

No. **24-6247**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Christopher Stephen Beckman – Petitioner

VS.

Christina Reagle – Respondent

Supreme Court, U.S.
FILED

DEC 10 2024

OFFICE OF THE CLERK

On Petition For Writ of Certiorari
To The Seventh Circuit Court Of Appeals

PETITION FOR WRIT OF CERTIORARI



Christopher Stephen Beckman
December 6, 2024

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QUESTIONS PRESENTED

1. My right to receive publications from outside sources is being infringed upon by the Indiana Department of Corrections through the use of misrepresentation and outright lies. For the Indiana Department of Corrections to legally confiscate my publications they must be able to show a legitimate and reasonable threat in the confiscated publication. The Indiana Department of Correction has no legitimate reason for the confiscation of my publications, so they have proceeded to blatantly lie about what is in my books, particularly the confiscated role playing books. The only claims which the Indiana Department of Corrections has made about my confiscated which may possibly be true are their claim that the book "Absolute Mayhem: Secret Confessions of a Porn Star" by Monica Mayhem may possibly have one or more photographs which may contain nudity, and their claim that the magazine "StorErotica" may possibly contain nudity. Even assuming the Indiana Department of Corrections claims about the later publications are true, a photograph which has a bare breast and/or genitalia still poses absolutely no threat to anyone or anybody incarcerated in an adult prison.
2. The Indiana Department of Corrections claims that they must copy all letters and photograph which enter the prison through the mail to stop the introduction of drugs into the facility. While the stated goal is admirable, their actions are more restrictive than is necessary, and utterly fail to successfully meet the stated goal. The courts have previously ruled that printed matter such as books, magazines, newspapers and the like are not to be confiscated, copied, censored, or altered unless a legitimate and reasonable threat can be shown to stem from that item or it came from a noncommercial entity. Though not specifically named, photographs should be held to this same standard, as they are in this case copyrighted, commercially sold printed matter. The Indiana Department of Corrections claims there are drugs on every piece of mail. Obviously, that claim is ludicrous, however if they want to make that claim, I should still have a due process right to prove otherwise. The Indiana Department of Corrections refuses to allow me to prove there are no drug or other substances on my mail. The additionally refuse to follow the law, which gives them the right to open and take action on my mail, which they have claimed in unenforceable in other cases, yet somehow miraculously still find a way to enforce if it involves something they want to.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Beckman v. Vanihel No.: 2:20-cv-00607-JPH-DLP, United States District Court for the Southern District of Indiana, Terre Haute Division. Refiled as Beckman v. Reagle.

Beckman v. Reagle No.: 2:20-cv-00607-JPH-DLP, United States District Court for the Southern District of Indiana, Terre Haute Division. Judgment entered on September 28, 2023.

Beckman v. Reagle No.: 23-2962, United States Court of Appeals for the Seventh Circuit. Judgment entered on August 29, 2024.

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APPENDIX B. Beckman v Reagle, No. 23-2962, United States Court of Appeals for the Seventh Circuit, Final Judgment with Nonprecedential Disposition.

APPENDIX C. Beckman v Reagle, No.: 2:20-cv-00607-JPH-MKK, United States District Court for the Southern District of Indiana, Terre Haute Division, Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment.

TABLE OF AUTHORITIES CITED

CASES

Procunier v Martinez
Turner v Safley
Thornburgh v Abbott
Trowbridge v Indiana Department of Corrections

STATUTES AND RULES

Indiana Code 11-11-3-6 Printed Matter- Inspection- Exclusion- Notice of Decision to Withhold.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix B to the petition and is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is unreported.

JURISDICTION

The date on which the United States Court of Appeals decided my case was August 29, 2024, see Appendix B.

A timely petition for rehearing was denied by the United States Court of Appeals on September 11, 2024, and a copy of the order denying rehearing appears an Appendix A.

CONSTITUTIONAL AND STATUARY PROVISIONS INVOLVED

The First Amendment states, “Prison inmate retains those First Amendment rights that are not inconsistent with his status as prisoner or with legitimate penological objectives of corrections system.”

Additionally, the First Amendment states “Prisoners do not lose all of their First Amendment rights upon entering into prison, although such rights are subject to reasonable regulations.”

The Eighth Amendment states, “Eighth Amendment is designed to protect those convicted of crimes, and consequently applies only after state has complied with constitutional guarantees traditionally associated with criminal prosecutions.”

Additionally, the Eighth Amendment states, “Eighth Amendment prohibition against cruel and unusual punishment limits power of legislative body to establish penalties for crimes, restricts courts when sentencing convicted defendants, and protects prisoners from excesses of prison authorities in executive branch.”

The Eighth Amendment then goes on to state, “Eighth Amendment applies only to conditions of confinement and has no application in determining validity of substantive criminal statutes.”

Finally, the Eighth Amendment states, “Eighth Amendment prohibits punishments that involve unnecessary and wanton infliction of pain, are grossly disproportionate to severity of crime for which inmate was imprisoned, or are totally without penological justification.”

STATEMENT OF THE CASE

ROLE PLAYING GAMES

The Indiana Department of Corrections has improperly confiscated a number of publications from for improper and fabricated reasons. If the claims made by the Indiana Department of Corrections were true I would not be arguing these publications confiscations, as they would then constitute a legitimate threat. However, the Indiana Department of Corrections claims about the contents of these publications are utter fabrications. Thereby, causing the confiscations to be outside of the law. In the decision in *Procurier v. Martinez*, the court held that censorship of prisoner mail is justified if the following criteria are met. "The censorship of direct personal correspondence involves incidental restrictions on the right to free speech of both prisoners and their correspondents and is justified if the following criteria are met: (1) it must further one or more of the important and substantial governmental interests of security, order, and the rehabilitation of inmates, and (2) it must be no greater than is necessary to further the legitimate governmental interest involved."

Assuming the claims regarding these publications were true, then these confiscations would be legitimate, however the claims made as to the contents of my role playing publications are entirely fabricated. All anyone involved in this case needs to do to prove that the supposed threats are not in my publications is to actually read them. Unfortunately, the only person in this case who has ever opened any of these publications is me, the petitioner Christopher Stephen Beckman. I have previously made clear that if the Indiana Department of Corrections could show any of the claimed threats in these publications, I would happily stop my litigation and have my books destroyed. The defendant has repeatedly refused to do this, as they are unable to show any legitimate threat, as there are none in my books. I made this fact incredibly clear in both the United States District Court for the Southern District of Indiana Terre Haute Division, and the United States Court of Appeals for the Seventh Circuit. For some reason unknown to me both courts decided that they did not need to review any of these books and though I made it clear that the Indiana Department of Corrections was lying, the lower courts decided that because the Indiana Department of Corrections said it was true, then it must be true.

Additionally, these confiscations were made as part of a blanket ban, the stated reason for the confiscations of my role playing publications was simply due to the subject matter being role playing. The fact that the Indiana Department of Corrections has a blanket ban is obviously over broad as it does not care what is actually in the publication, just the fact it is a role playing publication makes it a threat, is the view of the Indiana Department of Corrections. True the court has ruled that there is some latitude allowed in anticipating the consequence of allowing certain speech in a prison environment. However, the fact that previously,

these exact books were allowed, in the specific prison which has at this time confiscated them, and no issues or problems came from them, make the claim that they are a threat obviously untrue. I can say with one hundred percent certainty that these books were previously allowed, as I previously had all of these role playing books while I was incarcerated at Wabash Valley Correctional Facility. Indiana State Prison, and Putnumville Correctional Facility.

Additionally, in *Thornburgh v. Abbott*, it has been held that a “regulation affecting the sending of a “publication” to a prisoner must be analyzed under the Turner reasonableness standard. Such regulations are “valid if [they are] reasonably related to legitimate penological interests.”

If these publications are reviewed by a noninvolved party, it is quite clear the claims about supposed threats are outright lies. These publications do not in any way encourage escape. They do not in any way encourage group demonstrations. They do not create gangs by creating a hierachal internal leadership structure. They do not encourage or facilitate the creations of weapons. They do not instruct how to use a weapon. Finally, they do not encourage the use of weapons.

Additionally, these publications are incredibly clear that any information in these books and anything about the world seting in these books are not real, and no actions should be taken as though these things are real.

In regard to the Tuner reasonableness standard, *Turner v Safley* states “Several factors are relevant in determining the reasonableness of challenged prison regulations. First, there must be a valid, rational connection between the prison regulation and the legitimate governmental interest put forward to justify it. Another relevant in determining the reasonableness of a prison restriction, is whether there are alternative means of exercising the right that remain open to prison inmates. A third consideration is the impact accommodations of the asserted constitutional right will have on guards and other inmates, and allocation of prison resources generally. Finally, the absence of ready alternatives is evidence of the reasonableness of a prison regulations.”

In regard to the first point, if the claimed content was in these publications, there would be a rational connection. The issue is that none of these claimed threats are in these publications. Therefore, there is no valid connection between the regulation and any governmental interest.

In regard to the second consideration, the defendant’s attorney has claimed that the restriction is not a blanket ban as these materials are available in the library, or online. These sound like readily available options to allowing the books in question. However, there are rather substantial blockades to these options, first the library is not a valid option in regard to these publications as they are banned from the library as well, which makes the library an impossible option as to receiving these materials. As to the online option which is mentioned by the defendant, while these materials are most definitely available online, the Indiana Department of

Corrections does not allow convict which are in their custody use of the internet to obtain publications, which therefore makes this claimed option, not a legitimate option. The defendant has also claimed that publications must be purchased from the publisher or a legitimate vendor to be allowed. I purchased every publication from a publisher or legitimate vendor, and yet the defendant and her underling still confiscated them. The only reason they brought this up was obviously to make it appear as though I got these publications from some illicit source, which could not be further from the truth.

In regard to the third consideration, the impact that accommodation of this constitutional right would have on guards and other inmates would be negligible. As to the impact on guards there would be no impact whatsoever. As to the impact on other convicts, the impact is that during our recreation time we would be able to play a game which requires nothing more than the rules and a pen/pencil and paper. As to the impact on allocation of resources, there would be absolutely no change.

Finally, assuming these issues which the Indiana Department of Corrections claims are allowed to stand, these policies must be held to all publications in the same manner, which the Indiana Department of Corrections refuses to do. If the Indiana Department of Corrections intends to claim these publications may cause a threat because someone may think someone is a dragon and attack them with a sword and kill them, which they have claimed in this case. Which assumes a number of unreasonable things, one mental illness which if someone believes someone else is a dragon is rather obvious, two that the person in question has a sword. The larger issue in this would be the fact that someone had sword and for some reason the prison did not notice it. Regardless, if that is considered a legitimate threat, which is what the Indiana Department of Correction has claimed during this case, then these same unreasonable standards must be applied to all publications. These would include the Torah, the Bible and the Koran. Seeing as all three of these books advocate genocide of unbelievers. The Bible and Torah both instruct the followers of their religion to not allow unbeliever to be among them and instructs that they be stoned. The Koran instruct its followers to go on Jihads against unbelievers. Those three books are actually a much greater threat than any of my role playing books could ever be as my role playing books make it quite clear that they are not real, while those religious books are the word of their followers God, and the word of God is supposed to be followed exactly. If this policy was applied to the Torah, Bible and Koran in the same way as it is being applied to my role playing books I would not have as much issue as at least the policy would be being applied in an equal manner. The Indiana Department of Corrections refuses to do this, though the policy makes it clear it applies to all publications.

In conclusion of the role playing publication section, no reasonable or legitimate threat of any kind can be shown. As this is an undisputable fact, as explained above

the Indiana Department of Corrections confiscation of these materials is an obvious misuse of both their authority and discretion, as it only applies this policy to books it either dislikes or does not understand.

COLLECTIBLE CARD GAMES

The Indiana Department of Corrections attempts to use the same faulty logic and false claims in regard to collectible card game publications. Additionally, the Indiana Department of Corrections tries to claim the value of some of the cards used in collectible card games make these publications a threat. There is one incredibly large issue with this logic, regardless of what the value of a Magic the Gathering Beta Edition Black Lotus in a Gem Mint 10 Grade is, it has no bearing on the receiving of publications of this type, as from the beginning I have been incredibly clear I am not wanting to receive the cards themselves, all I want are publications which discuss these games and/or cards.

The Indiana Department of Corrections improperly disallows a number of publications from for improper and fabricated reasons. If the claims made by the Indiana Department of Corrections were true I would not be arguing these publications being disallowed, as they would then constitute a legitimate threat. However, the Indiana Department of Corrections claims about the contents of these publications are utter fabrications. Thereby, causing the confiscations to be outside of the law. In the decision in *Procunier v. Martinez*, the court held that censorship of prisoner mail is justified if the following criteria are met. "The censorship of direct personal correspondence involves incidental restrictions on the right to free speech of both prisoners and their correspondents and is justified if the following criteria are met: (1) it must further one or more of the important and substantial governmental interests of security, order, and the rehabilitation of inmates, and (2) it must be no greater than is necessary to further the legitimate governmental interest involved."

Assuming the claims regarding these publications were true, then these confiscations would be legitimate, however the claims made as to the contents of collectible card game publications are entirely fabricated. All anyone involved in this case needs to do to prove that the supposed threats are not in this type publications is to actually read them. Unfortunately, the only person in this case who has ever opened any of these publications is me, the petitioner Christopher Stephen Beckman. I have previously made clear that if the Indiana Department of Corrections could show any of the claimed threats in this type publications, I would happily stop my litigation. The defendant has repeatedly refused to do this, as they are unable to show any legitimate threat, as there are none in this type of book. I made this fact incredibly clear in both the United States District Court for the Southern District of Indiana Terre Haute Division, and the United States Court of Appeals for the Seventh Circuit. I made it clear that the Indiana Department of

Corrections were lying, the lower courts decided that because the Indiana Department of Corrections said it was true, then it must be true.

Additionally, these disallowals are made as part of a blanket ban, the stated reason for the disallowing collectible card game publications are simply due to the subject matter being collectible card games. The fact that the Indiana Department of Corrections has a blanket ban is obviously over broad as it does not care what is actually in the publication, just the fact it is a collectible card game publication makes it a threat, is the view of the Indiana Department of Corrections. True the court has ruled that there is some latitude allowed in anticipating the consequence of allowing certain speech in a prison environment. However, the fact that previously, these exact publications were allowed, in the specific prison which has at this time disallows them, and no issues or problems came from them, make the claim that they are a threat obviously untrue. I can say with one hundred percent certainty that these publications were previously allowed, as I previously had all of these collectible card game publications while I was incarcerated at Wabash Valley Correctional Facility, Indiana State Prison, and Putnumville Correctional Facility. Additionally, in *Thornburgh v. Abbott*, it has been held that a “regulation affecting the sending of a “publication” to a prisoner must be analyzed under the Turner reasonableness standard. Such regulations are “valid if [they are] reasonably related to legitimate penological interests.”

If these publications are reviewed it is quite clear the claims about supposed threats are outright lies. These publications do not in any way encourage escape. They do not in any way encourage group demonstrations. They do not create gangs by creating a hierachal internal leadership structure. They do not encourage or facilitate the creations of weapons. They do not instruct how to use a weapon. Finally, they do not encourage the use of weapons. Additionally, these publications are incredibly clear that any information in these books and anything about the world in these books are not real, and no actions should be taken as though these things are real.

In regard to the Tuner reasonableness standard, *Turner v Safley* states “Several factors are relevant in determining the reasonableness of challenged prison regulations. First, there must be a valid, rational connection between the prison regulation and the legitimate governmental interest put forward to justify it. Another relevant in determining the reasonableness of a prison restriction, is whether there are alternative means of exercising the right that remain open to prison inmates. A third consideration is the impact accommodations of the asserted constitutional right will have on guards and other inmates, and allocation of prison resources generally. Finally, the absence of ready alternatives is evidence of the reasonableness of a prison regulations.”

In regard to the first point, if the claimed content was in these publications, there would be a rational connection. The issue is that none of these claimed threats are

in these publications. Therefore, there is no valid connection between the regulation and any governmental interest.

In regard to the second consideration, the defendant's attorney has claimed that the restriction is not a blanket ban as these materials are available in the library, or online. These sound like readily available options to allowing the books in question. However, there are rather substantial blockades to these options, first the library is not a valid option in regard to these publications as they are banned from the library as well, which makes the library an impossible option as to receiving these materials. As to the online option which is mentioned by the defendant, while these materials are most definitely available online, the Indiana Department of Corrections does not allow convict which are in their custody use of the internet to obtain publications, which therefore makes this claimed option, not a legitimate option. The defendant has also claimed that publications must be purchased from the publisher or a legitimate vendor to be allowed. I purchased every publication from a publisher of legitimate vendor, and yet the defendant and her underling still confiscated them. The only reason they brought this up was obviously to make it appear as though I got these publications from some illicit source, which could not be further from the truth.

In regard to the third consideration, the impact that accommodation of this constitutional right would have on guards and other inmates would be negligible. As to the impact on guards there would be no impact whatsoever. As to the impact on other convicts, the impact is that during our incarceration we would be able to stay current with a game which is not playable here as we do not have the cards it uses. As to the impact on allocation of resources, there would be absolutely no change.

SEXUALLY EXPLICIT PUBLICATIONS

The next issue is the Indiana Department of Corrections claims that sexually explicit publications are a threat, due to them being sexually explicit. The Indiana Department of Corrections has attempted to claim that these publications are the cause of sexual assaults, sexual harassment, assaults with bodily fluids and other sexual conduct reports. If this claim was true the Indiana Department of Corrections should have no problem giving yearly statistic from before the implementation of this illegal ban and after. I have attempted to get the statistics for the number of these conduct reports for prior and post ban, and the Indiana Department of Corrections has refused and fought all attempts to have these numbers produced. The only logical reason I can see is that the numbers show that their claim is incorrect. Finally, Indiana Code 11-11-3-6 States the following.

11-11-3-6. Printed matter Inspection Exclusion Notice of decision to withhold.

(a) A confined person may acquire and possess printed matter on any subject, from any source. However, unless a confined person or the sender receives prior approval from the superintendent for the confined person to receive a book, magazine, newspaper, or other periodical from another source, a confined person may receive a book, magazine, newspaper, or other periodical only if it is mailed to the confined person directly from the publisher, the distributor, or an accredited postsecondary educational institution. The department may inspect all printed matter and exclude any material that is contraband or prohibited property. However, in the case of a confined adult, the department may not exclude printed matter on the grounds it is obscene or pornographic unless it is obscene under Indiana law. A periodical may be excluded only on an issue by issue basis. Printed matter obtained at cost to the confined person must be prepaid.

(b) If the department withholds printed matter, it must promptly notify the confined person. The notice must be in writing and include the title of the matter, the date the matter was received at the facility or program, the name of the person who made the decision, whether the matter is objectionable in whole or in part, the reason for the decision, and the fact that the department's action may be challenged through the grievance procedure.

As this is the Indiana Code which gives the Indiana Department of Corrections the right to confiscate a publication, and it specifically states that a publication may not be excluded on the basis it obscene or pornographic unless it is obscene under Indiana law, makes the fact that the sexually explicit publications are being confiscated and withheld due to the fact they are pornographic, illegal under Indiana law which therefore would make their actions illegal under federal law. I am aware that previously the court has decided that it will normally defer to state law in these matters, however the Indiana Department of Corrections is failing to follow state law.

Previously, the lower courts have chosen to decide that they cannot or will not force the Indiana Department of Corrections to follow the Indiana Code as it is written, which means that the Indiana Department of Corrections has been breaking the law since the implementation of this policy, and they have no plans to stop, unless they are made to. As an example of the flawed reasoning of the Indiana Department of Corrections, one of the main arguments they make for the need to withhold sexually explicit publications is that looking at them offends female staff members. If a female staff member is going to be offended by looking at a magazine which contains nudity, all they need to do is not look at the pictures in said magazine. If for some reason the magazine needs to be searched for contraband this can be done

without looking at the pictures in said magazine, and if for some reason the magazine can be looked at by any staff member who would not be offended by the contents of said publication. Finally, the Indiana Department of Corrections swears that the sight of a photograph of a bare breast will cause the breakdown of the entire corrections system in Indiana. Yet, the Indiana Department of Corrections is more than happy to provide both hormone blockers and female hormones to the gay inmates who might want them, so they can grow female type breasts and they can walk around with no shirt on, in a male prison and somehow actual breasts are not a threat, but a photograph is. Anyone can see the utter stupidity of that claim due to the Indiana Department of Corrections own actions.

PHOTOGRAPHS

The final matter is the claim made by the Indiana Department of Corrections is that photographs received from a commercial business must be copied badly in black and white on the cheapest copier paper the Indiana Department of Corrections can find, because all drugs in the facility are smuggled in on them. Seeing as we have not been receiving photographs from outside sources since the implementation of this policy at the beginning of this action, and there are people overdosing almost daily, this claim is an obvious fabrication, and correctional officers are obviously the main source of the drugs they claim to be stopping with this policy.

Even if the claim of the drugs being smuggled in this way were true, there is still a procedure which has been approved under law as to the procedure for disallowing mail/printed matter, which is supposed to allow the receiver of the confiscated mail or item to prove the supposed threat is not actually there. I and other prisoners are being denied this right. The parts of this procedure are the following. First, whenever a piece of mail is confiscated, I am to be informed in writing, and told the specific treat they claim it poses. Second, if I disagree with the basis for the confiscation I have a right to challenge the decision, through the Grievance process. Third, I have the right to have the supposed threat tested as to what a supposed substance is, assuming there is one. Finally, if there is a substance found to be on the item, which is a controlled substance, the person receiving that item is supposed to be arrested for attempting to smuggle that substance into the prison.

All of these previously named rights are being refused to me and all other convicts in the Indiana Department of Corrections. I have no issue with these actions, if the Indiana Department of Corrections was copying these photographs in color using a photograph printer, because then an actual photo which is the same as the received printed matter would be received. The Indiana Department of Corrections refuses to do so. I also have no issue if there is something on the photographs, fine if there is file charges. I have no issue if I have the right to prove there is nothing on my received photographs, and once it is proven to have nothing on it, be given the

original photograph. However the Indiana Department of Corrections refuses all of these reasonable alternatives. The reason being that they don't want to, or it costs money. If they don't want to do something, all they need to do is stop denying my rights as to the mail I receive. As to the excuse it costs money, so does copying photos badly in black and white on incredibly cheap copier paper, make that excuse moot because it costs money either way. Additionally, based upon the reasoning that there may be drugs on the mail, they should also collect every Bible and make bad bleary copies of them.

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REASONS FOR GRANTING THE WRIT

Reason One, that I feel the Supreme Court should grant this Petition For Writ of Certiorari is that the Indiana Department of Corrections is blatantly refusing to follow the law for no reason other than to cause additional suffering to convicts under their supervision.

Reason Two, is the fact that the Indiana Department of Corrections is going well beyond what is necessary to protect the interests of either safety or security of the prisons in confiscating and disallowing these types of publications.

Reason Three, the Indiana Department of Corrections know what they are doing is wrong and are blatantly lying to attempt to cover up their wrong doing and the courts who have presided on this matter previously when informed have refused to even look into the matter.

Reason Four, the fact that the Indiana Department of Corrections are to this point being allowed to abridge convicts in their custody's rights through use of lies, is a blatant threat to the rights of convicts nationwide.

Reason Five, the Indiana Department of Corrections even though they are a government entity, are still supposed to be bound by the law. Through the lies and willfully ignoring the law, the Indiana Department of Corrections is operating outside the law. When I chose to operate outside the law I was sent to prison to be made to obey the law, and to put it simply the Indiana Department of Corrections should be held to the same standards. Obviously the Indiana Department of Corrections cannot be incarcerated, but they can be forced to follow the law.

Reason Six, the Indiana Department of Corrections claims that their actions stop sexual assaults, sexual harassment, and assault with bodily fluids, because all of these things are caused by this type of publication, is proven otherwise due to these actions all happening in my cellhouse in the past couple of months

Reason Seven, what the Indiana Department of Corrections is doing through the use of lies and ignoring the law is just wrong, and should be stopped. As most of my rights are already abridged, and the few I have remain should not be further abridged without a legitimate need.

CONCLUSION

The petition for a writ of certiorari should be granted. Because my rights, the few which I have, should not be further abridged based upon lies, half-truths and misrepresentations.

Respectfully submitted,



Christopher Stephen Beckman
December 6, 2024