

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 01 2017

JEFFREY P. COLWELL
CLERK

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.

Notice of Exhaustion of Administrative
Remedy Regarding Ban on All of
Plaintiff's Religious Mail

Now comes Plaintiff Reverend Matt
Hale, stating as follows:

I feel obliged to inform the Court
that the Defendant is incorrect when it
claims that I have not exhausted any

grievance I may have concerning the new ban upon all of my religious correspondence (Doc. 199 at 24, 36, and 50). In point of fact, that grievance was exhausted on October 19, 2017 after I filed my response to its motion for summary judgment, as shown by the attached Exhibit A, and thus the Defendants' arguments along those lines in its reply have no validity now to the extent that they ever had any validity at all. (While the Administrator of National Inmate Appeals only refers to my grievance regarding incoming mail, Exhibit C makes clear that I properly complained about the treatment of my outgoing religious correspondence as well.)

Respectfully submitted,

Walter Matt Hale

November 24, 2017

2

Rev. Matt Hale
#15177-424
U.S. Penitentiary - Max.
P.O. Box 8500
Florence, CO 81226-8500

(Three exhibits attached.)

Certificate of Service

I hereby certify that on November 29, 2017, I served the foregoing document and exhibits on the following via U.S. mail:

Susan Prose, Atty. for Defendant
Asst. U.S. Attorney
1801 California Street, Suite 1600
Denver, CO 80202

Rev. Matt Hale
Plaintiff

Administrative Remedy No. 906737-A1

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal where you allege staff at ADX Florence are improperly rejecting your incoming mail on the basis of its religious content. You request staff cease this illegal action and deliver your incoming mail.

The Warden and Regional Director adequately addressed your complaint and we concur with the responses provided. Safety and security is paramount and you were advised why the incoming mail in question was rejected. The Warden is authorized to reject any incoming/outgoing mail that could be detrimental to the institution or the public. While you disagree with this assessment, we find the incoming mail was rejected in compliance with Bureau policy.

Accordingly, your appeal is denied.

10/19/17
Date

IC
Ian Connors, Administrator
National Inmate Appeals *IME*

Exhibit A

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 906737-R1

This is in response to your Regional Administrative Remedy Appeal received in this office on August 1, 2017, wherein you claim your incoming correspondence was improperly rejected based on religious content. For relief, you request staff cease rejecting your incoming and outgoing mail.

We have reviewed your appeal and the Warden's response dated July 19, 2017. A review of correspondence rejected since your arrival at the Administrative Maximum Penitentiary, Florence, Colorado, revealed your incoming general correspondence has been properly processed in accordance with Program Statement 5800.16, Mail Management Manual, and Program Statement 5265.14, Correspondence. Pursuant to Program Statement 5265.14, "The Warden may reject correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity." We find the correspondence was appropriately rejected as the material is not suitable for issuance in a correctional environment. Additionally, you have provided insufficient evidence to support your claim staff have acted outside the scope of policy. Accordingly, the institution's decision is supported.

Based on the above information, your Regional Administrative Remedy Appeal is denied.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

8-24-17
Date

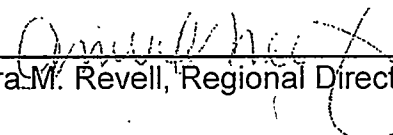

Sara M. Revell, Regional Director

Exhibit B

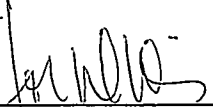
BP-229 Response

Case Number: 906737-F1

Your Request for Administrative Remedy dated June 18, 2017, and received in this office June 20, 2017, has been reviewed. Specifically, you request the Special Investigative Agent and Special Investigative Services (SIS) Lieutenant cease rejecting your mail that mentions Church of the Creator/Creativity Movement. You claim your 1st Amendment rights, Religious Freedom Restoration Act and the A&O Handbook are being violated. As relief, you request the BOP cease rejecting all of your incoming and outgoing mail.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed this issue was addressed via Administrative Remedy 905727-F1. You have provided no new information that warrants further investigation.

Accordingly, your Request for Administrative Remedy is closed as repetitive. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8th Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.



Jack Fox, Complex Warden

7.19.17
Date

Exhibit C

Mailed
a

Name: Rev. Matt Hale
Reg No: 1577-434
U.S. Penitentiary MAX
P.O. Box 8500
Florence, CO. 81226-8500

Special
Mail

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

**Administrative Maximum
P.O. Box 8500
Florence, CO 81226-8500**

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or advice. If the writer encloses a return address, please return the material to that address. If no return address is enclosed, please return the material to the address above.

NOV 29 2017