

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 31 2017

JEFFREY P. COLWELL
CLERK

Civil Action No. 14-cv-00245-MSK-MJW

REVEREND MATT HALE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

REPLY IN SUPPORT OF PLAINTIFF'S OBJECTIONS TO MINUTE
ORDER OF MAGISTRATE JUDGE WATANABE

Now comes Plaintiff Reverend Matt Hale, replying to Defendant's response to his objections (Doc. 145) as follows:

Reverend Hale first notes that even though the Defendant's response was filed on March 7, 2017, he was only served with a copy of it on March 20, 2017. Therefore, since this reply is being mailed to the Court and Defendant within 14 days of that latter date, it is timely under the rules. Why the Defendant's response was given to him so tardily by the Defendant's employees, Hale does not know.

I. This Court does have the legal power to release Hale from the SHU.

The Defendant sidesteps, naturally enough, the core issue presented by Hale's motion for an order from this Court compelling the Defendant to release him from the SHU (Special Housing Unit) at FCI-Terre Haute: whether the Court has the legal power to do so under Rule 26(c) of the Federal Rules of Civil Procedure. The answer to that question is "yes" under the Rule's fairly unambiguous terms:

"A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending...The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense..."

Here, Hale is a party from whom discovery is sought and he is plainly being

annoyed and oppressed by his interminable SHU confinement. Furthermore, Fed. R. Civ. P. 72(a) does not say that a magistrate's decision regarding the discovery process may only be set aside when it is "clearly erroneous or contrary to law" as the Defendant suggests (Doc. 145 at 1). Rather, the Court has the power to decide for itself whether Hale is in fact being annoyed and oppressed by the Defendant's actions and he "clearly" is. Thus the Defendant is wrong when it claims that "[t]here is no legal justification" for the order which Hale seeks (Id). Rather, that legal justification is provided by rule as well as the facts of this case, which Hale will elaborate upon as follows:

II. The Defendant's shifting explanations as to why it continues to keep Hale in the SHU--a situation whose duration is now at seven months and counting--indicates that Hale is indeed being harassed for his having brought this suit and in order to hinder his prosecution of it.

Hale has alleged these improper motives on the part of the Defendant all along (see e.g. Doc. 95) but in any case, the long and the short of it is that the Defendant always seems to have an excuse for keeping Hale in the SHU. First he needed to be in the SHU pending an "investigation" (Doc. 101-1 at para. 11). Then he had to remain in the SHU because he was to be "reclassified" (Doc. 101-1 at para. 14). Then he had to remain in the SHU because he was no longer "appropriate for placement in general population at this time" (Doc. 108-1 at para. 3). Now, lo and behold, he has to remain in the SHU because he has the audacity to appeal the Defendant's decision to transfer him back to ADX (Doc. 145 at 3-4), a decision which is based upon outright fraud as shown below. In short, unlike the case with other prisoners who don't have a lawsuit going on, Hale just has to remain in the SHU no matter what, indefinitely, for whatever reason the Defendant sees fit to con this Court into believing at the moment. While defense counsel's excitement is palpable about the supposed "recent development" that Hale has now (drum roll, please!) "been referred for placement in another prison" (Doc. 145 at 3), that does not change his predic-

ament for the better one iota. In fact, it rather makes it worse, in a sense, for now the Defendant will use--and is indeed using right now--the fact that he is appealing his transfer back to ADX as yet another excuse to keep him in the SHU, doing so for the several more months which that appeal process will no doubt (conveniently) take. The two constant facts, however, are 1) that Hale has a pending lawsuit against the Defendant and 2) that the Defendant refuses, no matter what, to let him go from its Nature-forsaken SHU at Terre Haute so that he can prosecute it (see more on this below). In light of the Defendant's shifting explanations for its actions--with all roads always quaintly leading to Hale's continued SHU confinement month after month after month no matter what--it does not take a rocket scientist to realize that the Defendant is, and has been, engaged in a pattern of deception before this Court in order to penalize and hinder Hale in his prosecution of this lawsuit, and that this is exactly the sort of misconduct which the Court has the power to put a halt to under its Rule 26(c) protective power. Seven months of Hale's mistreatment at the hands of these vengeful lunatics is enough. The Defendant's own conduct has made Hale's case for him that his SHU confinement is for the purpose of harassing and oppressing his prosecution of this lawsuit, and the remedy for that falls squarely under Rule 26(c).

III. Since Hale is supposedly "now" being kept in the SHU because he is appealing the ADX transfer decision, this Court likewise should release him from the SHU at this juncture pursuant to Rule 26(c) since that transfer decision is in fact based upon a clear and provable fraud.

Find attached two documents which will demonstrate the fraudulent basis for the transfer clearly enough: 1) the original version of the press release which Reverend Hale had written and which the prison actually rejected (Exhibit A) and 2) the report of the Hearing Administrator upon which it was decided to send Hale back to ADX (Exhibit B).

As the Court can see for itself on pages 2-3 of Exhibit B, the entire basis for the decision to send Hale back to ADX is his use of the word "comeuppance" in the press release. It is his use of that word which supposedly rendered the press release "a dangerous and threatening communication" (Doc. 145 at 2). The Hearing Administrator quoted Hale as follows:

"Well, in any case, it is my hope the [sic] Weisman will one day receive his comeuppance. David Weisman has no business ever wearing a robe of justice and it is a true indictment of the legal system of this country that it would [sic] such a scoundrel as him with a robe."

The problem, however, is that the Hearing Administrator deleted the very sentence from the press release which defined Hale's usage of the word "comeuppance," a sentence which made clear and in no uncertain terms that the "comeuppance" was to be LAWFUL. An examination of the fourth paragraph of the press release (Exhibit A) reveals this beyond all doubt. What Hale actually said is as follows:

"Well, in any case, it is my hope that Weisman will one day receive his comeuppance. I will be filing a misconduct complaint against him in the near future in the Seventh Circuit Court of Appeals pursuant to 28 U.S.C. sec. 351 and I will certainly be suing him when the day comes that I am finally vindicated of this pathetic nonsense. Sarcasm aside, David Weisman has no business ever wearing a robe of justice and it is a true indictment of the legal system of this country that it would [sic] such a scoundrel as him with that robe."

As is plain, the "day" of Weisman's "comeuppance" was to be the "day" when Hale was going to file a misconduct complaint and sue him in court, not "orchestrate violence" against him as the Hearing Administrator put in his "report." The Hearing Administrator's deletion of the very sentence which defined what kind of "comeuppance" Hale had in mind shows just how low ~~and~~ the Defendant and its employees are. It will do anything it can to lie about and misrepresent Hale's words, as well as the words of other adherents of his religious faith, in order to maintain this sick farce of his SHU confinement and its defamations of Hale generally. However, since the very basis for that continued

SHU confinement is now, by the Defendant's own admission, due to Hale's appeal of the ADX transfer decision, and since that decision is indeed fraudulent as shown by the above and the attached exhibits, it follows that the Court should release him from the SHU forthwith. There is simply no reason why this Court should tolerate the Defendant's actions here any further. Rule 26(c) gives the Court the power to issue a protective order compelling the Defendant to release Hale from the SHU and it should exercise that power since Hale is being prevented from conducting his discovery in the case as explained below.

IV. Since Hale is unable to go forward with his depositions due to his continued SHU confinement at FCI-Terre Haute, the Court should order his release pursuant to Rule 26(c).

Herein lies the core reason why the Court should order Hale's release from the SHU: his (wrongful) SHU confinement is preventing him from prosecuting the case that he has before this Court. It is that fact which gives the Court the power to release him pursuant to Fed. R. Civ. Pro. Rule 26(c), a fact which the Defendant naturally enough tries to sidestep in its response (see Doc. 145 at 3).

It is not true that Hale "can conduct discovery in the case from the SHU" as the Defendant claims (Id at 2). That is because, aside from the inadequate amount of food that he continues to receive there and the problem of the Defendant demanding that his wrists be chained to his waist for the twelve depositions which the Court has allotted to him--problems which Hale has discussed in previous filings (see e.g. Doc. 106 at 3-5, Doc. 109 at 8, and Doc. 110-1 at 2)--there is now the new problem of the SHU repeatedly going into "lockdown" in recent weeks along with the fact that the court reporter service is requiring that Hale pay for his depositions in advance. How exactly is Hale to avoid the possibility that the Defendant will unilaterally cancel his depositions due to a "lockdown," whether sincerely or fraudulently, with Hale having to "eat" the financial loss to the court reporter, a not inconsiderable sum

since he has to pay for the entire day in advance? Where is the assurance, indeed guarantee, that this will not happen? Indeed, with all of the misconduct and mistreatment which the Defendant has already committed the past seven months in his regard, starting with him being put into the SHU in the first place, Hale fully expects tht the Defendant will call "lockdowns" to coincide with the depositions he schedules. As always it is the Defendant which has total power while Hale has nothing but his Creativity religion, the truth, and his well-meaning supporters on his side. The Court should resolve this problem without any further ado: order the Defendant to release him from the SHU and return him to a regular housing unit at FCI-Terre Haute. That way he can actually conduct his depositions without any interference or harassment and finally get them done.

V. Had the magistrate actually read and considered the Declaration which Hale filed in this matter (Doc. 109), he would have referred to it at least in some manner in his order.

The Defendant claims that there is "no support" for Hale's contention that the magistrate failed to consider his Declaration (Doc. 145 at 2) but it is the Defendant's argument which is lacking in support, not Hale's. The fact of the matter is that the magistrate's order (Doc. 126) is utterly devoid of any reference to Hale's Declaration whatever and that fact is sufficient to indicate that the Declaration was indeed not read or considered.

Finally, Hale notes that his mother, Evelyn Hutcheson, has filed a Declaration of her own (Doc. # unknown) in recent weeks and he submits that that Declaration should likewise be considered by the Court.

Conclusion

Since the facts surrounding Reverend Hale's continued SHU confinement as well as the law both support his release from the SHU, the Court should order the Defendant to release him from the SHU immediately so that he can finally

complete the discovery process free from the oppression which Rule 26(c) was designed to prevent. Hale has shown "good cause" for such an order and that is all Rule 26(c) requires.

Respectfully submitted,

Rev. Matt Hale

Reverend Matt Hale, Plaintiff

March 22, 2017

Reverend Matt Hale
#15177-424
FCI
P.O. Box 33
Terre Haute, IN 47808

Certificate of Service

I hereby certify that on March 26th, 2017 I served the foregoing document upon the Defendant by mailing a true and correct copy of it to Susan Prose, Asst. U.S. Attorney, 1801 California Street, Suite 1600, Denver, CO 80202 via first class mail, postage fully prepaid, Ms. Prose being the Defendant's counsel in this case.

Rev. Matt Hale

Reverend Matt Hale, Plaintiff

TRULINCS 15177424 - HALE, MATTHEW - Unit: THA-J-A

FROM: 15177424
TO: Hutcheson, Evelyn
SUBJECT: Press Release (1st)
DATE: 08/21/2016 05:41:53 PM

Dear Ma!

Okay, here is the press release about Weisman. You can email it out to the news media and supporters just as it but you'll need to center the heading and format it otherwise for your faxes, okay? Also send me two copies of it via regular mail. Let 'er rip! I think you'll like it. When you fax it, try to get it on two pages; three would be too much.

Your Fig

Press Release
(For Immediate Release)

August 23, 2016

Contact: evelynhutcheson1938@gmail.com
Websites: freematthale.net, creativitymovement.net, firstfreedom.net

Hale Persecutor (Prosecutor) Appointed Federal Magistrate Judge!

In a move that is sure to outrage anybody who cares about truth, justice, and honor in this world, M. David Weisman, the Jewish crypto-homosexual communist who prosecuted the Reverend Matt Hale, leader of the pro-White and anti-Jewish Church of the Creator, on blatantly false charges that he had "solicited" the murder of a federal judge in late 2002, has been appointed a federal magistrate judge in the very courthouse where that show trial took place in 2004. As reported by The Chicago Daily Law Bulletin, Weisman has been sworn in to an eight-year term by Chief U.S. District Judge Ruben Castillo.

It is important to understand that Weisman not only prosecuted the "case" against Reverend Hale but that he was intimately involved in the entire sickening setup that led to the charges being brought against Hale in the first place. He had personally instructed government agent provocateur, Tony Evola, to send Hale an unsolicited email announcing plans on Evola's part to murder the judge who was presiding over a trademark case involving his church, and then argued to the jury that, since Hale did not bother to respond to that email, Hale wanted Evola to murder the judge! At no time, however, did Hale ever ask, instruct, or order Evola to harm anybody and, in fact, expressed his concerns to Evola that the law might require that he report EVOLA to the authorities for Evola's own (professed) plans to commit murder. All of this can be confirmed by reading the trial transcript at freematthale.net. Thus Weisman was both the compiler of the supposed "evidence" against Hale as well as the prosecutor of a case based on that evidence, thus calling into question his moral character and fitness to be a judge in light of the case that he fabricated and pursued against Hale. The entire "case" against Hale was and is an outright fraud engineered by the Jew Weisman in an effort to destroy one of the most well-known critics of Jewish power in America, Reverend Matt Hale, for personal reasons and nothing more. As a result of Weisman's actions, Hale was sent to prison on a 40 year sentence for crimes he not only did not commit but opposed. Reverend Hale challenges anyone to read the trial transcript and see for himself that he committed no crime.

From his prison cell in general population at FCI-Terre Haute, here is what Reverend Hale had to say about the appointment of Weisman to the position of federal magistrate judge:

"I think it's typical and makes sense. After all, the federal government is full of criminals so why not add yet another criminal like Weisman to its federal bench? I'm sure he'll do great there for the federal, Jewish tyranny that presently rules over us and help consign some more innocent people to a prison cell for decades like he did me. Weisman is living proof of why people would have the silly idea that the Nazis would try to kill six million Jews, for in my particular case he prosecuted a man he knew to be innocent all along only so that a critic of the Jewish domination of our country could be silenced. He caused enormous grief to me, my family, and my church. Well, in any case, it is my hope that Weisman will one day receive his comeuppance. I will be filing a misconduct complaint against him in the near future in the Seventh Circuit Court of Appeals pursuant to 28 U.S.C. sec. 351 and I will certainly be suing him when the day comes that I am finally vindicated of this pathetic nonsense. Sarcasm aside, David Weisman has no business ever wearing a robe of justice and it is a true indictment of the legal system of this country that it would such a scoundrel as him with that robe."

Exhibit A (page one)

TRULINCS 15177424 - HALE, MATTHEW - Unit: THA-J-A

For further comment, contact Evelyn Hutcheson at (309) 699-0785 or evelynhutcheson1938@gmail.com. Reverend Hale is currently suing the Federal Bureau of Prisons in Denver District Court, case number 14-cv-00245. His latest bid for freedom was turned down by the Tenth Circuit Court of Appeals last month.

End of Press Release

Exhibit A (page two)

ADX GENERAL POPULATION HEARING ADMINISTRATOR'S REPORT		
Inmate's Name	Register Number	Institution
Hale, Matthew	15177-424	THA

1.	Notice of Hearing
	The Notice of Hearing on Referral for Transfer to the General Population at the ADX in Florence, Colorado, which outlines the basis for the placement recommendation was given to the inmate on February 14, 2017, at 12:45 p.m. (Eastern Time). The hearing was held on February 16, 2017, at 9:00 a.m. (Eastern Time), via telephonic hearing.
2.	Attendance
	The inmate was advised in the Notice of General Population Hearing form of the opportunity to be present during the hearing.
X	The inmate was present during the hearing.
	The inmate was not present during the hearing for the following reason(s): N/A
3.	Inmate's Statement
	The inmate was advised in the Notice of General Population Hearing form of the opportunity to make a statement during the hearing, pertaining to the referral for his placement in the ADX General Population (ADX-GP). The information below was confirmed during the hearing.
	The inmate did not make a statement during the hearing for the following reason(s): N/A
X	"I don't meet the criteria. There are nine guidelines and I don't meet any of them (all nine guidelines were reviewed). None of them apply to me. I don't mind the ADX, but don't agree that I meet the criteria to go. I have documentary evidence that I would like include and it will show that I have criticized judges in the 7 th circuit in emails when I was at the ADX before I was transferred and staff there did not have any issues with it. I have that right. I'm a supporter of President Trump and he is very vocal and dissatisfied with federal judges. Staff at Terre Haute do not want me here and they made me aware of that as soon as I arrived. My first draft of the email was rejected and SIS staff told me to reword it. So instead of using the word comeuppance, I revised it to legal comeuppance. Staff sent this out, I did not have another inmate send this. Staff let it go out on purpose so they could use it to have me transferred."
4.	Presentation of Documentary Evidence
	The inmate was advised in the Notice of General Population Hearing form of the opportunity to submit documentary information.
	The inmate did not present any documentary evidence.
X	The inmate presented the following documentary evidence: Yes – 12 pages of various documents.
	The inmate asked to present documentary evidence, but was denied for the following reason(s): N/A
5.	Finding
	The inmate does not appear to meet the criteria for placement in the ADX-GP for the following reason(s): N/A
X	The inmate appears to meet the following criteria for placement in the ADX-GP:
X	The inmate's conduct within correctional institutions creates a risk to institution security, good order, and the safety of staff, inmates, others, and/or the public safety.

ADX GENERAL POPULATION HEARING ADMINISTRATOR'S REPORT		
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Hale, Matthew	15177-424	THA

X	As a result of the inmate's status either before or after incarceration, he may not be safely housed in the general population of a regular correctional institution.
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6.	Information Utilized
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Pre-Sentence Report:

In the Pre-Sentence report revised on 2-16-2005, inmate Hale is identified and is considered as the supreme leader of the World Church of the Creator (WCOTC) with holds a position of authority over some of the WCOTC followers and admirers. The group is now known publicly as "The Creativity Movement (TCM)."

On or about November 29, 2002, through at least on or about December 17, 2002, inmate Hale and another person engaged in conduct constitution a felon that has as an element the use, attempted use, and threatening use of physical force against the person of another – namely, the forcible assault upon, and the murder of, United States District Judge Joan Humphrey Lefkow.

Inmate Hale is now serving 480 month sentence for Obstruction of Justice (2 counts) and Solicitation of a Crime of Violence (1 count). He has a projected release date of December 30, 2037.

Institution Conduct:

Inmate Hale is a validated Leader of the Security Threat Group (STG) World Church of the Creator (WCOTC). The group is now known publicly as "The Creativity Movement (TCM)."

Inmate Hale arrived at the ADX in Florence, Colorado, for service of his sentence. He was transferred to FCI Terre Haute on May 31, 2016, for lesser security. On August 21, 2016, he sent an email to his mother. The content of the email consisted of a "press release" he had written that advocated violence and criminal activity. Specifically, on June 27, 2016, inmate Hale placed a phone call to Michael Cook, a loyal follower of the WCOTC. The call detailed Cook's recognition of and loyalty to inmate Hale's leadership of the group. On July 13, 2016, inmate Hale received an email from James Logsdon, a WCOTC leader. Mr. Logsdon wrote about meeting Michael Cook and provided inmate Hale with details of their conversation during the meeting. Specifically, Mr. Logsdon wrote, "Soon as our food arrived he leaned over and said, 'You know James if you want me to take out any of the judges or prosecutors you just let me know.'" Mr. Logsdon was referring to Michael Cook.

On July 13, 2016, inmate Hale received an email from an email address belonging to James Logsdon. Mr. Logsdon has also communicated with Mr. Hale via the telephone and is identified as a longstanding friend of inmate Hale and shares the same ideology. Mr. Logsdon is heavily involved in the TCM and is considered by some followers to be the current public face of the movement. Mr. Logsdon also communicates with Mr. Cook.

In the email, Mr. Logsdon informs inmate Hale that Mr. Cook was released from a mental hospital and has formed his own church, declaring himself it's "Pontifex Maximus." Mr. Logsdon does not trust Mr. Cook and explains in his email to you, "Now, Matt, I'm not saying not to use these parasites. If you can use them, then by all means, get what you can out of them. Just realize their true intentions."

On August 21, 2016, inmate Hale sent an email to his mother, who is the primary means of mass communication with the white supremacist movement on the internet. The content of the email consisted of a "press release" inmate Hale had written. Inmate Hale addresses the recent promotion of David Weisman, a federal prosecutor, to Federal Magistrate Judge. Judge Weisman was the prosecutor in inmate Hale's case. The verbiage in the press release is racially charged and blatantly hostile toward Judge Weisman, referring to him as a "Jewish crypto-homosexual communist." Inmate Hale further alleges Judge Weisman "prosecuted a man he knew to be innocent all along only so that a critic of the Jewish domination of our country could be silenced." Inmate Hale continues, "He (Weisman) caused enormous grief to me, my family, and my church. Well, in any case, it is my hope the

ADX GENERAL POPULATION HEARING ADMINISTRATOR'S REPORT		
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Hale, Matthew	15177-424	THA

Weisman will one day receive his comeuppance. David Weisman has no business ever wearing a robe of justice and it is a true indictment of the legal system of this country that it would such a scoundrel as him with a robe."

It was determined the email advocated violence and criminal activity.

Inmate Hale has incurred one disciplinary action findings in the High Category prohibited act for Code 296A, Abuse of the Mail Which Circumvents Mail Monitoring Procedures, (Attempted).

Due to his stature and influence the statements in inmate Hale's "press release" specifically referring to his hope that Judge Weisman will receive his "comeuppance" are believed to be another attempt by inmate Hale to orchestrate violence against the judge, either by Mr. Cook or another disciple of similar mindset. As he continues a pattern of this behavior, it appears he would be unable to function in a less restrictive correctional environment without being a threat to others or to the secure and orderly operation of a less secure correctional facility.

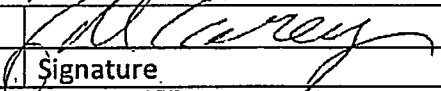
During the hearing, the Hearing Administrator reviewed the notice of hearing with inmate Hale. He indicated he understood the details of the report and advised the Hearing Administrator that he had documentary evidence to be considered during the proceedings. His statement and documentary evidence was considered by the Hearing Administrator and is included in this packet.

In conclusion, based on his status within the WCOTC and the influence of devote admirers and followers, it is this Hearing Administrators belief that based on the information identified above, his placement at the ADX is warranted.

7.	Recommendation
	The inmate should not be placed in the ADX-GP.
X	The inmate should be placed in the ADX-GP.

8. Appeal Rights

Upon receipt of the Assistant Director's decision regarding your placement, you have 30 days to appeal the decision through the Administrative Remedy Program. Your appeal must be submitted on the appropriate form (Regional Administrative Remedy Appeal BP-10) and must be sent to the Chief, Designation & Sentence Computation Center, Grand Prairie Complex, U.S. Armed Forces Reserve Complex, 346 Marine Forces Drive, Grand Prairie, Texas 75051

J.M. Carey		February 16, 2017
Hearing Administrator's Name	Signature	Date

9. Delivery of Hearing Administrator's Report to Inmate

Inmate's Signature	Date
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The inmate refused to sign for a copy of the ADX General Population Hearing Administrator's Report. I have personally delivered a copy of the report to the above mentioned inmate.

Staff Name (Printed)	Signature	Date
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Mailed
3-26

FBI
P.O. Box 33
Terre Haute, IN 47808

Special Mail

Office of the Clerk
United States District Court
901-19th St. Room A105
Denver, CO 80294-3589



Spec Mail

