly said that the prisoner is being deprived of property (mail) in accordance with due process of law.

Rydbom also complained that the NAS report, downloaded from the internet and mailed to Rydbom does not violate Policy Directive 503.03. The NAS report, and Policy Directive 503.03 were not made part of the record. And Policy Directive 503.03 makes absolutely no mention of loose-leaf documents printed from the internet.

Rydbom's objection also cited federal case law striking down bans on prisoners receiving newspaper clippings, catalogs, and information downloaded from the internet.

In Rydbom's objection #3, Rydbom complained that the Magistrate Judge apparently did outside research of his own, deciding that the NAS report is available as a 170-page book.

The Magistrate Judge's omissions are telling: The Magistrate Judge left out the address for the book, left out the price of the book, left out Rydbom's poverty status, and left out Rydbom's various unsuccessful efforts to find the 'groundbreaking' report.

Even more importantly, Rydbom also expressed his serious doubt as to whether the "170-page book" that the Magistrate Judge relied on in July 2017 was available in book

form in February 2015 (2 $\frac{1}{2}$ years earlier) when Steve and Sherri Saines mailed the internet document to Rydbom.

In Rydbom's Objection numbers 4 and 5, Rydbom maintained that he had a right to assert commercial speech rights and that the catalog ban under Policy Directive 503.03 was over broad.

In Rydbom's Objection #7, Rydbom complained that the prison officials' mail refusal form was so ridiculously vague that it could equally apply to copies of unnamed newspaper articles. Rydbom said that prison officials refused to provide any description, any title, any author, or any other information that would give a one a meaningful idea of what is being censored. And, Rydbom argued that, allowing officials to be so vague as in this case is not due process of law; it's bad precedent.

The District Judge, in accordance with the Magistrate Judge's Proposed Findings and Recommendations, dismissed Rydbom's civil rights complaint.

After Rydbom's Motion to Alter or Amend the Judgment Order was denied, Rydbom appealed to the Fourth Circuit Court of Appeals.

Rydbom's appeal had five parts:

1. Nobody offered any explanation as to how/why stopping Rydbom from receiving the NAS report, printed from the internet and mailed to Rydbom, was reasonably related to legitimate penological interests;
2. The District Court's claim that the NAS report was available in book form in July 2017 does not prove whether the internet material was available in book form when mailed to Rydbom in February 2015;

3. The prison's catalog ban under Policy Directive 503.03 (which was never made part of the record) was overly broad and subject to the arbitrary whims of prison officials;
4. Contrary to the Magistrate Judge's allegation, banning information downloaded from the internet was not based upon prison policy.
5. The District Court wrongly decided that Rydbom was not entitled to a meaningful reason for censorship.

By unpublished per curiam opinion, the Fourth Circuit Court of Appeals affirmed the District Court's dismissal of Rydbom's complaint. And, Rydbom's petition for rehearing was denied on 23 January 2019. Rydbom now makes one last appeal for due process of law and free speech.

REASONS FOR GRANTING THE PETITION

SUMMARY OF ARGUMENT

1. The W.Va.-D.O.C. **catalog ban** is over broad and excessive.

- Prison officials refused to deliver to Rydbom an Edward R. Hamilton discount book catalog which was mailed to Rydbom via first-class mail by Steve and Sherri Saines.
- W.Va.-D.O.C. Policy Directive 503.03 prohibits prisoners from receiving catalogs.
- There is a conflict between the catalog ban and federal case law.
- The circumstances in Rydbom's case are different than when the catalog ban was last upheld in 2002.
 - The prison commissary no longer provides catalogs.
 - Any catalog distribution by prison officials is subject to arbitrary whims of prison staff.
 - Rydbom's catalog was mailed to Rydbom via first-class mail.
 - Rydbom asserted commercial speech rights.
 - The catalog ban has been used to remove three pages from Rydbom's legal mail from Rydbom's lawyer.
 - If Rydbom's case was allowed to go forward, he would offer proof that prison officials remove catalog inserts from paid magazine subscriptions.
- An Edward R. Hamilton discount book catalog is First Amendment commercial reading material.
- Instead of banning catalogs, prison officials should be required to give some valid penological justification for denying prisoners particular catalogs.

2. The W.Va.-D.O.C. **internet ban** is over broad and excessive.

- Prison officials seized Rydbom's mail consisting of a National Academy of Science report regarding eyewitness testimony (or a portion thereof) which was downloaded and printed from the internet before being mailed to Rydbom.
- Prison officials incorrectly described the internet document as a copy of books, newspapers, or magazines.
- Prison officials' description of the seized mail was so vague it could equally apply to a photocopy of a newspaper article.
- Prison officials refused Rydbom's request for more information regarding what the seized mail consisted of (e.g. title, number of pages).
- Prisoners should receive enough honest and accurate information explaining the censorship of their mail so that prisoners may knowingly and intelligently decide whether to accept or dispute the censorship of their mail.
- The prison officials and lower courts refused to explain how refusing to deliver the internet document to Rydbom is reasonably related to legitimate penological objectives.
- The District Court decided on its own, 2½ years after Rydbom initiated his suit, that the internet document could be purchased as a 170-page book.
- The District Court disregarded the fact that Rydbom tried numerous efforts to find the NAS report before Rydbom's friends eventually downloaded it from the internet and mailed it to Rydbom.
- The District Court decided on its own that the internet document was banned by Policy Directive 503.03.
 - Policy Directive 503.03 wasn't even put into the record.
 - Policy Directive 503.03 says nothing whatsoever against prisoners receiving documents from the internet.

- Even if the internet document was banned by prison policy, such a ban would be over broad and excessive.
- The internet ban conflicts with other federal case law.

ARGUMENT

Prisoners have a First Amendment right to receive reading material, including commercial speech, subject to the "reasonableness" standard of *Turner v. Safley*, 482 U.S. 78 (1987).

CATALOGS

Rydbom's complaint alleged that Policy Directive 503.03 for the W.Va. Division of Corrections said that catalogs shall not be considered permissible publications and, therefore, shall not be permitted to be received by inmates.

The W.Va.-DOC catalog ban was litigated previously in *Dixon v. Kirby*, 210 F. Supp. 2d 792, 299-801 (S.D.W.Va. 2002), *aff'd*, 48 Fed. Appx. 93 (4th Cir. 2002) (unpublished) (upholding catalog ban, imposed to avoid overwhelming volume of mail, and where the prison made selected catalogs available in the commissary).

Dixon v. Kirby should not control in Rydbom's case. First of all, the catalog ban is over broad and excessive. Secondly, the facts in Rydbom's case are different than those of *Dixon*.

The catalog ban is excessive and over-broad. Rydbom's complaint gave an example where prison officials censored Rydbom's legal mail by confiscating three (3) photocopied

pages of an office supply catalog (citing their catalog ban) when all Rydbom's attorney was trying to do was ask Rydbom what kind of folders Rydbom was allowed. Prison officials denied Rydbom's grievance under this exact same catalog ban.

Just how seizing/censoring Rydbom's legal mail from his lawyer was supposed to help prison officials avoid an overwhelming volume of mail, or promote rehabilitation, or improve security, is a complete mystery to Rydbom.

If Rydbom was ever allowed a chance to prove the factual allegations in his complaint, he would also offer other evidence showing the excessive nature of the W.Va.-D.O.C. catalog ban.

For example, Rydbom would offer proof that a fellow prisoner, David Watson, has a subscription to a chess magazine. Sometimes, the chess magazine has a small catalog insert affixed in the middle. In most instances, prison officials take the time to forcibly remove the little chess catalog affixed to the middle of the chess periodicals. That's labor saving?

The facts in *Dixon* also simply do not apply in Rydbom's case. For example, Rydbom's complaint specifically alleged that the prison commissary (now run by a for-profit corporation), in fact, does not make catalogs available to the prison population; unlike in the *Dixon* case.

Rydbom further complained that the haphazard practice of distributing book catalogs to prisoners' housing units is hit-or-miss, subject to the arbitrary whims of prison staff.

Rydbom's complaint pointed out that, because Rydbom never received the book catalogs which Steve and Sherri Saines previously ordered for him, they placed a book catalog into an envelope and mailed it directly to Rydbom using first class postage. That is the "catalog" which prison officials gave Rydbom a "mail refusal" form for.

Also unlike in *Dixon*, Rydbom's complaint asserted the right to receive commercial speech, and cited federal case law agreeing with Rydbom's position. See for example, *Virginia State Board of Pharmacy v. Virginia Consumer Council*, 425 U.S. 748, 756, 762-765 (1976); *Prison Legal News v. Lehman*, 397 F.3d 692, 699-700 (9th Cir. 2005) (striking down rule prohibiting receipt of non-subscription bulk mail and catalogs); *Allen v. Higgins*, 902 F.2d 682, 684 (8th Cir. 1990) (finding denial of a catalog unconstitutional where prison official made the decision without examining the catalog, which did not present a security threat).

In *Hughbanks v. Dooley*, 2012 U.S. Dist. LEXIS 12479 (D.S.D. 2 Feb 2012), the court recognized a circuit split regarding prisoners' right to receive catalogs and, particular to *Hughbanks*, "bulk-rate mail." The *Hughbanks* court assumed without deciding that prisoners have a First Amendment right to receive bulk-rate mail. However, the court granted summary judgment to the prison officials after engaging in *Turner's* "reasonableness" analysis.

Rydbom is not trying to have bulk-rate mail delivered to individual prisoners. In Marietta College in the mid-

1990s, a school of about 1,400 students, boxes of catalogs would be placed in a common room across from the mailroom where students could access them if they wanted.

However, while the two different institutions share the same goal of avoiding overwhelming extraneous work, the practice at Marietta College isn't really appropriate in a maximum security prison setting.

With this in mind, though, surely the prison system can engage in some type of *de minimis* accommodation of prisoners' First Amendment right to receive commercial speech. West Virginia can start by (a) no longer censoring legal mail containing three photocopied pages of an office supply catalog, (b) no longer removing little catalogs affixed to the middle of chess magazines, (c) allowing catalogs to be delivered via first-class mail, and (d) distributing a handful of catalogs (since a couple are bound to be stolen) to various housing units. All of these ideas, of course, would still be subject to reasonable content-based restrictions (like banning locksmith catalogs).

To sum it up: West Virginia's total catalog ban, as written and as implemented, is excessive and over broad. The *Lehman* and *Allen v. Higgins* decisions are correct. "Commercial speech" enjoys some degree of First Amendment protection, and that right may be asserted by those who wish to receive commercial information.

An Edward R. Hamilton discount book catalog, like the one mailed to Rydbom, poses no risk to the prison's

legitimate concerns. Neither do three photocopied pages of an office supply catalog showing folders for keeping legal papers organized.

Prison officials can forbid prisoners from ordering merchandise from catalogs (e.g. *Abercrombie & Fitch*, *Demco*), and from magazines and newspapers, but that is no reason to stop prisoners from reading about it.

Rydbom's complaint regarding the catalog ban did, in fact, state a claim for which relief could be granted.

INTERNET DOCUMENTS

Prison officials also withheld a National Academy of Science report regarding human memory and eyewitness identification downloaded and printed from the internet.

As stated in Rydbom's complaint, prison officials incorrectly described the internet document as, "book(s), newspaper(s), or magazines(s) not received directly from the publisher 'COPIES NOT ALLOWED,'" received from Steven Saines, and costing \$1.89 to mail out. Officials also refused to answer Rydbom's request for more information (e.g. title, number of pages) about the seized item.

The prison officials, and the lower courts, would not explain how withholding Rydbom's mail was reasonably related to legitimate penological objectives. In fact, counsel for the prison officials didn't even discuss this particular piece of withheld mail in their motion to dismiss.

Instead, the District Court decided on its own that the National Academy of Science report was banned by Policy Directive 503.03. For the reader's information, the District Court's conclusion was false. Policy Directive 503.03 was not even put into the record. Policy Directive 503.03 is mentioned by the parties only in pieces. And, nowhere in Policy Directive 503.03 is material downloaded and printed from the internet banned.

However, Rydbom is desperate for this Court to accept this petition. So, assuming *arguendo* that Policy Directive 503.03 did ban internet documents, such a ban is still excessive and over broad, and violative of the First Amendment -- especially here in the twenty-first century.

Rydbom informed the District Court that other federal courts have struck down bans on prisoners receiving information downloaded from the internet. See, for example, *Clement v. California Dep't of Corrections*, 364 F.3d 1148 (9th Cir. 2004) (*per curiam*); accord, *West v. Frank*, 2005 WL 701703 (W.D.Wisc., 25 Mar 2005).

Prison officials should also have to honestly and accurately describe the mail being withheld. This would allow the prisoner to make a knowing and intelligent decision whether to accept or dispute such withholding. It would also head off a factual dispute about what was actually withheld.

In dismissing Rydbom's complaint for failure to state a claim, the District Court claimed, on its own, that the

National Academy of Science report could be purchased as a 170-page book from National Academies Press. Therefore, Rydbom supposedly had a ready alternative to obtaining the document from the internet.

Of interest to Rydbom here is exactly 'when' the NAS report became available in book form. Rydbom's mail was withheld in February 2015. The Magistrate Judge offered the limited results of his outside investigation in July 2017, 2½ years later -- after Rydbom exhausted his prison grievance procedure and committed himself to hundreds of dollars in filing fees (which will take years to pay off) and the headache of a civil rights complaint. And how is it that a court can use incomplete *post hoc* facts, without cross examination, to justify prison officials' behavior 2½ years earlier?

The fact is that Rydbom's complaint detailed how Rydbom went from October 2014 to January 2015 trying to find other avenues of finding the NAS report before finally asking Steve and Sherri Saines for help.

Rydbom first wrote to the National Academy of Science on 22 October 2014, with no response.

Rydbom next asked the W.Va. State Law Library on 14 November 2014, and received no help.

Rydbom also wrote to University of Virginia professor Brandon Garrett on 19 November 2014, the day after professor Garret discussed the NAS report on National Public Radio. This was returned to sender.

Rydbom then wrote to Barry Scheck on 04 December 2014, who first wrote about the NAS report in the 03 October 2014 USA Today. This too was returned to sender.

So much for a ready alternative being available to Rydbom back when it mattered.

Finally, in January 2015, Rydbom wrote to Steve and Sherri Saines for help in finding the NAS report. Sherri Saines happens to be a reference librarian at Ohio University. Steve and Sherri Saines apparently found this NAS report on the internet, printed it from the internet, and mailed in loose-leaf form to Rydbom. The security concerns for bound material aren't even the same for loose pages.

It's possible that a only portion of the NAS report was mailed to Rydbom since it costs only \$1.89 postage to mail back out. This was about half the cost of mailing Rydbom's civil rights complaint. And, it was far less than the postage required for an entire 170-page book referred to by the Magistrate Judge. Rydbom doesn't know for sure, though, because prison officials refused Rydbom's request for more information (e.g. number of pages) about the seized mail.

Rydbom's complaint regarding prison officials prohibiting Rydbom from receiving a National Academy of Science report on human memory and eyewitness identification, downloaded and printed from the internet does, in fact, state a claim for which relief could be granted.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,


RYDBOM

Date: 18 Apr. 1 2019