

CRAIG E. WATERMAN
(Name)

76829
(Institutional Register No.)

1300 N. WAREHOUSE RD. FT. LEAVEN-
(Current Mailing Address)
WORTH, KANSAS 66027-2304

FILED

OCT 22 2003

RALPH DEBOACH, Clerk
By [Signature] Deputy

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CRAIG E. WATERMAN, Plaintiff
(Full and Correct Name)

vs.

COLLEEN L. MC GUIRE, KAREN SKAGGS,
AND JUDY WILLIAMS, Defendants.

CASE NO. 03-3415-GTV

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO 28 U.S.C. §1331

A. JURISDICTION

1) CRAIG E. WATERMAN, is a resident of MAINE
(Plaintiff) (State of residency prior to incarceration)

who is presently located at THE UNITED STATES DISCIPLINARY BARRACKS
(Mailing address or place of confinement)

2) Defendant COLLEEN L. MC GUIRE is a resident of
(Name of first defendant)

FT. LEAVENWORTH, KANSAS, is employed as
(City, State)

COMMANDANT, and may be located
(Position and title, if any)

at 1301 N. WAREHOUSE RD. FT. LEAVEN., KS. 66027. At the time the
(Address for service of process)

claim(s) alleged in this complaint arose, was this defendant acting in his official capacity as an employee of the United States?

Yes X No . If your answer is "Yes", briefly explain:

COLLEEN L. MC GUIRE affirmed the rejection of Mr. Waterman's mail as the appellate authority, and supports the misuse and unconstitutionality of U.S.D.B. Reg. 28-1

3) Defendant KAREN SKAGGS is a resident of
(Name of first defendant)
LEAVENWORTH, KANSAS, is employed as
(City, State)
CHIEF OF INMATE SERVICES BRANCH, and may be located
(Position and title, if any)
at 1301 N. WAREHOUSE RD. FT. LEAVEN., KS. 66027. At the time the
(Address for service of process)

claim(s) alleged in this complaint arose, was this defendant acting in his official capacity as an employee of the United States?

Yes X No . If your answer is "Yes", briefly explain:

KAREN SKAGGS is chief over discretionary matters, and chief supervisor for all mail room staff.

(Use the back of this page to furnish the above information for additional defendants.) Please see attached page for additional defendants.

4) Jurisdiction is invoked pursuant to 28 U.S.C. § 1331. (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

This is an action seeking declaratory and injunctive relief against the Commandant and mail room staff, from prohibiting mail to be delivered to Mr. Waterman that should be allowed under the First Amendment of the U. S. Constitution. Mr. Waterman brings this action because of the United States Disciplinary Barracks' Commandant's refusal to change or alter U.S.D.B. Regulation 28-1, and instead allowing rejection of all Internet material, all copied material, and requiring him to obtain all publications or materials only from a publisher or commercial source, this is irrespective of it's binding, shape, form, content, or subject matter.

Defendant Judy Williams is a resident of Leavenworth, Kansas, is employed as Mailroom (Inmate Services Branch) clerk and supervisor, and may be located at 1301 N. Warehouse Rd. Ft. Leavenworth, KS. 66027-2304.

At the time the claim(s) alleged in this complaint arose, was this defendant acting in her official capacity as an employee of the United States?

Yes . No . If your answer is "Yes", briefly explain:

Judy Williams was the official who directly rejected Mr. Waterman's mail under the misuse and unconstitutionality of U.S.D.B. regulation 28-1.

C. CAUSE OF ACTION

- 1) I allege that my claims arise under the following constitutional provisions or laws of the United States 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: DEFENDANT'S VIOLATED MR. WATERMAN'S FIRST AMENDMENT RIGHTS BY PROHIBITING HIM FROM RECEIVING ANY MATERIALS GENERATED ON THE INTERNET, REGARDLESS OF CONTENT, AND MAILED TO HIM AT THE U.S.D.B.

(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.)

- 1.) Judy Williams and Karen Skaggs has denied Craig Waterman's mail on the basis that it was material downloaded from the Internet.
- 2.) This material has included common law from the Supreme Court and Federal district or Circuit Courts that have been sent from Mr. Waterman's friend Fred Nixon within this past year.

B)(1) Count II: DEFENDANT'S VIOLATED MR. WATERMAN'S FIRST AMENDMENT RIGHTS BY PROHIBITING HIM FROM RECEIVING ANY MATERIALS THAT HAVE BEEN COPIED IRRESPECTIVE OF CONTENT, AND MAILED TO HIM AT THE U.S.D.B.

(2) Supporting Facts:

- 1.) Judy Williams and Karen Skaggs has denied Craig Waterman mail that was copied from the original.
- 2.) This mail has included any copies of any material, regardless of subject matter or content.
- 3.) Specifically, copies of a friend's, Tracy Mazzacco's paralegal tests sent and rejected to him on the 18th of July 2003.
- 4.) Furthermore, copies of Maine State Statutes, sent to him by his mother as part of a lawsuit.
- 5.) The lawsuit's subject matter was over Craig Waterman's grandfather's ashes and death, which is his mother's father.
- 6.) A copy of an attorney's letter sent to his mother was attached to the Maine State Statutes, and were part of that letter sent to Craig Waterman at the U.S.D.B.
- 7.) The statutes, attorney's letter were sent and then rejected on the 21st of July 2003.
- 8.) The mail that has been denied on the basis it was copied from the original has been enforced and affirmed by Colleen Mc Guire as Commandant and appellate authority under U.S.D.B.

c)(1) Count III: DEFENDANTS VIOLATED MR. WATERMAN'S FIRST AMENDMENT RIGHTS BY REQUIRING HIM TO OBTAIN ALL PUBLICATIONS OR MATERIALS ONLY FROM A PUBLISHER OR COMMERCIAL VENDOR IRRESPECTIVE OF IT'S BINDING, SHAPE, OR SUBJECT MATTER.

(2) Supporting Facts:

- 1.) Judy Williams and Karen Skaggs has denied Craig Waterman mail on the basis that it was not obtained from a publisher or commercial vendor under U.S.D.B. Regulation 28-1.
- 2.) This includes that no articles, cartoons, photographs, games, or calendars can be defaced from any publication and sent to Craig Waterman by friends or family regardless of subject matter or content under U.S.D.B. Regulation 28-1.
- 3.) Moreover, no magazines, catalogs, newspapers, or books can be sent to craig Waterman by friends or family irrespective

D. PREVIOUS LAWSUITS

- 1) Have you begun other lawsuits in state or federal court dealing in any way with the same facts involved in this action?

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 _____

A)(1)(2)(Continued):

3.) Furthermore, songs that were religious in nature, such as Randy Travis' song "Three Wooden Crosses" and other songs that just had a good message, that were sent from Mr. Waterman's parents in May of 2003.

4.) Any material downloaded or retrieved from the Internet, including e-mail, regardless of subject matter or content has been denied by both Judy Williams and Karen Skaggs in the past under U.S.D.B. regulation 28-1.

5.) Their decision to do so has been upheld and enforced by Colleen Mc Guire religiously as appellate authority under U.S.D.B. regulation 28-1.

6.) By banning all material from the Internet it violates the constitution under the First Amendment and has no valid, rational connection to any legitimate penological justification or goal.

7.) Alternatively, the provision under U.S.D.B. regulation 28-1 is over-broad and is an exaggerated response in justifying a reasonably legitimate penological goal in denying Craig Waterman all materials downloaded from the Internet.

B)(1)(2)(Continued):

regulation 28-1.

9.) By banning all material that has been copied irrespective of content or subject matter violates the constitution under the First Amendment and has no valid, rational connection to any legitimate penological justification or goal.

10.) Alternatively, the provision under U.S.D.B. regulation 28-1 is over-broad and is an exaggerated response in justifying that all material that has been copied to be denied to Craig Waterman irrespective of content or subject matter.

C)(1)(2)(Continued):

of content, subject matter, shape, binding, or form under U.S.D.B. regulation 28-1.

4.) Judy Williams and Karen Skaggs has denied Craig Waterman mail from his friend Tracy Mazzacco because it was copied and not obtained from a publisher or commercial vendor on the 18th and 22nd of July, 2003.

5.) This material was a copy of Tracy Mazzacco's paralegal tests from her paralegal course.

6.) Furthermore, Judy Williams and Karen Skaggs denied copies of Maine State Statutes sent to Mr. Waterman by his mother as part of a lawsuit involving her on the 21st of July 2003, because they were not from a commercial source or vendor.

7.) Additionally, Judy Williams and Karen Skaggs has denied Craig Waterman mail because it was cut out newspaper articles, or pictures, sent from friends or family in the past.

3.) The mail that has been rejected on the basis it was not directly from a commercial source or publisher has been affirmed and enforced by Colleen Mc Guire as Commandant and

C)(1)(2)(Continued):

appellate authority under U.S.D.B. regulation 28-1.

9.) By banning all material that has not come directly from a commercial source, or publisher to wit: magazines, catalogs, newspapers, books, or articles, cartoons, photographs, games, or calendars that were defaced from the same, irrespective of content, subject matter, shape, form, or binding, under U.S.D.B. regulation 28-1 violates the U.S. constitution under the First Amendment, and has no valid, rational connection to any legitimate penological justification or goal.

10.) Alternatively, the provision under U.S.D.B. regulation 28-1 spoken of above is over-broad and is an exaggerated response to require all materials spoken of above to come from a commercial source, or publisher, or denied because they were defaced from the same, to justify a reasonably legitimate penological goal under the First Amendment.

E. ADMINISTRATIVE RELIEF

1) Have you presented all grounds for relief raised in this complaint by way of BP-9, BP-10, and BP-11 grievances?

Yes _____ No X

2) If your answer to (1) is "Yes," state the date of disposition, result and reasons given for the administrative decision

3) If your answer to (1) is "No," list each ground not fully presented through the administrative grievance process and explain why it was not

Mr. Waterman is incarcerated at a military federal prison and therefore the above procedures do not apply.

4) Describe all other procedures you have used (such as tort claim or Parole Commission administrative appeals procedures) to exhaust administrative remedies as to each issue raised

Mr. Waterman has exhausted all administrative remedies offered under U.S.D.B. Regulation 28-1, all of which have failed.

F. REQUEST FOR RELIEF

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

A declaratory judgment and injunctive relief precluding Defendants from confiscating, destroying, or returning mail containing copies or Internet-generated material, and enjoining Defendants from mandating that all publications or materials be sent directly from a publisher or commercial vendor.

Signature of Attorney (if any)

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 Ft. Leavenworth, Kansas on October 20th, 2008.
(Location) (Date)


(Signature)