

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DIVISION, EASTERN JUDICIAL DISTRICT
OF MISSOURI

MAY 30 1979

WILLIAM D. RUND, Clerk
U. S. DISTRICT COURT
E. DISTRICT OF MO.

79-650C

CAUSE NO. ~~79-650C~~ (4)

Robert ERNEST Bullington, PRO SE.)

PLAINTIFF,)

VS)

WARDEN MURELAND)

ASSOCIATE WARDEN BREEDING)

OFFICER AARON MENSEY)

ET. AL)

DEFENDANTS)

FILED

~~MAY 28 1979~~

WILLIAM D. RUND, Clerk
U. S. DISTRICT COURT
E. DISTRICT OF MO.

PLAINTIFFS BRIEF IN SUPPORT OF
PETITION FOR TEMPORARY INJUNCTION

PLAINTIFF IS AT ALL TIMES MENTIONED IN THIS BRIEF A
PRE-TRIAL DETAINEE IN THE ST. LOUIS COUNTY JAIL.

PLAINTIFF STATES; THAT ON MARCH 16, 1979, THE ST. LOUIS
COUNTY JAIL RECEIVED AN ENVELOPE ADDRESSED TO PLAINTIFF.
THIS ENVELOPE CONTAINED THE FOLLOWING PERIODICALS,
TIME MAGAZINE, ISSUE 3-12-79; BETTER HOMES AND GARDENS
MAGAZINE; AND BIG CROSS WORDS. (CROSS WORD PUZZLE BOOK).

THIS ENVELOPE AND IT'S CONTENTS WERE SEIZED BY SUP.
JACKSON AND C.O. MERRY, AND PLACED IN PLAINTIFFS
PROPERTY WITHOUT NOTICE OR RECEIPT.

SEE PLTF-3-3A

ON MAY 9, 1979, THIS JAIL RECEIVED TWO (2) ISSUES OF
QUEST MAGAZINE, ADDRESSED TO PLAINTIFF - APRIL AND MAY
ISSUES. THESE MAGAZINES WERE SEIZED BY AARON MENSEY
AND PLACED IN PLAINTIFFS PROPERTY. PLAINTIFF WAS
ISSUED A RECEIPT BY AARON MENSEY BUT WAS NOT GIVEN
A REASON FOR THIS ACTION, OTHER THAN "DIRECTED TO

Johnson v. O'Brien



JC-MO-010-009

DO SO BY MR. BREEDING."

SEE PLTF - 4.

PLAINTIFF ATTEMPTED TO APPEAR THIS ACTION WITH A LETTER DIRECTED TO DONALD J WERERICH, ATTORNEY FOR THE DEFENDANTS, AND A COPY TO EDWARD MORELAND, DIRECTOR OF WELFARE. (WARDEN MORELAND) DATED MAY 9, 1979.

SEE. PLTF - 5

ON MAY 10, 1979, PLAINTIFF WAS NOTIFIED BY MR. C. WOODSON OF THIS JAIL, THAT HE WOULD CHECK WITH MR BREEDING AS TO THE REASON FOR THIS ACTION. HE ALSO ADVISED THAT AN ISSUE OF LIFE MAGAZINE, ADDRESSED TO PLAINTIFF, HAD BEEN SEIZED AND PLACED IN PLAINTIFFS PROPERTY. NO REASON OR RECEIPT WAS GIVEN.

ON MAY 11, 1979 PLAINTIFF WAS NOTIFIED BY MR WOODSON THAT HE HAD MET WITH MR. BREEDING ABOUT THE MAGAZINES. MR. WOODSON STATED THAT PLAINTIFF WOULD BE ALLOWED TO READ THE MAGAZINES, ONE AT A TIME, BUT THEY MUST BE RETURNED TO PLAINTIFFS PROPERTY. HE FURTHER STATED THAT THIS WAS THE ONLY WAY PLAINTIFF COULD READ THEM AS MR. BREEDING DID NOT WANT ANY MAGAZINES CIRCULATING IN THE JAIL.

FURTHER, ON MAY 11, 1979 PLAINTIFF RECEIVED A NOTE FROM AARON MENSEY STATING THAT HE HAD SEIZED AN ISSUE OF SPORTS ILLUSTRATED, ADDRESSED TO PLAINTIFF, AND PLACED SAME IN PLAINTIFFS PROPERTY - PER MR BREEDINGS ORDERS.

SEE PLTF - 6.

PLAINTIFF ATTEMPTED TO APPEAL THIS ACTION WITH A SECOND LETTER TO DONALD J. WEYERICH, ATTORNEY FOR DEFENDANTS, AND A COPY TO EDWARD MORELAND, DIRECTOR OF WELFARE. (WARDEN MORELAND)

SEE. PLTF-7.

ON MAY 14, 1979 PLAINTIFF RECEIVED A NOTE FROM AARON MENSEY STATING THAT HE HAD SEIZED BOOKS FROM THE BOOK CLUB WAREHOUSE AND AN ISSUE OF AUTOMOBILE QUARTERLY MAGAZINE, ADDRESSED TO PLAINTIFF. THESE PUBLICATIONS WERE PLACED IN PLAINTIFFS PROPERTY PER MR. BREEDING'S ORDERS.

SEE. PLTF-8

PLAINTIFF BELIEVES THIS ACTION IS ARBITRARY AND CAPRICE AND IN VIOLATION OF HIS 1ST AND 14TH AMENDMENT RIGHTS.

PLAINTIFF WOULD LIKE TO CALL THE COURTS ATTENTION TO THE FOLLOWING, WHICH VERY PERSUASIVELY SUPPORTS HIS POSITION.

SEE. JACKSON VS WARD 4. MED. L. RPTR. 1435 8-13-78
COFONE VS MANSON 409 F. SUPP. 1033 1976
GOLDSBY VS CARNES 365 F.A SUPP. 395 1973

IN THE CONCENT JUDGEMENT FOLLOWING GOLDSBY, JUDGE OLIVER, OF THE WESTERN DIVISION OF MISSOURI AGREED AND APPROVED THE FOLLOWING.