

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DONALD YORK EVANS and) 3:05-CV-0327-ECR (RAM)
JOHN WITHEROW,)
)
Plaintiffs,)
)
vs.) ORDER
)
LENARD VARE, ROSEMARY SEALS,)
KELLY BALENGER, and DOES 1-X,)
)
Defendants.)

Second Amended Preliminary Injunction

Based on the Ninth Circuit's Memorandum Disposition affirming our prior injunction in part, and reversing it in part, the amended preliminary injunction (# 118) issued in this case against Defendants Lenard Vare, Rosemary Seals, and Kelly Balenger, and in favor of Plaintiffs Donald York Evans and John Witherow, is hereby amended and re-issued as follows.

IT IS HEREBY ORDERED AND ADJUDGED that Defendants Lenard Vare, Rosemary Seals, Kelly Balenger, their officers, agents, servants,

1 employees, and attorneys, and those persons in active concert or
2 participation with any of them or each of them, who receive actual
3 notice of this order by personal service or otherwise, are hereby
4 preliminarily enjoined and restrained, pending the further
5 proceedings in this case, from denying Plaintiff Witherow the
6 receipt or forwarding of mail involving legal matters, which has
7 been identified as such by the sender, Plaintiff Evans, when either
8 of the following individual conditions are met:

9 (1) The mail consists of regularly published court decisions,
10 laws or regulations;

11 (2) Where the mail does not consist of regularly published
12 court decisions, laws or regulations, Witherow's correspondence
13 regarding legal matters shall not be interfered with if the names,
14 social security numbers, addresses, and other identifying
15 information of other persons are blacked out.

16 Prison employees may examine mail from Evans to Witherow to
17 ensure that the conditions above are met.

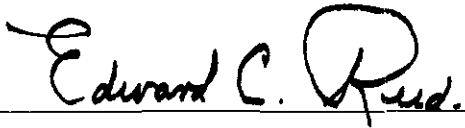
18 IT IS FURTHER ORDERED that the Court reserves and shall retain
19 jurisdiction of all matters relating to this preliminary
20 injunction, including the performance thereof and compliance
21 therewith.

22 IT IS FURTHER ORDERED that Defendants shall provide actual
23 notice of this injunction to their officers, agents, servants,
24 employees, and attorneys, and upon those persons in active concert
25 or participation with any of them or each of them.

26 IT IS FURTHER ORDERED that posting of security is waived. The
27 First Amendment rights sought to be protected by Plaintiffs present

1 overriding issues of public policy that justify waiver of security
2 pursuant to Fed. R. Civ. P. 62(c).

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4 This 28 day of December, 2006.

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7 UNITED STATES DISTRICT JUDGE
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