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16 Attorneys for Plaintiff

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF HAWAII
19

20 HUMAN RIGHTS DEFENSE CENTER,

21 Plaintiff,

22 v.

23 TOMMY JOHNSON, individually and in his
official capacity as Director of the Hawaii
Department of Corrections and Rehabilitation;
24 PAMELA STURZ, individually and in her
official capacity as Deputy Director of
25 Correctional Institutions at the Hawaii
Department of Corrections and Rehabilitation;
26 and JOHN AND JANE DOES 1-20,
individually and in their official capacities,

27 Defendants.
28

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
DAMAGES UNDER THE FEDERAL
CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

JURY TRIAL DEMANDED

INTRODUCTION

1
2 1. Plaintiff Human Rights Defense Center (“HRDC” or “Plaintiff”) brings
3 this action to enjoin Defendants from censoring publications and correspondence
4 that it mails to people incarcerated with the Hawaii Department of Corrections and
5 Rehabilitation (“DCR” or the “Department”). Defendants have adopted and
6 implemented mail policies, practices, and customs that unconstitutionally prohibit
7 delivery of publications and correspondence mailed by Plaintiff to persons
8 incarcerated at the Department, and that deny due process of law to senders, like
9 Plaintiff, whose mail is censored, by failing to provide adequate notice and an
10 opportunity to challenge each instance of censorship. Defendants’ actions violate
11 Plaintiff’s rights under the First and Fourteenth Amendments to the United States
12 Constitution. Plaintiff seeks injunctive and declaratory relief, and damages in an
13 amount to be proven at trial pursuant to 42 U.S.C. § 1983.

JURISDICTION AND VENUE

14
15 2. This action is brought pursuant to 42 U.S.C. § 1331 (federal question),
16 as this action arises under the Constitution and laws of the United States, and
17 pursuant to 28 U.S.C. § 1343 (civil rights), as this action seeks redress for civil
18 rights violations under 42 U.S.C. § 1983.

19 3. Venue is proper under 28 U.S.C. § 1391(b). At least one Defendant
20 resides within this judicial district and the events giving rise to the claims asserted
21 herein all occurred within this judicial district.

22 4. Plaintiff’s claims for relief are brought pursuant to 42 U.S.C. § 1983,
23 which authorizes actions to redress the deprivation, under color of state law, of
24 rights, privileges and immunities secured by the First and Fourteenth Amendments
25 to the United States Constitution and laws of the United States.

26 5. This Court has jurisdiction over claims seeking declaratory and
27 injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the
28 Federal Rules of Civil Procedure, as well as nominal and compensatory damages,

1 against all Defendants, and punitive damages against the individual defendants in
2 their personal capacities.

3 6. Plaintiff's claim for attorneys' fees and costs for its federal claims is
4 predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees
5 and costs to prevailing plaintiffs in actions brought pursuant to 42 U.S.C. § 1983.

6 7. Plaintiff is informed, believes, and based thereon alleges that the
7 individual Defendants as described herein acted with reckless disregard for
8 Plaintiff's rights and/or with the intent to injure, vex, annoy and harass Plaintiff, and
9 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's
10 rights with the intention of causing Plaintiff injury and depriving it of its
11 constitutional rights. As a result of the foregoing, Plaintiff seeks compensatory and
12 punitive damages against the individual Defendants.

13 **PARTIES**

14 8. Plaintiff HUMAN RIGHTS DEFENSE CENTER ("HRDC") is a not-
15 for-profit charitable organization recognized under § 501(c)(3) of the Internal
16 Revenue Code, incorporated in the state of Washington and with principal offices in
17 Boynton Beach, Florida. For over thirty-five years, HRDC has focused its mission
18 on public education, advocacy and outreach to incarcerated persons and the public
19 about the economic and social costs of prisons to society, and to help incarcerated
20 persons educate themselves about their constitutional and human rights and to learn
21 about accessing education while incarcerated. HRDC accomplishes its mission
22 through advocacy, litigation, and publication and/or distribution of books,
23 magazines and other information concerning prisons and the rights of incarcerated
24 persons. Prison Legal News is a wholly-owned project and publishing arm of
25 HRDC. Through its publishing project, HRDC engages in core protected speech
26 and expressive conduct on matters of public concern, such as the operation of cor-
27 rectional facilities, prison and jail conditions, and the health, safety and
28 constitutional and human rights of incarcerated persons. HRDC publishes and

1 distributes two monthly magazines covering corrections and criminal legal news and
2 analysis, and publishes and distributes books about the criminal legal system and
3 legal issues affecting incarcerated persons, which HRDC distributes by mail to
4 incarcerated persons, lawyers, courts, libraries, and the public throughout the United
5 States.

6 9. Nonparty the Hawaii Department of Corrections and Rehabilitation
7 (“DCR” or the “Department”) is an agency of the State of Hawaii organized and
8 existing under the laws of the State of Hawaii. DCR is a unified system of jails and
9 prisons. Specifically, DCR operates four jails: Hawaii Community Correctional
10 Center (“HCCC”), Kauai Community Correctional Center (“KCCC”), Maui
11 Community Correctional Center (“MCCC”), and Oahu Community Correctional
12 Center (“OCCC”). DCR also operates four prisons: Halawa Correctional Facility
13 (“HCF”), Waiawa Correctional Facility (“WCF”), Kulani Correctional Facility
14 (“KCF”) and the Women’s Community Correctional Center (“WCCC”).

15 10. Defendant TOMMY JOHNSON is the Director of DCR and has held
16 that position since 2023. Defendant JOHNSON is employed by and is an agent of
17 the State of Hawaii and DCR. He is responsible for overseeing the management and
18 operations of DCR, and for the hiring, screening, training, supervision, discipline,
19 counseling, and control of the personnel at DCR who interpret and apply its
20 incoming mail policies. As Director, Defendant JOHNSON is a final policymaker
21 for DCR with respect to the operation of its facilities, including for policies,
22 practices, and customs governing incoming mail for incarcerated persons. He is
23 sued in his individual and official capacities.

24 11. Defendant PAMELA STURZ is the Deputy Director of DCR’s
25 Correctional Institutions Division and has held that position since 2024. Defendant
26 STURZ is employed by and is an agent of the State of Hawaii and DCR. As Deputy
27 Director, Defendant STURZ is and was a policymaker for the State of Hawaii and
28 DCR with respect to the operation of the jail and prison facilities, including for

1 policies, practices, and customs governing incoming mail for incarcerated persons.
2 She is sued in her individual and official capacities.

3 12. The true names and identities of Defendants DOES 1 through 20 are
4 presently unknown to HRDC. Each of Defendants DOES 1 through 20 are or were
5 employed by and are or were agents of the State of Hawaii and/or DCR, were
6 personally involved in the adoption and/or implementation of the policies, practices,
7 and customs governing incoming mail for incarcerated persons at DCR, and/or are
8 or were responsible for the hiring, screening, training, retention, supervision,
9 discipline, counseling, and/or control of the personnel who interpret and implement
10 these incoming mail policies, practices, and customs. They are sued in their
11 individual and official capacities. Plaintiff will seek to amend this Complaint when
12 the true names and identities of Defendants DOES 1 through 20 have been
13 ascertained.

14 13. At all times material to this action, all Defendants were acting within
15 the course and scope of their employment as agents and/or employees of the State of
16 Hawaii and DCR.

17 **FACTUAL ALLEGATIONS**

18 14. For over thirty-five years, the focus of HRDC's mission has been
19 public education, advocacy and outreach on behalf of, and for the purpose of
20 assisting, incarcerated persons who seek legal redress for infringements of their
21 constitutionally guaranteed and other basic human rights. HRDC's mission, if
22 realized, has a salutary effect on public safety.

23 15. To accomplish its mission, HRDC publishes and distributes books,
24 magazines, and other materials containing news and analysis about prisons, jails and
25 other detention facilities, the rights of incarcerated persons, court rulings, manage-
26 ment of prison facilities, prison and jail conditions, and other matters pertaining to
27 the rights and/or interests of incarcerated persons. HRDC's publications contain
28 political speech and social commentary, which are core First Amendment rights and

1 are entitled to the highest protection afforded by the United States Constitution.

2 16. Sending publications through the mail to incarcerated persons is
3 essential to accomplishing the mission of HRDC. The primary aim of HRDC is to
4 communicate with incarcerated persons about developments in the law and protec-
5 tion of one's health and personal safety while in prison or jail. Reading materials
6 enable incarcerated persons to engage in productive activity rather than sitting idle,
7 thus helping to avoid conflicts and incidents of violence in correctional facilities and
8 encouraging lawful methods of dispute resolution. In addition, reading allows
9 incarcerated persons to keep their minds sharp, helping them prepare to become
10 productive citizens when released back into society.

11 17. HRDC publishes and distributes an award-winning monthly magazine
12 titled *Prison Legal News: Dedicated to Protecting Human Rights* ("Prison Legal
13 News"), which contains news and analysis about correctional facilities, the rights of
14 incarcerated persons, court opinions, prison and jail conditions, excessive force, and
15 religious freedom. *Prison Legal News* is published on newsprint bound by two
16 small staples, and is 72 pages long.

17 18. HRDC also publishes and distributes a second monthly magazine titled
18 *Criminal Legal News: Dedicated to Protecting Human Rights* ("Criminal Legal
19 News"), which contains news and analysis about individual rights, court rulings, and
20 other criminal legal-related issues. *Criminal Legal News* is also published on
21 newsprint bound by two small staples, and was 48 pages long, but has more recently
22 expanded to 56 pages long.

23 19. HRDC also publishes and/or distributes several different soft-cover
24 books on criminal justice, health, and legal issues that are of interest to incarcerated
25 persons and others. HRDC publishes and distributes the *Prisoners' Guerilla*
26 *Handbook: A Guide to Correspondence Programs in the United States and Canada*
27 ("Prisoners' Handbook"), which provides information on enrolling at accredited
28 higher educational, vocational and training schools. HRDC does not publish, but is

1 the sole national distributor of *Protecting Your Health and Safety* (“PYHS”), which
2 describes the rights, protections and legal remedies available to persons concerning
3 their health and safety while they are incarcerated.

4 20. In addition to its publications, HRDC also communicates with incarcer-
5 ated persons through the United States Postal Service by mailing them: (a) informa-
6 tional brochure packets, which contain a brochure and subscription order form, a
7 book list, and a published books brochure (each of which is a single page);
8 (b) copies of judicial opinions of import to incarcerated persons, which are marked
9 “Court Ruling;” and (c) subscription renewal letters and follow-up letters to
10 ascertain whether HRDC’s mailings have been delivered as addressed. HRDC
11 encloses a self-addressed, stamped envelope with its informational brochure packets
12 and subscription renewal letters, but does not enclose extra envelopes or stamps
13 with the informational brochure packets, judicial opinions, or other letters that it
14 mails to incarcerated persons.

15 21. Since 1990, HRDC has sent its publications and books by mail to
16 incarcerated persons and law librarians in more than 3,000 correctional facilities in
17 all fifty states, including at death row housing units and “supermax” prisons,
18 including the federal Administrative Maximum Facility at Florence, Colorado,
19 which is known as the most secure prison in the United States. Prior to 2024,
20 HRDC also sent its publications to incarcerated persons at DCR facilities for more
21 than three decades without incident.

22 22. DCR’s Correctional Institutions Division’s policies are available on
23 DCR’s public website at <https://dcr.hawaii.gov/policies-and-procedures/pp-cor/> (last
24 visited July 15, 2025). Under Chapter 15 of these policies, there is a hyperlink to
25 the policy # COR.15.05, which governs publications mailed to prisoners (the
26 “Publication Policy”) at [https://dcr.hawaii.gov/wp-content/uploads/2024/06/](https://dcr.hawaii.gov/wp-content/uploads/2024/06/COR.15.05-Inmate-Access-to-Publications.pdf)
27 [COR.15.05-Inmate-Access-to-Publications.pdf](https://dcr.hawaii.gov/wp-content/uploads/2024/06/COR.15.05-Inmate-Access-to-Publications.pdf) (last visited July 15, 2025).
28 According to the Publication Policy, it went into effect on January 1, 2024, and

supersedes the prior February 1, 2016 version.

23. Defendants' Publication Policy provides, in pertinent part:

5.0 PROCEDURES TO RECEIVE PUBLICATIONS

Facility Wardens shall designate staff to censor and approve all incoming publications for inmates in accordance with the provisions of this policy.

- .1 An inmate may receive publications only from a publisher, a book club or a bookstore.
- .2 Inmate requests for subscriptions or individual publications shall be submitted to the Case Manager/Counselor who will ascertain whether the publication is likely to be approved. Cash on delivery orders shall not be accepted; the inmate, their family or friends must pre-pay for all orders.
- .3 Facility Wardens may set limits on the number of volume of publications an inmate may receive or retain in his/her quarters (for life, sanitation, or housekeeping reasons).

PROHIBITED PUBLICATIONS

- .1 Publications which may be prohibited by the Warden/designee include but are not limited to publications that contain pictures, depictions, illustrations, or information that would threaten, undermine, or degrade personal safety of staff, volunteers, inmates, or others, such as:
 - a. Depicting or describing procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
 - b. Depicting, encouraging, or describing methods of escape from correctional facilities (or contains blue prints, drawings or similar descriptions of correctional facilities) including the functionality of locks and/or security devices (i.e. cameras, alarms) or how to bypass or defeat the security functions of these devices;
 - c. Depicting or describing procedures for the brewing of alcoholic beverages or the making or manufacture of drugs or poisons or extolling the virtues of drug use;
 - d. Writings in code;
 - e. Depicting patterns for tattoos and/or skin modification equipment which would provide, at a minimum, visual aids for inmates wishing to reproduce this type of body ornamentation and/or equipment;
 - f. Depicting, describing or encouraging activities which may lead to the use of physical violence or group disruption;
 - g. Depicting the use of hands, feet, or head as weapons, fighting weapons and techniques, self-defense and martial arts;
 - h. Encouraging or instructing in the commission of criminal activity;

- i. Containing sexually explicit material;
- j. Violating federal or Hawaii obscenity laws or encouraging criminal activity;
- k. Containing any material that would have an adverse impact on the rehabilitation goals of the inmates (i.e. sex offender treatment) or on the management and security of the institution;
- l. Creating a hostile work environment for staff or for other inmates;
- m. Containing racism and/or religious oppression and the superiority of one race/religion/political group over another, and/or the degradation of one race/religion/political group by another;
- n. Containing any material that advocates the overthrow of the Government of the United States of America or the State of Hawaii;
- o. Containing STG or gang-related activities and plans to include terrorism; or
- p. Threatening or undermine safety, security, order, discipline, control, or other legitimate penological interests.

.2 Facility Wardens may not establish an excluded list of publications. Individual publications shall be reviewed prior to rejection. Publications must be evaluated using content-neutral criteria [sic]; rejecting such publications cannot be arbitrary or irrational or based on the biases, personal beliefs or personal preferences of the Warden/designee.

.3 If any part of a publication is determined to violate content-neutral mail regulations, the publication may be rejected in its entirety. The U.S. Supreme Court has ruled that if a publication contains portions which should be rejected, the entire publication should be refused rather than simply tearing out the offending material.

PROCEDURES TO REJECT PUBLICATIONS

.1 When a publication for an inmate is rejected or denied, the publisher and the inmate to whom the publication was addressed shall both be notified in writing of the following:

- a. Notification of rejection or denial;
- b. Reason for rejection or denial; and
- c. Process for both the inmate and the publisher to appeal the rejection or denial to the Warden/designee.

.2 Facility mailroom staff will document receipt of prohibited publication on OCR Form# 8324 "Prohibited Publication".

.3 A copy of OCR Form # 8324 "Prohibited Publication" must be sent to the publisher. The publisher has up to seven (7) calendar days from

receipt to appeal. The Warden will provide a response to the appeal from the Publisher or third parties within thirty (30) days.

.4 Inmate appeals shall be made through the inmate grievance system within fifteen (15) calendar days of a rejected publication.

.5 The publications must be retained at the facility's mailroom for the duration of the appeals process as evidence; the inmate shall pay for the postage of any rejected publications they wish either returned to the publisher for refund or sent to a private party.

.6 In the event the publication(s) is deemed appropriate based on the outcome of an investigation and/or grievance, the publication will be forwarded to the inmate.

24. In addition to DCR's Publication Policy, each of DCR's eight facilities has a separately posted policy pertaining to mail procedures. The mail procedures for seven of those facilities (including HCCC, KCCC, MCCC, OCCC, HCF, WCF and WCCC) all state that "[b]ooks, magazines, food items, etc. may not be sent to an inmate." PDFs of each facilities' mail procedures are posted on DCR's public website. As an example, OCCC's mail procedures are available at <https://dcr.hawaii.gov/wp-content/uploads/2022/04/OCCC-Inmate-Procedures-Update-3.30.22.pdf> (last visited July 15, 2025), and HCF's mail procedures are available at <https://dcr.hawaii.gov/wp-content/uploads/2023/03/HCF-Inmate-Procedures-Update-3.22.23.pdf> (last visited July 15, 2025).

25. Defendants' Publication Policy and their facility-specific policies pertaining to mail procedures are unconstitutional on their face and as applied to HRDC, and are unduly broad and vague. This is especially true because the books and magazines published and/or distributed by HRDC cover topics of great public concern and contain core protected speech, including political speech and social commentary, and educational information relating to the rights of incarcerated persons, pertinent legal cases, and incarcerated persons' health and safety, and are thus entitled to the highest protection afforded by the First Amendment to the United States Constitution.

26. The grounds whereby Defendants may reject mailed publications listed in Defendants' Publication Policy are overly broad and/or too vague for a sender to

1 understand what is prohibited and what is permissible.

2 27. The mail procedures and practices of each DCR facility, which
3 preclude the delivery of any books or magazines to incarcerated persons, including
4 HRDC's publications, are also violative of the First Amendment to the United States
5 Constitution.

6 28. Although Defendants' Publication Policy requires DCR staff to provide
7 senders of censored publications with notice and an opportunity to appeal
8 censorship decisions, DCR has not provided HRDC with notice or an opportunity to
9 appeal the censorship of any of its publications and correspondence mailed to
10 incarcerated persons.

11 29. Between April 2024 and July 2025, HRDC sent books, magazines,
12 informational brochures, and correspondence to individuals confined at DCR
13 facilities. During that time period, fifty-six (56) of those items were returned to
14 HRDC by DCR. The items returned were addressed to individuals confirmed to still
15 be in custody at DCR facilities on the day HRDC received the returned mail.

16 30. The fifty-six (56) returned items consisted of: fifteen (15) issues of
17 *Prison Legal News*; thirteen (13) issues of *Criminal Legal News*; ten (10)
18 informational brochures; eight (8) copies of *PYHS*; seven (7) copies of *Prisoners'*
19 *Handbook*; and three (3) follow-up letters.

20 31. Most of the rejected items were marked with an ink stamp or a label
21 containing the words "RETURN TO SENDER" and "UNAUTHORIZED MAIL."
22 One of the items was also marked with an ink stamp containing the word
23 "CENSORED."

24 32. Defendants failed to provide HRDC with notice and an opportunity to
25 appeal these censorship decisions. Other than the vague markings on the outside of
26 the items returned via the United States Postal Service's Return to Sender service,
27 Defendants did not provide HRDC with notice of the reason any mailing was
28 rejected. Nowhere on the returned items of mail was notice provided of a right to

1 challenge the censorship decision, or any information on whether or how HRDC
2 could appeal Defendants' decision to refuse to deliver the publication or
3 correspondence to the intended recipient.

4 33. Because of Defendants' actions as described above, HRDC has
5 suffered damages, and will continue to suffer damages, including, but not limited to:
6 the suppression of HRDC's speech; the impediment of HRDC's ability to
7 disseminate its message; frustration of HRDC's non-profit organizational mission;
8 the loss of potential subscribers and customers; and, the inability to recruit new
9 subscribers and supporters; the loss of reputation; and the cost of printing, handling,
10 mailing, and staff time, among other damages.

11 34. Defendants, and other agents of DCR, are responsible for or personally
12 participated in, creating and implementing these unconstitutional policies, practices,
13 and customs, or for ratifying and adopting them. Further, Defendants are responsible
14 for training and supervising the employees of DCR, whose conduct has injured and
15 continues to injure HRDC.

16 35. Defendants' actions and inactions were and are impermissibly
17 motivated, and were and are all committed under color of state law with deliberate
18 indifference to HRDC's rights.

19 36. Defendants' actions and inactions were and are undertaken with
20 reckless disregard for Plaintiff's rights and/or motivated by ill motive and intent,
21 and were and are all committed under color of law with deliberate indifference to
22 HRDC's rights.

23 37. Plaintiff will continue to send its books and magazines to subscribers,
24 customers, and other individuals imprisoned at DCR facilities.

25 38. Defendants' unconstitutional policy, practices, and customs continue to
26 violate HRDC's rights, and they were and are the moving force behind the injuries
27 HRDC suffered as a direct result of the constitutional violations. As a result, HRDC
28 has no adequate remedy at law.

1 39. Defendants' conduct prohibiting or not delivering HRDC's mailed
2 publications and correspondence to persons incarcerated at DCR facilities violates
3 the First Amendment by censoring HRDC's freedom of speech and expression, and
4 has a chilling effect on future speech and expression directed at the persons
5 incarcerated at the Detention Facility.

6 40. The accommodation of the free speech, free expression, and due
7 process rights of HRDC will not have any significant impact on DCR's staff, other
8 prisoners at the DCR, Defendants' allocation of resources, or security at the DCR's
9 facilities.

10 41. HRDC is entitled to declaratory relief as well as injunctive relief
11 prohibiting Defendants from refusing to deliver publications from HRDC and other
12 similarly-situated senders without legal justification, and prohibiting Defendants
13 from censoring mail without due process of law.

14 **FIRST CLAIM FOR RELIEF**
15 **(Violations of the First Amendment (Free Speech)—42 U.S.C. § 1983)**

16 42. HRDC re-alleges and incorporates the allegations of paragraphs 1
17 through 41 of the Complaint as if fully set forth herein.

18 43. Defendants' acts described above constitute violations of HRDC's right
19 to communicate with persons incarcerated at DCR under the First Amendment to the
20 United States Constitution, a right clearly established under existing case law.

21 44. Defendants' conduct was objectively unreasonable and was undertaken
22 recklessly, intentionally, willfully, with malice, and with deliberate indifference to
23 the rights of others.

24 45. HRDC's injuries and the violations of its constitutional rights were
25 directly and proximately caused by Defendants' policies, practices, and customs,
26 which were and are the moving force of the violations.

27 46. Defendants' acts described above have caused damages to HRDC, and
28 if not enjoined, will continue to cause damage to HRDC.

1 47. HRDC seeks declaratory and injunctive relief, and nominal and
2 compensatory damages against all Defendants. HRDC also seeks punitive damages
3 solely against the individual Defendants in their individual capacities.

4 **SECOND CLAIM FOR RELIEF**
5 **(Violation of the Fourteenth Amendment (Due Process)—42 U.S.C. § 1983)**

6 48. HRDC re-alleges and incorporates the allegations of paragraphs 1
7 through 47 of the Complaint as if fully set forth herein.

8 49. HRDC has a constitutionally-protected liberty interest in
9 communicating with persons incarcerated at DCR by sending publications and
10 correspondence to them via the United States Postal Service, a right clearly
11 established under existing case law.

12 50. HRDC has the right under the Due Process Clause of the Fourteenth
13 Amendment to receive notice and an opportunity to object and/or appeal
14 Defendants' decisions to prevent the publications and correspondence mailed by
15 HRDC from reaching the intended recipients incarcerated at DCR.

16 51. Defendants have failed to give HRDC sufficient notice of the
17 censorship of its publications and correspondence, and an opportunity to be heard
18 with respect to that censorship. In doing so, Defendants have deprived and continue
19 to deprive HRDC of liberty and property without due process of law, in violation of
20 the Fourteenth Amendment to the United States Constitution.

21 52. Defendants' conduct was objectively unreasonable and was undertaken
22 recklessly, intentionally, willfully, with malice, and with deliberate indifference to
23 the rights of others.

24 53. HRDC's injuries and the violations of its constitutional rights were
25 directly and proximately caused by Defendants' policies, practices, and customs,
26 which were and are the moving force of the violations.

27 54. Defendants' acts described above have caused damages to HRDC, and
28 if not enjoined, will continue to cause damage to HRDC.

1 55. HRDC seeks declaratory and injunctive relief, and nominal and
2 compensatory damages against all Defendants. HRDC also seeks punitive damages
3 solely against the individual Defendants in their individual capacities.

4 **REQUEST FOR RELIEF**

5 WHEREFORE, the Plaintiff respectfully requests relief as follows:

6 1. A declaration that Defendants' policies, practices, and customs violate
7 the First and Fourteenth Amendments to the United States Constitution;

8 2. A preliminary and permanent injunction preventing Defendants and
9 their employees, agents, and any and all persons acting in concert with them from
10 further violation of HRDC's civil rights under the First and Fourteenth Amendments
11 to the United States Constitution; and providing other equitable relief;

12 3. Nominal damages for each violation of HRDC's rights by the
13 Defendants;

14 4. Compensatory damages in an amount to be proved at trial;

15 5. Punitive damages against the individual Defendants in an amount to be
16 proved at trial;

17 6. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988
18 and under other applicable law; and

19 7. Any other relief that this Court deems just and equitable.

20 **JURY DEMAND**

21 Plaintiff, by and through its attorneys, hereby demands a trial by jury pursuant
22 to Federal Rule of Civil Procedure 38(b) on all issues so triable.

23
24 Respectfully submitted,

25 DATED: July 24, 2025

ROSEN BIEN GALVAN & GRUNFELD LLP

26 By: /s/ Ernest Galvan

27 Ernest Galvan

1 DATED: July 24, 2025

HUMAN RIGHTS DEFENSE CENTER

2 By: /s/ Jonathan P. Picard

3 Jonathan P. Picard

4
5 DATED: July 24, 2025

CADES SCHUTTE LLP

6 By: /s/ Jeffrey Portnoy

7 Jeffrey Portnoy

8 Attorneys for Plaintiff
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