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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 HUMAN RIGHTS DEFENSE CENTER,

10 Plaintiff,

11 v.

12 WALLA WALLA COUNTY, and
13 STEVEN BARKER, individually and in
14 his official capacity as Jail Commander
15 of the Walla Walla County Jail/Walla
16 Walla County Corrections Department,

17 Defendants.

No.

COMPLAINT

DEMAND FOR JURY TRIAL

18 **I. NATURE OF THE CASE**

19 1.1 Defendants have adopted and implemented mail policies, practices,
20 and customs that unconstitutionally restrict correspondence sent to prisoners, that
21 prohibit books and magazines and legal materials, and that do not afford due
22 process notice and an opportunity to challenge the censorship decisions as required
23 by the United States Constitution.

1.2 Plaintiff Human Rights Defense Center (“HRDC” or “Plaintiff”) brings this action for damages, declaratory, and injunctive relief to end Defendants’ unconstitutional policies, practices, and customs, and to remedy Defendants’ censorship of Plaintiff’s publications and correspondence sent to prisoners at the Walla Walla County Jail in violation of the First Amendment and the Fourteenth Amendment’s Due Process Clause of the United States Constitution.

II. PARTIES

2.1 Plaintiff Human Rights Defense Center (HRDC) is a Washington State not-for-profit charitable organization with its principal place of business in Boynton Beach, Florida. HRDC publishes and distributes books and magazines to incarcerated people across the country.

2.2 Defendant Walla Walla County is a municipal corporation formed under the laws of the State of Washington.

2.3 Defendant Steven Barker is the Commander of the Walla Walla County Jail. Commander Barker is employed by and is an agent of Walla Walla County. Barker is responsible for overseeing the Corrections Department of Defendant Walla Walla County, which includes overseeing the operation of the Walla Walla County Jail. He is responsible for supervising the implementation of the Jail's publication ban and other mail policies or practices. All of his acts and omissions alleged herein occurred within the scope of his employment, under color of state law.

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1 operation of correctional facilities; prison and jail conditions; the health and safety
2 of prisoners; the constitutional and human rights of prisoners; and political speech
3 and social commentary.

4 4.4 HRDC's educational, political, and legal publications and
5 correspondence are entitled to the highest protection afforded by the United States
6 Constitution.

7 4.5 Sending publications through the mail to prisoners and other
8 incarcerated people is essential to accomplishing the mission of HRDC. One of
9 HRDC's primary goals is to communicate with prisoners about developments in
10 the law and protection of one's health and personal safety while in prison or jail.
11 Reading enables prisoners to engage in productive activity rather than sitting idle,
12 thus helping to avoid conflicts and incidents of violence in correctional facilities
13 and encouraging lawful methods of dispute resolution. In addition, reading helps
14 prisoners keep their minds sharp, preparing them to become productive citizens
15 when released back into society. Through prisoner education, HRDC's mission, if
16 realized, has a salutary effect on public safety through prisoner rehabilitation and
17 lower rates of recidivism.

18 4.6 HRDC distributes its publications to incarcerated people by sending
19 its publications to correctional facilities all over the country, including in the State
20 of Washington, at the Walla Walla County Jail and elsewhere. In particular,
21 distributing HRDC's legal educational publications to individuals incarcerated in
22 county jails, such as the Walla Walla County Jail, is essential to HRDC's mission,
23 because the publications are designed to assist incarcerated individuals who are

1 subject to ongoing criminal proceedings, or who need to know about their civil
2 rights while incarcerated in order to exercise or vindicate those rights, including
3 the right to humane housing conditions, to access appropriate medical and mental
4 health care, to receive disability accommodations, to be free from race and sex
5 discrimination, to be protected from harm by others, and to receive mail and
6 communicate with others, among other rights.

7 4.7 HRDC publishes and distributes an award-winning monthly magazine
8 titled *Prison Legal News: Dedicated to Protecting Human Rights* (“*Prison Legal*
9 *News*”), which contains news and analysis about correctional facilities, the rights
10 of prisoners, court opinions, prison and jail conditions, excessive force, and
11 religious freedom. In 2013, *Prison Legal News* received the First Amendment
12 Award from the Society of Professional Journalists. *Prison Legal News* is
13 published on newsprint bound by two small staples, and is 72 pages long.

14 4.8 HRDC publishes and distributes a second monthly magazine called
15 *Criminal Legal News*, which contains news and analysis about individual rights,
16 court rulings, and other legal issues related to the criminal justice system. Criminal
17 Legal News is also published on newsprint by two small staples, and is 56 pages
18 long.

19 4.9 HRDC publishes or distributes various soft-cover books on prisoners’
20 rights and issues related to criminal justice, corrections systems, health and safety,
21 and legal issues that are of interest to prisoners and others, including reference
22 books that provide prisoners with information they can use to help themselves and
23 improve their lives.

1 4.10 HRDC publishes and distributes the book titled *Prisoners' Guerilla*
2 *Handbook: A Guide to Correspondence Programs in the United States and*
3 *Canada* ("Prisoners' Handbook"), which provides information about enrolling at
4 accredited higher educational, vocational, and training schools.

5 4.11 HRDC is the sole national distributor of the book titled *Protecting*
6 *Your Health and Safety*, which describes the rights, protections, and legal remedies
7 available to persons concerning their health and safety while they are incarcerated.

8 4.12 In addition to its publications, HRDC communicates with incarcerated
9 persons by mailing them: (i) informational brochure packets ("Info Packs"), which
10 contain a brochure and subscription order form, a book list, and a published books
11 brochure (each of which is a single page); (ii) letters that provide pertinent
12 information about HRDC's publications and related topics, including subscription
13 renewal letters sent to subscribers to its magazines when the subscriptions are
14 nearly over, in the hopes of renewing the subscription; and (iii) Fundraiser Packs,
15 which contain all of the materials included in an Info Pack, along with a one-page
16 annual fundraiser notice and a two-page letter asking HRDC supporters for
17 donations.

18 4.13 HRDC also maintains a website containing information about legal
19 resources. The website contains information about breaking news and a database of
20 articles, publications, legal briefs, and other information about state and federal
21 issues affecting prisoners. Individuals can visit this website and view the content or
22 become a member of and search for and print articles of interest to them, for
23 themselves, or to send to others, including to prisoners who do not have access or

1 have limited access to computers or the internet, or who have limited or no
2 research skills.

3 4.14 On July 26, 2024, HRDC mailed the June 2023 issue of *Criminal*
4 *Legal News* and the November 2022 issue of *Prison Legal News* to each of the
5 following prisoners at the Walla Walla County Jail:

6 Prisoner Name:

7 Jedadiah Roller

8 Ryan Vandenburg

9 Brandon O'Neel

10 Kimberly Day

11 The individuals named above were incarcerated at the Walla Walla County Jail
12 when the jail received the issues of *Criminal Legal News* and *Prison Legal News*
13 mailed by HRDC in July 2024.

14 4.15 On July 26, 2024, HRDC mailed an Info Pack to each of the following
15 prisoners at the Walla Walla County Jail:

16 Prisoner Name:

17 Jedadiah Roller

18 Ryan Vandenburg

19 The individuals named above were incarcerated at the Walla Walla County Jail
20 when the jail received the Info Packs mailed by HRDC in July of 2024.

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1 4.16 On August 8, 2024, HRDC mailed the book *Protecting Your Health*
2 *and Safety* to each of the following prisoners at the Walla Walla County Jail:

3 Prisoner Name:

4 Jedadiah Roller

5 Christopher Bender

6 Kimberly Day

7 The individuals named above were incarcerated at the Walla Walla County Jail
8 when the jail received the copies of the book *Protecting Your Health and Safety*
9 mailed by HRDC in August 2024.

10 4.17 In September 2024, HRDC mailed the September 2023 issue of
11 *Prison Legal News* to the following prisoner at the Walla Walla County Jail:

12 Prisoner Name:

13 Ryan Vandenburg

14 The individual named above was incarcerated at the Walla Walla County Jail when
15 the jail received the copy of *Prison Legal News* mailed by HRDC in September of
16 2024.

17 4.18 On October 11, 2024, HRDC mailed follow up letters to each of the
18 following prisoners at the Walla Walla County Jail:

19 Prisoner Name:

20 Ryan Vandenburg

21 Kimberly Day

22 The individuals named above were incarcerated at the Walla Walla County Jail
23 when the jail received the follow up letters mailed by HRDC in October 2024. The

1 letters notified each of these prisoners that HRDC had mailed them an Info Pack
2 and publications, which they should have received by October 11. HRDC's letter
3 asked each prisoner to notify HRDC whether the prisoner had received the items.

4 4.19 On December 6, 2024, HRDC mailed a *Criminal Legal News*
5 expiration letter and a *Prison Legal News* subscription expiration letter to the
6 following prisoner at the Walla Walla County Jail:

7 Prisoner Name:

8 Kimberly Day

9 The individual named above was incarcerated at the Walla Walla County Jail when
10 the jail received the subscription expiration letters mailed by HRDC in December
11 2024.

12 4.20 On December 6, 2024, HRDC mailed a *Criminal Legal News* renewal
13 letter and a *Prison Legal News* renewal letter to the following prisoner at the Wall
14 Walla County Jail:

15 Prisoner Name:

16 Ryan Vandenburg

17 The individual named above was incarcerated at the Walla Walla County Jail when
18 the jail received the expiration letters mailed by HRDC in December 2024.

19 4.21 On December 16, 2024, HRDC mailed a Fundraiser Pack to each of
20 the following prisoners at the Walla Walla County Jail:

21 Prisoner Name:

22 Ryan Vandenburg

23 Robert Lucero

1 Kimberly Day

2 The individuals named above were incarcerated at the Walla Walla County Jail
3 when the jail received the Fundraiser Packs mailed by HRDC in December 2024.

4 4.22 On February 4, 2025, HRDC mailed letters to each of the following
5 prisoners at the Walla Walla County Jail:

6 Prisoner Name:

7 Robert Lucero

8 Kimberly Day

9 The individuals named above were incarcerated at the Walla Walla County Jail
10 when the jail received the letters mailed by HRDC in February 2025.

11 4.23 On May 29, 2025, HRDC sent two subscription renewal letters to the
12 following prisoner at the Walla Walla County Jail:

13 Prisoner Name:

14 Kimberly Day

15 The individual named above was incarcerated at the Walla Walla County Jail when
16 the jail received the subscription renewal letters sent by HRDC in May of 2025.

17 4.24 Between July 2024 and June 2025, Defendants rejected at least
18 twenty-seven (27) of the items that HRDC mailed to prisoners at the Walla Walla
19 County Jail, including:

20 4.24.1 four (4) issues of *Criminal Legal News*;

21 4.24.2 four (5) issues of *Prison Legal News*;

22 4.24.3 three (3) Fundraiser Packs;

23 4.24.4 three (3) copies of *Protecting Your Health and Safety*;

- 4.24.5 four (4) follow up letters;
- 4.24.6 four (4) renewal letters; and
- 4.24.7 two (2) expiration letters
- 4.24.8 two (2) Info Packs.

4.25 Defendants returned the items identified in the preceding paragraph to HRDC marked with either an ink stamp stating, “Return To Sender,” or ink marking stating, “RTS” , or substantially similar markings reflecting that Defendants rejected them. In some instances, the mail was returned to HRDC with a marking of “no longer here” or “NIC,” indicating the intended recipient of the mail was not incarcerated at the Jail, despite records showing that the intended recipient was still in custody. In other instances, Defendants returned the mail to HRDC without providing any explanation at all about the reason for censorship or rejection.

4.26 Upon information and belief, Defendants also failed to deliver other copies of regular subscriptions magazines mailed directly from HRDC to various prisoners at Walla Walla County Jail, including hundreds of copies of its magazines, *Prison Legal News* and *Criminal Legal News*, between July 2024 and September 2025. The prisoners to whom HRDC addressed and mailed those legal news magazines were incarcerated at Walla Walla County Jail on the date Plaintiff first started sending their six-month subscriptions, and many likely thereafter.

4.27 In total, Plaintiff has sent at least 385 items of mail to prisoners at the Walla Walla County Jail between July 2024 and September 2025, including *Protecting Your Health and Safety* books, the *Prisoners’ Handbook*, issues of

1 *Prison Legal News* magazine, issues of *Criminal Legal News* magazine, letters,
2 Info Packs, and Fundraiser Packs. On information and belief, Defendants have
3 rejected all or most of these items of mail and have routinely failed to provide due
4 process notice and an opportunity for Plaintiff to be heard.

5 4.28 The Walla Walla County Jail lists a publication ban prominently on its
6 official website, stating that: “The Walla Walla County Correction’s Department
7 will not accept any books or periodicals as each prisoner is supplied with a tablet
8 with that information for free.”

9 4.29 HRDC’s books, magazines, Info Packs, Fundraiser Packs, and letters
10 are not on the tablets provided to prisoners at the Walla Walla County Jail.

11 4.30 Defendants have rejected and are rejecting HRDC’s books,
12 magazines, Info Packs, Fundraiser Packs, and letters, pursuant to their publication
13 ban, or other written or unwritten policy or practice.

14 4.31 Defendants have rejected and likely are rejecting books and other
15 publications pursuant to the Jail’s publication ban, or other written or unwritten
16 policy or practice.

17 4.32 Defendants have a written policy, practice, custom, or usage of
18 rejecting books and magazines, and other publications sent to prisoners at the
19 Walla Walla County Jail.

20 4.33 Defendants have an unwritten policy, practice, custom, or usage of
21 rejecting information about publications and other correspondence sent to prisoners
22 at the Walla Walla County Jail.

23 4.34 Defendants have an unwritten policy, practice, custom, or usage of

1 rejecting mail sent to prisoners at the Walla Walla County Jail without providing
2 notice of the reason for rejection or an opportunity to be heard to challenge the
3 decision.

4 4.35 In fulfillment of its mission, HRDC wants to and intends to continue
5 sending its books, magazines, and correspondence to subscribers, customers, and
6 other individuals incarcerated at Walla Walla County Jail in the future.

7 4.36 Absent relief from this Court, Walla Walla County Jail's policies,
8 practices, customs, and usages, including its publication ban and other restrictions
9 on mail, chills and interferes with HRDC's right to communicate with prisoners at
10 the Walla Walla County Jail, the rights of others to communicate with people
11 incarcerated at the Jail, and the rights of prisoners at the Jail to receive those
12 communications and publications, and will continue to do so.

13 4.37 Defendants' written and unwritten policies, practices, customs, or
14 usages, violate the First Amendment.

15 4.38 Defendants' written and unwritten policies, practices, customs, or
16 usages violate the Due Process Clause of the Fourteenth Amendment.

17 4.39 Defendants' written and unwritten policies, practices, customs, or
18 usages unconstitutionally burden and interfere with the First Amendment rights of:
19 Plaintiff; other publishers and correspondents who wish to send books, magazines,
20 other publications, legal materials, or other mail to prisoners confined at the Walla
21 Walla County Jail; and prisoners at the Jail.

22 4.40 Defendants' written and unwritten policies, practices, customs, or
23 usages unconstitutionally burden and interfere with the Fourteenth Amendment

1 due process rights of Plaintiff, other publishers and correspondents, and prisoners
2 at the Walla Walla County Jail, whose publications and other mail has been or will
3 be rejected by Defendants without notice of the reasons or an opportunity to be
4 heard to challenge Defendants' censorship decisions.

5 4.41 Defendants' written and unwritten policies, practices, customs, or
6 usages described above constitute a prior restraint on speech in violation of the
7 First Amendment.

8 4.42 Defendants' written and unwritten policies, practices, customs, or
9 usages have violated, continue to violate, and are reasonably expected to violate in
10 the future Plaintiff's constitutional rights to distribute its publications,
11 communicate its political message to prisoners, recruit new supporters, readers and
12 subscribers, and have caused Plaintiff additional financial harm in the form of lost
13 subscriptions, and publication and book purchases.

14 **V. CAUSES OF ACTION**

15 **Violation of First Amendment to U.S. Constitution**

16 5.1 Plaintiff alleges and incorporates by reference the preceding
17 paragraphs.

18 5.2 Through the acts and failures to act described above, Defendants have
19 violated Plaintiff's rights, the rights of other publishers and correspondents, and the
20 rights of prisoners confined at the Walla Walla County Jail under the First
21 Amendment to the United States Constitution through 42 U.S.C. § 1983.

22 5.3 The acts described above have caused Plaintiff damages and will
23 continue to cause damage.

1 5.4 Plaintiff seeks nominal, compensatory, and punitive damages against
2 Defendants in their individual capacities.

3 5.5 Plaintiff seeks declaratory and injunctive relief against all Defendants
4 in their official capacities.

5 **Violation of Fourteenth Amendment to U.S. Constitution**

6 5.6 Plaintiff realleges and incorporates by reference the preceding
7 paragraphs.

8 5.7 Through the acts and failures to act described above, Defendants
9 violated Plaintiff's rights, the rights of other publishers and correspondents, and the
10 rights of prisoners confined at the Walla Walla County Jail under the Fourteenth
11 Amendment to the United States Constitution through 42 U.S.C. § 1983.

12 5.8 The acts described above have caused Plaintiff damages and will
13 continue to cause damage.

14 5.9 Plaintiff seeks nominal, compensatory, and punitive damages against
15 Defendants in their individual capacities.

16 5.10 Plaintiff seeks declaratory and injunctive relief against all Defendants
17 in their official capacities.

18 **Monell Claim Against the Municipal Defendant**

19 5.11 Plaintiff realleges and incorporates by reference the preceding
20 paragraphs.

21 5.12 The officials or employees named above acted under color of state
22 law and their acts deprived Plaintiff of its constitutional right to free speech and
23

1 due process, and in doing so acted pursuant to an official policy or widespread and
2 longstanding practice or custom of the municipal Defendant, Walla Walla County.

3 5.13 The municipal defendant is liable to Plaintiff by virtue of its
4 unconstitutional implementation of its policies, practices, customs, or usages,
5 which were the motivating factor and proximate cause of the harm to Plaintiff's
6 constitutional rights.

7 5.14 The acts described above have caused damages to Plaintiff and will
8 continue to cause damage.

9 5.15 Plaintiff seeks nominal and compensatory damages against the
10 municipal Defendant.

11 5.16 Plaintiff seeks declaratory and injunctive relief against the municipal
12 Defendant.

13 VI. INJUNCTION ALLEGATIONS

14 6.1 Defendants' unconstitutional policy, practices, customs, and usages
15 are ongoing and continue to violate Plaintiff's constitutional rights and the rights of
16 other publishers, correspondents, and prisoners, and as such there is no adequate
17 remedy at law.

18 6.2 Plaintiff seeks injunctive relief prohibiting Defendants from: refusing
19 to deliver or allow delivery of books, magazines, correspondence, or any other
20 documents from Plaintiff that contain third-party legal material addressed to and
21 intended to be received by specific prisoners at the Walla Walla County Jail;
22 rejecting publications or other documents sent to prisoners at the Walla Walla
23 County Jail pursuant to their publication ban; and censoring or rejecting

1 publications or other documents sent to prisoners at the Walla Walla County Jail
2 on the same grounds that Defendants rejected Plaintiff's mail. Plaintiff also seeks
3 an injunction prohibiting Defendants from censoring or rejecting mail without due
4 process of law.

5 **VII. REQUEST FOR RELIEF**

6 WHEREFORE, Plaintiff requests relief against Defendants as follows:

7 7.1 A preliminary and permanent injunction preventing Defendants from
8 continuing to violate the Constitution, and providing other equitable relief;

9 7.2 A declaration that Defendants' implementation of their policies,
10 practices, customs, or usages violates the Constitution;

11 7.3 For each violation of its Constitutional rights, nominal and
12 compensatory damages against the individual Defendants in their individual
13 capacity and against the municipal Defendant, in an amount to be proved at trial;

14 7.4 For each violation of its Constitutional rights, punitive damages against
15 the individual Defendants in their individual capacity, in an amount to be proved at
16 trial;

17 7.5 A trial by jury;

18 7.6 Costs and reasonable attorney's fees, under 42 U.S.C. § 1988, and
19 under other applicable law;

20 7.7 Pre-judgment and post-judgment interest;

21 7.8 The right to conform the pleadings to the proof and evidence presented
22 at trial; and

23 7.9 Such other relief as the Court deems just and equitable.

1 DATED this 24th day of November, 2025.

2 MacDONALD HOAGUE & BAYLESS

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19 *Pro hac vice application to be filed
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