

PRESS RELEASE

Prison Legal News – For Immediate Release

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Federal Court Enters Preliminary Injunction Against Sacramento County in Publisher's Jail Censorship Suit

Sacramento, CA – Today, U.S. District Court Judge John A. Mendez entered a preliminary injunction against the County of Sacramento in a lawsuit that alleges unconstitutional censorship of publications sent to prisoners at the county's jail.

Prison Legal News, a non-profit monthly publication that reports on criminal justice-related issues and a project of the Human Rights Defense Center (HRDC), filed the lawsuit in federal court in April 2011. According to the complaint, Sacramento County jail officials refused to deliver PLN's monthly publication to prisoners and failed to notify PLN of that censorship in violation of the First and Fourteenth Amendments to the U.S. Constitution.

The jail claimed that PLN's publication was rejected because it contained small staples (used to bind the magazine together) and included mailing labels or stickers. Jail officials said the staples and labels presented a security risk.

In his order granting PLN's motion for a preliminary injunction, Judge Mendez rejected that rationale, finding the jail's censorship of publications sent to prisoners was "an exaggerated response to any security concerns posed by PLN."

The court further held that PLN "has demonstrated a likelihood of success on the merits of its First Amendment claim," and that the defendants' "policies and practices including refusing to deliver PLN publications and mailings to prisoners because they contained staples and/or a mailing label are not supported by a legitimate penological interest and do not leave open alternative means for PLN to exercise its First Amendment rights."

"The taxpayers of Sacramento County should be very concerned about their elected officials wasting their money defending violations of constitutional rights," said attorney Ernest Galvan, who represented PLN at the preliminary injunction hearing. "The alleged justification for these acts of censorship is literally paper thin."

Judge Mendez noted the jail could remove the staples and labels from PLN's publications, so long as the publications were delivered to prisoners. PLN recently prevailed in another censorship lawsuit involving a county jail in South Carolina, which had also cited staples as justification for refusing to deliver PLN's publications. That case settled in January 2012 with the county agreeing to make policy changes and paying \$100,000 in damages and \$499,900 in PLN's attorney fees and costs.

“Jail officials, including those in Sacramento County, cannot use pretexts such as staples or mailing labels to justify censorship of publications in violation of the First Amendment,” said PLN editor Paul Wright. “This is particularly true when the jail allows other publications with staples to be delivered to prisoners, but not PLN – which evidences unconstitutional content-based censorship.”

PLN’s lawsuit against Sacramento County, which remains ongoing, also seeks declaratory relief, compensatory and punitive damages, attorney fees and litigation costs.

The case is *Prison Legal News v. County of Sacramento, et al.*, U.S. District Court for the Eastern District of California, Case No. 2:11-cv-00907. PLN is represented by attorneys Sanford Jay Rosen, Ernest Galvan, Kenneth Walczak and Blake Thompson of Rosen, Bien & Galvan, LLP, a San Francisco law firm, as well as HRDC chief counsel Lance Weber.

Prison Legal News (PLN) is a project of the Human Rights Defense Center. HRDC, founded in 1990 with offices in Brattleboro, Vermont, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. HRDC publishes PLN, a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners’ rights and criminal justice issues. PLN has approximately 7,000 subscribers nationwide and operates a website (www.prisonlegalnews.org) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents.

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