

IN THE
SUPREME COURT OF THE UNITED STATES

DOUGLAS JACKSON
PETITIONER- APPELLANT,

No. 19-7702

v

LEAH BEREAN ET AL,
RESPONDENT- APPELLEE.

SUPPLEMENTAL BRIEF

NOW COMES PETITIONER- APPELLANT DOUGLAS JACKSON
(HEREINAFTER "JACKSON"), IN PRO SE AND RESPECTFULLY
ASKING THE COURT TO ALLOW HIM TO SUPPLEMENT HIS
PETITION FOR WRIT OF CERTIORARI, CALLING ATTENTION TO
FACTS ARISING SINCE SUCH PETITION WAS FILED.

FACTS

BECAUSE I AM ISOLATED IN SEGREGATION, AND UNFAMILAR
WITH THE PROCEDURES OF THIS COURT, ON DECEMBER 12, 2019,
WHILE CONFINED IN BARAGA CORRECTIONAL FACILITY (AMF), ISOLATED
SEGREGATION JACKSON SUBMITTED THE FOLLOWING TO THE

COURT FOR FILING : (1) MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS; (2) AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS; (3) CERTIFICATE OF PRISONER ACCOUNT ACTIVITY; (4) PRO SE APPLICATION FOR STAY.

ON DECEMBER 26, 2019, THE COURT DOCKETED THE APPLICATION FOR STAY AS CASE No. 19A710. ON DECEMBER 27, 2019, JUSTICE SOTOMAYOR, DENIED THE APPLICATION FOR STAY (SEE 12/27/19, CLERK LETTER ATTACHED)

ON JANUARY 23, 2020, UTILIZING CASE No. 19A710, JACKSON SUBMITTED HIS PETITION FOR WRIT OF CERTIORARI; AFFIDAVIT; AND PROOF OF SERVICE. ON FEBRUARY 4, 2020, THE PAPERS WERE RETURNED TO JACKSON WITHOUT FILING FOR VIOLATING RULES 14.1(i), 33.2 AND 39. JACKSON CORRECTED THE PETITION AND RESUBMITTED IT, AGAIN UTILIZING CASE No. 19A710. THE PETITION FOR WRIT OF CERTIORARI WAS FILED ON FEBRUARY 14, 2020 AND PLACED ON THE DOCKET FEBRUARY 19, 2020 AS CASE No. 19-7702.

ON JANUARY 28, 2020, JACKSON REQUESTED AMF² LAW LIBRARIAN REGINA KEMP, TO PROVIDE HIM WITH LEGAL WRITER PROGRAM ASSISTANCE PREPARING AND FILING A FEDERAL RULE CIVIL PROCEDURE (FED. R. CIU. PROC.) 60 (b) MOTION FOR RELIEF FROM FINAL JUDGMENT WITH RESPECT TO THE UNITED STATES DISTRICT COURT'S OPINION DATED MARCH 19, 2019 IN JACKSON V. BEREAH ETAL, CASE No. 1:18-cv-1075, KEMP, REPLIED WITH A JANUARY 28, 2020 MEMORANDUM THAT READS: YOU WERE SUSPENDED FROM

THE PROGRAM FOR ENGAGING IN ASSAULTIVE BEHAVIOR TOWARDS A LEGAL WRITER. I AM UNABLE TO ASSIGN A LEGAL WRITER TO ASSIST YOU AT THIS TIME. (REVIEW APP'X J)

JACKSON, WAS ABLE TO DEMONSTRATE THAT HE HAS NEVER ENGAGED IN ASSAULTIVE BEHAVIOR TOWARD THE LEGAL WRITER. IT WAS THEN, FOR THE FIRST TIME, THAT A STEVEN E. ADAMSON, STATED IN A MEMORANDUM DATED FEBRUARY 13, 2020, THAT JACKSON'S ACCESS TO THE LEGAL WRITER PROGRAM WAS SUSPENDED BECAUSE OF HIS ALLEGED BEHAVIOR, INCLUDING A MISCONDUCT REPORT WRITTEN AGAINST HIM ON MARCH 6, 2019 BY RESPONDENT - APPELLEE LEAH BEREAN (HEREINAFTER "BEREAN") FOR AN ALLEGED MARCH 4, 2019 ASSAULT AND BATTERY ON BEREAN. STEVEN ADAMSON, ALLEGED THAT IN CORRESPONDENCE DATED APRIL 2, 2019 FROM THE OAKS CORRECTIONAL FACILITY (ECF), JACKSON WAS GIVEN NOTICE OF THE SUSPENSION. (REVIEW STEVEN ADAMSON'S 2/13/20 MEMO ATTACHED AS APP'X L)

STEVEN ADAMSON, IS REFERRING TO BEREAN'S, APRIL 2, 2019 MEMORANDUM ADDRESSED TO JACKSON WHEREIN BEREAN, SAID: " INMATE JACKSON, YOUR LEGAL WRITER ASSISTANCE HAS BEEN CANCELLED PER LANSING: BASED ON THE COURT'S OPINION IN JACKSON v BEREAN, USDC WD 1:18-cv-1075, OUR OBLIGATION TO ENSURE THAT THE PRISONER HAS ACCESS TO COURTS DOES NOT ENTITLE THAT PRISONER TO BE ASSISTED BY A LEGAL WRITER BECAUSE PRISONER JACKSON CONTINUES TO ENGAGE IN ASSAULTIVE BEHAVIOR TOWARDS THE LEGAL WRITER AND IN THE INTEREST OF MAINTAINING SAFETY AND SECURITY, PRISONER JACKSON'S ACCESS TO THE LEGAL WRITER SHOULD BE SUSPENDED UNTIL FURTHER REVIEW." (SEE BEREAN'S 4/2/19 MEMO AT APP'X D)

DISCUSSION

BEREAN'S APRIL 2, 2019 MEMORANDUM REVEALS THAT SHE CANCELLED JACKSON'S LEGAL WRITER ASSISTANCE, BASED ON HONORABLE JUDGE JANET T. NEFF'S, MARCH 19, 2019 OPINION. WHEREIN JUDGE NEFF DETERMINED THAT JACKSON IS AN EXPERIENCED LITIGATOR IN THE FEDERAL COURTS BECAUSE HE FILED JACKSON V. BEREAN ET AL, 1:18-cv-1075, WHICH BECAUSE OF JACKSON'S INEXPERIENCED AND LACK OF UNDERSTANDING, WAS DISMISSED FOR FAILING TO STATE A CLAIM; JACKSON V. POWELL ET AL, No. 1:18-cv-466 (W.D. MICH.), DUE TO JACKSON'S INEXPERIENCE AND LACK OF KNOWLEDGE AND UNDERSTANDING HE DOES NOT KNOW HOW TO PROCEED; JACKSON V. CORONADO ET AL, 2:18-cv-19 (W.D. MICH.) WHEREIN DUE TO JACKSON'S INEXPERIENCED AND LACK OF UNDERSTANDING THE COURT SOUGHT AN ATTORNEY TO REPRESENT JACKSON IN THE ACTION; JACKSON V. BASTIAN, No. 2:18-cv-16 (W.D. MICH.) WHICH WAS DISMISSED DUE TO JACKSON'S INEXPERIENCE AND LACK OF UNDERSTANDING THE EXHAUSTION REQUIREMENT; JACKSON V. KOKKO ET AL, No. 2:18-cv-15 (W.D. MICH.) WHEREIN DUE TO JACKSON'S INEXPERIENCE AND LACK OF UNDERSTANDING HE DOES NOT KNOW HOW TO PROCEED; JACKSON V. FELICIANO ET AL, No. 2:17-cv-77 (W.D. MICH.) WHEREIN DUE TO JACKSON'S INEXPERIENCE AND LACK OF UNDERSTANDING OF THE EXHAUSTION REQUIREMENT COMBINED WITH THE LAIN LIBIDAZIAN'S INTERFERENCE, THE ACTION WAS DISMISSED.

IN SHORT, NONE OF THE CASES FILED IN THE WESTERN DISTRICT MICHIGAN HAVE WENT TO TRIAL. MOREOVER, MOST OF THE

ACTIONS CITED BY JUDGE NEFF WERE PREPARED BY PERSONS OTHER THAN JACKSON. NONE OF THE DEFENDANTS HAVE REFUTED THIS TRUTH.

THUS, BEREAN, DID CANCEL JACKSON'S LEGAL WRITER ASSISTANCE BECAUSE JACKSON FILED JACKSON V. BEREAN, CASE NO. 1:18-cv-1075 AGAINST BEREAN. THAT ACTION ON BEREAN'S PART TAKEN AGAINST JACKSON WOULD DETER A PERSON OF ORDINARY FIRMNESS FROM CONTINUING TO FILE CIVIL RIGHTS COMPLAINTS AGAINST BEREAN. HAD JACKSON NOT FILED THE CIVIL ACTION AGAINST BEREAN, SHE WOULD NOT HAVE CANCELLED JACKSON'S LEGAL WRITER ASSISTANCE, OR FABRICATED THE CLAIM THAT JACKSON CONTINUES TO ENGAGE IN ASSAULTIVE BEHAVIOR TOWARD THE LEGAL WRITER.

BEREAN, WAS AWARE THAT JACKSON DESIRED TO APPEAL JUDGE NEFF'S MARCH 19, 2019 OPINION AND THAT HE NEEDED A LEGAL WRITER TO DO SO, MEANINGFULLY. DUE TO JACKSON'S INEXPERIENCE, LACK OF UNDERSTANDING AND LEGAL WRITER PROGRAM HELP THE COURT OF APPEALS AFFIRMED THE JUDGMENT OF THE DISTRICT JUDGE. SEE U.S. COURT OF APPEALS CASE NO. 19-1583.

A REVIEW OF BEREAN'S APRIL 2, 2019 MEMORANDUM CLEARLY DEMONSTRATES THE FALSEHOOD IN STEVEN E. ADAMSON'S FEBRUARY 13, 2020 MEMORANDUM, REGARDING THE LEGAL WRITER SUSPENSION BEING IMPOSED FOR JACKSON'S ALLEGED BEHAVIOR, AND BEREAN'S MISCONDUCT REPORT. HOWEVER, JACKSON IS STILL PRESENTLY BEING DENIED

MEANINGFUL ACCESS TO THE COURT AS A RESULT OF BEREAN'S UNFOUNDED ACCUSATION, AND NOW, STEVEN ADAMSON'S CLAIM.

MARCH 6, 2019, MISCONDUCT REPORT

JACKSON SUBMITS THAT BEREAN'S, MARCH 6, 2019 MISCONDUCT REPORT WAS WRITTEN AGAINST JACKSON BECAUSE OF THE INSTANT CIVIL ACTION AND THE SPECIFIC PROPERLY FILED GRIEVANCES DATED FEBRUARY 21, 22, AND 28, 2019, AND MARCH 5, AND 6, 2019. (REVIEW STEP 1 GRIEVANCES ATTACHED AS APP'X M) JACKSON RESTATE AND INCORPORATE HIS STATEMENTS IN THOSE REFERENCED GRIEVANCES HERE TO DEMONSTRATE BEREAN'S RETALIATORY MOTIVE FOR WRITING THE "ASSAULT AND BATTERY/DESTRUCTION OR MISUSE OF PROPERTY," ON MARCH 6, 2019. (REVIEW 3/6/19 MISCONDUCT REPORT AT APP'X K)

FIRST, ACCORDING TO POLICY DIRECTIVE (PD) 05.03.116 "PRISONERS' ACCESS TO THE COURTS," PRISONERS, LIKE JACKSON, WHO LACK SUFFICIENT FUNDS TO PAY FOR COPIES OF DOCUMENTS, THAT ARE NECESSARY FOR THE PRISONER TO FILE WITH THE COURT OR SERVE ON A PARTY TO A LAWSUIT SHALL BE LOANED FUNDS TO PAY FOR THE COPYING. PD 05.03.116, SECTION O. THE PRISONER, AS WAS THE CASE WITH JACKSON, RECEIVING THE ASSISTANCE SHALL BE RESPONSIBLE FOR OBTAINING REQUIRED COPIES OF THE DOCUMENTS. PD 05.03.116, SECTION V. (EMPHASIS ADDED)

DESPITE, THIS CLEAR AND UNAMBIGUOUS MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) DIRECTIVE, BEREAN, ON MARCH 4, 2019 DECIDED FOR HERSELF TO PREPARE (FILL-IN THE BLANKS) A LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION FORM (CSJ-602). HOWEVER, BEREAN'S DUTIES WERE LIMITED TO AUTHORIZING A LOAN TO PAY FOR THE COPYING. JACKSON DID NOT REQUEST COPIES, MOREOVER IT JACKSON'S SOLE RESPONSIBILITY TO OBTAIN NECESSARY COPIES OF DOCUMENTS TO FILE WITH THE COURT OR SERVE ON A PARTY TO A LAWSUIT. PD 05.03.116, SUPRA.

JACKSON, PROPERLY FILED THE FOREMENTED MARCH 5TH, AND 6TH, 2019 GRIEVANCES. JACKSON HAD AN UNDISPUTED FIRST AMENDMENT RIGHT TO FILE GRIEVANCES AGAINST BEREAN ON HIS OWN BEHALF. THOMAS V. EBY, 481 F3D 434, 440 (6TH CIR. 2007). IN DIRECT RESPONSE, BEREAN WROTE THE MISCONDUCT REPORT ON MARCH 6, 2019, STATING IN PART: " JACKSON WAS ASKED TO SIGN THE DISBURSEMENT IN ORDER TO RECEIVE THE DOCUMENTS JACKSON BEGAN TO RIP UP THE DISBURSEMENT. THE DISBURSEMENT WAS NEEDED TO FINALIZE THE TRANSACTION OF HIS COURT DOCUMENTS." THIS ACCUSATION WAS WITH REGARD TO THE DESTRUCTION OR MISUSE OF PROPERTY CHARGE.

WITH RESPECT TO THE ASSAULT AND BATTERY CHARGE, BEREAN SAID: " I HELD ON TO THE DISBURSEMENT ON THE DOOR SLOT WAITING FOR YOUR SIGNATURE." BEREAN FURTHER SAID RELATING TO THE DISBURSEMENT: " I PLACED IT ON THE DOOR SLOT, YOU PULLED IT OUT OF MY HANDS." (REVIEW JACKSON'S QUESTIONS TO BEREAN, AND BEREAN'S ANSWERS ATTACHED AS APP'X K)

FOR THE PURPOSE OF DEMONSTRATING WHAT VIDEO AND VIDEO STILLS REVEAL, JACKSON HAS ATTACHED THE RELATED CLASS I MISCONDUCT HEARING REPORT AS APP'X N.

ADMINISTRATIVE JUDGE, SUSAN BURKE, SAID: "THE VIDEO SHOWS THE REPORTER AND STAFF WITNESS AT PRISONER'S CELL DOOR. THE REPORTER PLACES A DOCUMENT ON THE SLOT. THE REPORTER'S HAND MOVES UP QUICKLY FROM THE SLOT." HENCE, THE ADVERSE ACTION TAKEN AGAINST JACKSON THAT WOULD DETER A PERSON OF ORDINARY FIRMNESS FROM CONTINUING TO ENGAGE IN FILING LAWSUITS AND GRIEVANCES AGAINST BEREAN, WAS BEREAN'S DECISION TO EXCEED HER DUTIES AND PREPARE A CSJ-602 WITHOUT JACKSON'S KNOWLEDGE OR APPROVAL, AND IN VIOLATION OF MDOC POLICY DIRECTIVE 05.03.116; PLACE THE CSJ-602 ON THE DOOR SLOT AND ASKS JACKSON TO SIGN IT, THEREBY CAUSING CONTACT WITH THE CSJ-602, WHILE BEREAN HELD ON TO THE CSJ-602; THEN JUST AS JACKSON TAKES HOLD OF THE CSJ-602, BEREAN WOULD THEN MOVE HER HAND UP QUICKLY FROM THE SLOT AND ALLEGED THAT JACKSON CAUSED HER HAND TO STRIKE THE TOP OF THE DOOR SLOT, AND ISSUE JACKSON AN ASSAULT AND BATTERY- STAFF VICTIM MISCONDUCT REPORT.

THE WRITING OF THE MISCONDUCT REPORT BY BEREAN ON MARCH 6, 2019 WAS MOTIVATED AT LEAST IN PART BY JACKSON'S

CIVIL RIGHTS COMPLAINT IN THIS MATTER, AND THE FOREMENTIONED GRIEVANCES. THE TIMING OF BEREAN'S MISCONDUCT REPORT IS SUFFICIENT CIRCUMSTANTIAL EVIDENCE THAT SHE WROTE THE REPORT TWO DAYS LATER AGAINST JACKSON IN RETALIATION. SIMPLY STATED, BEREAN'S ACTIONS GIVES THE STRONG APPEARANCE OF REPRISAL FOR JACKSON'S USE OF THE GRIEVANCE PROCESS, INCLUDING THE FACT THAT THE ADMINISTRATIVE JUDGE DID NOT DESCRIBE BEREAN'S HAND STRIKING THE TOP OF THE DOOR SLOT.

THEREFORE, IT APPEARS THAT BEREAN'S RETALIATORY MOTIVE FOR WRITING THE MARCH 6, 2019, ASSAULT AND BATTERY / DESTRUCTION OR MISUSE OF PROPERTY MISCONDUCT REPORT, WAS TO SECRETLY SUSPEND JACKSON FROM THE LEGAL WRITER PROGRAM WITHOUT NOTICE OR A HEARING. STEVEN E. ADAMSON'S FEBRUARY 13, 2020 MEMORANDUM IS THE FIRST NOTICE JACKSON HAS RECEIVED OF A SUSPENSION ON GROUNDS OF THE MARCH 6, 2019 MISCONDUCT REPORT, AS DEMONSTRATED BY BEREAN'S APRIL 2, 2019 MEMORANDUM ^{THAT} GIVES A CONTRARY REASON FOR CANCELLING JACKSON'S ACCESS TO THE COURTS.

ACCESS TO THE COURTS

JUDGE JANET NEFF'S, MARCH 19, 2019 OPINION, IS WILDLY INTRUSIVE, AND FAILS TO GIVE ADEQUATE CONSIDERATION TO MDOC POLICY

DIRECTIVE 05.03.116 "PRISONERS' ACCESS TO THE COURTS," SECTION A WHICH PROVIDES, "PRISONERS HAVE A CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS THAT MAY NOT BE ARBITRARILY IMPEDED." HOWEVER, IN HIS FEBRUARY 13, 2020 MEMORANDUM, STEVEN ADAMSON STATED THAT JACKSON'S ACCESS TO THE LEGAL WRITER PROGRAM WAS SUSPENDED BECAUSE OF A MISCONDUCT REPORT AND THAT IF THERE ARE FURTHER BEHAVIORAL ISSUES WHILE JACKSON IS RECEIVING LEGAL WRITER ASSISTANCE, AN ADDITIONAL SUSPENSION MAY BE IMPOSED.

HOWEVER, THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES THAT CONGRESS SHALL MAKE NO LAW ABRIDGING THE RIGHT OF THE PEOPLE TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. THUS, IT APPEARS THAT THE MDOC SPECIAL ACTIVITIES COORDINATOR, CAN DO WHAT CONGRESS IS PROHIBITED TO DO. MOREOVER, ACCORDING TO MDOC ADMINISTRATIVE RULE 791.2205 BARAGA CORRECTIONAL FACILITY (AMF), WARDEN UNKNOWN TASKILA, IS RESPONSIBLE FOR THE DAILY OPERATIONS OF AMF WHICH IS A CORRECTIONAL FACILITIES ADMINISTRATION (CFA) INSTITUTION. THE CFA DEPUTY DIRECTOR IDENTIFIED AMF AS REQUIRED TO HAVE AN ON-SITE LEGAL WRITER PROGRAM. WARDEN TASKILA, IS RESPONSIBLE FOR DESIGNATING A STAFF PERSON WHO WILL PROVIDE OVERSIGHT AND SUPERVISION OF THE LEGAL WRITER PROGRAM SUPERVISE THE LEGAL WRITERS. PD 05.03.116.

A PRISONER IS ELIGIBLE TO RECEIVE LEGAL WRITER PROGRAM

SERVICE IF S/HE DOES NOT HAVE A VERIFIED GED OR HIGH SCHOOL DIPLOMA; OR S/HE IS HOUSED IN ANY FORM OF SEGREGATION OTHER THAN TEMPORARY SEGREGATION.

THEREFORE, PRIOR TO JUDGE NEFF'S MARCH 19, 2019, DETERMINATION THAT BEREAN, WAS NOT REQUIRED TO PROVIDE JACKSON ACCESS TO THE COURTS BY PROVIDING HIM LEGAL WRITER PROGRAM ASSISTANCE THE DIRECTOR OF THE MDOC HAD IMPLEMENTED A POLICY DIRECTIVE MANDATING SUCH ASSISTANCE BE GIVEN TO PRISONERS LIKE JACKSON. THUS, THE CONTINUED INTERFERENCE WITH JACKSON'S ACCESS TO THE COURT IS UNJUSTIFIED. THERE IS NO NEED TO BELABOR THIS POINT. ONE NEED ONLY READ PD 05.03.116; PD 03.03.105 "PRISONER DISCIPLINE," SECTIONS KKK, AND PPP; AND STEVEN E. ADAMSON'S ATTACHED MEMORANDUM, TO CONCLUDE THAT BEREAN AND ADAMSON ARE WITHOUT AUTHORITY TO IMPOSE SANCTIONS, AND JUDGE NEFF'S OPINION IS INTRUSIVE IN THE MANAGEMENT OF PRISONS AND OVERLY BROAD.

THE COMBINED EFFECT OF JUDGE NEFF'S MARCH 19, 2019 OPINION, AND THE SECRET IMPERMISSIVE ONE YEAR SUSPENSION FROM THE LEGAL WRITER PROGRAM FOR RECEIVING AN UNRELATED MISCONDUCT REPORT¹ DID PREVENT JACKSON FROM PUTTING FORTH A MEANINGFUL APPEAL IN THIS CAUSE OF ACTION.

1. JACKSON WAS UNABLE TO RECEIVE LEGAL WRITER PROGRAM ASSISTANCE PREPARING AND FILING A JUDICIAL REVIEW OF THE REPORT, IN A STATE COURT TO DETERMINE WHETHER STATE LAW REQUIREMENTS WERE MET. (WITH RESPECT TO THE MISCONDUCT HEARING REPORT.)

RELIEF

WHEREFORE, PETITIONER - APPELLANT DOUGLAS JACKSON, IN PRO SE ASKS THE COURT TO ALLOW THIS SUPPLEMENTAL PLEADING, AND GRANT HIM A WRIT OF CERTIORARI, OR SOME OTHER RELIEF.

RESPECTFULLY SUBMITTED,

DATED ON: MARCH/KISLEV 10, 2020

X S/DOUGLAS JACKSON
DOUGLAS JACKSON
IN PRO SE
#748757
BARAGA CORRECTIONAL FACILITY
13924 WADAGA ROAD
BARAGA, MI 49908

VERIFICATION

I, DOUGLAS JACKSON, VERIFY THAT UNDER PENALTY OF PERJURY THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

EXECUTED ON: MARCH/KISLEV 10, 2020

S/DOUGLAS JACKSON

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

December 27, 2019

Mr. Douglas Cornell Jackson
Prisoner ID 748757
Baraga Correctional Facility
13924 Wadaga Rd
Baraga, MI 49908

ATTACHMENT

Re: Douglas Jackson
v. Leah Berean, et al.
Application No. 19A710

Dear Mr. Jackson:

The application for a stay in the above-entitled case has been presented to Justice Sotomayor, who on December 27, 2019 denied the application.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Laurie Wood
Deputy Clerk

COPY

MICHIGAN DEPARTMENT OF CORRECTIONS

"Committed to Protect, Dedicated to Success"

MEMORANDUM

APP!X J

DATE: January 28, 2020

TO: Jackson 748757 2-103

FROM: Librarian Kemp ~~JK~~

SUBJECT: Legal Copies / Legal Writer

I received your kite regarding legal copies and legal writer services.

You inquired about copies you recently received. You claim they were done incorrectly and that you would like a refund. Please send your copies to the library along with an explanation of how they were done incorrectly. I will review and redo the copies if an error was made.

You made a request for legal writer assistance. You were suspended from the program for engaging in assaultive behavior towards a legal writer. I am unable to assign a legal writer to assist you at this time.

I hope you find this information useful. Please let me know if you have any questions about the legal copy process or the Legal Writer Program.

Rec'd
2/19/20
BEFORE LUNCH
FROM PEOTTY
(RUM)

MICHIGAN DEPARTMENT OF CORRECTIONS

"Committed to Protect, Dedicated to Success"

MEMORANDUM

APP' X L

DATE: February 13, 2020

TO: Mr. Douglas Jackson 748757
Baraga Correctional Facility

FROM: Steven E. Adamson, Special Activities Coordinator
Correctional Facilities Administration

SUBJECT: Legal Writer Program

In correspondence dated 4/2/2019 from the Oaks Correctional Facility, you were notified that your access to the legal writer program was suspended until further review. This action was taken because of your behavior, including a misconduct written on 3/4/2019 for "Assault and Battery – Staff Victim", and in the interest of maintaining safety and security.

In response to your letter regarding the legal writer program dated 1/29/2020, and upon further review, your suspension will be lifted effective 4/2/2020. You may re-apply at that time for assistance. Please be advised, if there are further behavioral issues while you are receiving Legal Writer assistance, an additional suspension may be imposed.

Thank you.

Cc: R. Kemp, Librarian
S. Schroeder, A/Warden

MICHIGAN DEPARTMENT OF CORRECTIONS

"Committed to Protect, Dedicated to Success"

MEMORANDUM

DATE: April 2, 2019

APP'X D

TO: 748757 Jackson 5-144

FROM: L. Berean, ECF Librarian *L. Berean*

SUBJECT: Legal Writer Program

Inmate Jackson, your legal writer assistance has been cancelled per Lansing:

Based on the court's opinion in Jackson v Berean, USDC WD 1:18-cv-1075, our obligation to ensure that the prisoner has access to courts does not entitle that prisoner to be assisted by a legal writer. The Court opined in this case that Prisoner Jackson is a very experienced litigator in the federal courts and he has demonstrated that he is fully capable of litigating cases without the assistance of a legal writer (Opinion Pg. 12). Additionally, there are other resources available to Prisoner Jackson, such as the law library. Because Prisoner Jackson continues to engage in assaultive behavior towards the legal writer and in the interest of maintaining safety and security, Prisoner Jackson's access to the legal writer should be suspended until further review.

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

APP'X M
EXHIBIT 2

4835-4247 10/94
CSJ-247A

Date Received at Step I

Grievance Identifier: 1460

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
DALE L. JACKSON	1460	ECF	5-144	2/19/19	2/21/19

What attempt did you make to resolve this issue prior to writing this grievance? On what date? FEB. 19, 2019
If none, explain why. I ATTEMPTED TO RESOLVE THIS ISSUE WITH LIBRARIAN BEREAN, AND WARDEN PARISH, TO NO AVAIL.

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. I ISSUE A VIOLATION OF MY FIRST, AND 14TH AMENDMENT RIGHTS TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES; RETALIATION; AND DUE PROCESS. IN RETALIATION FOR FILING JACKSON V. L. BEREAN, CASE NO. 1:18-cv-1075, BEREAN AND PARISH DID NOT PROVIDE ME WITH LEGAL WRITER ASSISTANCE PREPARING AND FILING MEANINGFUL PLEADINGS TO JUDGE NEFF'S 1/22/19 ORDER/OPINION; JUDGE QUIST'S 12/11/18 REPORT AND RECOMMENDATION, OR JUDGE MALONEY'S 6/19/18 OPINION (CASE # 2:18-cv-15). THE QUIST CASE # IS 2:17-cv-77, I ALSO HAVE NOT BEEN GIVEN LWP ASSISTANCE PREPARING AND FILING PLEADINGS IN RESPONSE TO JUDGE MALONEY'S 1/11/19 REPORT AND RECOMMENDATION. CASE # 2:18-cv-16. THESE INTENTIONAL INACTS BY BEREAN/PARISH INTERFERED WITH ME ACCESSING THE COURTS, AND DENIED ME OF DUE PROCESS. THOUGH BEREAN IS RESPONSIBLE FOR MY RESULTING INJURY TO MY LITIGATION, PARISH IS EQUALLY AT FAULT AS HE IS AWARE OF THE INADEQUACY AND FAILED TO CORRECT IT OR CONDONED IT. RELIEF: ADMIT CAUSE OF INJURY IS BEREAN/PARISH.


Grievant's Signature

REVIEWER'S RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.
12/19

Respondent's Signature

Date

Reviewer's Signature

Date

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to
Grievant:

If resolved at Step I, Grievant sign here.
Resolution must be described above.

Grievant's Signature

Date

5-23-2019
478
MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

APP'X M

4835-4247 10/94
CSI-247A

Date Received at Step I _____

Grievance Identifier: _____

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
DEARLICE JACKSON	4481153	ECF	5-144	2/21/19	2/22/19

What attempt did you make to resolve this issue prior to writing this grievance? On what date? FEB. 21, 2019
If none, explain why. I ATTEMPTED TO RESOLVE THIS ISSUE WITH LAW LIBRARIAN BEREAN, AND WARDEN PARISH. TO NO AVAIL.

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. VIOLATION OF MY 1ST AMENDMENT RIGHT PROHIBITING RETALIATION; AND INTERFERING WITH MY RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. ON FEB. 19, 2019 I PROVIDED P.C. SURBROOK, WITH MY SEG. LAW LIBRARY REQUEST FORM (CSI-601), REQUESTING AMONG OTHER THINGS: 564 F2D 388, AND 325 F. SUPP 408. BEREAN SENT ME 524 F2D 384, AND 325 F. SUPP 404, ON FEB. 21, 2019. THESE INTENTIONAL ACTS ARE IN RETALIATION FOR MY CIVIL RIGHTS ACTION IN JACKSON v. L. BEREAN ETAL, CASE# 1:18-cv-1075 AND INTERFER WITH ME TIMELY RESPONDING WITH REGARD TO MY FEDERAL COURT LITIGATION. PARISH IS AWARE OF THE INADEQUACY OF ECF'S LAW LIBRARY AND CONDONES IT. RELIEF: EXPLAIN THE FAILURE.


Grievant's Signature

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

5/29/19
Interviewed

Respondent's Signature

Date

Reviewer's Signature

Date

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to
Grievant:

If resolved at Step I, Grievant sign here.

Resolution must be described above.

Grievant's Signature

Date

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

APP'X M

4835-4247 10/94
CSJ-247A

Date Received at Step I _____ Grievance Identifier: _____

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
JACKSON				3/4/19	3/5/19

What attempt did you make to resolve this issue prior to writing this grievance? On what date? MAR. 4, 2019
If none, explain why. I ATTEMPTED TO RESOLVE THIS ISSUE WITH ASSISTANT LAW LIBRARIAN COLE, LIBRARIAN L. BEREAN, AND DEPUTY CLOUSE, TO NO AVAIL.

* 1 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. ISSUE: INTER FELICIANE WITH MY FIRST AND 14 TH AMEND. RIGHT TO APPEAL. THE JAN. 7, 2019 CREATING A DISTURBANCE, AND ASSAULT AND BATTERY, DENIALS FOR REHEARING. THE DENIALS WERE GIVEN TO BEREAN ON JAN. 16, 2019. ON MAR. 4, 2019, COLE GAVE ME ONE LEGAL PHOTOCOPY DISBURSEMENT (CSJ-602) AND ONE DISBURSEMENT AUTHORIZATION FORM (CAR-893), WHICH WERE ALREADY FILLED OUT. I REFUSED TO SIGN EITHER FORM, AND COLE REFUSED TO GIVE ME THE PLEADINGS THAT THE LEGAL WRITER PREPARED FOR ME. I DID NOT REQUEST ENVELOPES OR COPIES. THERE WAS EIGHT ENVELOPES CONTAINING AN UNKNOWN AMOUNT OF PAPERS. COLE REFUSED TO ALLOW ME TO INSPECT THE PAPERS, WHICH CAUSED ME ALARM. COLE LEFT AND SEG WITH ALL HE CAME WITH. THEREAFTER, BEREAN AND CLOUSE MADE CONTACT WITH ME. CLOUSE TOLD ME: "SAY PLEASE AND I'LL SHOW YOU THE PLEADINGS" THEREBY REDUCING ME TO A BIGGER. NEITHER BEREAN OR CLOUSE GAVE ME THE PLEADINGS THAT THE LAW PREPARED FOR ME. RATHER TELLING ME THAT I WOULD MISS MY FILING DEADLINES IF I REFUSED TO SIGN THE CSJ-602 AND CAR-893 FORMS. THESE ACTS BY COLE BEREAN AND CLOUSE SHOW THEIR INTENT TO CAUSE ME INJURY.

AND CLOUSE SHOW THEIR INTENT TO CAUSE ME INJURY
IN MY JACKSON V FELICIANO CASE NO. 217-CV-77 ALSO - RELIEF EXPLAIN

Grievant's Signature

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

Respondent's Signature	Date	Reviewer's Signature	Date
Respondent's Name (Print)	Working Title	Reviewer's Name (Print)	Working Title
Date Returned to Grievant:	If resolved at Step I, Grievant sign here. Resolution must be described above.		
	Grievant's Signature		

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

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

APPENDIX M

4835-4247 10/94
CSJ-247A

Date Received at Step I _____ Grievance Identifier: _____

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
ROBERT JACKSON	123456789	UNIVERSITY OF TORONTO	5444	2/27/19	2/28/19

What attempt did you make to resolve this issue prior to writing this grievance? On what date? FEB. 27, 2019
If none, explain why. I ATTEMPTED TO RESOLVE THIS ISSUE WITH WARDEN
PARISH, AND LIBRARIAN L. BEREAN, TO NO AVAIL.

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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. ISSUE: IN TOLERANCE WITH MY FIRST AND 14TH AMENDMENT RIGHT TO PETITION THE GOVERNMENT FOR REDRESS. ON FEB. 26, 2019, I REQUESTED THE BOOK OF FEDERAL RULES OF CIVIL PROCEDURE, SO THAT I COULD PREPARE AND FILE PLEADINGS IN THE U.S. DISTRICT COURT WITH REGARD TO MY PENDING LITIGATION. IN THE ALTERNATIVE I REQUESTED A PRINTED COPY OF THE BOOK OF FED. R. CIV. PROC. HOWEVER, LIBRARIAN L. BEREAN INTENTIONALLY REFUSED TO SEND ME EITHER, INSTEAD STATING: "BOOKS ARE NOT ALLOWED OUT OF LIBRARY." THAT STATEMENT IS CONTRARY TO PD 05.03-115 "LAW LIBRARIES" § 12. BELIEF: PROVIDE COPY OF THE BOOK.

Grievant's Signature

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

Respondent's Signature

• Date _____

Reviewer's Signature

Date

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to
Clerk/Secretary

If resolved at Step 1, Grievant sign here.
Resolution must be described above.

Grievant's Signature

Date

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

APP^IX M

4835-4247 10/94
CSJ-247A

Date Received at Step I _____ Grievance Identifier: _____

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
JACKSON	74767	ECF	5-144	3/4/19	3/6/19

What attempt did you make to resolve this issue prior to writing this grievance? On what date? MAR 4 AND 5,
If none, explain why. 2019 I ATTEMPTED TO RESOLVE THE ISSUE WITH LIES
PARISH (WARDEN) AND L. BERLEAN (LIBRARIAN) TO NO AVAIL.

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. ISSUE: DENIAL OF MY 1ST, AND 14TH AMEND. RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, FOR NO LEGITIMATE PENALOGICAL PURPOSE. ON JAN 7, 2019 MY REQUEST FOR REHEARING OF BOTH CREATING A DISTURBANCE, AND ASSAULT AND BATTERY, WAS DENIED. ON JAN 16, 2019 I REQUEST LEGAL WRITER ASSISTANCE PREPARING AND FILING "A" PETITION FOR JUDICIAL REVIEW APPEALING THE DECISIONS OF BOTH MISCONDUCT REPORTS. ON MAR 4, 2019, IN THE HEARING OF NUMEROUS INMATE'S AT THE ABOVE PLACE, FIRST ASSISTANCE LIBRARIAN COLE, TOLD ME THAT I COULD NOT CONSOLIDATE BOTH APPEALS. I TOLD COLE HE WAS WRONG. COLE SAID THAT PETERSON PALETTA (OPPOSITE ATTORNEY) TOLD HIM THAT I CANNOT COMBINE THE APPEALS. I ASKED COLE FOR PROOF OF P-P's REMARKS (HE HAS NOT). THAT SAME DATE L. BEREAN REFUSED TO HAVE THE PLEADING PREPARED AND REPEATING COLE'S UNPROVEN REMARKS. AFTERWARDS I WROTE PARISH, REQUESTING THAT THE DOCUMENT BE PREPARED BY THE LEGAL WRITER. PARISH IGNORED MY REQUEST. RELIEF: EXPLAIN:

Grievant's Signature

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

Respondent's Signature

Date

Reviewer's Signature:

Date:

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to
Grievant:

If resolved at Step I, Grievant sign here:
Resolution must be described above

Grievant's Signature

Date

MICHIGAN DEPARTMENT OF CORRECTIONS
MISCONDUCT REPORT

3/26
CSJ-228
10/10 4835-3228

Prisoner Number: 748757	Prisoner Name: Jackson	Facility Code: ECF	Lock: 5-144	Violation Date: 03/4/2019
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Time and Place of Violation: 1612, B-Lower Cell 5-144 Housing Unit 5	Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes Date <u>3/4/2019</u> <input checked="" type="checkbox"/> N/A
---	--

Misconduct Class: I II III Charge(s): Assault and Battery of Staff / Destruction or Misuse of Property

Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses):

On March 4, 2019, Prisoner Jackson #748757, was being delivered legal documents from the legal writer program. Inmate Jackson was asked to sign the disbursement in order to receive the documents. Inmate Jackson forcibly removed the disbursement from my hands causing my right hand to strike the top of the door slot. Then inmate Jackson began to rip up the disbursement. The disbursement was needed to finalize the transaction of his court documents.

ID by OMNI facesheet

APP' X K

Reporting Staff Member's Name (Print) Berean	Reporting Staff Member's Signature <u>b. Berean</u>	Date and Time Written 03/6/2019, 0954
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REVIEW

Location/Verification/Condition of Evidence:

Elevated to Class I at review: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	If "yes", explain reason:
---	---------------------------

COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT

Status Pending Hearing: <input type="checkbox"/> Bond	<input checked="" type="checkbox"/> Segregation	<input type="checkbox"/> Confinement to Cell/Room	<input type="checkbox"/> Other
Reason if Non-Bond: <input type="checkbox"/> Non-Bond List	<input type="checkbox"/> Bond Revoked (must give reason)		

Date and Time Given this Status: <u>3/6/19</u>	Who Notified in Housing Unit of Status: <u>WHS</u>
---	---

Hearing Investigator Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Witnesses Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
--	---

Relevant Documents Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	If yes, list: <u>will provide a list</u>
--	---

Additional Comments:	Prisoner Waives 24 Hour Notice of Hearing? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
	Hearing Date: <u>3-8-19</u>

Reviewing Officer's Name (Print) <u>R. Wesseler</u>	Reviewing Officer's Signature <u>R. Wesseler</u>	Review Date and Time <u>3-6-19 1050</u>
--	---	--

I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.	Prisoner's Signature <u>MR. JACKSON</u>	Date <u>3/6/19</u>
---	--	-----------------------

WAIVER OF CLASS II OR III HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.	Prisoner's Signature	Date
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SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)

Days Toplock <u> </u>	Begins: <u> </u>	Ends: <u> </u>	<input type="checkbox"/> Counseling/Reprimand (Class III only)
Days Loss of Privileges <u> </u>	Begins: <u> </u>	Ends: <u> </u>	<input type="checkbox"/> \$ <u> </u> Restitution (Class II only)
Hours Extra Duty <u> </u>	Begins: <u> </u>	Ends: <u> </u>	

Property Disposition If Applicable:

Employee Accepting Plea and Imposing Sanction (Print)	Employee's Signature	Date
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Hearing Investigator's Name (Print)	Hearing Investigator's Signature	Date
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Mrs. JACKSON
740757
5-144

MAR. 6, 2019

APPX K

QUESTIONS FOR
L. BEREAN

ASSAULT AND BATTERY /
DESTRUCTION OR MISUSE OF
PROPERTY (MAR. 4, 2019)

- ① DID I SUBMIT ANY DISBURSEMENT TO THE LAW LIBRARY OR ANY OF ITS STAFF REQUESTING COPIES, ENVELOPES, OR ANY OTHER ITEMS WITH REGARD TO THE DISBURSEMENT(S) THAT YOU MENTION IN YOUR MISCONDUCT REPORT THAT YOU WROTE AGAINST ME ON MAR. 6, 2019 ?
- ② ARE PRISONERS CHARGED FOR DOCUMENTS PREPARED BY THE LEGAL WRITER PROGRAM ? WAS MY ACCOUNT CHARGE REGARDING UR DISBURSEME
- ③ DID I THROW URINE OR FECES ON YOU ?
- ④ DID I SPIT ON YOU ?
- ⑤ DID I KICK, PUNCH, BEND YOUR FINGERS OFF THE DISBURSEMENT ?
- ⑥ ARE YOU RETALIATING AGAINST ME BY WRITING THE MISCONDUCT REPORT AGAINST ME BECAUSE OF THE FEDERAL CIVIL ACTION I FILED AGAINST YOU OR THE RECENT GRIEVANCE THAT I PROPERLY FILED AGAINST YOU ?
- ⑦ WHY DID YOU HAVE YOUR HANDS INSIDE OF CELL # 5-144 ?
- ⑧ WHEN YOU SAY THAT YOUR RIGHT HAND STRUCK THE TOP OF THE DOOR SLOT DO YOU MEAN THAT YOUR HAND MERELY TOUCHED THE DOOR SLOT ?
- ⑨ WERE YOU HOLDING A DISBURSEMENT ON THE DOOR SLOT FLAP ?
- ⑩ IF YOU WANTED ME TO SIGN A DISBURSEMENT WHY DIDN'T YOU GIVE ME THE DISBURSEMENT ?
- ⑪ FILE A COMPLAINT AGAINST ME WITH LOCAL AND/OR MICHIGAN STATE POLICE IF WHAT YOU SAY IS TRUE, BUT YOU WILL NOT WRITE ?

**HEARING INVESTIGATOR QUESTIONNAIRE
MISCONDUCT INFORMATION**

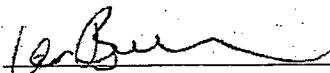
APP'X K

NAME: Jackson	NUMBER: 748757
DATE: 03-04-2019	CHARGE: 008-427

The Hearing Investigator is requesting a statement and or answers to questions in regards to the above named misconduct. Please place the completed questionnaire in the Hearing Investigator mailbox.

NAME: Librarian Berean

1. *Not relevant*
2. *Not relevant*
3. *See Misconduct*
4. *See Misconduct*
5. *See Misconduct*
6. *No*
7. *Not inside the cell. I held on to the disbursement on the door slot waiting for your signature.*
8. *See Misconduct*
9. *Yes*
10. *I placed it on the door slot, you pulled it out of my hands.*
11. *Not relevant*



SIGNATURE

APPENDIX N

Prisoner	Prisoner Name	Facility Code	Lock	Violation Date
748757	Jackson	ECF	5-144	03/04/2019

Charge(s)

Assault and Battery; Destruction or Misuse of Property (1612)

If Charge Changed by Hearing Officer	Plea
	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty
Misconduct Report Read to and Discussed with Prisoner	<input checked="" type="checkbox"/> (check if applies)
Hearing Investigation Read to and Discussed with Prisoner	<input checked="" type="checkbox"/> (check if applies)
No Hearing Investigation Requested	
<input type="checkbox"/> (check if applies)	

EVIDENCE/STATEMENTS IN ADDITION TO MISCONDUCT REPORT

I began the hearing by viewing a video outside of prisoner's presence. The video shows the reporter and staff witness at prisoner's cell door. The reporter places a document on the slot. The reporter's hand moves up quickly from the slot. A prisoner is standing a few cells away. The video and video stills are marked confidential for security purposes. Prisoner present at this video conference hearing. Video summarized. All documents are one page unless otherwise noted. Misconduct Report, Hearing Investigation Report, including statement of Assistant Deputy Warden Clouse, prisoner's "Pre-statement" (4 pgs), complaint (2 pgs), grievance forms (5), disbursement authorization, pleadings (3 pgs), "Request for the Hearing Investigator, hearing investigator's statement, "Request for the Hearing Officer," Questions for L. Berean, response of Librarian Berean, statement of Prisoner Porter, lock 5-143, statement from the hearing investigator that the prisoner in lock 5-138 did not submit a statement, read to and discussed with prisoner. ORAL STATEMENT FROM PRISONER AT HEARING: Prisoner said he wanted 24 hours before the hearing to view all evidence. Prisoner said reasonable minds would differ about what occurred since the deputy warden said the form was on the upper slot. There was no contact, so there was no assault. I told prisoner the decision, sanction and dates prior to his leaving the hearing room.

REASONS FOR FINDINGS

DUE PROCESS:

Prisoner requested that he be given evidence twenty-four hours prior to the hearing, which is unnecessary, as prisoner was given an opportunity to respond to the evidence of record at the hearing. Prisoner requested that he view the video, but the video is held confidential for security purposes. The video was summarized for prisoner at the hearing. Prisoner requested that his hearing be recorded, which is not required for this hearing. Prisoner requested questions regarding disbursements and costs which are unnecessary. Prisoner made requests of the hearing officer which are unnecessary, Prisoner requested questions of the reporter which are unnecessary, as not proving or disproving the charge.

See Page Two.

PROPERTY DISPOSITION (for contraband see PD 04.07.112)

FINDINGS				
Charge No. 1	<input checked="" type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code 008
Charge No. 2	<input checked="" type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code 427
Charge No. 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____

DISPOSITION (select one or more) (Toplock & LOP Sanctions End at 6:00 am)

Begins	Ends	Days Credit	
10 Days of Detention	03/14/2019	03/24/2019	
Days Top Lock			Hours Extra Duty
60 Days Loss of Privileges	08/15/2019	10/14/2019	\$ _____ Restitution

Misconduct Hearing Report personally handed to Prisoner by Hearing Officer on this date: _____ (Check if Applies) Hearing Report given to Staff Member by Hearing Officer for Delivery to Prisoner this date: 3/15/2019 (Check if Applies)

Date of Hearing 03/14/2019

Name of Staff Member HI Goodspeed

Hearing Officer's Name	Hearing Officer's Signature	Date
S. Burke 053	<i>Lee C. Burke</i>	3-15-19

DISTRIBUTION Record Office, Central Office File, Prisoner, Counselor File, Hearing Investigator

Class I

HEARING REPORT – Continuation Page No. 2

(Type of Hearing)

Prisoner Number	Prisoner Name	Institution	Violation/Notice Date
748757	Jackson	ECF	3-4-19

PD 03.03.105 defines assault and battery as an intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is. The reporter and the staff witness detail that when the reporter placed a disbursement form on the top slot and asked prisoner to sign it, prisoner ripped the disbursement out of the reporter's hand, causing the reporter's right hand to strike the top of the door slot. The video is consistent with the Misconduct Report, showing the reporter's hand moving swiftly up from the slot. Prisoner says that he did not touch the reporter, but that does not disprove the charge. It is noted that prisoner does not specifically say that he did not grab the form from the reporter's hand. Prisoner's action of grabbing the form caused a physical contact with the reporter. Prisoner physically interfered with an employee. Prisoner says the reporter and staff witness fabricated their statements due to his filing legal action and grievances against them and employees. However, grievances and other legal action are commonplace, and prisoner does not convince me that the staff members were so affected by these filings that they fabricated their statements. That the reporter did not write the Misconduct Report until two days after the violation does not disprove the charge.

PD 03.03.105 defines Destruction or Misuse of Property as any destruction, removal, tampering, or unauthorized use of property; unauthorized possession of a component part of an item. The reporter further describes that prisoner ripped up the disbursement. Prisoner does not deny that he ripped up the disbursement, but he says the disbursement was trash. However, the disbursement was prepared for prisoner to receive documents and it was not his to dispose of. Prisoner destroyed property. Prisoner argues that he did not have to sign a disbursement form to receive documents in some instances, but that does not disprove the charge. Prisoner says he did not request the copies of legal documents, but that does not disprove the charge.

HEARING OFFICER'S NAME & CMIS CODE (Typed) S. Burke 053	Copy of Hearing Report personally handed to Prisoner by Hearing Officer this date (check if applies) <input type="checkbox"/>
HEARING OFFICER'S SIGNATURE By electronic submission	Copy of Hearing Report Given to Staff Member by Hearing Officer for Delivery to Prisoner this date 3/15/2019 (check if applies) <input checked="" type="checkbox"/> Date of Hearing 3/14/2019 (Name & Clock No. of Staff Member) HI Goodseed

DISTRIBUTION: White – Institution; Green – Central Office; Canary – Prisoner; Pink – Visitor/Counselor; Goldenrod – Hearing Investigator