

APPENDIX A

FILED

JUL 10 2024

Randall Edward Fletcher
687347 CC-208
Great Plains Correctional Center
P.O. Box 700
Hinton, Oklahoma 73047-0700

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY DEPUTY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

<u>Randall Edward Fletcher, Plaintiff</u> (Full Name)	Case No. <u>CIV-24-692-SLP</u> (To be supplied by the Clerk)
v. <u>Rick Whitten, David Rogers, Defendant(s)</u> <u>Chris Mattingly, Chrystal Bryant,</u> <u>Mark Knutson, Securus Technologies</u>	CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

A. JURISDICTION

- 1) Plaintiff Randall E. Fletcher, pro se, is a citizen of Oklahoma, who presently resides at Great Plains Correctional Center, P.O. Box 700, Hinton, Oklahoma 73047-0700.
- 2) Defendant Rick Whitten is a citizen of New Mexico, and is employed as Correctional Officer. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
 Yes ☒ No ☐ If your answer is "Yes", briefly explain:
 During the time period Rick Whitten in his personal and official capacity was Warden of North Fork Correctional Center (NFCC), Sayre, Oklahoma. As such he was responsible for the due process review of any/all disciplinary actions and final approval of any sanctions conducted on the facility per Operations Policy (OP) 030100, OP 060125 and OP 090124.
- 3) Defendant David Rogers is a citizen of Lexington, Oklahoma, and is employed as Warden of Joseph Harp Correctional Center. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
 Yes ☒ No ☐ If your answer is "Yes", briefly explain:
 During the time period David Rogers in his personal and official capacity was Deputy Warden of NFCC, Sayre, Oklahoma assigned as Disciplinary Hearing Officer. As the Disciplinary Hearing Officer, he was responsible for the review of evidence, conducting the disciplinary hearing and due process of the disciplinary action in question in this action per OP 030100, OP 060125 and OP 090124.

- 4) Defendant Chris Mattingly is a citizen of Hinton, Oklahoma, and is employed as Correctional Lieutenant. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
During the time period Chris Mattingly in his personal and official capacity was Correctional Sergeant of NFCC, Sayre, Oklahoma assigned as Disciplinary Coordinator. As the Disciplinary Coordinator he was responsible for the investigation of the disciplinary action in question, issue of the facility misconduct or the dismissal of the offense report in this action per OP 030100, OP 060125 and OP 090124.
- 5) Defendant Chrystal Bryant is a citizen of Hinton, Oklahoma, and is employed as Correctional Case Manager. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
During the time period Chrystal Bryant in her personal and official capacity was Correctional Case Manager of NFCC, Sayre, Oklahoma. As the Case Manager she was responsible for the management of the plaintiff's record per OP 060103, OP 060107, OP 060203 and OP-060211. As such she is responsible for Plaintiff's security level and whether any justified reason or evidence supports dropping of such level.
- 6) Defendant Mark Knutson is a citizen of Oklahoma City, Oklahoma, and is employed as Supervisor of Administrative Review Authority (ARA). At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
During the time period Mark Knutson in his personal and official capacity was Director Designee serving as Supervisor of the ARA of the Oklahoma Department of Corrections (ODOC), Oklahoma City, Oklahoma responsible for final review of any grievances and appeals. As the Director Designee responsible for the ARA, he is responsible for the final due process review of any disciplinary action within the ODOC per OP 030100, OP 060125, OP 090124 and any ARA Policy and Procedure Manuals which Plaintiff does not have access to until discovery is allowed.
- 7) Defendant Securus Technologies is a private corporation represented by Jonathan A. Heller, Attorney at Law, Coral Gables, Florida, and is the sole provider of prison services to include phone services. At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:
During the time period Securus Technologies contracts to ODOC as the sole provider of phone services available to Plaintiff and in their personal and official capacity was the only provider of such services to ODOC inmates. As the provider of phone services Securus is responsible for following ODOC policy OP 030114 and OP 030119 and other associated ODOC policies as an official arm of the Department of Corrections.
- 8) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(3); 42 U.S.C. § 1983. (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)
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B. NATURE OF THE CASE

1) Briefly state the background of your case.

On March 24, 2023, Sergeant Chris Mattingly, in his capacity as Disciplinary Coordinator, issued an Offense Report (ODOC Form 060125A) to approximately 90 inmates, *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (Jun. 2012), for a phone call made on March 21, 2023 at 1514 hours which consisted of giving a misconduct to every inmate who used the Securus phone system at any time during the day of March 21, 2023 thus violating the Fifth Amendment, the Free Speech Clause of the First Amendment, Cruel and Unusual Punishment Clause of the Eighth Amendment, and the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and the corresponding Amendments to the Oklahoma Constitution. *Chavis v. Rowe*, 643 F.2d 1281 (7th Cir. 1981); *Williams v. People of State of New York*, 337 U.S. 241, 69 S.Ct. 1079, 93 L.Ed. 1337 (1949); *Booth v. Churner*, 532 U.S. 731, 121 S.Ct. 1819, 149 L.Ed.2d 958 (2001); *Johnson v. United States*, 576 U.S. 591, 135 S.Ct. 2551, 192 L.Ed.2d 569 (2015). Defendants, while acting under color of State law, violated Plaintiffs rights against established case law. *Martinez v. Colon*, 54 F.3d 980, 986 (1st Cir. 1995); *Richmond v. Cagle*, 920 F.Supp. 955 (E.D. Wis. 1996); *Griffen v. Maryland*, 378 U.S. 130, 84 S.Ct. 1770, 12 L.Ed.2d 754 (1964); *Ibarra v. Lee*; 2023 WL 693936 (10th Cir.).

Defendant David Rogers, in his capacity as Disciplinary Hearing Officer violated Plaintiffs Constitutional rights by not allowing Plaintiff to hear the phone call allegedly made on 3/21/2023 even though Plaintiff asked during the disciplinary hearing to hear the phone call. See enclosed DOC Form 060125H, Record of Delivery of Copies of Evidence to Inmate which clearly shows no evidence given to Plaintiff nor a transcript of any phone calls was given to Plaintiff. It is long standing established case law that Plaintiff has the right to exculpatory evidence.

A Martinez Report, *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978) will serve to show the actions taken by Plaintiff and as this is NOT a request for class action, if this Court will listen to the recordings of all 90 misconduct hearings conducted by the Hearing Officer, then Deputy Warden David Rogers, then proof is easily provided to this Court of any exculpatory evidence and the violation of the Constitutionally provided rights to all citizens of the United States and applied to Oklahoma via the Fourteenth Amendment to the United States Constitution and ODOC Policy. *West v. Atkins*, 487 U.S. 42, 108 S.Ct. 2250, 101 L.Ed.2d 40 (1988); *Francis v. Coughlin*, 891 F.2d 43 (2d Cir.); *Ellison v. Zatecky*, 820 F.3d 271 (7th Cir. 2016); *Franklin v. Lucero*, 2023 WL 2962260 (10th Cir.).

Plaintiff received the T-Mobile call logs from Plaintiff's wife after the Disciplinary Hearing, due to the billing cycle of T-Mobile. The call log clearly shows that we talked at 1519 hours as Plaintiff does not leave his work assignment until after 3:00 p.m. See enclosed T-Mobile Call Logs dated April 4, 2023 page 5 of 28 for the day of March 21, 2023. *Freeley v. Sampson*, 570 F.2d 364, 373 (1st Cir. 1978). Plaintiff requested from Securus Technologies a written transcript of all phone calls Plaintiff made on 3/21/23 and was denied by Securus Technologies Attorney, Jonathan A. Heller on May 7, 2024 which was Plaintiff's final Administrative Remedy. See enclosed letter to Securus Technologies, LLC dated February 26, 2024 and mailed on May 1, 2024 and see letter from Attorney Jonathan A. Heller dated May 7, 2024 and received on June 19, 2024.

Defendant Mark Knutson did not provide a meaningful appeal process by not reviewing the complete appeal and reviewing the Disciplinary Hearing tape recording and listening to any of Plaintiffs phone calls made on March 21, 2023 as required to perform due diligence. This requirement is well established for Defendant Knutson from prior cases. *Forbes v. Trigg*, 976 F.2d 308 (7th Cir. 1992); *Bosh v. Cherokee County Building Authority*, 305 P.3d 994 (2013 OK 9); *Ramirez v. Knutson*, 2019 WL 4261858 (W.D. Okla.).

Defendant Chrystal Bryant did not follow ODOC policy when she dropped Plaintiff's security level without first establishing just cause to drop said level thus violating established policy and Oklahoma law.

Defendant Securus Technologies notified ODOC Intelligence Division of a 3-way phone call being detected at NFCC at 3:15 p.m., however when Plaintiff requested more information from Securus Plaintiff was denied this exculpatory information/evidence after asking on the inmate tablet and by letter the Securus arbitration office. As the sole provider of services to Oklahoma inmates/offenders Securus acted in an official capacity and as a private company in a personal capacity to deny Plaintiff his legal and constitutional rights.

See the Eight Amendment Protection against Cruel and Unusual Punishment and the First Amendment as well as *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974); *McGrath v. Johnson*, 67 F.Supp.2d 499 (E.D. Pa. 1999); *Farmer v. Brennan*, 511 U.S. 825, 114 S.Ct. 1970, 128 L.Ed.2d (1994); *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (Jun. 2012); *Solem v. Helm*, 463 U.S. 277, 292, 103 S.Ct. 3001, 3010, 77 L.Ed.2d 637 (1983); *United States v. Greenberg*, 2022 WL 4296925 (11th Cir.).

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.)

A) (1) Count I: Due Process

(2) Supporting facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Under the Fourteenth Amendment Equal Protection Clause rights under this arise where there has been involvement of the State or one acting under its authority. As shown on ODOC Form 060125H and ODOC Form 060125 Attachment B, Number 19 (page 3 of Attachment B) Disciplinary Coordinator Chris Mattingly, Disciplinary Hearing Officer David Rogers, and Warden Rick Whitten provided no evidence and no evidence was given to show Plaintiff conducted a 3-way phone call at 1514 hours. It is only stated that ODOC Intelligence Department said Plaintiff conducted a 3-Way phone call and Defendant David Rogers stated that therefore all 90 inmates who received a misconduct must have made a phone call at the exact same time on the same day; with no evidence provided by the facility or its staff stating the facility is not required to provide any further evidence because DOC Headquarters Intelligence Department said all 90 inmates made a 3-way phone call at the same time on the same day. *Turner v. Safley*, 482 U.S. 78, 84,

107 S.Ct. 2254, 96 L.Ed.2d 64 (1987); *Winters v. New York*, 333 U.S. 507, 68 S.Ct. 665, 92 L.Ed. 840 (1948). ODOC Policy 060125 talks about guilt but not innocence. I. C. 6.(b)(c); VI. B.(b); VI.E.(1)(3). It is improper for prison officials to decide the disposition of a case before it is heard during the hearing process. *Francis v. Coughlin*, 891 F.2d 43 (2d Cir.) and *Ellison v. Zatecky*, 820 F.3d 271 (7th Cir. 2016). The right to see evidence is clearly established in case law see *Wolff v. McDonnell*, 418 U.S. 539 (1974). ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. D. No inmate or group of inmates will be given authority or control over any other inmate or facility security functions. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct." *Richmond v. Cagle*, 920 F.Supp. 955 (E.D. Wis. 1996) and *West v. Atkins*, 487 U.S. 42 (1988). When asked at the Disciplinary Hearing to hear the phone call all 90 inmates, Plaintiff included, were denied the ability to hear the evidence used to prove guilt, which is the alleged phone call made on March 21, 2023 at 1514 hours. ODOC Policy 030114, Use of Securus Wireless Devices and ODOC Policy 030119, Inmate Telephone Privileges requires all phone calls to be recorded. As required by ODOC policy all Disciplinary Hearings are recorded and required to be sent to ODOC Headquarters if an appeal to a Disciplinary Misconduct is used by the inmate who claims innocence to a misconduct report. Then Deputy Warden David Rogers, serving as the Hearing Officer, denied all inmates who received this misconduct their due process rights as well as violating the rules of evidence when he refused to play the recording of any of the phone calls conducted by any inmate on March 21, 2023. *Mobley v. Payne*, 484 S.W.3d 746 (Ky.Ct.App. 2016). This is also shown by the required recording of any Disciplinary Hearing which if the court will review the hearing recording it will show that no recording was given to Plaintiff to show that Plaintiff even conducted a phone call at 1514 hours or a 3-Way phone call even though policy states that all calls are recorded. *American Jurisprudence, Second Edition, 60 Am. Jur.2d Penal and Correctional Etc., §134* Discipline as cruel and unusual punishment. Plaintiff requested by ODOC Form 090124D, Request to Staff, that all evidence and all communication between Staff, Securus, and ODOC Headquarters be saved as part of my Administrative Remedies as required under the Prison Litigation Reform Act (PLRA) Title 42 U.S.C. § 1997. On February 26, 2024 my final Administrative Remedy was to request from Securus and its partner company(s) a written transcript of any phone call Plaintiff completed on March 21, 2023. The prison mailroom did not send the letter and Plaintiff resent the letter on 5/1/2024 by legal mail disbursement through the Law Library. *Blake v. Hall*, 668 F.2d 52 (1981); *Williams v. People of State of New York*, 337 U.S. 241 (1949); *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); *Davis v. Barrett*, 576 F.3d 129 (2009); *Magar v. Parker*, 490 F.3d 816 (10th Cir. 2007); and *Wolff v. McDonnell*, 418 U.S. 539 (1974); and *Constitution of the State of Oklahoma, Article II.-Bill of Rights § 7*.

B) (1) Count II: Failure to follow ODOC Policy

(2) Supporting facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

As given in case law the ODOC staff are presumed to know applicable policy and laws that govern the performance of their assigned jobs. *Oklahoma Administrative Code, Title 260. Office of Management and Enterprise Services, Chapter 25. Personal Administration Rules, Subchapter 11. Employee Actions, Part 9. Employee Guidelines, 260:25-11-91. Conduct of employees. Parsons v. United States, 670 F.2d 164, 166 [229 Ct.Cl. 335] (1982) (citing *United States v. Chemical Found., Inc.*, 272 U.S. 1, 14-15 [47 S.Ct. 1, 6, 71 L.Ed. 131] (1926)) "[T]here is a presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with the law and governing regulations....". And this presumption stands unless there is "irrefragable proof to the contrary." *Torncello v. United States, 681 F.2d 756, 770, 231 Ct.Cl. 20 (1982)*, ODOC Policy 1001000 and *Title 57 Okla. Stat. Ann. § 9.**

Defendant Chrystal Bryant failed to follow ODOC Policy 060107, "Systems of Incarceration, Level 1 Poor behavior; escape status; not eligible for level 2. Level 3 After 3 months in DOC; excellent work, education and program evaluations; excellent personal hygiene and living area; excellent attitude and relationship with staff. Level 4 After 8 months in DOC; outstanding work, educational and program evaluations; outstanding personal hygiene and living area; outstanding attitude and relationship with staff. In level promotion not approved: Inmate will be notified of specific reasons before signing Adjustment Review; Inmate given actions to be completed before next review; Case Manager shall document required actions on adjustment review; Case Manager shall follow up with inmate during monthly review of inmate progress." When Defendant Chrystal Bryant dropped Plaintiff's Classification Level from Level 4 to Level 1 without notice she violated policy. ODOC Policy 060203, Adjustment Review requires a new custody assessment form be completed upon change to Plaintiff's assigned level and that inmates are normally present and receive copies of the Adjustment Review (DOC Form 060203A) at the time the inmate becomes eligible for promotion or is to be demoted. ODOC Policy 060203 also requires an updated custody assessment be completed in accordance with ODOC Policy 060103(M), "II. Completing the Custody Assessment Scale Form, B. Custody Evaluation. 3. Number of Active Disciplinary Convictions. b. Enter 1 point if the inmate has one disciplinary conviction; 4. d. Enter 3 points if the most serious disciplinary conviction is a non-predatory class X within the past year. 6. Adjustment a. 1 point, level 1; b. 0 points, level 2; c. -1 point level 3 or 4." Policy requires 48-hour notice prior to scheduled classification assessment or documentation if notice is not given in Section C, number 9 of the Custody Assessment Scale (DOC Form 060103A(M)) and be signed by Plaintiff. Plaintiff's Custody score was changed from three (3) points which is minimum security to eight (8) points which is medium security. ODOC Policy 060211, "Sentence Administration, III. Loss of Credits Inmate found guilty of violations of facility rules or sanctioned by the courts for filing frivolous lawsuits may be subject to deduction of credits as a sanction for such violations. A. 1. Credits will be taken only as a documented sanction and in accordance with proper disciplinary procedure and due process. IV. Restoration of Credits 57 O.S. § 138(c) provides that earned credits removed for misconduct, nonperformance or disciplinary action may be restored. B. Restoration by Administrative Review Authority Credits restored through the action of the ARA will be applied to the sentence under which they were removed. 3. Effective November 1, 2013, when a misconduct is dismissed or reversed and expunged, credits unearned due to reduction in level or

disciplinary service will be restored at the earning rate in effect on the date the misconduct occurred." *U.S. Const. amend. IV* and *Okla. Const. Title 57 Okla. Stat. Ann. § 138*, Earned Credits are there for affected when any inmate's classification is changed from a higher level to a lower level. *U.S. Const. amend. IV* and *Okla. Const. Title 57 Okla. Stat. Ann. § 138f*, "Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated." By not conducting an adjustment review with the Plaintiff present or even notifying Plaintiff and having him present to sign the adjustment review Case Manager and the adjustment review committee violated State Law. The adjustment review committee must consist of classification team supervisor, case manager for the inmate, a correctional officer or counselor, and two other members may also be used. Further, by not being given notice Plaintiff could not grieve this issue with case manager within the ODOC grievance policy time frames.

Defendant Mark Knutson, as the Director Designee, has been delegated final policy making authority by the ODOC Director, Steven Harpe. As the Director's Designee Defendant failed to follow Oklahoma Law *Title 57 Okla. Stat. Ann. § 564.1* and ODOC Policy 090124, "I. A. The division of the agency...to whom the formal grievance is submitted for final appeal." ODOC Policy 060125, "I. A. 1. ARA. The agency director's designee whom Class X and restitution misconduct appeals are submitted for final review." Defendant further failed to follow policy and procedures of his own department by not ensuring the facility followed the orders of the ARA and conducted the ARA ordered rehearing. ODOC Policy 020600, "Legislative Initiative Process, I. A. Legislative Initiatives. The ODOC evaluates its operations within the context of current law, statutes, and court rulings; ..." ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. D. No inmate or group of inmates will be given authority or control over any other inmate or facility security functions. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct." ODOC Policy 060211, "Sentence Administration, III. Loss of Credits Inmate found guilty of violations of facility rules or sanctioned by the courts for filing frivolous lawsuits may be subject to deduction of credits as a sanction for such violations. A. 1. Credits will be taken only as a documented sanction and in accordance with proper disciplinary procedure and due process. IV. Restoration of Credits 57 O.S. § 138(c) provides that earned credits removed for misconduct, nonperformance or disciplinary action may be restored. B. Restoration by Administrative Review Authority Credits restored through the action of the ARA will be applied to the sentence under which they were removed. 3. Effective November 1, 2013, when a misconduct is dismissed or reversed and expunged, credits unearned due to reduction in level or disciplinary service will be restored at the earning rate in effect on the date the misconduct occurred." ODOC Policy 060125, "VIII. Appeal Process, B. 4. The ARA will review the appeal within 30 days of receipt by affirming, dismissing, modifying the decision or remanding with instructions. The decision of the ARA is final. If a rehearing/redispotion is ordered by the ARA, the rehearing/redispotion should be conducted within 15 days from the date of the order unless circumstances dictate otherwise. ... The facility conducting the rehearing/redispotion will be responsible for

answering the inmate's appeal, if necessary." As stated in this policy Defendant Mark Knutson, as Director Designee, is required by policy and State Law to review all misconducts once appealed to the ARA, however, the facility did not follow instructions of the ARA and Defendant Mark Knutson did not follow up to ensure the ARA's order was completed. The ARA ordered the misconduct to be changed from X-20 to A-22 which is "Failure to obey verbal and/or written orders, policies or rules. Failure to comply with an approved special or religious diet." The A-22 is a catch-all misconduct designed to cover anything the facility decide to use as a write-up/misconduct as this A-22 does not require the facility to state what policy or order was violated just that something was violated. This should have been apparent to the ARA when the order of the ARA was not returned to ODOC Headquarters for over 4 1/2 months. Order was issued by the ARA on October 10, 2023 and Plaintiff signed document on February 27, 2024 and returned to facility Law Library for transmission to ODOC Headquarters. ODOC Policy 090124 "Inmate/Offender Grievance Process. C. Time Frames for the Review of Grievances 1. The reviewing authority will respond on the "Grievance Decision from Reviewing Authority" (DOC 090124B), and will forward the answered grievance forms to the inmate/offender within 20 days of receipt of the grievance. 4. If there has been no response by the reviewing authority within 30 days, but no later than 60 days, of submission, the inmate/offender may send a grievance to the ARA with evidence of submitting the grievance to the proper reviewing authority. The grievance and relief requested will only address that the inmate's/offender's grievance was not answered by the reviewing authority. VII. Procedures of the reviewing Authority B. Answering/ Responding to the Grievance 3. A legible copy of the answered grievance, the decision, and all paperwork submitted will be returned to the inmate/offender. The original of all paperwork will be returned by the reviewing authority. The inmate/offender is responsible for maintaining copies and a record of their grievances. 4. The reviewing authority or designee will have the inmate/offender sign and date the decision acknowledging receipt. C. Resolution/Action in Response to a Grievance 1. Resolution/action may be taken at any reviewing level and may include any appropriate remedy as authorized by Oklahoma law." Plaintiff signed the acknowledgement of receipt of Plaintiff's answer to grievance. However, the answer from the ARA was that the ARA did not have to answer as such this contradicts the reason for ODOC Headquarters have an Administrative Review Authority which is to force facility personnel to answer inmate/offender grievances.

Defendant Chris Mattingly failed to follow policy when he did not provide ODOC Form 060125D, Misconduct Report Record (to show any prior misconducts); ODOC Form 060125E, Disciplinary Docket (to show prior misconducts); ODOC Form 060125P, Review of Evidence to show Officer Chris Mattingly followed policy and reviewed and investigated the evidence which is the actual phone call conducted by Plaintiff as required by policy. ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. D. No inmate or group of inmates will be given authority or control over any other inmate or facility security functions. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct."

Defendant David Rogers failed to follow policy when he did not provide ODOC Form 060125P, Review of Evidence to show Disciplinary Hearing Officer Deputy Warden David Rogers followed policy and reviewed the evidence prior to Hearing Officer's finding of guilt during the hearing process. ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct." ODOC Policy 060125, "VII. Class X Violations, D. Finding. 2. A finding of guilt and the disciplinary hearing report form must be documented by a written statement by the disciplinary hearing officer and a copy provided to the offender. The reasons must point out the essential facts upon which inferences were based, mentioning what evidence upon which the disciplinary hearing officer relied." The ODOC Policy 090124 required recordings of all 90 hearings, in this case, will show the court that the same reason was/is used to justify the finding of guilt of all inmates who received this mass misconduct/write-up defined in Black's Law Dictionary as Collective Punishment. *Brady v. Maryland*, 373 U.S. 83 (1963); *Carlisle v. Augustine*, 129 Fed.Appx. 105 (5th Cir. 2005).

Defendant Rick Whitten failed to follow policy and the direction of Defendant Mark Knutson by not using ODOC Form 060125G, Amendment of Rule Violation after ODOC Director Designee Mark Knutson ordered a rehearing and change of charge from Class X-20 to Class A-22. Defendant failed to follow ODOC Policy 1001000, "Training and Staff Development, I. Training and Staff Development, B. Job Specific Training ODOC will provide job specific training that is oriented toward specific learning objectives... C. In-Service Training Employees will be provided with mandatory and elective training opportunities that meet statutory requirements and foster continuing professional development." ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. D. No inmate or group of inmates will be given authority or control over any other inmate or facility security functions. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct." ODOC Policy 060125, "VII. Class X Violations, E. Review of Disciplinary Actions The facility head/administrator of Institutions/Community Corrections or designee will review all disciplinary actions within seven (7) days, after completion of the hearing or imposition of sanctions and may affirm, dismiss, modify the sanctions, or order a rehearing. 1. The inmate will receive a completed copy of the disciplinary hearing report form." This required copy was not given to Plaintiff until June 6, 2023 and made no mention of any changes to the given sanctions. Of the sanctions listed the loss of telephone privileges was not a sanction however Plaintiff's phone, both tablet phone and facility phone were terminated for 92 days. If this would have been a sanction of the hearing the maximum time allowed is 90 days given in ODOC Policy 090124. Loss of level was not a sanction listed however Plaintiff lost level 4 and was reduced to level 1 for four months.

C) (1) Count III: Rules of Evidence

(2) Supporting facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Plaintiff's rights were violated by the Disciplinary Coordinator Chris Mattingly, Disciplinary Hearing Officer David Rogers, and Director Designee Mark Knutson not following ODOC Policy 030100, "II. Rights and Responsibilities, C. The ODOC will make best efforts to protect inmates from: 1. Personal abuse; 2. Corporal punishment; 6. Harassment. F. Inmates will receive equitable treatment and the appropriate level of due process when alleged to have violated the rules of conduct." ODOC Policy 030114, "Use of Securus Wireless Devices, I. Definitions, J. Command and Control Device A wireless device issued by Securus to appropriate facility staff to allow for direct oversight of the inmate wireless devices. The command-and-control device provides staff real-time control of inmate wireless devices for behavior modification including application control to full wireless device access and control. II. Procedures, C. Monitoring, 1. Wireless device user's subject to monitoring and recording. 2. Wireless device services, providing communication between family members and friends, is subject to content review and will be monitored to promote compliance with ODOC policies and regulations, and for investigative purposes." ODOC Policy 030119, "Inmate Telephone Privileges, II. Monitoring of Telephone Calls, B. Monitoring, 1. Apparatus will be used at all institutions to record the conversations on telephones used by inmates. 2. Equipment that records the phone numbers dialed by an inmate will be permitted. 5. Phone calls may be made utilizing the secures wireless device in accordance with OP-030114 entitled "Use of Securus Wireless Devices." The device contains a phone application that will allow phone calls through the utilization of headphones. These phone calls will be granted, processed and controlled through the same recording and monitoring process according to this procedure." ODOC Policy 060125, "I. F. Standard of Proof; IV. B. Investigation of Charges; IV. E. Evidence; VII. Finding" and OP 090124 Plaintiff's rights was violated. When Defendant Chris Mattingly did not investigate all 90 phone calls to determine who, if any, had actually made a 3-way phone call he violated ODOC Policy and Plaintiff's Constitutionally protected rights. When Defendant David Rogers did not review or let Plaintiff hear the phone call during the hearing process, as requested during the hearing, he violated ODOC Policy and Plaintiff's Constitutionally protected rights. ODOC Policy 020202, "Management of Office Records, I. A. Record 1. Any document ... regardless of form or characteristics (67 O.S. § 203(a). I. B. Archives and Records Commission, 2. In most cases by law, records created or received in the transaction of official business cannot be destroyed by a state agency without prior authorization from the [Archives and Records] Commission. VII. Records Destruction, B. Procedures for Obtaining Approval to Destroy, 1. No records are to be destroyed until approval is obtained from ARC [Archives and Records Commission]." ODOC Policy 020107, "Written Communications gives instruction to ODOC employees on how to communicate within the agency it does not give the authority to use private messaging applications that go around the requirements of Title 51 O.S. § 24A, The Open Records Act." As reported by FOX News the ODOC uses a phone application that keeps messages private so no proof can be obtained by any inmate or the citizens of Oklahoma of instructions between any of the Defendants in this case even though Plaintiff asked ODOC Headquarters General Consul to retain all messages and communications in this action by using ODOC Form

090125D, Request to Staff, Law Library Log Number 202312460 and 202312468. ODOC Policy 060125, "E. Evidence 1. Physical material constituting evidence of the alleged violation will be confiscated, labeled, and secured. 3. Evidence relevant and/or material to the alleged offense will be viewed by the Disciplinary Coordinator [Chris Mattingly]. b. If a copy of the "Review of Evidence" form is not attached to the offense report, the evidence, or the photographs or photocopies of the evidence, laboratory reports, etc., will be reviewed by the disciplinary hearing officer/coordinator during the hearing or disposition. c. If videotapes or audiotapes are part of the evidence, the disciplinary hearing officer, coordinator and the inmate may review these items and such review will be documented. ... If review is prohibited, the disciplinary hearing officer/coordinator will describe the evidence/information to the inmate in general terms. 6. If evidence requested by the inmate is found not to exist, the disciplinary coordinator [Chris Mattingly] must document this finding." As stated in *Marquez v. Mann*, 192 A.D.2d 100, 600 N.Y.S.2d 285 (3d Dep't 1993) the hearing officer, David Rogers, denied Plaintiff his constitutional rights to evidence by refusing to allow Plaintiff to review and hear the phone call that the facility and ODOC Intelligence Division claimed Plaintiff made on 3/21/2023.

Defendant Mark Knutson, as the final reviewing authority, is required to review all steps taken during the disciplinary process and take fair and equitable steps to ensure the inmate/offender is treated correctly as required by ODOC Policy, United States laws and State laws. See ODOC Policy 020107, ODOC Policy 020202, Title 12 O.S. § 2401, Relevant Evidence, *Wolff v. McDonnell*, 418 U.S. 539 (1974); *Marquez v. Mann*, 192 A.D.2d 100, 600 N.Y.S.2d 285 (3d Dep't 1993); *McIntosh v. Carter*, 578 F.Supp. 96 (W.D.Ky. 1983); *Melnick v. Dzerenda*, 14 F.4th 981 (9th Cir. 2021); *Johnson v. Brown*, 681 Fed. Appx. 494, 496 (7th Cir. 2017); *Ellison v. Zatecky*, 820 F.3d 271 (7th Cir. 2016) and *United States v. Walker*, 2023 WL 7324054 (N.D. Okla.).

Defendant Securus Technologies, when requested, refused to give Plaintiff information requested on the facility communication system wholly operated and supplied to ODOC inmates with a built-in system for communicating to Securus Technologies representative to help resolve any issues with Securus and Oklahoma inmates. This system enables inmates to message Securus and receive answers on the inmate's tablet which is supplied to each inmate by Securus. Plaintiff wrote Securus offices via letter asking for answers and the legal counsel again refused to answer and supply Plaintiff with requested exculpatory information so that Plaintiff could then give that information to his current Warden. Securus has then suppressed evidence which violates due process as stated in *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). See *United States Code Annotated. Federal Rule of Civil Procedure for the United States District Courts. Title V. Disclosures and Discovery. Rule 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering Onto Land for Inspection and Other Purposes.*

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?
Yes ☐ No ☒ If your answer is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)
- a) Parties to previous lawsuit:
Plaintiffs: _____
Defendants: _____
- b) Name of Court and Docket Number: _____

- c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

- d) Issues Raised? _____
- e) Approximate date of filing lawsuit? _____
- f) Approximate date of disposition? _____
- 2) I have previously sought informal or formal relief from appropriate administrative officials regarding the acts complained of in Part C.
Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.
- a) On 3/21/2023 Chief of Security Secretary Brittney Cesena completed ODOC Form OP-050109, Attachment A by typing the form except for Plaintiff's name, DOC number and Housing Assignment. If the facility was not conducting a mass misconduct report (Collective Punishment) then Plaintiff's name would have also been typed on this form showing individual punishment and not punishing everyone who used the Securus Phone System on 3/21/2023.
- b) On 3/24/2023 Plaintiff completed DOC Form 060125B with Plaintiff marking with a X in the No column on all the questions. At some point after 3/24/2023 some staff member changed this form by coloring in the No column and adding to number 4 a Yes. The Court will also note at the top of this form that the Date Investigation was completed states 3/30/2023 or at a date in the future as the form was signed by Plaintiff on 3/24/2023. See enclosed DOC Form 060125B, Disciplinary Coordinator's Report signed March 24, 2023.
- c) Completed DOC Form 090124D, Law Library Log Number 202303814, to the DOC Securus Representative on 3/27/2023 and answered on 4/12/2023 but staff members signature is unreadable, however, the answer from Securus does not provide the phone call times just that Plaintiff attempted to make five (5) phone calls

on 3/21/2023. See enclosed Request to Staff which shows that Plaintiff attempted to call but does not provide any other information. Sent letter to Securus Arbitration Department on 2/26/2024 which is presented below. This letter was not mailed by the Prison Mailroom staff member and Plaintiff resent the letter on 5/1/2024.

- d) Completed page 1 of ODOC Form 060125L on 4/27/2023 with Plaintiff marking A.3.; A.5.; and B.4. and the information was then signed by Warden Rick Whitten and given to Plaintiff on 6/6/2023 at 9:06 p.m. On this form Plaintiff explained the problems with the misconduct report and the Disciplinary Hearing which was conducted on 4/13/2023 and Plaintiff's copy of DOC Form 060125C was given to Plaintiff on 4/25/2023.
- e) Sent electronic message to Securus via inmate tablet communication application on 5/1/2023 tablet reference number CCI-NFC00025462. *State ex rel Griffen v. Sehlmeier*, 165 Ohio St.3d 315 (2021).
- f) Received ODOC Form 060125L page 2, Due Process Review on 6/6/2023 with the Facility stating evidence was provided in the form of DOC Headquarters Intelligence Department stating every inmate at NFCC who used the phone at anytime on 3/21/2023 conducted a 3-Way phone call. No physical evidence was at any time shown or played for Plaintiff as proof of guilt or innocence. On DOC Form 060125A, Disposition of Physical Evidence dated 3/24/2023 is blank. DOC Form 060125H given on 3/24/2023 list no evidence of an actual phone call being given to Plaintiff nor the Disciplinary Coordinator, Officer Chris Mattingly, giving a sworn statement that he reviewed Plaintiff's phone call prior to issuing DOC Form 060125A, ODOC Offense Report. All inmates who used the Securus phone system on 3/21/2023 was called to the Disciplinary Coordinators office on 3/24/2023 with no reason given until Officer Chris Mattingly, as the Disciplinary Coordinator, issued the offense report. As such no inmate can/could present any documentary evidence since Plaintiff had no prior knowledge that an offense was committed prior to reporting to the Disciplinary Coordinators Office. As such page 2 of DOC Form 060125L number 6 cannot be truthful or correct. ODOC Policy 060125, Disciplinary Procedures. I. General Information. G. states if OIG investigation/report is used then the summary page(s) maybe used as documentary evidence and the Intelligence Office is part of the Inspector General Division of the ODOC. The original message from Securus to the ODOC Intelligence Office is not given as evidence of who of the 90 inmates actually conducted a 3-Way phone call instead the facility issued a misconduct to anyone who used the phone on 3/21/2023. *Wolff v. McDonnell*, 418 U.S. 539 (1974) and *Chavis v. Rowe*, 643 F.2d 1281 (7th Cir. 1981).
- g) Received answer to Misconduct Appeal on 7/3/2023 at 1:55 p.m., Appeal Number NFCC 23-85 received by ARA on 6/5/2023 and signed by Mark Knutson, Director's Designee with direction to Facility to conduct a rehearing and to change the misconduct from a X-20 to a A-22. This was not completed and the Director's Designee, Mark Knutson, did not follow his own procedures and the order to the facility by not ensuring a rehearing was conducted and notice returned to the ARA.
- h) Completed DOC Form 030115C, Request for Legal Research Assistance asking about the procedure for changing Class X to Class A on 7/6/2023 however the answer provided did not cover the question asked by Plaintiff.
- i) Completed DOC Form 090124D, Law Library Log Number 202307478, to Disciplinary Coordinator on 7/24/2023 documenting Informal Resolution as required

- by Prison Litigation Reform Act. Answered by Lt. Donald Thurmond on 8/10/2023 and returned to Plaintiff on 8/15/2023 at 5:00 p.m. stating that the new Warden, Casey Hamilton, was requested to dismiss the misconduct action.
- j) Completed DOC Form 090124D, Law Library Log Number 202308083 to Disciplinary Coordinator on 8/7/2023 to document Formal Resolution. No answer was received by Plaintiff within the 30 days given in ODOC Policy (10 days to answer Request to Staff but inmate cannot grieve a nonresponse until 30 days). *Aquilar-Avellaveda v. Terrell*, 478 F.3d 1223 (10th Cir. 2007); *Little v. Jones*, 607 F.3d 1245 (10th Cir. 2010); and *Lyon v. Vandekrol*, 305 F.3d 806 (8th Cir. 2002).
 - k) Completed DOC Form 090124A, Inmate/Offender Grievance to the new Warden, Casey Hamilton, on 9/11/2023 requesting answer to Law Library Log Number 202308083. No answer was given to Plaintiff as required by policy resulting in Plaintiff filing grievance to DOC Headquarters Directors Designee Mark Knutson, ARA Supervisor.
 - l) Sent electronic message to Securus via inmate tablet communication application on 9/19/2023 tablet reference number CCI-GPC00000250 which was closed by JPay, the parent company of Securus, on 10/20/2023 by Catherine at Ticketing Support. *State ex rel Griffen v. Sehlmeier*, 165 Ohio St.3d 315 (2021) and *Aquilar-Avellaveda v. Terrell*, 478 F.3d 1223 (10th Cir. 2007).
 - m) On 10/2/2023 filed DOC Form 060125V, Misconduct/Grievance Appeal to Administrative Review Authority in accordance with OP-090124, VI. Submission and Review of Formal Grievances, C. Time Frames for the Review of Grievances, Number 4....inmates's/offender's grievance was not answered by the reviewing authority covering Facility Misconduct Appeal Number NFCC 23-85.
 - n) Completed DOC Form 090124D, Law Library Log Number 202312185 to Trust Fund on 12/4/2023 to document sending Appeal to ARA that was sent on 10/2/2023.
 - o) Completed DOC Form 090124D, Law Library Log Number 202312459 to ARA on 12/28/2023 seeking answer to Misconduct/Grievance Appeal sent on 10/2/2023. The answer was sent to the facility on 10/10/2023 however Great Plains Correctional Center staff did not provide the answer to Plaintiff until 2/27/2024 which is 4 1/2 months later thus response was not given in a timely manner so Plaintiff could exhaust administrative remedies.
 - p) Completed DOC Form 090124D, Law Library Log Number 202312460 to ODOC General Counsel on 12/28/2023 and answered the same day but the answering staff members name is unreadable.
 - q) Completed DOC Form 090124D, Law Library Log Number 202312468 to ODOC Intelligence Department on 12/28/2023 and answered on 12/29/2023 by Nathan Williams, Chief Intelligence, however, the last of his job title is unreadable. The Intelligence Department is part of the ODOC Inspector General's Office as shown on the Quick Reference Directory. See enclosed Quick Reference Directory.
 - r) Completed DOC Form 090124D, Law Library Log Number not completed by Law Library Supervisor. Form was emailed to the newly formed Offender Advocacy Group on 12/28/2023 and resent to DOC Headquarters on 1/29/2024 after no answer was received. To date no answer has been provided to Plaintiff for his request for the agency to Advocate for Plaintiff. See enclosed DOC Form 090124D, Request to Staff dated December 28, 2023. *Aquilar-Avellaveda v. Terrell*, 478 F.3d 1223 (10th Cir. 2007).

- s) On 2/26/2024 completed and mailed via Legal Disbursement letter to Securus Dispute Resolution & Arbitration Department which to date has not been answered. Plaintiff discovered that the Prison Mailroom did not send letter as requested and Plaintiff again used a Legal Disbursement to resend letter on 5/1/2024. *Aquilar-Avellaveda v. Terrell*, 478 F.3d 1223 (10th Cir. 2007).
- t) On 2/27/2024 at 3:50 p.m. received answer to Grievance sent on 10/2/2023 which was marked Number 6. You cannot appeal a non-response. ODOC Policy 090124 does not support this answer in Section VI. C. 4. the policy states "the inmate/offender may send a grievance to the ARA with evidence of submitting the grievance to the proper reviewing authority. The grievance and relief requested will only address that the inmate's/offender's grievance was not answered by the reviewing authority." In OP-090124, VIII. Appeal Process and Procedure gives guidance to the Reviewing Authority (Warden) and the ARA but does not state you cannot appeal as the ARA is the ODOC Directors agency to make facilities Warden's answer grievances and appeals. *Dent v. West Virginia*, 129 U.S. 114, 9 S.Ct. 231, 32 L.Ed. 623 (1889) as quoted in *Wolff v. McDonnell*, 418 U.S. 539. Also see *Lewis v. Washington*, 300 F.3d 829, 833 (7th Cir. 2002).
- u) On 6/19/2024 at 8:45 a.m. received answer to letter sent to Securus Dispute Resolution & Arbitration Department sent on 2/26/2024 and resent on 5/1/2023 after Prison mailroom did not send the first letter. Answered by Securus Technologies Attorney Jonathan Heller who denied Plaintiff request for a transcript of all phone calls made by Plaintiff on date in question which is 3/21/2023. Attorney Heller sent letter on 5/7/2024 by was not given to Plaintiff, by facility, until 6/19/2024 or 43 days later.
- v) On 6/21/2024 sent via Prison Law Library Legal mail response to the letter from Attorney Jonathan Heller entitled Duty to Preserve Evidence in order to give notice to Securus Technologies Attorney of Record notice to preserve all evidence in this action. See enclosed copy of this letter.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

Under Fed.R.Civ.P. Rule 8 the District Court has jurisdiction in this case as Plaintiff is incarcerated within the Western District and Plaintiff is entitled to the following relief due to the violations of Plaintiffs civil rights, constitutional rights, State Law (Title 57 O.S. § 564.1 and Title 57 O.S. § 138), and ODOC policy. The relief sought is:

An order from this Court to dismiss this misconduct and follow ODOC policy in correcting Plaintiffs record to reflect the dismissal and removal of the level drop from Level 4 to Level 1 by Plaintiff's Case Manager, Chrystal Bryant, per ODOC Policy. *Graham v. State*, 549 P.2d 360 (Ok.Cr. 1976) and *Hudson v. McMillian*, 503 U.S. 1, 112 S.Ct. 995, 117 L.Ed.2d 156 (1992). If dismissal is granted Plaintiff asks this Court that no fees are charged to Plaintiff for this action.

Signature of Attorney (if any)

Reid H
Signature of Petitioner

(Attorney's full address and telephone number)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the Plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at Great Plains Correctional Center, Hinton, Oklahoma on July, 8, 2024

Reid H
(Signature)

VERIFICATION

STATE OF OKLAHOMA)
)ss.
COUNTY OF Caddo)

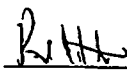
VERIFICATION / DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. § 1746 the Petitioner states under penalty of perjury and under the laws of the United States that the foregoing is true and correct; that Petitioner has read the foregoing and affixed his signature hereto at Great Plains Correctional Center on this 8 day of July, 2024, 18 U.S.C. § 1621

/s/ 
Randall Fletcher
(Print Name)

CERTIFICATE OF SERVICE

I, Randall Fletcher, the undersigned hereby certify that on the 8 day of July, 2024, I mailed a true and correct copy of the foregoing by placing same into the institutional legal mailing system at the Great Plains Correctional Center Hinton, Oklahoma 74829 under the Mailbox Rule Pursuant to Fed. R. App. P. 4 (c) and United States v. Ceballos-Martinez, 358 F.3d 732 (2004), revised and superseded, 371 F.3d 713 (10th Cir. 2004).

/s/ 

Enclosures

Record of Delivery of Copies of Evidence to Inmate

Copies of the following items were delivered to Fletcher Randall ODOC# 687347

Offense Code X-26 Date of Offense 3/21/23

1. Offense Report - B Cesena
2. Incident Report - B Cesena
3. Disciplinary Coordinator's Report - C Mattingly
4. Record of Delivery - C Mattingly
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Ruth _____ C. Mattingly 3/24/23 1155
Inmate's Signature Disciplinary Coordinator's Date Time
Signature/Hearing Officer

Distribution

Original: Commitment Document Folder with Offense Report
First Copy: Field File with Offense Report
Second Copy: Inmate with Offense Report

DOC 060125H (R 01/22)

T

Bill issue date
Apr 04, 2023

Account

Page
5 of 28

CONTINUED - (405) 314-9943, TALK

When	Who	Description	Type	Min	Cost
Mar 13	11:11 PM	IN (870) 308-4531	Incoming	17	-
	7:01 AM	IN (580) 729-6023	Incoming	23	-
	8:53 AM	IN (405) 410-9651	Incoming	5	-
	12:17 PM	OUT (405) 882-0798	to Okla City/OK	1	-
	12:24 PM	OUT (405) 410-9651	to Okla City/OK	1	-
	12:43 PM	IN (405) 882-0798	Incoming	17	-
	1:00 PM	OUT (870) 308-4531	to Monticello/AR	4	-
	1:04 PM	OUT (870) 308-4531	to Monticello/AR	4	-
	1:57 PM	OUT (870) 308-4531	to Monticello/AR	6	-
	2:05 PM	OUT (405) 410-9651	to Okla City/OK	7	-
	2:10 PM	IN (305) 410-9651	Incoming	2	-
	2:52 PM	IN (405) 334-9994	Incoming	1	-
	2:47 PM	IN (580) 729-6023	Incoming	7	-
	6:01 PM	IN (405) 535-1284	Incoming	5	-
	6:51 PM	IN (870) 550-2630	Incoming	58	-
	7:29 PM	IN (580) 729-6023	Incoming	3	-
	10:07 PM	OUT (870) 308-4531	to Monticello/AR	1	-
Mar 14	6:53 AM	IN (405) 826-5468	Incoming	20	-
	7:14 AM	IN (580) 729-6023	Incoming	4	-
	8:08 AM	OUT (405) 334-9994	to Stillwater/OK	4	-
	12:24 PM	IN (405) 535-1284	Incoming	6	-
	12:44 PM	OUT (870) 308-4531	to Monticello/AR	2	-
	12:45 PM	OUT (405) 410-9651	to Okla City/OK	40	-
	2:17 PM	OUT (405) 601-8878	to Okla City/OK	2	-
	3:11 PM	IN (580) 729-6023	Incoming	2	-
	3:20 PM	IN (405) 436-4263	Incoming	2	-
	4:51 PM	OUT (405) 535-1284	to Okla City/OK	5	-
	6:09 PM	IN (870) 550-2630	Incoming	1	-
	6:42 PM	OUT (405) 410-9651	to Okla City/OK	1	-
	7:51 PM	IN (580) 729-6023	Incoming	6	-
	8:15 PM	IN (405) 410-9651	Incoming	43	-
	3:58 PM	OUT (870) 550-2630	to Pine Bluff/AR	1	-
	8:59 PM	OUT (870) 308-4531	to Monticello/AR	1	-
Mar 15	6:42 AM	IN (405) 826-5468	Incoming	14	-
	7:02 AM	OUT (405) 826-5468	to Okla City/OK	1	-
	7:03 AM	IN (580) 729-6023	Incoming	8	-
	7:13 AM	OUT (405) 826-5468	to Okla City/OK	7	-
	8:29 AM	OUT (405) 410-9651	to Okla City/OK	1	-
	9:30 AM	IN (405) 410-9651	Incoming	2	-
	11:28 AM	OUT (870) 308-4531	to Monticello/AR	2	-
	3:00 PM	OUT (405) 659-8344	to Okla City/OK	2	-
	3:01 PM	OUT (405) 410-9651	to Okla City/OK	13	-
	3:13 PM	IN (580) 729-6023	Incoming	8	-
	3:22 PM	OUT (405) 535-1284	to Okla City/OK	4	-
	3:25 PM	IN (870) 550-2630	Incoming	25	-
	3:51 PM	OUT (580) 478-1974	to Enid/OK	31	-
	4:32 PM	OUT (405) 535-1284	to Okla City/OK	1	-
	4:36 PM	IN (405) 826-5468	Incoming	4	-
	4:44 PM	IN (405) 535-1284	Incoming	13	-
	6:47 PM	IN (405) 535-1284	Incoming	1	-
	7:05 PM	IN (580) 729-6023	Incoming	2	-
	8:42 PM	IN (405) 535-1284	Incoming	6	-
	8:48 PM	IN (405) 535-1284	Incoming	1	-
	9:00 PM	IN (580) 729-6023	Incoming	17	-
	9:45 PM	OUT (870) 308-4531	to Monticello/AR	1	-
Mar 16	6:40 AM	IN (405) 826-5468	Incoming	16	-
	7:08 AM	IN (580) 729-6023	Incoming	10	-
	7:42 AM	IN (405) 535-1284	Incoming	5	-
	9:38 AM	OUT (870) 308-4531	to Monticello/AR	1	-
	9:38 AM	OUT (580) 233-2426	to Enid/OK	2	-
	9:57 AM	OUT (405) 764-3307	to Okla City/OK	2	-
	10:24 AM	OUT (405) 535-1284	to Okla City/OK	2	-
	12:25 PM	OUT (870) 308-4531	to Monticello/AR	1	-
	12:29 PM	OUT (405) 764-3307	to Okla City/OK	46	-
	1:53 PM	OUT (405) 535-1284	to Okla City/OK	1	-
	3:13 PM	IN (580) 729-6023	Incoming	7	-
	4:14 PM	IN (405) 535-1284	Incoming	4	-
	5:10 PM	IN (870) 550-2630	Incoming	6	-
	5:41 PM	OUT (405) 410-9651	to Okla City/OK	12	-
	7:16 PM	IN (870) 308-4531	Incoming	3	-
	7:29 PM	IN (580) 729-6023	Incoming	12	-
	8:25 PM	IN (405) 535-1284	Incoming	1	-
Mar 17	6:52 AM	IN (405) 826-5468	Incoming	10	-
	7:02 AM	IN (580) 729-6023	Incoming	2	-
	7:05 AM	OUT (405) 826-5468	to Okla City/OK	10	-
	9:17 AM	OUT (405) 535-1284	to Okla City/OK	1	-
	9:17 AM	OUT (405) 410-9651	to Okla City/OK	16	-
	10:24 AM	IN (405) 410-9651	Incoming	12	-
	11:03 AM	OUT (405) 410-9651	to Okla City/OK	11	-
	12:38 PM	OUT (870) 308-4531	to Monticello/AR	1	-
	12:39 PM	OUT (405) 535-1284	to Okla City/OK	1	-
	1:05 PM	IN (405) 535-1284	Incoming	2	-
	2:11 PM	OUT (405) 410-9651	to Okla City/OK	1	-
	2:23 PM	IN (405) 410-9651	Incoming	10	-
	3:12 PM	IN (580) 729-6023	Incoming	5	-
	3:52 PM	OUT (405) 764-3307	to Okla City/OK	20	-
	4:55 PM	IN (405) 764-3307	Incoming	1	-
	4:56 PM	IN (405) 764-3307	Incoming	1	-
	5:56 PM	IN (870) 550-2630	Incoming	11	-
	6:07 PM	IN (405) 410-9651	Incoming	7	-
	6:13 PM	OUT (405) 532-2700	to Okla City/OK	1	-

CONTINUED - (405) 314-9943, TALK

When	Who	Description	Type	Min	Cost
	6:14 PM	OUT (405) 827-6834	to Shawnee/OK	1	-
	6:40 PM	IN (405) 535-1284	Incoming	5	-
	7:15 PM	IN (580) 729-6023	Incoming	5	-
	8:08 PM	IN (870) 308-4531	Incoming	1	-
	9:33 PM	IN (405) 410-9651	Incoming	1	-
Mar 18	7:09 AM	IN (580) 729-6023	Incoming	2	-
	8:23 AM	IN (405) 535-1284	Incoming	5	-
	9:22 AM	IN (405) 535-1284	Incoming	4	-
	9:28 AM	OUT (405) 255-6240	to Okla City/OK	17	-
	10:09 AM	OUT (405) 881-0566	to Okla City/OK	1	-
	10:11 AM	OUT (281) 758-9848	to Cypress/TX	2	-
	10:39 AM	IN (405) 589-7570	Incoming	11	-
	1:34 PM	IN (870) 550-2630	Incoming	16	-
	1:58 PM	IN (405) 535-1284	Incoming	7	-
	2:43 PM	IN (405) 881-0566	Incoming	2	-
	3:05 PM	IN (580) 729-6023	Incoming	3	-
	3:46 PM	IN (405) 410-9651	Incoming	23	-
	4:08 PM	OUT (405) 535-1284	to Okla City/OK	7	-
	6:47 PM	OUT (972) 724-1111	to Princeton/TX	5	-
	7:30 PM	IN (580) 729-6023	Incoming	14	-
	7:43 PM	OUT (870) 550-2630	to Pine Bluff/AR	20	-
	10:05 PM	OUT (870) 308-4531	to Monticello/AR	1	-
Mar 19	7:04 AM	IN (580) 729-6023	Incoming	5	-
	11:03 AM	IN (405) 535-1284	Incoming	4	-
	11:56 AM	IN (405) 589-7570	Incoming	2	-
	12:58 PM	IN (405) 589-7570	Incoming	2	-
	1:12 PM	OUT (405) 589-7570	to Chandler/OK	2	-
	1:14 PM	OUT (405) 412-2509	to Okla City/OK	1	-
	1:51 PM	IN (405) 589-7570	Incoming	1	-
	1:57 PM	IN (405) 589-7570	Incoming	3	-
	2:59 PM	OUT (405) 589-7570	to Chandler/OK	1	-
	5:02 PM	IN (580) 729-6023	Incoming	12	-
	5:13 PM	OUT (405) 515-8300	to Edmond/OK	1	-
	5:14 PM	OUT (405) 535-1284	to Okla City/OK	14	-
	4:04 PM	OUT (405) 514-2372	to Okla City/OK	1	-
	4:09 PM	OUT (405) 514-2372	to Okla City/OK	1	-
	5:42 PM	IN (405) 535-1284	Incoming	4	-
	5:48 PM	IN (405) 535-1284	Incoming	3	-
	7:11 PM	IN (870) 550-2630	Incoming	15	-
	7:45 PM	IN (580) 729-6023	Incoming	3	-
	8:44 PM	OUT (405) 589-7570	to Chandler/OK	1	-
	8:44 PM	IN (405) 589-7570	Incoming	2	-
Mar 20	7:05 AM	IN (580) 729-6023	Incoming	7	-
	8:25 AM	IN (405) 589-7570	Incoming	2	-
	8:34 AM	OUT (405) 514-2372	to Okla City/OK	1	-
	8:56 AM	OUT (405) 589-7570	to Chandler/OK	1	-
	9:37 AM	IN (405) 589-7570	Incoming	2	-
	9:45 AM	IN (405) 535-1284	Incoming	23	-
	9:47 AM	IN (405) 589-7570	Incoming	2	-
	10:30 AM	IN (405) 535-1284	Incoming	6	-
	10:58 AM	IN (405) 589-7570	Incoming	3	-
	12:04 PM	IN (870) 550-2630	Incoming	1	-
	12:05 PM	IN (870) 550-2630	Incoming	4	-
	12:09 PM	OUT (405) 535-1284	to Okla City/OK	5	-
	1:20 PM	OUT (405) 438-4486	to Okla City/OK	1	-
	1:32 PM	IN (405) 410-9651	Incoming	4	-
	1:45 PM	OUT (405) 410-9651	to Okla City/OK	4	-
	2:12 PM	IN (405) 514-2372	Incoming	2	-
	2:49 PM	OUT (405) 633-8476	to Okla City/OK	5	-
	3:37 PM	IN (580) 729-6023	Incoming	2	-
	4:54 PM	OUT (405) 827-6834	to Shawnee/OK	17	-
	4:57 PM	IN (405) 535-1284	Incoming	2	-
	6:14 PM	IN (580) 478-1974	Incoming	10	-
	6:33 PM	IN (405) 535-1284	Incoming	3	-
	7:29 PM	IN (580) 729-6023	Incoming	11	-
	7:40 PM	IN (405) 535-1284	Incoming	3	-
	8:11 PM	IN (405) 882-0798	Incoming	3	-
	8:18 PM	OUT (405) 535-1284	to Okla City/OK	1	-
	9:00 PM	OUT (405) 535-1284	to Okla City/OK	2	-
	9:05 PM	OUT (405) 535-1284	to Okla City/OK	1	-
Mar 21	6:57 AM	IN (405) 826-5468	Incoming	11	-
	7:08 AM	IN (580) 729-6023	Incoming	6	-
	7:15 AM	IN (405) 535-1284	Incoming	5	-
	8:47 AM	OUT (405) 633-8476	to Okla City/OK	4	-
	9:45 AM	IN (405) 433-8476	Incoming	2	-
	11:33 AM	OUT (405) 827-6834	to Shawnee/OK	1	-
	3:05 PM	IN (405) 589-7570	Incoming	2	-
	3:10 PM	OUT (405) 410-9651	to Okla City/OK	7	-
	3:17 PM	OUT (405) 589-7570	to Chandler/OK	3	-
	3:20 PM	IN (580) 729-6023	Incoming	12	-
	8:31 PM	OUT (405) 589-7570	to Chandler/OK	17	-
	4:01 PM	OUT (405) 410-9651	to Okla City/OK	15	-
	4:28 PM	OUT (405) 255-6240	to Okla City/OK	1	-
	4:43 PM	IN (405) 535-1284	Incoming	9	-
	5:50 PM	OUT (405) 410-9651	to Okla City/OK	13	-
	7:30 PM	IN (580) 729-6023	Incoming	8	-
	8:10 PM	IN (870) 550-2630	Incoming	4	-
Mar 22	6:54 AM	IN (405) 826-5468	Incoming	12	-
	7:07 AM	IN (580) 729-6023	Incoming	6	-
	8:18 AM	IN (405) 535-1284	Incoming	9	-
	10:25 AM	OUT (405) 633-8476	to Okla City/OK	4	-

Randall Klepper
647347 CC:906
G-POL
PO Box 700
Hinton OK 73047-0700

LEGAL
MAILS
5/1/24

Securus Technologies, LLC
ATTN: Legal Department
4000 International Parkway
Correllton, Texas 75007

Great Plains Correctional Center
RECEIVED

MAY 01 2024

LAW LIBRARY

OFFENDER

COPY

Notice of Informal Dispute Resolution Attempt

February 26, 2024

*Original letter was not sent by
Prison mail room being resent on
May 1, 2024*

Sometime on approximately March 21, 2023 an employee of Securus or its various other companies notified Headquarters, Oklahoma Department of Corrections (ODOC) of a suspected 3-way phone call coming from North Fork Correctional Center located in Sayre, Oklahoma. Because of that message/communication every inmate who used Securus phone system at any time on March 21, 2023, whether tablet or wall phone, received a misconduct. This misconduct resulted in my phone being turned off for 92 days both tablet and wall phone even though loss of phone was not a part of my misconduct sanctions.

I attempted to communicate this with Securus via the tablet help ticket messages system:

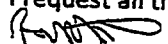
Ref.# CCI-NFC00025462 starting on 5/1/2023 and auto closed 5/15/2023 due to the closure of North Fork Correctional Center and the new facility, Great Plains Correctional Center in Hinton, Oklahoma not having Wi-Fi at the facility. Once Wi-Fi connection was installed, I restarted the process with a new message.

Ref.# CCI-GPCC00000250 starting on 9/19/2023 and closed by JPay on 10/20/2023 by Catherine at Ticketing Support.

In accordance with Dispute Resolution & Arbitration Agreement. Informal Dispute Resolution I still need the information from these two (2) help ticket request. Further I request answer to the following questions.

- 1) Who, at Securus or its partner companies sent the 3-way phone call message to ODOC, what form was this message (i.e., email, phone call, video call, etc.) and who was this message sent to?
- 2) I request a copy of all communications dealing with the 3-way phone call on March 21, 2023 to or from ODOC and/or your local Securus representative.
- 3) Who at Securus turned off my phone, both tablet and wall phone? As the phone system provider, you must have knowledge of who performed this function.
- 4) In accordance with Securus Unity and SecureView Terms and Conditions, Section Important Notices you record all messages and I request an official transcript of any of my phone calls made on March 21, 2023. I request official notice of what time those calls were made, and to what phone number it was made to.
- 5) How many inmates at North Fork Correctional Center had their phone services, both tablet and wall phone, turned off from between March 24, 2023 and July 31, 2023.
- 6) Other information that you find in your records dealing with this issue.

I request all these answers in writing as I have no ability to print from the tablet.


Randall Fletcher

687347 CC-208

GPCC

P.O. Box 700

Hinton, OK 73047

LAW OFFICES OF JONATHAN A. HELLER, P.A.
2332 Galliano Street, Suite 215
Coral Gables, Florida 33134

MIAMI FL 330

7 MAY 2024 PM 1 L



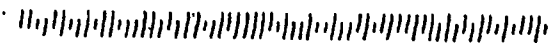
Randall Fletcher #687347 CC-208

CPCC

P.O. BOX 700

Hinton, OK 73047

73047-070000



Received 6/19/2024 at 8:45 a.m. from facility
Law library and was already opened.

LAW OFFICES OF
JONATHAN A. HELLER, P.A.
ATTORNEYS AT LAW

JONATHAN A. HELLER

2332 Galiano Street, Suite 215
Coral Gables, FL 33134

May 7, 2024

Randall Fletcher #687347 CC-208
GPCC.
P.O. Box 700
Hinton, OK 73047

Re: Request for records from Securus Technologies.

Dear Mr. Fletcher,

As counsel for Securus Technologies LLC ("Securus"), your records request has been provided to me for this response. Please be advised that Securus does not meet the definition of a 'Public Body' pursuant to 51 O.S. Section 24 a (3) (2) and accordingly, cannot respond to your request.

Very truly yours,


Jonathan A. Heller, Esq.

DISCIPLINARY COORDINATOR'S REPORT

Investigating Officer (Print): C. Mattingly Date referred for investigation: 3/21/23Inmate Name and ODOC#: Fletcher 687347 Date investigation completed: 3/30/23Offense: Utilizing Communication Against Policy Offense Code: X-2D Date of Offense: 3/21/23Statement of inmate regarding offense: I only call 2 people, my wife and my mom. So I don't know who this is about.☐ Inmate wishes to call witness/witnesses ☒ Inmate does not wish to present witnessName: NA Can testify to: NAName: NA Can testify to: NA

- YES NO (One box should be checked for each statement).
- ☐ ☒ Inmate provided documentary evidence to investigator. If yes, state evidence.
 - ☐ ☒ Statement(s) provided by witness/es attached (or document refusal to provide information).
 - ☐ ☒ Discretionary action taken regarding witness testimony. Documentation/justification attached.
 - ☒ ☒ Inmate has received photocopy/description of all evidence.
 - ☐ ☒ Written confidential witness testimony/evidence taken (not provided to inmate).
 - ☐ ☒ A staff representative will ONLY be appointed if inmate meets criteria specified in OP-060125 Section III. item A. Assignment of a staff representative is warranted. If so, assigned representative is: _____
 - ☐ ☒ Inmate requested documentary evidence. If yes, state evidence: _____
If denied, state reason for denial: _____
 - ☒ ☐ CRC attached (front and back side) -- not provided to the inmate

Additional facts discovered by investigator not in incident reports, evidence, and/or witness statements: _____

Disciplinary hearings will normally be scheduled on a docket, which will commence within seven (7) days from the date the disciplinary hearing officer receives the offense report from the disciplinary coordinator. Disciplinary dispositions for Class A and B offenses will be completed within seven (7) days.

4/10/23
Date of
Hearing/Disposition

8:00/ Unit
Time and Location of
Hearing/Disposition

C. Mattingly
Signature of Disciplinary
Coordinator

I acknowledge receipt of this report, all attachments, and the contents therein. (5-ACI-3C-13)

[Signature]
Inmate's Signature

Date 3/24/23

Original: Commitment Document Folder
First Copy: Field File
Second Copy: Inmate

DOC 060125B (R 01/22)

Inmate/Offender Grievance Process

REQUEST TO STAFF

MAR 28 2023
TO: Securus Representative FACILITY/UNIT: NCC DATE: 3/27/2023
(NAME AND TITLE OF STAFF MEMBER)

I have have not X already submitted a "Request to Staff" or grievance on this same issue.
If yes, what date: facility: grievance #:
I affirm that I do do not X have a grievance pending on this issue.
I affirm that I do do not X have a lawsuit of any type pending that relates in any way to this issue.
If a lawsuit is pending, indicate case number and court:
This request X does does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

Ms. Hovs on March 21 A report to DDC HQ was sent about a 3-way phone call and all 60 people who were on the phone has received a class X write up. I request my phone logs from Securus for March 20, 21 and 22. Thank you.

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

Provide me with my call logs for March 20, 21, and 22 of 2023.

NAME: Randall Fletcher ODOC #: 687347 UNIT & CELL NUMBER: 4V129
(PRINT)

SIGNATURE: [Signature] WORK ASSIGNMENT: Education

DO NOT WRITE BELOW THIS LINE

DISPOSITION: Attached

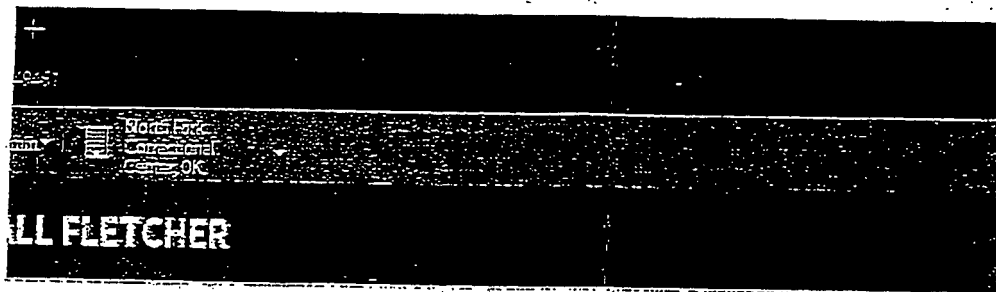
STAFF MEMBER

DATE

Date response sent to inmate/offender:

1. Original to file
2. Copy to inmate/offender

DOC 090124D
(R 01/22)



-  Call to (405) 314-9943 - March 20, 2023
-  Call to (405) 314-9943 - March 21, 2023
-  Call to (405) 314-9943 - March 21, 2023
-  Call to (405) 314-9943 - March 21, 2023
-  Call to (405) 314-9943 - March 21, 2023
-  Call to (405) 314-9943 - March 21, 2023
-  Call to (405) 314-9943 - March 20, 2023
-  Call to (405) 314-9943 - March 20, 2023
-  Call to (405) 314-9943 - March 20, 2022
-  Call to (405) 314-9943 - March 20, 2023
-  Call to (405) 314-9943 - March 20, 2023
-  Call to (405) 314-9943 - March 20, 2023



Quick Reference
Directory Updated 11/15/2022
 11:30 AM

Mailing Address:

Oklahoma Department of Corrections
 P.O. Box 11400
 Oklahoma City, OK 73136-0400
 405-425-2500

Physical Address:

3430 N. Martin Luther King Ave.
 Oklahoma City, OK 73111-4238

(If the mailing address is not listed for the unit/division/offices below, please use mailing address above.)

Office of the Director

Steven Harris, Jr., Director
 405-425-2506 FAX: 405-425-2578

Accounts Control

Danny Douglas, Accountant IV
 405-425-2654 FAX: 405-425-7315

Accounts Payable

Chris Kennedy, Finance Comptroller
 405-425-2731 FAX: 405-425-2267

Administrative Review Authority

Mark Knutson, Manager
 405-425-2682 FAX: 405-425-2683

Administrative Services

Ashlee Clemmons, Chief Financial Officer
 405-425-2694 FAX: 405-425-2267

Agency Records Disposition (not Offender Records)

Stephanie Sullivan, Coordinator
 405-425-2722

Agri-Services

Jeff Vaughan, Chief Administrator
 3402 N Martin Luther King Ave
 Oklahoma City, OK 73111-4219
 405-425-7548 FAX: 405-425-7502

Auditing and Compliance

Shelly Bear, Chief Administrator 440
 S Houston Ave, Ste 508
 Tulsa, OK 74127-8913
 918-581-2836 FAX: 918-581-2767
 Internal Financial Audit: 405-425-2585

Bill Johnson Correctional Center (JBCC)

Becky Guffy, Warden
 1856 E Flynn St
 Alva, OK 73717-3004
 580-327-8000 FAX: 580-327-8018

Board of Corrections

405-425-2164

Bridgeway, Inc. Halfway House

Stacey Wilson, Director
 620 W Grand Ave
 Ponca City, OK 74601-5123
 580-762-1462 FAX: 580-765-7299

Budget and Planning

Toni Halferty, Budget Comptroller
 405-425-2656 FAX: 405-425-2267

Chief of Operations

Justin Harris
 405-425-2114 FAX: 405-425-2578

Chief of Strategic Engagement

Millicent Newton-Embry
 405-425-7055 FAX: 405-425-2578

Chief Technical Officer

Mike Carpenter
 405-425-2548 FAX: 405-425-2578

Clara Waters Community

Corrections Center (CWCCC)
 Scott Wallis, Facility Administrator
 9901 N I-35 Service Rd
 Oklahoma City, OK 73131-5228
 405-254-3200 FAX: 254-3290

Classification and Population

Travis Gray, Administrator
 PO Box 260
 Lexington, OK 73051-0260
 405-527-3950 FAX: 405-527-4101

Closed Records

LaTanya Graham, Manager
 405-425-2626

Community Corrections

James Rudek, Chief Administrator
 405-425-2877 FAX: 405-425-3654

Community Outreach Unit

405-425-2607

Community Sentencing

Melinda Guilfoyle, Administrator
 405-425-2690

Construction and Maintenance

Micah Hobson, Chief
 Administrator 405-425-7362

Contracts & Acquisitions

Leah Price, Chief Administrator
 405-425-2722

Davis Correctional Facility (DCF)

[Core Civic]
 Mark Gentry, Warden
 6888 E 133 Rd
 Holdenville, OK 74848-9020
 405-379-6400 FAX: 405-379-6496

Dental Services

Paul Haines, D.D.S., Chief Dental Officer
 442586 East 250 Road
 Vinita, OK 74301
 918-256-3392, ext. 256
 FAX: 918-256-4421

Dick Conner Correctional Center (DCCC)

Janet Dowling, Warden
 129 Conner Rd
 Hominy, OK 74035-2100
 918-594-1300 FAX: 918-594-1324

Eddie Warrior Correctional Center (EWCC)

Greg Breslin, Warden
 PO Box 315
 Taft, OK 74463-0315
 918-683-8365 FAX: 918-682-4782

Education

Dr. Jeana Eby, Superintendent
 405-425-7392

Employee Assistance Program

Justin Giudice, EAP Contract Coordinator
 405-425-2853 FAX: 405-425-2234
 Toll Free: 1-800-559-9544 (24hr/7day)
 Workplace (WPP) Violence Incidents:
 405-425-2511
 WP Critical Incidents: 405-425-2871
 WP Conflict Issues: 405-425-2853

Employee Grievances

Justin Giudice, Grievance Manager
 405-425-2871

Employee Rights and Relations

Nancy Watson-Ellis, Administrator
 Enid Community Corrections Center (ECCC)
 John Masquelier, Facility Administrator
 2020 E Maine Ave
 Enid, OK 73701-6445
 580-977-3800 FAX: 580-977-3834

Environmental Health and Safety Administration

Todd Bourland, Administrator
 2901 N Classen Blvd, Ste 200
 Oklahoma City, OK 73106-5463
 405-425-2119 FAX: 405-425-2578

Evaluation and Analysis

Minzhe Wu, Chief Administrator
 405-626-8475

Female Offender Diversion Program

Marquedia Rice, Local Administrator
 440 S. Houston Ave., Ste. 202
 Tulsa, OK 74127
 918-581-2710 FAX: 918-581-2186

Fleet Management

Vu Duong, Fleet Administrator
 405-425-2592

Food Service Quality Assurance

Julie Thompson, Administrator
 440 S. Houston Ave., Suite 508 Tulsa,
 OK 74127
 918-327-8000

General Counsel

Karl Hawkins
 405-425-2515 FAX: 405-425-2683

Grants Administration

Donnie Lewis, Grants Manager
 405-425-2062

Health Services

Ross Fisher, M.D., Chief Medical Officer
 3300 N. Martin Luther King Ave
 Oklahoma City, OK 73111
 405-425-2958 FAX: 405-425-2911
 Howard McLeod Correctional Center (HMCC)
 Deon Clayton, Warden
 19603 E Whipoorwill Lane
 Atoka, OK 74525-5560
 580-889-6651 FAX: 580-889-2264

Human Resources

Mitzi Bennett, Chief Administrator
 405-425-2501

IT Call Center / Help Desk

405-521-2445
 Toll Free: 1-844-521-2445
psdservicedesk@omes.ok.gov

Inspector General

Ted Woodhead, Inspector General
 405-425-2508
 Jason Sparks, Deputy Inspector Gen
 405-425-2567

Criminal Interdiction

Keith Hawkins, Resident Agent in Charge, 918-302-3142

Fugitive Apprehension

Travis Seal, Resident Agent in Charge, 405-425-2570

Intelligence

Travis Seal, Resident Agent in Charge, 405-425-2570

Investigations

Jacob Wheeler, Resident Agent in Charge, 405-425-2455

Law Enforcement

Communications
 Jacob Wheeler, Resident Agent in Charge, 405-425-2455

Institutions

Jason Bryant, Chief Administrator
 Carl Bear, Administrator
 Jeord Braggs Jr., Administrator
 405-425-7008 FAX: 405-425-7317

Intranet Updates

Janelle Williams
 405-425-7033

Jackie Brannon Correctional Center (JBCC)

Jim Farris, Warden
 PO Box 1999
 McAlester, OK 74502-1999
 918-421-3339 FAX: 918-426-0004

James Crabtree Correctional Center (JBCC)

Scott Nunn, Warden
 216 N Murray St
 Helena, OK 73741-1017
 580-852-3221 FAX: 580-852-3104

Jess Dunn Correctional Center (JDCC)

Casey Hamilton, Warden
 PO Box 316
 Taft, OK 74463-0316
 918-682-7841 FAX: 918-682-4372

Jim E. Hamilton Correctional Center (JEHCC)

Randy Harding, Warden
 53468 Mineral Springs Rd
 Hodgen, OK 74939-3064
 918-653-7831 FAX: 918-653-7813

John Lilley Correctional Center (JLCC)

Terry Tuggle, Warden
 407971 Highway 62E
 Boley, OK 74829-6600
 918-667-3381 FAX: 918-667-3959

Request to Staff

TO: Offender Advocacy

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: G-PCC

TO DOC HQ

DATE: 12/28/23

I have ☒ have not ☐ already submitted a Request to Staff or grievance on this same issue.
 If yes, what date: Oct. 2, 2023 facility: G-PCC grievance #: N/A
 I affirm that I do ☒ do not ☐ have a grievance pending on this issue.
 I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.
 If a lawsuit is pending, indicate case number and court: _____
 This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

With the creation of the Offender Advocacy Group another Administrative Remedy has been created and in order to follow the rules of the PLRA and exhaust all available remedies I am notifying you that on March 21, 2023 at NECC about 90 inmates received a Class X misconduct for a phone call that occurred on that day at 1514 hours. All inmates were turn over
 (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.
I do not know what the Advocacy Group can do since you are a new creation inside ODOC Headquarters but I have to follow all Administrative Remedies and notify you.

NAME Randall Fletcher
(PRINT)ODOC# 687347 UNIT & CELL NUMBER: C206SIGNATURE [Signature]WORK ASSIGNMENT: POA orderlyDISPOSITION: DO NOT WRITE BELOW THIS LINE

Scanned and resent on 1/29/2024 at 3:14 p.m. by M.S. Gibson Law Library

STAFF MEMBER

DATE

late response sent to inmate/offender: _____
 Original to file
 Copy to inmate/offender

Great Plains Correctional Center
RECEIVED

DEC 28 2023

LAW LIBRARY

DOC 090124D
(R 01/22)

Found guilty of making the same phone call at the same exact time. I have followed the ODOC steps of appeal and grievance and my attempt at formal resolution was not answered requiring a grievance to the ARA whose responsibility is to make the facility answer Request to staff. By policy I can only grieve a non-response but not put what the RTS was about just the non-response by the facility. When the ARA does not answer the only step available is to file suit in court.

The misconduct is no longer pending as I have already served all sanctions issued by the disciplinary hearing officer and the only remaining avenue is to have Doc Headquarters intervene since the ARA would not.

I do not have a grievance number as I received no answer to the grievance which would have then given a grievance number. The unanswered RTS is 2023 08083. The misconduct number is NFCL 23-85.

Jonathan A. Heller, P.A.
Attorneys At Law
ATTN: Securus Technologies
2332 Galiano Street, Suite 215
Coral Gables, FL 33134

Date: June 21, 2024

Re: Duty to Preserve Evidence

This letter is in reply to your letter sent on May 7, 2024 entitled Re: Request for records from Securus Technologies. That letter was in reply to *Notice of Informal Dispute Resolution Attempt* dated February 26, 2024.

Please take notice that you are obligated to preserve any documents and electronically stored information in your possession, custody, or control that contain information that may be relevant to communication between Securus Technologies and the Oklahoma Department of Corrections (ODOC) covering any inmate phone calls made on March 21, 2023 and reported to ODOC Headquarters Intelligence Division as a possible 3-way phone call, these phone calls were made by any inmate on March 21, 2023 at any time during the day or night of March 21, 2023. You are required to retain any potentially relevant electronically stored information in the format in which it currently exists and existed after March 21, 2023.

Although it is your responsibility to preserve all relevant information, the following sources are particularly likely to contain information about notice given by Securus Technologies to ODOC Headquarters covering possible 3-way phone call detected at North Fork Correctional Center, Sayre, Oklahoma on March 21, 2023 at 1514 (3:14 p.m.) hours.

1. Information found on computers, cell phones, text messages or data storage devices used by Securus employee or employee's who reported the phone call mentioned above.
2. All emails sent to and from any Securus employee or employees who reported the phone call mentioned above.
3. All voice mail messages from any Securus employee or employees who reported the phone call mentioned above.
4. Any and all other form of communication between ODOC Intelligence Division or any other Office within ODOC Headquarters and Securus employee or employees who reported the phone call mentioned above.

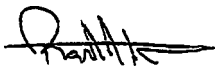
In order to preserve this information, it is critical that you, Securus, suspend any document deletion and destruction policies that may result in the destruction of electronically stored

information. See *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003) and *Barnett v. Simmons*, 2008 OK 100, ¶ 19, 97 P.3d 12, 19.

Failure to comply with your preservation obligations may be considered spoliation of evidence. *U.S. v. Koch Indus., Inc.*, 197 F.R.D. 463 (N.D. Okla. 1998) and *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).

If you have any questions at all about this letter, please contact me at the below address and put on your envelope LEGAL MAIL.

Yours Very Truly,



Randall E. Fletcher
687347, CC-208
P.O. Box 700
Hinton, Oklahoma 73047-0700

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

Randall Edward Fletcher

Plaintiff(s)

v.

Whitten et al

Defendant(s)

CIV-24-692-SLP

July 10, 2024

Enter Order:

In accordance with 28 U.S.C. §636, this matter is hereby referred to Magistrate Judge Amanda Maxfield Green for preliminary review, for conducting any necessary hearings, including evidentiary hearings, for the entry of appropriate orders as to non-dispositive matters, and for the preparation and submission to the undersigned judge of Findings and Recommendations as to dispositive matters referenced in 28 U.S.C. §§ 636(b)(1)(B), and (C).

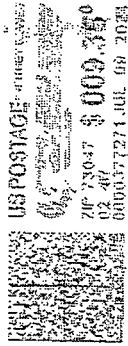
THE ABOVE ORDER ENTERED AT THE DIRECTION OF JUDGE SCOTT L. PALK

JOAN KANE, CLERK

by: s/ E. Wilkinson

Deputy Court Clerk

Randall Elchler
 647347 CC-2006
 Grand Plains Correctional Center
 P.O. Box 700
 Hinton OK 73047-0700



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 200 NW 4th Street
 Oklahoma City, OK 73102-3002

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UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

February 18, 2026

Christopher M. Wolper
Clerk of Court

RANDALL EDWARD FLETCHER,

Plaintiff - Appellant,

v.

RICK WHITTEN; DAVID ROGERS;
CHRIS MATTINGLY; CHRYSTAL
BRYANT; MARK KNUTSON;
SECURUS TECHNOLOGIES,

Defendants - Appellees.

No. 26-6011
(D.C. No. 5:24-CV-00692-SLP)
(W.D. Okla.)

ORDER

Before HARTZ, BACHARACH, and EID, Circuit Judges.

On January 14, 2026, the court issued an order to pro se appellant Randall Fletcher to show cause why this appeal should not be dismissed for lack of jurisdiction due to the untimely filing of the notice of appeal. The district court entered judgment in the underlying case on December 2, 2025. Mr. Fletcher's notice of appeal was due no later than January 2, 2026. *See* 28 U.S.C. § 2107(c) (providing that the notice of appeal must be filed within 30 days); Fed. R. App. P. 26(a)(1)(C) (extending the deadline to the next business day when the deadline falls on a federal holiday). Mr. Fletcher did not file his notice of appeal until January 13, 2026.

Mr. Fletcher filed a response to this court's show cause order explaining his efforts to obtain information from the district court to file an appeal and the delay he experiences receiving mail from the courts. We directed a limited remand to the district court to decide whether to construe Mr. Fletcher's response as a motion for extension of time to appeal under Federal Rule of Appellate Procedure 4(a)(5) and whether to grant relief.

This matter is before us now on the district court's order denying an extension of time to appeal. As we previously explained, the timely filing of a notice of appeal in a civil case is mandatory and jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Because Mr. Fletcher's notice of appeal was untimely and the district court has denied an extension of time to appeal, we lack jurisdiction to consider this appeal.

APPEAL DISMISSED.

Entered for the Court

Per Curiam

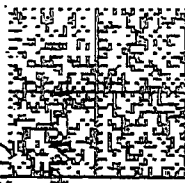
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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DENVER, COLORADO 80257

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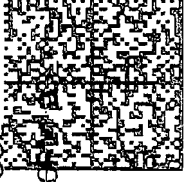
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FOR THE TENTH CIRCUIT
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UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse

1823 Stout Street

Denver, Colorado 80257

(303) 844-3157

Clerk@ca10.uscourts.gov

Christopher M. Wolpert

Clerk of Court

Jane K. Castro

Chief Deputy Clerk

March 12, 2026

Joan Kane

United States District Court for the Western District of Oklahoma

Office of the Clerk

200 NW 4th Street

Oklahoma City, OK 73102

Randall Edward Fletcher

Great Plains Correctional Center

P.O. Box 700

Hinton, OK 73047

#687347

RE: 26-6011, Fletcher v. Whitten, et al
Dist/Ag docket: 5:24-CV-00692-SLP

Dear Clerk and Appellant:

Pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate issued today, and the court's final order takes effect. With the issuance of this letter, jurisdiction is transferred back to the lower court/agency.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

CMW/at

APPENDIX B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RANDALL EDWARD FLETCHER,)

Plaintiff,)

v.)

Case No. CIV-24-692-SLP

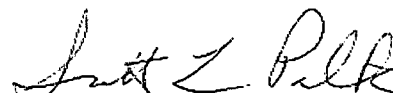
RICK WHITTEN, et al.,)

Defendants.)

JUDGMENT

Pursuant to the Order entered this 2nd day of December, 2025 adopting the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint [Doc. No. 1] is DISMISSED WITHOUT PREJUDICE.

ENTERED this 2nd day of December, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RANDALL EDWARD FLETCHER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-24-692-SLP
	)	
RICK WHITTEN, et al.,	)	
	)	
Defendants.	)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 9] issued by United States Magistrate Judge Amanda Maxfield pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Plaintiff Randall Edward Fletcher, a state prisoner appearing pro se and in forma pauperis, seeks civil rights relief, alleging violations of his federal constitutional rights under 42 U.S.C. § 1983. The Magistrate Judge screened the Complaint in accordance with 28 U.S.C. §§ 1915A(a) and 1915(e)(2), and recommends the action be dismissed without prejudice.

Plaintiff has filed an Objection [Doc. No. 10] to the R&R.¹ Accordingly, the Court must make a de novo determination of those issues specifically raised by the Objection, and may accept, modify, or reject the recommended decision. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Plaintiff is deemed to have waived any objection to any aspect of the R&R to which he has not raised a specific objection to the findings and conclusions of the Magistrate Judge. *See Hooper v. Stitt*, No. CIV-22-988-D, 2023 WL

¹ Plaintiff's Objection to the R&R was timely submitted by function of the prison mailbox rule. *See* Order [Doc. No. 12] at 1.

2432038, at *1 (W.D. Okla. Mar. 9, 2023) (“In his objection, Plaintiff generally ignores Judge Erwin’s analysis and repeats, verbatim, many of the arguments previously presented in his complaint. . . . Plaintiff’s failure to identify any specific error in Judge Erwin’s analysis prevents further review.”), *aff’d*, No. 23-6049, 2023 WL 5923920 (10th Cir. Sept. 12, 2023); *Mathews v. Elhabte*, No. 22-6031, 2022 WL 3592550, at *2 (10th Cir. Aug. 23, 2022) (objection must be “sufficiently specific to focus the district court’s attention on the factual and legal issues that are truly in dispute”); *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996) (Any “objection[] to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court.”); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). For the following reasons, the R&R is ADOPTED, and the Complaint is dismissed without prejudice.

I. Background²

Plaintiff is a state inmate who is currently incarcerated at Great Plains Correctional Center.³ At the relevant time of the facts alleged in the Complaint, Plaintiff was incarcerated at North Fork Correctional Center (NFCC). He alleges that NFCC officials and an Oklahoma Department of Corrections (ODOC) contractor violated his constitutional rights by limiting his access to evidence at a disciplinary hearing and

² The Court “presumes all of plaintiff’s factual allegations are true and construes them in the light most favorable to the plaintiff.” *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991).

³ See [Doc. No. 1] at 1; Oklahoma Department of Corrections OK Offender, <https://okoffender.doc.ok.gov>

subsequently punishing him. Plaintiff filed this action, pursuant to 42 U.S.C. § 1983, naming six defendants: Rick Whitten, the Warden of NFCC⁴, in his individual and official capacities; David Rogers, the Deputy Warden of NFCC, in his individual and official capacities; Chris Mattingly, Correctional Sergeant and Disciplinary Coordinator at NFCC, in his individual and official capacities; Chrystal Bryant, Correctional Case Manager at NFCC, in her individual and official capacities; Mark Knutson, Director Designee and Supervisor of Administrative Review of the Oklahoma Department of Corrections, in his individual and official capacities, and; Securus Technologies, a private company who provided phone services to NFCC [Doc. No. 1] at 1-2. His Complaint includes claims of violations of his rights to Due Process and Equal Protection under the Fourteenth Amendment, freedom of speech under the First Amendment, and freedom from cruel and unusual punishment under the Eighth Amendment. Plaintiff also raises state law claims and violations of the rules of evidence.⁵

II. Plaintiff's Objections

a. Due Process

In the R&R, the Magistrate Judge found that Plaintiff failed to state a Fourteenth Amendment Due Process Claim as no protected liberty interest was identified. [Doc. No. 9] at 8. Plaintiff cites to *Harrison v. Morton*, 490 F. App'x 988 (10th Cir. 2012) for the

⁴ All individual defendants were serving in these positions at the time of the Complaint. Between the facts giving rise to the Complaint and the filing of the Complaint, NFCC ceased operations.

⁵ Plaintiff does not clarify, when he is referencing the "rules of evidence", whether he is claiming violations of state law rules of evidence, the Federal Rules of Evidence, or another ground.

proposition that ODOC failed to provide proper procedure in Plaintiff's disciplinary proceeding. [Doc. No. 10] at 4. However, the Court will not consider Plaintiff's arguments raised in the objection as to the procedural aspects of the disciplinary proceedings, as Plaintiff has failed to establish the prerequisite of a liberty interest being implicated. *See Harrison*, 490 F. App'x at 993 ("If a protected *liberty interest is implicated*, the following procedures must be provided in a disciplinary hearing . . .") (emphasis added and citations omitted); *Elliot v. Martinez*, 675 F.3d 1241, 1244 (10th Cir. 2012) ("An alleged violation of . . . procedural due process . . . prompts a two-step inquiry: (1) whether the plaintiff has shown the deprivation of an interest in life, liberty, or property . . .") (internal quotation marks and citations omitted). Plaintiff raises additional arguments in his Objection that he argues give rise to liberty interests: (1) Plaintiff's change in security classification, thus affecting earned credits, and; (2) violations of ODOC policies and procedures. *See* [Doc. No. 10] at 4-7. This Court finds the Magistrate Judge was correct in not finding a liberty interest existed, but will address the additional arguments in the Objection as to each ground.

Plaintiff's argument as to the change in security classification is similar to the plaintiff's arguments raised in *Marshall v. Morton*, 421 F. App'x 832 (10th Cir. 2011). In *Marshall*, the plaintiff brought a § 1983 claim after he lost earned credits and had his inmate classification level changed as a result of disciplinary proceedings he alleged were improper. *Marshall*, 241 F. App'x at 834. Similar to Plaintiff, the plaintiff in *Marshall* was a state prisoner who was serving a sentence subject to Okla. Stat. tit. 21, § 13.1 (the 85% rule). *Id.* On appeal, the Tenth Circuit found:

the possibility that Marshall's misconduct conviction could have a negative impact on his parole consideration did not implicate a protected liberty interest. As the Supreme Court explained in [*Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995)], "[t]he decision to release a prisoner rests on a myriad of considerations." 515 U.S. at 487, 115 S.Ct. 2293. Thus, even though a parole board may consider an inmate's misconduct convictions as a relevant consideration when deciding whether to grant parole, "[t]he chance that [this] finding . . . will alter the balance is simply too attenuated to invoke the procedural guarantees of the Due Process Clause."

Marshall, 241 F. App'x at 838; *see also Griffith v. Bryant*, 625 F. App'x 914, 917 (10th Cir. 2015) ("[B]ecause Oklahoma's parole scheme is discretionary, [a prisoner] has no constitutionally protected due process liberty interest in parole"). Here, Plaintiff argues that he "has an interest in making sure his record shows no breaks in his [earned] credit level for the pardon and parole board's consideration." [Doc. No. 10] at 4. Plaintiff is incorrect in stating his "earned credits are recorded so that once you reach 85% sentence . . . you then discharge that sentence . . ." *Id.* at 5. Plaintiff is not eligible for earned credits because he is serving a sentence subject to the 85% rule. Okla. Stat. tit. 21, § 13.1 ("Persons convicted of [crimes subject to the 85% rule] shall not be eligible for earned credits or any other types of credits which have the effect of reducing the length of the sentence to less than eighty-five percent . . . of the sentence imposed"); Okla. Stat. tit. 57 § 138 ("no deductions shall be credited to any inmate serving a sentence of life imprisonment"). Rather, "a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority." Okla. Stat. tit. 57 § 138(A). Once Plaintiff reaches 85% of his sentence, he may be considered for parole. Akin to the plaintiff in *Marshall*,

Plaintiff argues that any change in his security classification or participation record would influence parole considerations. [Doc. No. 10] at 5. While this Court is aware that changes to Plaintiff's security classification and participation record *may* be a consideration for the parole board at the time of a hearing, the *possibility* that it could have an effect at such a time in the future does not give rise to a liberty interest under the Due Process Clause.

In the Objection, Plaintiff also argues that the 92-day restriction on telephone privileges and the procedures for the disciplinary proceedings violated ODOC policies and procedures, thus giving rise to a liberty interest. However, the Magistrate Judge correctly found "[t]he alleged violations of ODOC policy are also not cognizable as standalone claims under Section 1983." [Doc. No. 9] at 11, n. 6 (citing *Gaines v. Stenseng*, 292 F.3d 1222, 1225 (10th Cir. 2002) and *Heidel v. Mazzola*, 851 F. App'x 837, 840 (10th Cir. 2021)). Plaintiff cites to authority in the Objection that is either inapplicable or where a liberty interest has been established.⁶ As such, this Court concurs with the Magistrate Judge and finds that Plaintiff failed to state a viable Due Process Claim.

b. Equal Protection

The Magistrate Judge found that Plaintiff failed to state an Equal Protection claim as he did not demonstrate he was discriminated against as a member of a class. [Doc. No. 9] at 11-12. However, Plaintiff does not specifically challenge any of the Magistrate

⁶ For example, *Brady v. Maryland*, 373 U.S. 83 (1963) focuses on the suppression of evidence in a criminal jury trial. *Brady*, 373 U.S. at 87. *Wolff v. McDonnell*, 418 U.S. 539 (1974) as well as the Seventh Circuit and Kentucky authority relied upon by Plaintiff for this proposition also fail in that a liberty interest was established by the plaintiffs.

Judge's findings or conclusions. Although Plaintiff purports to object to the Magistrate Judge's Equal Protection finding, Plaintiff does not demonstrate he was a member of a class of individuals that were treated differently. *See* [Doc. No. 10] at 7. As such, this Court finds he has waived any objection to the Equal Protection findings in the R&R, and that the Equal Protection claim is subject to dismissal.

c. First Amendment

In the R&R, the Magistrate Judge found that Plaintiff's First Amendment claim relating to restriction of phone privileges is moot. [Doc. No. 9] at 13-15. Liberally construing his Objection, Plaintiff argues for application of the capable-of-repetition exception to the mootness doctrine in the Objection.⁷ [Doc. No. 10] at 7-9. The capable-of-repetition exception "applies only where the following two circumstances are simultaneously present: (1) the challenged action is in its duration too short to be fully litigated prior to the cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *McAlpine v. Thompson*, 187 F.3d 1213, 1216 (10th Cir. 1999) (cleaned up and citations omitted). Plaintiff does not dispute that he has already served the sanctions at issue, but argues that the ODOC appeal process prevents him from being able to litigate the actions before he serves the sanctions. [Doc. No. 10] at 8. Even if Plaintiff was able to satisfy the first element, Plaintiff has not demonstrated a reasonable expectation that he would be subjected

⁷ Plaintiff also argues in the Objection that his Due Process claims are not moot. [Doc. No. 10] at 8. The Magistrate Judge found that only Plaintiff's First Amendment claim was moot, and found that Plaintiff failed to state a Due Process claim on other grounds. [Doc. No. 9] at 13-15.

to the same deprivation of telephone privileges. Plaintiff argues that despite being transferred from North Fork Correctional Center to Great Plains Correctional Center, the Defendants can repeat the alleged misconduct at a new facility. [Doc. No. 10] at 9. To demonstrate there is a reasonable expectation that they could be subjected to the same actions, a plaintiff “must show a real or immediate threat he will be wronged again—speculation and conjecture will not suffice.” *Burnett v. Fallin*, 785 F. App’x. 546, 552 (10th Cir. 2019). Plaintiff argues that “the Defendants still work within the prison system and carry the same attitudes and reasoning,” thus allowing the conduct to be repeated. [Doc. No. 10] at 9. Defendant Mattingly is the only Defendant who is present at Plaintiff’s new facility. *Id.* Plaintiff did not provide any evidence or specific facts to show that there is a “real and immediate threat” that he will be subject to a wrongful deprivation of telephone privileges. Plaintiff has not demonstrated how these Defendants would be capable of committing the same actions other than through speculation.⁸ This Court agrees with the finding of the Magistrate Judge that Plaintiff’s First Amendment claim is moot and this Court lacks subject-matter jurisdiction as such.

d. Eighth Amendment

The Magistrate Judge also found that the discipline imposed against Plaintiff did not amount to cruel and unusual punishment under the Eighth Amendment. [Doc. No. 9] at 16-18. In the Objection, Plaintiff purports to object to the Magistrate Judge’s Eighth

⁸ Plaintiff’s reliance on *Jordan v. Sosa*, 654 F.3d 1012 (10th Cir. 2011) is inapplicable to Plaintiff’s claims. Plaintiff is not “challenging policies that apply in a generally uniform throughout a prison system. . . .” *Jordan*, 654 F.3d at 1028. Rather, Plaintiff alleges that certain actors within the ODOC have misapplied ODOC policies.

Amendment findings. [Doc. No. 10] at 9. However, Plaintiff reasserts arguments relating to the Due Process Clause and violations of ODOC policy. *See* [Doc. No. 10] at 9. Similar to Plaintiff's Equal Protection arguments, Plaintiff did not specifically challenge any of the Magistrate Judge's findings or conclusions as to his Eighth Amendment claim. This Court finds that he has waived his objection to the Eighth Amendment findings in the R&R, and that the Eighth Amendment claim is subject to dismissal.

e. Additional Grounds⁹

Plaintiff raises additional arguments in the Objection that his claims of collective punishment and violations of the "rules of evidence" were not addressed in the R&R. [Doc. No. 10] at 12. While Plaintiff posits that such claims are independent of his constitutional claims, these claims are incorporated and necessarily intertwined with his Due Process and Eighth Amendment claims. *See* [Doc. No. 1] at 9-11. Furthermore, Plaintiff did not cite any law or bring forth any specific arguments that such claims are independent of his Constitutional claims. Thus, this Court dismisses such claims without prejudice.

III. Conclusion

IT IS THEREFORE ORDERED that the R&R [Doc. No. 9] is ADOPTED. Plaintiff's Complaint [Doc. No. 1] is DISMISSED WITHOUT PREJUDICE. A separate judgment of dismissal shall be entered contemporaneously herewith.

⁹ Plaintiff raises objections to the Magistrate Judge's discussion of the factual and procedural background of the matter in the R&R. *See* [Doc. No. 10] at 1-3. Plaintiff also purportedly objects to the Magistrate Judge's finding of the inapplicability of *Heck v. Humphrey*, 512 U.S. 477 (1994).

IT IS SO ORDERED this 2nd day of December, 2025.

A handwritten signature in cursive script, appearing to read "Scott L. Palk", is written over a horizontal line.

SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

Id. at 3-4. These objections do not affect the R&R's overall conclusions and thus the Court declines to address them.

CL ERK, U.S. DISTRICT COURT
WILLIAM J. HILL
200 N.W. 4TH STREET
OKLAHOMA CITY, OKLAHOMA 73102-3092

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APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

March 12, 2026

Joan Kane
United States District Court for the Western District of Oklahoma
Office of the Clerk
200 NW 4th Street
Oklahoma City, OK 73102

Randall Edward Fletcher
Great Plains Correctional Center
P.O. Box 700
Hinton, OK 73047
#687347

RE: 26-6011, Fletcher v. Whitten, et al
Dist/Ag docket: 5:24-CV-00692-SLP

Dear Clerk and Appellant:

Pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate issued today, and the court's final order takes effect. With the issuance of this letter, jurisdiction is transferred back to the lower court/agency.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

CMW/at

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK
BYRON WHITE UNITED STATES COURTHOUSE
1823 STOUT STREET
DENVER, COLORADO 80257

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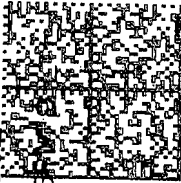
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