Date: 6/15/2022 11:23:34 PM
Subject: Blog 4HR

Re: Melissa Ryan's article, "Suing the Purveyors of Violence," in the June/July 2022 issue of The Progressive (progressive.org)
by Nate A. Lindell, created 15 June 2022

Melissa's article, unfortunately, offers readers hope for protection from wanna-be fascists and hate mongers when that justice depends on the"generosity" of judges, typically (if one sues under the Ku Klux Klan Act statutes that she cites) federal judges, federal judges with lifetime appointments, and the real fascist --Trump-- poisoned federal courts with the most elitist SOBs (& DOBs, e.g. A.C.B.) available.

It's more likely that the cases mentioned by Melissa will get justice... because she mentioned them. Mentioning lawsuits in a national publication puts the judges handling the cases on notice that they are being watched, their actions may be revealed to the public, members of the public may use pacer.gov to look up the actual filings & evidence in the cases for themselves & thus spot & tweet about the judges' chicanery. The threat of public scrutiny CAN keep officials on their best behavior, one of the purposes of the First Amendment's Freedom of The Press clause. (We've seen that Trumpians are immune to reality, relish criticism....)

That is POSSIBLY good for litigants with law firms, activist organizations and journalists behind them. But it's of no help for INDIVIDUALS seeking justice, including most poor people ... and the vast majority of prisoners.

Consider these examples, of cases that were mangled by federal judges, the evidence mischaracterized by federal judges and prison officials' pissing on the Constitution was condoned by federal judges, even a "Liberal" federal judge.

In Dion Mathews v. Captain Lebbeus Brown, Western District of Wisconsin Case #16-CV-650-slc, Prisoner Mathews, housed in Wisconsin's "former" supermax, sued officials for punishing him under their anti-gang rule based on a letter that Dion that Dion sent to the warden asking the warden to make more educational and rehabilitative programs available. Cpt. Brown claimed that Dion had several other prisoners sign the letter and that Dion was a leader of a prison gang, thus the letter amounted to a demand from the gang. The letter was then destroyed, in violation of Wisconsin prison policy requiring that disciplinary evidence be preserved, especially when a lawsuit will be filed about it. It was a lie (that other prisoners had signed the letter), and the burden of proof was on prison officials that others had signed the letter, a burden that they could not meet because they'd improperly destroyed the letter; yet prison officials pushed that lie in their summary judgement[1] briefs, which Dion sought sanctions for and carefully refuted in his briefs[2], ... and magistrate Judge Stephen L. Crocker dismissed Dion's case, repeatedly citing and basing his decision on the lie that Dion's letter had been signed by multiple other prisoners.

While you may think that what happened to Dion is no big deal, what it means is that prison officials can get away with destroying legitimate Petitions for Redress (one of the rights guaranteed by the First Amendment) by simply claiming (then destroying the proof) that a prisoner is a "gang leader" and that they had their members sign the petition (supposedly

threatening a riot). It means prisoncrats can destroy anyone in prison's right to complain about prison conditions, even requests for rehabilitative programs.

Dion appealed that decision, pointing out that the lower court erroneously adopted the lie presented by a state Assistant Attorney General (A.A.G.) ...and the three-judge panel in the U.S. Court of Appeals for the Seventh Circuit (www.ca7.uscourts.gov) adopted that lie too.[3]

A similar mangling of the facts and the law was inflicted on me by Wisconsin AAG Eliot M. Held (heldem@doj.state.wi.us) and then, on appeal, by AAG Jody J. Schmelzer (schmelzerjj@doj.state.wi.us).

In Eastern District of Wisconsin U.S. District Court Case # 18-CV-2027, Lindell v. Meli, I sued prison officials for sentencing me to one year in Seg and then keeping me in Administrative Confinement for three years (only releasing me when I was stabbed in my head three times, almost killed), because they convicted me of lying in a PREA (Prison Rape Elimination Act) complaint. I showed, with prisoncrats' own records, that I made a complaint about a guard apparently threatening to do an abusive strip search on me, which staff mischaracterized as being about a Captain (as with Dion, they destroyed the recording of my phoned-in complaint), then the PREA investigator refused to interview me unless I let staff strip search me before and after the interview. Despite defendants admitting that they never listened to my PREA complaint nor knew what I'd stated in it, despite the warden (eight years later) declaring that there was no evidence supporting the discipline, District Court Judge Lynn Adelman (author of many Progressive law-review articles & hailed as a Liberal) found that there was no evidence that defendants acted retaliatorily and that "some evidence" (i.e. staff's "Summary" of my PREA call & my refusal to be interviewed if it meant being strip searched --the warden noted in his dismissal of the discipline that the Summary wasn't part of the disciplinary record, and who would want to display their genitals and anus, twice, in order to exercise a right?) supporters the finding that I lied, when, actually, it was staff who lied about who and what my complaint was about.

A three-judge panel in the Seventh Circuit went right along with that, in Appeal #21-2761, in their 24 May 2022 Decision, ...despite quoting the warden's belated decision to vacate the discipline, despite me explaining in a sanctions motion how and where AAG Schmelzer was misrepresenting the facts and law in her brief, despite me doing so again in my Reply Brief.[4]

The panel that rolled along with the AAGs misrepresentations of the facts and law in my appeal (#21-2761) consisted of three "Conservatives" (they certainly weren't conserving" our civil liberties or the PREA; they were conserving sexual abuse within prisons), one appointed by Trump.

Now, if I hadn't told you, you'd surely believe that the judges' characterizations of the facts in Dion's case (i.e. that multiple of his gang minions had signed his vicious demand for rehabilitative programs) and my case (i.e. that the Summary of my PREA call was "some evidence" of what I said, and refusing to be strip searched was evidence that I lied) was valid. Even after I told you, IF you believe me, IF you care about justice, you're likely stumped on what should be done. (Petitions for a Rehearing in the Appeals court are even more rarely granted than are Petitions for the Supreme Court to Review the cases, and the Supreme Court is nor controlled by Trump judges.)

Dion and my cases are just two examples of unsupported litigants seeking to vindicate fundamental rights, only to have our cases stomped on by federal judges.

I don't know if there is a solution. But I know that Melissa's hopeful tone in her article is, from my experience, delusional.

Maybe when enough little people, powerless people, get their rights trampled on, are lied to and about by those appointed to issue justice, maybe then all of us powerless people (women, poor people, LGBTQ+, White, Yellow, Brown, Black, Atheist, Pagan, Christian, Jewish, etc.) will remove those hypocrites and tyrants, and ...install A.I. judges to FINALLY, fairly decide our petitions for justice.

What I do know is that we MUST do something, at least expose the injustice we see and learn about. Then we must put an end to it. That will make America great, again.

F.N.1. "Summary judgement" (a.k.a. a "dispositive motion") is the stage of litigation where a party moves to dismiss some or all of the claims or have them declared proven because the critical facts are undisputed and the applicable legal standard entitles them to prevail. Sometimes, as in Dion's case, both sides seek summary judgement.

F.N.2. I know this because I wrote Dion's Briefs and motions. I spent months working on Dion's case, because he was/is very polite (in all of our conversations, I never heard him cuss), and his claim was very important. It was, up to then, the best legal writing I'd done.

F.N.3. You may either call the clerk at 312-435-5850 for details about that decision, or look it up on <ca7.uscourts.gov>

F.N.4. You may see my Reply Brief and other filings in the case using pacer.gov or https://ecf.ca7.uscourts.gov, searching go Appeal #21-2761, Lindell v. Meli.