

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JACOB BARRETT,

Civil No. 6:11-cv-06358-HZ

Plaintiff,

v.

JUDGMENT

COLETTE PETERS, et al.,

Defendants.

HERNÁNDEZ, District Judge:

The Court heard a trial on this case on February 19, 2015, on claims that Defendants prohibit drawings on envelopes in violation of the First Amendment. The Court reviewed the memoranda, declarations, pleadings on file, exhibits, and arguments of counsel, and heard testimony from the parties' witnesses. On March 30, 2015, the Court issued Findings of Fact and Conclusions of Law, [173]. Based upon those Findings and Conclusions, the Court enters this Final Judgment in favor of Plaintiff and against all Defendants as follows:

I. INJUNCTIVE RELIEF

The Court orders injunctive relief as follows:

A. Permanent Injunction Against Prohibiting Artwork on Envelopes

Defendants are permanently enjoined from rejecting, refusing to deliver or process, or otherwise prohibiting incoming mail to inmates due to artwork on the front of the envelope,

unless the art is found to violate other applicable rules of the Oregon Department of Corrections ("ODOC"), such as those against violence.

B. Notice to Inmates

Defendants are ordered to provide notice to inmates, informing them that they are permitted to receive envelopes with artwork on them as long as the artwork complies with other applicable ODOC rules, such as those against violence. ODOC shall provide this notice through the ODOC newsletter that is issued to inmates on a routine basis.

II. DECLARATORY RELIEF

The Court orders relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, as follows: ODOC's policy of rejecting inmate mail for containing drawings or artwork on the front of the envelope violated Plaintiff's First Amendment rights. Defendants Jeff Premo and Michelle Dodson violated Plaintiff's First Amendment rights by denying Plaintiff's appeal of ODOC's rejection of his letter for containing artwork on the envelope and affirming that rejection.

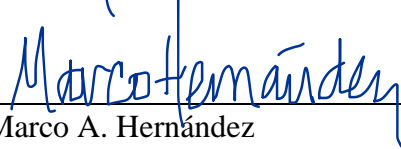
III. ATTORNEY FEES, COSTS, AND DISBURSEMENTS

Pursuant to the Civil Rights Attorney's Fee Award Act, the Court awards to Plaintiff his reasonable attorney fees, costs, and disbursements in an amount to be determined consistent with 42 U.S.C. § 1988 and, to the extent deemed applicable by the Court, 42 U.S.C. § 1997e(d).

Plaintiff shall submit a statement of attorney fees and costs within 14 days of the date below.

IT IS SO ORDERED.

DATED this 14 day of May, 2015.



Marco A. Hernández
United States District Judge