## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Civil Action No. 1:21-cv-01469

Matthew Hale# 15177-424 USP- Marion CMU

PO Box 1000

Marion, Illinois 62959

Plaintiff,

Vs.

Michael Collis,

Counter-Terrorism Unit, and Federal Bureau of Prisons

Defendants.

## MOTION TO INTERVENE

PURSUANT TO FEDERAL RULE OF PROCEDURE RULE 24 (a)

( 1) and ( 2 )

BY INTERVENOR YOUR NAME

NOW COMES, The Intervenor – YOUR NAME in sui juris status respectfully requests to intervene in this above case as a matter of right.

## JURISDICTIONAL BASIS

Jurisdiction is invoked pursuant to article Ill, section 2 of the U.S. Constitution which states: "The judicial power shall extend to all cases, in Law and Equity, arising under this Constitution. …"

This Court also has subject matter jurisdiction of this case since it involves violations of the Constitution of the United States and federal statute. It has personal jurisdiction over the Defendants because they are located in Washington, D. C.

## STANDING TO INTERVENE

The Intervenor has and claims standing to intervene in the above-captioned cause because his or her First Amendment right of freedom of religion, freedom of expression, and freedom of association, are at issue and thus has a protectable interest relating to the property (His OR Her Creativity religion is His OR Her property) which is the subject of this action.

Furthermore, the Intervenor also has standing to intervene in the above action pursuant to the Religious Freedom Restoration Act, at 42 USC sec. 2000bb -- 1.

FACTUAL BACKGROUND

Intervenor will brief this Hon. Court as to the nature of this suit.

Plaintiff is presently a federal inmate at the U. S. Prison in the Marion, Illinois CMU (Communications Management Unit) unit. He has brought the above-captioned lawsuit to this Court for various constitutional and federal statutory rights violations, which include among them:

1). Violations of his First Amendment rights to freely practice his religion of Creativity within the prison he is housed in as well as with the outside world, which includes other adherents of the Creativity religion, including this Intervenor.

2). Violations of his right of freedom of expression:

The Defendants are banning and preventing him from sending to the outside world select newly written books. His new books are philosophical books and, as such, they should be allowed to be released to any member of the general public as well as to the adherents of the Creativity religion. These philosophical works have been arbitrarily deemed by the Defendants to be a threat to the security of the BOP facility without any basis in fact with regards the content of the works.

Additionally, they are banning and preventing him from mentioning or discussing his religion of Creativity within any of his outgoing or incoming correspondence. Creativity has been arbitrarily labeled by the Defendants as a Security Threat Group (STG) even though this religion has been ruled a valid religion by U.S. Courts.

Finally, as long as the Plaintiff, has not engaged in illegal acts or urged others to commit illegal acts in his closely-monitored communications, the Defendants should not be able to refuse him his inalienable freedom of expression rights. His communications should not be arbitrarily deemed a security threat without any identified factual basis. Adherents of all religions have committed crimes. An entire religion should not be defined by the actions of a subset of their membership and only the Plaintiff and his Creativity religion have been singled out and given this discriminatory treatment by the Defendants.

3). Violations of his freedom of association rights by preventing him from freely communicating or corresponding with adherents of the Creativity religion and members of the general public.

Plaintiff belongs to a community of believers and, like the adherents of other mainstream religions, he should also be allow to participate in fellowship with his coreligionists through his communications as long as no illegalities are involved.

4). Violations of the Religious Freedom Restoration Act of 1993, at 42 USC 2000bb - 1. Sec. 2 (a)(3): “governments should not substantially burden religious exercise without compelling justifications.”

Plaintiff’s exercise of his religion, as long as it involves no illegalities, cannot interfere with the Defendants’ need to protect the security of their facility and, therefore, the Defendants lack a compelling justification for the infringement of Plaintiff’s free exercise of his religion.

# RULE 24. INTERVENTION

Rule 24 of the federal rules of civil procedure reads as follows:

1. Intervention of right. On timely motion, the Court must permit anyone to intervene who :
   1. Is given an unconditional right to intervene by a federal statute; or
   2. Claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the Intervenor's ability to protect its interest, unless existing parties adequately represent that interest.

Intervenor's motion to intervene is timely because he or she just learned of the Defendants’ motion to dismiss which was filed on January 25th, 2022, the granting of which would result in the loss of religious communications with the Plaintiff.

Intervenor has an unconditional right to intervene by the Religious Freedom Restoration Act, at 42 USC 2000bb -1, which reads, (a) In general, government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

The Defendants’ conduct poses and imposes a substantial burden on the Intervenor's free exercise of his Creativity religion, by preventing and stopping or otherwise suppressing both the Plaintiff and the Intervenor's incoming and outgoing mail correspondence.

# CAUSES OF ACTION

Claim One: Violation of First Amendment right to freedom of speech by suppressing Intervenor's right to receive a copy of the Plaintiff's written philosophical books that the Defendants are preventing or otherwise not allowing to be released from prison.

Fact number one : The Defendants have and still are not allowing Plaintiff’s above-mentioned books from being released or otherwise sent out to the outside world; general public and to the Plaintiff's supporters and friends, in doing so, the Defendants have and still are violating the Intervenor's freedom of speech with the Plaintiff without any legitimate penological interest.

See Procunier V.Martinez 416 U.S. 396 (1974), note 408 and 409 in which the issue of freedom of speech with respect to an inmates outgoing and incoming mail correspondence:

" Communication by letter is not accomplished by the act of writing words on paper. Rather, it is effected only when the letter is read by the addressee. Both parties to the correspondence have an interest in securing that result, and censorship of the communication between them necessarily impinges on the interest of each. Whatever the status of a prisoner's claim to uncensored correspondence with an outsider, it is plain that the latter's interest is grounded in the First Amendment's guarantee of freedom of speech. And this does not depend on whether the non-prisoner correspondent is the author or intended recipient of a particular letter, for the addressee as well as the sender of direct personal correspondence derives from the First and Fourteenth Amendments a protection against unjustified governmental interference with the intended communication."

According to note 416, "And appellants defend the ban against

inflammatory political, racial, religious or other views "on the ground that such matter clearly presents a danger to prison security ... Id, at 21. The regulation, however, is not narrowly drawn to reach only material that might be thought to encourage violence nor is its application limited to incoming letters.

In short, the department's regulations authorized censorship of prisoner mail far broader than any legitimate interest of penal administration demands and were properly found invalid by the District Court.

Therefore, the Defendants did not have a legitimate penological interest in banning, suppressing, or prohibiting both the Plaintiff's and the Intervenor's freedom of speech, with respect to the Intervenor's right to receive copies of the Plaintiff’s books. The lntervenor has the right to not only receive copies of Plaintiff's books but he also has the right to read said books.

WHEREFORE, Intervenor, prays for judgment in his favor on this Claim One.

Claim Two: Violation of First Amendment free exercise of religion

Intervenor has been a sincere believer in the Creativity religion (a Creator) since he or she first read the Bible of that faith, Nature's Eternal Religion. Creativity is a religion of Nature. The Intervenor practices its precepts daily within his or her mind and heart to the best of his or her ability. Creativity is a religion under Supreme Court and Seventh Circuit law. See Welsh v. U.S., 398 U.S. 333, 339 ( 1970 ); Redmond v. GAF, 574 F. 2d 897, 901

note 12 ( 7t h. Cir. 1978); Kaufman v. McCaughtry, 419 F. 3d 678, 681-682 ( 7t h Cir. 2005); and Peterson v. Wilmur Communications, Inc., 205 F. Supp. 2d 1014, 1018- 1019 and 1022 (E.D. Wisc. 2002).

The Defendants have and continue to reject the Plaintiff's outgoing and incoming mail on the grounds that it mentions or makes references to the Creativity religion, the Holy Scriptures of that faith, and anybody's belief in same. The Defendants have no legitimate penological interest in doing so.

WHEREFORE, lntervenor –prays for judgment in his favor on this Claim Two.

## RELIEF REQUESTED

Intervenor requests injunctive relief and said injunction ordering the Defendants to do as follows:

1. End their pattern and practice of preventing, banning, suppressing, impeding or otherwise prohibiting both the Plaintiff, and the Intervenor from engaging in and practicing their religion of Creativity with each other by way of mail and electronic mail.
2. End their pattern and practice of disallowing Plaintiff's literary works and articles from leaving the prison, so that the Intervenor can receive said print materials.
3. Cease all suppression of the Plaintiff and the Intervenor's freedom of speech with each other, and allow the Plaintiff to mail his authored books to the Intervenor uninterrupted.
4. Grant any other relief that is appropriate under these premises.

## DECLARATION

I affirm under penalty of perjury under the laws of the United States that all of the foregoing is true and correct according to my personal knowledge and belief.

Your Name, Pro-Se Intervenor

PROOF OF SERVICE

I Your Name, the Intervenor certify that I sent a copy of the foregoing document titled Motion To Intervene, to the Plaintiff and the Defendants listed and named below and the original to the U.S. Federal District Court Clerk for the district of Columbia by U.S. Mail, by depositing the same in a postage prepaid envelope in a mailbox in Your City, Your State on the date (1st, 2nd, etc.) day of Month of 2022. /

Plaintiff, Matthew Hale USP- Marion CMU

P.O. Box 1000 Marion, Illinois 62959

Defendants :

Michael Collis

Counter Terrorism Unit, and Federal Bureau of Prisons

All located at 320 First Street, NW Washington, D.C. 20534

Clerk, U.S. District Court

333 Constitution Avenue, NW Washington, D. C. 20001

YOUR NAME, Intervenor Pro-Se

YOUR STREET ADDRESS

YOUR CITY, STATE AND ZIP CODE