

In the United States District Court
For the District of Colorado

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

Reverend Matt Hale,
Plaintiff,

v.

Federal Bureau of Prisons,
Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 16 2017

JEFFREY P. COLWELL
CLERK

Motion to Reconsider Order Denying
Motions to Join Suit (Doc. 155)

Due to changed circumstances which
impact substantially upon the Court's decision,
Plaintiff Reverend Matt Hale is obliged to
move the Court to reconsider its denial
of the several motions to join this suit
(Doc. 155).

Specifically, what the Court wrote in

note 4 on page 2 of its decision no longer reflects Pres. Hale's situation: the Defendant has placed Pres. Hale under another mail ban since his return to ADX, and to say. None of his outgoing mail is being delivered to its recipients and he has received no incoming mail the past 22 days. Numerous of his letters have been returned to him for no discernible reason at all; quite simply his mail to his friends and family has come to a total and abject halt.

Notably, four of his outgoing letters have been returned to him for merely mentioning his religion, the name of his church, or the adherents thereof and he has also been punished for alleged "gang activity" for professing his religious faith in his correspondence and for writing a letter to the editor of a newspaper, of all things. Quite simply, Pres. Hale is facing (facing) a

renewed wave of persecution on religious grounds here and the Court needs to be aware of that fact. More pertinently though for purposes of this motion, however, the fact that people in the outside world are no longer able to get a letter to Rev. Hale shows that their First Amendment right to communicate with Rev. Hale is being violated right now and in a concrete manner at that: they can't get a letter to him, plain and simple. The concerns that the Movants have which prompted their moving to join this suit have indeed "ripened" (Doc. 155 at 7): if they cannot get a letter to Rev. Hale and vice versa, there is a case or controversy in their regard right now. Since the Defendant has seen fit to impose a new, de facto mail ban upon Hale's mail, the claims of the Movants are no longer "speculative" (Id). Rather they are concrete and current and the

Movants should be permitted (permitted) to join this suit accordingly.

Correspondence is a two-way street by its very nature: there is the right to send said correspondence and the analogous right to receive it. For this reason, therefore, joinder is appropriate here since the Movants' rights are affected just as much by the new mail ban as Rev. Hale's: they want unimpeded correspondence with him just as he wants unimpeded correspondence with them, whether the particular nature of the correspondence is religious or not. Indeed, the nature of the correspondence is irrelevant to the issue. What matters for purposes of joinder is that any ban on Rev. Hale's mail affects Movants' legal rights too. Their claim does share a common question of law and fact with that of Rev. Hale's (i.e. the Defendants' ability to ban Hale's mail. The factual and legal

questions posed by the Movants' claims are indeed known (Id) because they spring from that basic reality, a reality that has been part of this action since its inception. The Movants' claims are as ripe as Rev. Hale's (Id at 8) because they are barred from communicating with him right now. All claims which spring from the ability of the Defendant to ban Rev. Hale's mail are indeed "logically related." Thus joinder is appropriate (Id at 4).

Notably, the reason why Rev. Hale offered his correspondents the opportunity to try to join this suit (several months ago) is because he feared the very thing which has now occurred, and believed that his correspondents should at least have the chance to protect their own legal rights from being violated by the Defendant as they are right now. The Defendant cannot have it both ways: violate the First

Amendment rights of New Hale and that of his correspondents, right now, but balk at the latter wanting to vindicate their rights in the present action. Furthermore, it would make little sense to require the Movants to bring separate actions when the case at bar already provides a mechanism for the vindication of their claims. Neither judicial economy nor justice would be served thereby. The Defendant's decision to impose a new (unconstitutional) mail bar upon New Hale at this juncture — possibly after it was flush with victory after the denial of the motions to join — was obviously ill-advised because it provides good cause for why the motions should now be granted.

For the foregoing reasons, New Hale moves the Court to reconsider its denial of the motions to join this suit. He can only protest the Defendant's

latest viciousness in its meniscal
drive to hurt him for the exercise
of basic constitutional rights which
the rest of this country takes for
granted. Judgment day for the Defendant,
however, is coming. Pres. Hale also
informs the Court that he has still
not been given access to all of his
legal property as of today's date
despite the fact that he has been
at ADX for over a month now.

Furthermore, though Pres. Hale wanted
to and tried to schedule all of his
depositions within the deadline that
the Court ordered (June 2, 2017),
the Defendant has refused to comply.
The Defendant apparently wishes to
isolate Pres. Hale from his friends
and family at this juncture — and
postpone his access to his legal
(as well as personal) property — in
order to gain some sort of logistical
and psychological advantage over

him as the case heads for
depositions and trial. It's evil,
however, shall fail. Hal Ben Klason!

Respectfully submitted,

Rev. Matt Hale

May 11, 2017

Rev. Matt Hale

#15177-424

U.S.P. - Max.

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Certificate of Service

I hereby certify that a true and
correct copy of the foregoing motion was
mailed to Susan Price, counsel for the
Defendant, on May 12, 2017, at 1801
California St., Suite 1600, Denver, Co 80202.

Rev. Matt Hale

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