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DONALD M. CINNAMOND
Deputy

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CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON
BY: *KW*

SAMUEL J. STILTNER
Attorney at Law

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS,
MICHAEL TUCKER,
MARK WILSON, and
LE HUNG,

Civil No. 98-1344-MA

Plaintiffs,

vs.

JUDGMENT ON REMAND

DAVID S. COOK, Director of the Oregon
Department of Corrections, and
DAVID SCHUMACHER,
Rules/Compliance Manager of the Oregon
Department of Corrections,

Defendants.

Based on the Record on remand from the Court of Appeals,

IT IS HEREBY ORDERED, ADJUDGED and DECLARED that Oregon Administrative Rule [OAR] 291-131-0025(8) (1998), pursuant to which the Oregon Department of Corrections prohibits all incoming mail at institutions under its management except express mail, priority mail, first-class mail or periodicals mail, is unconstitutional as applied to subscription non-profit organization mail.

IT IS FURTHER ORDERED AND ADJUDGED that defendants are permanently enjoined from enforcing OAR 291-131-0025(8) (1998) or any other rule that prohibits inmates at

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1 institutions under the management of the Oregon Department of Corrections from receiving
2 subscription non-profit organization mail mailed at standard mail rates.

3 IT IS FURTHER ORDERED AND ADJUDGED that upon rejection of any item of
4 subscription non-profit organization mail mailed at standard mail rates, defendants shall afford
5 the sender and the intended recipient notice and opportunity to contest the rejection.

6 IT IS FURTHER ORDERED AND ADJUDGED that plaintiffs are entitled to an award
7 of attorney fees and expenses in the amount of \$58,059.47.

8 DATED this 7 day of August, 2001.

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11 Malcolm F. Marsh
12 United States District Judge
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