

THE HON. J. RICHARD CREATURA

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

LEWIS COUNTY; LEWIS COUNTY
SHERIFF'S OFFICE; STEVE MANSFIELD,
individually and in his capacity as Lewis
County Sheriff; KEVIN HANSON, individually
and in his capacity as Lewis County Jail
Administrator; and JIM PEA, individually and
in his capacity as Lewis County Administrative
Lieutenant,

Defendants.

No. 3:14-cv-05304-JRC

ORDER GRANTING PERMANENT
INJUNCTION

On April 11, 2014, Plaintiff Prison Legal News filed this lawsuit seeking to enjoin Defendants' Postcard-Only Mail Policy and to require due process. Dkt. 1. On September 10, 2014, after briefing and argument by both parties, this Court granted Plaintiff's Motion for Preliminary Injunction. Dkt. 76.

The parties have filed a Stipulated Motion for Entry of Permanent Injunction, which adopts the findings and conclusions of the Court's Preliminary Injunction Order (Dkt. 76). Further, the parties have agreed that Lewis County Jail's policy or practice of prohibiting mail

1 that is not a postcard violated the First Amendment to the U.S. Constitution, and that the Jail's
2 policy or practice failed to afford to prisoners and non-prisoner correspondents due process
3 notice and an opportunity to appeal the Jail's decisions to censor or reject mail in violation of the
4 Fourteenth Amendment to the U.S. Constitution. Additionally, the parties agree that a
5 permanent injunction is necessary because Plaintiff suffered irreparable harm, remedies at law
6 are inadequate, the balance of the hardships favors the injunction, and the public would not be
7 disserved by entry of a permanent injunction.

8 The Court, having reviewed the parties' Stipulated Motion, finds that they have satisfied
9 each of the four elements of a permanent injunction under *eBay Inc. v. MercExchange, L.L.C.*,
10 547 U.S. 388, 391 (2006).

11 **ACCORDINGLY, IT IS HEREBY ORDERED** that the Court:

12 1. PERMANENTLY ENJOINS defendants from restricting incoming and outgoing
13 prisoner mail to postcards only, and orders defendants not to refuse to deliver or process prisoner
14 mail on the grounds that it is in a form other than a postcard.

15 2. PERMANENTLY ENJOINS defendants from rejecting mail to or from prisoners
16 without providing notice to the prisoner. This notification, at a minimum, will set forth the
17 reason the mail was rejected and the procedure to follow if the prisoner wishes to appeal the
18 rejection.

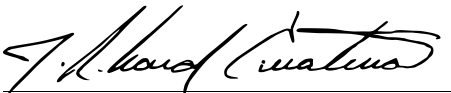
19 3. PERMANENTLY ENJOINS defendants from rejecting mail from non-prisoner
20 correspondents without providing notice to the non-prisoner correspondent. This notification, at
21 a minimum, will set forth the reason the mail was rejected, and the procedure to follow if the
22 non-prisoner correspondent wishes to appeal the rejection.

23 4. PERMANENTLY ENJOINS defendants to give notice to the non-prisoner
24 correspondent addressee of rejected outgoing mail whenever Constitutionally required.
25 When notification is required it will, at a minimum, set forth the reason the mail was rejected,
26 and the procedure to follow if the non-prisoner correspondent wishes to appeal the rejection.

1 5. PERMANENTLY ENJOINS defendants to refer for decision any appeal of
2 rejected mail to a jail official other than the person who originally rejected the correspondence.

3 IT IS SO ORDERED.

4 DATED this 28th day of October, 2014.

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6 J. Richard Creatura
7 United States Magistrate Judge

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