

PRISONERS LEGAL SERVICES
"Agent of the State"

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My personal and professional disdain for Prisoners Legal Services (formally Mass. Correctional Legal Services - they changed their name in an attempt to shed their horrible reputation in the prison system) continues to grow as I learn of new acts of absurdity and cooperation with the enemy. Let me tell you about our most recent.

Shawn F., Ken, S., myself and others have continuously attempted to get our "facility liaison" as well as the "director" of PLS to address the systemic failures of Deputy Denied-Oh's "sniff" here at the prison. This "Secure Nursing Facility" (sniff) daily violates prisoners rights but our PLS liaison and their director ignore our calls for assistance. They have clearly displayed to us that they are "Agents of the State" and therefore are as complicit as the infamous Deputy Denied-Oh herself in killing our friends up in that death chamber they call the sniff. This latest act of the confidence game that PLS engages in was to contact a "Companion" who works in the sniff, one of Deputy Denied-Oh's hand-picked minions, and ask him if there "were any prisoners up there who he felt were not getting proper medical care." Is she shittin' me? Is this wet-behind-the-ears attorney serious? What happened to the numerous letters we sent her about specific prisoners who were being afforded a level of "non-care" and "non-treatment" which was literally killing them. Look to the cases of Bobby D., Malcolm H., Frank F., Billy B., etc., in which PLS, our liaison and their director determined they could not help us. They could not help those dying men. Now this "death agent" liaison asks one of Denied-Oh's "hand-picked" Stockholm Syndromed workers if he knows of any abuse! PLEASE KNOW THAT PLS DOES NOT represent the prisoners of the Commonwealth: we say who represents us: Bread & Water and CURE-ARM speak for the prisoner, and we say: ABOLISH PLS - TAKE AWAY THEIR FUNDING! To add insult to injury we asked PLS to donate to the "Walk For Hunger" here at the prison. In typical "Agent of the State" fashion they used one of their form letters (we call it a "Death Warrant" as it denies representation in most cases and men die) to deny our request by stating in one of their "check the box" denial sections;

"Sorry PLS is unable to help with your issue. Walk For Hunger"
Un-F-ing-believable. Here is our response;

"Sorry Bread & Water and CURE-ARM are unable to allow you to continue to disserve us. Agent of the State that you are."

Trust me when I tell you Prisoners Legal Services that we are amassing support and we are going to let all know that you DO NOT represent the prisoners of Massachusetts. You all there should be ashamed. You do as much harm as any Deputy Denied-Oh, crooked guard, unqualified doctor or suicide promoting prison shrink, but you do it with a "White Hat" on.

SHAME ON YOU PLS!

Following you will find the PLS "Walk For Hunger" denial form letter.

Timothy J. Muise

PRISONERS' LEGAL SERVICES

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FAX 617-451-6383

State Prisoner Direct Line *9004#

County Collect Calls 617-482-4124

www.plsma.org

Dear Timothy J. Muise: Date: 3/26/14

This letter is in response to your request for legal assistance. This office receives many requests for assistance each day from Massachusetts prisoners. Since PLS has a very small legal staff and serves a very large prisoner population, we do not have the resources to assist each person who contacts us. Any issue not specifically identified in the paragraph immediately below as having been referred to an advocate in this office will not be addressed further by this office. We are sorry that we cannot help you more. We are able to respond to your request in the following way:

Your request for assistance with _____ has been received. An advocate will review your letter to determine whether we can offer any assistance. The advocate will respond to you in writing as soon as possible. Please be patient. Unless your situation changes, there is no need for you to write or call again until you get a response. Please understand that we have **not** committed to either doing advocacy for you or filing a lawsuit for you at this time. This office is unable to send out letters confirming receipt of each letter you send. You are responsible for meeting any applicable deadlines unless and until this office agrees in writing to represent you.

_____ is not something that this office handles. Please see the attached information with referrals to other resources where you may be able to find assistance.

Enclosed is information which you requested or which may assist you in addressing, on your own, _____. We are sorry that we cannot offer further assistance.

We cannot refer your case or assist you with _____. Please be aware of the time deadlines listed below.

We do not have the resources to honor requests for legal research or copying legal materials.

We are not able to provide assistance to non-Massachusetts prisoners or to prisoners in federal facilities.

We suggest that you complete the grievance process through the appropriate procedure. See the grievance information on the reverse of this page.

Enclosed is our newsletter, PLS Notes, which describes some of the legal issues we are working on at this time.

Sorry PLS is unable to help with your issue.
Walk for hunger

PLEASE READ THE IMPORTANT INFORMATION ON THE OTHER SIDE

GRIEVANCE REQUIREMENTS

Both state and federal law require that a prisoner suing about any incident or thing that happened in prison must first "exhaust administrative remedies" by using available grievance and other procedures before filing suit. Prison Litigation Reform Act, 42 U.S.C. §1997e, and M.G.L. c. 127, §38F. You must grieve and appeal denied grievances or grievances to which you do not receive a response within the deadlines for any incident or problem about which you plan to sue. Refer to the grievance regulations at 103 CMR 491.00 for specific information about the procedures. If you file suit without filing a grievance first, the court will dismiss the suit.

When filing a grievance on something about which you plan to sue, you must include all the issues in your grievance(s) that you would include in the lawsuit. Any issues not grieved cannot be litigated. You must keep a copy of any grievance or appeal you file, even if it is an exact handwritten copy, and any paperwork you receive about the grievance.

The only exception to this exhaustion requirement is if you think that your sentence is over and you are filing a habeas corpus petition asking for immediate release. Disciplinary and classification issues must go through their normal appeal procedures, not the grievance procedures, to exhaust. Medical issues and therapeutic diet issues must be grieved through the separate processes applicable to them. An Inmate Request to Staff does not satisfy the exhaustion requirement and is not necessary before filing a grievance.

DEADLINES and STATUTES OF LIMITATIONS

Please note that if you decide to bring a lawsuit on your own, or with the assistance of a private attorney, **it is your responsibility to meet any time deadlines** for pursuing your claim. Although these may not apply to your circumstances, the possible applicable deadlines¹ are:

1. You must file a grievance within 10 working days of the incident you are grieving or of becoming aware of the problem. You must file an appeal within 10 working days of receiving a response to your grievance. File your grievance or appeal even if you have missed the deadlines.
2. You have two years from the date of the complained-of incident to present any negligence claims to the appropriate state or county officials by demand letter pursuant to the Massachusetts Tort Claims Act, Massachusetts General Laws chapter 258. You must wait six months after presenting your claim pursuant to G.L. c. 258 § 4 before filing in state court. You cannot file a court action for negligence unless you have done this.
3. You have three years from the complained-of incident to file a civil action in court, including a claim of violation of your civil rights or a G.L. c. 258 negligence claim.
4. If you are challenging an administrative proceeding, such as a disciplinary, parole, or classification hearing, you have sixty days from the administrative decision to file a civil action pursuant to Massachusetts General Laws Chapter 249, § 4 (action in the nature of certiorari).

¹ There are unusual circumstances in which time limitations may be extended, but these need to be examined on a case by case basis. The limitations described here apply to most prisoners' problems.

