

Clerk's Office
United States Court of Appeals
First Circuit
One Courthouse Way
Suite 2500
Boston 02210

Feb. 11, 2016

RE: James Riva Pro se v ~~Basil Brasseur, Michael Carter,~~
~~Mark Fogaren, Lisa Mitchell, Luis Spencer, Kristie Ladouceur,~~
~~James Barrett, and Fernando Jacome~~
Appeals Ct. Nos. 15-2554
Dist Ct Nos. 1:14-cv-13048-FDS

Dear Sir or Madam Clerk,

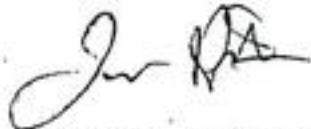
I have been approved to proceed in forma pauperis on appeal. You should have received my authorization to take money from my prison account back in January along with my financial statements.

Enclosed is my brief (4 copies) and appendix (4 copies) and supplemental appendix (4 copies), certificate of service.

Please note that I am delivering this package to be mailed certified mail to the prison property room Thursday Feb. 11, 2016 but habitually the officials wait a long time to take it to the post office. The brief is due Feb. 22, 2016.

I am pleading in advance the mailbox rule because I know from experience how the officials are about legal packages. After all, this whole lawsuit is about the mail officer playing Hell with the mail.

Sincerely,



James Riva Pro se
W38533
OCCC
1 Administration Rd.,
Bridgewater, MA 02324

UNITED STATES COURT OF APPEALS
FIRST CIRCUIT

Appeal Nos.
15-2554

US Dist. Ct. Nos.
1:14-cv-13048-FDS

James Riva Pro se

v

~~Paul R. Abate, Mark E. Berman, Michael C. Carter, Lisa Mitchell,
Fernando Jacome, James R. Bennett, Michele Indopoint, John Spence~~

PRO SE APPELLANT'S BRIEF

James Riva Pro se
W38533
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Bridgewater, MA 02324

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Jurisdiction:

The United States Court of Appeals First Circuit has jurisdiction to consider the instant appeal of a dismissed civil action under Article III Section 2 of the United States Constitution. More specifically, this case was brought under United States Constitution Amendment I, (This cause of action was stated on the civil cover sheet, but plaintiff being pro se and entirely distraught over what the defendants are doing to his mail, he did not write Amendment I in the cause of action paragraph. This Amendment I cause of action was fully articulated in the complaint and response to defendants' motion to dismiss, therefore plaintiff appellant pleads the Court construe the cause of actions liberally because plaintiff appellant has never been to law school, and has no emotional detachment from the defendants' actually psychologically torturing him for an unusually protracted period of time, Haines v Kerner 404 US 519, 520 (1972); Reardon v Commissioner of Correction 20 Mass App Ct 946, 947 (1985).)

Plaintiff appellant has also stated in his cause of action paragraph a 6th Amendment claim (briefed in full later), a major 8th Amendment cause of action, and a Due process cause of action. More specifically plaintiff appellant Riva brought this suit under Title 42 section 1983; the Massachusetts Declaration of Rights under c 258, and c 12 sections 11H and 11I.

ISSUES PRESENTED:

- 1.) Did the US District Court err by applying the wrong standard of review where, instead of construing the pleadings in the light most favorable to the plaintiff, it adopted the inaccurate paraphrasing of the defendants- even with the same false quotation marks?
- 2.) Did the US District Court err by applying the wrong standard of review where it treated the defendants' motion to dismiss under rule 12 as a motion for summary judgement- even though no discovery was permitted?
- 3.) Did the US District Court err in misapplying the statute of limitations?
- 4.) Should the US District Court have allowed plaintiff's request to recommend the case for criminal prosecution?
- 5.) Did the US District Court err in refusing to ascribe supervisory liability to defendants Fogaren, Carton, Mitchell, Ladouceur and Spencer?

that ~~was~~ diverted, destroyed, disappeared an entire one year subscription to "Prison Legal News" a newspaper that offers helpful cases to prisoners litigating Pro se.

~~was~~ also stole documents related to Riva's pursuit of his father's estate in Probate Court- he offered direct evidence (the postmarked legal envelopes) that proved by dramatically different weights that the envelope that defendants claim the death certificate and other papers came in actually weighed quite a bit more, (a difference in postage of 44¢ and \$1.68).

Judge Saylor, instead of construing the facts in the light most favorable to Riva, instead used the same ^{OC} msitaken paraphrasing the defendant's used in their memorandum, complete with the same quotation marks, (for example, he parroted the defendants' claim that Riva complained of excessive "mouthchecks" while Riva instead complained that defendant ~~was~~ was pretending that Riva was refusing to obey the order to lift his tongue in the med line- to escalate into a lockup for Riva to the hole. Riva always complies with mouthchecks the whole 36 years he has been in prison. Never once has Riva been discovered to have hidden a pill).

Judge Saylor also parroted the defendant's misquote paraphrasing stating that Riva's cause of action against defendant ~~was~~ ²⁰⁰ was that he wrote a false disciplinary report on Riva. He did write a false report, however

Riva defeated the false report and got it dismissed. That was not the cause of action. The cause of action was that in retaliation for Riva defeating ~~someone's~~ bogus report, ~~someone~~ broke Riva's typewriter irreparably and then Riva had to buy a replacement from the repair shop for \$95.00 without a warranty.

The supervisors ~~someone~~, ~~someone~~, ~~someone~~, ~~someone~~, and ~~someone~~ all were fully apprised by grievance appeals and the same exhibits that appear in Riva's 159 page appendix of the culpability of ~~someone~~, ~~someone~~, and ~~someone~~. To this day, ~~someone~~ is still in the mailroom. To this day, ~~someone~~ is in a position of responsibility supervising prisoners. To this day, ~~someone~~ is still allowed to do mouth checks in the med line. Defendant ~~someone~~ has never taken any action against these three to protect Riva or any other inmate from their strange habits.

Standard of Review:

Dismissal of plaintiff Riva's claims under rule 12 motion is reviewed de novo; Ocasio-Hernandez v Fortuño-Burset 640 F3d 1, 7 (1st Cir 2011). Review of evidentiary findings and motion to appoint counsel are under the abuse of discretion standard; United States v Pelletier 666 F3d 1, 5 (1st Cir 2011); United States v Delgado-Marrero 744 F3d 167, 179 (1st Cir 2014). Where ²⁰⁰ it appears that the judge treated defendants' motion to dismiss as a motion for summary judgement, and no discovery was permitted, review is de novo; Maz Partners LP v PHC Inc. 762 F3d 138, 144

(1st Cir 2014); Centra Inc. v Estrin 538 F3d 402, 420 (6th Cir 2008); while review of denied discovery motion (no discovery was permitted) is under the abuse of discretion standard, Dennis v Osram Sylvania Inc. 549 F3d 851, 859 (1st Cir 2008).

Summary of the Argument:

Contrary to the judge's dismissive remarks, Riva did proffer alot more than just "grievance appeals" in his 159 page appendix of evidence. The denied grievance appeals were direct evidence of ~~Brasseur~~'s supervisors' refusal to remove ~~Brasseur~~ from the mail room after being presented with a huge volume of direct evidence he was stealing, diverting, and otherwise tampering with the mail- thus Riva's claims of supervisory liability should have been addressed. It was a well briefed issue and Judge Saylor did not comment on it. But in addition to the denied "grievance appeals" there were a large number of exhibits, (Append 81, 82, 90-93, 103-105, 115, 116, 122, 123, 127, 132, 134) which comprised Riva's blocked out pen friends (~~Brasseur~~'s illegal blockade) finally managing to slip a letter past ~~Brasseur~~'s net in which they complain of Brasseur stealing the mail- even a \$20. money order that was cashed by someone (Append 81). One pen friend complained to Riva asking why did he ask her what she looks like when you know from the picture I sent you and you wrote back and said put some clothes on. Riva never received the letter with picture and he never wrote the letter telling her to put some clothes on (Append 88). Weird. Illegal.

This is a well pleaded First Amendment cause of action. Riva stated a 1st Amendment cause of action on the civil action cover sheet, he articulated a 1st Amendment cause well enough, but he neglected to write it in his paragraph on cause of action; he pleads that he is Pro se and absolutely tortured by the defendants, and has no emotional detachment from the pleadings. Thus the Court should construe Riva's pleadings liberally. What is important is enough well pleaded facts, which Riva has an abundance of, Judge Saylor's remarks notwithstanding.

Inmates have a First Amendment right¹⁰⁰ to send and receive mail. ~~Wideman~~'s pattern of conduct is such as to deprive Riva over a 9 year stretch of time (closer to 10 years), and Riva claims it was a continuous tort. ~~Wideman~~ is in the unique position to be able to steal any evidence against him as it arrives in the mail. He steals, then he steals to conceal his previous stealing, and so on ad nauseum. His supervisor's obviously approve of his mistreatment of Riva because they refuse to remove him from the mail room. Riva had to accumulate enough evidence to establish a pattern of conduct rather than a few isolated instances that do not amount to a cause of action. Not only do they refuse to remove him, but they alter evidentiary findings to conceal his behavior (Append 55, 69, 70, 71, 72) where defendants willfully meld two different articles of mail together to conceal theft of legal documents from Probate Court (Riva's father's estate).

All that is necessary to toll the statute of limitations under the continuing violation doctrine is that it persisted for a significant period of time, and that it is anchored by at least one instance of tortuous conduct within the statute of limitations- a requirement Riva adequately fulfilled, yet Judge Saylor made no comment about this vital tolling premise- dismissively stating that all offenses occurring before July 2011 were time barred.

Riva spent a good deal of writing space in his complaint to the US District Court explaining his particular problems (life-long) with schizophrenia. This a pre-existing injury which the defendants collectively sought to aggravate and in fact they did so to the extent that prison mental health wrongly concluded that Riva's belief his mail is being stolen is a delusion, and therefore Riva is dangerous. They overdrugged him with anti-psychotics for a whole year until Riva finally convinced a clinician to examine the evidence presented to this Court- his meds were then decreased to a physically safe level. But for a whole year Riva's health suffered. He was unable to exercise. He slept constantly with the cell door open- a bad move in a volatile prison environment. He fell behind in pleading his habeas corpus action, (he initiated it Pro se and assisted his appointed counsel when healthy). All the while these defendants mocked him with giant leering smiles and fake laughter when he walked by. Although the mocking would probably be impossible to prove, Riva was denied subpoena ad testificandum of other prisoners.

Kevin Horrocks, a director at Prisons Foundation, a non profit prisoner advocacy program that may be defunct, (the last Riva heard it had changed its title to Safer Streets and operated out of Washington DC, Kevin had mailed a few copies of the newspaper Prison Legal News to Riva. That publication is very helpful to prisoners litigating on their own with cutting edge cases and strategies for pro se prisoners. Even tho Kevin's organization is a licensed distributor of Prison Legal News it was contrabanded. Riva grieved this violation because newspapers do not require a permission slip while ~~Prison Legal News~~ stated lack of permission slip on the contraband notice. ~~Prison Legal News~~'s supervisors joined in on the bad joke against Riva. Riva then filed a permission slip. (append 132, 134 is a letter from Keven stating he ordered Riva a subscription direct from the publisher) Riva never received even one issue of Prison Legal News.

Riva states that, although nebulous, this is a cognizable 6th Amendment violation because it is a vital tool for pro se litigants challenging their conviction, and the defendants unlawfully deprived him of it in its entirety. It is also a major First Amendmnt violation.

Instead of removing ~~Prison Legal News~~ from the mail room as Riva has requested many many times for years, they pat him on the back and share a good laugh in this evil joke they have going.

This constant psychological torture took a heavy toll on Riva. As you can see from Append 88-91, 104, every time Riva secured a female pen friend, ~~she~~^{105, 143} would eventually cut in and write to her himself, or tell her Riva moved away, or even pretend to be Riva and say weird things to her (append 88). This is a cognizable 8th Amendment violation.

~~She~~ stole Probate court documents, one of which was a death certificate of Riva's father (the same name as your plaintiff appellant, which is probably why he stole it). It cost Riva \$1.68 to mail the documents to court (append 69). A form letter came back after a long silence indicating that they had mailed back the documents to him for a (mistaken) alleged deficiency. The envelope the form letter came in had 44¢ marked on the stamp. Not \$1.68. So the documents were not in that envelope. (append 72). Yet ~~she~~'s superiors ~~she~~, ~~she~~, ~~she~~, and ~~she~~ refused to credit Riva's evidence, but instead concealed ~~she~~'s crimes with a whitewash (Appnd 78). AND they refuse to this day to remove this mail thief from the mail room. Refusing to remove a known mail thief from the mail room is a prima facie case of supervisory liability.

Instead they made a point of goading Riva with giant leering smiles and fake laughter when he walked by. Then defendants ~~she~~ and ~~she~~, ~~she~~ and ~~she~~ collectively barred Riva from pursuing his father's estate, (append 67, 63).

Riva was ordered upon pain of going to the hole and losing all his legal papers to not send any more court papers upon his father's widow. As result, Riva lost his portion of his father's estate. Defendant ~~XXXXXXXXXX~~ cruelly stated that Riva should get an attorney, knowing full well he cannot afford one. This is both an 8th Amendment violation and 14th Amendment violation because Riva was denied due process directly by defendants ~~XXXXXXXXXX, XXXXXXXXX, XXXXXXXXX, XXXXXXXXX,~~ and ~~XXXXXXXXXX~~.

Judge Saylor misstated in exactly the same way the defendants did in their memorandum to dismiss the complaint that Riva's cause of action against ~~XXXXXXXXXX XXXXXXXXX~~ was his writing a ¹⁰⁰ false disciplinary report on Riva. But Riva clearly stated that his cause of action was ~~XXXXXXXXXX~~ breaking his typewriter so Riva had to buy a new one w/o a warranty from the repair shop for \$95. (appned ⁵²).

Judge Saylor misstated in exactly the same way the defendants did in their memorandum to dismiss the complaint that Riva's cause of action against ~~XXXXXXXXXX XXXXXXXXX~~ was his excessive "mouthchecks". But Riva clearly stated in his complaint and his pleadings that his cause of action that ~~XXXXXXXXXX~~ was repeatedly pretending that Riva was refusing his order to lift his tongue to try ⁰³ and get a trip to the hole for Riva. Riva absolutely was lifting his tongue. Riva has never been found in his 36 yers in prison to have hidden a pill.

Because Judge Saylor relied solely upon the mistaken paraphrasing lifted from the defendants' memorandum to dismiss the complaint and construed much of their motion as a motion for summary judgment, Riva's case should be reviewed de novo. Judge Saylor turned a blind eye to Riva's actual pleadings, and lifted from the defendants' complete with mistaken quotation marks- the judicial equivalent of a student cramming for final exams with only Cliff Notes. Because Judge Saylor made capricious and arbitrary evidentiary rulings not supported by Riva's voluminous exhibits he treated the motion to dismiss as one for summary judgment- even though he struck down each of Riva's motions for discovery, and he denied Riva's plea for appointment of counsel.

Riva needed counsel to track down Riva's illegally blocked out pen friends- some of whom who have changed addresses, and obtain sworn statements.

Judge Saylor ignored a plain plea for injunction to remove ~~misinformation~~ from the mail room and award damages for cruel and unusual punishment, major freedom of speech and press violations, a more nebulous violation of Riva's right to assist counsel on habeas corpus (depriving him of Prison legal News), and a major due process violation for effectively blocking Riva's access to the court to pursue his father's estate. Riva had a valid Probate Court action in Plymouth County which the defendants willfully conspired to ruin.

LEGAL ARGUMENT:

1.) Did the US District Court err by applying the wrong standard of review where, instead of construing the pleadings in the light most favorable to the plaintiff, it adopted the inaccurate paraphrasing of the defendants- even with the same false quotation marks (quotes falsely attributed to Riva)?

Judge Saylor dismissively invalidated all of Riva's proffered evidence stating it was mostly "grievance appeals." He further indicated it was merely conclusory allegations.

"A conclusory allegation is one that simply asserts a legal conclusion such as, "I was retaliated against", not a specific factual allegation."

¹⁰⁷
Ocasio-Hernandez 640 F3d 1, 12 (1st Cir 2011).

Riva filed an appendix of evidence with his complaint (159 pages) and it was not mostly "grievance appeals." The grievance appeals Riva did file are direct evidence that defendants ~~XXXXXXXXXX~~, ~~XXXXXXXXXX~~, ~~XXXXXXXXXX~~, ~~XXXXXXXXXX~~, ~~XXXXXXXXXX~~ were presented with direct evidence (exhibits) of ~~XXXXXXXXXX~~'s crimes and REFUSED TO REMOVE ~~XXXXXXXXXX~~ FROM THE MAIL ROOM.

Direct Evidence of ~~XXXXXXXXXX~~'s Crimes:

(Append 84) Letter from now blocked out pen friend Sean ~~XXXXXXXXXX~~ indicates he is aware of a \$20. money order he sent that was cashed by 'someone' but Riva did not receive it. It would've had to arrive in the mail, and ~~XXXXXXXXXX~~'s job is to open incoming mail.

(Append 88) Letter from pen friend Katie ~~XXXXXXXXXX~~ ²⁴⁰ saying:
"You asked me what I look like but you already know what I look like because I sent you a picture of me when we first

started writing. You didn't like what I was wearing in the picture and you asked me to send you more pictures of me with "more clothes on", I took it as an insult." Riva never received the referred to photo or letter, and he never wrote to her saying he didn't like her picture. To this day he does not know what she looks like. Why would he ask what she looks like if he received her photo? Someone who opens the mail coming into the prison has meddled in a weird way. (append 90-93) Two letters from now blocked out pen friend Chester ~~XXXXXXXXXX~~ indicating a problem with stolen mail and that he has complained to the postal authorities (In Arizona where he lives).

(Append 103-105) Two letters from now blocked out pen friend Nicky ~~XXXXXXXXXX~~ indicating stolen letters, and returned letters stamped, "inmate no longer at this address."

(Append 115-116) Letter from blocked out pen friend Erik ~~XXXXXXXXXX~~ indicating stolen letters.

(Append 122,123) Parcel Search request indicates that package Riva mailed to Appeals Court containing brief and 7 copies was found disintegrated in dead parcel branch Atlanta, Georgia.

(Append 127) ~~XXXXXXXXXX~~ contrabands incoming letter because it lacks a return address. Yet the Code of Massachusetts Regulation governing incoming mail to the prison does not permit contrabanding an incoming letter because it lacks a return address (Append 185).

* All these grievances were fully appealed to defendants who are supervisors of ~~XXXXXXXXXX~~.

(append 132,134) letters from Kevin Horrocks, Resource Director of Prisons Foundation a non profit advocacy group now called Safer Streets indicates ~~Brassuer~~ contrabanded an issue of newspaper "Prison Legal News" a helpful newspaper providing good cases, strategies and commiserating experiences. He says he then ordered Riva a subscription directly from the publisher. Riva had to submit a permission slip- a condition not applied to any other newspaper or any other inmate. Riva never received even one issue of that subscription, (Append 135).

(Append 142, 143) Letter from now blocked out pen friend Vanessa ~~Riva~~ complaining that Riva gave her address to another inmate, that he kept writing, was way too pushy. Riva never gave her address to another inmate. Yet "somebody" wrote her with the prison security stamp on the envelope and was weird.

(Append 145, 146, 147) Psych notes from prison psychiatrist indicating she is doubling Riva's dosage of a dangerous psych med because she thinks Riva's belief his mail is being stolen is delusion, and therefore he is dangerous. Riva then fell. (147)

The psychiatrist lowered the dosage slightly but not enough- for a whole year Riva was unable to exercise, or keep up with normal activities until a clinician finally looked at Riva's evidence herein presented and lowered it back to where it was.

(append 156-159) Indicate Riva has been punished with loss of phone and confinement for attempting to circumvent Brassuer's illegal blockade on the mail.

(Append 60-67) indicate that defendants ~~XXXXXXXX~~, ~~XXXXXXXX~~, ~~XXXXXXXX~~, ~~XXXXXXXX~~, and ~~XXXXXXXX~~ working as a team prevented Riva from continuing his action in Probate Court to claim his share of his father's estate (#PL11P1527PO) even though the decision to was discretionary not mandatory that they order no further court papers served upon Joyce Riva (his father's widow). (Append 69) proves that Riva spent \$1.68 postage to mail his father's death certificate (\$28.) it had to be original, and other papers to Plymouth Probate Court. Not hearing anything for a long time Riva wrote an inquiry (Append 70). Plymouth Probate sent a form letter (Append 71) which came in envelope (Append 72) indicating postage was 44¢. The form letter indicated they had already mailed back Riva's legal papers (because of a mixup). The legal papers had to come in a previous envelope Riva never received otherwise the postage on Append 72 would have been \$1.68 and not 44¢. Riva grieved this thoroughly and ~~XXXXXXXX~~'s supervisors only concealed his crimes claiming that Riva himself admitted he received a letter from Plymouth Probate (the one with only 44¢ postage and only a form letter inside).

This was just another example of supervisory liability on defendants ~~XXXXXXXX~~, ~~XXXXXXXX~~, ~~XXXXXXXX~~, ~~XXXXXXXX~~, and ~~XXXXXXXX~~. When confronted with credible evidence of ~~XXXXXXXX~~'s crimes they concealed his wrongdoing behind a jumble of lies and they absolutely REFUSED TO REMOVE ~~XXXXXXXX~~ FROM THE MAIL ROOM. Judge Saylor also refused to order ~~XXXXXXXX~~ from the mail room.

(Append 51) is proof defendant ~~Harvey~~ joined in the harrassment by filing a false disciplinary report, which Riva defeated. Judge Saylor parroted the defendants' mud in the water by saying this was Riva's cause of action against him. But Riva clearly stated that in retaliation for Riva defeating his bogus report, he then broke his typewriter irreparably. This cost Riva \$95. from the repair shop (append 52) . ~~Harvey~~ was assigned to Riva's unit permantely. He was the only one with authorization to enter Riva's cell. If an inmate had broken it they would have harvested the motor to make a tattoo gun (about \$25. to \$50. in prison-currency) but instead the printwheel clamp was destroyed by a metal object (like a large key). The same cast of tormentors then denied all of Riva's grievances and appeals.

(Append 110-114) records defendant ~~Harvey~~'s joining in the harrassment by playing a sinister game when Riva takes his meds every nite. ~~Harvey~~ would pretend that Riva was refusing an order to lift his tongue in med line. Every inmate has to lift his tongue and Riva always lifts his tongue. In the 36 years in prison Riva has never once been found hiding a pill. ~~Harvey~~ would make cruel sport of this repeatedly and continue to raise his voice in attempt to escalate into a trip to the hole for Riva. Riva proffered the video record of him doing this on Dec. 10, 2013 at 8:55pm. Defendant ~~Harvey~~ indicated she reviewed this but still did not grant the grievance. This nightly spectacle put Riva in fear of a trip to the hole just

for attending medline as he is supposed to. If Riva had not written it up and brought it to Court he doubtlessly would have been taken to the hole by now on a false charge by defendant ~~XXXXXX~~.

"The prima facie standard is an evidentiary standard not a pleading standard, and there is no need to set forth a detailed evidentiary proffer in a complaint."

Rodriguez-Reyes v Molina-Rodriguez 711 F3d 49, 54 (1st cir 2013)

"What counts is the cumulative effect of the complaint's factual allegations."

Id at 55, quoting Ocasio-Hernandez v Fortuño-Burset, 640 F3d 1, 14 (1st Cir 2011)

While pleadings that are no more than conclusions are not entitled to the assumption of truth, Ashcroft v Iqbal 556 US 662, 679 (2009) Riva has proffered an abundance of credible evidence that holistically paints a picture of a pattern of willful continuous tortious theft, diverting, and otherwise tampering with the mail- with others joining in to try and push Riva over the edge.

"In reviewing the grant of a motion to dismiss we recite the facts as alleged in the complaint and documents incorporated by reference in the complaint."

Grajalas v P.R. Ports Auth. 682 F3d 40, 44 (1st cir 2012); Medina-Velazquez v Hernandez-Gregorat 767 F3d 103, 105 (1st Cir 2014)

"The complaint must contain sufficient factual matter to state a plausible claim, to achieve plausibility a complaint need not plead facts sufficient to make a prima facie case or allege all facts necessary to succeed at trial."

Medina-Velazquez Id at 108; Carrero-Ojeda v Autoridad de Energia Electricia 755 F3d 711, 718 (2014 WL2786536 n. 6 1st Cir 2014)

The Court reviews allowed motion to dismiss de novo, Ocasio-

Hernandez supra at 7.

"What counts is the cumulative effect of the complaint's factual allegations."

Ocasio-Hernandez at 14

"As the 9th Circuit held in Canell v Lightner 143 F3d 1210 1213 (9th Cir 1998) the deprivation of 1st Amendment rights entitles a plaintiff to judicial relief wholly aside from any physical injury he can show, or any mental or emotional injury he may have incurred' Williams v Ollis 230 F3d 1361 (6th cir 2000); Rowe v Shake 196 F3d 778, 781 (7th Cir 1999); Amaker v Haponik 1999 US Dist LEXIS 1568 1999 WL 76798 at 7 (S.S.N.Y.); Shaheed Muhammad v DiPaolo 138 F Supp 2d 99, 109 (D.Mass 2005)

Prisoners have an established right to receive mail and the withholding of a newspaper subscription never delivered implicates substantive rights under the First Amendment, Van Cleave v U.S. 854 F2d 82, 84 (5th Cir 1988), In Griffin v Lombardi 946 F2d 604 607 (8th Cir 1994), it was held that:

prisoners have a right to send or receive mail and this can only be restricted for a legitimate penological purpose. In Bierequ v Reno 59 F3d 1445 (3rd cir 1995) it was held that censorship means withholding delivery of a prisoner's letter. To date, the defendants have not put forward any penological theory under which they can justify ~~prisoners~~'s crimes, nor for their failure to remove ~~prisoners~~ from the mail room.

"A motion to dismiss complaint must be construed in the light most favorable to the plaintiff and its allegations taken as true."

Hugh v Rowe 449 US 5, 10 (1980) accord Ashcroft v Iqbal 173 LE2d 868, 884 (2009)

"When there are well pleaded factual allegations a court should assume their veracity..." Ashcroft, v Iqbal at 884

The defendants working as a team have violated Riva's 8th Amendment

rights. Together they have worked to aggravate his pre-existing injury (schizophrenia) thru numerous attempts to push him over the edge with this devious psychological torture.

"Unnecessary and wanton inflictions of pain-repugnant to the conscience of mankind violates the 8th Amendment"

Estelle v Gamble 429 US 97, 105-106 (1976); Alsina-Ortiz v Laboy 400 F3d 77, 82 (1st Cir 2005) see also In re Kemler 136 US 436, 447 (1890) from Wilkerson v Utah 99 uS 130, 136 (1879)

"Today the 8th Amendment prohibits punishments which, although not physically barbarous, "involve the unnecessary and wanton infliction of pain"...among unnecessary and wanton inflictions of pain are those totally without penological justification."

Michaud v sheriff of Essex Co. 390 Mass 523, 527 (1983)

"Eighth Amendment must draw its meaning from the evolving standards of decency that mark progress of a maturing society..."

Id at 534

Unlike O'Connor v Huard 117 F3d 12, 18 (1st cir 1997) where the Court awarded only nominal damages for emotional suffering, Riva has shown both tangible and intangible loss. He has certianly been deprived of most emotional support from outside, and his being overdruddged as result of defendants' collective actions, and forced away from his share of his father's estate are both tangible losses. In Ford v Bender 2012 US Dist LEXIS 10090 Jan. 27, 2012 prisoner collected \$47,500. and injunctions for loss of privileges, deterioration of physical health, mental anguish. Riva has sued defendants in both their official and individual capacity- individual to collect money, and official if they simply repalce ~~Masser~~ with somebody else who does the same crimes, (Defendant ~~Spencer~~ was fired for impeding investigation

into homicide of inmate by three officers).

2.) Did the US Dist Court err by applying the wrong standard of review when it treated the defendants' motion to dismiss as a motion for summary judgement- even tho no discovery was permitted?

"The district court in the instant case converted Wells Fargo's motion to dismiss ...into a motion for summary judgement waranting a remand of those claims."

Foley v Wells Fargo Bank 772 F3d 63, 72 (1st Cir 2014)

"When discovery has not begun and the non-movant has had no opportunity to obtain and submit additional evidentiary materials to counter the movant's (evidence) conversion of a rule 12 motion to a rule 56 motion is is inappropriate." Id at 73

Judge Saylor either skimmed thru Riva's evidence or did not read it because he made evidentiary rulings with the same mistaken paraphrasing and false quotations marks as the defense has in their memorandum (attributing the same false quotes to Riva). The Court's improper disposal and evidentiary rulings amounted to summary judgement. Judge Saylor denied all Riva's discovery motions and subpeona ad testificandum motion to bring in four inmates with similar tales of abuse by ~~the same~~.

3.) Did the US dist Court err in misapplying the statute of limitations?

Riva well pleaded the continuing violation doctrine for ~~the same~~'s continuous tortious conduct and the supervisory defendants colluding in that continuous tort. Even Judge Saylor acknowledged that there was a volume of "grievance appeals". Defendants ~~the same~~, ~~the same~~, ~~the same~~, and ~~the same~~ were provided with the same

exhibits of ~~Bruscino~~'s crimes that this Court has been provided with. THEY REFUSED TO REMOVE ~~BRUSCINO~~ FROM THE MAIL ROOM. Judge Saylor, ignoring Riva's pleading on continuous tort without passing comment erred as a matter of law. Title 42 § 1983 has no statute of limitations, so the state statute applies. Massachusetts prisoners must give notice of claim to the Massachusetts A.G. office within two years of tort and if the A.G. office fails to resolve it within 6 months prisoner has 3 years from inception of tort to sue. Riva has alleged that ~~Bruscino~~ himself is responsible for the delay because he is in the position in his job of opening incoming mail to inspect for contraband to steal any evidence of his crimes as it arrives at the prison.

"..an occasional violation of these (mail) regulations will not rise to the level of a constitutional claim under section 1983"

Washington v James 782 F2d 1134, 11 39 (2d Cir 1986); Brusino v Carlson 654 F Supp 609, 618 (S.D. Ill. 1987); affirmed on other grounds 854 F2d 162 (7th Cir 1988)

In order for Riva to effectively plead he needed enough evidence of ~~Bruscino~~'s weird habit to state a pattern of egregious conduct ²⁰⁷ worthy of review- no simple matter with ~~Bruscino~~ stealing to conceal his previous stealing on an almost daily basis.

"Where the alleged misconduct forms a pattern of behavior, the continuing violation doctrine applies."

Cuddyer v Stop & Shop supermarkets Co. 434 Mass 521, 531-534 (2001)

"..as long as there is a discrete violation within the statute of limitations period to anchor the earlier claims"

The continuing violation doctrine tolls the statute of limitations.

Cuddyer Id at 521, 532 also Crocks v Townsend Oil Co 464 Mass 10, 11 (2012)

Judge Saylor ruled that all allegations occurring before July 2011 are time-barred. Yet the continuing violation doctrine is also in federal practice,

Gross v United States 676 F2d 295, 300 (8th Cir 1982); Maslauskas v United States 583 F Supp 349, 351' (D. Mass 1984); Rourke v City of Providence 235 F3d 713 (1st Cir 2001)

4.) Should the US dist Court have allowed the plaintiff's request to ~~the~~ recommend the case for criminal prosecution?

Judge Saylor is a mandated reporter. If he sees a felony, he is supposed to report it immediately.

5.) Did the US Dist Court err in refusing to ~~ascribe~~ supervisory liability to defendants ~~Burgess, Burton, Winkler, Medeiros,~~ and ~~Spencer?~~

"Public officials may be held liable for a constitutional violation only if plaintiff can establish that his/ her constitutional injury resulted from the direct acts or omissions of the official or from indirect conduct that amounts to condonation or tacit authorization."

Medina-Velazquez v Hernandez-Gragorat 767 F3d 103, 111, 112 (1st Cir 2014)
Ocasio- Hernandez v Fortuno-Burset 640 F3d 1, 16 (1st Cir 2011)

Letters to officials and certainly formal grievance with exhibits appended suffice as notice to supervisory officials, Medina-Velazquez supra at 106.

These supervisory officials draw their lucrative salaries for supervising ²⁰⁰ their employees/subordinates. When informed that their subordinate is committing crimes they have a two fold duty:

- * They have to prevent any further victimization
- * They are mandated reporters- they have to report it to the attorney general's office.

Instead, they participated in the evil joke.

"...mere failure to supervise is not enough; the supervisor's deliberate indifference must have permitted the violations to continue unchecked."

Thomas v Rufo 1994 US Dist LEXIS 8790 April 20, 1994 (defendant samuel Jordan was held liable for failing to resolve problem with the mail officer) citing Miranda v Munoz 770 F2d 255, 260 (1st Cir 1985); Fernandez v Chardon 681 F2d 42, 56 (1st Cir 1982)

"Post-event evidence of lack of proper investigation and failure to take disciplinary action admissible to establish existence of municipal policy or custom."

Bordanoaco v McLeod 871 F2d 1151, 1166, 1167 (1st Cir 1991)

"Whether an official is protected by qualified immunity turns upon the objective legal reasonableness of the action, in light of legal rules clearly established at the time the action was taken. The contours of the right allegedly violated must be sufficiently clear so that a reasonable official would understand that what he/she is doing violates that right."

Anderson v Creighton 483 US 635, 639 (1987)

Yet during the pendency of this action ~~Blasquez~~ contrabanded a letter because the envelope had a food stain on it (probably from his eating while sorting mail) and even tho a stain on the envelope is not a valid reason to contraband²⁰¹ a letter (append 185) ~~Blasquez~~'s superiors who are defendants who had this action pending on them still refused to over-rule ~~Blasquez~~, (Append 171) AND ~~Blasquez~~ stole a photo from pen friend annie ~~Blasquez~~'s letter to Riva. (Append 161-167) ~~Blasquez~~ said no photo was in the envelope but Annie said she enclosed the photo in the letter, (append 163).

~~Blasquez~~'s supervisors who have heard many reports of ~~Blasquez~~ doing this to other inmates (thus the denied motion for subpoenas of four other inmates) smiled at the evil joke and REFUSED TO


REMOVE ~~BRASSER~~ FROM THE MAIL ROOM.

Conclusion:

This Court should overrule Judge Saylor's order denying appointment of counsel and appoint attorney Roderick McLéish Jr. of Clark, Hunt, Ahern, and Embry 150 Cambridge Park Drive, Cambridge, MA 02140 so he can search for Riva's blocked out pen friends, some of whom have changed addresses and secure sworn statements. An ORDER should issue vacating the dismissal and remanding with instructions to enjoin ~~BRASSER~~ from ever handling the US mail again. This Court should recommend the case for criminal prosecution. Riva pleads for evidentiary rulings and rulings of law on standards of review, supervisory liability, statute of limitations. Riva also requests positive steps by the Court to help undo and make harmless the thug empire of DOC officials who behave as common criminals with virtually no oversight by right minded people.

Judge Saylor's unjust rulings on discovery should be reversed.

Respectfully,



James Riva Pro se
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Bridgewater, MA 02324

Feb. 11, 2016

Certificate of Compliance with rule 32 (a)(7)(C):

Although I am not an attorney, I believe I have complied with appellate rules in drafting this brief including typeface. I am not permitted to use the prison computers for drafting legal pleadings, I use a beat up typewriter. I counted by eye and got a word count of 5,909 words.



Addendum

28-43

Judge Saylor ~~IV~~ dismissing complaint
Notice of Appeal

44

docket entries 1:14-cv-13048-FDS

45-51

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES RIVA,

Plaintiff,

v.

~~PAUL BRASSEUR, MARK TOGAREN,
MICHAEL CARTON, LISA MITCHELL,
FERNANDO JACOME, JAMES BARRETT,
KRISTIE LABOUCIER, and
LUIS SPENCER~~

Defendants.

Civil Action No.
14-13048-FDS

MEMORANDUM AND ORDER ON MOTION TO DISMISS

SAYLOR, J.

This action is brought by a state prisoner against various correctional officials for an alleged mail-tampering conspiracy. Specifically, plaintiff James Riva's complaint alleges that correctional officers at Old Colony Correctional Center ("OCCC") have violated his constitutional rights and state laws by tampering with his mail, subjecting him to excessive "mouth checks" to ensure medication ingestion, and filing a false disciplinary report against him. The defendants include: (1) former DOC commissioner ~~Luis Spencer~~; (2) former DOC director of administrative resolution ~~Kristie Laboucier~~; (3) OCCC superintendent ~~Lisa Mitchell~~; (4) OCCC institutional grievance officer ~~Mark Togaren~~; (5) OCCC mail officer ~~Paul Brasseur~~; (6) OCC sergeant ~~Michael Carton~~; (7) OCCC correctional officer ~~James Barrett~~; and (8) OCCC correctional officer ~~Fernando Jacome~~.

Riva filed a *pro se* complaint alleging that defendants are liable pursuant to 42 U.S.C.

§ 1983 for violating his rights under various constitutional provisions including the Sixth, Eighth, and Fourteenth Amendments. The complaint also alleges that defendants are liable under state law for violations of the Massachusetts Tort Claims Act, Mass. Gen. Laws ch. 284 § 2, and the Massachusetts Civil Rights Act, Mass. Gen. Laws ch. 12 §§ 11(H)-(I).

Defendants have moved to dismiss the complaint for failure to state a claim under Fed. R. Civ. P. 12(b)(6). For the reasons set forth below, the motion will be granted.

I. Background

A. Factual Background

The factual allegations are drawn from the narrative complaint.

In April 1980, plaintiff James Riva was convicted of second-degree murder for shooting his grandmother under the belief that she was a vampire. (Compl. ¶ 4). After his conviction, Riva was committed to Bridgewater State Hospital in 1980 to treat his schizophrenia. (*Id.* at ¶¶ 4-5). While at Bridgewater, Riva alleges that the medical director issued an order to prevent him from receiving “fan mail” and non-familial visitors. (*Id.* at ¶ 6). In 1987, Riva was discharged to a medium-security prison. (*Id.* at ¶ 8). Riva alleges that he continued to receive almost no mail at that facility. (*Id.*)

At the medium-security prison, Riva stopped taking his anti-psychotic medication, allegedly because of criticism from other inmates and statements from his previous doctors that “it might be possible for [him] to go medication free at some point in the future.” (*Id.* at ¶ 9). Riva was unable to sleep for many days after he stopped taking his medication. (*Id.* at ¶ 10). In that sleep-deprived state, Riva allegedly hallucinated a telepathic communication from a nurse who instructed him to stab a correctional officer. (*Id.*) After he stabbed the officer, nearly killing him, Riva was again committed to Bridgewater State Hospital and then transferred to a

maximum-security prison for the next sixteen years. (*Id.* at ¶¶ 10-11). He continued to receive “almost no mail” at both facilities. (*Id.*)

In 2006, Riva was transferred to Old Colony Correctional Center. (*Id.* at ¶ 12). At that time, Riva’s relatives allegedly “reported that a lot of internet traffic [was] about him,” and he began to receive “some sporadic letters from ~~many young women~~ who were fascinated by Riva’s purported title as VAMPIRE KILLER.” (*Id.*) Riva alleges that he received letters and photos from women he did not know, but that the photos “would sometimes be stolen by the mail officer” and, upon his filing of a written grievance, “the mail officer would completely cut off correspondence.” (*Id.* at ¶ 13).

Riva further alleges that defendant ~~Paul Brasen~~, the mail officer, impersonated him in corresponding with Riva’s “pen friends,” created a fake identification to cash money orders sent to Riva, and stole Riva’s letters and probate court documents. (*Id.* at ¶¶ 14-18). Riva also alleges that the non-correctional officer defendants conspired to cover up ~~Brasen~~’s actions. (*Id.* at ¶ 19). Along with ~~Brasen~~’s alleged mail tampering, Riva alleges that correctional officer ~~James Barron~~ harassed him by subjecting him to excessive “mouthchecks” despite Riva “never once [having] a hidden pill . . . discovered under Riva’s tongue or in his cheek.” (*Id.* at ¶ 23). Lastly, Riva alleges that correctional officer ~~Fernando Wilson~~ fabricated a report about bottles of chemicals in Riva’s cell in order to remove him from “his prized single cell.” (*Id.* at ¶ 24). Riva generally alleges that the various acts of the correctional officers are part of a larger DOC conspiracy to prevent him from obtaining parole.

Riva’s complaint is accompanied by 159 exhibits, which are mostly grievance-appeal decisions and letters that Riva sent to various officials detailing the allegations in the complaint.

B. Procedural Background

Riva filed a *pro se* complaint on July 18, 2014, along with motions to appoint counsel and to proceed *in forma pauperis*. The Court granted the motion to proceed *in forma pauperis*, but denied the motion to appoint counsel. On January 26, 2015, Riva filed a motion for reconsideration of his motion to appoint counsel and included exhibits that had been missing from the original complaint. On February 19, 2015, Riva filed an identical motion for reconsideration. The motion for reconsideration was denied on February 23, 2015. After receiving proper service of the complaint, on July 2, 2015, defendants moved to dismiss the complaint in its entirety for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

On September 8, 2015, Riva filed an essentially identical complaint in a case that was assigned to Judge Talwani. On October 15, 2015, Riva filed another motion to appoint counsel, motions for subpoenas and discovery, interrogatories to be served upon defendants, and an opposition to defendants' motion to dismiss. On November 3, 2015, defendants filed a motion seeking a protective order to stay discovery pending a decision on the motion to dismiss.

II. Legal Standard

On a motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6), the Court "must assume the truth of all well-plead[ed] facts and give . . . [the non-moving party] the benefit of all reasonable inferences therefrom." *Ruiz v. Bally Total Fitness Holding Corp.*, 496 F.3d 1, 5 (1st Cir. 2007) (citing *Rogan v. Menino*, 175 F.3d 75, 77 (1st Cir. 1999)). However, "the tenet that a court must accept as true all of the allegations contained in a [pleading] is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). To survive a motion to dismiss, the pleading must state a claim that is plausible on its

face. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). That is, “[f]actual allegations must be enough to raise a right to relief above the speculative level, . . . on the assumption that all the allegations in the [pleading] are true (even if doubtful in fact).” *Id.* at 555 (citations omitted). “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 556). Dismissal is appropriate if the facts as alleged do not “possess enough heft to show that plaintiff is entitled to relief.” *Ruiz Rivera v. Pfizer Pharm., LLC*, 521 F.3d 76, 84 (1st Cir. 2008) (alterations omitted) (internal quotation marks omitted).

A document filed by a *pro se* party “is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)) (internal quotation marks omitted); *see also* Fed. R. Civ. P. 8(e) (“Pleadings must be construed so as to do justice.”).

III. Analysis

A. Section 1983 Claims

Section 1983 is not itself a source of substantive rights, but rather provides a means for vindicating rights conferred by the Constitution or laws of the United States. *See Graham v. Connor*, 490 U.S. 386, 393-94 (1989). Without explaining a theory for relief, Riva’s complaint identifies the Sixth, Eighth, and Fourteenth Amendment as the sources of the substantive rights allegedly infringed by the eight defendants. Defendants contend that dismissal is proper for two primary reasons. First, defendants contend that Riva’s complaint is comprised entirely of conclusory statements and is void “of any factual allegations which state a facially plausible legal claim.” (Defs.’ Mem. 4-8). Second, defendants contend that even if Riva’s allegations did

meet the plausibility-pleading requirement, his complaint fails to state a claim upon which relief can be granted under the Sixth, Eighth, and Fourteenth Amendments. (Defs.' Mem. 13-18).

1. Statute of Limitations

Defendants contend that Riva's claims arising from alleged violations of his rights before July 2011 are barred by the statute of limitations applicable to cases filed under § 1983. Because § 1983 contains no limitations period, federal courts borrow the relevant state-law statute of limitations for personal-injury torts. *See Wilson v. Garcia*, 471 U.S. 261, 266-67 (1985) (directing federal courts to look to state law for the relevant statute of limitations for § 1983 claims); *McIntosh v. Antonino*, 71 F.3d 29, 34 (1st Cir. 1995). In Massachusetts, that period is three years. Mass. Gen. Laws ch. 260 § 2A. Federal law, however, determines when the accrual period begins. *McIntosh*, 71 F.3d at 34. "Under federal law, accrual starts when the plaintiff 'knows, or has reason to know, of the injury on which the action is based.'" *Id.* (quoting *Rivera-Muriente v. Agosto-Alicea*, 959 F.2d 349, 353 (1st Cir. 1992)).

The complaint alleges that defendants, specifically OCCC mail officer ~~Brasseur~~, began violating Riva's rights in 2006. (*See* Compl. ¶¶ 31, 43-44). Surely, Riva knew of his alleged injury because he filed inmate grievance forms. (*See id.* at Ex. 131). Riva filed his complaint on July 18, 2014. Accordingly, to the extent that Riva's claims raise allegations of defendants' actions that took place before July 18, 2011, those claims are barred by the statute of limitations.

2. Claim Against Brasseur

The heart of the complaint is that ~~Brasseur~~ has conspired to steal and tamper with Riva's mail. The complaint does not assert a specific theory of relief, except to allege that Brasseur has violated Riva's rights under the Sixth, Eighth, and Fourteenth Amendments. Therefore, the

Court will address whether Riva's allegations, if assumed to be true, can state a claim upon which relief can be granted under each theory in turn.

The complaint alleges, but only in passing, a violation of Riva's rights under the Sixth Amendment. The Sixth Amendment provides as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. amend. VI. The complaint does not include any allegations that would support such a claim. Accordingly, any claim against the defendants that is based on an alleged violation of Riva's Sixth Amendment rights will be dismissed.

Construed liberally, Riva's allegations against ~~Wasson~~ under an Eighth Amendment theory are that ~~Wasson~~ stole his mail, OCCC supervisors did not believe Riva's allegations, and that "his treatment providers gave him a mega dose of dangerous anti-psychotic medicine for a whole year because of their (wrongly) perceived notion that Riva was imagining the mail theft." (Compl. ¶ 49).

The Eighth Amendment prohibits the infliction of "cruel and unusual punishment." That prohibition clearly encompasses "inherently barbaric" punishments, *Graham v. Florida*, 560 U.S. 48, 59 (2010), and conditions of confinement that impose "unnecessary and wanton infliction of pain." *Estelle*, 429 U.S. at 102-03. However, "Eighth Amendment liability requires 'more than ordinary lack of due care for the prisoner's interests or safety.'" *Farmer v. Brennan*, 511 U.S. 825, 835 (1994) (quoting *Whitley v. Albers*, 475 U.S. 312, 319 (1986)). Thus, "[t]o succeed on an Eighth Amendment claim based on inadequate or delayed medical care, a plaintiff

must satisfy both a subjective and objective inquiry: he must show first, 'that prison officials possessed a sufficiently culpable state of mind, namely one of deliberate indifference to an inmate's health or safety,' and second, that the deprivation alleged was 'objectively, sufficiently serious.'" *Leavitt v. Correctional Med. Servs.*, 645 F.3d 484, 497 (1st Cir. 2011) (quoting *Burrell v. Hampshire Cty.*, 307 F.3d 1, 8 (1st Cir. 2002)). "The standard encompasses a 'narrow band of conduct': subpar care amounting to negligence or even malpractice does not give rise to a constitutional claim; rather, the treatment provided must have been so inadequate as to constitute 'an unnecessary and wanton infliction of pain' or to be 'repugnant to the conscience of mankind.'" *Leavitt*, 645 F.3d at 497 (quoting *Feeney v. Correctional Med. Servs.*, 464 F.3d 158, 162 (1st Cir. 2006) and *Estelle*, 429 U.S. at 105-06). Put another way, a defendant's conduct must be "so grossly inadequate as to constitute a knowing denial of proper medical care." *DesRosiers v. Moran*, 949 F.2d 15, 20 (1st Cir. 1991).

"When evaluating medical care and deliberate indifference, security considerations inherent in the functioning of a penological institution must be given significant weight." *Kosilek v. Spencer*, 774 F.3d 63, 83 (1st Cir. 2014). "In consequence, even a denial of care may not amount to an Eighth Amendment violation if that decision is based on legitimate concerns regarding prisoner safety and institutional security." *Id.*

Here, the complaint does not state a plausible claim that ~~Massaro~~'s alleged actions of tampering with his mail subjected Riva to inherently barbaric punishment or grossly inadequate medical care. Riva's allegations fail to show that he has been subjected to medical care that falls below objectively minimal adequate treatment as a result of the alleged mail tampering. Furthermore, it does not appear that ~~Massaro~~'s alleged actions have any connection to Riva's medication. Riva himself acknowledges that he is schizophrenic, and thus has been treated with

anti-psychotic medicine. In fact, according to Riva's complaint, his own decision to stop taking his medication caused him to hallucinate and stab a correctional officer. Nor has Riva demonstrated that ~~Prasanna~~ acted with deliberate indifference to a serious medical need. Therefore, Riva's claim against ~~Prasanna~~ fails to state a claim upon which relief can be granted under the Eighth Amendment.

Construed liberally, Riva's allegations against ~~Prasanna~~ under a Fourteenth Amendment theory are that ~~Prasanna~~ stole his mail and destroyed "hundreds of dollars" worth of property. (Compl. ¶ 49).

The Due Process Clause protects prisoners from being deprived of property without due process of law. *See Wolff v. McDonnell*, 418 U.S. 539, 556 (1974). However, Riva's claim that he was deprived of his property without due process is barred by the doctrine of *Parratt v. Taylor*, 451 U.S. 527 (1981), *overruled in part by Daniels v. Williams*, 474 U.S. 327 (1986). Under *Parratt*, a person deprived of property by a "random and unauthorized act" of a state employee has no federal due process claim unless the state fails to afford an adequate post-deprivation remedy. *Id.* at 537. If an adequate post-deprivation remedy exists, the deprivation, although real, is not "without due process of law." *Id.* That rule applies to both negligent and intentional deprivations of property, as long as the deprivation was not done pursuant to an established state practice or procedure. *See Hudson v. Palmer*, 468 U.S. 517, 530-36 (1984); *see also Brown v. Hot, Sexy and Safer Prods., Inc.*, 68 F.3d 525, 535 (1st Cir. 1995) ("*Parratt* and *Hudson* preclude § 1983 claims for the random and unauthorized conduct of state officials because the state cannot anticipate and control [such conduct] in advance." (internal quotation marks omitted)). Riva has not alleged that the rights provided to him under the Massachusetts Tort Claims Act, Mass. Gen. Laws ch. 258, or otherwise under state law, are inadequate forms of

relief for ~~Masser~~'s alleged conduct. See *Riordan v. Martin*, 51 F.3d 264, 1995 WL 146215, at *1 (1st Cir. 1995) (unpublished decision) ("Since inadequacy of the state's remedy is a material element of the § 1983 claim, plaintiff had the burden of setting forth supporting factual allegations, either direct or inferential, to sustain an actionable legal theory."). Therefore, even if the Court were to assume Riva's conclusory allegations against ~~Masser~~ were true, his complaint fails to state a claim for which relief can be granted under the Sixth, Eighth, and Fourteenth Amendments.

Furthermore, and in any event, the complaint's sparse and conclusory allegations against ~~Masser~~ are insufficient to survive a motion to dismiss under *Twombly* and *Iqbal*. Two examples demonstrate the complaint's conclusory nature. First, the complaint alleges, without any supporting facts, that ~~Masser~~ "has apparently obtained a fake ID in Riva's name and has cashed at least on[e] \$20 money order made out to Riva." (Compl. ¶¶ 16, 29). Second, the complaint alleges that "Riva theorizes that ~~Masser~~ is desperate to get a female companion. ~~Masser~~ weighs about 420 pounds. He has a disheveled appearance and his social skills are poor. Riva believes that [~~Masser~~] is constantly using Riva's mail as one outlet to try to obtain a female companion." (Compl. ¶ 18). Therefore, without more than conclusory allegations against ~~Masser~~, the complaint fails to "raise a right to relief above the speculative level." See *Twombly*, 550 U.S. at 570. Accordingly, Riva's § 1983 claim against ~~Masser~~ will be dismissed.

3. Claims Against ~~Spencer~~, ~~Walters~~, ~~Witcher~~, ~~Boyer~~, and ~~Carton~~

The complaint also asserts claims against former DOC commissioner ~~Spencer~~, former DOC director of administrative resolution ~~Walters~~, OCCC superintendent ~~Witcher~~, OCCC institutional grievance officer ~~Boyer~~, and OCCC sergeant ~~Carton~~. Given the complaint's

narrative nature and the fact that it only briefly mentions some of the defendants, it is somewhat difficult for the Court to ascertain what the complaint alleges as to those individuals. The Court will proceed under the assumption that Riva alleges the same Sixth, Eighth, and Fourteenth Amendment violations against ~~Spencer, Hadjilov, Mitchell, Wogman, and Canton~~ as he alleged against ~~Brasewer~~.

The complaint mentions ~~Spencer~~, by his former position, in only one paragraph. The entirety of that paragraph reads “Riva has written the commissioner of correction numerous times about this problem with the mail and has never ever been afforded an investigation—only a cover-up.” (Compl. ¶ 20). The complaint’s allegations against ~~Mitchell~~ are limited to the claim that she failed to grant plaintiff’s appeals of the institutional grievance coordinator’s decisions denying Riva’s mail-tampering grievances. (Compl. ¶¶ 36, 39, 43). The complaint further alleges that “whenever Riva appealed a grievance to the superintendent, ~~Risa Mitchell~~ would deny the appeal, and make it a point the following day to appear in the hallway and give Riva a giant leering smile.” (Compl. ¶ 15). The complaint’s allegations against ~~Wogman~~ are limited to the claim that she did not overturn the decisions of ~~Mitchell~~ in denying Riva’s grievance appeals. (Compl. ¶¶ 36, 41, 47). The complaint alleges that institutional grievance officer ~~Wogman~~ covered-up for ~~Brasewer~~’s alleged mail tampering by denying Riva’s grievances. (Compl. ¶¶ 16, 18-19, 36). Finally, the complaint alleges that ~~Canton~~, along with other defendants, prevented Riva from obtaining his father’s will. (Compl. ¶¶ 39-40).

To the extent that the complaint asserts claims against ~~Spencer, Hadjilov, Mitchell, Wogman, and Canton~~ in their supervisory capacities of ~~Brasewer~~, such claims are not cognizable under § 1983 because there is no *respondeat superior* liability. *See, e.g., Capozzi v. Department of Transp.*, 135 F. Supp. 2d 87, 98 (D. Mass. 2001) (citing *Ruiz Rivera v. Riley*, 209 F.3d 24 (1st

Cir. 2000)). “It is well-established that ‘only those individuals who participated in the conduct that deprived the plaintiff of his rights can be held liable’” under § 1983. *Velez-Rivera v. Agosto-Alicea*, 437 F.3d 145, 156 (1st Cir. 2006) (quoting *Cepero-Rivera v. Fagundo*, 414 F.3d 124, 129 (1st Cir. 2005)). “In § 1983 cases, ‘supervisors are not automatically liable for the misconduct of those under their command. A plaintiff must show an affirmative link between the subordinate [employee] and the supervisor, whether through direct participation or through conduct that amounts to condonation or tacit authorization.’” *Id.* (quoting *Carmona v. Toledo*, 215 F.3d 124, 132 (1st Cir. 2000)); *see also Pinto v. Nettleship*, 737 F.2d 130, 132 (1st Cir. 1984) (no *respondeat superior* liability under § 1983; liability can only be imposed upon officials who were involved personally in the deprivation of constitutional rights).

To the extent that the complaint asserts claims against ~~Spencer, Robinson, [redacted]~~, ~~Wagner~~, and ~~Dixon~~ for their failure to grant the relief Riva requested in his inmate grievances, such claims are also not cognizable under §-1983. It is well-established that a “[m]ere denial of grievances does not violate any constitutional right in the absence of an underlying constitutional violation.” *Moffat v. Department of Corr.*, 2015 WL 4270161, at *5 (D. Mass. July 13, 2015).

Finally, to the extent that the complaint claims that ~~Spencer, Robinson, [redacted]~~, ~~Wagner~~, and ~~Dixon~~ actively participated in the alleged mail-tampering conspiracy, such claims fail to state a claim for relief under the Sixth, Eighth, and Fourteenth Amendments for the same reasons they failed against ~~Spencer~~.

Accordingly, Riva’s § 1983 claims against ~~Spencer, Robinson, [redacted]~~, ~~Wagner~~, and ~~Dixon~~ are dismissed.

4. Claim Against ~~Wagner~~

The complaint asserts claims against OCCC correctional officer ~~Wagner~~ for his alleged

excessive “mouth checks” of Riva to ensure that he took his anti-psychotic medicine. (Compl. ¶ 23). Riva’s theory of relief in his claim against ~~Warren~~ is unclear. To the extent that Riva seeks relief under the Eighth Amendment for cruel and unusual punishment or inadequate medical care, or under the Fourteenth Amendment for deprivation of a liberty interest, the allegations against ~~Warren~~ fail to state a claim upon which relief can be granted. A prisoner’s liberty interest is infringed only if the punishment inflicted upon the inmate imposes an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *See Sandin v. Conner*, 515 U.S. 472, 484 (1995) (thirty days in segregation did not trigger a liberty interest). Here, Riva has not shown that ~~Warren~~ denied him due process or that his denial resulted in a loss of liberty, especially when the Court considers that Riva’s failure to take his anti-psychotic medication caused him to stab a correctional officer. Accordingly, Riva’s § 1983 claim against ~~Warren~~ will be dismissed.

5. Claim Against ~~DeBate~~

The complaint asserts a claim under § 1983 against OCCC correctional officer ~~DeBate~~ for allegedly issuing a false disciplinary report “in hopes of removing [Riva] from his prized single cell.” (Compl. ¶ 24). Although the complaint states no constitutional grounds for such a claim under § 1983, the Court will assume that the complaint asserts a claim under the Fourteenth Amendment.

If prisoners are afforded requisite process at a disciplinary hearing, they cannot sustain § 1983 claims for allegations of false, improper, or erroneous disciplinary charges filed by prison officials. *See, e.g., Orwat v. Maloney*, 360 F. Supp. 2d 146, 157, 162 (D. Mass. 2005) (“[P]rison inmates have no constitutionally guaranteed immunity from being falsely or wrongly accused of conduct which may result in the deprivation of a protected liberty interest. . . . The constitutional

corrective for such things is the subsequent hearing that the inmate receives on those charges.” (citations omitted). “The Court’s review of a prisoner’s challenge to the due process deficiencies in a disciplinary hearing is thus ‘limited to whether [due process] minimum protections [are] met, and whether the written record provided by the fact finder presents some evidence to support the findings made in the disciplinary hearing.’” *Cuevas v. DiPaulo*, 2011 WL 2118268, at *5 (D. Mass. May 23, 2011) (quoting *Orwat*, 360 F. Supp. 2d at 163)). Here, the complaint is silent as to any due-process deficiencies in the disciplinary hearing resulting from Jacome’s allegedly false incident report. In fact, Riva concedes that the disciplinary report was dismissed after further investigation. (Compl. ¶ 24). Therefore, it is unclear that Riva suffered any harm at all as a result of ~~Jacome~~’s allegedly false incident report. Accordingly, Riva’s § 1983 claim against ~~Jacome~~ will be dismissed.

B. State-Law Claims

The complaint also alleges that all defendants are liable under state law for violations of the Massachusetts Tort Claims Act, Mass. Gen. Laws ch. 284 § 2, and the Massachusetts Civil Rights Act, Mass. Gen. Laws ch. 12 §§ 11(H)-(I).

Riva’s claims against defendants for alleged violations of the Massachusetts Tort Claims Act will be dismissed for several reasons. First, as previously noted, the complaint relies almost entirely on conclusory allegations about the alleged mail-tampering conspiracy. Second, the defendants, as public employees, are immune from tort liability pursuant to Mass. Gen. Laws ch. 258 § 2, which states that “no such public employee or the estate of such public employee shall be liable for any injury or loss of property or personal injury or death caused by his negligent or wrongful act or omission while acting within the scope of his office or employment.” Third, Riva has failed to name the public employer, the Commonwealth of Massachusetts, as a

defendant in this action. Fourth, to the extent that the complaint alleges that ~~Drassour~~'s allegedly tortious conduct was intentional, the MTCA does not provide relief for such a claim. *See* Mass. Gen. Laws ch. 258 § 10(c) ("The provisions of sections one to eight, inclusive, shall not apply to: . . . any claim arising out of an intentional tort . . ."). Fifth, the complaint does not state a claim under the MTCA against the other defendants to the extent that the claims rely on the fact that they supervised ~~Drassour~~. *See* Mass. Gen. Laws ch. 258 § 10(b) ("The provisions of sections one to eight, inclusive, shall not apply to: . . . any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a public employer or public employee . . . whether or not the discretion involved is abused."). Thus, the complaint fails to state a claim for which relief can be granted under the Massachusetts Tort Claims Act.

The complaint also fails to state a claim under the Massachusetts Civil Rights Act, Mass. Gen. Laws ch. 12 §§ 11(H)-(I). Riva contends that his complaint states a claim under the MCRA because ~~Carton~~ and ~~Mitchell~~ notified him that he would be "locked up" if he continued to send mail to his father's widow, who requested that OCCC prevent Riva from contacting her. (Compl. ¶¶ 39, 49). In order to state a claim under the MCRA, Riva must allege that the defendants interfered with his civil rights through "threats, intimidation, or coercion." *Deas v. Dempsey*, 403 Mass. 468, 470 (1988). By notifying Riva, a prisoner, that he would face discipline if he continued to violate prison rules, the defendants did not interfere with his civil rights, and surely did not do so through threats or intimidation.

Accordingly, Riva's state-law claims under the MTCA and MCRA will be dismissed.

IV. Conclusion

In summary, the complaint fails to state a claim upon which relief can be granted under

42 U.S.C. § 1983, the Massachusetts Tort Claims Act, and the Massachusetts Civil Rights Act.

Accordingly, and for the foregoing reasons:

1. Defendants' motion to dismiss is GRANTED;
2. Plaintiff's motion to appoint counsel is DENIED as moot;
3. Plaintiff's motion for subpoenas is DENIED as moot;
4. Plaintiff's motion for discovery is DENIED as moot; and
5. Defendants' motion for a protective order is DENIED as moot.

So Ordered.

Dated: November 18, 2015

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge

UNITED STATES DISTRICT COURT
at Boston

Docket Nos.
1:14-cv-13048-FDS

James Riva Pro se

v

~~Paul Brasseur~~, et al,
~~Mark Brennan~~
~~Michael Cannon~~
~~Lisa Mitchell~~
~~Fernando Jacome~~
~~James Barrett~~
~~Kristie Ledonneur~~
~~Luis Spencer~~


PRO SE PLAINTIFF'S NOTICE OF APPEAL

District Judge F. Dennis Saylor IV dismissed this suit in its entirety November 18, 2015. Notices were sent Nov. 19th 2015.

Pro se plaintiff James Riva hereby gives notice of appeal on the following points:

- * The Court applied the wrong standard of review
- * The Court abused its discretion in evaluating:
 - a.) the voluminous evidence proffered
 - b.) the statute of limitations
 - c.) motions for discovery
 - d.) request for hearing with plaintiff's witnesses
 - e.) motion for subpoena ad testificandum
 - f.) motion for appointment of counsel
 - g.) motion to recommend the case to Postal Inspector, or U.S. Attorney
 - h.)
- * The Court erred in refusing to grant preliminary injunction to prevent principle defendant from further stealing mail.
- * The court erred in ruling on the statute of limitation as to law, and as to facts.
- * The Court failed to rule upon numerous issues or counts of mail theft that were supported by the evidence.
- * The Court ignored credible evidence that mail theft was a daily reality the plaintiff suffers from and continues to suffer from.

Respectfully,

 12-4-15
James Riva Pro se
W38533 OCCC
1 Administration rd.
Bridgewater, MA 02324

APPEAL

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**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:14-cv-13048-FDS**

Riva v. Brasseur et al
Assigned to: Judge F. Dennis Saylor, IV
Demand: \$1,247,000
Case in other court: USCA - First Circuit, 15-02554
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/18/2014
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

James Riva

represented by **James Riva**
W38533
Old Colony Correctional Center
1 Administration Road
Bridgewater, MA 02324
508-279-6000
PRO SE

V.

Defendant

~~Paul Brasseur~~

represented by **Richard C. McFarland**
Commonwealth of Massachusetts,
Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300 X 132
Fax: 617-727-7403
Email:
richard.mcfarland@massmail.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

~~Matthew Gagnon~~

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

~~Matthew Gagnon~~

represented by **Richard C. McFarland**
(See above for address)

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant~~Lisa Mitchell~~

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
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Defendant~~Fernando Jacome~~

represented by **Richard C. McFarland**
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Defendant~~James Barrett~~

represented by **Richard C. McFarland**
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LEAD ATTORNEY
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Defendant~~Kristic Ladouceur~~

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant~~Luis Spencer~~

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/18/2014	<u>1</u>	COMPLAINT against Fernando Jacome, Mark Fogarty, James Barrett, Luis Spencer, Paul Braggart, Kristic Ladouceur, Michael Carter, Lisa Mitchell , filed by James Riva. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit part 1, # <u>3</u> Exhibit part 2, # <u>4</u> Exhibit part 3, # <u>5</u> Exhibit part 4, # <u>6</u> Exhibit part 5, # <u>7</u> Exhibit part 6)(Folan, Karen) (Entered: 07/18/2014)
07/18/2014	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by James Riva.(Folan, Karen) (Entered: 07/18/2014)
07/18/2014	<u>3</u>	MOTION to Appoint Counsel by James Riva.(Folan, Karen) (Entered: 07/18/2014)
07/18/2014	4	ELECTRONIC NOTICE of Case Assignment. Judge F. Dennis Saylor, IV assigned to case. If the trial Judge issues an Order of Reference of any matter

		in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Marianne B. Bowler. (Abaid, Kimberly) (Entered: 07/18/2014)
12/04/2014	<u>5</u>	Letter/request (non-motion) regarding case status from James Riva. (Maynard, Timothy) (Entered: 12/04/2014)
12/24/2014	<u>6</u>	Remark. Letter sent to plaintiff regarding status of the case. Copy of docket sheet included. (PSSA, 3) (Entered: 12/24/2014)
01/06/2015	<u>7</u>	Judge F. Dennis Saylor, IV: ORDER entered granting <u>2</u> Motion for Leave to Proceed in forma pauperis; denying <u>3</u> Motion to Appoint Counsel. The clerk shall issue summonses and the United States Marshal shall serve a copy of the summonses, complaint, and this order upon the defendants as directed by plaintiff with all costs of service to be advanced by the United States. The plaintiff shall have 120 days from the date of the issuance of summonses to complete service. (PSSA, 3) (Entered: 01/07/2015)
01/07/2015	<u>8</u>	NOTICE: re payment of fee by plaintiff James Riva issued to the Treasurer at Old Colony Correctional Center (PSSA, 3) (Entered: 01/07/2015)
01/07/2015	<u>9</u>	Summons Issued as to All Defendants and mailed to plaintiff with Local Rule 4.1 and forms and instructions for service by the United States Marshals Service. (PSSA, 3) (Entered: 01/07/2015)
02/04/2015	<u>11</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>10</u> Motion for Reconsideration. (Pezzarossi, Lisa) (Entered: 02/04/2015)
02/17/2015	<u>12</u>	Letter/request (non-motion) from James Riva. (adminn,) (Entered: 02/19/2015)
02/19/2015	<u>13</u>	MOTION for Reconsideration re <u>10</u> MOTION for Reconsideration re <u>7</u> Order on Motion for Leave to Proceed in forma pauperis, Order on Motion to Appoint Counsel,,, <u>12</u> Letter/request (non-motion) by James Riva.(adminn,) (Entered: 02/19/2015)
02/23/2015	<u>14</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>13</u> Pro Se Plaintiff's Motion for Reconsideration (Pezzarossi, Lisa) (Entered: 02/23/2015)
03/11/2015	<u>15</u>	SUMMONS Returned Executed Fernando Jacome served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)
03/11/2015	<u>16</u>	SUMMONS Returned Executed Paul Deacon served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)
03/11/2015	<u>17</u>	SUMMONS Returned Executed Mark Fogaren served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)
03/11/2015	<u>18</u>	SUMMONS Returned Executed James Barrett served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)
03/11/2015	<u>19</u>	SUMMONS Returned Executed Jim Mitchell served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)

03/11/2015	<u>20</u>	SUMMONS Returned Executed Michael Canton served on 3/9/2015, answer due 3/30/2015. (Maynard, Timothy) (Entered: 03/11/2015)
03/24/2015	21	DOCKET SHEET sent to James Riva with copies of Process Receipts and Returns, per telephonic request of friend of plaintiff. (PSSA, 3) (Entered: 03/24/2015)
04/24/2015	<u>22</u>	Letter/request (non-motion) from Petitioner to pro se staff attorney. (Hurley, Virginia) (Entered: 04/25/2015)
04/27/2015	<u>23</u>	Judge F. Dennis Saylor, IV: ORDER entered. Copy mailed. (Pezzarossi, Lisa). (Entered: 04/27/2015)
05/01/2015	<u>24</u>	SUMMONS Returned Executed Janis Spencer served on 4/28/2015, answer due 5/19/2015. (Maynard, Timothy) (Entered: 05/01/2015)
05/06/2015	<u>25</u>	SUMMONS Returned Executed Kelsie Ladouceur served on 5/1/2015, answer due 5/22/2015. (Maynard, Timothy) (Entered: 05/06/2015)
05/11/2015	<u>26</u>	Letter/request (non-motion) regarding summons from James Riva. (Maynard, Timothy) (Entered: 05/11/2015)
05/14/2015	<u>27</u>	Letter/request (non-motion) from Jimmy Hui, Deputy United States Marshal. (Attachments: # <u>1</u> Enclosures to Letter from Mr. Hui)(Pezzarossi, Lisa) (Entered: 05/15/2015)
05/14/2015	<u>28</u>	Letter/request (non-motion) from F. Dennis Saylor, IV, USDJ. (Attachments: # <u>1</u> Enclosure to letter (4/27/2015 Order). (Pezzarossi, Lisa) (Entered: 05/15/2015)
05/27/2015	29	DOCKET SHEET sent to James Riva (PSSA, 3) (Entered: 05/27/2015)
05/29/2015	<u>30</u>	Letter/request (non-motion) regarding service of process from Nancy Ankers White.(Maynard, Timothy) (Entered: 05/29/2015)
06/01/2015	<u>31</u>	MOTION for Referral to US Department of Justice or Postal Inspector by James Riva. (Maynard, Timothy) (Entered: 06/01/2015)
06/09/2015	<u>32</u>	Summons Reissued as to James Barrett, Paul Brassem, Michael Canton, Mark Engoron, Fernando Jacome, Lisa Mitchell . Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Maynard, Timothy) (Entered: 06/09/2015)
06/15/2015	<u>33</u>	SUMMONS Returned Executed Fernando Jacome served on 6/12/2015, answer due 7/3/2015. (Maynard, Timothy) (Entered: 06/15/2015)
06/15/2015	<u>34</u>	SUMMONS Returned Executed Paul Brassem served on 6/12/2015, answer due 7/3/2015. (Maynard, Timothy) (Entered: 06/15/2015)
06/15/2015	<u>35</u>	SUMMONS Returned Executed Michael Canton served on 6/12/2015, answer due 7/3/2015. (Maynard, Timothy) (Entered: 06/15/2015)

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06/15/2015	<u>36</u>	SUMMONS Returned Executed James Barrett served on 6/12/2015, answer due 7/3/2015. (Maynard, Timothy) (Entered: 06/15/2015)
06/15/2015	<u>37</u>	SUMMONS Returned Executed Lisa Mitchell served on 6/12/2015, answer due 7/3/2015. (Maynard, Timothy) (Entered: 06/15/2015)
06/15/2015	<u>38</u>	SUMMONS Returned Executed Mark Fogaren served on 3/12/2015, answer due 4/2/2015. (Maynard, Timothy) (Entered: 06/15/2015)
07/02/2015	<u>39</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by James Barrett, Paul Brassour, Michael Carton, Mark Fogaren, Fernando Jacome, Kristie Ladouceur, Lisa Mitchell, Luis Spencer . (McFarland, Richard) (Entered: 07/02/2015)
07/02/2015	<u>40</u>	MEMORANDUM in Support re <u>39</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by James Barrett, Paul Brassour, Michael Carton, Mark Fogaren, Fernando Jacome, Kristie Ladouceur, Lisa Mitchell, Luis Spencer . (McFarland, Richard) (Entered: 07/02/2015)
07/13/2015	<u>41</u>	MOTION for Extension of Time to August 26, 2015 to File Response/Reply as to <u>39</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by James Riva. (Maynard, Timothy) (Entered: 07/13/2015)
07/15/2015	<u>42</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered re <u>31</u> MOTION for Referral to US Department of Justice or Postal Inspector filed by James Riva. The Ex Parte Motion filed by plaintiff will be put on the docket and defendant shall respond to it within 14 days. (Pezzarossi, Lisa) Modified on 7/16/2015 (Pezzarossi, Lisa). (Entered: 07/15/2015)
07/16/2015	<u>43</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>41</u> MOTION for Extension of Time to August 26, 2015 to File Response/Reply re <u>39</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Responses due by 8/26/2015 (Pezzarossi, Lisa) (Entered: 07/16/2015)
07/27/2015	<u>44</u>	Remark. Docket sheet sent to James Riva with letter regarding receipt of electronic orders 42 and 43. (PSSA, 3) (Entered: 07/27/2015)
07/30/2015	<u>45</u>	RESPONSE to Motion re <u>31</u> MOTION for Referral to US Department of Justice or Postal Inspector filed by James Barrett, Paul Brassour, Michael Carton, Mark Fogaren, Fernando Jacome, Kristie Ladouceur, Lisa Mitchell, Luis Spencer . (McFarland, Richard) (Entered: 07/30/2015)
07/30/2015	<u>46</u>	MOTION for Leave to File Supplemental Appendix by James Riva. (Attachments: # <u>1</u> Memorandum in Support of Criminal Investigation) (Maynard, Timothy) (Entered: 07/30/2015)
08/18/2015	<u>47</u>	MOTION for Extension of Time to September 16, 2015 to File Response/Reply as to <u>39</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by James Riva. (Maynard, Timothy) (Entered: 08/18/2015)
09/01/2015	<u>48</u>	MOTION for Extension of Time by James Riva. (Attachments: # <u>1</u> Exhibit) (Maynard, Timothy) (Entered: 09/01/2015)

09/02/2015	49	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying MOTION for Referral to US Department of Justice or Postal Inspector. (Pezzarossi, Lisa) (Entered: 09/02/2015)
09/02/2015	50	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting MOTION for Leave to File Supplemental Appendix by James Riva. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Pezzarossi, Lisa) (Entered: 09/02/2015)
09/02/2015	51	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting MOTION for Extension of Time to Respond to Motion to Dismiss. Response due October 7, 2015. (Pezzarossi, Lisa) (Entered: 09/02/2015)
09/02/2015	52	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered finding as moot <u>47</u> Motion for Extension of Time to File Response/Reply. See Electronic Order Document #51 granting extension through October 7, 2015. (Pezzarossi, Lisa) (Entered: 09/02/2015)
10/15/2015	<u>53</u>	Letter/request (non-motion) regarding case 15-13325-IT from James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>54</u>	MOTION to Appoint Counsel by James Riva. (Attachments: # <u>1</u> Exhibit) (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>55</u>	MOTION for Subpoenas by James Riva.(Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>56</u>	MOTION for Discovery by James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>57</u>	Opposition re <u>39</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>58</u>	AFFIDAVIT of James Riva re <u>55</u> MOTION for Subpoena, <u>54</u> MOTION to Appoint Counsel, <u>57</u> Opposition to Motion, <u>56</u> MOTION for Discovery by James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>59</u>	NOTICE - Plaintiff's Interrogatories for Each Defendant by James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/15/2015	<u>60</u>	SUPPLEMENTAL APPENDIX by James Riva. (Maynard, Timothy) (Entered: 10/15/2015)
10/16/2015	<u>61</u>	Letter/request (non-motion) from James Riva. (Maynard, Timothy) (Entered: 10/16/2015)
11/03/2015	<u>62</u>	MOTION for Protective Order by James Riva, Paul Bussard, Michael Gahan, Mark Fogren, Fernando Juarez, Kristin Indelicato, Lisa Mitchell, July Spencer. (McFarland, Richard) (Entered: 11/03/2015)

11/10/2015	<u>63</u>	Opposition re <u>62</u> MOTION for Protective Order filed by James Riva. (Attachments: # <u>1</u> Exhibit A)(Maynard, Timothy) (Entered: 11/10/2015)
11/19/2015	<u>64</u>	Judge F. Dennis Saylor, IV: ORDER entered. Memorandum and Order on Motion to Dismiss. (Pezzarossi, Lisa) (Entered: 11/19/2015)
12/10/2015	<u>65</u>	NOTICE OF APPEAL as to <u>64</u> Memorandum & ORDER by James Riva NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf . Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf . US District Court Clerk to deliver official record to Court of Appeals by 12/30/2015. (Maynard, Timothy) (Entered: 12/10/2015)
12/10/2015	<u>66</u>	MOTION for Leave to Appeal in forma pauperis by James Riva. (Maynard, Timothy) (Entered: 12/10/2015)
12/18/2015	<u>67</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>65</u> Notice of Appeal. (Paine, Matthew) (Entered: 12/18/2015)
12/18/2015	<u>68</u>	USCA Case Number 15-2554 for <u>65</u> Notice of Appeal filed by James Riva. (Paine, Matthew) (Entered: 12/18/2015)
12/29/2015	<u>69</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>66</u> Motion for Leave to Appeal in forma pauperis. (Pezzarossi, Lisa) (Entered: 12/29/2015)
01/05/2016	<u>70</u>	Letter/request (non-motion) regarding motion from James Riva. (Maynard, Timothy) (Entered: 01/05/2016)
01/05/2016	<u>71</u>	Letter/request (non-motion) regarding case status from James Riva. (Maynard, Timothy) (Entered: 01/05/2016)
01/05/2016	<u>72</u>	NOTICE - Supplemental information re <u>66</u> Motion for Leave to Appeal in forma pauperis by James Riva. (Not docketed as a motion as the previous motion has been ruled on) (Attachments: # <u>1</u> Exhibit)(Maynard, Timothy) (Entered: 01/05/2016)
01/05/2016	<u>73</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>65</u> Notice of Appeal Documents included: ECF Nos. 66 and 69 (Paine, Matthew) (Entered: 01/05/2016)
01/08/2016	<u>74</u>	Letter/request (non-motion) requesting docket sheet from James Riva. (Maynard, Timothy) (Entered: 01/08/2016)
01/08/2016	<u>75</u>	DOCKET SHEET sent to James Riva. (Maynard, Timothy) (Entered: 01/08/2016)

Certificate of Service:

I James Riva, the pro se appellant, hereby certify that I did serve by first class mail upon counsel Richard McFarland Dept. of Correction Legal Div. 70 Franklin St. suite 600 Boston, MA 02110-1327 one copy of the following:

- * appellant's brief
- * appendix
- * supplemental appendix

Date: Feb. 11, 2014

Signed:



James Riva Pro se
W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

UNITED STATES DISTRICT COURT
AT BOSTON

Civil Action Nos.

James Riva Pro se

vs

~~Paul Brasseur~~, at al,

APPEAL'S COURT

Nos. 15-2554

RECORD APPENDIX OF EVIDENCE FILED WITH COMPLAINT

<u>Pages</u>	<u>Items</u>
1-11, 38-43 12-47	notice of claim letters (c 258) and related letters letters to commissioner and other department of correction officials about theft of the mail
48-53	grievances and exhibits regarding C.O. Fernando Jacome and his participation and or retaliation
54-78	letters, grievances, exhibits about Brasseur, Mitchell, Pogaron, Carter, Spencer, Brasseur and their blocking Riva from his father's will
79,80	Jewish Newspaper article proving the U.S. Postal Service digitally photos each piece of mail
81-89	grievances, letters, exhibits about Brasseur taking \$20 money order and pretending to be Riva and corresponding with Katie Collins
90-94 95-98	Chester Ratcliff letters in spite of permission to correspond with co-plaintiff mail was blocked
99-101 126-130	contraband letter because it had no return address
102-109 110-114	stolen mail from Nicky Stradley greivances of participation in harrassment by C.O. James Barrett
115-116	letter from Erik Holm indicating interruption in the mail
117-125	Brasseur vanishes a pro se Appeals Court brief and five copies- superintendent offers a mere \$12.
131-141	greivances, letters about blocked out Halalco catalog and Prison Legal News
142,143	Letter from Vanessa Bills about mystery man, whom Riva believes was Brasseur writing her and pressuring her for companionship
144	letter from deputy: "the institution does not have a "block" on your U.S. Mail".
145-154 155-159	Psych records Dr. Cayra Nieves and related grievance Disciplinary tickets Riva has been found guilty on for trying to circumvent the illegal blockade on his mail and listed sanctions put on him

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 1.

Nancy Ankers White
Senior Counsel Dept. of Correction
Legal Div.
70 Franklin St.
Suite 600
Boston 02110-1300

Sept. 4, 2013

RE: Investigation regarding theft of inmate James Riva's mail

Dear Attorney White,

Its been slightly more than a year since the Massachusetts Attorney General requested you investigate my claim of mail theft- which has been going on for roughly my entire incarceration of 33 years. For various reasons, mostly grudges, sometimes some emotional disorder of the mail officer, whatever the reason- look at my evidence which I have posted: www.jamesriva.info and do the right thing and actually investigate- put a stop to this torture.

The enclosed newspaper article proves that the post office digitally records every piece of mail. I therefore request you make an arrangement with the Bridgewater Post Office to monitor the volume of my mail for 30 days, and compare that to the one, maybe two or three pieces I usually receive in a month.

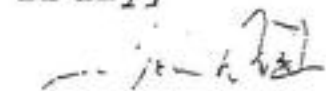
My website gets over 1,000 unique hits per week. I have posted lots of evidence that many people are attempting to write to me. ~~Most of them look like~~, but mixed in with the ~~looks~~ are letters from people I need to hear from, AND my legal mail. My legal mail is sometimes targeted as well.

If anyone not affiliated with DOC actually questioned ~~Paul~~ ~~Bresser~~ (the mail officer for the entire Bridgewater complex) he or she would definitely realize theres something very peculiar about him. For one thing, he could never have passed the physical to be an officer. He weighs 400 pounds. He has the general appearance of one who regards bathing as optional. On hot humid days, he wears a snapped shut nylon windbreaker over his uniform indoors.

~~Paul Bresser~~ has been the subject of countless grievances, which are summarily disposed of by crooked DOC staff, probably deleted. He has a litch for stealing photos and letters of inmates' girlfriends and wives.

I request that you break with tradition and actually investigate this criminal.

Truly,



James Riva W38533 OCCC One Administration rd. Bridgewater 02324

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 2.

Nancy A. White
Gen. Counsel
Dept. of Correction
70 Franklin St.
Suite 600
Boston 02110-1300

Dec. 7, 2012

RE: Presentment letter: James Riva W38533 dated July 25th 2012
letter to you regarding same dated Nov. 20th 2012

Dear Attorney White,

Last nite I was delivered my copy of a letter to you from
Meghan O'Brien with the A.G.'s office- Presentment Coordinator.

I would like you to consider some points at present:

* My website www.jamesriva.info is, within the past week or
so, somehow, for some unknown reason, suspended. I have not
been successful in reaching the operator of the site yet.
The website, when running, contains a section under an icon
with 89 pages of evidence of the mail officer and his cohorts
stealing my mail at the prison and the subsequent coverups
of the criminal behavior by Sgt ~~Mark Fogara~~ and others.

I ask you to be patient until we straighten this problem
out with my website and the evidence file I have posted for
the past four months. We have plenty of backup, but my send-
ing mail is a gamble with these organized mail thieves afoot.

* ~~John Mitchell~~, our superintendent at OCCC, has ordered me
to not serve any more papers upon my father's widow In re: my
completely valid Probate Ct. petition to secure my share of
my father's estate. (estate of James Riva PL11P1527PO). I told
the superintendent in writing my intentions are legal, and that
I have a valid claim. (see attachments from ~~Lisa Mitchell~~).

Further, ~~Paul Brennan~~ and his cohorts have disappeared papers
in this Probate Ct. action, one of which, my father's death
certificate which cost me \$28. I only earn \$7.50 per week.
Sgt ~~Mark Fogara~~ absolved ~~Brennan~~ with a smoke screen to hide
the fact that he blended one letter from Probate which I received
with the other letter from Probate which was stolen by ~~Paul Brennan~~.

* I have been found guilty on three separate tickets for attempting
to circumvent ~~Brennan~~'s stranglehold on my legitimate mail by
enclosing letters inside letters- and given sanctions; loss of
canteen, loss of visits, loss of telephone, locked in my cell
for three days. This, over the course of six years.

I know that your whole reason to be is destroy legitimate
claims by inmates against the DOC. If you had any honesty you

would recommend this case back to Martha Coakley to pursue a criminal prosecution against ~~Paul Pappas~~ and his cohorts. I am not his only victim. Just because ~~Mark Pappas~~ hides his criminal behavior is no reason why it cant be unearched.

These men force a fake laugh when I walk by. ~~Pappas~~ likes to goad me with a giant leering smile.

If you have any ethics at all regarding this travesty, at least call or pay a visit to the Bridgewater Post Office and see what the digital register is for: James Riva W38533 to count how many letters came thru for the last 30 days. I get one or two letters per month, but now and then a few drift past the net and the writers indicate they have written many letters I never received and vice versa.

I am a well behaved inmate. There is no legitimate reason to torture me in this manner.

Of course I know of you and your many years of battling against prisoners rights. I hope you will make an exception and recommend criminal prosecution for these men.

In closing, please be patient while I get this website back up and running. At present I don't know if the site was hacked, or if my friend forgot to pay a subscription.

Truly,

James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

* 3 enclosures
* cc Meghan O'Brien

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

4.

Martha Coakley
Attorney General of Massachusetts
One Ashburton Place
Boston, MA 02108-1518

Oct. 16, 2012

RE: Theft of inmate James Riva's mail (Inmate W38533)
at Old Colony Corr Center

Dear Attorney Coakley,

I know you do not usually come down on the side of convicted criminals, especially against fellow law enforcement officials, but I ask you to make an exception. I sent you a demand letter by certified mail that arrived at your office Aug. 20th 2012, signed for: Nestor Morales. I have reason to believe that the mail thieves here at the prison cut into the letter and substituted the contents.

Enclosed is a copy of that letter. Please access the evidence file at my website www.jamesriva.info and although it is voluminous, please read it.

I have been complaining about this for three decades and their concerted effort to drive me insane.

Correction Officials resent my getting a large volume of mail because of my crime's notoriety. But they have a more sinister purpose- to torture me. AND I have reason to believe that members of the small scale conspiracy have attempted to strike up a correspondence with my blocked out female pen friends (former pen friends, he makes sure I get nothing further).

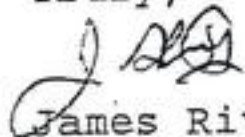
I know this sounds just paranoid. Please look at my evidence. Please do what no DOC official has ever done for me and check with the Bridgewater Post Office and ask them how much volume of mail comes for me every month- compare that to the one or two letters they give me. They even disappear court papers regarding my father's will.

Every single DOC official I complained to has absolutely made a covering for the criminal activity of ~~James Riva~~ and his cohorts.

Please help me.

I have written the postmaster numerous times w/o a response. My cuz called her on the phone and she said she gets so many complaints from this prison complex she throws them out unread.

Truly,



James Riva W38533

OCCC

1 Administration Rd.
Bridgewater, MA 02324



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

3.

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Nancy A. White
General Counsel
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300

January 23, 2013

Re: **Claim of:** James Riva – W38533
Presentment Letter Dated: December 7, 2012
Date of Incident: N/A

Dear Attorney White

Enclosed please find additional documents we received in this office regarding the above-referenced presentment claim, which we have already forwarded. Please add these documents to your file.

Sincerely,

A handwritten signature in cursive script that reads "Kaitlyn Dwyer".

Kaitlyn Dwyer
Presentment Coordinator
(617) 727-2200 x 2549

Enclosures

cc: James Riva W38533

(All further inquiries regarding this claim should be made to the Department of Correction, Nancy A. White (617)727-3300 ext. 124)



MARTHA COAKLEY
ATTORNEY GENERAL

6.
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
www.mass.gov/ago

March 8, 2013

Nancy A. White
General Counsel
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300

Re: Claim of: James Riva, W38533
Presentment Letter Dated: February 22, 2013
Date of Incident: April 26, 2012

Dear Attorney White:

Enclosed please find additional documents we received in this office regarding the above-referenced presentment claim, which we have already forwarded. Please add these documents to your file.

Sincerely,

A handwritten signature in cursive script that reads "Kaitlyn Dwyer".

Kaitlyn Dwyer
Presentment Coordinator
(617) 963-2549

Enclosures

cc: James Riva, W38533

(All further inquiries regarding this claim should be made to the Department of Correction, Nancy A. white at (617) 727-3300 ext. 124)



MARTHA COAKLEY
ATTORNEY GENERAL

7.
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
www.mass.gov/ago

November 20, 2012

Nancy A. White
General Counsel
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300

Re: **Claim of:** James Riva W38533
Presentment Letter Dated: July 25, 2012
Date of Incident: April 26, 2012

Dear Attorney White:

I am enclosing the presentment letter referenced above which we received in this Office on October 19, 2012.

Would you please investigate this claim and notice this Office of the results in accordance with the Attorney General's Presentment Procedures for Agencies of the Commonwealth. (June 30, 2001). Thank you for your cooperation in this matter.

Sincerely,

Meghan O'Brien /et

Meghan O'Brien
Presentment Coordinator
(617) 727-2200 x 2549

Enclosure

cc: James Riva W38533

(All further inquiries regarding this claim should be made to the Department of Correction, Nancy A. White at (617) 727-3300 ext.124)

8.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

October 25, 2013

Sheriff Lewis G. Evangelidis
Worcester County Sheriff's Office
5 Paul X. Tivnan Drive
West Boylston, MA 01583

Re: Claim of: James Riva, W 38533
Presentment Letter Dated: September 26, 2013
Date of Incident: April 26, 2012

Dear Sheriff Evangelidis:

Enclosed please find additional documents we received in this office regarding the above-referenced presentment claim, which we have already forwarded. Please add these documents to your file.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kaitlyn Dwyer".

Kaitlyn Dwyer
Presentment Coordinator
(617) 963-2549

Enclosures

cc: James Riva, W 38533



Kaitlyn Dwyer
Presentment Coordinator
Office of the Attorney General
One Ashburton Place
Boston 02108

Sept. 26, 2013

RE: Claim of mail theft; James Riva W38533

Dear Ms. Dwyer,

In followup to my letter of yesterday, I would like to add these two exhibits:

- * Letter from my friend Sean ~~Brassard~~ ~~9230 W. 130th St.~~ Strongsville, OH . This is the first time I heard from him in over a year, but he claimed he has been writing regularly and that he sent me \$20. AND that he has a receipt somewhere. That means that ~~Paul Brassard~~ or his accomplice has a way of cashing money orders and checks made out to me. The letter (enclosed) came along with another \$20. for me which was credited to my account.
- * Letter from Katie ~~Brassard~~ ~~Box 1111~~ Madisonville, KY 42431 In which she states that she had sent me a photo of her, and that I wrote back and said I did not like it, to put some clothes on and send another picture. I never ever received a picture from her and I did not write to her telling her I didn't like the picture. ~~Paul Brassard~~ or his accomplice are playing some weighted tricks. Her other mention about poisoned food for Muslims was in response to my telling her that during Ramadan, the food was spoiled on several occasions deliberately and sometimes the fake juice had a poisonous taste. I won partial approval on a grievance about some of that.

I repeat my request that you assign someone other than Nancy ankers White to investigate because she has had this case over a year and has done nothing- not even interview me- not even write to me once. Nothing. Further, she has had a lengthy career of fighting venomously against prisoner's rights, so how do you expect to do other than look the other way if evidence surfaces of officers' criminal behavior? Please have someone look at my evidence www.jamesriva.info about the mail theft and order a 30 day monitor of the volume of mail for me at Bridgewater Post Office. I get more than 1,000 new readers per week at www.jamesriva.info and every once in awhile a letter gets thru the net indicating attempts. (failed) to write to me.

Truly,

James Riva W38533 OCCC One Administration Rd.
Bridgewater, MA 02324



Kaitlyn Dwyer
Presentment Coordinator
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Sept. 25, 2013

RE: Presentment letter from August 2012: James Riva inmate W38533

Dear Ms. Dwyer,

In August 2012 your office directed Nancy Ankers White to conduct an investigation into my evidence of mail theft posted at www.jamesriva.info and any other investigation necessary. To date, no such investigation has taken place and I have not even been interviewed- the requested 30 day monitor of the volume of mail addressed to me coming thru the Bridgewater Post Office not granted, (all mail is digitally photographed by the postal offices, thats how they caught that person mailing anthrax).

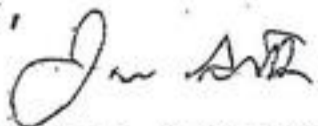
Instead of investigation, I have been retaliated against for complaining about the theft of the mail:

- * by correction officer ~~James [redacted]~~, which I reported to you
- * by correction officer ~~James [redacted]~~ which I grieved
- * and now by a female psychiatrist known only as Dr. ~~[redacted]~~

The officers enjoying my mail have often exploited my plight as open mental health case to shield themselves from getting caught by convincing other staff in mental health that my belief my mail is being stolen is delusion. Dr. ~~[redacted]~~ has taken it a step further and given me a high dose of a toxic medicine in retaliation. I willingly took the toxic medicine at the lower dose for 15 years because it worked good. At high doses it causes obesity, heart attack, stroke, and diabetes. 20 mgs per day is the highest recommended dose (for large young men- I'm 56, and medium sized). She gave me 20 mgs per day until I fell, then reduced it to 15 mgs per day- still threatening to increase it back to 20 mgs per day. I am not in a position where I can refuse it. For reason: She said my belief the mail is being stolen is a delusion.

I ask that you assign someone else to actually investigate because Nancy White has not lifted a finger.

Truly,



James Riva W38533
oCCC
1 Administration Rd.
Bridgewater, MA 02324

Martha Coakley
Attorney General; Massachusetts
One Ashburton Place
Boston, MA 02108-1518

11.
July 25, 2012.

RE: Notice of claim, c 258

Dear Attorney Coakley,

I hereby give notice of claim to sue some dept. of correction employees for stealing, diverting, and destroying my mail. This has gone on for the entire 32 years I have been prisoner. I have complained to every conceivable DOC official and public safety officer with no relief in sight. A large portion of the evidence I have accumulated is posted at my website www.jamesriva.info

It is evident that this small scale conspiracy consisting of the mail officers (~~James Riva~~ and others) and perhaps some or all of the inner perimeter security (IPS), has been deliberately provoking me in hopes of driving me insane. I have seen them do this many times over the 32 years I've been in. They get together and crank their victim until he lashes out violently or he hangs it up. Either way, they get their sport.

I have submitted large volumes of evidence to director of security ~~James Riva~~. This could not take place as long as it has and on the scale it has w/o his complicity. The superintendent marks all my grievance appeals, simply DENIED. I have written the commissioner and each time it is intercepted by ~~James Riva~~ who does a whitewash that doesn't comport with any of the facts.

The mail they steal is personal, some legal, alot of it having to do with my father's will in Plymouth Probate Court (I can't understand why they would want to interfere with that, but they do).


I get one or two letters per month. Certainly not more than four, yet there are indication that lots more than that comes thru. No one has ever complied with my request to contact the Bridgewater Post Office and ask how many pieces came thru for me. ~~James Riva~~ told me he would call the Bridgewater Post Office, but the next day he said he changed his mind and will not.

I wrote the postmaster at Bridgewater Post Office more than once with no answer. I had my cousin call her and she told him on the phone that she gets so many complaints from the inmates here she throws them out un-read.

As you can see from the evidence posted at my website, there is a lot of credible evidence to back up what I am saying.

I want Three Million dollars plus some inexpensive medical procedures the DOC has been denying me for a long time (CT scan of my brain to check progression of cavities in frontal lobes, AND toenail fungus pill). I want these men fired.

Truly,


James Riva W38533

OCCC

One Administration Rd.

Bridgewater, MA
02324

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

12.

Deval Patrick
Governor of Massachusetts
State House
Rm 360
Boston 02133

Jan. 18, 2013

RE: mail theft conspiracy at Old Colony Prison; Bridgewater

Dear Gov. Patrick,

As head of the state, you can access Inmate Management System (IMS) and check all my denied grievances regarding the ongoing theft of my mail which is large scale. I complained for 32 years (I'm serving a 2nd degree life) and got nowhere until I posted 105 pages of evidence at my website: www.jamesriva.info (Also check out my other evidence on other abuses at: <http://betweenthebars.org/blogs/339/>).

After posting the evidence the Attorney General's Office assigned Nancy White (head DOC attorney) to investigate. That's sort of like assigning George W. Bush to investigate financial crimes done by Dick Cheney.

They even conspire to prevent me from obtaining my father's will (see grievance 63730). I have a valid claim in Plymouth Probate Court but the superintendent at OCCC won't allow me to proceed with (PL11P1527PO) and the mail officer, my eternal enemy, has disappeared expensive documents in the case.

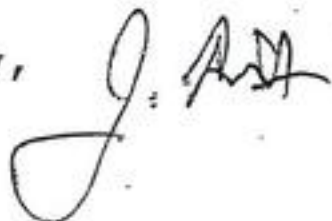
All this has been smokescreened and evidence destroyed by the so-called grievance investigator(s).

I ask you to e-mail this to the commissioner and personally request that someone other than DOC head supervisor of grievances ~~handle it~~ handle it. Check Ms ~~White's~~ track record. She has been sued over 40 times, as I believe around eight full-time (taxpayers funded) attorneys to defend her because she won't do her job. She never EVER resolves anyone's grievances. I don't know how much her salary is, but considering all she is a walking liability that serves no recognizable function it's too much. Just cause most suits fail only means that jailhouse lawyers are frequently no match for the dirty pool DOC lawyers pull on the regular.

AND I've been retaliated against because I instigated the investigation against the mail theft conspiracy. I got a d-ticket for illegal possession of chemicals from some officer I never had a problem with. I managed to beat the ticket after proving the report was false, but the intent was clear., (see d-ticket 272756).

They're making my stay a lot more rough than the constitution permits.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

Pro se Clerk
Massachusetts Court of Appeals
John Adams Courthouse
One Pemberton Sq.
Suite 1200
Boston, MA 02108-1705

Feb. 19, 2009

RE: Riva and Ahmad vs Kevin Burke Appeals Ct. Nos. 2009-
P-0042 Lower Ct. Nos. PLCV2007-01040

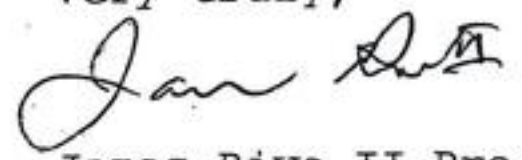
Dear Sir or Madam Clerk,

Enclosed is our pro se motion to receive additional copies of the non conforming brief out of time as the dept. of correction has delayed mailing out the package by nine days- package was given to officials Feb. 9, 2009- money taken from inmate account for postage Feb. 10, 2009, but the package was not actually mailed until Feb. 18; the deadline for receipt. Attached is a copy of the charge slip receipt proving their ploy to win by thievery.

It should be noted that prison officials (employees of the defendant) routinely resort to this tampering of the mail in order to win suits.

Please either allow this motion (by the clerk) or submit it to an appropriate justice soon. *Transcript (2) also enclosed.*

Very truly,



James Riva II Pro se
W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324

Post Script:

I would appreciate an order against defendant's employees further tampering with my mail. It happens constantly because I litigate and I'm not even a continuous litigator.

Steven O'Brien
Superintendent
OCCC

Nov. 10, 2009

RE: Disciplinary tickets 173530 and 175427
(for sending out letters inside other letters)

Dear Supt. O' Brien,

Today I received your decision to modify disciplinary ticket 173530 so instead of my guilty finding It would be continued w/o a finding for 120 days. I am asking you to also modify ticket 175427.

Both tickets 173530 and 175427 stem from a wave of letters I sent out inside a letter to someone else to circumvent the mail officer's illegally blocking me from corresponding with certain pen friends. I essentially sent out the letters around the same date to three different persons out there asking them to re-mail them.

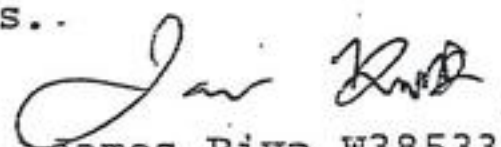
The letters inside the letters merely asked the addressee to phone ~~Paul Oxford~~ the DOC investigator and complain about what the mail officer is doing to our mail. ~~Paul Oxford~~ has written me indicating that he will not intervene in mail of grievance matters and that he was dumping the whole thing in your lap.

Unfortunatley for me, two of the letters came back return to sender as the mail officer had prevented the correspondence so long, the pen friend had moved and either notified me and the mail officer blocked it or soemthing else. Chester ~~W38533~~, the addressee in ticket 173530 recently wrote me and said he got some-one in the postal authority to investigate and that the mail shoul be uninterrupted from now on. If only that were true.

The only people breaking the law here are the mail officers and the people covering up his crimes. I'm just trying to get my mail.

I pled "no contest" to ticket 175427 because I was under danger of an increase in sanctions (30 days loss of phone) and the D officers ~~W38533~~ and ~~W38533~~ told me by so pleading I would only get 30 days loss of phone run concurrent with the first ticket. I pled "no contest" at 7:30 am after working the 1:00 am shift in the visting room doing the floors. Neither officer told me that "no contest" would be changed to "guilty".

You change pleadings way after the time limit expires on tickets all the time. I'm asking you to do the equitable thing and dismiss ticket 175427 as its essentially the same offense AND you know personally that the mail officer left me no choice but to try some other way to reach my pen friends..


James Riva W38533 Unit A2

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

15.

Patrick Donahoe
Postmaster General
475 L'Enfant Plaza SW
Washington, DC 20260-1100

Oct. 16, 2012

RE: Constant large scale theft of prisoner's mail

Dear Postmaster General,

My name is James Riva inmate W38533. I have been down over 32 straight years. Because of the notariety of my crime, a lot of people attempt to write to me. For three decades I have been complaining about the prison officials stealing my mail.

I wrote to you certified mail which was signed for at your office Aug. 6. 2012 by an unintelligible scribble of a signature "Laherty?"

I have reason to suspect that the prison official cut into the letter and substituted the contents.

Please access my website and examine my evidence file on the mail thefts by ~~John Wilson~~ and his cohorts www.jamesriva.info

I need relief from this constant torture. They even steal court papers regarding my father's will.

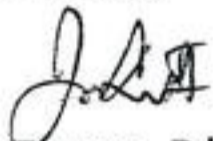
Basically the thieves have the absolute blessing and provision of cover for their crimes from every official in the Massachusetts Department of Correction.

I am not their only victim.

I also have reason to believe that they have attempted to correspond with some of my illegally blocked out female pen friends.

Please help me. Ask the Bridgewater Post Office how much volume is addressed to me and compare to one or two articles they give me.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

Commissioner of Corrections
50 Maple St.
Suite 3
Milford, MA 01757-3698

Jan. 3, 2014

re-formed
into 3 separate

RE: Inadequate disposition of grievances; 69330, 69501, 69807,
69697, 69709, 69500

Dear Commissioner,

I have been complaining and grieving without any relief the almost constant theft and tampering with my mail by ~~WALTER BROWN~~ and his accomplice(s) for a very long time. All I have gotten for my efforts are a coverup of the criminal small scale conspiracy by DOC officials- your office included. I ask that you have someone new actually investigate the above mentioned grievances regarding the crimes perpetrated against me by your staff.

Truly,



James Riva W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Correction
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324
Telephone (508)279-6000
Fax (508)279-6754
www.mass.gov/doc



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

17.

February 18, 2010

Mr. James Riva W38533
Attucks I, G9
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

I am receipt of your correspondence regarding your concerns surrounding the delivery of your mail.

After thorough research conducted by my office, I can assure you that all inmate mail procedures are being followed in accordance with DOC policy.

I trust this has addressed your concerns.

Sincerely,

Steven J. O'Brien
Superintendent

SJO/mm

CC: Paul Brasseur, Mail Officer
Inmate File
File



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security 18.
Department of Correction
Old Colony Correctional Center
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Harold W. Clarke
Commissioner

James R. Bender
Veronica M. Madden
Deputy Commissioners

Karen Hetherson
Acting Deputy
Commissioner

Karin Bergeron
Superintendent

Mr. James Riva, W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

August 27, 2010

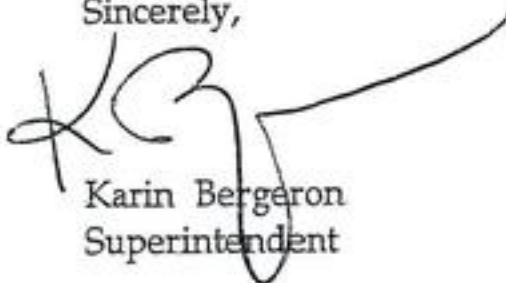
Dear Mr. Riva:

I have reviewed your correspondence concerning your mail. I have repeatedly had the mail process at OCCC reviewed. I have determined that the staff is operating the mail room within the rules delineated in the CMR. It is incumbent on you to follow the regulations as they are promulgated.

The Grievance Officer reports directly to the Superintendent and trained by staff independent of the facility. He/she is an independent decision maker.

I will not comment on any pending litigation that your currently have.

Sincerely,



Karin Bergeron
Superintendent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 19.

DC11-567

RECEIVED O.C.C.C.
SUPERINTENDENT'S OFFICE

11 MAY 12 AM 11:04

Karin Bergeron
Superintendent
OCCC

May 7, 2011

RE: Ongoing theft of my mail by C.O. ~~Wasson~~ and
C.O. ~~Wasson~~

Dear Supt. Bergeron,

I request that you immediately re-assign C.O. ~~Wasson~~
and C.O. ~~Wasson~~ to positions where they have no further
opportunity to steal my mail. They steal most of my incoming
mail and some of my outgoing mail. I have reason to
believe that you have possession of evidence of this that
you are withholding. I have already presented every possible
official concerned with plenty of evidence that they are doing
this.

I suspect that in order to sidestep liability you have
been overlooking overwhelming evidence that these two officers,
have been working as a tag team to steal not only my mail,
but many other inmate's mail as well.

I had a female pen friend in Tampa, Florida who has complain-
ed that I gave out her address to another inmate when I did
not. I believe one or both of these officers have been
writing to her under a phony inmate's name in hopes of hooking
up.

I request that you stop giving your tacit approval to these
two perverts running amok with the mail. They have an
absolute stranglehold on my mail and have been stealing it
for years.

As for investigator ~~Wasson~~, he will not ever violate the
officer's 'code of silence.'

Truly,



James Riva W38533

A3



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Mary Elizabeth Heffernan
Secretary

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20.



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

February 18, 2010

14
11
10
10

Mr. James Riva W38533
Attacks I, G9
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

I am receipt of your correspondence regarding your concerns surrounding the delivery of your mail.

After thorough research conducted by my office, I can assure you that all inmate mail procedures are being followed in accordance with DOC policy.

I trust this has addressed your concerns.

Sincerely,

Steven J. O'Brien
Superintendent

SJO/mm

CC: Paul Brasseur, Mail Officer
Inmate File
File

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

21.

Karin Bergeron
Superintendent
OCCC

July 26, 2010

RE: Ongoing (for several years) disappeared mail, stolen mail,
and diverted mail

Dear Ms. Bergeron,

You said I believe three weeks ago you would have deputy Jones look into my problems with the mail officers, ~~Wanda Wanda~~ and ~~Wanda Wanda~~. To date, no one has spoken to me. To date no DOC official has bothered to honor my request to contact my illegally blocked out pen friends. You yourself told me "to have them contact (me)". Well thats the whole problem. I cannot get thru to them.

Enclosed is a copy of my notice of claim letter to the commissioner and the secretary of public safety. The DOC is either complicit in tampering with my mail or at the very least, deliberately indifferent. My mail has been stolen for years in every joint I've been to,. I have lots of evidence. Insh'Allah I am getting an attorney to put a stop to thatpair of ~~Wanda~~ that insist on stealing my mail.

Truly,



James Riva W38533
A3

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

22.

John Jones
Deputy Superintendent
OCCC

Aug. 28, 2010

RE: followup of conversation at staff access In re tampering
with the mail (happy hour Wed. 8-25-10)

Dear Deputy Jones,

You told me to put it into writing- the problem with Paul ~~my pen friend~~ and Paul ~~my pen friend~~ stealing, misdirecting and disappearing my mail. Superintendent Bergeron told me two months ago she was going to have you investigate the matter. It is impossible to get a grievance coordinator to take action because if they had the audacity to find a fellow officer guilty of a criminal offense that would put said officer in prison they would be branded traitor and made a pariah. As result- no meaningful investigation and no action will ever be taken by the IGO, (the sense of having a uniformed officer investigate other officers escapes me).

As you can see from enclosed copy of my notice of claim letter to the commissioner and secretary of public safety, there are listed some of my pen-friends whom the mail officers are blocking me from writing. Pen friend Chester ~~my pen friend~~ told me several times there is interruption in postal service- then he wrote and said he got someone from the postal authority to investigate- then the line went dead. All of the listed pen friends in the notice of claim complained about missing letters.

What I would request of you is that you contact each of my illegally blocked out pen friends (their addresses on the enclosed notice) on official letterhead so they know its someone trying to help, and request evidence or whatever complaint they might have.

These two mail officers have put me thru Hell for 4 1/2 years. They have disappeared expensive bundles of legal briefs, (on 2 occasions) they have disappeared countless personal letters. They have each written me a ticket for putting a letter inside a letter to circumvent their illegal blockade (please read the enclosed notice).

I am having a hurry up and wait situation with getting an attorney. My friend the city councilor in Attleboro is just now being admitted to the local bar and she said when that happens she will have an attorney for me. Lawsuits take years. I want my mail today. If there is anything you can do to put a stop to what these two Pauls are doing to my mail today I would appreciate it. What I suspect is that they tried contacting females (after seeing their pictures intended for me) and now they have to cover their crime by forever disappearing that person's mail. Lawsuits take years. I would like my mail (all of it) today.

I know there have been lots of grievances about these two. Perhaps it might be wise to move them someplace harmless?

Truly,



James Riva W38533 A3

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

23.

Paul F. Oxford, Acting chief
Office of Investigative Services
50 Maple St.
Suite 3
Milford, MA 01757

Sept. 29, 2009

RE: Mail officer stealing the mail In re James Riva W38533
at Old Colony CC

Dear Investigator Oxford,

The mail officer has been stealing my incoming and outgoing for years. I have greived this and proved it. On one occassion the superintendent offered to reimburse me and I refused since the amount did not begin to cover my troubles.

It is so bad that I cannot even rely on certified mail, and even if I could, it would not be fair to exepct me to send everything certified- I only earn two dollars per day.

Recently I have had third parties get word to the following people and I instructed them to call you and complain about what the mail officer is doing to our mail. I gave them your name and phone number. Those parties are:

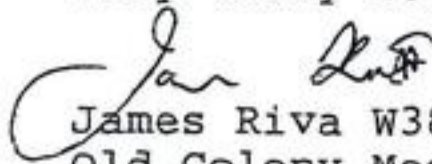
Chester ~~XXXXXXXXXX~~
Nicky ~~XXXXXXXXXX~~
Amanda ~~XXXXXXXXXX~~
Vanessa ~~XXXXXXXXXX~~
Erik ~~XXXXXXXXXX~~

These are all regular citizens and there is no legal excuse for the mail officer to prevent me from writing to them and they writing to me.

Further, in retaliation for grieving this mail theft, the mail officer wrote me a ticket #173530 because he discovered that I sent a letter inside a letter to Chester ~~XXXXXXXXXX~~ (above) asking him to call you (and put some four leaf clovers in inside).

Please, if you have received phone calls from the above named people, please do something to make the mail officer stop stealing my mail.

Very truly Yours,



James Riva W38533
Old Colony Medium

COMMONWEALTH OF MASSACHUSETTS

24.

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 43014 Institution OLD COLONY CORRECTIONAL
 Commit No. W38533 Housing ATTUCKS II Date Of Incident CENTER Date Of Grievance 20090925 20090925

Complaint The mail officer, most likely ~~Mark S Fogaren~~, has been stealing my mail for a long time. I have greived this and satisfactorily proved this many times over. I sent out a package certified mail 9-4-09 to Nicky ~~Smith~~ PO. Box 18455 Salem, OR 97305 and the money was taken from my account 9-9-09. To date, I received no paper receipt and no cardboard receipt. I sent out mainilla envelope with only two pages in it with 3 stamps on it to my attorney Randy Gioia 151 Merrimac st end floor on 9-21-09. I called today and it still has not arrived. i am not the only inmate ~~Mark S Fogaren~~ is doing this to. I have (not recently) written the commissioner. Randy Gioia 151 Merrimac st 2nd Fl. Boston 02114 tel. 617-367-2480

Remedy Requested Actually investigate the mail officer. Search his work areas, his truck, his mother's basement where he lives and locate his collection of pilfered inmate mail. Reassign him to a harmless location or fire him. Give me next available single on A2 and compensate me for all the lost postage I have suffered from his years of theft.

Staff Recipient ~~Fogaren Mark S~~ CO II
 Staff Involved ~~Fogaren Mark S~~ N CO I

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20090928 Decision Date 20090929
 Signature ~~Fogaren Mark S~~ CO II
 Final Decision DENIED

Decision Your grievance is denied. The first letter in question regarding the certified mail was sent back to OCCC as a return to sender undeliverable. The second letter to your Attorney did not arrive at the mail room until 9/25/09 the same date you filed the grievance. The OCCC Mail Officer has been found to be following the 103 CMR 481 Policy to the letter of the Law. I trust this addresses your concerns.

Signature Mark Fogaren Date 9/29/09

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL
 Commit No. W38533 Grievance# 43014 Date Received CENTER
 Signature. Fogaren Mark S CO II 20090928

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

FORM "A"

25.

INMATE'S NAME: James Riva		INMATE'S #: W38533	DATE: 4-29-08
INSTITUTION: OCCC		DATE OF INCIDENT: 4-29-08	
INSTRUCTIONS:			
<p>1. Refer to 103 CMR 491, Inmate Grievance Policy.</p> <p>2. In Block B, give a brief and understandable summary of your complaint/issue.</p> <p>3. List any actions you may have taken to resolve this matter in Block C. Be sure to include the identity of staff members you have contacted.</p> <p>4. Provide a Requested Remedy in Block D.</p>			
<p>A. When filing an Emergency Grievance select Emergency and one additional grievance type.</p> <p style="text-align: center;"><u>EMERGENCY</u></p>			
<p>B. Give a brief and understandable summary of your complaint/issue. Additional paper may be used, if necessary. My mail is being tampered with again. I have been approved by both our superintendent and the superintendent of MCI Plymouth to correspond with inmate Nate Ahmad as we are co-plaintiffs in a civil action in Plymouth county. I received a contraband slip dated 4-29-08 indicating that correspondence from him is not approved.</p> <p>This is just the latest incident in a long string of incidents involving deliberate obstruction of my mail in violation of the law. My grievance #18067 was partially approved and the supt. offered to pay me \$12. for the mail being obstructed. I declined as it was not enough. My grievance #29785 was denied because I could not produce the envelopes stamped "Inmate no longer at this address" because whoever is obstructing my mail has made sure I receive nothing further from that party.</p>			
<p>C. List any action taken to address/resolve this matter. Include the identity of staff members you have contacted.</p> <p>I spoke with the mail officer at staff access twice. I grieved this. I spoke with Lt. Bower the last time this happened. I spoke with the superintendent last time it happened.</p>			
<p>D. Provide your Requested Remedy. That the obstruction of my mail cease immediately. That a search be made of mail room and IPS office to find any undelivered mail that is mine. That the monetary damages requested in grievance #29785 be re-evaluated since the only reason I lost is because of the continuing obstruction.</p>			

Inmate's Signature

James Riva

Date:

April 29, 2008

Staff Recipient

Date:

**DENIED GRIEVANCES MAY BE APPEALED TO THE REVIEWING AUTHORITY WITHIN 10 BUSINESS DAYS.

(Inmate receipts/responses will be generated via the Inmate Management System.)



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

Department of Correction

Office of Investigative Services

50 Maple Street, Suite 3

Milford, Massachusetts 01757-3698

Telephone (508) 422-3363

Fax (508) 422-3387

www.mass.gov/doc



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Paul F. Oxford
Acting Chief

6 April 2009

James Riva, W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

The Office of Investigative Services is in receipt of your letter dated 21 March 2009 addressed to Commissioner Harold Clarke which has been forwarded to my office by Department Grievance Manager ~~Kristie Ladouceur~~ for review and appropriate action. More specifically, your letter is in reference to allegations your legal mail is being tampered with.

Please be advised the Office of Investigative Services does not intervene in grievance matters. DGM ~~Kristie Ladouceur~~ has decided to review your correspondence package and you will be notified in writing as to the outcome at the conclusion of the review.

I trust I have addressed your immediate concerns.

Sincerely,

Paul F. Oxford, Acting Chief
Office of Investigative Services
50 Maple Street - Suite 3
Milford, MA 01757

cc: Kristie Ladouceur, Department Grievance Manager
Steven O'Brien, Superintendent
File

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

27.

Joseph M. Murphy
Acting Deputy Superintendent of Operations
OCCC

May 21, 2011

RE: complaint regarding the two mail officers;
your letter in reply dated May 18th 2011

Dear Deputy Murphy,

I have received your letter of May 18th and I was both encouraged and dismayed at your response.

Firstly, let me remind you that the mail is very important to a prisoner, both emotionally and to further his rehabilitative goals. To constantly disappear a prisoner's mail is a very sinister psychological torture. The established fact that I have been complaining in writing to various officials for years and to date obtained no meaningful investigation nor result should indicate an excuse for my anger and frustration. ~~My pen pal's~~ repeated refusal to even contact my illegally blocked pen friends is illustrative of what kind of investigation I have been afforded.

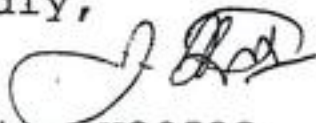
Yes sometimes I forget that as someone ascribed to the criminal underclass I cannot always be at liberty to call a spade a spade and yes, I should have used a different word than "pervert" to describe the two mail officers. In all fairness tho, both have been writtten up numerous times for stealing pictures of inmates' wives and girlfriends. That was what I was referring to. I did not mean to insinuate that they have kiddie porn on their computer hard drives.

I ask that you overlook my slight transgression in name calling and instead focus your attention on the larger transgression, the theft of the U.S. mail. As you know, photocopies are not available on the weekends, nor on weeknights. Insh'Allah I will, as soon as possible, make a copy of the evidence I wish to present to you in support of my claims and reiterate my request that you contact my illegally blocked out pen friends. I would like to mention that I have in the past been given a ticket by each ~~of them~~, (~~Mr. [unclear]~~ and ~~Mr. [unclear]~~) for trying to circumvent their illegal blockade by putting a letter inside a letter and given sanctions plus 3 days AA.

To make me even more angry, I have had so far, no success in obtaining an attorney to sue them pro bono and the very large one, ~~Mr. [unclear]~~ smirks at me whenever he sees me.

My aim is not be disrespectful, but please try to empathize with how insidious a crime like this is when it continues for years and there is no relief in sight.

Very Truly,



James Riva W38533

A3

28.



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Office of Investigative Services
 50 Maple Street, Suite 3
 Milford, Massachusetts 01757-3698
 Telephone (508) 422-3363
 Fax (508) 422-3387
 www.mass.gov/doc

Deval L. Patrick
 Governor

Timothy P. Murray
 Lieutenant Governor

Kevin M. Burke
 Secretary

Harold W. Clarke
 Commissioner

James R. Bender
 Ronald T. Duval
 Veronica M. Madden
 Deputy Commissioners

Paul F. Oxford
 Chief

October 9, 2009

James Riva, W38533
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, MA 01464

Dear Mr. Riva:

The Office of Investigative Services is in receipt of your letter dated September 29, 2009. More specifically, your letter is in reference to your allegations that your mail is being tampered with.

According to our records, you have grieved this matter five (5) times in grievance numbers 18067, 29785, 33623, 39283 and 43014. All your grievances have reviewed by the IGC, Superintendent and the Department Grievance Manager. The Office of Investigative Services does not intervene in mail or grievance matters; Therefore, I forwarded a copy of your letter to the Superintendent for his review and any action he may deem appropriate.

I trust this addresses your immediate concerns.

Sincerely,

Paul F. Oxford, Chief
 Office of Investigative Services
 50 Maple Street – Suite 3
 Milford, MA 01757

cc: Steven O'Brien, Superintendent
 File

COMMONWEALTH OF MASSACHUSETTS

29.

DEPARTMENT OF CORRECTION INMATE GRIEVANCE APPEAL FORM FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 29-SEP-09 Date Of Grievance 25-SEP-09
Appeal Received Date 30-SEP-09

Appeal My grievance #43014 alleging that mail officer is illegally blocking or stealing my mail was denied today. Stated reason for denial was that one of the two complained of letters came back 'return to sender'. True enough. But it was a certified letter and I should have received the paper receipt on Sept. 10th or 11th but I never received it. Therefore based on past experience with the mail officer I incorrectly concluded he had stolen that package. The 2nd item of mail in grievance 43014 was dated 9-19-09 and put in the mailbox 9-21-09. It did not arrive until 9-29-09, eight days later. I postulate that it was not mailed out until after I made a grievance about its being missing and its legal mail. IGC stated it did not arrive at mailroom until 9-25-09. My attorney Randy Gioia now has the item. It is/was inappropriate for legal mail to be held for 5 days before it is mailed.

Remedy Requested The allegation that mail officer stole the certified letter to Nicky ~~Stapley~~ is now proved mistaken but it was based upon failure to provide certified mail receipt (paper) and past behavior of mail officer. The item of mail addressed to Randy Gioia should not have taken 8 days to arrive in Boston. Mail officer's behavior is suspicious and although item addressed to Nicky ~~Stapley~~ was not stolen, officer's conduct is wrong.

Staff Recipient Fogaren Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 30-SEP-09 Decision Date 01-OCT-09 Decision DENIED

Decision By OBrien Steven J SUPERINTENDENT

Reasons Based on the research conducted by the IGC, I can not support your appeal.

Signature  Date 10/2/09

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 30-SEP-09

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____





بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

30.

Paul F. Oxford, Acting chief
Office of Investigative Services
50 Maple St.
Suite 3
Milford, MA 01757

Sept. 29, 2009

RE: Mail officer stealing the mail In re James Riva W38533
at Old Colony CC

Dear Investigator Oxford,

The mail officer has been stealing my incoming and outgoing for years. I have greived this and proved it. On one occassion the superintendent offered to reimburse me and I refused since the amount did not begin to cover my troubles.

It is so bad that I cannot even rely on certified mail, and even if I could, it would not be fair to exepct me to send everything certified- I only earn two dollars per day.

Recently I have had third parties get word to the following people and I instructed them to call you and complain about what the mail officer is doing to our mail. I gave them your name and phone number. Those parties are:

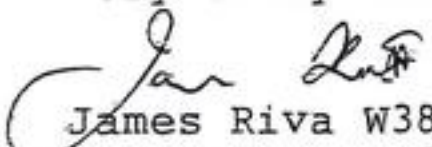
Chester Ratcliff
Nicky Stradley
Amanda Cristani
Vanessa Ellis
Erik Homayoon

These are all regular citizens and there is no legal excuse for the mail officer to prevent me from writing to them and they writing to me.

Further, in retaliation for grieving this mail theft, the mail officer wrote me a ticket #173530 because he discovered that I sent a letter inside a letter to Chester Ratcliff (above) asking him to call you (and put some four leaf clovers in inside).

Please, if you have received phone calls from the above named people, please do something to make the mail officer stop stealing my mail.

Very truly Yours,


James Riva W38533
Old Colony Medium

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

31.

Jospeh M. Murphy
Acting Deputy (operations)
OCCC

May 23, 2011

RE: complaint about the 2 mail officers; evidence package,
repeated request for actual investigation- contact the blocked
out pen friends yourself

Dear Deputy Murphy,

Enclosed is the evidence package which I wish to share with
you in furtherance of my claims against the 2 mail officers.
I am sure as you peruse the evidence and if you actually contact
the illegally blocked out pen friends- AND look up all the other
similar complaints against these two, it will become evident that
they should be re-assigned to someplace where they have no further
opportunity to steal the inmates' mail.

I had pen friends- two women cancer fighters living together
in Illinois. Amanda ~~Quirk~~ and Michelle ~~Wynes~~. I believe
Michelle ~~Wynes~~ is the only one surviving. I have been blocked
from corresponding for some time and one letter referred to a
photo I never received, and I know she, they were dressed decent.
Michelle ~~Wynes~~, 922 S. State Ave. Freeport, IL 61032.

As you can see from the exhibits my pen friend Chester ~~Wynne~~
out of Benson Arizona was also angered by these two stealing our
mail and contacted postal authorities- I never heard from him
again. Chester ~~Wynne~~, 511 N. Patagonia St. Benson, Arizona
85602-6136.

I had a pen friend Erik ~~Wynne~~, P.O. Box 145 Massapequa, NY
11758. As you can see from the exhibits, the constant disappearance
of letters was a problem right until the two mail officers shut
us down completely.

As you can see from the exhibits, pen friend Vanessa ~~Wynne~~
Box ~~Wynne~~ Tampa FL 33688 accused me of giving her name and address
to another inmate when I did not. I believe these 2 officers
or one of them wrote to her under a phoney inmate's name. I get
no mail from her now.

Pen friend Frank ~~Wynne~~ P.O. Box ~~Wynne~~ Merritt Island, FL
32954 has been blocked fro some time.

The exhibits indicate missing letters from pen friend Nicky
~~Wynne~~ whom has changed her address and either has not written
under her new address or the letter(s) with her new address have
been blocked. You can judge the content of the letters yourself
and judge if you think she just stopped writing.

This systematic mind torture is something the justice dept.
should hear about. I was sentenced to life in prison for murder,
not life in prison with psychological torture- especially since
the First Amendment does protect my mail rights, so this is not
a trivial priviledge I am asserting. By rights both of them
should be arrested- grandiose I know, but thats what should happen.
What actually happens is up to you. I hope you can and will help
me.

James Riva W38533
A3





Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of
Massachusetts
Executive Office of Public
Safety and Security
Department of Correction
Old Colony Correctional Center
One Administration Road
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Telephone (508) 279-6000
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www.mass.gov/doc

32.



Harold W. Clarke
Commissioner

James R. Bender
Veronica M. Madden
Deputy Commissioners

Karen Hetherson
Acting Deputy Commissioner

Karin T. Bergeron
Superintendent

May 18, 2011

James Riva, W38533
Attucks III
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Inmate Riva,

Your correspondence dated May 7, 2011 regarding your allegations of mail theft at Old Colony Correctional Center has been referred to my office for reply.

First, your letter is inflammatory and disrespectful towards staff at Old Colony and will not be tolerated. You can address your concerns without calling staff derogatory names.

Second, you must provide my office with specific information i.e. date(s) the letters you allege were sent in and specific name(s) that sent them in to you. You cannot make a blanket statement that "they steal most of my incoming mail and some of my outgoing mail" without providing me specific details in order to investigate your allegations. Once you provide my office with the specific information, I will look into your allegations thoroughly.

I trust I have addressed your concerns.

Sincerely,

Joseph M. Murphy,
Acting Deputy Superintendent of Operations

JMM/tlb

cc: Karin T. Bergeron, Superintendent
Brad Cowen, Director of Security
Dennis Butler, IPS Commander
File



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, Massachusetts 02324
 Telephone (508)279-6000
 www.mass.gov/doc



33

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Luis S. Spencer
Commissioner

Peter A. Pepe, Jr.
Katherine A. Chmiel
Deputy Commissioners

Paul L. DiPaolo
Acting Deputy Commissioner

Lisa A. Mitchell
Superintendent

January 3, 2012

James Riva, W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

I am in receipt of your letter dated December 29, 2011, which was accompanied by a copy of a grievance dated December 27, 2011, with regards to mail that you claim has been stolen by staff.

Since you've filed a grievance on this matter, I will allow the grievance process to address your concerns.

Sincerely,

~~Lisa A. Mitchell~~
Superintendent

/MAS

cc: Steven Silva, Deputy Superintendent
Institution Grievance Coordinator

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

34.

~~Miss [redacted]~~
Superintendent
OCCC

Oct. 3, 2011

RE: Theft of the mail at OCCC and complex, C.O.s ~~[redacted]~~,
~~[redacted]~~ and Sgt. ~~[redacted]~~

Dear Supt. ~~[redacted]~~,

I received my copy of your letter to my attorney dated 9-28-11 on the 30th. Thank you for the courtesy.

I do not share your faith in ~~[redacted]~~ since she has several times previous conducted a pretend investigation into the mail officers here at OCCC and officially concluded there was no theft in spite of voluminous evidence presented.

Enclosed is a copy of my letter to Ms ~~[redacted]~~ which I put in the mail last week. For obvious reasons I am concerned it never made it out of here. I have modified slightly and request you fax it to Ms ~~[redacted]~~ today.

It would serve you well to assist in dismantling the thug empire which has flourished here during previous administraitons. That would mean actually firing or at least reassigning problem officers. In my opinion, the state of Rhode Island had it right when they privatized their DOC when the union got so greedy there was nothing left in the state budget. Perhaps you could float that by your superiors as a way out of this giant leech that has attached itself to this state with no appreciable benfit to society.

The constant drain on my meager resources (I only earn \$7.50 per week) from lost mail, and the stress of this small scale conspiracy has taken its toll on my mental health. I dont know what your mission is or even if you have one, but I would request that you immediately take action against these criminals in your employ. Pull the file on ALL the grievances on the mail officers (unless ~~[redacted]~~ has deleted them) and you will find hundreds of valid complaints that were hushed by ~~[redacted]~~ and his predecessors. Just the fact it has been proven repeatedly that these perverts have been stealing photos of mens' wives and fiances in lingerie (previous administrations considered this harmless sport) gives you the authority to fire them. Its not harmless sport. The DOC has let these perverts run amok for a very long time. What part of rehabilitation includes doing this to inmate's mail? I have reason to believe that these perverts have written to my female pen friends under a phoney inmate's name.

It is my daily prayer that the whole bunch gets arrested and goes to prison.

Truly,



James Riva W38533
A3

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

35.

~~XXXXXXXXXX~~
Dir. of Administrative Resolution
DOC
50 Maple St.
Suite 3
Milford, MA 01757-3698

Modified:
Oct. 1, 2011

Sept. 23, 2011

RE: Grievance 54305

Dear Ms ~~XXXXXXXXXX~~,

I was disappointed to once again find that the commissioner has selected you to investigate the unresolved problem I am having with the officers entrusted to process the mail here at OCCC. Each time previous you have solely relied upon the purported investigation by the IGC ~~XXXXXX~~. He is a big part of the problem with the complaints against these officers who process the mail- he will never violate the officer's 'code of silence'.

I am hoping this time you will actually investigate. ~~XXXXXX~~ has sought to cloud the issue by deliberately confusing the letter I received from the court indicating they had already returned my package of documents with the of course missing actual package of documents which was obviously heavier- one of those documents, my father's death certificate, cost me \$28. All the extra postage I have had to use to mail redundantly for years because of this theft of my mail has taken its toll. I am in extreme torment from what these officers are doing to my mail- all with the tacit approval of the DOC officials who indicate that they trust ~~XXXXXX~~'s alleged investigation.

An actual investigation, which by the way has NEVER been done would include a phone call to the Bridgewater Post Office asking how many pieces of mail came thru there for me in the past 2 months or more? I get 3 or 4 letters a month tops. An actual investigation would include calling the probate court in Plymouth and asking them what date they mailed the package of documents back to me- I never received them and they were expensive. NEVER done by the IGC. An actual investigation would include writing the pen friends whom these criminal officers have cut me off from writing to hear first hand what they are doing. NEVER done by the IGC. To the contrary the officers involved are enjoying my torment and goad me with grins when they see me. An actual investigation would include pulling the file of ALL the grievances that have been filed against these officers processing the mail to discover a pattern that has been kept secret by ~~XXXXXX~~ and others. Mine is not an isolated plight. Unless of course ~~XXXXXX~~ has deleted them from file.

I have tried writing the Bridgewater Postmaster- no reply. I have tried writing the mail processing center in Brockton- no reply. Doesn't mean if they got it they didn't write back.

Because no one in DOC has ever challenged the purported investigation by the IGC, a huge volume of mail has been stoeln at oCCC, usually newspapers, magazines and pictures of men's wives and girlfriends in lingerie- AND almost all perosnal mail for guys like me who actually try to put a stop to it. What do I want?

1. Reassign permantly ALL the officers who process the mail.
2. Relieve IGC ~~Pogara~~ of his postion as IGC. He doesn't resolve greivances. He covers the crims of fellow officers diligently.
3. I need a substantial restitution payment on my behalf paid to my victims, a compensation paid to me, a medical procedure approved by UMass Corr Health for me and 2 other inmates, (Even tho health servics is separate I know you could make that happen). AND I need stuff you already have in unclaimed property for me and my long term prisoner friends who are destitute.

My victims:

- \$175,000. paid to my paternal aunts thru contacting aunt ~~Christina Nelson, Keene St. Danbury, MA~~
- \$10,000. paid to the officer I stabbed in ~~the brain~~ in 1990 in MCI Norfolk ~~Co. Lavelle~~
- \$80,000. ~~Peter Riva~~ c/o ~~Jessica Riva~~
- \$1,500 ~~Jessica Riva~~
- \$1,500. ~~Barrie Riva~~ c/o ~~Jessica Riva~~
- \$1,500 ~~Halley Riva~~ c/o ~~Jessica Riva~~
- \$1,500 ~~Robin Judge~~ c/o ~~Jessica Riva~~
- \$1,500 ~~Cherie Pelos~~ (address below) (she adopted bro's son)
- \$8,000. ~~paid to me~~
- \$200. ~~Jose Torres~~ OCCC (he has a freeze on his account and cant buy anything)
- \$200 ~~Everett Sielicki~~ (I think he's still in Bay State)
- \$200 ~~Theodore N. Watkins~~ (Ithink he's still in Shirley Medium)
- \$200 ~~Grey Glover~~ MCI Concord
- \$200 ~~Shakir Maris Abdullah~~ MCI Concord
- * A CT scan of my brain and for ~~inmates~~ ~~Alonso~~ OCCC and ~~Everett Sielicki~~ Bay State

Stuff:

I need a hotpot, clothes, sunglasses, muslim oil, sneakkers bag of canteen food, brother typewriter ribbons printwheels(s) ~~Jose Torres~~ needs a hotpot, fan, clothes, sneakers, he's at oCCC


~~Robert Olette~~ at oCCC i would like him to get a laundry bag full of canteen food, (nothing that requires cooking)

~~Robert Olette~~ at oCCCC, needs warm clothes, and a laundry bag full of canteen food.

~~James Riva~~
172 Morgan St. #3N
Fall River, MA 02721

~~Cherie Pelos~~
205 Highland Ave.
Attleboro, MA 02703

Truly,


James Riva W38533
OCCC

Postscript:

Since you made my attorney get involved you will now also have to pay her whatever she wants in addition to my needs.

Modified Oct. 1, 2011



U.S. Department of Justice

*Carmen M. Ortiz
United States Attorney
District of Massachusetts*

Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210*

September 30, 2011

James Riva W38533
OCCC
1 Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

We are in receipt of your correspondence dated September 27, 2011, detailing theft of prisoner's mail at Old Colony Correctional Center, in Bridgewater, Massachusetts.

A copy of your correspondence has been forwarded to the Criminal Investigation Unit of the United States Postal Service, Boston office for further review. In the event that sufficient basis is found to pursue a federal investigation, you will be notified.

Very truly yours,

ADAM BOOKBINDER
Assistant U. S. Attorney
As Duty Attorney

cc: Duty Agent
CID USPO

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

38.

NOTICE OF CLAIM DEMAND LETTER

MGL - 258

To: Harold Clarke
Commissioner of Correction
50 Maple St.
Suite 3
Milford, MA 01757-3698

To: Kevin Burke
Secretary of Public Safety
One Ashburton Place
Boston, MA 02108

July 26, 2010

Commissioner Clarke and Secretary Burke,

My name is James Riva inmate W38533 and for several years I have been filing grievances concerning the two mail officers at Old Colony prison in Bridgewater stealing, disappearing or redirecting my mail. I have written you commissioner April 4, 2009 and I submitted to you some 26 exhibits proving it was going on. So far no one in the DOC has honored my request TO CONTACT MY ILLEGALLY BLOCKED OUT PEN FRIENDS TO HEAR FIRST HAND WHAT THE MAIL OFFICERS ARE DOING. I have requested this of grievance coordinators ~~Mark Whelan~~, ~~Debra Brown~~, your investigator Paul Oxford, former superintendent Stevn O'Brien, present superintendent Karin Bergeron. Instead I have been told to contact them (my blocked out pen friends) myself and get them to contact the superintendent.

Well thats just the problem. I can't reach my blocked out pen friends because the mail officers, ~~Mark Whelan~~ and ~~Debra Brown~~ won't permit the mail to leave or to come in.

Your absolutely useless department grievance lady ~~Debra Brown~~ refused also to contact my blocked out pen friends. I consider what you commissioner and your employees are doing is a gross violation of my First Amendment rights and at the very least it is deliberate indifference.

I have been found guilty on two tickets for trying to put a letter inside another letter to reach blocked out pen friends and the content of said letters was asking them to contact your investigator Paul Oxford who later wrote me and told he does not intervene in grievance or mail matters (Sept. 9, 2009). Those would be tickets 173530 and 175427.

I am sueing you and your employees for grievances 18067, (18067 is past the 3 yr statute but the cover-up goes on so its still viable) 39283, 33623, 29785, 43014.

My friend Chester ~~Downey~~ indicated in many letters that soem of the mail wasn't getting thru, then he wrote 10-20-2009 and told me he finally got the postal authorities to investigate and then the line went completely dead. All my blocked out friends complained in almost every letter that got thru of not receiving some of my letters and claiming to have written me letters that I did not recieve, now I have complained I get no letters. Your conduct is deliberate indifference.

My illegally blocked out friends are, if you are now so inclined to actually investigate:

~~Chester Ruff~~
~~333 Patagonia St.~~
Benson, Arizona 85602-6136

~~Erik Homan~~
~~P.O. Box 115~~
Massapequa, NY 11758

~~Amelia G. and Michelle Hughes~~
~~927 S. State Ave.~~
Freeport, Illinois 61032

~~Frank Pasquante~~
~~P.O. Box 2767~~
~~Merritt Island, FL 32954~~

~~Vanessa [redacted]~~
~~[redacted]~~
Tampa, FL 33638

I had corresponded with Nicky ~~[redacted]~~ and the mail was blocked so much that when she moved I was not informed what her new address was, but I have a lot of her letters complaining about the block on the mail.

In addition to the two Pauls working as a tag team to disappear my mail, they also delay sending out my mail sometimes for two weeks.

My demand is the following:

1. That ~~Paul Driscoll~~ and ~~Paul Dougherty~~ be fired or at least re-assigned immediately.
2. That you contact my pen friends and hear their complaints immediately.
3. That you take pro-active steps to insure I get my mail from now on and that my mail to others gets to where its addressed.
4. That tickets 173530 and 175427 be changed to 'not guilty'.
5. That you pay me \$300,000. I know the cap on Mass tort claims act is \$100,000. but this is deliberate tort and its certainly supervisory liability on both your parts. You have been repeatedly notified both of you and have taken no action.

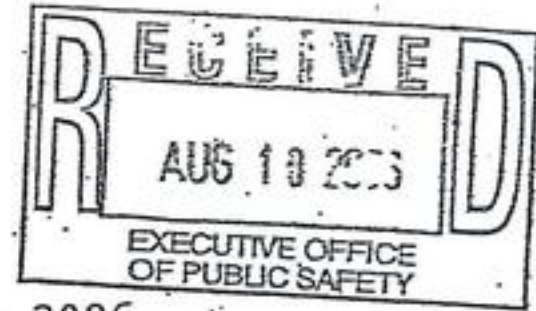
Jan Riva
James Riva W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324

July 26, 2010

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

40.

Robert Haas
Executive Secretary of Public Safety
One Ashburton Place
Room 2133
Boston, MA 02108



Aug. 5, 2006

RE: Claim pursuant to M.G.L. c 258 sections 1,2,4

Dear Mr. Secretary,

My name is James Riva II and I am a prisoner serving life with the possibility of parole in Old Colony Correction Center in Bridgewater Massachusetts. I have an ongoing problem with the prison officials preventing my mail from leaving and preventing me from receiving it.

I duly filed an institutional grievance when I proved that a pro se appellate brief was being prevented from reaching the Massachusetts Court of Appeals and when I proved that my personal mail was also being blocked for no legitimate purpose. That grievance (number 18067) was partially approved. The grievance coordinator, Amanda McKenzie, did not commit to writing what part was approved. I had requested that something concrete be done to stop the mail tampering and I mentioned that there are quite a few other prisoners here with similar grievances. I requested a copy of my mail log. I requested that a search be made to locate any undelivered mail addressed to me or by me. I requested \$10,000. because this is not the first time this has happened, and because this was a deliberate conspiratorial effort to have my appeal dismissed by fooling me into thinking that my brief had actually been mailed. Amanda McKenzie then went on vacation without telling me what part of my grievance was approved.

I appealed the grievance to preserve my rights, not knowing when investigator McKenzie would return. I asserted the same things.

When Ms McKenzie returned from vacation I asked her at staff access period what part was approved- she said, "You get to send out your mail."

Superintendent Beranrd Brady partially approved my grievance appeal- offering to pay me 12 dollars. That is ridiculous. I had to generate hundreds of dollars worth of pleadings with the Appeals Court to get permission to submit copies of my brief since the original were missing in action. I had to get 3rd

20111107

parties to call and write to the Appeals Court. I had to endure all the fear of not knowing how extensive the conspiracy was.

About the conspiracy to block the transmission of my appellate brief:

~~Joan Kennedy~~ is the dept. of correction counsel opposing me on a lawsuit in which i am trying to get halal meat available for Muslims to purchase on the commissary or inmate canteen, as well as halal meat like hot dogs on the regular diet twice a week. A de minimus solution that is not overly disruptive. SHE decides to lie to Hon. Mc Cann of Worcester Superior Court about the status of a similar prisoner lawsuit about halal meat AND she also lied about the volume of pleadings in that other case to get the judge to let her off the hook and not command her to supply me with a copy of the pleadings in that similar case - as she had previously been ordered to do by a different judge. Hon. MC Cann ordered a stay in my case until Rashad v Maloney was decided by the Appeals Court because my case and Rashad were so similar. She told the court there was no appeal pending in Rashad and that she was counsel of record for rashad. She said she could not comply with the court order to supply me with a copy of the pleadings in Rashad because there were "2 yards of pleadings".

Rashad is up in the Appeals Court- briefs have been filed. So she lied. She also lied about the volume of pleadings being "2 yards of pleadings" because i had someone go to the courthouse adn check. there 800-900 pages. About 4½ inches. Not 2 yards. She just didn't want me to get a copy and find out there was an appeal pending in Rashad.

I cannot connect Joan Kennedy to deliberately blocking the transmission of my appellate brief- but these things do not happen in a vaccum. They are all players on the same team.

AND they broke my typewriter. I sent it out and it came back with more things broken on it than when I sent it out. I had to buy a new one, (\$145.00) and that is quite a sum for a prisoner earning \$1.50 per day mopping floors.

FACTS:

On Aprile 3rd 2006 I deposited my original brief and seven copies with the property officer to be packaged and sent to the Appeals Court. On April 5, 2006 they took \$7.25 from my account for 1st class postage to the Appeals Court, (see my inmate account print out exhibit A).

After no charge slip receipt came 5 days later I wrote the mail officer asking him did it go out in the mail. Instead of

answering my question, he scribbled an evasive reply about mail room policy, (see exhibit B).

I wrote a stamped letter to the Appeals Court requesting confirmation of receipt of my brief and got no reply. I had two different people out in the community call the Appeals Court. Finally I received a communication dated April 26 2006 that the Appeals Court had not received my brief. Imagine the fear and uncertainty?

I then sent out a letter inside a letter which was actually a motion to the Appeals Court requesting permission to file late, and to file photocopies instead of original and copies because of the mail tampering. That was allowed and I sent out the requested copies for \$12.00 certified mail.

On May 10, 2006 I filed a grievance as stated already. In it I listed one instance in which my personal mail was tampered with and provided evidence (see exhibit C) and I presented my computer printout proving that I did mail the brief and (exhibit D) the communication from the Appeals Court indicating it never arrived.

Investigator McKenzie stated in her partial approval of my grievance that I should use certified mail to the court. But that is prohibitively expensive to an inmate and an American prisoner should have a reasonable expectation that a 1st class parcel of mail will arrive where its supposed to. I enclosed my grievance with Amanda McKenzies reply and my grievance appeal which was partially approved (\$12.00) by superintendent Brady. (exhibits E and F).

My personal mail being tampered with was not even addressed. And this is not the first time they blocked my legal mail, I am presently securing an affidavit that proves that the clerk at United States District Court had to mail my forms for habeas corpus 4 times before I finally received them and that, only after my father complained in writing to the judge.

And I gave Superintendent Brady a cheap way out. I told him if he made me sue him it would be a lot more expensive. I told him in a letter, (exhibit G) that if he paid for a private investigator to find the mothers of my grown children OR had somebody find them using department resources AND gave me some used clothes and sneakers from unclaimed property I would drop the whole matter. I extend that offer to you. Otherwise, the suit is on and I will most likely include other plaintiffs who have similarly grieved and been utterly disrespected by the Old Colony Administration.

claim of James Riva c 258 pg 4)

Now if you look at the previously dexcribed scribble of the mailroom officer on the bottom of my letter to him, you can see he is being decptive or otherwise he would have answered the simple question of whether my brief went out. And if you look at the U.S. Postal Service trace document dated May 30, 2006, you can see that my package was deposited by me on April 3, 2006 with the property officer to be packaged and mailed out. On May 10th 2006 I filed this grievance so look at exhibit H which is the postal service check on the parcel and you can see it was dated May 30th. So after I filed a grievance is when they found my parcel un-mailed and decided to loosely wrap it so it would fall apart in the mail. Otherwise, it would have come to light a lot sooner than May 30th.

In sum. I demand \$270,000. I think I can win that in court with the evidence proffered here. It will take years. OR, if you wish to settle cheapely, give me ten thousand immediately so I can hire a private investigator OR have someone using depart-ment resources to find the mothers of my grown children and give me some used clothes from unclaimed property. I don't even have a sweatsuit to execise in and I don't have anything to wear on a visit or to court.

I am the victim here. Believe me, I was nonplussed at the superintendent's ridiculous offer of 12 dollars. I am the one who is being completely reasonable. I am willing to drop the whole thing if you just help me find the mothers of my grown children. They may have tried to contact me over the years i was at Bridgewater Hospital but the medical director had a rule I was not have visits or mail from anyone except family because I was receiving a lot of weird fan mail from my crime.

There are four women I wish to locate. Three i am sure of and the 4th put my name on the birth certifiicate even though I do not remember anything about her other than that she was a friend of my brother's.

cc
Kathleen Denehy,
commlsions of corrections



very truly yours,

James Riva

James Riva II W38533
Old Colony Correction Cntr.
One Administration Rd.
Bridgewater, MA 02324



* Dear Mr. [unclear];

Please send the commission
a copy. The librarian Ann Cowell
to do more than one copy.





Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

44.

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Correction
Office of Investigative Services
50 Maple Street, Suite 3
Milford, Massachusetts 01757-3698
Telephone (508) 422-3363
Fax (508) 422-3387
www.mass.gov/doc



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Paul F. Oxford
Chief

October 9, 2009

James Riva, W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 01464

Dear Mr. Riva:

The Office of Investigative Services is in receipt of your letter dated September 29, 2009. More specifically, your letter is in reference to your allegations that your mail is being tampered with.

According to our records, you have grieved this matter five (5) times in grievance numbers 18067, 29785, 33623, 39283 and 43014. All your grievances have reviewed by the IGC, Superintendent and the Department Grievance Manager. The Office of Investigative Services does not intervene in mail or grievance matters; Therefore, I forwarded a copy of your letter to the Superintendent for his review and any action he may deem appropriate.

I trust this addresses your immediate concerns.

Sincerely,

Paul F. Oxford, Chief
Office of Investigative Services
50 Maple Street - Suite 3
Milford, MA 01757

cc: Steven O'Brien, Superintendent
File

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 45.

Harold W. Clarke
Commissioner of Correction
50 Maple St.
Suite 3
Milford, MA 01757-3698

April 4, 2009

RE: Inmate W38533 grievances: #39283, #33623, #29785

Dear Commissioner Clarke,

I am in receipt of your response to my request for investigation of my inadequately investigated grievances enumerated above. I received your responses April 3, 2009 which you had dated March 30, 2009.

Firstly let me say that I do not like to file grievances nor do I like lawsuits. I like to do drawings and study my Holy Qur'an. Unfortunately, your employees insist on breaking the cardinal rules of handling prisoners by; a.) tamperin, stealing or destroying my mail and b.) unnecessarily impeding my religious practice. I really hate litigation. It generates backlash from staff, it occupies lots of time, it is frustrating because it is so hard to win given the predispositon of your investigators and judges, and it drains my accounts of available funds (I only earn 10 dollars per week as janitor).

At issue now is tampering with my mail, stealing my mail, and destroying my mail. That is the gravamen of the 3 grievances above. I have 29 years in straight and ever since I began jailhouse lawyering about 20 years ago, my mail has been a target. It is a helleva effective psychological torture to tamper with a long term prisoner's mail- thats why they do it. It causes tremendous stress.

You stated that since grievance #39283 had not been addressed by the superintendent on appeal my complaint to you was premature. On April 1, 2009 Steven O' Brien denied that grievance appeal. I'm not clairvoyant, but I knew he would and thats why I jumped the gun. It is now ripe for your consideration.

A side note here: The grievance coordinator who is a uniformed officer is being asked to essentially find a fellow uniformed officer guilty of a felony. It could lead to the mail officer ~~Paul Basse~~ spending time behind bars, (there are lots of inmates here that would welcome him on their tier) which would result in the grievance coordinator being branded traitor. His life would be Hell if he ever found against a fellow officer. Just like Congressmand always vote along party lines even if they know in their heart the vote is highly immoral- they do not break ranks- being branded a traitor. Your officers are of the same fiber.

46.

I JUST WANT MY MAIL! I'm not trying to make trouble. I have suffered greatly at the hands of your mail officer and whenever I prove that he is doing that the grievance coordinator does his best to discredit me and prevent any just result. I don't really blame him for that for the previously described reason. You would do well to consider assigning someone other than an officer to handle grievances. I have stressed this over and again to the grievance officer.

I have confronted mail officer 3 times at staff access about this and I have always been calm and polite, however, the 3rd time he shifted his weight suddenly like he was gonna suckerpunch me so I tried to take a quick step back- right into deputy James Ferreira who had crept up behind me- IGC ~~Wagner~~ was also gliding into position- so I beat a hasty retreat since it was obvious they were planning to bundle me. It is no longer in my best interest to see the mail officer at staff access.

As you can see from grievance 39283 there are 3 items of evidence that apparently were insignificant to IGC since he did not interview me, but denied the greivance, then interviewed me after I wrote to your office. The 3 items:

* Exhibits 11 and 12 indicate that (appended) on 3-2-09 a book from Islamic Society of Houston Texas (Holy Qur'an) came in the mail w/o permission slip - legitimatley turned away. I had not expected that book, still I got no contraband slip, I would have mailed it someone, BUT exhibit 12 indicates that my Halalco Islamic book catalog came and mail officer diverted it to property on a Monday when he was working. He had been told in 2007 by Deputy ~~Mark Hovers~~ to allow that catalog in thru the mail- Halalco is our approved Islamic book vendor. I got no contraband slip and it was shipped back to Halalco on 3-14-09 and I was notified 3-16 or 3-17- too late. It makes no sense to allow all other book catalogs to come in thru the mail, but when it comes to Islamic books, we gotta jump thru some extra hoops. I was clear that the item turned away was a ctalog to buy a book and did not require a permission slip. IGC ignored explicit language of avalid grievance but instead adopted the mail officer's rationale that it was a "book" from Halalco. Halalco has to pay over 3 dollars to send me a ctalog and the mail officer's conduct in sending items back to people that write to me along with an official looking notice not to send anything else scares people from writing to me- more on that later.

* Prison Foundation out of Washington DC ordered me a subscription to Prison Legal News in janurary. I haven't gotten it exhibits 13 and 14.

* Personal mail from penfriend Erik ~~Whitman~~ in Masapequa NY indicates he has been sending me letters I have not received, exhibits 2 and 3.

Please! Please write to the four penfriends I listed in my previous communication and give them a website or toll free # to call and ask them if they have had letters to me returned along with an official looking reprimand not to send anything like that to me again. As you can see from exhibits 1-9 I get letters from penfriends until the mail officer picks an opportune moment to shut me down. It is a very effective psychological torture. I JUST WANT MY MAIL!

In your response you erroneously said that I failed to appeal grievance 33623. I did as exhibits 15, 16 and 17 show. The IGC refused to enter it on the IMS because it proved that he did no investigation, but as you can see from exh 17 the superintendent saw the merit in it and corrected the problem. I only listed that particular grievance to prove that the IGC has a habit of denying grievances w/o any investigation and if there is a cursory investigation that uncovers criminal behavior by staff- he merely covers it up. I absolutely DID appeal grievance 33623.

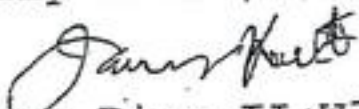
As for grievance 29785, I would like first and foremost TO GET MY MAIL! Search this guy's locker, his truck, his mother's basement where he lives, whatever. I JUST WANT MY MAIL!

In other matters peripheral to this series of grievances, I mailed an Appellate brief and five copies to the Appeals Court. They took the money out of my account on Feb. 10, 2009 but the Appeals Court did not receive it until Feb. 23, 2009- five days past the deadline for filing. Exhibits 23, 24. I had to file extra pleadings and exhibits to prove I mailed it when I said I did. All this tampering is costing me a lot of money and aggravation. I WANT IT TO STOP!.

Please make it stop today. I request also compensation for lost postage and a single cell on unit A-2 where my friends are (who have similar mental health histories).

What your employees are allowing the mail officer to do is highly immoral and illegal. It is not consonant with the stated rehabilitative goals to the DOC. You would do well to dismantle the thug empire that has been allowed to flourish for so long in Massachusetts DOC. I'm not saying have him locked up, even tho that is what he deserves, but please find an effective way to make him and his ilk stop doing this. I am not the only one this guy is doing this to.

Truly Yours,



James Riva II W38533

OCCC

One Administration Rd.

Bridgewater, MA 02324

48.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 69501 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20131102 Date Of Grievance 20131102

Informal filed No

Complaint In retaliation for initiating suit against the mail officer and other staff involved with the mail theft, or covering up the crime, the following staff have taken unjustified actions: C.O. ~~Fernando Jacome~~ with D- report 272756 (a false report elaborately crafted). C.O. ~~James Barnett~~ harrasses me everytime he does a mouthcheck on me in the med line. This was grieved, #62281. Dr. ~~James Barnett~~ who dangerougly increased my psych meds and jeopardized my health. She gave me the max dose of Olanzapine, a dose for young large men, while I am 56 and medium sized- until I fell- then she reduced it slightly- still threatening to increase it again- as reason- my belief my mail is being stolen.

Remedy Requested That these staff be ordered to cease harrassing me immediately- including reducing my meds back to where it was for 15 years without any problems.

Staff Recipient Ford Michael B CO II

Staff Involved ~~Barnett James J~~ CO I
~~Jacome Fernando~~ CO I

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20131120 Decision Date 20131125

Signature Ford Michael B CO II

Final Decision DENIED

Decision Your grievance is : DENIED, per 103-CMR-491 Your Grievance is being returned to you due to filing a Grievance on more than one subject matter. You have 3 business days to return Grievances back to me.

Signature _____ Date _____

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 69501 Date Received 20131120

Signature. Ford Michael B CO II

49.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 69697 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20131125 Date Of Grievance 20131125

Informal filed No

Complaint In retaliation for my initiating suit against the mail officer and his accomplices, C.O. ~~Fernando~~ ~~Fernando~~ has filed a false report on me, very elaborately crafted D-Report 272276. This behavior has become increasingly obvious to me as systematic. He is daily in my cell when I'm not there. All of a sudden my typewriter is broken. I put into property last week to see if it can be repaired. I did not see ~~Fernando~~ break my machine, but he is constantly in there. It only recently occurred to me that he has a pattern of conduct directed at me.

Remedy Requested That ~~Fernando~~ pay less visits to my cell unless he is supervised when de does. The institution pay the repair or replacement cost.

Staff Recipient ~~Fogaren Mark S~~ S CO II

Staff Involved ~~Fernando~~ N CO I
~~Fernando~~ CO I

Signature _____

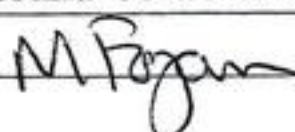
RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20131203 Decision Date 20131219

Signature ~~Fogaren Mark S~~ S CO II

Final Decision DENIED

Decision Your grievance is denied: regarding the typewriter there is no proof that the officer may or may not have damaged your typewriter. Regarding cell searches unit officers are required as part of there daily routine to search cells, and he has been found to be conducting searches in accordance with 103 DOC 506.

Signature  Date 12/19/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 69697 Date Received 20131203

Signature. Fogaren Mark S CO II

50.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date Date Of Grievance 25-NOV-13
Appeal Received Date 19-DEC-13

Appeal The standard of proof is preponderance of the evidence. It is more likely than not to be true. I demonstrated to SGT. ~~Fogaren~~ when he interviewed me that ~~James~~ has a pattern of conduct toward me (ie D-ticket 1727256) I an inmate broke it they would've removed the motor to make tattoos. Instead the clamp that holds the pintwheel is broken ? probably by a large key shoved in. And that's why I appeal grievance 69697. I would like to add that Sgt. Fogaren made a material error in transcribing this grievance in that he mistakenly referred to the D-ticket 272765 as 2722756. The actual ticket I s attached

Remedy Requested Same as grievance

Staff Recipient ~~Fogaren~~ Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 19-DEC-13 Decision Date 31-DEC-13 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. I concur with IGC

Signature  Date 12/31/13

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 19-DEC-13

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

DISCIPLINARY REPORT

51. H11
M2

Inmate RIVA, JAMES Commit No W38533 Location A4
Date 20130115 D- Report No 272756 Institution OLD COLONY CORRECTIONAL CENTER

Category 4 Offense(s) 12-Failure to comply with standing count procedures

Description of Offense(s)

On Tuesday, January 15 2013, at approximately 0945 am while conducting a cell compliance round of Attucks 4 with 106 Capt Poirier, 173 Sgt Marqui, 174 C/O Mantolos, 1 C/O Jacome observed several personal containers with chemicals inside cell M2. Inmate Riva James W38533 has been told several times by this reporting officer that he cannot keep personal chemical containers in his cell. These items were confiscated and Lt Lemieux was notified of this issue. EOR

Disciplinary Report Type: Formal

Has Inmate been placed on Awaiting Action Status Yes No

Referred to DA Yes No Referred to DDU Yes No

Reporting Staff Fernando Jacome Date 20130115 Time 10:51
Days off Sun Mon
Shift 7x3
Supervisor Daniel R Lemieux Date 20130115 Time 11:46
Shift Commander Al R Saucier Date 20130115 Time 12:10
Disciplinary Officer Christopher A Langlois Date 20130116 Time 07:13
Results DISMISSED
Continuance Length _____ Continuance Date _____ Projected Date _____
Reviewing Authority _____ Date _____ Time _____

52.

BRIDGEWATER COMPLEX CHARGE SLIP

CIRCLE ONE: BSH MTC MIN OCCC

M2

DATE: Dec. 12, 13

CHARGE \$ 95.00 TO THE ACCOUNT OF

INMATE NAME James Riva

COMM# W38533

PAYABLE TO: AIS

FOR: typewriter repair

INMATES SIGNATURE: [Signature]

APPROVED BY: _____

CK # 166349 DATE PAID _____

PAID
DEC 16 2013
INMATE ACCOUNTS
BRIDGEWATER

53.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date _____ Date Of Grievance 25-NOV-13
Appeal Received Date 19-DEC-13

Appeal The standard of proof is preponderance of the evidence. It is more likely than not to be true. I demonstrated to SGT. Fogaren when he interviewed me that Jacome has a pattern of conduct toward me (ie D-ticket 1727256) I an inmate broke it they would've removed the motor to make tattoos. Instead the clamp that holds the pintwheel is broken ? probably by a large key shoved in. And that's why I appeal grievance 69697. I would like to add that Sgt. ~~Fogaren~~ made a material error in transcribing this grievance in that he mistakenly referred to the D-ticket 272765 as 2722756. The actual ticket I s attached

Remedy Requested Same as grievance

Staff Recipient ~~Fogaren~~ Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 19-DEC-13 Decision Date 31-DEC-13 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. I concur with IGC

Signature 4/23/14 - Please be advised that I have reviewed grievance/grievance appeal #69697 and I am denying your grievance. Based on the information provided, I am unable to substantiate your claim that the Officer in question damaged your typewriter or the actual condition of your typewriter prior to the search. Searches are required per policy and I find no evidence that the Officer acted outside of the policy guidelines.

Kristie Ladouceur
Kristie Ladouceur
Director of Administrative Resolution

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 19-DEC-13

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

54.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Number W38533 Housing ATTUCKS II Appeal Date 17-JAN-12 Date Of Grievance 27-DEC-11
 Appeal Received Date 19-JAN-12

Appeal Sgt. Fogaren did little if any, investigation as claimed. He partially approved this grievance #56742, but my requested relief was to re-assign the officers who process the mail-Does this mean they will only partially physically be in the mail room? Sgt. Fogaren states: "the mail officer in question did not violate any part of the 103 CMR 481 mail policy- yet if Fogaren said both my letter of Dec. 19th 2011 and Jan. 5th 2012 went out certified and the mail officers have still not produced my receipts, then that is a violation. Further, if Fogaren had actually investigated, he could have accessed the U.S. Post Office website and traced (in seconds and for free) the parcels in question. Jan. 5ths' actually went out the 7th Circle Brockton, MA to somewhere in Ft. Lauderdale Florida, (which of course, is a violation). Repeatedly I have asked Sgt. Fogaren to call the post office and ask if stuff ade it, to the 2 or 3 that get delivered to me. Sgt. Fogaren's investigation have never, and never will reveal any criminal activity of his fellow officers. Every time I have shown evidence of blocked out pen-friends he has refused to contact them. He has refused to even call the post office to ask about my mail. Fake investigation.

Remedy Requested Sgt. Dennis Butler, C.O. Paul Braseman, and C.O. [redacted] be removed from any further contact with the mail (prisoner mail). Compensate my victims, myself, and my attorney as delineated, grant the requested medical procedures. Initiate an investigation into Sgt. Fogaren's repeated fake investigations and take some kind of action.

Staff Recipient Fogaren Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 19-JAN-12 Decision Date 07-FEB-12 Decision DENIED

Decision By [redacted] A SUPERINTENDENT

Reasons Denied.

Signature [Signature] Date 2-7-12

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 19-JAN-12

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

55.

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 54305 Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Housing ATTUCKS III Date Of Incident 20110810 Date Of Grievance 20110815

Complaint I sent a package first class mail to Plymouth Probate Court containing petition for probate of my father's estate, his death certificate, affidavits and peripheral papers on June 27, 2011 (ATTACH. A). After no response from court I sent a followup letter Aug. 1, 2011 which the court received Aug. 3, 2011 (attach B). The court sent me a memo postmarked Aug. 10, 2011 indicating that because I had made a mistake filling out forms the documents had been returned to me (attach C, D). I never received these documents from the court and the death certificate cost me \$28. and the rules says that the death certificate has to be an official copy not photocopy. This is just one more in a long list of mail thefts in which the common denominator is ~~mail theft~~ and ~~mail theft~~. This continuing mail theft has been allowed to continue in spite of huge volumes of evidence submitted by me and other inmates.

Remedy Requested Actually investigate the mail officers. Reassign them to harmless positions where they have no further contact with the mail. Compensate me as requested previously. Reassign the so-called investigators that have allowed the situation to fester unresolved for so many years.

Staff Recipient ~~Fogaren Mark S~~ CO II

Staff Involved ~~Fogaren Mark S~~ N CO I

~~Fogaren Mark S~~ CO II

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20110817 Decision Date 20110825

Signature ~~Fogaren Mark S~~ CO II

Final Decision DENIED

Decision Your grievance is denied: the allegations you have made are unfounded, and by your own admittance the mail was legal and as per 103 CMR 481 opened in your presence.

Signature Mark Fogaren Date 8/25/11

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Grievance# 54305 Date Received 20110817

Signature. Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

56-

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 18-JAN-13 Date Of Grievance 10-JAN-13
Appeal Received Date 22-JAN-13
Appeal I am appealing grievance 63730. As I already completely informed Sgt ~~Mark Fogaren~~ and Superintendent ~~Lisa Mitchell~~, I cannot rely upon the court to serve a copy of each subsequent pleading in my Probate Court action for my father's estate. This prolonged unlawful prohibition upon serving further pleadings in this case upon ~~Joyce Riva~~ is compromising my claim and giving Joyce Riva time to squander my portion of the estate. The Probate Court, like all the courts in United States, require the litigants themselves to serve a copy of each pleading upon the adverse party. I would be very surprised if you were not already acutely aware of this.
Remedy Requested Rescind the unlawful order prohibiting my serving legal papers regarding my father's estate upon Joyce Riva. Post the order rescinding said order so all OCCC staff are aware of the change so I don't get a ticket.
Staff Recipient ~~Fogaren Mark S~~ CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 22-JAN-13 Decision Date 23-JAN-13 Decision DENIED
Decision By ~~Mitchell Lisa A~~ SUPERINTENDENT
Reasons Denied. Concur with IGCs findings.
Signature 3/15/13 - Please be advised that I have reviewed grievance/grievance appeal #63730 and I am denying your grievance as I concur with the institutional summary of findings.

Kristie Ladouceur
Director of Administrative Resolution
Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 22-JAN-13
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

57.

DISCIPLINARY REPORT

Inmate RIVA, JAMES Commit No W38533 Location Mail Room
Date 20120509 D- Report No 255103 Institution OLD COLONY CORRECTIONAL CENTER

Category	Offense(s)
3	05-Refusing a direct order by any staff member
4	04-Use of mail or telephone in violation of established regulations
4	11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program

Description of Offense(s)

On Wednesday, May 9, 2012 I, IPS Officer Michael Lewis did find inmate Riva, James W38533 in violation of Department of Corrections and Old Colony Correctional Center rules and regulations. Specifically, attempting to circumvent the US Mail system and refusing a direct order.

During routine inspection of incoming mail, MailRoom Officer ~~Blasquez~~ noticed an suspicious envelope (See incident report #991852), inside of a letter addressed to: George ~~Labadie~~ ~~W38533~~, 1 Administration Rd., Bridgewater, MA 02324. There was a certified letter addressed to: ~~George Riva~~, 96 Coventry Circle, Brockton, MA 02301-1907. Inmate Riva, James W38533, sent the letter. This was an obvious attempt by Riva to circumvent the US Mail system. Also, this issue was previously addressed by members of the Old Colony Correctional Center IPS Team. Riva blatantly and willingly refused an order by a staff member and continues to use other inmates mail in an attempt to avoid the institutional rules regarding the mail system.

The letters were retained by the IPS Team and stored as evidence.

Disciplinary Report Type: Formal

Has Inmate been placed on Awaiting Action Status Yes No

Referred to DA Yes No Referred to DDU Yes No

Reporting Staff Michael J Lewis Date 20120509 Time 08:58
Days off Fri Sat
Shift 7x3
Supervisor David R Litchfield Date 20120509 Time 10:15
Shift Commander John W Brodbeck Date 20120510 Time 07:49
Disciplinary Officer Krystal M DeAngelo Date 20120510 Time 07:54

Results

Continuance Length _____ Continuance Date _____ Projected Date _____

Reviewing Authority _____ Date _____ Time _____

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

58.

Krystal DeAngelo
Disciplinary Officer
OCCC

May 14, 2012

RE: Disciplinary Ticket 255103 AND incident report 991852

Dear Officer DeAngelo,

In response to my ticket 255103 I move it be dismissed because:

- * The incident report on which it is based #991852 is deliberately inaccurate to circumvent the CMRS on time limits to issue D reports. ~~Paul Brassey~~ states: "On May 9, 2012 approx. 8:30 am I CO ~~Brassey~~ while searching incoming mail noticed a suspicious envelope addressed to inmate George ~~LaBadie~~..."

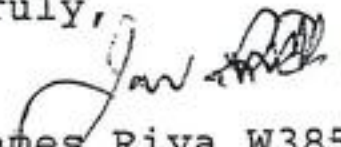
The letter to George ~~LaBadie~~ was mailed from the Worcester Post Office on May 1, 2012. The check inside this particular letter to George LaBadie was credited to George's inmate account May 4, 2012. Therefore ~~Brassey~~ intentionally misrepresented the date it arrived to circumvent the D report time limit rule.

Further: The main offense is disobeying a direct order. Somewhere around April 30 to May 2, 2012 Sgt ~~Michael Carter~~ of IPS ORDERED me not to send any mail to ~~Joyce Riva~~ (my father's widow). The postmark on the interior envelope in question proves the mailing took place at least eight weeks before Sgt ~~Carter~~'s illegal ORDER. *postmark March 8, 2012*

Further: 103 CMR 481.20 says the superintendent may prohibit correspondence if the receiving party requests not to receive mail from the inmate. Not the sergeant of the IPS. The superintendent. The mail in question was not letters but valid citation issued by the Plymouth Probate Court. I have a valid claim on my father's will and ~~Joyce Riva~~ is resorting to foul play to avoid disclosing the will. (Probate Court docket # PL11P1527PO).

Further: I did not circumvent mail regulations by having a third party serve a Probate Court citation upon the holder of my father's will- ~~Joyce Riva~~. This is accepted practice in Massachusetts Courts.

Truly,


James Riva W38533

A4

cc Lisa Mitchell; superintendent

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

OLD COLONY CORRECTIONAL CENTER

INCIDENT REPORT

59.

Incident Report # : 991852 Incident Time : 08:30 Date: 05/09/2012 Place Mail Room

Codes & Subject : INMATE RELATED Mail Occurred:

Reported By : ~~Brasseur Paul~~ N CO I Department: security Reported Date: 05/09/2012

Description : On May 9 2012 , approx. 8:30 am , I CO ~~Brasseur~~ while searching incoming mail noticed a suspicious envelope addressed to inmate George ~~Labadie~~ from sender Tina ~~Labadie~~ , ~~49 Normal St~~ , Worc, MA 01605. Within the contents of the envelope was a sealed certified letter addressed to ~~James Riva~~ , 96 Coventry Circle , Brockton , MA 02301-1907 from sender ~~Tina Labadie~~ , ~~49 Normal St~~ , Worcester , MA 01605. I CO ~~Brasseur~~ opened the sealed letter and inside were papers belonging to inmate James Riva , it is clear inmate Riva continues to circumvent the institutional mail system this time using another inmates family name and address. The letter was turn over to IPS .

Person Type	Commit No	Name	Housing Unit
Inmate	W97440	LABADIE GEORGE	ATTUCKS II
Inmate	W38533	RIVA JAMES	ATTUCKS IV

Entered By: ~~Brasseur Paul~~ N CO I

Supervisor : Litchfield David R. CO III

Date: 05/09/2012

Comments : refer to IPS

Shift Commander: Pascucci Peter L

Date: 05/09/2012

Comments :



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, Massachusetts 02324
 Telephone (508)279-6000
 www.mass.gov/doc

60.



Deval L. Patrick
 Governor

Louis S. Spencer
 Commissioner

Timothy P. Murray
 Lieutenant Governor

Peter A. Pepe, Jr.
 Katherine A. Chmiel
 Deputy Commissioners

Mary Elizabeth Heffernan
 Secretary

Paul L. DiPaolo
 Acting Deputy Commissioner

exh. 'B'

Lisa A. Mitchell
 Superintendent

May 11, 2012

Mr. James Riva, W38533
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, MA 02324

Dear Mr. Riva:

I am in receipt of your recent correspondence in which you request permission to contact your father's widow.

I do not have the authorization to grant such a request. Please contact an attorney to determine the proper means of communication with Ms. Riva. In the meantime, you must honor her wishes and not contact her directly.

I trust this has addressed your concerns.

Sincerely,

Lisa A. Mitchell
 Superintendent

/mm
 CC: File

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

61-

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 63730 Institution OLD COLONY CORRECTIONAL
Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20130110 Date Of Grievance 20130110
Complaint I requested a fourth time of superintendent ~~Lisa Mitchell~~ to permit me to serve legal papers upon my father's widow ~~Joyce Riva~~, since she is administrator of his estate. I thoroughly explained to her that I have a valid pending Probate Court action (PL11P1527PO) and that court rules require me to serve ~~Joyce Riva~~ a copy of each pleading. ~~Joyce Riva~~ was served a citation in this matter January 17th 2012 and in an effort to halt proceedings, she requested OCCC staff prevent my further serving papers upon her. Further, ~~Lisa Mitchell's~~ staff members Sgt ~~Michael Canton~~ of IPS and mail officer have actively participated in obstructing my valid probate court claim, Mail Officer ~~Paul Brassey~~ by disappearing Probate Court documents mailed to me, and Sgt ~~Canton~~ by initiating the unlawful order (which ~~Lisa Mitchell~~ co-signed) that I cannot serve any more papers upon ~~Joyce Riva~~ - he said, "Do it again and I will lock you up"

Remedy Requested That ~~Lisa Mitchell~~ immediately rescind the illegal order and permit me to once again proceed with probate court action and serve papers upon ~~Joyce Riva~~, and that the order rescinding the unlawful order be posted so all staff at OCCC are aware of the change.

Staff Recipient Fogaren Mark S CO II

Staff Involved Mitchell Lisa A SUPERINTENDENT

Brassey Paul N CO I

Canton Michael D CO II

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20130110 Decision Date 20130116

Signature Fogaren Mark S CO II

Final Decision DENIED

Decision Your grievance has been denied: as you were told in the letter dated 1/3/2013 you are unauthorized to contact Ms. Riva and must utilize the court system for this matter.

Signature M. Fogaren Date 1/16/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL

Commit No. W38533 Grievance# 63730 Date Received 20130110

Signature Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

62.

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 63730 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20130110 Date Of Grievance 20130110

Complaint I requested a fourth time of superintendent Lisa Mitchell to permit me to serve legal papers upon my father's widow Joyce Riva since she is administrator of his estate. I thoroughly explained to her that I have a valid pending Probate Court action (PL11P1527PO) and that court rules require me to serve Joyce Riva a copy of each pleading. Joyce Riva was served a citation in this matter January 17th 2012 and in an effort to halt proceedings, she requested OCCC staff prevent my further serving papers upon her. Further, Lisa Mitchell's staff members Sgt Michael Carton of IPS and mail officer have actively participated in obstructing my valid probate court claim, Mail Officer Paul Brasseur by disappearing Probate Court documents mailed to me, and Sgt Carton by initiating the unlawful order (which Lisa Mitchell co-signed) that I cannot serve any more papers upon Joyce Riva - he said, "Do it again and I will lock you up"

Remedy Requested That Lisa Mitchell immediately rescind the illegal order and permit me to once again proceed with probate court action and serve papers upon Joyce Riva, and that the order rescinding the unlawful order be posted so all staff at OCCC are aware of the change.

Staff Recipient Fogaren Mark S CO II

Staff Involved Mitchell Lisa A SUPERINTENDENT
Brasseur Paul N CO I
Carton Michael D CO II

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20130110 Decision Date 20130116

Signature Fogaren Mark S CO II

Final Decision DENIED

Decision Your grievance has been denied: as you were told in the letter dated 1/3/2013 you are unauthorized to contact Ms. Riva and must utilize the court system for this matter.

Signature M. Fogaren Date 1/16/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 63730 Date Received 20130110

Signature Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

63.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 18-JAN-13 Date Of Grievance 10-JAN-13
Appeal Received Date 22-JAN-13

Appeal I am appealing grievance 63730. As I already completely informed Sgt ~~Mark Fogaren~~ and Superintendent ~~Lisa Mitchell~~, I cannot rely upon the court to serve a copy of each subsequent pleading in my Probate Court action for my father's estate. This prolonged unlawful prohibition upon serving further pleadings in this case upon ~~Joyce Riva~~ is compromising my claim and giving ~~Joyce Riva~~ time to squander my portion of the estate. The Probate Court, like all the courts in United States, require the litigants themselves to serve a copy of each pleading upon the adverse party. I would be very surprised if you were not already acutely aware of this.

Remedy Requested Rescind the unlawful order prohibiting my serving legal papers regarding my father's estate upon Joyce Riva. Post the order rescinding said order so all OCCC staff are aware of the change so I don't get a ticket.

Staff Recipient ~~Fogaren Mark S~~ CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 22-JAN-13 Decision Date 23-JAN-13 Decision DENIED

Decision By ~~Mitchell Lisa~~ A SUPERINTENDENT

Reasons Denied. Concur with IGCs findings.

Signature 3/15/13 - Please be advised that I have reviewed grievance/grievance appeal #63730 and I am denying your grievance as I concur with the institutional summary of findings.


Kristie Ladouceur
Director of Administrative Resolution

_____ Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 22-JAN-13
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

64.

Krystal DeAngelo
Disciplinary Officer
OCCC

May 14, 2012

RE: Disciplinary Ticket 255103 AND incident report 991852

Dear Officer DeAngelo,

In response to my ticket 255103 I move it be dismissed because:

- * The incident report on which it is based #991852 is deliberately inaccurate to circumvent the CMRs on time limits to issue D reports. ~~Paul Brassour~~ states: "On May 9, 2012 approx. 8:30 am I CO ~~Brassour~~ while searching incoming mail noticed a suspicious envelope addressed to inmate George LaBadie..."

The letter to George ~~LaBadie~~ was mailed from the Worcester Post Office on May 1, 2012. The check inside this particular letter to George ~~LaBadie~~ was credited to George's inmate account May 4, 2012. Therefore ~~Brassour~~ intentionally misrepresented the date it arrived to circumvent the D report time limit rule.

Further: The main offense is disobeying a direct order. Somewhere around April 30 to May 2, 2012 Sgt ~~Michael Canton~~ of IPS ORDERED me not to send any mail to ~~Joyce~~ Riva (my father's widow). The postmark on the interior envelope in question proves the mailing took place at least eight weeks before Sgt ~~Canton~~'s illegal ORDER. *postmark March 8, 2012*

Further: 103 CMR 481.20 says the superintendent may prohibit correspondence if the receiving party requests not to receive mail from the inmate. Not the seargent of the IPS. The superintendent. The mail in question was not letters but valid citation issued by the Plymouth Probate Court. I have a valid claim on my father's will and ~~Joyce~~ Riva is resorting to foul play to avoid disclosing the will. (Probate Court docket # PL11P1527PO).

Further: I did not circumvent mail regulations by having a third party serve a Probate Court citation upon the holder of my father's will- ~~Joyce~~ Riva. This is accepted practice in Massachusetts Courts.

Truly,


James Riva W38533
A4

cc Lisa Mitchell; superintendent

Lisa Mitchell
Superintendent
OCCC

May 17, 2012

RE: Plea to serve court papers on Joyce Riva; holder of my father's will

Dear Supt. ~~Mitchell~~,

I received your letter about permission to serve court papers on my father's widow, ~~Joyce~~ Riva. In that letter you said that you do not have the authorization to grant such a request.

Actually you do. In fact the mail regulations put that authorization squarely upon your shoulders. 103 CMR 481.20 says that the superintendent may, (not shall) but may prohibit correspondence if the receiving party requests it. In fact, you are the one who has authority to prohibit the correspondence, and only you, not the sergeant of the IPS. Did you not get the photocopy of my letter to D-Officer Krystal DeAngelo? I did send you a copy in Monday's mail. I outlined this.

The operant word is may. That means you have discretion as to whether you will prohibit the correspondence.

~~Joyce~~ Riva, my father's widow was 23 years younger than him. She really bullied him around towards the end. She either has my father's will and is concealing it, or destroyed it. If she claims he left no will, her share is a straight third of the estate, not all of it. My father left two sons, and three grandchildren from my brother, (I have no contact with my illegitimate children, but I'm trying). ~~Joyce~~ Riva packed up the loot and took off to Florida.

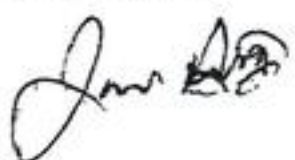
For the record, she has already been served by delayed action with the Probate Court citation. That was January 17, 2012. Her agent signed for it. The Plymouth County Register wasn't sure she'd been served, so he asked multiple attempts to satisfy him.

I don't want to burden you with Massachusetts Laws of inheritance, but I think it is plain that a travesty is being worked here. And you need not dig deep to find that ~~Mark Wasson~~ previously has disappeared expensive documents in this very case, (Sgt ~~Wasson~~'s conclusions and subsequent smoke screen notwithstanding).

I ask you to do the fair thing, the honest thing, the thing that actually is in your power and permit me to mail copies of the pleadings as they come about in this case. I don't have enough cash for an attorney. If I did ~~Mark Wasson~~ would be in prison in orange scrubs.

Truly,

James Riva W38533



66.

~~Risa Mitchell~~
Superintendent
OCCC

May 11, 2012

RE: Three previous letters to you In re: contraband slip, request to rescind order of IPS ~~Sgt. [redacted]~~, and now D-ticket 255103- all issues with the mail.

Dear Supt. ~~[redacted]~~,

I wrote you recently two letters regarding appeal of a contraband slip. ~~[redacted]~~ contrabanded a letter that arrived here for me for the stated reason that the sender did not include a return address. There is no CMR requiring letters arriving at the prison to have a return address. Mail reg. 481.18 requires inmates sending out mail to include their return address, but not the other way around. I request that I be allowed to receive that letter, and that ~~[redacted]~~ be told that in the future, that is not a valid reason to issue a contraband slip.

Somewhere in the vicinity of April 30th to May 2nd Sgt. ~~[redacted]~~ of IPS told me not to write to ~~[redacted]~~ Riva anymore. I explained to him that I have a valid action in Plymouth Probate Court #PL11P1527PO in which I seek a court order for ~~[redacted]~~ Riva- my father's widow- to deposit the will. Sgt ~~[redacted]~~ said "I don't care. Write her again and I'll write you a ticket." I told him all I sent her was copies of the pleadings, as court rules require me to do. He waved me out of his office. ~~[redacted]~~ Riva has been resorting to some pretty foul measures to avoid disclosing the will. I requested in a recent letter you override Sgt ~~[redacted]~~'s order to allow me to get hold of my father's will.

May 10, 2012 I received D-ticket #255103 issued by IPS ~~[redacted]~~ J ~~[redacted]~~ for refusing a direct order and other lesser violations because approx. 8 weeks ago I had another inmate's daughter attempt to serve a Probate Court Citation by certified mail upon ~~[redacted]~~ Riva. So the mailing pre-dates Sgt ~~[redacted]~~'s order by a distance. I approached Sgt ~~[redacted]~~ at lunch on the 10th and attempted to discuss this. I explained that the mailing pre-dates his (illegal) order by many weeks. He waved me off. He commented he'd check the postmarks on the envelopes which came back to the institution.

I do not believe I have violated any CMR by having a 3rd party serve a valid citation. It is customary court practice in Massachusetts. I therefore ask that you intervene on this ticket because it is on its face false and misleading.

Truly,

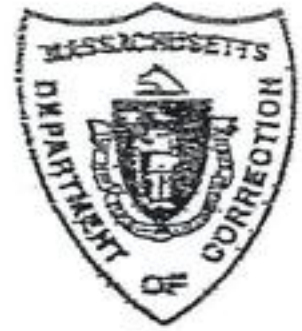


James Riva W38533 A4



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, Massachusetts 02324
 Telephone (508)279-6000
 www.mass.gov/doc

67.



Deval L. Patrick
 Governor

Lois S. Spencer
 Commissioner

Timothy P. Murray
 Lieutenant Governor

Peter A. Pepe, Jr.
 Katherine A. Chmiel
 Deputy Commissioners

exh. 'D'

Mary Elizabeth Heffernan
 Secretary

Paul L. DiPaolo
 Acting Deputy Commissioner

Lisa A. Mitchell
 Superintendent

May 23, 2012

Mr. James Riva, W38533
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, MA 02324

Dear Mr. Riva:

I am in receipt of your correspondence dated May 17, 2012, in which you again request to correspond with your father's widow.

As stated to you in previously, you must respect Ms. Riva's wishes and not contact her directly.

I consider this matter closed.

Sincerely,

Lisa A. Mitchell
 Superintendent

/mm
 CC: File

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

68.

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 56742 Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Housing ATTUCKS II Date Of Incident 20111219 Date Of Grievance 20111227

Complaint I gave letter to be mailed certified mail to the case worker along with charge slip and the proper filled out green cardboard receipt and the green and white paper receipt. That charge slip indicates the money was taken from my account on Dec. 19, 2011. To date, I have not received the paper receipt nor the green cardboard receipt, even through the letter was only going to Brockton.

The letter concerned probate of my father's estate. Previous grievance under review by the DOC involves mail officer(s) stealing documents from the probate court in the same case.

Further, I sent a letter to my attorney Elizabeth Billowitz with a document inside concerning the mail officer(s) continued theft and it never got there. This indicates he is opening the mail (legal) and screening it (stealing it).

Remedy Requested Scan the mail log for my missing article of mail addressed to ~~Riva~~ Riva via verified mail. If it has not been mailed yet then mail it right now. Search the workplace of the mailroom and mail officer's lockers and vehicles on DOC property - re-assign them to harmless spot.

Staff Recipient ~~W38533~~ S CO II
Staff Involved _____

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20111229 Decision Date 20120116

Signature ~~W38533~~ S CO II

Final Decision PARTIAL APPROVAL

Decision Your grievance has been partially approved: it was determined that your mail was sent out on the dates in question including the duplicate mailing on 1/5/12. It was also determined that the mail officer in question did not violate any part of the 103 CMR 481-mail policy.

Signature Mark Foyen Date 1/16/12

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Grievance# 56742 Date Received 20111229

attach A

69.

BRIDGEWATER COMPLEX CHARGE SLIP

CIRCLE ONE: BSH MTC MIN CCCC

G26

DATE: June 24 2011

CHARGE \$ 1.68 TO THE ACCOUNT OF

INMATE NAME James Riva

COMM# W38533

PAYABLE TO: Post Office

FOR: first class mail to Probate Court

INMATES SIGNATURE: [Signature]

APPROVED BY: [Signature]

PAID

JUN 27 2011

INMATE ACCOUNTS
BRIDGEWATER PO-1

CK # _____ DATE PAID _____

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ 70.

Attach 'B'

Clerk
Massachusetts Trial Court
Probate and Family Court Dept
Plymouth Div.
52 Obery St.
Plymouth, MA 02360

Aug. 1, 2011

RE: Petition for Probate; Estate of James Riva

Dear Sir or Madam Clerk,

My receipt here at the prison says my package of legal documents about my father's estate for probate were mailed to you June 27, 2011.

There was a death certificate, affidavits, and motion to proceed in forma pauperis and petition for probate. Could you please acknowledge receipt?

Very truly yours,

J. Riva

James Riva W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324

P.S. You may have sent me acknowledgement already w/o me receiving it, because the officers in charge of the mail room steal or destroy a lot of prisoners' mail.



The Commonwealth of Massachusetts
 The Trial Court
 The Probate and Family Court Department
 Plymouth Division

FIRST JUSTICE
 HON. CATHERINE P. SABAITIS

ASSOCIATE JUSTICES
 HON. JAMES V. MENNO
 HON. STEPHEN C. STEINBERG
 HON. MICHAEL J. LIVINGSTONE

ROBERT E. MCCARTHY, REGISTER 52 Obery St.
 PLYMOUTH

FILING DEFICIENCY SLIP

FIRST ASSISTANT REGISTER
 BENJAMIN F. HARLEY

ASSISTANT REGISTERS
 CYNTHIA E. GATES
 KATHLEEN A. NAGLE
 CLAUDIA I. MAGNUS
 DAVID L. NOLAN

RUSSELL STREET
~~PO BOX 3068~~
 PLYMOUTH, MA 02360
 (508) 747-6204

215 MAIN STREET
 P.O. BOX 7277
 BROCKTON, MA 02303-7277
 (508) 897-5400

Re: Docket Number: Estate of Jams Riva

The enclosed document is being returned for the reason checked below:

- | | |
|--|---|
| <input type="checkbox"/> Please complete where checked | <input type="checkbox"/> Vehicle Identification number missing |
| <input type="checkbox"/> Filing fee is \$ _____ | <input type="checkbox"/> Original will must be filed |
| <input type="checkbox"/> Bond incomplete where checked | <input type="checkbox"/> Correct petition enclosed for your use |
| <input type="checkbox"/> Put name and address on back of petition | <input type="checkbox"/> Will and death certificate have been placed on file. |
| <input type="checkbox"/> Sureties on bond not sufficient | <input type="checkbox"/> Treatment plan must be filed |
| <input type="checkbox"/> Signature missing | <input type="checkbox"/> No personal check can be accepted. Bank check or money order required |
| <input type="checkbox"/> Affidavit of domicile required | <input type="checkbox"/> Medical certificate missing |
| <input type="checkbox"/> Need bond with _____ sureties | <input type="checkbox"/> Statement of disclosure not filed. |
| <input type="checkbox"/> Certified death certificate missing | <input type="checkbox"/> Petition must be brought with sureties unless assented to by all heirs |
| <input type="checkbox"/> Full address must appear | <input type="checkbox"/> You must list joint owners, persons who take under the will and the heirs of the deceased where checked. |
| <input type="checkbox"/> Declination of _____ missing | <input type="checkbox"/> Documents should be filed in _____ County |
| <input type="checkbox"/> Two petitioners required | <input type="checkbox"/> Please sign where checked |
| <input type="checkbox"/> Spouse cannot be listed alone. Additional heirs must be listed. | |

A notice of claim cannot be filed with the estate unless you have initiated proceedings in the proper Court to determine or enforce the claim. Said information must be included on the claim.

Other A search of our index does not show any filings for the estate of James Riva. The paperwork was returned to you with instructions on how to proceed. If you have copies of this paperwork please complete and resign the forms and return to the Probate Court in Plymouth.

Robert E. McCarthy
 Register of Probate

PLEASE RETURN THIS SLIP WITH DOCUMENT(S)

Massachusetts Trial Court
Probate and Family Court Dept.
Nymouth Division, 52 Obery Street, Suite 1130
Nymouth, MA 02360

676



Hasler

016H26510700
\$00.440
08/10/2011
Mailed From 02360
US POSTAGE



James Riva
W38533
OCCC
One Administration Road
Bridgewater, MA 02324

02324+3295



Attach '0

72

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM

73, FORM "B"

Attach AA

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 8-25-11
INSTITUTION: Old Colony Corr. Center		ASSIGNED GRIEVANCE #: 54305
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. Provide your appeal argument in Block A, in a brief and understandable manner. 3. Provide your requested remedy in Block B. <p>A. Provide your appeal argument in a brief and understandable manner.</p> <p>Sgt. Mogana either did not understand the plain wording of grievance 54305 or he is deliberately convoluting the issue to once again cover the theft of the mail by the (2) officers involved. The grievance plainly said, "...after no response from court I sent a followup letter..." The Court sent a memo indicating that they had indeed already sent me a package containing the legal documents. I never received that package. We are talking about 2 separate pieces of mail. Look at attachment A. It was clearly marked as \$1.68 for first class mail. Look at attachments C,D. The envelope in response to my followup letter to court from court has postmarked only 44¢. So clearly we are talking about 2 different pieces of mail. The heavier one is the one that was stolen. If the court had returned my documents in the letter dated Aug. 10, 2011 (attach C,D) it would have had postage of at least \$1.68 and not only 44¢. I believe Sgt. Mogana fully understands this, but even if it was another honest mistake, it is time to replace him because he no longer fulfills any function- he does not resolve important grievances. It has been on the strength of Sgt. Mogana's repeated assertions that he has "fully" investigated the mail officers that I have never had any impartial review from higher DOC officials and they have repeatedly stated so.</p>		
<p>B. Provide your requested remedy</p> <p>Reassign both mail officers to places they no longer handle inmate mail. Reassign Sgt. Mogana as he does not resolve valid grievances. Compensate me as previously requested.</p> <p>NOTE: This appeal is filed with attachments A-E</p>		

Inmate's Signature *James Riva*

Staff Recipient _____

Date: Aug. 26, 2011

Date: _____



Charles D. Baker
Governor

The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
Department of Correction
50 Maple Street, Suite 3
Milford, MA 01757
Tel: (508) 422-3300
www.mass.gov/doc



Carol Higgins O'Brien
Commissioner

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Katherine A. Chmiel
Thomas E. Dickhaut
Michael G. Grant
Deputy Commissioners

July 13, 2015

James Riva, W38533
OCCC
1 Administration Rd
Bridgewater, MA 02324

Dear Mr. Riva:

Your correspondence dated June 26, 2015 to Commissioner Higgins O'Brien has been referred to my attention for appropriate response. More specifically, your letter pertains directly to grievance #81218.

Please be advised I have requested a copy of the aforementioned grievance packages from your institution for my review. Once I have completed my review you will be provided written notification of my decision/findings.

I trust that I have adequately addressed your immediate concerns.

Sincerely,

Kate Silvia
Department Grievance Manager

cc: Lisa Mitchell, Superintendent
Mark Fogaren, IGC
File



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, Massachusetts 02324
 Telephone (508)279-6000



175.

Charles D. Baker
 Governor

Karyn Polito
 Lieutenant Governor

Daniel Bennett
 Secretary

Carol Higgins O'Brien
 Commissioner

Katherine A. Chmiel
 Thomas E. Dickhaut
 Paul L. DiPaolo
 Deputy Commissioners

Lisa A. Mitchell
 Superintendent

June 24, 2015

James Riva W38533
 Old Colony Correctional Center
 1 Administration Road
 Bridgewater, MA 02324

Mr. Riva:

Your letter dated June 17, 2015 regarding your mail has been received.

Your contraband mail has been previously grieved through the formal grievance process. A final decision has been made concerning grievance # 81218 on June 8, 2015, and will not be modified.

I trust this has addressed your concerns.

Sincerely,

Lisa Mitchell
 Superintendent

LM/slp

CC: Mail Officer
 File (6942)

This problem has been huge for me the entire time I have been incarcerated because a lot of mail comes for me. Most of it is from ~~books~~ who have a morbid fascination, but some of it is from people I need to hear from: babies mommas, my grown children, childhood friends.

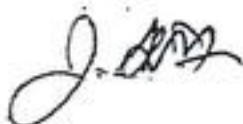
This latest still un-posted policy of contrabanding mail if it has a stain on it is just an enabler for crooks like ~~Paul Brasseur~~ to further victimized those inmates who have had the audacity to grieve about his unusual habit of stealing the mail.

~~Christine Macomber~~ used to be the final word on grievances for DOC and she never resolved even one grievance for me. Her replacement has never done anything but continue the coverup and gross injustice.

I am plainly stating that a crime goes on in the mail room every day ~~Brasseur~~ works there- if not me then against someone else.

I ask that you personally take an interest in this long standing problem. Look at grievance 81218- test the food fingerprints on it to see if they belong to ~~Brasseur~~. TAKE HIM OUT OF THE MAIL ROOM! My mail is stolen daily.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

Commissioner of Correction
50 Maple St.
Suite 3
Milford 01757-3698

June 26, 2015

RE: Ongoing issues of mail theft and tampering at OCCC
primarily ~~Paul Masseur~~

Dear Sir or Madam Commissioner,

I have been filing perhaps a dozen grievances per year for about nine years about your employee ~~Paul Masseur~~ who does the mail here at OCCC. In spite of my having proved his crimes many times over, your other employees have banded together to conceal his behavior and invent excuses for him. I have a federal lawsuit against him and his cronies: 1:14-cv-13048-FDS and even tho your employees have made a valiant effort to evade service in the case, U.S. marshalls have served all of them except ~~Janet Haddock~~, who apparently has changed her address to the Massachusetts Treatment Center.

His latest crime against me regards a new policy for the mail which is not posted in the CMR's (Code of Massachusetts regulations) to wit: any letter with a stain on it is contraband as security threat. Many inmates are talking about this new way for ~~Masseur~~ to harrass his enemies by claiming any incoming letter had a stain on it.

He issued me a contraband slip and denied my request to view the letter. I appealed this to the superintendent ~~Michelle~~, who did not respnd to my request to de-contraband the letter but she did respond to my greivance (#81218) in which she modified the decision not to permit me to view it. She dated the modification June 15, 2015. (Ms ~~Michelle~~ seems to have forgotten she modified it on her letter to me dated June 24th 2015). She modified to allow me to view it. The ltter was flashed at me by Grievance sergeant ~~Mark Rogerson~~ who refused to allow me to read it.

I requested in writing to Ms ~~Michelle~~ to further modify to at least permit me to read it, AND to issue an order that ~~Paul Masseur~~ be prohibited from eating and drinking in the mail room because I have reason to beleive some of the stains from which he has been contrabnading inmate's mail are due to his eating habits (he fluctuates between 350 to 420 pounds constantly). Ms ~~Michelle~~ flatly denied my request and mistakenly told me the grievance was final on June 8th (even tho she modified it June 15th).

The ltter in question has fingerprints on it. It appears to be food fingerprints on it. Please check if they belong to ~~Paul Masseur~~. Although my mail has been targeted the entire 35 years of my incarceration, ~~Masseur~~ has been the very worst- at times writing to my female pen friends and trying to hook up, or pretending to be me and writing bizarre things to them about what they are waering.

Lisa ~~Mitchell~~
 Superintendent
 OCCC

June 4, 2015

RE: Appeal of contraband slip; items in the mail

Dear Supt. ~~Mitchell~~,

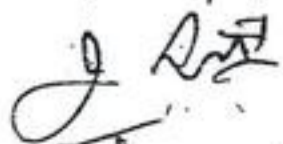
Today I received a contraband slip from ~~Mark Brasseur~~ for an item of mail. He claims it could not be properly searched because of a stain, and he checked off "Improper or ^{return} no address."

There is no CMR that requires mail coming into the prison have a return address.

I requested to view the item at staff access.

If you do not permit this appeal, please do not discard the item as you know I am challenging this continued harassment from Brasseur in court, and if the judge orders him to give it to me, I want it intact.

Truly,



James Riva W38533

A4

171

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

DISAPPROVED CORRESPONDENCE/PUBLICATION AND CONTRABAND

NOTICE TO INMATE

M 2

Intended Recipient

Name of Recipient <i>James R. ...</i>	Inmate Number (if applicable) <i>W38533</i>	Institution <i>AIV</i>
Address - Street or P.O. Box <i>141 ... RI</i>	City <i>Br ...</i>	State and Zip Code <i>RI 02277</i>

Sender

Name of Sender <i>?</i>	Material Sent (name and date of correspondence/publication)	Institution (if applicable)
Address - Street or P.O. Box <i>?</i>	City <i>?</i>	State and Zip Code <i>?</i>

Non-Delivery Information

Date Item Postmarked or Date Item Received	Item Rejected for Delivery (letter, package, magazine, book, etc.) <i>Stuffed paper letter with ...</i>
--	--

Reason(s) for Disapproval/Non-Delivery

see ... property

Item(s) fall as a whole or in significant part into any one of the following categories:

- Transmittal of plans for, or the introduction of, contraband into the prison
- Plans for criminal activity or any activity which violates any departmental or institutional rule, regulation, order or policy
- Written in code
- Threatening or harassing correspondence including the sending of sexually explicit material to unwilling recipients
- Correspondence containing unsanitary or hazardous material (i.e., feces, insects, dirt, debris)
- Extortion demands
- Sending cash, drugs, jewelry or other contraband outside the prison
- The recipient has previously requested not to receive correspondence from the inmate pursuant to 103 CMR 481
- Improper or no return address
- Depicts or describes procedures for the construction of weapons, ammunition, bombs, or incendiary devices
- Depicts, describes or encourages methods of escape from correctional facilities or contains blueprints, drawings or similar descriptions of any correctional institution within the Commonwealth.
- Depicts or describes procedures for the brewing of alcoholic beverage(s), or the manufacture of drugs
- Depicts, describes or encourages activities that may lead to the use of physical violence or group disruption
- Encourages or instructs in the commission of criminal activity
- Sexually explicit material or material that features nudity. *Per 103 CMR 481.15(3)(c) it is the Deputy Superintendent's decision as to whether or not a publication should be excluded.
- Item(s) not authorized by 103 CMR 403, Inmate Property Policy.

Denied

Request to view on June 8th '15 letter and envelope
J. ...

Signature of Institution Staff Member <i>[Signature]</i>	Date Signed <i>6-11-15</i>
---	-------------------------------

**** IMPORTANT ** PLEASE NOTE: IF YOU DISPUTE THIS DECISION, YOU HAVE THE RIGHT TO APPEAL TO THE SUPERINTENDENT BY SUBMISSION OF A WRITTEN APPEAL WITHIN 7 DAYS OF RECEIPT OF THIS NOTICE.**

THIS ALSO SERVES AS YOUR INITIAL CONTRABAND NOTIFICATION UNDER 103 CMR 403.14 FOR THE ABOVE REFERENCED ITEM(S). PLEASE ADVISE THE INSTITUTION PROPERTY OFFICER OF YOUR CHOSEN METHOD OF DISPOSAL.

Lisa Mitchell
Superintendent
OCCC

170

June 17, 2015

RE: Request to further modify grievance #81218

Ms. Mitchell,

Today I received your modification of grievance 81218 which you dated June 15th. I request you further modify as follows:

- ① I was not permitted to read the letter in question. It was merely flashed. I would like to read it.
- ② I ask that you personally look at the contrabanded letter. You can plainly see faint food stains and fingerprints. Whomever handled the letter, or wrote it, was eating at the same time. Since you are insisting on this new policy which leaves plenty of opportunity for Brasseur to further harass me, I request he be prohibited from eating and drinking in the mail room. I have reason to believe that some of the stains on these letters he has been contrabanding are due to his eating habits while sorting the mail.
- ③ I also request that you purchase chemical field test kits for drugs so in the future food stains can be discerned from drugs.

Truly,

J. Riva


James Riva W38533
AY

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

169

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 09-JUN-15 Date Of Grievance 04-JUN-15
Appeal Received Date 10-JUN-15
Appeal I appeal grievance 81218 and I appeal the decision not to permit my request to view the envelope and letter. I think an investigation should be done to see if ~~Fogaren~~ put the stain on the envelope.
Remedy Requested Let me have the letter and envelope or at least let me view it. My request to view was denied. Investigate if ~~Fogaren~~ put the stain on the envelope.
Staff Recipient ~~Fogaren~~ Mark S CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 10-JUN-15 Decision Date 15-JUN-15 Decision PARTIAL APPROVAL
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Modified - mail considered to be contraband, you may view item(s) - IGC to handle.
Signature  Date 6/15/15

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 10-JUN-15
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 81218 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20150604 Date Of Grievance 20150604

Informal filed No

Complaint Today June 4th I was issued a contraband slip by ~~Paul N. Fogaren~~ indicating an item was rejected for delivery because: "stained 1 page letter- can't be searched properly". He also checked off "Improper or no return address". There is no CMR requiring mail coming into the prison include a return address. In the event this grievance is denied I want you to return the letter and envelope. As you know, I am challenging ~~Paul N. Fogaren~~'s continued harrassment in court. If a judge orders him to give it to me, I want it to still exist.

Remedy Requested Give me the letter and envelope. Specifically state which CMR requires incoming mail include a return address and attach it to your answer.

Staff Recipient ~~Fogaren Mark S~~ CO II

Staff Involved ~~Fogaren Paul N~~ CO I

Signature _____

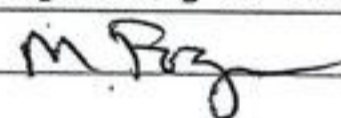
RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20150608 Decision Date 20150609

Signature ~~Fogaren Mark S~~ CO II

Final Decision DENIED

Decision Your grievance has been denied: in accordance with 103 CMR 481.16 the item in question has an unknown stain on the envelope and cannot be searched properly, as a result it has been deemed a detriment to the security of the Institution. It should be noted that you may file an appeal in writing to the Superintendent of OCCC requesting to view the item.

Signature  Date 6/9/15

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 81218 Date Received 20150608

Signature. Fogaren Mark S CO II

167.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Number W38533 Housing ATTUCKS IV Appeal Date 14-MAR-15 Date Of Grievance 03-MAR-15
 Appeal Received Date 17-MAR-15

Appeal I appeal grievance 79188. The crime was committed Feb. 24th 2015 (see attached exhibits 162,163) I files the grievance March 3, 2015 to allow time to give Annie ~~Boase~~ instructions because ~~Pat Boase~~ always cuts off the correspondence once a grievance issues about his unusual habit. The mail room was not searched until March 9th or 10th when C.O. ~~Donnat~~ spoke to me when I exited the chowhall. Given that ~~Boase~~ had all that advance notice a search was coming, he probably moved his loot to his residence or vehicle. I have worked with C.O. ~~Donnat~~ before and I do not believe he would be a party to theft of my mail. He told me he is ~~Boase~~'s back up. I am hoping that means he now works alone., (that ~~Boase~~ steals alone). The fact the mail room was searched two weeks after the theft and the goods were no longer there does not prove ~~Boase~~ is innocent. It proves that there was lack of motivation to catch him in the act, and most likely he was forewarned a search was coming.

Remedy Requested A preponderance of the evidence would prove that ~~Boase~~ should not be working the mail room.

Staff Recipient ~~Fogaren Mark S~~ CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 17-MAR-15 Decision Date 23-MAR-15 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. Concur with IGC.

Signature 4/22/15 - Please be advised that I have reviewed grievance/ grievance appeal #79188 and am denying your grievance as I concur with the institutional summary of findings.

Kate Silvia
 Kate Silvia
 Department Grievance Manager

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 17-MAR-15

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

166.

Grievance Manager
Dept. of Correction
50 Maple St.
Suite 3
Milford, MA 01757-3698

March 31, 2015

RE: request for review of grievance # 79188

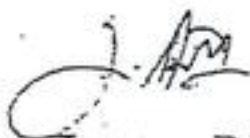
Dear Sir or Madam,

I request a review of grievance 79188. I had attached two exhibits to that grievance which were the letter mentioned from Annie ~~Rose~~ in which she stated she enclosed a picture of herself and the envelope with the postmark.

If you review the dozens of inmates who have submitted identical claims against the mail officer ~~Paul Brassem~~ that he just won't stop stealing letters and pictures of female pen friends, wives, or girlfriends, it should be clear he should be removed from the mail room.

I would like to add that the department's handling of officer ~~Marvin~~ sexually assaulting inmates follows the same pattern with the same characters involved in the cover-up.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

165.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 79188 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20150224 Date Of Grievance 20150303

Informal filed No

Complaint Received letter from Annie ~~Boye~~; ~~1101 Maple St~~; Apt ~~302~~; Slayton, Mn 56172 at evening mail call on A4 Feb. 24, 15' She stated she was enclosing a picture of artwork she did and a picture of herself. The artwork was there, but no picture of her when I opened it. This is something ~~Paul Bessier~~ is well known for. About 5 months ago he got caught by DOS Brad Cowen purloining 12 pictures of inmate ~~Elaine J. Boye's~~ wife, (~~199443~~) and gave the implausible excuse that he wasn't sure if they were contraband, (yet he had denied taking them moments before and no contraband slip was issued). ~~Piggett~~ was given the 12 pictures. I know inmate Christopher ~~Quirada~~ has repeated problems of like nature with ~~Paul Bessier~~ disappearing photos and letter from unknown female who writes him (~~W38793~~). I am not privy to the files of the grievance officer, however, I do hear a lot of grumblings about him. These two inmates approached me, so I don't know the details about anyone else.

Remedy Requested Search ~~Paul Bessier's~~ person for the stolen picture. Remove him from the mail room permanently. Give me a pair of running shoes in good condition from unclaimed property (size 10 1/2).

Staff Recipient ~~Roger on Mark~~ S CO II

Staff Involved ~~Passer Alain~~ N CO I
~~Oliver Mark~~ B DEPUTY SUPERINTENDENT

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20150304 Decision Date 20150310

Signature ~~Donnat Kevin~~ J CO I

Final Decision DENIED

Decision Your grievance has been denied: the investestigation revealed the mail officer acted in accordance with 103 CMR 481 in processing your mail as the item in question was not in the envelope when opened. It should also be noted that a thorough search was conducted of the mail room with negative results.

Signature  Date 3-10-15

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Grievance# 79188 Date Received _____

~~Annex~~
~~300 Maple Street apt 301~~
Stoughton, MA 01722

MINNEAPOLIS
MIN 554
20 FEB 1985
PM 71



James Riva W 8533
COCE
One Administration Road
Bridgewater, MA 02324

164

02324323001



Dear James &

Feb 19 2015

Hi its annie
I've been arrested twice the
18 days in jail was for meth
selling & buying. I'm a recovering
addict. I'm sorry your having a
tough time & stressed out. I'll pray
for you. I've been stressed to
my parents aren't well & I'm not
either. my blood pressure is out
of this world & so is my blood sugar
I loved the gas pump drawing I'd
like to see what ya really got
when things get better just you
ok babe. I am sending a pile
of love & some art I did to
you if my mother printer
isn't out of ink.

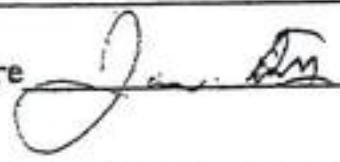
I'm doing better - my surgery is
off because I didn't quit
smoking. I'm disappointed in myself.
But I got another shot on April 18th
to try again.

It's like 11 here & I've had
a long day so it's a short
one. I'm going to my mums
so I can get some pics
in here for you.

Love
& prayers
Aunie

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 3-14-15
INSTITUTION: OCCC (med)		ASSIGNED GRIEVANCE #: 79188
INSTRUCTIONS: 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. Provide your appeal argument in Block A, in a brief and understandable manner. 3. Provide your requested remedy in Block B.		
<p>A. Provide your appeal argument in a brief and understandable manner.</p> <p>I appeal grievance 79188. The crime was committed Feb. 24th 2015 (see attached exhibits 162,163). I filed the grievance March 3, 2015 to allow time to give Annie Keene instructions because Walter Brasseur always cuts off the correspondence once a grievance issues about his unusual habit. The mail room was not searched until March 9th or 10th when C.O. Donnat spoke to me when I exited the chowhall. Given that Brasseur had all that advance notice a search was coming, he probably moved his loot to his residence or vehicle. I have worked with C.O. Donnat before and I do not believe he would be a party to theft of my mail. He told me he is Brasseur's back up. I am hoping that means he now works alone, (that Brasseur steals alone).</p> <p>The fact the mail room was searched two weeks after the theft and the goods were no longer there does not prove Brasseur is innocent. It proves that there was a lack of motivation to catch him in the act, and most likely he was forewarned a search was coming.</p>		
<p>B. Provide your requested remedy</p> <p>A preponderance of the evidence would prove that Brasseur should not be working the mail room.</p>		

Inmate's Signature  Date: March 14, 2015

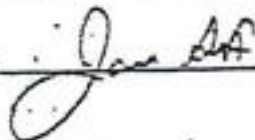
Staff Recipient _____ Date: _____

(Inmate receipts/responses will be generated via the Inmate Management System.)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 3-3-15
INSTITUTION: OCCC	DATE OF INCIDENT: 2-24-15	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. In Block B, give a brief and understandable summary of your complaint/issue. 3. List any actions you may have taken to resolve this matter in Block C. Be sure to include the identity of staff members you have contacted. 4. Provide a Requested Remedy in Block D. 		
<p>A. When filing an Emergency Grievance check Emergency.</p> <p style="text-align: center;"><u> </u> EMERGENCY</p>		
<p>B. Give a brief and understandable summary of your complaint/issue. Additional paper may be used, if necessary. Received letter from Annie Nease; 7100 Maple Ave; Apt BPM; Slayton, Mn 56172 at evening mail call on A4 Feb. 24, 15'. She stated she was enclosing a picture of artwork she did and a picture of herself. The artwork was there, but no picture of her when I opened it. This is something Paul Brasseur is well known for. About 5 months ago he got caught by DOS Brad Cowan purloining 12 pictures of inmate Wayne Wiggert's wife, (W99148) and gave the implausible excuse that he wasn't sure if they were contraband, (yet he had denied taking them moments before and no contraband slip was issued). Wiggert's was given the 12 pictures. I know inmate Christopher W99148 has repeated problems of like nature with Paul Brasseur disappearing photos and letter from unknown female who writes him (W98793). I am not privy to the files of the grievance officer, however, I do hear a lot of grumblings about him. These two inmates approached me, so I don't know the details about anyone else.</p>		
<p>C. List any action taken to address/resolve this matter. Include the identity of staff members you have contacted.</p> <p>I have documented dozens of instances of mail theft by Paul Brasseur and provided lots of evidence. DOC officials are determined to keep this man doing these crimes unchecked. I filed suit in United States District Court.</p>		
<p>D. Provide your Requested Remedy.</p> <p>Search Paul Brasseur's person for the stolen picture. Remove him from the mail room permanently. Give me a pair of running shoes in good condition from unclaimed property (Size 10½).</p>		

Inmate's Signature



Date: March 3, 2015

Staff Recipient

Date:

**DENIED GRIEVANCES MAY BE APPEALED TO THE REVIEWING AUTHORITY WITHIN 10 BUSINESS DAYS.

(Inmate receipts/responses will be generated via the Inmate Management System.)

159.

F2
Cell

**MASSACHUSETTS DEPARTMENT OF CORRECTION
OLD COLONY CORRECTIONAL CENTER**

RESULTS OF APPEAL

TO: RIVA, JAMES I.D. No W38533 Housing Unit: ATTUCKS II

Re: D-Report No. 173530 Date: 20091106

A.

Code Description	Sanctions	Start Date	Unit	# of Units	End Date	#Credits	Amount
4-04-Use of mail or telephone in violation of established regulations	LOP		D	30		0	0
4-11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program	DISM		D				0

Grounds for Appeal: I appeal the Guilty verdict for the reasons stated at the hearing the letter inside a letter was only asking that person to phone the DOC investigator and complain about the tampering with the mail. The letter I submitted as evidence from Chester ~~Ratton~~ indicates my mail to him is blocked 30 days loss of phone is excessive I need to call my attorney.

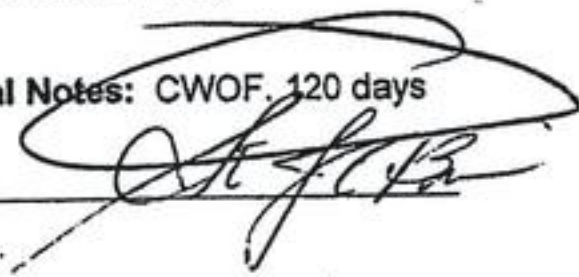
B. By the Superintendent Decision MODIFIED Date of Decision 20091106

After reviewing your case involving the above cited Disciplinary Report, I find as follows:

Code Description	Sanctions	Start Date	#of Units	# Credits	End Date
4-04-Use of mail or telephone in violation of established regulations	LOP		30	0	
4-11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program	DISM				

Superintendent's Appeal Notes: CWOF, 120 days

Steven J OBrien
Superintendent

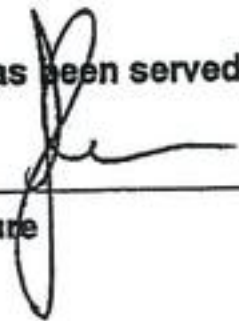


20091106
Date

A copy of this decision has been served on the inmate RIVA, JAMES

Served by:

Staff Signature



Date

11/10/09

COMMONWEALTH OF MASSACHUSETTS

158.

DEPARTMENT OF CORRECTION

DISCIPLINARY REPORT

Inmate RIVA, JAMES Commit No W38533 Location Mail Room
 Date 20090926 D- Report No 173530 Institution OLD COLONY CORRECTIONAL CENTER

- | | |
|----------|--|
| Category | Offense(s) |
| 4 | 04-Use of mail or telephone in violation of established regulations |
| 4 | 11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program |

Description of Offense(s)

On September 26, 2009, at approximately 2:00pm, I found inmate James Riva, W38533, to be in violation of the listed offenses. I was searching incoming mail; I opened a large envelope of certified mail, that had been returned to inmate Riva by the Post Office as un deliverable. Inside the envelope was a letter with vegetation taped to it and a smaller envelope addressed to Chester Ruffin 511 N. Palagonia st. Benson, Arizona 85602-6136. The letter inside this envelope also had vegetation taped to it. This letter had a return address of James Riva II W38533 OCCC One Administration Rd. Bridgewater, Ma. 02324. This letter was not stamped on the back nor was it logged as going out of the institution. Inmate was given a contraband slip with the remainder of the mail. The evidence will be held in the mail room

Disciplinary Report Type: Formal

Has Inmate been placed on Awaiting Action Status Yes No

Referred to DA Yes No Referred to DDU Yes No

Reporting Staff Paul Dougherty Date 20090926 Time 14:32

Days off Sun Mon

Shift 7-3

Supervisor David C Brien Date 20090926 Time 14:52

Shift Commander William J Grossi Date 20090926 Time 21:28

Disciplinary Officer John R Poulin Date 20090928 Time 07:18

Results GUILTY

Continuance Length _____ Continuance Date 20091015 Projected Date _____

Offenses	Sanctions	Start Date	Unit	#of Units	Credits	End Date	Amount
4-04-Use of mail or telephone in violation of established regulations	Loss Telephone		D	30	0		0
4-11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program	Dismissed		D				0

Reviewing Authority _____ Date _____ Time _____

157. AII
618

**MASSACHUSETTS DEPARTMENT OF CORRECTION
OLD COLONY CORRECTIONAL CENTER**

RESULTS OF APPEAL

TO: RIVA, JAMES I.D. No W38533 Housing Unit: ATTUCKS II

Re: D-Report No. 175427 Date: 20091117

A.

Code Description	Sanctions	Start Date	Unit	# of Units	End Date	#Credits	Amount
4-04-Use of mail or telephone in violation of established regulations	LOP		D	30		0	0
4-11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program	DISM		D				0

Grounds for Appeal: Firstly I am requesting permission to appeal late for the reasons given on attached letter to superintendant dated Nov 10,2009. Secondly I ask that the guilty finding be modified to CWOFF for ther reasons on attached letter. The Mail officer stealing my mail had made it necessary to find alternative means of reaching pen friends I did circumvent mail procedure but I had no other choice { see communication from DOC investigator Paul Oxford} see attached letter from Inmate Riva { NO letter from Paul Oxford submitted}...JRP

B. By the Superintendent **Decision** DENIED **Date of Decision** 20091113

After reviewing your case involving the above cited Disciplinary Report, I find as follows:

Code Description	Sanctions	Start Date	#of Units	# Credits	End Date
4-04-Use of mail or telephone in violation of established regulations	LOP		30	0	
4-11-Violating any departmental rule or regulation, or any other rule, regulation, o condition of an institution or community based program	DISM				

Superintendent's Appeal Notes: Based on the information provided in the disciplinary report, hearing and your appeal, I am denying your appeal.

Steven J OBrien
Superintendent

20091113
Date

A copy of this decision has been served on the inmate RIVA, JAMES

Served by: John R Poulin
Staff Signature

Date 20091117 07:25

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

DISCIPLINARY REPORT

156.

Inmate RIVA, JAMES Commit No W38533 Location Mail Room
Date 20091020 D- Report No 175427 Institution OLD COLONY CORRECTIONAL CENTER

- | Category | Offense(s) |
|----------|--|
| 4 | 04-Use of mail or telephone in violation of established regulations |
| 4 | 11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program |

Description of Offense(s)
On October 20, 2009 at approximately 9:45am I found inmate James Riva, W-38533, in violation of the listed offenses. I was searching incoming mail when I found a piece of mail returned to inmate James Riva that did not go through institutional procedures. The letter had a delivery address of Lynn ~~Mass~~ P.O. box ~~42~~ Bailey NC 27809. The post mark on the envelope was from Fargo ND and the back of the envelope did not have the institutional stamp. The letter will be held in the mail room.

Disciplinary Report Type: Formal
Has Inmate been placed on Awaiting Action Status Yes No
Referred to DA Yes No Referred to DDU Yes No

Reporting Staff ~~John D. Basseur~~ Date 20091020 Time 12:57
Days off Sun Sat
Shift 7-3
Supervisor Daniel R Lemieux Date 20091020 Time 15:16
Shift Commander Peter L Pascucci Date 20091020 Time 15:16
Disciplinary Officer John R Poulin Date 20091021 Time 07:32

Results PLEA GUILTY
Continuance Length _____ Continuance Date 20091023 Projected Date _____

Offenses	Sanctions	Start Date	Unit	#of Units	Credits	End Date	Amount
4-04-Use of mail or telephone in violation of established regulations	Loss Telephone		D	30	0		0
4-11-Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program	Dismissed		D				0

Reviewing Authority _____ Date _____ Time _____

Commonwealth of Massachusetts
Department of Correction
Appeal Form

155. A²
69

Inmate: RIVA, JAMES

Commit#: W38533

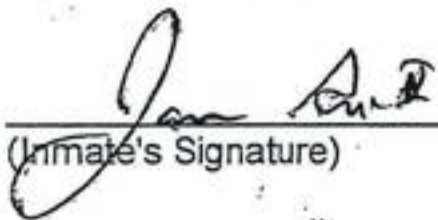
Disciplinary Report # 173530

Housing Unit: ATTUCKS II

- (1) Appeal Procedures (103 CMR 430.18 (1)) "All inmates may appeal the finding or sanction(s) of the Hearing Officer to the Superintendent within 15 days following the inmates' receipt of the Hearing Officer's written decision. If the fifteenth day of this appeal period does not fall on a business day, this day will not count and the next business day shall be counted as the fifteenth day".
- (2) 103 CMR 430.08 (5) "The Deputy Commissioner or a designee shall serve as the appellate authority in any disciplinary case in which an inmate receives a recommended sentence to the Department Disciplinary Unit, subject to the procedures set forth in 103 CMR 430.18 (1) (2)".
- (3) The Commissioner reviews all forfeitures of Good Time. The Commissioner IS NOT an Appellate Authority in Disciplinary matters.

Please indicate the specific grounds of your appeal in the space below. (Use additional paper if necessary.)

I appeal the guilty verdict for the reasons stated at the hearing. The letter inside a letter was only asking that person to phone the DOC investigator and complain about the tampering with the mail. The letter I submitted as evidence from Chester Ratcliff indicates my mail to him is blocked. 30 days loss of phone is excessive. I need to call my attorney.


(Inmate's Signature)

Oct. 20, '09
(Date)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

154.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 13-DEC-13 Date Of Grievance 25-NOV-13
Appeal Received Date 16-DEC-13
Appeal I am appealing grievance 69807 because it would not be the first time mental health staff have assisted correction officers in "punishing" an inmate. In the instart case, Dr. ~~Ernesta Naves~~ has taken it upon herself to jeopardize my health - most likely to coerce me to stop pursuing my claims about the mail officer's constant theft of my mail
Remedy Requested That the chief of psychiatry evaluate me and my evidence file towards the aim of putting my meds back at the dosage it was at for 15 years w/o any trouble.
Staff Recipient Fogaren Mark S CO II
Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 16-DEC-13 Decision Date 19-DEC-13 Decision DENIED
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Denied.. Referred to Mental Health Director to review your concerns.
Signature 4/23/14 - Please be advised that I have reviewed grievance/grievance appeal #69807 and I find this matter to be non-grievable. Prescribed medication are considered medical treatment issues and must be addressed through the medical grievance process in accordance with 103 CMR 491.
Kristie Ladouceur
Kristie Ladouceur
Director of Administrative Resolution
Date

INMATE RECEIPT

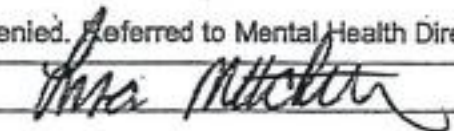
Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 16-DEC-13
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

153.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 13-DEC-13 Date Of Grievance 25-NOV-13
Appeal Received Date 16-DEC-13
Appeal I am appealing grievance 69807 because it would not be the first time mental health staff have assisted correction officers in "punishing" an inmate. In the instart case, Dr. ~~Dr. [unclear]~~ has taken it upon herself to jeopardize my health - most likely to coerce me to stop pursuing my claims about the mail officer's constant theft of my mail
Remedy Requested That the chief of psychiatry evaluate me and my evidence file towards the aim of putting my meds back at the dosage it was at for 15 years w/o any trouble.
Staff Recipient ~~Fogaren Mark S~~ Fogaren Mark S CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 16-DEC-13 Decision Date 19-DEC-13 Decision DENIED
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Denied. Referred to Mental Health Director to review your concerns.
Signature  Date 12.19.13

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 16-DEC-13
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

152

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 69807 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20131125 Date Of Grievance 20131125

Informal filed No

Complaint In direct retaliation for initiating suit against the mail officer and his accomplices, Dr. A. Reeves increased to the max a dangerous medication on me until I fell. She then decreased it slightly while still threatening to increase it again. I am not large and I am 56 yrs old. I cannot handle such a large dose of Olanzapine. It took quite a few months for HSU to finally give me my psych records. Dr. A. Reeves gives as her reason my belief that the mail is being stolen and my anger about same.

Remedy Requested That a different psychiatrist evaluate me and lower my dosage.

Staff Recipient ~~Fogaren~~ Mark S CO II

Staff Involved Reeves Danya PSYCHIATRIST

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20131209 Decision Date 20131212

Signature ~~Fogaren~~ Mark S CO II

Final Decision Non-Griev Med Treatmnt/Diagnos

Decision Per 103 CMR 491medical treatment/diagnosis issues are non-grievable through this office, and the proper grievance form has been provided to you.

Signature M Fogaren Date 12/12/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 69807 Date Received 20131209

Signature. Fogaren Mark S CO II

Sgt. ~~Mark~~ ~~Myers~~

IGC

Dec. 6, '13

Sgt. ~~Myers~~,

I received your letter of Dec. 3, 2013 last night, along with my grievance about the psychiatrist which you did not enter into the IMS.

Since I alleged she has "retaliated" against me for asserting a protected right - in this case - for complaining about the mail officer - it most certainly is within your purview.

Please enter it and assign it a valid number. If you want to deny it because you think its only a medical grievance, please do so after you assign it a valid number.

Truly,

J. Riva

James Riva W38533

AY

Riva, James
W38533
06-16-1957

Massachusetts Department of Correction - MHM Services
PSYCHIATRY PROGRESS NOTE

Patient ID#: DOB:

Date/time: 04-28-13 1:00pm
Location: OCC 485

Duration of Interview: 20' 30' 45' 60' Other

SUBJECTIVE: (Reported progress, difficulties, side effects) Jim presents - his 90 day medication renewal appointment. He now, not needed Zyprexa @ 15mg although he needs less. He reports @ this dose he doesn't do as poorly especially at night. Since we have increased his Zyprexa to his range he has been

OBJECTIVE: controlled @ Zyprexa 15mg - delusions still present
Mental Status Exam:
Level Of Consciousness Alert Other (ex. Drowsy, Sleeping, Hyper-vigilant) resistance
Behavior Appropriate Agitated Other (ex. Psychomotor Retardation, Agitation) at doses
Appearance Normal Other (ex. Unkempt, Bizarre, Poor Hygiene) < 20mg
Orientation A&OX3 Disoriented: to Person Place Time
Mood Euthymic Other (ex. Dysphoric, Depressed, Anxious, Elevated)
Affect: Normal blunted Other (ex. Irritable, Labile, Constricted, Flat, Blunted) disregards
Thought Process: Normal Other (ex. Disorganized, Circumstantial, Tangential, LOA, FOI) reports his
Hallucinations None Present (Describe) lacking
Delusional Thoughts None Present (Describe) paranoia insight
Speech Fluent/Normal Other (ex. Pressured, Slurred, Dysarthric)
Memory & Concentration Intact Other (ex. Deficits, Cognitive Difficulties, MMSE)
Judgement Intact Impaired Poor chronically
Insight Good Impaired
Suicidal Ideation Denied/Absent Present (Describe in Detail in the Assessment Below)
Homicidal Ideation Denied/Absent Present (Describe in Detail in the Assessment Below)
He reports his belief that he has delusions

DATA:
Laboratory Results: (Date) 11/11/13 are not delusions but based on
neurologic - 43-71 web site. I discussed with him
that his case had been
discussed in my notes
at that we see a better
function - less anger
at his current dose
He tends to pre-act at lower
doses of Zyprexa - he does not
believe that clinical judgment
is needed @ this
paranoia
to needs
med. her

AIMS Test (Required every 6 months for Antipsychotic Treatment): N/A
Signature: [Signature] Printed Name: Chayra Nivis

ASSESSMENT (Should include symptomatic support for the diagnoses documented)

Tim continues to present with paranoid delusions (accusations of incest) has a long history of psychosis the of Act 1st (a history of psychosis) however is improved

We have continued to perform ADL's without impairment His degree of paranoia seems to indicate his symptoms should be increased. He indicates he sleep with a dagger & should discuss on shift

AXIS I: Schizophrenia

the 1st / 1st C-LSD Barbiturate

AXIS II: delusional

AXIS III: 2/1/2 Abx very phlebotomy
dyslipidemia
allergy - penicillin
Hypertension

Myrins
Hx 1993 head scan

He has continued his life work at the law library without difficulties.
He have presented at above research @ <15mg of ziprasidone.

PLAN:

Medication	Dose/frequency	Rationale/Indication	Comment	Renew/Change
Ziprasidone	15mg po qd	psychosis		Rx 90d
				if may benefit from 20mg dose

Other Meds: lorazepam
the Aspirin ASAP
Serpentin
ECASA

Laboratory Tests Ordered: _____

EDUCATION Explained rationale, benefits, risks, and side effects of proposed treatment or medication Yes No

Patient agreeable to Plan: Yes No

Informed Consent signed: Yes No (Required unless patient has a guardian)

RETURN APPOINTMENT: 30 days 60 days 90 days Other _____

Signed: _____
Psychiatrist

Massachusetts Department of Correction - MHM Services

PSYCHIATRY PROGRESS NOTE

Riva, James
W38533
06-16-1957

ALL: Phenothiazine

Date/time: JUN 12 2013 at 13:20
Location: R70 - 2 K50 - OCC

IM agent prior to
COXARTINE, NAVINE,
SITIZAZINE, TITONAZINE

Duration of Interview: 20' 30' 45' 60' Other

SUBJECTIVE: (Reported progress, difficulties, side effects)

This was a scheduled 90 Day PROXICATION when
he has 2 YARRA was adjusted for 20 to 15.
IM needs adjustment of onset psychotics since he is regu-
lating multiple 1st/typical antipsychotics the PCT for each

OBJECTIVE:

Mental Status Exam:
Level Of Consciousness Alert Other (ex. Drowsy, Sleeping, Hyper-vigilant)
Behavior Appropriate Other (ex. Psychomotor Retardation, Agitation)
Appearance Normal Other (ex. Unkempt, Bizarre, Poor Hygiene)
Orientation A&OX3 Disoriented: to Person Place Time
Mood Euthymic Other (ex. Dysphoric, Depressed, Anxious, Elevated)
Affect: Normal Other (ex. Irritable, Labile, Constricted, Flat, Blunted)
Thought Process: Normal Other (ex. Disorganized, Circumstantial, Tangential, LOA, FOI)
Hallucinations None Present (Describe)
Delusional Thoughts None Present (Describe PARANOID PERSECUTION)
Speech Fluent/Normal Other (ex. Pressured, Slurred, Dysarthric) Delusional
Memory & Concentration Intact Other (ex. Deficits, Cognitive Difficulties, MMSE)
Judgement Intact Impaired Poor IM seen S/H
Insight Good Impaired
Suicidal Ideation Denied/Absent Present (Describe in Detail in the Assessment Below)
Homicidal Ideation Denied/Absent Present (Describe in Detail in the Assessment Below)

DATA:
Laboratory Results: (Date)
CBC: HGB 14.1
Metabolic Profile:
AST 13 ALT 11 TBili

He describes his work that "I know
that DOC staff is intentionally challenging
provoking me, at times even harassing me.
He went on to explain "I can force it bc
they force to take LAUGH, giving
me a dirty look whenever I pass
in front of them [means CO
DOC staff]. He, however,
appreciates Mt's Team on the NITEL
to de-adjest his
score in Sept, 21, 13.

Lipid Profile: trig HDL LDL
TFT's: TSH 6.6 FT4 FTI
EKG
AIMS Test (Required every 6 months for Antipsychotic Treatment): N/A

Signature [Signature] Printed Name G. BODROG, M.D.

ASSESSMENT: (Should include symptomatic support for the diagnoses documented) ZYPREXA for 20 days to 15mg b/c he was assessed to "tip 15mg over and feel" [at the bottom was 5/01/13]. Revising MDR indicate he is FULLY adherent to his ZYPREXA 15mg [from 20mg] with significant effect as he has NOT had safety risk to himself or others. He exhibits no BASELINE level, persisting PARANOID DELUSIONS stating that "his letters are confiscated by the government, some CO's are taking photos of M's GP the clinics last friend invited. a "website" [what M never seen] put in [where] he "comes from his friends" then 4,600 hits he gained. I never see

AXIS I: SCHIZOPHRENIA
 O/O.
 AXIS II: Delusional
 AXIS III: PSYLLIPIDRMA
 TRICHALIN, INC. HERNDON VA.

PLAN:

Medication	Dose/frequency	Rationale/Indication	Comment	Renew/Change
ZYPREXA	15mg	QHS for paranoia		x 90

I later he corrected 30,000 b/c people are looking there intensely.

Laboratory Tests Ordered: _____

EDUCATION Explained rationale, benefits, risks, and side effects of proposed treatment or medication Yes No

Patient agreeable to Plan: Yes No NO NEW MEDICATION

Informed Consent signed: Yes No (Required unless patient has a guardian)

RETURN APPOINTMENT: 30 days 60 days 90 days Other _____

Signed: G. BODROG, MD
 Psychiatrist
 Psychiatrist

Riva, James
W38533
06-16-1957

Massachusetts Department of Correction - MHM Services

PSYCHIATRY PROGRESS NOTE

ALL: P 1712

Patient ID#: DOB:

Date/time: 3-11-13

Location: HSD OCC

9300n

Duration of Interview: 28' 30' 45' 60' Other

Last seen 12/20/12 by Dr. Drev

SUBJECTIVE: (Reported progress, difficulties, side effects) He is doing "a little better" however he perseverates regarding himself and his feelings that he held his mother & others. He at times, had been talking to himself for a while. He is not good after the dose. Copy skills - deep breathing. However he doesn't take back to any of his. We discussed the importance of consistent Zyprexa dose to better manage his symptoms.

OBJECTIVE:

Mental Status Exam:

Level Of Consciousness Alert _____ Other (ex. Drowsy, Sleeping, Hyper-vigilant)
Behavior Appropriate _____ Other (ex. Psychomotor Retardation, Agitation)
Appearance Normal ~~Abnormal~~ _____ Other (ex. Unkempt, Bizarre, Poor Hygiene)
Orientation A&OX3 _____ Disoriented: to _____ Person _____ Place _____ Time
Mood Euthymic _____ Other (ex. Dysphoric, Depressed, Anxious, Elevated)
Affect: Normal _____ Other (ex. Irritable, Labile, Constricted, Flat, Blunted)
Thought Process: Normal _____ Other (ex. Disorganized, Circumstantial, Tangential, LOA, FOD)
Hallucinations None _____ Present (Describe auditory)
Delusional Thoughts None _____ Present (Describe persecution)
Speech Fluent/Normal _____ Other (ex. Pressured, Slurred, Dysarthric)
Memory & Concentration Intact _____ Other (ex. Deficits, Cognitive Difficulties, MMSE)
Judgement Intact Impaired _____ Poor Some impairment due to psychosis
Insight Good Impaired
Suicidal Ideation Denied/Absent _____ Present (Describe in Detail in the Assessment Below)
Homicidal Ideation Denied/Absent _____ Present (Describe in Detail in the Assessment Below)

He is looking forward to the possibility of a dose

DATA:

Laboratory Results: (Date)

12/20/11 CBC: WNL except neutrophils 31.5%
12/11 Metabolic Profile: WNL
11/11 AST 5 ALT 11 TBil 0.4
11/11 Lipid Profile: a1 trig 341 HDL 137 LDL
11/11 TSH 1.38 FT4 6.53 T4/T3 = 8.70
29/11 EKG PRN QTC - QTC = 423 HR = 71

AIMS Test (Required every 6 months for Antipsychotic Treatment): N/A Score/Date 0 = 3/11/13

Signature:  Printed Name: Dr. Drev



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Correction
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324
Telephone (508)279-6000

www.mass.gov/doc



Luis S. Spencer
Commissioner

Veronica M. Madden
Deputy Commissioner

Peter A. Pepe
Paul L. DiPaolo
Acting Deputy Commissioners

Joseph M. Murphy
Acting Superintendent

July 12, 2011

James Riva, W38553
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

I am in receipt of your letters dated May 21 and 23, July 6 and 11, 2011 with regards to your "illegally blocked out" mail.

After reviewing your letters, be advised that the institution does not have a "block" on your U.S. mail. There is no evidence which indicates that your mail has been tampered with at Old Colony Correctional Center. You need to contact the Bridgewater Post Master to pursue these issues with your U.S. mail.

Sincerely,

Michael Devine
Acting Superintendent

/MAS

cc: Mail Officer

Dec 8, 10
JAMES,

SORRY I'VE NOT WRITTEN. A LOT GOING ON, I LOST MY GRANDMOTHER AND HAVE HAD FOUR SURGERIES IN 2010 WITH ANOTHER SCHEDULED ON DEC. 20, 10 - MAKING A TOTAL OF FIVE SURGERIES IN A CALENDAR YEAR. IT RECORD FOR ME I HOPE. I'LL NEVER BREAK.

REALLY, WHEN YOU GAVE MY ADDRESS TO A FRIEND OF YOURS THERE IN PRISON, IT SCARED ME. THAT WAS NOT COOL OF YOUR FRIENDS TO WRITE OVER AND OVER. WAY TOO PUSHY. I WROTE TO YOU, NOT TO HIM!

ANYWAY, I WISH YOU A
HAPPY HOLIDAY SEASON
AND ALL THE BEST IN 2011!

Wishing you a
joyous holiday season

CAN YOU SURVIVE WITHOUT
SOME HUMAN BLOOD CONSUMPTION?

Please send
me some
of your
old clothes
4

Love & Blessings
James
Koxox

142

Vanessa ~~MM~~
P.O. Box ~~MM~~
Tampa, FL 33688 G-26

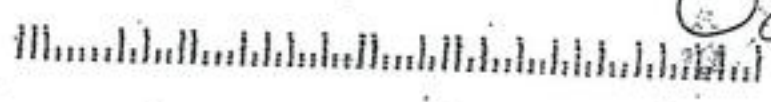
TAMPA FL 336

SEP 23 1998



Mr. James Riva
W38533 - O.C.C.C.
One Administration Rd
Bridgewater, MA

02324



02324

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Kristie Ladouceur
Acting director of Administrative Resolution
Dept. of Correction
50 maple St.
Suite 3
Milford, MA 01757-3698

141.

June 2, 2009

RE: Grievances #'s 39283, 33623, 29785

Dear Ms Ladouceur,

I am in receipt of your May 27th 2009 concurrence with the superintendent's denial of my grievance appeal In re # 39283. You adopted the grievance coordinator's contention that a Halalco book catalog is also a "book" and should be counted as towards our 10 book limit and that a permission slip is required to receive it- filed in advance of receipt.

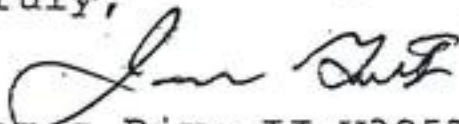
As incongruent with established department policies as that is- singling out the Muslims requiring them to account an Islamic book catalog as one of their "books" when no other faith based groups have to do this for their book catalogs- OK. I filed a permission slip to receive the Halalco book catalog. But you did not address my other concerns in # 39283!

I claimed and proved (I sent you a 3 page letter and 26 exhibits on April 4th 2009) that OCCC super is requiring me to submit a permission slip to receive a newspaper PRISON LEGAL NEWS and that somebody bought me a subscription and I still haven't received it even though it was ordered in January. No other newspaper is subject to this extra rule and not other inmate I'm aware of is being prevented from receiving PRISON LEGAL NEWS.

AND I sent you those 26 exhibits to prove that my personal mail is being stolen- I don't receive it. I had someone call your office to verify receipt of the April 4th letter and 26 exhibits. Enclosed is another set of duplicates. I would request you contact my pen friends whom your folks have blocked my correspondence and put a stop to this illegal behavior. It is unwarranted. It is counter to your dept.'s stated objectives. Its an egregious wrong that should be stopped today.

Your callous disregard of my OTHER valid issues indicates that you are predisposed before even reading a complaint. I JUST WANT MY MAIL! Why can't anyone at your office do something to put a stop to your employees stealing my personal and legal mail?

Truly,



James Riva II W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324

140.



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Karin T. Bergeron
Superintendent

**The Commonwealth of Massachusetts
Executive Office of Public Safety and Security**

**Department of Correction
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324**

**Telephone (508) 279-6000
Fax (508) 279-6754
www.mass.gov/doc**



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

March 29, 2010

James Riva, W-38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

Dear Mr. Riva:

Your correspondence to Deputy Superintendent Joseph M. Murphy, dated March 10, 2010 regarding your attempt to order a *Halalco Islamic Book Catalog* has been referred to this office for a response.

Please be advised that the Program Department here at Old Colony Correctional Center will contact this vendor and have the catalog shipped to us, so that you may be able to utilize this resource, when ordering your religious literature.

I trust this addresses your concerns.

Sincerely,

Jeanie Lahousse
Director of Treatment

cc: Joseph M. Murphy, Deputy Superintendent
File

Vertical stamp or text on the right margin.

Vertical stamp or text on the right margin.

69

Massachusetts Department of Correction
Old Colony Correctional Center

Property Department

TO: Jones Riva COMM# W 38533
FROM: Property Dept.
RE: Returned Book(s) from Halaico Books
155 Hillwood Ave
Falls church, VA
Quantity: 1 envelope

A book(s) for you was received at Old Colony via mail. This book(s) was returned to sender for the following reason:

- No approved property permission slip on file
- Was mailed from third party
- Contained contraband items (_____)

103 CMR 403.10(7)

(d) Books/Magazines/Newspapers - Authorized inmates may possess a maximum of ten books, magazines, and newspapers. All publications must come directly from the publisher or a pre-approved distributor or book club. The property committee shall be responsible for pre-approval. This does not include books for temporary use in authorized educational programs. After completion of an authorized course the inmate will be required to dispose of all books in excess on ten.

103 CMR 403 site specific for OCCC

(V) Personel items by mail - A) Magazines/ Books/ Newspapers to be purchased the distributor/book clubs or directly from the publisher no less than on a quarterly basis. Inmate must fill out the property permission form completely to include name, housing unit, commitment number, title of the book and where book is coming from.

Date Received: 3-2-09

Date Returned: 3-14-09

Thank you,
OCCC Property Officer

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

138.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 19-MAR-09 Date Of Grievance 16-MAR-09
Appeal Received Date 23-MAR-09

Appeal Grievance Coordinator should have interviewed me. Item in question was an Islamic Book Catalog from out only approved Islamic Book vendor, Halalco. In 2007 when the mail officer pulled same stunt of diverting Halalco book catalog to property and mailing it back (or destroying it) Deputy ~~Mark Powers~~ stepped in and order mail officer to allow me to receive Halalco book catalog in the mail. Item says on its cover in big letters "Halalco Islamic Book Catalog". It is a lack of investigation of a valid grievance. If I had been interviewed I also have credible evidence received this week of mail officer diverting personal mail of mine from pen friend Erik ~~Vinayoon~~ in Massapequa NY. Also evidence that a subscription for periodical "Prison Legal News" was ordered for me in January and I have not gotten anything.

NO other book catalogs require a permission slip. Why should an Islamic book catalog require one? Especially so since Deputy ~~Powers~~ ordered the mail officer in 2007 to allow me to receive it in the mail. It defies logic to now claim we need a permission slip to receive a catalog to order a book because we have no way of knowing when the new catalog comes out. Hamilton Books catalog comes w/o a permission slip, all those music supply catalogs come in w/o permission slip. All those Christian book catalogs come in w/o permission. IGO ignored clear content of grievance.

Remedy Requested Let me receive Halalco catalog in the mail w/o further restriction. Search mail officer's work area and locker for other items of my mail not delivered. ORDER mail officer to STOP diverting my mail. Reasonable compensation for lost postage expense and consideration for available single on unit A2 only.

Staff Recipient ~~Fogaren~~ Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 23-MAR-09 Decision Date 01-APR-09 Decision DENIED

Decision By OBrien Steven J. SUPERINTENDENT

Reasons Based on the research conducted by the IGC, I cannot support your appeal.

Signature 5/27/09 - Please be advised that I have reviewed grievance/grievance appeal #39283 and I support the Superintendent's decision to deny your grievance. Per 103 CMR 403.13 (2), all property not arriving from the sending facility must be pre-approved by the property officer via the property permission slip. Books are considered property and therefore you must seek pre-approval to ensure an accurate count of books in your possession is maintained.


Kristie Ladouceur
Acting Director of Administrative Resolution

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 23-MAR-09

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
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Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

137.

April 2, 2009

James Riva W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA. 02324

Dear Mr. Riva:

Your April 1, 2009 letter regarding Grievance #39283 has been received.

This matter has been adequately addressed through the grievance process.

In Grievance #39283 you were informed mail from Prisons Foundation was unaccepted and your grievance was denied due to your failure to appropriately complete a property permission slip.

Further, your appeal to this matter was denied.

I consider this matter closed.

Sincerely,

Steven J. O'Brien
Superintendent

SJO/gjt

Cc. IGC
Inmate File
File

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

136-

Steven O'Brien
Superintendent
OCCC

April 17, 2009

RE: ongoing mail issues; Grievance #39283

Dear Mr. O'Brien,

In furtherance of our conversation today at staff access period, I am enclosing the copies you requested today and some additional comments.

You are requiring me to secure a permission slip to receive a newspaper: Prison Legal News. At a glance you can plainly see that it is only a newspaper. Nobody else and for no other newspaper do you require a permission slip.

Not only do I suspect this runs far afoul of the Court ORDER regarding this publication, but requiring a permission slip all of a sudden after the fact is a clear ex post facto clause violation.

Of far more importance to me though is the fact that all of a sudden, now you are circling the wagons and claiming that I need a permission slip to obtain a catalog in order to buy a book for Islamic books. No other type of book is subject to this additional restriction but Islamic books. So you are singling out the Muslim book catalog for additional hoops for the Muslims to jump through that no other faith group or secular group is subject to.

I just want my mail. The other relief items I requested are paltry considering the some hundred pages of typed paper work I have had to generate to prove (against your professional discreditors) that my mail is indeed being tampered with in an egregious fashion.

I am not trying to disrupt your prison. I am trying to practice my religion in a sensible way, do my work and rehabilitation, and try to make parole. I am not interested in causing trouble. I don't see why you are condoning and co-signing this ongoing interference with my lawful activities.

Very Truly,



James Riva II W38533

A-2

Note: These are not good or bad luck. They are merely a novelty.



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Kevin M. Burke
Secretary

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135.

Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

April 29, 2009

James Riva W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA. 02324

Dear Mr. Riva:

This letter is in response to your April 22, 2009 letter regarding property permission slips for reading materials previously prohibited.

The Property Department has confirmed you have completed the permission forms for these items, however they have not arrived to the institution to date.

Sincerely,

Steven J. O'Brien
Superintendent

SJO/gjt

Cc. Property Officer
Inmate File
File

Exh. 14

134.

PRISONS FOUNDATION
1600 K STREET SUITE #501
WASHINGTON, DC 20006
www.prisonsfoundation.org

March 31, 2009

JAMES RIVA III
W38533
O.C.C.C.
ONE ADMINISTRATIVE ROAD
BRIDGEWATER, MA 02324

James,

I may have mentioned this in an earlier letter but Prison Legal News just won a court battle making it perfectly legal for them to distribute PLN in the Massachusetts Correctional System. Most other DOC's in most other States don't seem to care; but for some reason Mass has historically had a problem with inmates getting PLN. I will send an email to the editor of PLN and inquire if he has sent any issues to you (he should have).

We haven't sold any of your stuff yet, which is disappointing, but the economy is so bad right now we are struggling to sell anything, at all. If we sell anything of yours you'll be contacted right away.

I also had an organization send you a free copy of the Qur'an and some Islamic literature because I surmised from the Arabic script you might be interested in this sort of thing. Now I am wondering if you received these items (?).

Sincerely,



Kevin Horrocks

Resource Director

Prisons Foundation

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

133.

Steven O'Brien
Superintendent
OCCC

April 17, 2009

RE: ongoing mail issues; Grievance #39283

Dear Mr. O'Brien,

In furtherance of our conversation today at staff access period, I am enclosing the copies you requested today and some additional comments.

You are requiring me to secure a permission slip to receive a newspaper: Prison Legal News. At a glance you can plainly see that it is only a newspaper. Nobody else and for no other newspaper do you require a permission slip.

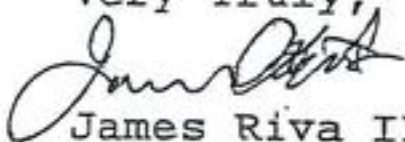
Not only do I suspect this runs far afoul of the Court ORDER regarding this publication, but requiring a permission slip all of a sudden after the fact is a clear ex post facto clause violation.

Of far more importance to me though is the fact that all of a sudden, now you are circling the wagons and claiming that I need a permission slip to obtain a catalog in order to buy a book for Islamic books. No other type of book is subject to this additional restriction but Islamic books. So you are singling out the Muslim book catalog for additional hoops for the Muslims to jump through that no other faith group or secular group is subject to.

I just want my mail. The other relief items I requested are paltry considering the some hundred pages of typed paper work I have had to generate to prove (against your professional discreditors) that my mail is indeed being tampered with in an egregious fashion.

I am not trying to disrupt your prison. I am trying to practice my religion in a sensible way, do my work and rehabilitation, and try to make parole. I am not interested in causing trouble. I don't see why you are condoning and co-signing this ongoing interference with my lawful activities.

Very Truly,



James Riva II W38533

A-2

Note: These are not good or bad luck. They are merely a novelty.

EXH. 13

PRISONS FOUNDATION
1600 K STREET NW SUITE #501
WASHINGTON, D.C. 20006

132.

January 31, 2009

JAMES RIVA

W38533

O.C.C.C

ONE ADMINISTRATION ROAD

BRIDGEWATER, MA 02324

Jan 31

James,

We have not heard from you in some time. I tried to send you a package which contained, among other things, a copy of Prison Legal News. Prison legal News just won a court case last year allowing distribution of this publication in MA. Under our 501(c)(3) status we should be able to send it to you as well (we are registered distributors). In any case, we received a letter from the DOC at Bridgewater stating the package contained "contraband." All of this is neither here nor there. I requested Prison Legal News send you a subscription directly. Now I cannot even remember what our original correspondence was. We were just wondering if everything was okay; we have not heard from you or received any art submissions in some time.

Sincerely,

Kevin Horrocks

Resource Director

Prisons Foundation

we are registered distributors
at Bridgewater

COMMONWEALTH OF MASSACHUSETTS

Exh 10

DEPARTMENT OF CORRECTION

131.

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 39283 Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Housing ATTUCKS II Date Of Incident 20090314 Date Of Grievance 20090316

Complaint Mail officer is once (twice) again violating CMR's regarding my mail. Our authorized Islamic books vendor sent me a catalog which arrived 3-2-09 (Halalco). I was not notified. It was contrabanded, but I did not get a contraband slip. The Halalco catalog was sent back to Halalco on 3-14-09. I was finally notified by property on 3-16-09 too late to do anything. We are allowed to get book catalogs w/o permission slip. Officer ~~Fogaren~~ is constantly diverting any mail in an illegal manner.

Remedy Requested Order C.O. ~~Wasserman~~ to stop tampering, diverting or stealing my mail. Search is work area for any more of my mail he has diverted, stolen. Reasonable compensation.

Staff Recipient ~~Fogaren~~ Mark S CO II

Staff Involved ~~Wasserman~~ Mark N CO I

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20090318 Decision Date 20090319

Signature ~~Fogaren~~ Mark S CO II

Final Decision DENIED

Decision Your grievance has been denied. The investigation revealed the mail Officer in question was not involved in the process. The item in question was sent to property where it was learned that Per 103 CMR 403 you never completed a property permission slip, therefore the book was returned to sender. I trust this addresses your concerns.

Signature *Mark Fogaren* Date 3/19/09

denied grievances may be appealed to the Superintendent within 10 working days of Institution grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Grievance# 39283 Date Received 20090318
 Signature Fogaren Mark S CO II

[Handwritten notes and stamps]

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

130.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 16-MAY-12 Date Of Grievance 10-MAY-12
Appeal Received Date 18-MAY-12

Appeal I am appealing the denial of grievance 59216. 103 CMR 481.15 states seven categories by which an article of mail arriving at the prison may be contrabanded. None of these include an article arriving w/o a return address. I believe the category printed on the contraband slip from: "Improper or no return address" is an error that was meant to pertain to outgoing mail, not incoming. A typesetting error from the printshop when printing up blank contraband slips does not trump a CMR. If the promulgators of the CMRs intended this to be an actual category it would stated so senders would know in advance, not after they sent an article-that would be governance by ambush.

Remedy Requested That the commissioner either add an eighth category prohibiting incoming mail w/o a return address and post it in the CMRs or delete as mistake the category from the contraband slip so this discrepancy doesn't arise again. Either way I should receive the contrabanded letter since it was not a posted CMR when the letter was sent.

Staff Recipient Fogaren Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 18-MAY-12 Decision Date 25-MAY-12 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied.

Signature 11/7/12 - Please be advised that I have reviewed grievance/grievance appeal #59216 and I am denying your grievance as I concur with the institutional summary of findings.


Kristie Ladouceur
Director of Administrative Resolution

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 18-MAY-12

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

129.

Commissioner of Correction
50 Maple St.
Suite 3
Milford, MA 01757-3698

Oct. 16, 2012

RE: grievance 59216

Dear Commissioner,

A letter arriving here at the prison addressed to me was contrabanded April 26th 2012 because it did not have a return address from the sender. Even tho I thoroughly illuminated the fact to Sgt. ~~Boyanen~~ and the Supt. ~~Mitchell~~ that there is no CMR and never has been that requires mail arriving at the prison to have one. 103 CMR 481.18 requires inmates sending out mail to include a return address, but not the other way around.

Your conflict resolution beaucrocat ~~James Riva~~ ~~Richard~~ has had this matter of #59216 about six months and still has done zero in the way of resolving the matter.

In the meantime Deputy ~~Riva~~ at OCCC has reversed the mail officer's contrabanding another inmates' letter for the same reason, stating that there is no CMR that requires incoming mail include a return address.

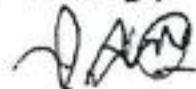
Further, ~~James Riva~~ has never ever conducted her own investigation of any of the seven grievances I have appealed to the commissioner's office- all about ~~James Riva~~ and his cohorts, stealing, or destroying, or diverting my mail. Please access the evidence file on this at my website www.jamesriva.info

This has been and continues almost daily, a concerted effort by ~~James Riva~~ and his cohorts to drive me insane.

No one from DOC has ever done the right thing concerning this problem and simply call the Bridgewater Post Office to see for themselves the volume of mail that is supposed to come for me, but does not reach me.

I request some actual resolution to my long suffering at the hands of these organized mail thieves.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

Commissioner of Corrections
50 Maple St.
Suite 3
Milford, MA 01757-3698

June 4, 2012

RE: Grievance 59216

Dear Commissioner,

A letter arrived here at the prison addressed to me around April 26, 2012. It had no return address on it, and ~~Paul~~ ~~Masson~~, the mail officer, contrabanded it because it had no return address.

I ~~appealed the contraband slip to the superintendent.~~ She denied it, even tho I thoroughly explained that there is no CMR that requires mail arriving at the prison to have a return address. I then grieved it (#59216) which was denied, then appealed it, which was denied.

103 CMR 481.15 lists seven categories by which mail can be contrabanded and lack of a return address on mail arriving at the prison is not one of them.

103 CMR 481.18 requires that mail leaving the prison have the inmates return address, but not the other way around.

The contraband slip blank forms do list a criteria of improper or no return address, which I believe is atypesetters error meant to mean that outgoing mail without the inmate's return address can be contrabanded.

Presently you list no CMR- it is not posted- that people sending mail to a Massachusetts prisoner w/o a return address will have their letter contrabanded. So to follow the mail officer's, and the grievance coordinator's, and the superintendent's logic, senders should be clairvoyant and anticipate that their letters will be confiscated w/o a return address. That is governance by ambush.

I request that you clarify this issue so it will not recur- No other inmate I know of is subjected to this rigimorole. I request that you either amend 103 CMR 481.15 to include an eighth category by which mail arriving at the prison can be contrabanded- lack of return address, OR delete the erroneous criteria on the blank contraband slip forms. Either way, I should receive the contrabanded letter because it was not a posted CMR when it was sent to me.

Truly,



James Riva W38533
OCCC
1 Administration Rd.
Bridgewater, MA 02324

M2
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
DISAPPROVED CORRESPONDENCE/PUBLICATION AND CONTRABAND
NOTICE TO INMATE

127.

M2

Intended Recipient

Name of Recipient <i>James A. L.</i>	Inmate Number (if applicable) <i>W36532</i>	Institution <i>P14</i>
Address - Street or P.O. Box <i>Administration Box 64</i>	City <i>Bridgewater</i>	State and Zip Code <i>MA 02526</i>

Sender

Name of Sender <i>?</i>	Material Sent (name and date of correspondence/publication)	Institution (if applicable) <i>?</i>
Address - Street or P.O. Box <i>?</i>	City <i>?</i>	State and Zip Code <i>?</i>

Non-Delivery Information

Date Item Postmarked or Date Item Received	Item Rejected for Delivery (letter, package, magazine, book, etc.) <i>1 envelope</i>
--	---

Reason(s) for Disapproval/Non-Delivery

Item(s) fall as a whole or in significant part into any one of the following categories:

4-3-12 @ 11:00 AM
no show
Renewed May 14th
Sorry
feeling well.

- Transmittal of plans for, or the introduction of, contraband into the prison
- Plans for criminal activity or any activity which violates any departmental or institutional rule, regulation, order or policy
- Written in code
- Threatening or harassing correspondence including the sending of sexually explicit material to unwilling recipients
- Correspondence containing unsanitary or hazardous material (i.e., feces, insects, dirt, debris)
- Extortion demands
- Sending cash, drugs, jewelry or other contraband outside the prison
- The recipient has previously requested not to receive correspondence from the inmate pursuant to 103 CMR 481
- Improper or no return address
- Depicts or describes procedures for the construction of weapons, ammunition, bombs, or incendiary devices
- Depicts, describes or encourages methods of escape from correctional facilities or contains blueprints, drawings or similar descriptions of any correctional institution within the Commonwealth.
- Depicts or describes procedures for the brewing of alcoholic beverage(s), or the manufacture of drugs
- Depicts, describes or encourages activities that may lead to the use of physical violence or group disruption
- Encourages or instructs in the commission of criminal activity.
- Sexually explicit material or material that features nudity. *Per 103 CMR 481.15(3)(c) it is the Deputy Superintendent's decision as to whether or not a publication should be excluded.
- Item(s) not authorized by 103 CMR 403, Inmate Property Policy.

Signature of Institution Staff Member	Date Signed <i>4-26-12</i>
---------------------------------------	-------------------------------

Request to view
Renewed May 2, 2012

**** IMPORTANT ** PLEASE NOTE: IF YOU DISPUTE THIS DECISION, YOU HAVE THE RIGHT TO APPEAL TO THE SUPERINTENDENT BY SUBMISSION OF A WRITTEN APPEAL WITHIN 7 DAYS OF RECEIPT OF THIS NOTICE.**

THIS ALSO SERVES AS YOUR INITIAL CONTRABAND NOTIFICATION UNDER 103 CMR 403.14 FOR THE ABOVE REFERENCED ITEM(S). PLEASE ADVISE THE INSTITUTION PROPERTY OFFICER OF YOUR CHOSEN METHOD OF DISPOSAL.

126

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 59216 Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20120426 Date Of Grievance 20120510

Complaint I received a contraband slip issued by mail officer ~~Mark S Fogaren~~ stating that the letter arriving for me in the prison had been contrabanded because the person who had sent it did not include a return address. I wrote an appeal of the contraband slip to superintendent ~~Mark S Fogaren~~. On May 10th I received letter from Supt. ~~Mark S Fogaren~~ dated May 7th denying my appeal and citing vaguely 103 CMR 481. I have looked at 103 CMR 481 and the only part mentioning requirement of a return address is 103 CMR 481.18 which requires that an inmate sending mail out of the prison include his return address. There is no CMR and has never been one requiring letters arriving here at the prison have the sender's return address. I believe that whomever advised the superintendent made an error.

Remedy Requested That I receive the contrabanded letter and that in the future it is noted that a letter arriving at the prison without a return address is not a valid excuse for a contraband slip.

Staff Recipient Mark S Fogaren CO II
 Staff Involved Mark S Fogaren CO I
Mark S Fogaren A SUPERINTENDENT
 Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20120514 Decision Date 20120515
 Signature Mark S Fogaren CO II
 Final Decision DENIED
 Decision Your grievance is denied: it has been determined that OCCC's mailroom acted in accordance with 103 CMR 481.16 by deeming your letter contraband as it had no return address. You were notified in writing in accordance with 103 CMR 481.16 and also appealed the decision to Superintendent, which was also denied. It should be noted that the contraband mail slip you received is an extension of 103 CMR 481, which clearly showed the reason for the denial of the correspondence.
 Signature Mark S Fogaren Date 5/15/12

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Grievance# 59216 Date Received 20120514
 Signature Fogaren Mark S CO II

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

125.

Bernard Brady
Superintendent
O.C.C.C.

August 2, 2006

RE: Grievance # 18.067 (Appeal)

Dear Superintendent Brady,

Today I received your partial approval of my grievance appeal in re: tampering with my mail. You stated you would reimburse me 12 dollars. That amount is far too small.

I had to generate a couple hundred dollars worth of paperwork on this grievance. I had to have 3rd parties write to the Appeals Court only to discover my brief never arrived. IT IS A PRIMA FACIE CASE OF INTERFERING WITH THE TRANSMISSION OF AN APPELLATE BRIEF. It is also a prima facie case of interfering with my personal mail.

You took almost 2 months to reach this unjust and ridiculously inadequate verdict. I don't want to, but I'm going to have to take you to court along with the other fellows who have grievances about mail tampering.

Truly,

James Riva II

James Riva II W38533

A-2

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

124.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 10-MAY-2006
Date of Grievance 10-MAY-2006
Appeal Received Date 06-JUN-2006

Appeal I received my grievance decision dated 5-26-06 on 5-30-06. I duly filed a grievance appeal on June 1, 2006 and that night deposited same in the grievance box. I received no receipt and because the library was closed that day, I did not retain a copy. I hereby reiterate my grievance appeal. I presented a prima facie case of mail tampering. The excuses advanced by my investigator MCKenzi are implausible in light of subsequent communications from the Appeals Court about the major article of mail in question, (xxx the tampering with pleadings in a civil rights case and the tampering with the personal mail). The grievance came back "partial approval". There was no delineation of what part was approved. I have checked with other inmates and this problem of tampering with the mail, particularly the legal mail, is a widespread problem in this prison. When you consider the other things that have happened to me surrounding the civil rights action being tampered with, (ie, perjury of counsel, breaking my typewriter, harrasing me with legal storage rules that don't apply to anyone else) I think I have a preferred quite a case.

Remedy Requested I assert that I am entitled to all of the relief requesteed: 1. That something concrete be done to stop the mail tampering here. 2. That a search be made of the mail room to see if any mail addressed to me or by me is lingering. 3. I want a copy of my mail log from Jan. 17, 2006 to the present. 4. I want \$10,000: for all the fear, aggravation, and dpreivation of secured constitutional rights and retaliation for exercising protected rights. If I have to go through 5 years of lititgation to prosecute this case, the sum will be much higher.

Staff Recipient McKenzie Amanda Grievance Coordinator

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 06-JUN-2006 Decision Date 27-JUL-2006 Decision PARTIAL APPROVAL

Decision By Brady Bernard F SUPERINTENDENT

Reasons Based upon information received from the USPS Parcel Search Request, the institution will refund the cost that you incurred to send the material out certified mail.

Signature *Brady Bernard F* Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 06-JUN-2006

Staff Recipient McKenzie Amanda Grievance Coordinator

Superintendent's Signature _____



COMMONWEALTH OF MASSACHUSETTS

123.

APPEALS COURT CLERK'S OFFICE
John Adams Courthouse
One Pemberton Square, Suite 1200
BOSTON, MASSACHUSETTS 02108-1705
(617) 725-8106

May 31, 2006

James Riva II
Old Colony Correctional Center
One Administration Rd. (W385533)
Bridgewater, MA 02324

RE: No. 2006-P-0493

JAMES RIVA II
vs.
COMMISSIONER OF CORRECTIONS

NOTICE OF DOCKET ENTRY

Please take note that on May 31, 2006, the following entry was made on the docket of the above-referenced case:

Copy of parcel search request received from Atlanta, GA post office.. no mail inside, but return address was from James Riva, II. Copy forwarded to James Riva.

Very truly yours,

The Clerk's Office.

Dated: May 31, 2006

To: James Riva II
Joan T. Kennedy, Esquire

06P498

U.S. POSTAL SERVICE
PARCEL SEARCH REQUEST

122

FROM: Post Office, State and ZIP Code

ATLANTA MAIL RECOVERY CENTER
US POSTAL SERVICE
PO BOX 44161
ATLANTA GA 30378-1161

EXHIBIT

H

TO:

ASHLEY BROWN AHEARN
- CLERK -

MASSACHUSETTS COURT OF APPEALS
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE - SUITE 1200

A more detailed description is required.

RECEIVED
MAY 30 2006
APPEALS COURT

Complete items below and address to mailer

Date found 05-27-06 Found at RECEIVED WITHOUT CONTENTS AT: SPRINGFIELD BULK MAIL CENTER By INQUIRY

Addressed To (Name and address) JAMES RIVA II W38533 OLD COLONY CORR. CENTER ONE ADMINISTRATION ROAD BRIDGEWATER, MA 02324
Type Ordinary Return Receipt for Merchandise No. Insured No. C.O.D. No. Mailing Date

Dear Customer

An empty wrapper with your address was found in the mail and is believed to have been separated from a parcel during handling (see attached address portion of the wrapper).

If the contents of the parcel have not been accounted for and you wish that a search be made for the article(s), please complete the bottom and reverse of this form and return it to the Dead Parcel Branch in the enclosed preaddressed envelope.

An accurate and detailed description of each item is essential. Give names or initials (if personalized) and other characteristics such as brand or make of the article, model number, color, size, quantity and kind of material. If you are able to furnish illustrations or pictures, they would be most helpful.

If after a thorough search, your merchandise is not located, take this form and wrapper to your local post office for postage refund (Form 3533). Also, if the parcel was sent insured or C.O.D. present this form to your local post office once a search has been completed and request that a claim for indemnity be filed.

Experience has shown that proper packaging and including your name and address with the contents inside the parcel in most instances will avoid this inconvenience. To assure our customers the service they deserve, it is suggested that these measures be taken in future mailings.

We regret any inconvenience this matter may have caused you.

Date 05-27-06 Signature INQUIRY CLERK

If found articles should be (Check one) Delivered to Addressee Returned to Mailer

Date Signature of Mailer Phone No. (Include Area Code)

TO BE COMPLETED BY POST OFFICE

Results of Search (Check one) Articles described above were found and sent on to the addressee Articles described above are returned herewith Articles not found
Signature Date

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

121

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 18067 Institution OLD COLONY CORRECTIONAL CENTER.
Commit No. W38533 Housing ATTUCKS II Date Of Incident 20060405 Date Of Grievance 20060510

Complaint My mail is being tampered with regularly. I have grieved this issue in the past, but the culprits and investigators always covered up the tampering so that I could not bring the case to court. April 3, 2006 I deposited my brief and seven copies to be mailed 1st class to the appeals court. My computer printout indicates that \$7.25 was deducted from my account on April 5 for 1st class postage to appeals court. A notice from the appeals ct dated April 26 indicates that the brief never arrived, (attached)

Futher, a number of my personal letters are also being tampered with. As you can see from attached letter from Vanessa ~~Smith~~ that she writes me and the letters are returned. That was the last letter I received from her. I wrote to 3 women. I am not deceiving them. I told each about the other two. I told each about my lousy track record with women. I told each I am doing life with the possibility of parole. I am not requesting money from them and I am not asking them to facilitate an escape. So there is no legitimate excuse to tamper with my mail. The last time I got a letter from Lynn ~~McKenzie~~ was back in March and I know she would have written immediately because she opened the letter with "hello sweetheart"

Remedy Requested That a search be made to determine if my brief and 7 copies is still in the institution. If it is, let me inspect it and the institution should mail it out at their expense and see that it arrives at the appeal court.

I further request that a search be made to see if any letters addressed but not delivered to me are in the institution.

I request that something concrete be done to put a stop to the mail tampering.

(I want ten thousand dollars for all the aggravation and infringement upon my constitutional rights.)

I request a copy of my mail log (un-redacted) from January 17 to the present.

Staff Recipient McKenzie Amanda Grievance Coordinator

EXHIBIT
E

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060511 Decision Date 20060526

Signature McKenzie Amanda Grievance Coordinator

Final Decision PARTIAL APPROVAL

Decision Old Colony records indicate that your package was sent to the Bridgewater Post Office on 4/13/06 via standard mail. It has been confirmed with the courthouse that your documents were received, but have not finished the review process. As you mailed a second package containing duplicate documents to the courthouse, I cannot determine which package (if not both) the courthouse is in possession of. In the future I would recommend that any outgoing mail of significant importance be sent certified/return receipt so that delivery of said mail may be confirmed.

Signature [Signature] Date 7/26/06

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

120

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 10-MAY-2006
Date of Grievance 10-MAY-2006
Appeal Received Date 06-JUN-2006

Appeal I received my grievance decision dated 5-26-06 on 5-30-06. I duly filed a grievance appeal on June 1, 2006 and that night deposited same in the grievance box. I received no receipt and because the library was closed that day, I did not retain a copy. So I hereby reiterate my grievance appeal. I presented a prima facie case of mail tampering. The excuses advanced by my investigator MCKenzi are implausible in light of subsequent communications from the Appeals Court about the major article of mail in question, (xxx the tampering with pleadings in a civil rights case and the tampering with the personal mail). The grievance came back "partial approval". There was no delineation of what part was approved. I have checked with other inmates and this problem of tampering with the mail, particularly the legal mail, is a widespread problem in this prison. When you consider the other things that have happened to me surrounding the civil rights action being tampered with, (ie, perjury of counsel, breaking my typewriter, harrasing me with legal storage rules that don't apply to anyone else) I think I have a preferred quite a case.

Remedy Requested I assert that I am entitled to all of the relief requested: 1. That something concrete be done to stop the mail tampering here. 2. That a search be made of the mail room to see if any mail addressed to me or by me is lingering. 3. I want a copy of my mail log from Jan. 17, 2006 to the present. 4. I want \$10,000. for all the fear, aggravation, and deprivation of secured constitutional rights and retaliation for exercising protected rights. If I have to go through 5 years of litigation to prosecute this case, the sum will be much higher.

Staff Recipient McKenzie Amanda Grievance Coordinator

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 06-JUN-2006 Decision Date 27-JUL-2006 Decision PARTIAL APPROVAL

Decision By Brady Bernard F SUPERINTENDENT

Reasons Based upon information received from the USPS Parcel Search Request, the institution will refund the cost that you incurred to send the material out certified mail.

Signature Brady Bernard F Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES

Institution OLD COLONY CORRECTIONAL CENTER

Number W38533

Appeal Received Date 06-JUN-2006

Staff Recipient McKenzie Amanda Grievance Coordinator

Superintendent's Signature _____



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

119.

Pro se Clerk
Massachusetts Court of Appeals
John Adams Courthouse
One Pemberton Square
Suite 1200
Boston, MA 02108-1705

May 9, 2006

RE: James Riva II Pro se v Commissioner of Correction
No. 2006-P-0493

Dear Sir or Madam Clerk,

My brief and seven copies are due June 3rd. I mailed out the brief and seven copies April 5th but it never arrived at the courthouse. Enclosed is my computer print out proving I mailed the brief and seven copies April 5th. Also enclosed is my motion to file a non-conforming brief in that I wish to mail just one copy of my brief, not an original because my funds and typewriter, and typewriter ribbons are depleted and quite frankly, I am at my wits end with the mail tampering that goes on here at the prison. They break my typewriter repeatedly, harrass me and destroy or divert my legal mail.

The civilian librarian gives so much opposition to getting copies for law work as to make it almost impossible. So I would like permission to mail out only one copy.

very truly yours,

James Riva II Pro se
Inmate W38533
O.C.C.C.
One Administration Rd.
Bridgewater, MA 02324

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

118.



Mail Officer
OCCC

~~April 7, 2006~~

April 7, 2006

Dear Sir or Madam Mail Officer,

This week I sent out two packages of legal mail by submitting charge slips for 1st class mail.

One was a large package addressed to the Appeals Court that I submitted through property. When property weighed it, it was \$7.95 for postage.

The other package went to DOC counsel Joan ~~Wendy~~.

I have not received the yellow charge slip receipts - yet. Have these packages gone out?

* I got the receipt from the package to DOC counsel today. ~~James Ruiz~~

I have not gotten the other.

James Riva W38533

A-2

When the mailroom receives these type of packages they get sent to inmate accounts for postage; they then transfer them

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

117.

Bernard Brady
Superintendent
O.C.C.C.

June 26th 2006

EXHIBIT
G

RE: Appeal of grievance No. 18067

Dear Superintendent Brady,

I grieved some tampering with my personal mail and more importantly, my legal mail. I provided clear and convincing proof that this was taking place. My grievance was partially approved with no written delineation of what part was approved. I asked investigator McKenzie what part was approved and she said, "You get to send your mail out." And I thought that was kinda flip.

Enclosed is my April 7th communication to the mail officer which he answered five days later, declining to say anything specific about my missing package I mailed to the Appeals Court.

Also enclosed is proof positive that my first package never arrived at the Appeals Ct. More likely, after I filed the grievance and my un-mailed package was located, it was sloppily bound and mailed out, where the package fell apart.

I left the bundle to be wrapped and shipped in property on April 3rd. Most likely, counsel for the DOC was notified and that is why it never made it to court.

The evidence of my personal mail being tampered with was never even addressed by investigator McKenzie.

I would very much like to come to a reasonable settlement instead of a long court battle where even more of my legal mail will be tampered with. I need some cash for a private investigator to find the mothers of my grown children or some one to find them using dept. resources. I need a printwheel for my typewriter which they broke on me. I need ribbons for my typewriter. I need clothes and sneakers. I need 2 eyeglass screws. I need gloves and a sweatsuit. I need a janitor job. I have been seeing C.O. O'Brien alot and he just tells me to wait. I am already slated to be a tutor in the school in September, but that is not a paid slot.

very truly yours,

James Riva II W38533

A-2

114.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 19-DEC-13 Date Of Grievance 25-NOV-13
Appeal Received Date 23-DEC-13
Appeal I appeal grievance 69709. For example I urged Sgt. Fogaren to look at the video of the med line Dec. 10, 2013 at around 8:55 pm. It is obvious I gave four good mouthchecks. Then he called me back to lecture me. Look at the preceeding 10 inmates and look at the 10 subsequent inmates be checked. Look how he encourages Andrade to get in on the fun. Bear in mind that never in my 33 years in prison taking meds has there ever been discovered a pill hidden under my tongue or in my cheek.
Remedy Requested Same as grievance 69709
Staff Recipient Fogaren Mark S CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 23-DEC-13 Decision Date 30-DEC-13 Decision DENIED
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Denied. I concur with the IGC
Signature 4/23/14 - Please be advised that I have reviewed grievance/grievance appeal #69709 and I am denying your grievance as I concur with the institutional summary of findings. Mouth checks conducted by CO ~~Barrett~~ were observed and it was noted that he is performing mouth checks as required.
Kristie Ladouceur
Kristie Ladouceur
Director of Administrative Resolution
Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 23-DEC-13
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

113.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 19-DEC-13 Date Of Grievance 25-NOV-13
Appeal Received Date 23-DEC-13

Appeal I appeal grievance 69709. For example I urged Sgt. Fogaren to look at the video of the med line Dec. 10, 2013 at around 8:55 pm. It is obvious I gave four good mouthchecks. Then he called me back to lecture me. Look at the preceeding 10 inmates and look at the 10 subsequent inmates be checked. Look how he encourages Andrade to get in on the fun. Bear in mind that never in my 33 years in prison taking meds has there ever been discovered a pill hidden under my tongue or in my cheek.

Remedy Requested Same as grievance 69709

Staff Recipient Fogaren Mark S CO II

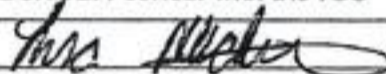
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 23-DEC-13 Decision Date 30-DEC-13 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. I concur with the IGC

Signature  Date 12-30-13

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 23-DEC-13
Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

112.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 69709 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20131125 Date Of Grievance 20131125

Informal filed No

Complaint C.O. ~~James #1111~~ targets me during mouthcheck in the med. line. I believe it may be in retaliation for initiating suit against the mail officer and his accomplices. C.O. ~~Barre~~ insists I am not giving a proper mouthcheck, He makes bizarre comments like, "Lift your bottom tongue". He is the only officer who does this. I looked in the mirror. I am giving a good mouthcheck. I grieved this #62281 which was denied. ~~Barre~~ does this EVERY time he mouthchecks me.

Remedy Requested That C.O. ~~Barre~~ cease harrassing me and do a normal mouthcheck or be re-assigned elsewhere.

Staff Recipient ~~Fogaren Mark S~~ CO II

Staff Involved ~~Barre James J~~ CO I

Signature _____

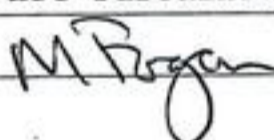
RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20131203 Decision Date 20131219

Signature ~~Fogaren Mark S~~ CO II

Final Decision DENIED

Decision Your grievance is denied: it has been determined that the officer in question is performing the proper mouth check as he was trained to do and your allegations are not sustained.

Signature  Date 12/18/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 69709 Date Received 20131203

Signature. Fogaren Mark S CO II

111

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 16-OCT-12 Date Of Grievance 11-OCT-12
Appeal Received Date 18-OCT-12

Appeal I hereby appeal grievance 62281. Sgt. ~~Fogaren~~, the grievance coordinator, has deep history of providing cover for the deviance of his fellow officers. The incident in question is not isolated. Two or three nites previous, ~~Barrett~~ held up his half of the med line to have each inmate pry his cheeks open with his fingers. One inmate, although attempting to comply, was escorted to New Mans Section because of ~~Barrett~~ manufacturing a crisis where none existed. This is what he attempted to do to me Oct. 10th 2012. Check with mental health services to see that a significant number of inmates will not enter the med line if ~~Barrett~~ is assigned to mouth checks. This is serious in a mental health/prison facility. He is deliberately causing a major disruption, Sgt. ~~Fogaren~~'s smoke screen notwithstanding.

Remedy Requested Either remove ~~Barrett~~ from that duty or actually discipline him, however distasteful that may be at the behest of an inmate.

Staff Recipient ~~Mark S~~ S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 18-OCT-12 Decision Date 18-OCT-12 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. I concur with IGC's finding

Signature *Lisa Mitchell* Date 10/18/12

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 18-OCT-12

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

110.

Name RIVA JAMES Grievance# 62281 Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20121010 Date Of Grievance 20121011

Complaint On October 10, 2012 at about 8:45 pm I took my meds in the med line. Officer ~~Warren~~ (not Lt. ~~Warren~~) was doing mouth checks (In my line) and Sgt. ~~Warren~~ was doing the other line. ~~Warren~~ had me open and lift my tongue, tilt my head several times. Then he said "Lift your bottom tongue". I said, "I only have one tongue. You just said lift your bottom tongue". I added I've already lifted my tongue 3 times. He said, "I said lift your tongue" (voice raised). So I did a 4th time. I have not had this problem with any other officer except ~~Warren~~ here. He's been creating a disturbance very time he's assigned to mouth checks.

Remedy Requested Officer ~~Warren~~ be given what he wants which is removal from mouth check detail or discipline (as if).

Staff Recipient ~~Warren~~ Mark S CO II

Staff Involved ~~Warren~~ James J CO I

O'Neil Gregory C CO II

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20121011 Decision Date 20121015

Signature ~~Warren~~ Mark S CO II

Final Decision DENIED

Decision Your grievance is denied: it has been determined that Officer ~~Warren~~ has been conducting thorough and proper mouth checks in accordance with OCCC procedure.

Signature M Fogaren Date 10/15/12

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

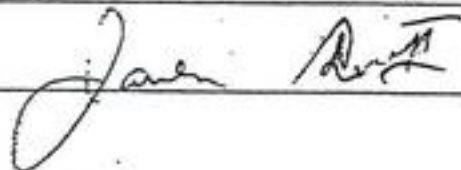
Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Grievance# 62281 Date Received 20121011
Signature. Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM

109.

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 10-22-07
INSTITUTION: O.C.C.C.	ASSIGNED GRIEVANCE #: 29785	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. Provide your appeal argument in Block A, in a brief and understandable manner. 3. Provide your requested remedy in Block B. 		
<p>A. Provide your appeal argument in a brief and understandable manner.</p> <p>My grievance, #29785 alleging tampering with the mail, was denied on 10-15-07 by Lt. Doug Bower. When Lt. Bower interviewed me on 10-12-07 he requested to see the envelopes stamped, RETURN TO SENDER, INMATE NO LONGER AT THIS ADDRESS. I explained to him that I did send away for said envelopes, but it will take time to get them in a round about way, <u>because they are tampering with my mail.</u> I asked him if he would like to see the letter I got from said pen friend indicating that the letters came back to her return to sender, (attached exhibit A) and he said he did he did not want to see it, nor did he request her address so he could get in touch with her. These envelopes should inSha'Allah be forthcomin soon, but as I explained, it will take a while to get here in a round about way from Oregon. Since I requested time to produce said envelopes and was given only 2½ days, one of which was a Sunday, I believe this denial of a valid grievance was premature.</p>		
<p>B. Provide your requested remedy</p> <p>I request additional time to procure said envelopes stamped RETURN TO SENDER INMATE NO LONGER AT THIS ADDRESS. I request that the mail tampering cease now. Since I grieved this last year and proved it and was offered only 12 dollars to settle which I declined, I request compensation when I finally manage to prove it is still happening this year. I request that the mail room and IPS office be searched to locate any of my mail that has been way laid.</p>		

Inmate's Signature



Date: 10-22-07

Staff Recipient

Date:

(Inmate receipts/responses will be generated via the Inmate Management System.)

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

108.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Number W38533 Housing ATTUCKS III Appeal Date 22-OCT-07 Date Of Grievance 02-OCT-07
 Appeal Received Date 23-OCT-07

Appeal My grievance, #29785 alleging tampering with the mail, was denied on 10-15-07 by Lt. Doug Bower. When Lt. Bower interviewed me on 10-12-07 he requested to see the envelopes stamped, RETURN TO SENDER, INMATE NO LONGER AT THIS ADDRESS. I explained to him that I did send away for said envelopes, but it will take time to get them in a round about way, because they are tampering with my mail. I asked him if he would like to see the letter I got from said pen friend indicating that the letters came back to her return to sender, (attached exhibit A) and he said he did not want to see it, nor did he request her address so he could get in touch with her. These envelopes should insha 'Allah be forthcoming soon, but as I explained, it will take a while to get here in a round about way from Oregon. Since I requested time to produce said envelopes and was given only 2 1/2 days, one of which was a Sunday, I believe this denial of a valid grievance was premature.

Remedy Requested I request additional time to procure said envelopes stamped RETURN TO SENDER INMATE NO LONGER AT THIS ADDRESS. I request that the mail tampering cease now. Since I grieved this last year and proved it and was offered only 12 dollars to settle which I declined, I request compensation when I finally manage to prove it is still happening this year. I request that the email room and IPS office be searched to locate any of my mail that has been way laid.

Staff Recipient Bower Doug L DIR OF SECURITY

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 23-OCT-07 Decision Date 06-NOV-07 Decision DENIED

Decision By OBrien Steven J SUPERINTENDENT

Reasons Based on the research conducted by the IGC, I cannot support your appeal.

Signature 7/7/10 - Please be advised that I have reviewed your grievance/grievance appeal and I support the institution's decision to deny your grievance as I concur with the institutional summary of findings. I apologize for the delay in my response.

Kristie Ladouceur

Kristie Ladouceur
Acting Director of Administrative Resolution

_____ Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Number W38533 Appeal Received Date 23-OCT-07

Staff Recipient Bower Doug L DIR OF SECURITY

Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

107

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 29785 Institution OLD COLONY CORRECTIONAL
Commit No. W38533 Housing DAWES II Date Of Incident CENTER Date Of Grievance 20071002
Complaint 20071002 20071002
My mail is being tampered with again. Last year I grieved this and proved it - the Supt. offered to settle for 12 dollars. I declined because thats a ridiculously small settlement for a serious offense. I got a letter dated 9-21-07 from a pen friend stating that two of her recent letters to me came back stamped, "Return to Sender, inmate no longer at this address". This is just the tip of the iceberg. There are two other pen friends of mine whom I have not heard from in a long time, even though it was their habit to write often.
Remedy Requested (1) That the mail tampering stop now. (2) That a search be made to locate any mail addressed to me or by me in the mail room or IPS office and that it be promptly delivered. (3) I want \$10,000.
Staff Recipient Bower Doug L CO III
Staff Involved ~~Bower Paul N~~ CO I
Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20071003 Decision Date 20071015
Signature ~~Bower~~ Doug L CO III
Final Decision DENIED
Decision Please be advised this grievance is denied. Information obtained during the investigation process indicated that there is no evidence to support your claim. It was also determined that you did not have the envelope in question. It was further determined that you have not observed the envelope in question either. As a result OCCC will not pay you any money as requested. I trust this addresses your concerns
Signature LT D Bower Date 10/15/07

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL
Commit No. W38533 Grievance# 29785 Date Received CENTER
Signature Bower Doug L CO III 20071003

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

106.

Name

RIVA JAMES

Institution OLD COLONY CORRECTIONAL CENTER

Number

W38533

Housing ATTUCKS II

Appeal

Date Of

Date

22-OCT-07

Grievance

22-OCT-07

Appeal Received Date 23-OCT-07

Appeal

My grievance, #29785 alleging tampering with the mail, was denied on 10-15-07 by Lt. Doug Bower. When Lt. Bower interviewed me on 10-12-07 he requested to see the envelopes stamped, RETURN TO SENDER, INMATE NO LONGER AT THIS ADDRESS. I explained to him that I did send away for said envelopes, but it will take time to get them in a round about way, because they are tampering with my mail. I asked him if he would like to see the letter I got from said pen friend indicating that the letters came back to her return to sender, (attached exhibit A) and he said he did not want to see it, nor did he request her address so he could get in touch with her. These envelopes should insha 'Allah be forthcoming soon, but as I explained, it will take a while to get here in a round about way from Oregon. Since I requested time to produce said envelopes and was given only 2 1/2 days, one of which was a Sunday, I believe this denial of a valid grievance was premature.

Remedy Requested

I request additional time to procure said envelopes stamped RETURN TO SENDER INMATE NO LONGER AT THIS ADDRESS. I request that the mail tampering cease now. Since I grieved this last year and proved it and was offered only 12 dollars to settle which I declined, I request compensation when I finally manage to prove it is still happenign this year. I request that email room and IPS office be searched to locate any of my mail that has been way laid.

Staff Recipient

Bower Doug L CO III

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 23-OCT-07

Decision Date 06-NOV-07

Decision DENIED

Decision By

O'Brien Steven J SUPERINTENDENT

Reasons

Based on the research conducted by the IGC, I cannot support your appeal.

Signature

Date

11/6/07

INMATE RECEIPT

Inmate's Name RIVA JAMES

Institution OLD COLONY CORRECTIONAL CENTER

Number

W38533

Appeal Received Date 23-OCT-07

Staff Recipient

Bower Doug L CO III

Superintendent's Signature

[Handwritten Signature]

105. Evh. 7

9-21-07

7 pages total

Dear James

How are you doing? I just received your letter dated Sept 12th 2007. Today is the 21st so someone is obviously trying to take time in between delivery. The one before was probably 3 weeks ago. I am writing this letter on a dog stationery

7 pages total 7 51 2007 109. 117

②

So hopefully we can tell if you get this, just say you got the letter on the dogs. The ones I got back listed as returned to sender said "wmate is no longer at this address" So please let me know you got this ASAP! I did receive your essay! I tried sending you a copy in one of the letters that got returned.

Hicky ~~Stacy~~
 Box 18795
 Salem OR 97305

SN

SALEM OR 973
 24 SEP 2007 PM 1 L



ES/

JAMES RIVA II W38533
 O.C.C.C.
 ONE Administration Rd.
 Bridgewater MA 02329

0232456230

0232456230

James!!!!

6-30-08

How are you hon? Its
me Nicky! I just got your
last letter! I havent gotten
anything in 2-3 months prior!
I think of you all the
time! I wrote to you over
and over but never got a
response! But I did get
this last letter! Can you
send more Artwork? The others
never sold but Im thinking
they may have been priced to
high for the market. I think
we should try 10-20\$ range.
AT least its something! Let
me know what you think!

104. Exh. 9

Exh. 8

103.

Nicky ~~BARRETT~~ OR 973

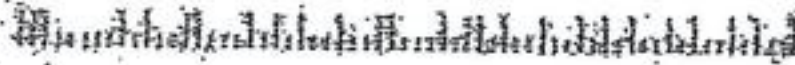
Po Box ~~10400~~ 2008 PM 11

Salem OR 97305



G9

James Riva #W38533
OCCC
ONE Administration Road
Bridgewater, MA 02324



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

102

Sept. 23, '09

Ann Brasseur
Mail Officer
OCCC

RE: Override certified mail receipts

Mr. Brasseur,

We talked at staff access period today about
override certified mail receipts. You told me to
write to you about it so you could check your
log.

Money was taken from ^{my} account Sept. 9, '09
for certified mail to Nicky ~~W. W. W.~~
P.O. ~~W. W. W.~~
Salem, OR 97305

To date, I have not gotten the paper
receipt or the cardboard return of service
~~receipt~~ receipt.

It is so bad that I have to resort to
certified mail because of the mail tampering.
Now, even though I paid \$6.32 for certified
mail, it still hasn't gone thru.

I earn two dollars per day doing actual
work. Your activities are a constant drain
on my resources.

J. Riva


James Riva w38533

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

101.

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATUCKS IV Appeal Date 16-MAY-12 Date Of Grievance 10-MAY-12
Appeal Received Date 18-MAY-12
Appeal I am appealing the denial of grievance 59216. 103 CMR 481.15 states seven categories by which an article of mail arriving at the prison may be contrabanded. None of these include an article arriving w/o a return address. I believe the category printed on the contraband slip from: "Improper or no return address" is an error that was meant to pertain to outgoing mail, not incoming. A typesetting error from the printshop when printing up blank contraband slips does not trump a CMR. If the promulgators of the CMRs intended this to be an actual category it would stated so senders would know in advance, not after they sent an article-that would be governance by ambush.
Remedy Requested That the commissioner either add an eighth category prohibiting incoming mail w/o a return address and post it in the CMRs or delete as mistake the category from the contraband slip so this discrepancy doesn't arise again. Either way I should receive the contrabanded letter since it was not a posted CMR when the letter was sent.
Staff Recipient Fogaren Mark S CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 18-MAY-12 Decision Date 25-MAY-12 Decision DENIED
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Denied.
Signature  Date 05/25/12

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 18-MAY-12
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____



The Commonwealth of Massachusetts
 Executive Office of Public Safety and Security
 Department of Correction
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, Massachusetts 02324
 Telephone (508)279-6000
 www.mass.gov/doc

100.



Luis S. Spencer
 Commissioner

Peter A. Pepe, II
 Katherine A. Chmuel
 Deputy Commissioners

Paul L. DiPaolo
 Acting Deputy Commissioner

Lisa A. Mitchell
 Superintendent

Fred L. Patrick
 Director

Emothy P. Murray
 Assistant Director

Mary Elizabeth Hoffmann
 Secretary

May 7, 2012

Mr. James Riva, W38533
 Old Colony Correctional Center
 One Administration Road
 Bridgewater, MA 02324

Dear Mr. Riva:

I am in receipt of your correspondence dated April 27, 2012 regarding a contraband slip you received stating a letter you received was deemed contraband due to the fact that there was no return address.

As stated on the contraband slip itself and in 103 CMR 481, correspondence may be disapproved if it has an "improper or no return address". For this reason, the mail in question cannot be permitted into the institution. Please contact the Mail Office for any other questions or concerns you have regarding this issue.

Sincerely,

Lisa Mitchell
 Superintendent

/mm

CC: Mail Officer
 File

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

99.

Name RIVA JAMES Grievance# 59216 Institution OLD COLONY CORRECTIONAL CENTER Date Of Incident 20120426 Date Of Grievance 20120510 Commit No. W38533 Housing ATTUCKS IV

Complaint I received a contraband slip issued by mail officer [redacted] stating that the letter arriving for me in the prison had been contrabanded because the person who had sent it did not include a return address. I wrote an appeal of the contraband slip to superintendent [redacted]. On May 10th I received letter from Supt. [redacted] dated May 7th denying my appeal and citing vaguely 103 CMR 481. I have looked at 103 CMR 481 and the only part mentioning requirement of a return address is 103 CMR 481.18 which requires that an inmate sending mail out of the prison include his return address. There is no CMR and has never been one requiring letters arriving here at the prison have the sender's return address. I believe that whomever advised the superintendent made an error.

Remedy requested That I receive the contrabanded letter and that in the future it is noted that a letter arriving at the prison without a return address is not a valid excuse for a contraband slip.

Staff recipient [redacted] S CO II

Staff involved [redacted] N CO I [redacted] A SUPERINTENDENT

Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20120514 Decision Date 20120515

Signature [redacted] S CO II

Final Decision DENIED

Decision Your grievance is denied: it has been determined that OCCC's mailroom acted in accordance with 103 CMR 481.16 by deeming your letter contraband as it had no return address. You were notified in writing in accordance with 103 CMR 481.16 and also appealed the decision to Superintendent, which was also denied. It should be noted that the contraband mail slip you received is an extension of 103 CMR 481, which clearly showed the reason for the denial of the correspondence.

Signature [Signature] Date 5/15/12

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER Commit No. W38533 Grievance# 59216 Date Received 20120514 Signature Fogaren Mark S CO II

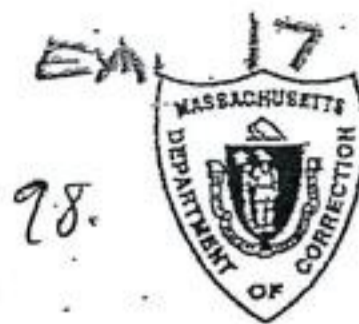


Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
.. Department of Correction
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324
Telephone (508)279-6000
Fax (508)279-6754
www.mass.gov/doc



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Steven J. O'Brien
Superintendent

May 2, 2008

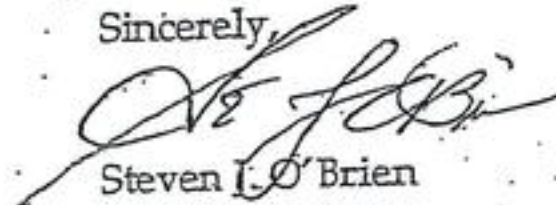
James Riva W38533
Old Colony Correctional Center
One Administration Road
Bridgewater, MA. 02324

Dear Mr. Riva:

Your April 30, 2008 letter regarding a contraband notice you received regarding correspondence between yourself and Mr. Nathaniel Ahmad has been received.

Your request was initiated on April 18, 2008 and approved by both Superintendents on April 22, 2008. Necessary staff will be informed of this error.

Sincerely,


Steven J. O'Brien
Superintendent

SJO/gjt

Cc. James Ferreira, Deputy Superintendent
Mail Officer
Inmate File
File

COMMONWEALTH OF MASSACHUSETTS
COURT OF APPEALS

97.

Appeals Ct. Nos.
2009-P-0042

Lower Ct. Nos.
PLCV2007-01040

James Riva II Pro se
and
Nate Ahmad Pro se

vs

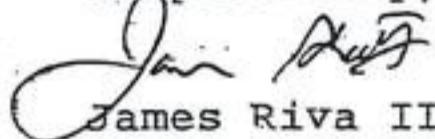
Kevin Burke

PLAINTIFF APPELLANT'S MOTION TO DOCKET RECEIPT OF APPELLANT'S
BRIEF OUT OF TIME

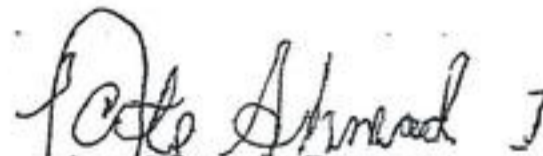
On Feb. 3, 2009, this Court allowed motion for non conforming brief (first copy submitted for approval) and that four more copies were to be provided on or before 2-18-09. On Feb. 10, 2009, the prison took money from plaintiff appellant Riva's account to mail the remaining copies of the brief, (attachment Z-77), however they did not actually mail the package until Feb. 18, 2009, a full 9 days after appellant Riva gave them the package and forms filled out to mail it to this Court.

For this reason; this Court should ALLOW this motion to permit the receipt of the brief out of time as it was beyond the appellant's control AND this Court would be rewarding the defendant's chicanery if this Court did not allow this motion. It should be noted that defendant appellee's prison official employees routinely resort to mail tampering in order to win lawsuits.

Respectfully,



James Riva II Pro se
W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324



Nate Ahmad Pro se,
OCCC

One Administration Rd.
Bridgewater, MA 02324

Certificate of Service

I, James Riva II, one of the pro se appellants hereby certify that I did by first class mail serve upon Richard McFarland who is defense counsel at his office 70 Franklin St Suite 600 Boston, MA one copy of this motion Feb. 19, 2009 (and attachment Z-77)



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM

FORM "B"

96- Exh. 16

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 5-1-8
INSTITUTION: OCCC	ASSIGNED GRIEVANCE #: 33623	

INSTRUCTIONS:

1. Refer to 103 CMR 491, Inmate Grievance Policy.
2. Provide your appeal argument in Block A, in a brief and understandable manner.
3. Provide your requested remedy in Block B.

A. Provide your appeal argument in a brief and understandable manner.

My grievance was marked received today May 1st 2008 and denied today May 1st. The denial is critically flawed on numerous counts:

1. Grievance coordinator ~~Amaren~~ states 'it was learned thru the investigative process that there is no evidence to support your claim. You do have an approved mail correspond with your co-defendant...'

2. Exhibit A attached is a facsimile of the contraband notice dated 4-29-08 indicating that an article of mail from Nate Ahmad arrived here and was contrabanded because it was not approved correspondence.

3. This demonstrated little or no investigation as claimed. A trip to the mail room or IPS or wherever this article is being stored would establish that it exists and that it should be delivered to me forthwith as requested in my grievance. Also, Nate is NOT my co-defendant, but my co-plaintiff. This premature disposal of a valid grievance claim is illustrative of what is wrong with the correctional climate here at OCCC. Not only is blatant dishonesty the rule of the day, but little imagination goes into the manufacture of the dishonesty. In short, staff do not care about violating the rights of inmates because even if they get sued, it never comes out of their pockets anyway.

B. Provide your requested remedy

Search the mailroom and IPS office as requested and deliver to me, forthwith, any mail addressed to me and deliver any mail addressed by me to whomever I addressed it to. Note I learned recently that the letter I wrote to Mass Correctional Legal Services never arrived. I mailed it approx. 4 weeks ago. note The Plymouth Superior Court had to re-mail a notice to me in PLCV2007-01040 because the first time they mailed it to me it did not make it to me, (i have the docket entries to prove this).

Inmate's Signature James Riva

Date: May 1, 2008

Staff Recipient _____

Date: _____

(Inmate receipts/responses will be generated via the Inmate Management System.)

COMMONWEALTH OF MASSACHUSETTS

Exh. 15

DEPARTMENT OF CORRECTION

95

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 33623 Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Housing ATTUCKS II Date Of Incident 20080501 Date Of Grievance 20080501

Complaint My mail is being tampered with again. I have been approved by both our superintendent and the superintendent of MCI Plymouth to correspond with inmate Nate Ahmad as we are co-plaintiffs in a civil action in Plymouth county. I received a contrband slip dated 4-29-08 indicating that correspondence from him is not approved. This is just the latest incident in a long string of incidents involving deliberate obstruction of my mail in violation of law. My grievance #18067 was partially approved and the supt. offered to pay me \$12. for the mail being obstructed. I declined as it was not enough. My grievance #29785 was denied because I not I could not produce the envelopes stamped "Inmate no longer at this address" because whoever is obstructing my mail has made sure I receive nothing further from that party.

Remedy Requested That the obstruction of my mail cease immediately. That a search be made of mail room and IPS office find any undelivered mail that is mine. That the monetary damages requested in grievance #29785 be re-evaluated since the only reason I lost is because of the continuing obstruction.

Staff Recipient ~~Mark S~~ CO II
 Staff Involved _____
 Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20080501 Decision Date 20080501
 Signature ~~Mark S~~ CO II
 Final Decision DENIED
 Decision Your grievance has been denied as it was learned through the investigative process that there is no evidence to support your claim. You do have an approved mail correspond with your co-defendant. I trust this addresses your concerns.
 Signature Mark S Date 5/1/08

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Commit No. W38533 Grievance# 33623 Date Received 20080501
 Signature Fogaren Mark S CO II

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

94.

Steven O'Brien
Superintendent
OCCC

Dec 7, 09

Dear Supt. O'Brien,

After our conversation at staff access today in which you requested: I put my complaint about the mail officer in writing — I received the two institutional yellow charge slip receipts for the two packages dated: "Paid Dec. 1, 2009".

I can't help but think but that it was only per our conversation that the slips were delivered. I still have not received the green and white paper certified mail receipt: Chester ~~XXXXXXXXXX~~.

I initially mailed the 2 packages the week of Nov. 6th, 2009.

3 weeks later the mail officer returned them to me with a note saying I have to send them thru property. On Nov. 23rd 2009

I left the 2 packages in property with all the slips filled out. So I'm getting the receipts 2 weeks after mailing

and even then, not all the receipts. The CMRs require all mail to be sent out within 24 hours. Your mail

officers continually flout that rule. Regardless of him

being a personal friend, you would do well to re-assign

him. He's too personally and emotionally attached to

disrupting the inmates' mail.

Truly,

Jim Riva

Jim Riva W38533

A-2

Thu. 8-21-08 93.

DEAR SIM,

It looks as though we've had a little trouble getting in touch here lately.

I finally got your fantastic drawing and can't thank you enough for your thoughtfulness my friend!

Here's a few bucks to tide you over till I hear from you again.

It's only \$20.00, but I hope it helps you out some.

I'm anxious to get this out to you and see if the mail has

straightened it self out. I'll send more the moment I hear from you.

You be cool my friend!
write back soon Sim!

Peace and Safety to you!"

your friend always,

Chester

CHESTER ~~WATKINS~~

~~211~~ N. ~~WATKINS~~ ST.

Benson, ARIZONA

85602-6136

I hope this letter finds you in good health
and in fine spirits!

I'm ANXIOUS to get this into the mail. So
that we can start writing again as soon as
possible!

So you take good care of your self until
I hear from you again!

Peace and Safety to you Jim!

Your friend always,

Chester

CHESTER ~~XXXXXXXXXX~~
~~1111 N. WASHINGTONIA ST.~~
BENSON, ARIZONA
85602-6136

91.
10-20-2009

Hello my Dear friend Jim!

I'm excited to write this letter to you because it a letter full of good news! 😊

It was not an easy process, but I have finally gotten the U.S. Postal System to look into our problem!

From this time forward, I have been assured that all correspondence will be delivered as addressed and that there will be no delay, No risk of "lost" or misplaced mail between us ever again!

I'm thrilled someone has believed us and taken the time to do the right thing on our behalf!

Once you assure me that you have received this letter we can restart the friendship and correspondence that I Value So Much!

I want to get you out a Money Order so that you can once again try and find a way to get materials so that you can once again occupy your self with your passion for Artwork.

You can have a little Commissary Money, and money for Pens, Paper, Stamps and all the things we'll need to write often!

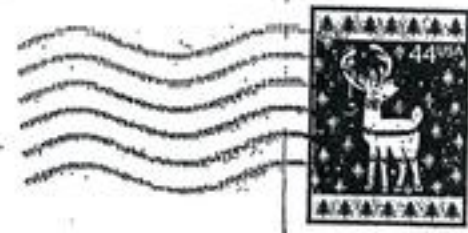
I can't wait to find out you got this letter and this mail delivery night mare is finally and actually behind us.

We have a lot to catch up on and I can't wait to hear how you are doing and really look forward to a nice long

CHESTER ~~RAT~~
~~511 N. PATAGONIA~~ ST.
BENSON, ARIZONA
85602-6136

TUCSON AZ 857

26 OCT 2009 PM 3 T



MR. JAMES RIVA #W38533
O.C.C.C.
ONE Administration road
Bridge Water, Massachusetts

69

02324

02324+329A



90.

89.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 16-NOV-13 Date Of Grievance 02-NOV-13
Appeal Received Date 20-NOV-13

Appeal I appeal grievance 69330 in spite of it being filed out of time. I claim exemption from the time limit because it was the mail officer's continuing to prevent the mail and evidence that is excuse for the delay. I explained this to Sgt. Michael Ford the IGC. After considerable effort trying to contact the two pen friends involved without success, I filed the grievance without the complete evidence necessary and requested Sgt. Ford contact them to secure the evidence. He refused to do so, and told me to write to them certified mail and present him with both sides of the cancelled money order for \$20. I sent pen friend Sean ~~Dodaro~~ a certified letter Nov. 14th as Sgt. Ford requested.

Remedy Requested That both pen friends involved be contacted by an actual investigator, AND that Paul Brasseur be prosecuted for his continuing theft of the mail.

Staff Recipient Ford Michael B CO II


Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 20-NOV-13 Decision Date 05-DEC-13 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. I concur with direction provided by Sgt. Ford

Signature 4/23/14 - Please be advised that I have reviewed grievance/grievance appeal #69330 and I am denying your grievance as I concur that you did not file your grievance timely. In the future, please ensure you file in accordance with established time frames or request a waiver if time limits cannot be met for a compelling need.

Kristie Ladouceur
Director of Administrative Resolution

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 20-NOV-13
Staff Recipient Ford Michael B CO II
Superintendent's Signature _____

B 88.

James,

Hi, I received your letter and I wanted to go ahead and reply because I will be really busy the next few weeks. I hope you're doing well and happy. I am doing good.

You said that you used to do a lot of scuba diving. I have never done that but I am sure it is fun. Yes, the aquarium I visited in Tennessee had 12 foot sharks in it. That is the closest I have ever been to a shark, it was pretty cool. You said that people in the kitchen don't like Muslims and they are trying to poison you. I don't think that is happening. It is not logical for the prison to staff to do that. I know that racism exist but I don't believe it is as bad as it used to be. I believe that people are more accepting to people's race and religion these days. That is just my opinion though. I don't pay much attention to what other people are doing. You are probably getting sick because you are not eating. Yes, I did hear about the bombing at the Boston marathon. That was a sad thing that happened. I don't look at it as two Muslims did it. I see it as two individuals with serious mental problems did it. You can't blame an entire group of people based on the actions of a few.

You said that you only had one day over 100 degrees this summer. I heard that the rest of the country is having a heat wave. Kentucky has not had a very hot summer either. We have had a lot of rain this summer. You asked me to look at your websites. I promise that I will when I get some free time. I work two jobs and travel a lot in the summer so I don't have a lot of free time. You asked me what I look like but you already know what I look like because I sent you a picture of me when we first started writing. You didn't like what I was wearing in the picture and you asked me to send you more pictures of me with "more clothes on" I took it is an insult because I was nice enough to send you a picture. I am sure I still have the letter where you said that to me so yes I did send you a picture. You just didn't like it. I have never been one to send pictures and one I do I get insulted. Sorry about that.

My husband, my friend Wendy and I are going to Chicago this weekend for Comic Con. I have always wanted to go and Comic Con is usually in San Diego. It has gotten so huge that it is now going to other cities. There will be a lot of well known celebrities there but the main reason I want to go is to see actor Zachary Quinto. He plays Spock in the new "Star Trek" movies. I have always been a "Star Trek" fan and Spock is my favorite character. Zachary Quinto does a phenomenal job playing Spock! While we are in Chicago we might also visit "Royal Pawn" they have a reality show that comes on TruTV called "Hardcore Pawn Chicago" I like to watch the show so I might visit the store while I am there. I am sure that we will have a great time. I am so excited to finally go to Comic Con!!

I will end here but hope to hear from you again. Well ill go for now but not forever.

*Always
Katie*

Katie ~~Smith~~

P.O. ~~Box 2281~~

Madisonville, Kentucky 42431

I returned to the backyard and they were still in the same position. I tossed half a bushel of celery stalks near them and they fled. Back inside the house, I turned off the lights and watched from a window. Sure enough, they came back shortly and ate it. I know I could have fed them by hand, but I don't want them getting friendly with humans. Lots of animals come by.

When you're a free man, will you get any pets? If so, what kind do you want? As you probably remember, I've got a bird-eating tarantula, two cats, one mutt, and a scorpion. I've never fed the tarantula any birds, but she doesn't mind. She seems quite content with legions of crickets and the occasional mouse. I named her Bathory, after the nefarious Countess of ages past.

An old friend (rest in peace) once asked me who I would bed from history if I were to travel back in time. I didn't have to give the question a second thought. Mmm . . . Countess Erzsebet Bathory. . . Assuming the legends are true, that is. I've had a "thing" for femme fatales, for as long as I can remember. Anyways, how about you? Who would you pick? I'll get this letter and money order ready for you. Be well, Jimmy

C EA |

I'm somewhat confused about your statement concerning book sale money going to your victims. I was under the impression that you only had one victim: your now deceased grandmother. So, what am I missing here?

What's your favorite memory from childhood? Me, I only have a couple good ones from my childhood. The first time I went to the beach is one of them. I remembering playing in the waves and hunting down seashells while my mother freebased cocaine under a pier. Another is the first time one of my mother's boyfriends took me on a motorcycle ride through some national park during Autumn.

Sadly, the majority of my childhood memories go way downhill from there. Don't worry, I'll spare you the sob stories.

A few hours ago, I was hidden in the darkness of my backyard, sitting perfectly still. Two fawns, both smaller than my dog, entered my field of vision, nibbling at weeds and slowly traveling alongside the fence. I stood up and they froze in place. I went inside the house and grabbed some celery from the fridge.

Please let me know when you get it. Or, if it doesn't show up on your books after a few days, please let me know so we can catch the thief. I've pinned the receipt on my calendar, and I'll hold on to it until I get confirmation from you.

Wow! Three books? What will they be called? What are they about? Who are you working with on them? Have you shopped any samples to publishers yet? Keep me posted on things as they develop, and at the very least, sign me up for a copy of each. I love your letters, essays, and artwork, so I'm sure these books will be awesome.

I'm glad you're keeping busy with constructive projects. I'm doing the same. I've been doing art projects, making music, writing a screenplay, getting back in shape, and working on starting a publishing company.

I'm without a job currently, so I'm working for myself. As long as I stay motivated and focused, I may not ever need a job working for someone else again. Man oh man, wouldn't that be nice? Many thanks for sending me your art of the skull, candle, and dagger on a table. . . Cool!

6:43 AM, Friday, 16th of August, 2013

Hail Jimmy

It's been far too long, my friend. How the hell are you? I'm doing pretty well this fine month of August. Are you still an adherent of the Muslim faith? I still believe in God and I love God and the gift of existence, but I'm not a member of any religion.

The mainstream religion I find the most interesting overall is Buddhism, especially the esoteric teachings. If I became religious one day, you'd most likely find me in a Buddhist temple. I'd have a shaved head, orange robes, and a belly full of rice. Don't bet on that, though.

I was shocked and annoyed to learn that you didn't get the last twenty I sent to you. It was so damn long ago = I don't think I even have the receipt for it anymore. ∴ The good news is I'm sending another twenty your way in a separate envelope at the same time as this letter. Getting things to you can be a pain in the ass = but you're worth it. Ha ha ha

83.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 69330 Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Housing ATTUCKS IV

Date Of Incident 20131102 Date Of Grievance 20131102

Complaint After finally receiving a letter from my friend Sean ~~Wasson~~ Wasson 4930 W. ~~230th~~ 230th St. Strongsville, OH 44136 with a \$20. money order after not hearing from him in over a year, (exh A) (attached) he indicated he sent one previously that he also put \$20. into. He indicated he had been writing all along. Therefore ~~Sean Wasson~~ or his accomplice have a means to cash money orders made out to me. Pen friend Katie ~~Phillips~~ Phillips P.O. Box ~~4492~~ 4492 Madisonville KY 42431 told me she sent me her picture and that I wrote back I didn't like it and to put some clothes on. I never received a letter from her containing a picture and I never wrote her saying I did not like the picture. ~~Sean Wasson~~ or his accomplice are tampering with my correspondence by writing pen friends pretending to be me. (exh B)

Remedy Requested

~~Sean Wasson~~ and any accomplices he may have be kicked out of the mail room permanently. Reasonable compensation for all the unwarranted trouble this man has caused me.

Staff Recipient

Ford Michael B CO II

Staff Involved

Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20131113 Decision Date 20131113

Signature Ford Michael B CO II

Final Decision DENIED

Decision

Your grievance has been DENIED: A grievance shall be filed within ten working days of the actual incident or situation or within ten working days of the inmate's becoming aware of the incident or situation. Whenever a grievance is returned pursuant to 103 CMR 491.10(2) for improper format, the inmate shall have an additional three working days from the date of receipt to file a grievance in proper format.

Signature

[Signature]

Date

11/13/13

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Grievance# 69330 Date Received

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 11-2-13
INSTITUTION: Old Colony C.C.	DATE OF INCIDENT: October 2012 to present	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. In Block B, give a brief and understandable summary of your complaint/issue. 3. List any actions you may have taken to resolve this matter in Block C. Be sure to include the identity of staff members you have contacted. 4. Provide a Requested Remedy in Block D. 		
<p>A. When filing an Emergency Grievance check Emergency.</p> <p style="text-align: center;"><u>EMERGENCY</u></p>		
<p>B. Give a brief and understandable summary of your complaint/issue. Additional paper may be used, if necessary.</p> <p>After finally receiving a letter from my friend Sean W. Brown W. Brown St. Strongsville, OH 44136 with a \$20. money order after not hearing from him in over a year, (exh A) (attached) he indicated he sent one previously that he also put \$20. into. He indicated he had been writing all along. Therefore Paul Brown or his accomplice have a means to cash money orders made out to me. Pen friend Katie Brown P.O. Box 7431 Madisonville KY 42431 told me she sent me her picture and that I wrote back I didn't like it and to put some clothes on. I never received a letter from her containing a picture and I never wrote her saying I did not like the picture. Paul Brown or his accomplice are tampering with my correspondence by writing pen friends pretending to be me. (exh B).</p>		
<p>C. List any action taken to address/resolve this matter. Include the identity of staff members you have contacted. I notified the Attorney General attache handling the investigation.</p>		
<p>D. Provide your Requested Remedy.</p> <p>Paul Brown and any accomlices he may have be kicked out of the mail room permanently. Reasonable compensation for all the unwarranted trouble this man has caused me.</p>		

Inmate's Signature James Riva Date: Nov 2, 2013

Staff Recipient _____ Date: _____

**DENIED GRIEVANCES MAY BE APPEALED TO THE REVIEWING AUTHORITY WITHIN 10 BUSINESS DAYS.

(Inmate receipts/responses will be generated via the Inmate Management System.)

To: Institutional Grievance Coordinator
OCCC

81.

From: James Riva W38533

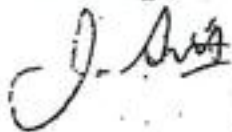
Date: Nov. 9th 2013

RE: Grievance you returned to me without entering it into
IMS or assigning a number dated Nov. 2, 2013 ; letter Katie
~~Williams~~ postmarked 8-9-13 and Sean ~~Moore~~ dated 8-16-13

I did indicate in the grievance I was having trouble
getting my letters thru, both sending and receiving from
Sean ~~Moore~~ and Katie ~~Williams~~. Perhaps I did not make that
clear enough. Thats why I need you to take the initiative
and contact these two pen friends and request a copy of
the money order receipt and date from Sean ~~Moore~~, AND
Katie ~~Williams~~ always writes me on her computer, so all
the letters, including the one she sent me with a photo of
her which I did not get will be dated and recorded on her
computer.

This is a pair of serious crimes, and I am surprised you
are not taking any action whatsoever. The whole problem
is the mail officer and his accomplice(s) that have their nose
deep into my personal mail and are tampering with it extensively.
My chances of actually reciving a letter with the evidence
you requested are therefore nil. That is why you must
write to them yourself and request the dates you need to
conduct an investigation and the copy of the money order
receipt which was cashed but not credited to my account.

Truly,



James Riva W38533

A4

ed Herb n' Kitchen, will be considerably cheaper than room *rice*. It will allow guests to satiate their hunger without leaving hotel.

Diabetic Shock!

Health officials say diabetes-related deaths in New York City hit a record high recently. The city Health Department said the disease was the underlying or contributing cause of 5,695 deaths in 2011. That's about 160 more deaths than in 2010 and 60 more than in 1990. At the

when almost 8,000 fewer people died than in 2000. The city's diabetes death rate now amounts to 67 fatalities per 100,000 people.

Bird Strike

Bird strikes are very scary, and more common than one might think.

A JetBlue flight headed to Florida had to turn around after it struck a bird shortly after take-off from an airport in New York City's suburbs. The jet, bound for Fort Myers hit the bird shortly after taking off from the Westchester County Airport in White Plains.

JetBlue says that in "an abundance of caution," the aircraft was diverted to nearby Kennedy Airport, where it landed safely at 8:25 a.m. last Thursday. Federal transportation officials say nearly 10,000 aircraft collide with birds every year.

All the Colors of the Prism

After the fallout from Snowden's revelation, the media revealed the existence of PRISM, a program that allows NSA analysts to extract the details of customer activities -- including "audio and video chats, photographs, e-mails, documents" and other materials -- from computers at Microsoft, Google, Apple and other Internet firms.

Verizon Business Network Services had been ordered to hand over telephone records detailing the time, location and telephone numbers involved in domestic calls from April 25 to July 19.

The National Security Agency's collection of phone data from all of Verizon's U.S. customers is just the "tip of the iceberg," says a former NSA official. He estimates the agency has data on 20 trillion phone calls and emails by U.S. citizens.

William Binney, an NSA whistleblower, says the collection dates back to the post-911 era.

"I believe they've been collecting data about all domestic calls since October 2001," said Binney, who worked at NSA for over 30 years. "That's more than a billion calls a day."

Binney, who left the agency in October 2001, said the data was collected under a highly classified NSA program code-named "Stellar Wind," which was part of the warrantless domestic wiretapping

SECURITY NEWS

Officials said it only monitored calls between Americans and suspected terrorists abroad.

Question of the Week:

Who poses a bigger threat to U.S. security: Attorney General Eric Holder or Ayman al-Zawahiri, the head of Al Qaeda?

Although the question might seem insulting, the answer is even worse.

According to former congressman Allen West, Holder is the more dangerous of the two. In a fundraising email, West invoked the recent IRS, Benghazi, AP and Fox News scandals as evidence that Holder is abusing his power in order to "implement Obama's radical transformation of America."

He writes, "Al Qaeda is a very serious and persistent threat, but I trust the U.S. military to protect us from future attacks. I cannot say the same about President Obama and his Justice Department." In fact, West warns, if we don't stop "this dangerous duo today," we may wake up one day and find that "America is no longer America." And that's a scary thought.

Snowden: A Foolhardy Hero?

Hero or villain, call him what you wish. Yet there's no denying his testimony has turned the world

79 continued ↓
near you, there's a picture of every single piece of mail in your mailbox.

A high-tech computer system that captures images of "every mail piece processed" by the United State Postal Service helped federal agents track a New Boston, Texas woman arrested for sending ricin-tainted letters to President Obama and NYC Mayor Michael Bloomberg.

In an interesting twist, Shannon Guess Richardson first blamed her husband for sending the letters, but then confessed to sending them herself.

The Bloomberg letter was opened at a municipal mail center in Manhattan on May 24, while the letter to Obama was intercepted May 30 at a White House mail facility. A third ricin letter sent to an anti-gun group funded by Bloomberg--was received at a Washington, D.C. office on May 26.

According to FBI Agent James Spiropoulos, investigators accessed a Postal Service computer system that "incorporates a Mail Isolation Control and Tracking (MICT) program which photographs and captures an image of every mail piece that is processed." Agents were able to obtain pics of 20 mail pieces that had been processed, and found they came from the same area in Texas.

It's not easy to get away with crime these days. And for that, we should be grateful.

Grandpa's

BUY & SELL

Judaica & Hebraica

www.virtualJudaica.com

718.863.8239

or

917.863.8239

Join Lakewood's first

ALOPECIA MEET & GREET

FOR FAMILIES & INDIVIDUALS AFFECTED BY ALOPECIA



80.

JUNE 16 - 5:00 PM

10 Cabotfield Circle
RSVP: 848.525.4975 or malleyfeller@gmail.com
Sponsored by: Shiraga Feiler
Imperial Commercial Real Estate 732.740.5176



lance Program, — launched on orders from President George W. Bush.
The Terrorist Surveillance Program has not been secret for some time now; it was revealed by The New York Times in 2005.

A 29-year-old computer technician for a U.S. defense contractor has leaked details of a top-secret American program that collects vast streams of phone and online data. "My sole motive is to inform the public as to that which is done in their name and that which is done against them," Edward Snowden told the media.

He risked his freedom to attend his grandson's ceremony.
A former Chicago store owner who escaped from the US in 1979 after being accused of killing a shoplifter was arrested at O'Hare International Airport. After so many years, he wanted to come back to the States to attend his grandson's graduation.

Snowden, a former technical assistant for the CIA, has been working at the National Security Agency for the past four years. He resigned from his high-level job in Hawaii, working for Booz Allen Hamilton. As we go to print, Snowden is holed up in a hotel in Hong Kong, awaiting the long arm of justice.

Ata Yousef El Ammouri, 65, was taken into custody after arriving on a flight from Jordan, where he has been residing. In his visa request several weeks ago, El Ammouri said the reason for the visit was to attend a grandchild's graduation. Apparently, he wasn't smart enough to travel under an alias.

"I'm willing to sacrifice all of that because I can't in good conscience allow the U.S. government to destroy privacy, Internet freedom and basic liberties for people around the world with this massive surveillance machine they're secretly building," he said.

El Ammouri is accused of shooting 31-year-old Joe Harris on July 22, 1979, after Harris walked out of his store without paying for a can of beer. El Ammouri was charged with murder, but posted \$100,000 bail and disappeared. He received additional charges for jumping bail in November 1979 after he failed to show up for court proceedings.

→ Picture-Post

Somewhere in a post office

Kallahs: Sign up immediately to ensure maternity coverage*

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ISRAEL OFFICE #: 02.581.2736

A representative will be glad to help you find the plan that's right for you. Ask about plans for overseas, short travel or local health insurance.

HEALTH COVERAGE EVERYWHERE!

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Low Rates

*International plans have a 10-12 month maternity wait.

6 Tammuz 5773 | June 14, 2013

continued on 80

78.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS II Appeal Date 15-AUG-11
Date of Grievance 15-AUG-11
Appeal Received Date 30-AUG-11

Appeal Sgt. ~~Fogaren~~ either did not understand the plain working of grievance 54305 or he is deliberately convoluting the issue to once again cover the theft of the mail by the (2) officers involved. The grievance plainly said, ??after no response from court I sent a followup letter?? The Court sent a memo indicating tat they had indeed already sent me a package containing the legal documents. I never received that package. We are talking about 2 separate pieces of mail. Look at attachment A. It was clearly marked as \$1.68 for first class mail. Look at attachments court C, D. The envelope in response to my followup letter to court from court has postmarked 44\$. So clearly we are talking about 2 different pieces of mail. The heavier one is the one that was stolen. If the court had returned it would have had postage of at least \$1.68 and not only 44\$. I believe Sgt. ~~Fogaren~~ fully understands this, but even if it was another honest mistake, it is time to replace him because he no longer fulfills any function? he does not resolve important grievances. It has been on the strength of Sgt. ~~Fogaren~~'s repeated assertions that he has ?fully? investigated the mail officers that I have never had any impartial review from higher DOC officials and they have repeatedly stated so.

Remedy Requested Reassign both mail officers to places they no longer handle inmate mail. Reassign Sgt. ~~Fogaren~~ as he does not resolve valid grievances Compensate me as previously requested.
NOTE: This appeal is filed with attachments A-E

Staff Recipient ~~Mark S~~ S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 30-AUG-11 Decision Date 31-AUG-11 Decision DENIED

Decision By Murphy Joseph M SUPERINTENDENT

Reasons Denied. Based on the research conducted by the IGC, I cannot support your appeal.

Signature 2/3/12 - Please be advised that I have reviewed grievance/grievance appeal #54305 and I am denying your grievance. Based on the facts presented I concur with the institution. During your interview you noted that you had in fact received your mail but that items were missing from it. This mail was opened in front of you therefore it does not appear staff had tampered with your mail. If any documents were not included you may ask the court to provide them as they may not have been sent in error.


Kristie Ladouceur
Director of Administrative Resolution

Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 30-AUG-11
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

Attach 'E' FORM "A" 77

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

INMATE'S NAME: James Riva	INMATE'S #: W38533	DATE: 8-15-11
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INSTITUTION: Old Colony Corr. Center	DATE OF INCIDENT: June 27 thru Aug. 10, 2011
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- INSTRUCTIONS:
1. Refer to 103 CMR 491, Inmate Grievance Policy.
 2. In Block B, give a brief and understandable summary of your complaint/issue.
 3. List any actions you may have taken to resolve this matter in Block C. Be sure to include the identity of staff members you have contacted.
 4. Provide a Requested Remedy in Block D.

A. When filing an Emergency Grievance check Emergency.

EMERGENCY

B. Give a brief and understandable summary of your complaint/issue. Additional paper may be used, if necessary. I sent a package first class mail to Plymouth Probate Court containing petition for probate of my father's estate, his death certificate, affidavits and peripheral papers on June 27, 2011 (attach. A). After no response from court I sent a followup letter Aug. 1, 2011 which the court received Aug. 3, 2011 (attach B). The court sent me a memo postmarked Aug. 10, 2011 indicating that because I had made a mistake filling out forms the documents had been returned to me (attach C,D). I never received these documents from the court and the death certificate cost me \$28. and the rules says that the death certificate has to be an official copy not photocopy.. This is just one more in a long list of mail thefts in which the common denominator is ~~mail~~ ~~theft~~ and ~~mail~~ ~~theft~~. This continuing mail theft has been allowed to continue in spite of huge volumes of evidence submitted by me and other inmates.

C. List any action taken to address/resolve this matter. Include the identity of staff members you have contacted. I have spoken to every conceivable DOC official and thus far, no meaningful investigation has ever been done, in fact, my sources and my own investigation indicates that DOC officials have sought to cover up the thefts instead of expose them. I have been assured by acting superintendent Joseph Murphy that the problem is all solved when it is not.

D. Provide your Requested Remedy. Actually investigate the mail officers. Reassign them to harmless positions where they have no further contact with the mail. Compensate me as requested previously. Reassign the so-called investigators that have allowed the situation to fester unresolved for so many years.

Inmate's Signature James Riva Date: Aug 15, 2011
 Staff Recipient _____ Date: _____

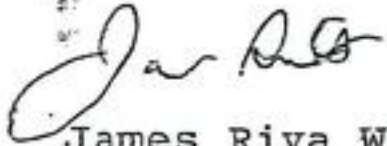
**DENIED GRIEVANCES MAY BE APPEALED TO THE REVIEWING AUTHORITY WITHIN 10 BUSINESS DAYS.
 (Inmate receipts/responses will be generated via the Inmate Management System.)

Please bear in mind that I have written the Bridgewater post office with no answer. I have written the mail processing center in Brockton with no answer. I have had relatives and friends contact the postal authorities and so far, no one that I can perceive could care at all that these 2 or 3 criminal officers are stealing most of my mail.

AND they smirk at me when they see me coming. I dont know what your official mission statement is for the DOC, but I cant think of any legit penological reason for stealing most of my mail and then to continually goad me about it.

Would you please conduct an actual investigation and take action against these people?

Very Truly Yours,



James Riva W38533
OCCC
One Administration Rd.
Bridgewater, MA 02324

Please do not refer this matter to Paul Oxford as he has written me twice previously stating that he does not investigate any thing to do with the inmate mail and or grievances. Paul Oxford himself was found guilty in civil trial in 1985 or 1986 for tampering with inmate Anthony Jackson's mail, so I don't know what the criteria is for selcting DOC investigators.

Further ~~Michelle Williams~~ does not conduct investigations her job title notwithstanding. She merely rubber stamps the drone like, "Based on the research conducted by the IGC I cannot support your appeal." But what if part of the problem, a big part, is that the grievance officer is complicit?

Case in point is the fact I have grieved this to ~~William~~ 4 times previous and he has never once disclosed the fact that IPS sergeant ~~William Williams~~ is heavily involved with processing the incoming and outgoing mail.

What I would appreciate is getting my mail. I am lucky to get one letter per week although often I go a month with no mail at all- AND I know people are writing me. Typically I get partially interrupted delivery and when I complain i never hear from that pen friend again.

Why not actually investigate? These 2 officers (~~William Williams~~ and ~~Michelle Williams~~) have been written up many many times for stealing pictures of men's girlfriends and wives. I have reason to beleive they have attempted to correspond with my female pen friends under a phoney inmate's name. Large quantities of magazines and newspapers also disappear from OCCC.

An actual investigation would consist of checking with the Bridgewater post office to see how many letters came thru there for me and compare with the 3 or 4 or less that I get a month. An actual investigation would consist of writing to my illegally blocked out pen friends to hear first hand what these criminals in your employ are doing. An actual investigation would involve putting surveillance cameras in the mail room and actually search- ~~Michelle Williams~~, ~~William Williams~~ and maybe ~~William Williams~~'s lockers, vehicles, ect. My illegally blocked out pen friends:

Michelé Hughes
324 N. Elm St.
Apt. A1
Franklin GRV, Illinois 61031-9550

Vanessa ~~Williams~~
Box ~~Williams~~
Tampa, FL 33688

Chester ~~Williams~~
~~Williams~~ St.
Benson, AZ 85602-6136

Erik ~~Williams~~
P.O. Box ~~Williams~~
Massapequa, NY 11758

Jeremy ~~Williams~~
P.O. Box ~~Williams~~
~~Williams~~, GA 30529

Sean ~~Williams~~
~~Williams~~ St.
Strongsville, OH 44136

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

74.

Luis Spencer
Commissioner of Correction
50 Maple St.
Suite 3
Milford, MA 01757-3698

September 2, 2011

RE: grievance #54305

Dear Commissioner Spencer,

My name is James Riva inmate W38533. A large portion of my legitimate otherwise permissible mail has been stolen for the last 31 years. True, I get a lot of mail addressed to me because of the notoriety of my crime and some officers resent that. But also stolen are letters from ex girlfriends babies mommas and my grown children (hopefully). The issue is I should have any of mail stolen. For the past 4 years I have been documenting the theft and collecting evidence.

Grievance 54305 deals with the mail officer stealing destroying legal documents that the probate court in Plymouth returned to me for some deficiency in filing. As you can see from attach A I sent the documents to court first class mail 6-27-11 and it cost me \$1.68. After no answer I sent a followup letter 8-1-11. (attach B). The probate court sent me my followup letter back along with a memo postmarked 8-10-11 (attach D) and (attach C). The memo said they had returned my legal papers along with instructions for re-filing (attach C) and they, realizing the papers were now missing suggested I send them re-signed photocopies. The postmark on the memo I got from the court was 44¢ postage, so if it had contained the documents the court said they returned to me the postage would have been at least \$1.68 for first class mail.

IGC sergeant ~~Steph Wozniak~~ questioned me and asked me if when I got the memo from court if the officer opened it in my presence. I said yes. But thats not the envelope of papers that was stolen. The one that was stolen was the one that contained my documents (one of which cost me \$28.) and the postage on that would have been at least \$1.68 and not merely 44¢. But look at how ~~Wozniak~~ changed the symbols and words when transcribing my appeal to completely change the meaning (attach AA is my version and attach F is ~~Wozniak~~'s version).

AND do you think it is proper when a specific allegation is made that Sgt. ~~Wozniak~~ is engaging in a cover up of the mail officer's criminal behavior for the superintendent to use the drone like "Based on the research conducted by the IGC I cannot support your appeal."?

I am in severe torment from what the mail officers are doing to my mail. I half believe they are trying to drive me insane.

<http://betweenthebars.org/blogs/339/>

Dear Sir or Madam prospective attorney,

I am posting the legal file on the mail officer and his accomplices here at the prison for their continuous tort against me in stealing, diverting, destroying almost all of my mail for many years. They take money orders, legal mail, documents, personal letters, and photos- sometimes they steal drawings.

I filed suit in United States District Court at Boston. I got nowhere. They wouldn't even permit discovery. The First Circuit Court of Appeals for whatever reason defied logic as well.

I ask that you the attorney of the world consider my case pro bono on a contingency basis- to do some type of rule 60(b) action- either motion or independent action AFTER having done some preliminary investigation.

Lots of people write me because of the internet, and the notariety of my crime. Mixed in there are people I definitely need to hear from. Many many pen friends have been blocked from further correspondence after the mail officer begins writing to them himself (usually females). So I need preliminary investigation using last known addresses of these people to find their present addresses and obtain sworn statements. Then advance with rule 60(b) for releif.

I ask that you attorney of the world examine my file attached and if interested contact me for more documents

Truly,



James Riva W38533

OCCC

1 Administration Rd.
Bridgewater, MA 02324

Between The Bars
2885 Sanford Ave SW No. 30428
Grandville, MI 49418

Sept. 6, 2017

RE: <http://betweenthebars.org/blogs/339/>

Dear Sir or Madam,

I enquired about the missing drawing "Ghost Ship" and the letter also missing in which I asked if I could post a legal file in hopes of attracting an attorney. Your reply was that yes I could post a legal file, but redact names. So I did redact the names, and the file, along with a new drawing "The Swamp" is enclosed.

Please post both- even tho the file is voluminous. I do not need the drawing returned.

Please also post the enclosed open letter to prospective attorney about my legal file.

Sincerely,



James Riva W38353
OCCC
1 Administration Rd.
Bridgewater, MA 02324

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name CALZADA ~~CHRISTOPHER~~ Grievance# 73654 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W98793 Housing DAWES II Date Of Incident 20140402 Date Of Grievance 20140602

Informal filed Yes

Complaint TO WHOM IT May concern, My name is Christopher ~~Calzada~~ ~~W98793~~, I am writing to you with concern about not receiving my incoming mail. Now this is a consistant problem on me getting my mail. I have address the issue with L.t. captain and mail officer in regards to this situation and they're been Dismissive action Towars my concerns, The reason why is due to grievance Officer staten that I receive my mail which is incorrect. Because if I was to be receiving my mail I would not complain or Have any issue's..... The people writing are puttingall information that's needed so it gets to me & there should Be No confusing about WHO, WHAT& WHERE it's going. So ifmail officerIs not messing with It, WHERE is it going after Him, THEN IT Falls on the Block officer's! I have reasonable expectation to timely Mail Service according to Policy CMR 481.08, 481.11 :2 That state's I should be protected from any Institutional Harrassment & timely Mail Service.

Remedy Requested I would like to Recieve my mail in a timely fashion as to Mail Policyy CMR 481.08, 481.11 :2 and if something Don't Happen I then will Further this situation until it's corrected. Thank you for your time and have a nice day.

Staff Recipient Fogaren Mark S CO II

Staff Involved _____

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20140604 Decision Date 20140623

Signature Fogaren Mark S CO II

Final Decision PARTIAL APPROVAL

Decision Your grievance has been partially approved as all mail is being delivered in accordance with 103 CMR 481, and no evidence could be found that your mail is not being delivered to you.

Signature M Fogaren Date 6/23/14

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name CALZADA CHRISTOPHER Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W98793 Grievance# 73654 Date Received 20140604

Signature Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

178

Name CHRISTOPHER CALZADA Institution OLD COLONY CORRECTIONAL CENTER
Number W98793 Housing DAWES II Appeal Date 29-MAY-14 Date Of Grievance 02-JUN-14
Appeal Received Date 09-JUL-14

Appeal To WHOM IT May Concern, I Christophehr Calzada W98793, am appealing the decision on the grievance. The Reason why thi sgrievance was submitted was due to concerns on not receiving my Incoming mail. Now this is a constant problem on me getting my mail. I have address the Issue with L.T., Captain and mail officer in Regrads to this situation and They've Been Dismissive Action towards my concerns about incoming mail. The reason why is due to grievance Officer staten that, I receive my mail, Which is incorrect. Because if I was to Be receiving my mail, I would not complain or have any issues..... The people writing are putting all information that's needed si it get's to me & there should be no confusing About, who, what, & where it's going. So if mail officer is not Messing with It, then where is it going to after him, Than it shall Fall on the Block Officer's! I Have Reasonable Expectation to Timely Mail Service according to Policy CMR 481.11:2 THAT states I should Be protected From any Institutional Harrassment & Timely Mail Service. (This Happens on the 3-11 Shift)

Remedy Requested I would like to receive my mail in a yimely fashion as to Mail Policy CMR 481.11:2 and if something Don't Happen I then will Further this situation untill it's corrected. Thank you for your time In Regards to this ongoing matter, and have a nice day.

Staff Recipient Fogaren Mark S CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 09-JUL-14 Decision Date 10-JUL-14 Decision DENIED

Decision By Mitchell Lisa A SUPERINTENDENT

Reasons Denied. Mail was incorrectly addressed to you by sender

Signature [Signature] Date 7/10/14

INMATE RECEIPT

Inmate's Name CALZADA CHRISTOPHER Institution OLD COLONY CORRECTIONAL CENTER

Number W98793 Appeal Received Date 09-JUL-14

Staff Recipient Fogaren Mark S CO II

Superintendent's Signature _____

179

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name ~~MAYDA~~ CALZADA CHRISTOPHER Grievance# 70636 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. ~~W98793~~ Housing DAWES II Date Of Incident 20140113 Date Of Grievance 20140113

Informal filed No

Complaint I Christopher ~~MAYDA~~, ~~W98793~~ am writting this due to not recievcing any mail which was sent certified on Friday January 10 2014, the tracking #70123050000160006713, this is a consistent reoccurring problem here! According to mailroom policy "CMR 481.08, 481.11:2, first amendment rights." I have a reasonable expectation to timely mail service and to be protect from institutional harassment....

Remedy Requested I will like to recieve my mail in a timely fashion and to put stop to this reoccurring problem and harassment to stop. I have reach out to other's with notice of this problem.

Staff Recipient ~~Fogaren Mark S~~ CO II

Staff Involved _____

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20140122 Decision Date 20140203

Signature ~~Fogaren Mark S~~ CO II

Final Decision DENIED

Decision Your grievance has been denied: the USPS Tracking sheet clearly shows that the item left the Brockton, Ma. Sort facility on 1/15/14 and it does not show it arriving at the Bridgewater Post Office where all OCCC Mail is picked up at. Your allegations of mail tampering are unfounded. I have enclosed the tracking sheet and you must contact the post office at:
 USPS 120 Commercial St. Brockton, Ma. 02302-9998 1-800-ask-usps.

Signature _____

M Fogaren

Date _____

2/3/14

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name CALZADA CHRISTOPHER Institution OLD COLONY CORRECTIONAL

Commit No. W98793 Grievance# 70636 Date Received CENTER
20140122

Signature Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 73742 Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20140603 Date Of Grievance 20140606

Informal filed No

Complaint I left a package for certified mail addressed to Pro se Clerk United States District Court May 29, 2014. The article number : 70131090000049767264. On June 3, 14 \$11.10 was taken from my account for it at 8:00 am. One June 6, 2014 the article still had not been taken to the post office as an online trace indicated.

Remedy Requested Search the mail room. Find my certified mail package - mail it. Fire ~~Mail~~ ~~Officer~~, or at least remove him from the mail room. Install cameras in mailroom.

Staff Recipient ~~Fogaren~~ ~~Mark~~ S CO II

Staff Involved ~~Wasson~~ ~~Paul~~ N CO I

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20140609 Decision Date 20140623

Signature ~~Fogaren~~ ~~Mark~~ S CO II

Final Decision PARTIAL APPROVAL

Decision Your grievance has been partially approved: OCCC apologizes for the delay however mail going out certified takes longer than regular mail do to the fact that monies for postage have to be approved via the Complex Treasurer and then the certified slip and postage is sent back to the Institution. The package in question was dropped off at OCCC property and arrived at its destination on 6/9/14. Regarding the certified return receipt if it was sent back to the Institution then you would have received it. Your remedy of having the mail officer fired is denied as he has been found to be in accordance with 103 CMR 481 regarding mail deliveries. It should also be noted that at this time OCCC has no plans to install cameras in its mail department.

Signature *M Fogaren* Date *6/20/14*

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 73742 Date Received 20140609

Signature Fogaren Mark S CO II

COMMONWEALTH OF MASSACHUSETTS

1.81

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Number W38533 Housing ATTUCKS IV Appeal Date 23-JUN-14 Date Of Grievance 06-JUN-14
 Appeal Received Date 24-JUN-14

Appeal I received your disposition of Grievance 73742 today, which is four days past the time limit for Sgt. ~~Fogaren~~ to give a disposition of a grievance. Appeal is based on two grounds: 1) 103 CMR 481.08 (3) requires mail to be brought to the post office within 24 hours. Money was taken from my account for postage June 3rd. Therefore it should have arrived June 6th but did not register until June 7th. ~~Paul Brasseur~~ is constantly disobeying CMR's and postal laws.
 2. I received no certified receipt from Bridgewater Post Office (the green and white paper receipt) and no receipt from the courthouse until today postmarked June 9th. It is implausible it took 13 days for the receipt to arrive here from United States District Court in Boston. ~~Paul Brasseur~~ most likely withheld the receipt to make me worry and make phone calls. He is constantly disobeying the CMRs and postal laws. I have submitted a giant pile of evidence on ~~Paul Brasseur~~ and Sgt. ~~Fogaren~~ refuses to discipline him or remove him, instead, he invents excuses for him. I draw your attention to grievance 71346 in which ~~Fogaren~~ blames the post office for not getting a certified mail receipt. If you look on the computer you will find that ~~Brasseur~~ habitually fails to give me certified mail receipts. The whole reason I resort to certified mail is ~~Brasseur~~ is constantly stealing my mail.

Remedy Requested Remove ~~Brasseur~~ from any further contact with the U.S. Mail, and install cameras in the emailroom. Give me money for all the aggravation you people have put me thru regarding my mail.

Staff Recipient Fogaren Mark S. CO II

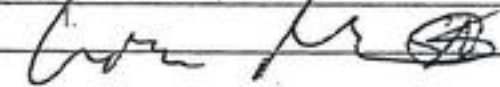
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 24-JUN-14 Decision Date 24-JUN-14 Decision DENIED

Decision By Mitchell Lisa A. SUPERINTENDENT

Reasons Denied. I concur with IGC

Signature  Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
 Number W38533 Appeal Received Date 24-JUN-14

Staff Recipient Fogaren Mark S. CO II

Superintendent's Signature _____

182.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) <u>F. CASTILLA</u>	
1. Article Addressed to: <u>Prase Clerk</u> <u>United States District Court</u> <u>One Courthouse Way</u> <u>Suite 2300</u> <u>Boston, MA 02210</u>		C. Date of Delivery
2. Article Number (Transfer from service label) <u>7013 1090 0000 4976 7264</u>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:
PS Form 3811, February 2004		3. Service Type <u>RED GAGE</u> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
102595-02-M-1540		

BRIDGEWATER COMPLEX CHARGE SLIP

CIRCLE ONE: BSH MTC MIN OC

CHARGE \$ 11.10 DATE: May 27, 2014

TO THE ACCOUNT OF

INMATE NAME James Riva

COMM # W38533

PAYABLE TO: Post Office

FOR: certified mail to

INMATES SIGNATURE: [Signature]

APPROVED BY: [Signature]

CK # _____ DATE PAID _____

PAID

MAY - 3 2014

INMATE ACCOUNTS

BRIDGEWATER

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Tracking Number: 7013109000049767264

Expected Delivery Day: Saturday, June 7, 2014

Product & Tracking Information

Postal Product: Priority Mail 1-Day™ Features: Certified Mail™ Return Receipt



June 9, 2014, 1:20 pm Delivered BOSTON, MA 02210

Your item was delivered at 1:20 pm on June 9, 2014 in BOSTON, MA 02210.

June 7, 2014, 8:57 am Sorting Complete BOSTON, MA 02205

June 7, 2014, 7:50 am Business Closed BOSTON, MA 02205

June 7, 2014, 3:31 am Arrival at Unit BOSTON, MA 02205

June 7, 2014, 12:13 am Processed through USPS Sort Facility BOSTON, MA 02205

June 6, 2014, 9:40 am Acceptance BRIDGEWATER, MA 02324

Available Actions

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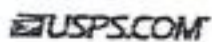
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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM
FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name RIVA JAMES Grievance# 71346 Institution OLD COLONY CORRECTIONAL CENTER
Commit No. W38533 Housing ATTUCKS IV Date Of Incident 20140215 Date Of Grievance 20140219
Informal filed No

Complaint I sent a certified letter to Adam Bookbinder numbered 7013 1090 0000 4976 8711 on Feb 4th, 2014. The money, (\$11.32) was taken from my account Feb. 6th. The article was delivered, (according to U.S. Postal website) Feb. 7th. I never got the green cardboard receipt. I discovered that the article was delivered, I believe, Feb 15th when I called my cousin. The reason I paid \$11.32 was to be provided with a receipt.

Remedy Requested Find my receipt. Get rid of the mail officer ~~Paul Wasseur~~ because he constantly disobeys postal laws.

Staff Recipient ~~Fogaren Mark~~ S CO II

Staff Involved ~~Wasseur Paul~~ N CO I

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20140220 Decision Date 20140225

Signature ~~Fogaren Mark~~ S CO II

Final Decision DENIED

Decision Your grievance has been denied: OCCC acted in accordance with 103 CMR 481 and mailed the letter in question and through your confirmation the letter did arrive. As of 2/25/14 the certified return receipt has not been received by this institution. It should also be noted the officer in question performs his required job duties in accordance with 103 CMR 481, however he cannot deliver mail that is not received at this institution.

Signature *M Fogaren* Date 2/25/14

Denied grievances may be appealed to the Superintendent within 10 working days of Institutional Grievance Coordinator's decision.

INMATE RECEIPT

Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER

Commit No. W38533 Grievance# 71346 Date Received 20140220

Signature Fogaren Mark S CO II

(3) No employee may read inmate mail unless authorized to do so by the commissioner or the superintendent.

(4) Any employee reading inmate mail pursuant to the commissioner's or superintendent's authorization shall record such action in a log book maintained for such purpose.

481.15 Reading/Censoring/Disapproval of Incoming Non-Privileged Correspondence/ Publications

(1) Incoming Correspondence- It is the policy of the Massachusetts Department of Correction not to read, censor, or disapprove incoming correspondence, except where necessary to protect legitimate governmental interests.

(2) The superintendent may authorize the reading, censoring or disapproval of incoming non-privileged correspondence only to prevent interference with institutional goals of security, order, discipline, or if it might facilitate, encourage or instruct in criminal activity; disapproval shall not be based upon an employee's personal views of the merit of such correspondence. The deputy superintendent or his designee may disapprove receipt by an inmate of non-privileged correspondence, the contents of which fall as a whole or in significant part into any one of the following categories:

(a) Depicts or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;

(b) Depicts, describes, or encourages methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of any correctional institution within the Commonwealth;

(c) Depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs;

(d) Is written in code;

(e) Depicts, describes or encourages activities that may lead to the use of physical violence or group disruption;

(f) Encourages or instructs in the commission of criminal activity;

(g) Sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution.

BRIDGEWATER (AP) — Massachusetts officials have fired three correctional officers in connection with an inmate's death at Bridgewater State Hospital in 2009.

The guards were fired Thursday after an internal investigation into the death of 23-year-old Joshua Messier, state Department of Correction officials told The Boston Globe. Messier suffered a heart attack after a half-dozen guards strapped him to a small bed at the prison for mentally ill inmates.

Correction Department spokesman Darren Duarte said disciplinary hearings were held over the summer and "revealed that these individuals' actions violated DOC policy."

Gov. Deval Patrick put the three officers on paid leave six months ago, following a report by the Globe that the guards violated state laws, regulations and hospital policies while attempting to restrain Messier.

Patrick said at the time that disciplinary hearings should be held for two of the guards — Derek Howard and John Raposo — to determine whether they used excessive force against Messier, who suffered the heart attack after they pushed his chest to his knees while his hands were cuffed behind his back, the Globe reported.

Patrick said the third officer, Sgt. George Billadeau, also should face a hearing for possible inadequate supervision of guards.

Jon Mograss, president of the Massachusetts Correction Officers Federated Union, called the firings "politically motivated."

"The administration needed scapegoats to shift any responsibility it may have had for failures in leadership, training and policy development, and the termination of these officers conveniently served that purpose," Mograss said in a statement. "That outcome is starkly unfair to the officers and will be challenged vigorously on appeal."

Patrick fired an assistant deputy commissioner for covering up the results of an internal investigation that faulted Howard and Raposo, and he reprimanded Bridgewater Superintendent Robert Murphy and state Correction Commissioner Luis Spencer.

Spencer was forced to resign in July by Patrick and Public Safety Secretary Andrea Cabral, who found that Spencer slowed an internal investigation into an unrelated incident in which guards reportedly abused a mental health patient who survived.

The state settled a lawsuit filed by Messier's family for \$3 million.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

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Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Housing ATTUCKS IV Appeal Date 09-JUN-15 Date Of Grievance 04-JUN-15
Appeal Received Date 10-JUN-15
Appeal I appeal grievance 81218 and I appeal the decision not to permit my request to view the envelope and letter. I think an investigation should be done to see if ~~Bressour~~ put the stain on the envelope.
Remedy Requested Let me have the letter and envelope or at least let me view it. My request to view was denied. Investigate if ~~Bressour~~ put the stain on the envelope.
Staff Recipient Fogaren Mark S CO II
Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 10-JUN-15 Decision Date 15-JUN-15 Decision PARTIAL APPROVAL
Decision By Mitchell Lisa A SUPERINTENDENT
Reasons Modified - mail considered to be contraband, you may view item(s) - IGC to handle.
Signature 7/28/15 - Please be advised that I have reviewed grievance/ grievance appeal #81218 and I support the Superintendent's partial approval. The envelope in question was appropriately contrabanded as it had an unknown stain and was deemed a security concern. The Superintendent allowed you to view the envelope. There is no evidence to sustain your allegations that your mail is not being processed in accordance with 103 CMR 481.
Kate Silvia
Kate Silvia
Department Grievance Manager
Date _____

INMATE RECEIPT

Inmate's Name RIVA JAMES Institution OLD COLONY CORRECTIONAL CENTER
Number W38533 Appeal Received Date 10-JUN-15
Staff Recipient Fogaren Mark S CO II
Superintendent's Signature _____

PROGRESS NOTES

DCCC

Institution

NAME: Riva, James

ID # W38533

D.O.B. 6/16/57

DATE	TIME	NOTES
11/13	4:20p	at approximately 4:20pm - IM Riva was sent to the HSW per DOC for evaluation of a witnessed fall. IM Riva has no medical complaints, changes in vision or dizziness. "I wasn't watching where I was going & I tripped." Alert & oriented, speech fluid & clear at this time.
11/13	10:58	Requesting to go back to cell. IM has no apparent injuries. Appears stable.