

NEW YEAR GREETINGS!

HAIL JANUS!

May we all Reap as we Sow, in accord with the Law of Kinesis. 2016 will bear the fruit of 2015 to some degree, much the same as 2015 bore the fruit of 2014. For me, 2014 awoke me from my care-free surrender to life — on life's terms. And now, with my newfound ennobling standard, championing Scientology's spiritual technology in prison, I've been sowing seeds of CHANGE — which typically stimulates contention where status quo is concerned. Oh the joy, for knight errantry!

I am attaching my prerequisite Appeal with Catalog of Supporting Doc's, along with an Appeal Response, for you all to bear witness of this Quixotic Crusade... which may prompt any number of changes. Ideally I'd like to see greater accountability of Prison Chaplains, who have been the cause of a flood of Prisoner Litigation this past decade and a half here in Califelony. In order to manage this I intend to litigate — as well as appeal to the Fourth Estate to print an exposé on this Cal. Dept. of Corruption.

Your prayers are welcomed, as is any help and encouragement you'd like to offer me. What I'm really going to need in 2016 though, are U.S. postage stamps to get my case into the court and in print. A limit of 40 FOREVER postage stamps may be sent to me at: William Goehler, #K-77832, POW 409020 Lane, CA 95640, as often as you'd like to write. Nobless Oblige!

U.S. Commission on Civil Rights www.usccr.gov

"ENFORCING RELIGIOUS FREEDOM IN PRISON"

Sept. 2008

Table D.9

Type of Reason for Denial of RLUIPA Cases in Federal Court by Disposition

Plaintiff's Religion	Defendant(s) successful	Plaintiff(s) successful		Mixed result		Ongoing	Total Reasons
	No relief granted	All requested relief granted	Remedies pending	No relief granted	Some relief granted		
African Hebrew Israelite	1						1
African Traditional Spirituality						1	1
Apostolic Faith Church	2						2
Asatru	2					1	3
Assemblies of Yahweh	1						1
Atheist	1				1		2
Buddhist	2	1					3
Catholic	4					1	5
Christian	7		1			3	11
Christian Separatist						1	1
Church of Christ	1						1
Church of God	1						1
Five Percent Nation					1		1
Hare Krishna	1						1
Hebrew-Israelite	2				1		3
Hindu					1		1
Identity Christian	1					1	2
Israyl Identity Faith	1						1
Jehovah's Witness	1	1					2
Jewish	17	5				6	28
Jewish-Orthodox	1					1	2
Melanic					1		1
Messianic Jewish						1	1
Moorish Science Temple	1	1					2
Muslim—not indicated	34	3			3	17	57
Muslim—Orthodox	1						1
Muslim—Shi'ite	1	1				1	3
Muslim—Sunni	2					4	6
Nation of Islam	3						3
Native American	19	1		1	1	7	29
Nazarite	2					1	3
Nuwaubu						1	1
Occult/Esoteric Christian						1	1
Odinist	2						2
Orthodox Christian	1						1
Rastafarian	17	1			2	2	22
Sacred Name Sabbatarian						1	1
Satanist						1	1
Sikh	1				1		2
Taoist	2						2

2001-2006 Stats

continued

CDCR 602 INMATE APPEAL 7/1/15: RLUIPA-Denial of 1st & 14th Amendment Rights U.S. Const
Group Appeal: Goehler, #K-77832; Buck, #D-92496; Bush, #J-98680; et al
Catalog of Supporting Documents

- E-1) CDCR22 4/12/15: re Mediation conference req.
E-2) CDCR22 12/4/15: re Approved Chapel Schedule (Rev. 9/1/15) Arbitrary Disparity/request to remedy - re-schedule.
E-3) Split Tier Program Schedule
Addend-C) CDCR22 8/16/15: re Sgt Peterson re-schedule Sen Services
C-1) Approved Chapel Schedule - Revised Sept. 1, 2015
A-1) 13 May 2014 Letter of Intent to Rev. Iman (ULC Ministry Letterhead)
A-2) CDCR22 4/30/14: re Interested in Attending Religious Services of Sen. not yet available at MCSF
A-3) CDCR22 5/14/14: re Interested in Attending Sen. Religious Services
A-4) CDCR22 4/22/14: re R+R restriction on Bridge Pub. CD's
A-5) CDCR22 8/13/14: re Religious Review Committee req.
A-6) CDCR22 8/21/14: re per CCRIS, §3210(d) Req. RRC approve Bridge
A-7) CDCR22 11/24/14: re Reserve Chapel Time - Safonov
A-8) CDCR22 12/2/15: re Iman stonewalling 11/24/14 - CPM Approval
A-9) 12/5/14 Goehler memo to RRC re DOM 1010100: "Policy Th Dept. - provide for"
A-10) CDCR22 12/23/15: re Confirm memo/req. Authorization for Religious Locker
A-11) 1/8/15 Goehler alert To: A-Fac Staff - Sen. Grp meets (ULC Ministry Letterhead)
A-12) 2/1/15 Goehler memo To: Chaplains Meeting Re. Sen. Vendor (ULC Ministry Letterhead)
A-13) 3/20/15 Goehler memo To: A-Fac Admin. Re Chapel Classroom (ULC Ministry Letterhead)
A-14) 4/3/15 MAC memo re Chapel Classroom
A-15) CDCR22 4/7/15: re DMS frustrations/req. Chapel Schedule revision to list Sen.
A-16) CDCR22 6/1/15: re Vendor Approval Req. Bridge
A-17) CDCR22 6/18/15: re Chap. Younus absence during program hrs
A-18) 6/22/15 Memo Ben Walker re. Additional Classroom time
D-1) CDCR22 10/15/15: To R+R re Bridge Vendor/CD's approval req.
D-2) CDCR22 8/14/15: re. Sgt. Peterson restriction - review All Religions allotted time per DMS
D-3) CDCR22 6/19/15: re Chap. Younus absence during program hrs. - To Ass. Warden Davis
D-4) CDCR22 7/6/15: re Conference Table Younus removed
D-5) CDCR22 7/20/15: re Younus req. Sen. sign-in sheets/usurp Chap Max Supervision
D-6) 8/3/15 e-mail to Max
D-7) Ramadan Memo
D-8) 3/20/15 Memo To A-Fac Admin. Re Chapel Classroom
D-9) 4/3/15 MAC memo re Chapel Classroom
D-10) 5/31/11 Memo to All Custody Staff re Chapel Supervision
D-11) CDCR22 4/7/15: re DMS frustrations/req. Chapel Schedule revision to list Sen.
D-12) 4/6/15 DMS - noting no Sen. Activity List unlock (outside guest appearance)
D-13) courtesy 1/11 consultation re Religious Schedule preference
D-14) Falsification 9/30/13 Chapel Schedule
D-15) LTAC Schedule 9/11/13
D-16) 11/24/14 Chapel Sign-in sheet SCIENTOLD64
D-16 (A)-(X)) DMS: A- 12/22/14 B- 8/7/15 C- 8/9/15 D- 8/13/15 E- 8/14/15 F- 8/15/15 G- 8/22/15 H- 8/20/15 I- 8/23/15 J- 8/23/15
K- 8/24/15 L- 8/25/15 M- 8/24/15 N- 8/27/15 O- 8/24/15 P- 8/31/15 Simon-12 Q- 8/10/15 Simon-10
R- DMS Req. (Addend 8/10/15) S- 8/16/15 DMS T- 8/17/15 U- 8/24/15 V- 9/22/15 W- 10/20/15 X- 10/27/15
D-17) DOM (2010) Rel. Programs D-18) Sen. Prison Pilot D-19) Sen. Material List D-20) Strategic Admin Scale

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

In the interest of Justice, the additional Attachments (Addend "C"; Addend "D1 through D-23"), pertinent to this case at bar - which the Appellant was prohibited from retrieving to clarify issues at FLR interview during Appellant's work hours - are necessary in order to pursue USC 1983 civil litigation re RLUIPA/Equal Protection - Deperate Treatment claims (see: 2015 U.S. Dist. LEXIS 40834 *Sessing v. Beard*; 2015 U.S. Dist. LEXIS 9132 *Grisham v. Pritchard*; 2014 U.S. Dist. LEXIS 94064 *Irvin v. Yates*), as well as to debunk the systemically frustrating errors of FLR Findings.

Firstly, Appellant submits the Regulations governing this issue are: In addition to the noted CCR 3001, 3084.1, Inmate/Parolee Signature: [Signature] K-77832 Date Submitted: 11-1-15 (cont)

E. Second Level - Staff Use Only Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

By-passed at Second Level of Review. Go to Section G.
 Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter)
 Accepted at the Second Level of Review

Assigned to: _____ Title: CC II Date Assigned: 11-4-15 Date Due: 12-17-15

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of interview: N/A Interview Location: Completed @ FLR

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: N/A Title: N/A Signature: _____ Date completed: 11-19-15

Reviewer: _____ Title: CPW Signature: _____

Date received by AC: 11/25/15

AC Use Only
Date mailed/delivered to appellant 11/25/15

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

Recognizing SAFE STREETS ACT provisions - 42 USC § 3789d(c)(2000) to Federal Funding Recipients, please take heed: pursuant to CCR 15 § 3084.9 (i)(1)(3)(A)(3)(6) Appeal Coordinator misconduct failing to acknowledge Appellant claim of Retribution, not meeting 3084.5(b)(4) Standard, includes failing to weigh 3084.7(a)(1)(2)(d)(1)(A), Exempting Escobar/ Younus from conducting FLR, who were Principle Characters in all CDCR 22 Forms at issue, and attempting to nullify 3084.(h) inclusions to "Substantiate Claims". Aside from that, to again debunk

Inmate/Parolee Signature: [Signature] K-77832 Date Submitted: 12-3-15

G. Third Level - Staff Use Only

This appeal has been:

Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter) Date: _____
 Accepted at the Third Level of Review. Your appeal issue is Granted Granted in Part Denied Other: _____

See attached Third Level response.

Third Level Use Only
Date mailed/delivered to appellant 1/1/15

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____
 Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

IAB USE ONLY	Institution/Parole Region: <u>MCSP-A</u>	Log #: <u>15-01950</u>	Category: <u>11</u>
FOR STAFF USE ONLY			

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations, Title 15, (CCR) Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that lead to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): <u>Goehler, William</u>	CDC Number: <u>K-77832</u>	Unit/Cell Number: <u>A1/124</u>	Assignment: <u>Land Scaping</u>
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State briefly the subject of your appeal (Example: damaged TV, job removal, etc.): RLUIPA

Denial of First and Fourteenth Amendment Rights U.S. Const.

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A):

Appellant has been forbidden from receiving Scientology CD lectures per CDCR 22 dated 6/30/14 Response. On 8/13/14 Appellant began requesting RRC to Approve BRIDGE PUBLICATIONS, the sole publisher of Scientology

B. Action requested (If you need more space, use Section B of the CDCR 602-A):

Approve BRIDGE PUBLICATIONS as Religious Vendor permitting 1/2 to purchase CD lectures. Secondly, permit at least three times per week on DMS for Scientology Services. Thirdly, hold the MCM management of Religious Affairs accountable

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

CDCR 602-A 18 pages Supporting documents *
CDCR 602-G CDCR 22 / Memo / letters
* Dated between 4-30-14 to 6-22-15

No, I have not attached any supporting documents. Reason:

Inmate/Parolee Signature: W Goehler (K-77832) Date Submitted: 7/14/15

By placing my initials in this box, I waive my right to receive an interview.

2015 NOV 15 10:58 AM
2015 JUL 15 9:42 AM
ONLY
U.S. JAIL

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

Bypassed at the First Level of Review. Go to Section E.
 Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter) Date: _____
 Accepted at the First Level of Review.
Assigned to: Cent. Svcs. - FACA - (CPM) Title: AW Date Assigned: 7/27/15 Date Due: 8/26/15

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: _____ Interview Location: _____

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: [Redacted] Title: CPM Signature: [Redacted] Date completed: 9/20/15

Reviewer: [Redacted] Title: AW Signature: [Redacted]

Date received by AC: 6/07/15

AC Use Only
Date mailed/delivered to appellant 10, 07/15

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): (not 3054.2), also include CCR 3190(b)(2)(4)

Religious Property; 3210(c)(d) Religious Program; DOM Art 6 § 101060.1 Religious Policy/Scheduling/Use of Chapel
ing with MESP TRM Attachment A-B-C: Approved Rel Property/Approved Rel Purchase/Approved Rel Vendors.
 It now also includes CCR 3084.1(d) Appeal Reprisal (see CCR 22-8/15). Secondly: Please have the record reflect
 that Appellant has never made any claim as to "Christian (sic) Scientology", as alluded to in FIR. Scientology happens
 or a non-denominational/multi faith religion known simply as Scientology. Thirdly: The obscure FIR
 findings re: "...which Scientology material in particular... has been addressed", and what exactly "I'm
 better has been told by Chap. Younus..." are neither clarified nor documented anywhere in the many CCR 22
 requests (see: 3/13/14, 3/21/14, 6/11/15 and 12/5/14 Memo) requesting such clarification ~ initially made an issue per
 CCR 22-2/14 noting RTR "Policy" restricting religious CD to Approved Religious Vendors currently posted upon RTR
 it. note - Following FIR Misinformation Decision granting Rel. Purchase permitting RTR Policy - is followed"
 Appellant addressed this on CCR 22-10/15, which notes staff response 10/15, that nothing has changed with RTR
 policy. Fourthly: To argue FIR "Since May 2014 - reasonable accommodations"; Appellant submits the
 numerous CCR 22's show that is actually not a fact, evidenced by Chap. Younus ambiguous replies to CCR 22
 10/14, 5/14/14) while endeavoring to establish official time - eventually granted by Chap. Safarov on CCR 22-12/15
 vi again 12/8/14 following Chap. Younus stonewalling. Also include the DMS failures noted CCR 22-4/15, 7/29/15
 in the alert to A.W. Davis on CCR 22-6/15. Collectively, this memo, paper trail noting uncooperative frustration
 in Religious Affairs culminated in the cancellation of Scientology Services (CCR 22-9/15) usurping
 Chap. Safarov's authority (CCR 22-7/29/15) who granted 8 hrs/wk chapel access - as is granted Islam -
 as seemingly retributive lipstick during Islam services, apparently in the interest of Impact LTAG
 Mon (see CCR 22-3/14/15) - in violation of DOM re Scheduling Chapel Use. Comparative DMS attached
 show no other groups have been so penalized, thus equating to Desperate Treatment. XXX

Inmate/Parolee Signature: William Cochran K77832 Date Submitted: 12-3-15

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): the systemic Respondant errors of fact:

Re. 602 Addend³ (vide A-5) clearly shows Request for RRC (Religious Review Comm) per 3210(d), addressed to CRM
Escobar and/or Chaplain Younus (vide: A-6, A-9, A-10) shows a callous disregard of U.S.C. Free Exercise of Religion & Press.
Re. Addend³ (vide D-2) and subsequent 25pp "Comparative DMS" (vide D-16(A)-(X1) clearly demonstrates an
arbitrary Disparity of "allotted time" tortuously not so reflected on the Revised Religious Schedule (vide C-1).
Re. SLR claim August reschedule: Appellant addressed this (vide Addend C) stipulating a conflict (vide D-14, C-1)
religious Schedules appointing Chaplain Safarov consistent Supervisor Mondays 1230-1530. (4) Re. "Five Inmate particip-
ants" statement, of. Scientology sign-in sheets (vide D-16(P)(Q)) disputes that frivolous claim! Again, Appellant
stipulates: DOM § 101060.1.1 and CCR 3210(c) were violated permitting non-religious LTAG usurpation (vide Addend C) of
prior 8 month Scientology group on Mondays (vide A-7, A-8, A-12, A-15, C-1, D-5, D-16), appears retaliatory with material
adverse effect 8/16 is cancellation following CDR 602 7/1/15. (5) Re. SLR conclusion: "Altered duty list allegation is not
substantiated by RTR "Tue sponsor" addressed above "Unsupervised Sunday - is not issue with unsupervised Muslims on
Saturdays (vide D-14, D-16(F)(G)), documenting stark contrast to FIR stipulation to Supervision standards. Nor is "Super-
vision" an issue re 1/1m Clerks alone in the chapel (vide Addend C, A-13, A-17, D-3, D-8, D-9 & D-10). Appellant has
demonstrated material adverse effect in this matter, and has endeavored to mediate at SLR per 3084.7(f)
(vide E-1) unsuccessfully. Appellate also addressed Arbitrary Disparity in the current chapel schedule
(vide C-1) still unacknowledged (vide E-2, E-3), thus preserving issues for litigation suo jure.

Inmate/Parolee Signature: William Cochran K77832 Date Submitted: 12-3-15

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (08/09)

Side 1

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

MOSP-A

15-01950

11

FOR STAFF USE ONLY

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): <u>GOEHLER, William</u>	CDC Number: <u>K-77832</u>	Unit/Cell Number: <u>A1/124</u>	Assignment: <u>LAMP SCAPING</u>
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A. Continuation of CDCR 602, Section A only (Explain your issue):

Material. Appellant has maintained CDCR 22 communication line endeavoring to establish Scientology and obtain Approval to purchase religious CD beginning from Appellants initial letter of intent dated 13 May 14, consistently through to the last CDCR 22 dated 18 June 15, all the while receiving verbal assurances from both Imam Yonous and CPM Escobar that my issues would be heard at the next RRC, always "next month". Appellant has encountered this ambiguous assurance for a full year now, requiring this formal Appeal per (Person, 471 F.3d 732 - 7th Cir 2006) - to effect change in policy. Appellant has written several letters/requests to the Chaplain/Review Committee, to receive more chapel time for those involved in Scientology in order to view DVD lectures/lessons that require indoor space consistent with other prisoners on A-Fac. who get religious grounds space to be used at any time. Appellant requests additional chapel time to be set on actual DMS (See Balawajder, 217 S.W.3d 20 Tex App - Houston [1st Dist-2005]): Exaggerated response based on any security problem - thus violating First Amendment and subverts appellants appreciation of the value of good behavior/program participation in furtherance of rehabilitation; attempts to ban appellants from the same allotted time as the other religious groups is a violation of RLUIPA rights and is not a legitimate penological interest.

STAFF USE ONLY

5:50 PM
9:05 AM
JUL 15
9:49 AM

Inmate/Parolee Signature: [Signature] (K-77832) Date Submitted: 7/11/15

B. Continuation of CDCR 602, Section B only (Action requested):

for denying Equal Protection, to the same allotted time in the chapel classroom for religious study/viewing DVD's for Scientology members, as the other religious groups get; and grant appellants Punitive Damages of \$10,000, and Compensatory Damages of \$1000 for the violations listed above thus far. //

Inmate/Parolee Signature: [Signature] (K-77832) Date Submitted: 7/11/15

Memorandum

Date : November 19, 2015

To : GOEHLER, K77832
Mule Creek State Prison

Subject: **SECOND LEVEL APPEAL RESPONSE**
LOG NO.: MCSP-A-15-01950

ISSUE: The appellant submitted this group appeal relative to religious issues. It is the appellant's position that he has been forbidden from receiving Scientology lectures on Compact Disc (CD) per a 06/30/14 CDCR 22 response. He claimed that on 08/13/14, he began requesting that R&R approve Bridge Publications, the sole publisher of Scientology material. The appellant claimed that he has been attempting to establish Scientology and obtain approval to purchase religious CDs since 05/13/14 and has been consistently told that his issues would be reviewed at the next Religious Review Committee (RRC), but that has not happened. He claimed that he has written several letters/requests to the Chaplain/RRC to receive more chapel time for those involved in Scientology in order to view DVD lectures/lessons that require indoor space consistent with other prisoners on Facility "A" who get religious ground space to be used anytime. The appellant claimed that any attempts to ban him from the same allotted time as the other religious groups is a violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and is not a legitimate penological interest.

The appellant requested that Bridge Publications be approved as a religious vendor, that at least three Scientology services be scheduled on the Daily Movement Sheet (DMS), that the management of religious affairs be held accountable for denying equal protection and that he be awarded \$10,000 in punitive damages along with \$1,000 in compensatory damages.

A review of the appeal issue revealed that the elements of a staff complaint were not present that would require the appeal to be forwarded to the hiring authority for staff complaint determination.

INTERVIEWED BY: The appellant was interviewed at the First Level of Review by Community Resources Manager E. Escobar. The appellant was not interviewed at the Second Level of Review.

REGULATIONS: The rules governing this issue are:

CCR 3001	Subject to Regulations
CCR 3084.1	Right to Appeal

DOM 54030.19.5 MISCELLANEOUS ITEMS FOR LEVEL III AND IV MALE INMATES
DOM 101060.6.1 SCHEDULING OF WORSHIP SERVICES
DOM 101060.8 LOCATION AND USE OF CHAPEL
DOM 101060.1 (MCSP SUPPLEMENT)

The appellant was interviewed concerning the issues noted in his appeal at the First Level of Review on 08/26/15. The First Level Review (FLR) noted that since May of 2014, Chaplains Younus and Safonov have given all Scientology inmates reasonable accommodations both formally and informally. The FLR noted that there were some questions in regards to which materials from Bridge Publications would be permitted but the matter has been addressed. The appellant was previously informed by Chaplain Younus that he may order books and books on CDs from Bridge Publications as long as they provide factory sealed CDs and follow policy for inmate property. The FLR noted that the use of the chapel requires direct supervision by staff or a contractor. Per the DOM, each religious group is afforded at least one primary religious service and the Scientology group has been afforded this. During the month of August, Scientology services on Facility "A" were rescheduled to accommodate chaplain supervision for the five inmates who consistently participate in the service. All chaplains continue to work diligently with custody staff to organize not only the Scientology schedule but all religious programs in the chapel. The FLR noted that the appellant's request to have three primary services was denied due to staff availability.

In Section D, the appellant indicated that he was dissatisfied with the FLR and noted numerous regulations that he claimed pertained to the issue. He addressed the FLR's mistake of referring to Scientology as Christian Scientology. The appellant claimed that the issues of which Scientology materials he could obtain and what exactly he was told by Chaplain Younus were not clarified or documented in any of the CDCR 22 requests. He noted the despite the FLR, on 10/15/15 he received a CDCR 22 response from R&R that indicated that he could not obtain CDs from Bridge Publications. The appellant disagreed with the FLR statement that Scientology inmates have been accommodated since May of 2014 and noted that Scientology services were cancelled for 08/16/15.

It is noted that a review of DECS on 11/19/15 did not reveal any potential effective communication triggers that would require that the appeal response be read to the appellant.

Pursuant to CCR 3084.2(a)(2), an inmate is limited to the space provided on the Inmate/Parolee Appeal form (CDCR 602) and one Inmate/Parolee Appeal Form Attachment (CDCR 602-A) to describe the specific issue and action requested. The appellant has attached several supporting documents to this appeal. Any additional

issues either articulated or inferred on the supporting documents will not be addressed in this appeal response.

DOM 101060.6.1 states, *"Reasonable time for religious services, in keeping with institution security and other normal and necessary operations and activities within the institution, shall be allowed. Insofar as possible, other institutional activities shall not be planned which will conflict with or disrupt scheduled religious services."*

DOM 101060.8 states, *"Chapel facilities are designated for daily religious uses and programs. Use of the chapels for other than religious activities shall require the approval of the Warden. Wherever feasible, multi-faith chapels or individual chapels for faith groups represented by a substantial number of inmates shall be provided at each facility. Where only one chapel is available, a schedule for the use of the chapel shall be prepared by the staff chaplains and approved by the Warden or designee. Where chapels are not available, the Warden shall designate a suitable area for the religious services and approve the scheduling of services in such temporary facilities."*

MCSP's supplement to DOM 101060.1 states in relevant part, *"The Chaplains shall coordinate with each other and the CPM in the development of a schedule for Chapel Sanctuary services and for Chapel Classroom group study times. The Chapel Sanctuary and Chapel Classroom schedules shall be developed with the primary goal of providing one (1) primary service per week for each approved faith group. When possible, and within the institution's safety and security considerations, time in the Chapel Classroom may be scheduled for one (1) hour, one (1) or more times during the Sunday through Saturday week. All schedule changes and additions are subject to review and approval by the CPM and AWCS."*

At the present time, the primary Scientology service for Facility "A" is scheduled for Tuesdays from 1430 to 1530 hours in the Chapel Classroom. The appellant has provided no compelling evidence to support his claim that the current Chapel schedule is contrary to any law, regulation, policy or procedure.

The appellant's claim that he received a response to his 10/15/15 CDCR 22 from R&R that indicated that he could not obtain CDs from Bridge Publications is misguided. R&R staff were contacted regarding their response and they indicated that the response was based on the appellant asking if Bridge Publishing had been added as an approved religious vendor and if religious lectures/books on CD had been added to the religious property matrix. The answer to both of these questions was no. R&R staff confirmed that if the appellant received a CD from Bridge Publications that was factory recorded and sealed and was within the quantity limit for his privilege group, it would be allowed. Pursuant to DOM 54030.19.5, DVDs shall not be permitted.

Scientology services were cancelled on 08/16/15 (Sunday) due to irregularities in the ducat list that included many inmates that had not signed up for the service and the fact that the services were scheduled when there was no supervision of the chapel. The primary religious service for the Scientology inmates had been changed to Tuesdays so that the sponsor could provide the necessary supervision. Ducat lists had been received on which the dates and times of the services had been altered after the chaplain has signed the document. It should be noted that requests for monetary compensation are outside the scope of the inmate appeals process.

The documentation and arguments presented are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or facts to warrant modification of the previous level of review. The appellant's appeal issue has been appropriately reviewed and no changes or modifications are required.

DECISION: The appeal is partially granted in that the appellant may obtain CDs from Bridge Publications provided that they are factory recorded and sealed and are within the quantity limit for the appellant's privilege group. All other requested actions are denied.

The appellant is advised that this issue may be submitted to the Third Level of Review if desired.



JOE A. LIZARRAGA
Warden
Mule Creek State Prison

Attachments

cc: Central File
Appeals