

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

 JULIAN T. STONE, et. al.,
 Plaintiffs,

 v

 JOHN O. BOONE, et. al.,
 Defendants,

CIVIL ACTION NO: 73-1083-T

PLAINTIFF "KILBURN'S, (SUBSTITUTING FOR "STONE" BECAUSE HE DIED 1999), VERIFIED MOTION FOR CONTEMPT FOR THE DEFENDANTS VIOLATION OF THE "CONSENT DECREE" ORDERED BY THIS COURT BY THE HONORABLE JUDGE JOSEPH TAURO, (10/10/74).

Now comes the Plaintiff, Andrew W. Kilburn, substituting for Plaintiff Julian Stone, because he died (1999), to file his Motion For Contempt For The Defendant's Violation Of The Honorable Judge Joseph Tauro's (10/10/74) CONSENT DECREE. as grounds thereto, the plaintiff stipulates the following has occurred since Judge Tauro Ordered The Walpole State Prison Administrators at MCI Cedar Junction to "build a LAW LIBRARY". SEE: EXHIBIT A.

1. On (10/10/74) Judge Tauro Ordered the Department Of Correction Defendants"to build a "LAW LIBRARY" within reasonable time but not later than (12/1/74)." His Order From the CONSENT DECREE was (10/10/74).

2. He Ordered that the defendants "provide the inmates at "WALPOLE" with adequate physical and support facilities for the Law Collection.

(2)

2. Con't

These facilities shall include at least 400 linear feet of shelving."

3."Supervised access for inmates during the week (both days & evenings) including weekends."

4. On (10/27/04), the New Librarian (who is not a certified law librarian, but only a general librarian), BEVERLY VEGLAS, closed the Law Library until (11/9/04). When the then Law Library opened on (11/9/04), "VEGLAS" had changed the interpretation of the CMR's 103 CMR 478, and called it her New Library Policy. There was no longer scotch tape, white out and numerous other legal supplies afforded to inmates at Walpole. She, "VEGLAS" decided that the "General Population inmates can No Longer Make Copies Of The Case Law From The LAW BOOKS Nor from The legal collection.

5. On (4/9/06) to (5/22/06) "VEGLAS" Closed the once Law Library and began to convert it into a "General Library" for which her certification only allows her to be employed. She, "VEGLAS", had the prison Law Clerks tearing up law books that had been donated to the prison since Judge Tauro's decision and has taken All of The LAW BOOKS out of the Law Library & made it a GENERAL LIBRARY. Now, the Law Books are behind a concrete wall behind the once Law Library and none of the inmates have access to them. There is no "Meaningful Access" to the Law Library at all anymore because it no longer exists !

(3)

6. Thus, inmates now cannot Copy Law Cases from the Law Books and Now the Law Books are hidden away in a back room behind a "Concrete Wall" wherby none of the prisoners have "Hands-On Access" to those Law Books. Most of the Law Books are now stored out in warehouse in the Industries Building where the License Plate Shop is, between that and the Laundry.

7. The Books in the General Library are "HARRY POTTER" ,"SERPICO", "CLEAR & PRESENT DANDER", "FOR WHOM THE BELL TOLLS" and the lot. I cannot be citing page numbers from these books, the "Library" has now been rendered useless. I cannot properly research case law for my current Civil & Criminal Pleadings to both the State and Federal Courts.

8. Also, The "COPY MACHINES"(X2) are shut off with a special "Password Code" by Librarian "VEGLAS" or by her Library Assistant Recreation Officer, RICHARD SOLOMON. They do not allow these Copy Machines to run when they are not there. The "ACA", American Corrections Association Standards stipulate that Two (2) Librarians must be present for every scheduled Library session... BUT, VEGLAS and SOLOMON Refuse to honor the "ACA Standards". "VEGLAS" wrote a Memo to the Deputy Commissioner John Marshall (11/8/06) stating that "she'd be willing to train a couple corrections officers BUT that they wouldn't be the "Librarian's Designee"... in other word, she doesn't trust the officers to run the library when she's not there and these officers cannot use "HER" Copy Machines". This Plaintiff can only make "Copies" of Original Legal Documents on Monday Nights 6:30 PM... NO OTHER DAYS . SEE: EXHIBIT B.

(4)

(9) Now the Librarian expects all inmates to "MAIL" to her whatever one needs to be Copied. This is a major problem, for if the legal papers are lost... there's no accountability. The 9:30 PM Corrections Officer won't take this "inhouse mail" if it cannot fit into the slot of the locked mailbox. So now there's the dilemma of waiting another week just to make copies of ones legal work product.

(10) Librarian, "VEGLAS" also expects to be allowed to have (3-5) working days to review ones legal papers and to make a cursory review, which she usually forwards to the Superintendent's Paralegal, CHERYL MAHER... which she reads and faxes legal pleadings to the Department Of Corrections Attorneys as well as to the Medical Provider-U. Mass. Corr. Med. Services' lawyers. I find myself, as well as other inmates, dealing with dispositive motions filed by the defendants before my pleadings have actually left this Prison. It's an extremely unfair advantage. Not to mention that the "IPS", Inner Perimeter Security has their informants also working as law clerks... being privy to confidential information.

Wherefore, this Plaintiff prays that for the reasons briefly stated herein, that this Honorable Court will intervene. For the defendants had agreed to the "Consent Decree" by Judge Tauro of (10/10/74) yet are now failing to abide by it. There has been a blatant violation of the 1st & 14th Amendments of The United States Constitution with regards to inmates "Due Process" and "Access To The Courts". There's simply No "Meaningful Access" to the Walpole State Prison's Once Law Library anymore... This is Not what the United States supreme Court had in mind with

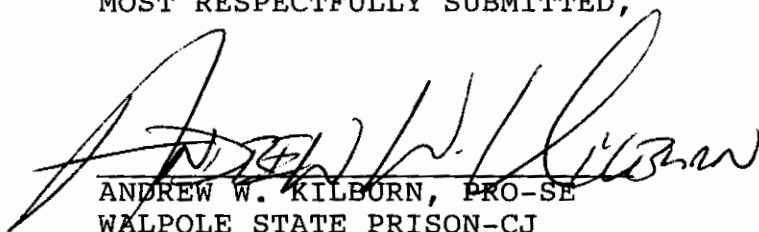
(5)

BOUNDS V. SMITH, 430 U.S. 817 (1977) & LEWIS V. CASEY, 518 U.S. 343 (1995).
SEE: EXHIBIT C.

Sworn under the pains and penalties of perjury this 11th day
of December, 2006.

MOST RESPECTFULLY SUBMITTED,

DECEMBER 11, 2006

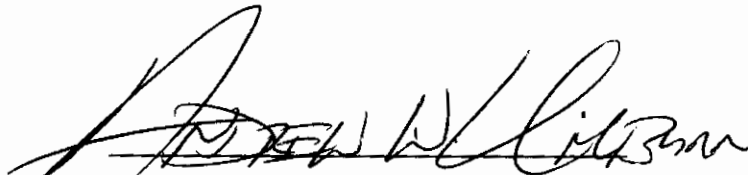


ANDREW W. KILBURN, PRO-SE
WALPOLE STATE PRISON-CJ
2405 N. MAIN STREET
P.O. BOX 100
S. WALPOLE, MASS.

02071

CERTIFICATE OF SERVICE

I, Andrew W. Kilburn, pro-se, hereby certify, that I
have served a true and correct copy of the foregoing documents
upon the defendant's Counsel, Asst. Atty. Gen. Bernard Manning,
70 Franklin Street, Boston, Mass., 02110, via 1st Class U.S. Mail,
postage pre-paid, on this 11th day of December, 2006.



ANDREW W. KILBURN, PRO-SE