

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

ROBERT ERNEST BULLINGTON  
PLAINTIFF PRO SE

VS

WARDEN MORELAND  
ASSOCIATE WARDEN BREEDING  
OFFICER AARON MENSEY  
ET. AL.  
DEFENDANTS

79-0650-C

NO. ~~78-0213 C (4)~~

FILED

MAY 30 1979

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

SUPPLEMENTAL BRIEF TO  
PETITION FOR TEMPORARY INJUNCTION

PLAINTIFF OFFERS THIS SUPPLEMENTAL BRIEF TO HIS  
PETITION FOR TEMPORARY INJUNCTION

PLAINTIFF WOULD LIKE TO CALL THIS COURTS ATTENTION  
TO THE MOST RECENT OPINION, OF THE UNITED STATES  
SUPREME COURT, ON PRISONERS RIGHTS.

SEE. BEH vs WOLFISH NO. 77-1829 DECIDED MAY 14, 1979

IN THIS OPINION OF THE COURT MR. JUSTICE REHNQUIST  
REAFFIRMED THE FOLLOWING RIGHTS OF PRISONERS.

... WE HAVE HEARD THAT CONVICTED PRISONERS DO NOT  
FORFEIT ALL CONSTITUTIONAL PROTECTIONS BY REASON  
OF THEIR CONVICTION AND CONFINEMENT IN PRISON.

Johnson v. O'Brien

AT 23



JC-MO-010-011

... FOR EXAMPLE, OUR CASES HAVE HELD THAT SENTENCED PRISONERS ENJOY FREEDOM OF SPEECH AND RELIGION UNDER THE FIRST AND FOURTEENTH AMENDMENTS.

AT 23

THEY MAY CLAIM THE PROTECTION OF THE DUE PROCESS CLAUSE TO PREVENT ADDITIONAL DEPRIVATIONS OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW.

AT 23

... PRETRIAL DETAINEES, WHO HAVE NOT BEEN CONVICTED OF ANY CRIMES, RETAIN AT LEAST THOSE CONSTITUTIONAL RIGHTS THAT WE HAVE HELD ARE ENJOYED BY CONVICTED PRISONERS.

AT 24

ACCORDINGLY, WE HAVE HELD THAT EVEN WHEN AN INSTITUTIONAL RESTRICTION INFRINGES A SPECIFIC CONSTITUTIONAL GUARANTEE, SUCH AS THE FIRST AMENDMENT, THE PRACTICE MUST BE EVALUATED IN THE LIGHT OF THE CENTRAL OBJECTIVE OF PRISON ADMINISTRATION, SAFEGUARDING INSTITUTIONAL SECURITY.

AT 25

HOWEVER, THERE IS RELATIVELY LITTLE RISK THAT MATERIAL RECEIVED DIRECTLY FROM THE PUBLISHER OR BOOK CLUB WOULD CONTAIN CONTRABAND.

AT 27

THE RESTRICTION, AS IT IS NOW BEFORE US, ALLOWS  
SOFT BOUND BOOKS AND MAGAZINES TO BE RECEIVED  
FROM ANY SOURCE AND HARDBACK BOOKS TO BE  
RECEIVED FROM PUBLISHERS, BOOKSTORES AND BOOK CLUBS.

AT. 30

WE VIEW THE RULE, AS WE NOW FIND IT, TO BE A  
REASONABLE TIME, PLACE AND MANNER REGULATION...  
NECESSARY TO FURTHER SIGNIFICANT GOVERNMENTAL  
INTEREST...

AT 31

THE ACTIONS OF THE DEFENDANTS ARE NOT AT ALL IN  
KEEPING WITH THIS THEME. MR BREEDINGS ORDERS INDICATE  
THAT HIS AIM IS SUPPRESSION OF PRISONERS FIRST  
AMENDMENTS RIGHTS AND NOT RATIONALLY RELATED  
TO THE GOALS OF THE JAIL.

THE FEDERAL BUREAU OF PRISONS RULE ON PUBLICATIONS  
APPLIES TO ALL BUREAU PRISON FACILITIES AND THE  
TENS OF THOUSANDS OF FEDERAL PRISONERS. JUSTICE.  
REHNQUIST AND THE MAJORITY OF THE SUPREME COURT  
FEEL THIS IS A REASONABLE REGULATION.

THE BUREAU OF PRISONS PROPOSED THE RULE AS  
REASONABLE, THEREFORE IT WOULD CERTAINLY SEEM  
THAT THIS RULE WOULD BE REASONABLE AND  
ADEQUATE FOR A COUNTY JAIL HOLDING APPROXIMATELY  
ONE HUNDRED PRETRIAL DETAINEES.

↑  
PLAINTIFF BELIEVES, THAT AS AN ALTERNATIVE  
TO THE INJUNCTION SOUGHT, THIS COURT COULD  
ORDER DEFENDANTS TO COMPLY WITH THIS RULE.

IT IS TO BE NOTED THAT PLAINTIFFS PUBLICATIONS  
CONTINUE TO BE SEIZED BUT THE JAIL NO LONGER  
NOTIFIES PLAINTIFF OF THIS ACTION OR SUPPLIES  
HIM WITH A RECEIPT FOR SEIZED MATERIAL.

THERE CERTAINLY SEEMS TO BE NO JUSTIFICATION  
FOR ALLOWING DEFENDANTS TO CONTINUE THIS ACTION  
IN LIGHT OF THIS DECISION.

RESPECTFULLY SUBMITTED

↑  
Robert E. Bullington

Robert E. Bullington  
Box 11417  
CLAYTON, MO. 63105  
May 28, 1979

CERTIFICATE OF SERVICE

↑  
COPY OF THE FOREGOING MAILED THIS 28<sup>TH</sup> DAY  
OF MAY 1979, TO DONALD J WERERICH, 11 S  
MERAMEC AVE. CLAYTON, MO. 63105