



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

RICK SNYDER
GOVERNOR

HEIDI E. WASHINGTON
DIRECTOR

STEP III GRIEVANCE DECISION

To Prisoner: Gould #: 187131
Current Facility:
Grievance ID #: URF-17-07-2117-15C
Step III Received: 9/8/2017

92694
15C

Your Step III appeal has been reviewed and considered by the Grievance Section of the Office of Legal Affairs in accordance with PD 03.02.130, "Prisoner/Parolee Grievances". Upon examination it has been determined that your issue was in fact considered, investigated, and a proper decision was rendered.

THE STEP III APPEAL IS DENIED.

THIS DECISION CANNOT BE APPEALED WITHIN THE DEPARTMENT.

Richard D. Russell, Manager Grievance
Section, Office of Legal Affairs

Date Mailed: SEP 29 2017

cc: Warden, Filing Facility:

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

SEP 07 2017

4835-4248 5/09
 CSJ-247B

Date Received by Grievance Coordinator
 at Step II: AUG 16 2017

Grievance Identifier: URF 171071 21171 115C

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: URF
Warden's Office by 8-22-17. If it is not submitted by this date, it will be considered terminated
untimely.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<u>GOULD, RAND W.</u>	<u>G-187131</u>	<u>URF</u>	<u>B-176</u>	<u>7/07/17</u>	<u>8/15/17</u>

STEP II — Reason for Appeal Step I respondent admits there was no Notice of Package/Mail Rejection for News letters, July-August 2017, therefore it could not have been lawfully rejected. What the rejection "should have read" if written has nothing to do with the fact that no rejection was written. Therefore, URF mail room staff and Step I respondent, S. Thompson are in violation of PD 05.03.118(00), Admin. R. 791.6603(18) and Procunier v. Martinez, 416 U.S. 396, 417 (1974), as well as MCL 750.479, MCL 19.142, PD 02.03.107(13), PD 04.01.110A and MPOC Work Rule #13 due to their intentional failure to perform their duty by knowingly following policy, rule and law. See PD 05.03.118; PD 03.03.130; Admin. R. 791.6603; MCL 750.479; Mich. Const. 1963, art. 1, §5; and U.S. Const. Am. E. All of which rises to the level of a conspiracy to violate grievant's civil rights, 18 USC 1702, 1703, 18 USC 241, 242, and USC 1343 requiring investigation.

STEP II — Response

Date Received by
 Step II Respondent:
AUG 16 2017

See Attached

Date actually returned
 to Grievant: 8/25/17

Couric Horton, Alexandra
 Respondent's Name (Print)

C Horton
 Respondent's Signature

8/22/17
 Date

Date Returned to
 Grievant:
8-23-17

STEP III — Reason for Appeal In a complete breakdown of constitutionally mandated due process, Step II respondent Alexandra Horton claims that an unnoticed hearing is not a violation of policy; when, in fact, it is a direct violation of PD 05.03.118(00), Admin. R. 791.6603(5) and Procunier v. Martinez, 416 US 396, 417 (1974). Moreover, Kirt Mahar GOA7 mailroom employee is not an appropriate respondent at Step I as required by PD 03.02.130(K). As such, it is shown that Horton has lost control of URF employees and has failed in her duty to exercise control of URF and insure that laws, rule and policy is followed. Consequently, she and her co-conspirators should be prosecuted to the extent of the law as cited at Step I etc. Wherefore, remedies requested must be granted and this matter turned over Internal Affairs and Military General.

NOTE: Only a copy of this appeal and the response will be returned to you. 9/27/17

STEP III — Director's Response is attached as a separate sheet.

STEP II GRIEVANCE RESPONSE FOR PRISONER: GOULD 187131 B-176 (URF)

Grievance URF 1707 2117 15C has been reviewed.

Grievant is grieving an Administrative Hearing on a mail rejection for News & Letters, July-August 2017.

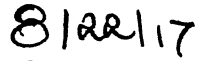
This Step II Respondent finds the Step I response is appropriate and supported by PD 05.03.118, Prisoner Mail, Paragraph MM states in part "Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected: 4. Mail advocating or promoting violence, group disruption, or insurrection."

The Step I Respondent found that the grievant had a hearing regarding the rejected mail and the rejection was upheld. In that hearing it was clarified that the rejection said Prison Legal News, instead of News & Letters and that the hearing is being held on the July - August 2017 News & Letters edition. No violation of policy exists.

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



Connie Horton, A/Warden



Date

CH/ka

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
 CSJ-247A

Date Received at Step I _____

Grievance Identifier: URF1171071211711514

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
GOULD RAND W.	C-187131	URF	B-176	7/07/17	7/13/17

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 7/11/17

If none, explain why. *Notice was sent to mail room regarding the failure to deliver grievant's copy of News & Letters, Jul. - August 2017, intact. Encls. 1, pages 5-8 were missing and, in all, removed and possibly, stolen or destroyed. Said newspaper was sent to grievant and arrived at URF. No response received as of this date.*

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

The URF mail room employees have failed to deliver grievant's copy of News & Letters, July - August 2017 to him intact, having removed pages 5-8, without a proper Notice of Package/Mail Rejection, in violation of policy, rule, law, as well as state and Federal Constitutional right to send and receive mail. See PDOS.03.118, PD03.03.130, Admin. R. 791.6603, MCL 800.43; Mich. Const. 1963, art. 1, § 5, and U.S. Constitution, Am. I. As to lack of Notice. See, specifically, PDOS.03.118 (c), Admin. R. 791.6603 (2); and Redinger v. Martinez, 416 US 396, 417 (1974). Said failure to follow policy, rule and law, or even to be remotely familiar with it, is in and of itself a violation of MCL 19.142 (1)(g); PD 04.01.116A and MDOC Work R. #13, as well as 18 USC §§ 1702, 1703, 18 USC 18241, 242; and 28 USC § 1343 because it constitutes an intentional violation of grievant's civil rights and, likely, a conspiracy to do so. Wherefore said pages 5-8 must be immediately returned to grievant's possession and mail room staff responsible subject to employee discipline, namely see poline Martez, pursuant to PD 02.03.100.

Grievant's Signature _____

7/13/17

RESPONSE (Grievant Interviewed?) Yes No

If No, give explanation. If resolved, explain resolution.)

[Handwritten Signature]

Respondent's Signature

8-2-17
Date

K. A. Mahal
Respondent's Name (Print)

GOA 7
Working Title

Reviewer's Signature

Date

Reviewer's Name (Print)

Working Title

Date Returned to Grievant: 8-7-17

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

Grievant's Signature

Date

MICHIGAN DEPARTMENT OF CORRECTIONS

“Committed to Protect, Dedicated to Success”

MEMORANDUM

DATE: August 2, 2017

TO: Gould 187131

FROM: Kirt Mahar-General Office Assistant

SUBJECT: Grievance URF 17-07-2171-15 C

Grievant alleges his copy of “News & Letters July August 2017” was improperly rejected.

The grievance was investigated and the following information was determined.

On July 6 2017 Gould received a mail rejection for an article in News & Letter. The article was rejected because it violated PD 05.03.118 paragraph MM # 4 Mail advocating or promoting violence, group disruption, or insurrection. At the top right corner of the rejection was written “Prison Legal News July-August 2017. The rejection should have read “News & Letters July-August 2017”. On July 17, 2017 Gould had an administrative hearing for the mail rejection. Within the hearing, under Hearings Officers Findings the mistake was corrected to indicate the correct title of the rejection. The hearing officer determined the article violated policy 05.03.118.

Mail was processed according to OP CFA 05.03.118 and PD 05.03.118. No violation of policy or procedure has been found by mailroom staff.