

Dear Warden Outlaw:

Oscar Stilley, Inmate # 10579-062 (Stilley) hereby requests the following:

- 1) The right to maintain possession of all hard files or hard copy legal materials relating to any pending or prospective criminal or civil litigation, regardless of volume, with reasonable security and accessibility.
- 2) Possession and use of computers, internet access equipment, programs (WordPerfect, Word, PITA, etc) and computer files, peripherals including but not limited to hard drives and other file storage devices, printers, scanners, headsets, binders, tabs, and other organizational materials and hardware, such as might be found in a modern law office. If the Department of Justice-Bureau of Prisons (DOJ-BOP) is unwilling to allow the introduction of such items into the prison by an inmate, Stilley is willing to use equivalent equipment provided by the DOJ-BOP. Stilley asks that he be consulted with respect to the procurement of such equipment, and that any DOJ-BOP equipment be provided at a charge not to exceed 125% of the actual cost of providing the equipment.
- 3) Assurances that the BOP will refrain from any interference with the acquisition, sharing, or exchanging of information, files, briefs, templates, forms, postage stamps, or anything else tangible or intangible, that might reasonably be necessary and proper for the preparation of legal materials by inmates.
- 4) Such other, further, or alternative relief as may be appropriate whether or not specifically requested.

This request is based, among other things, on Program Statement (PS) 1315.07, which authorizes inmates to solicit or purchase legal materials from outside the institution, and prohibits staff interference with attempts to obtain state legal assistance or legal materials. In addition, *Ex Parte Hull*, 312 US 546 (1941), *Johnson v. Avery*, 393 US 483 (1969), *Procunier v. Martinez*, 416 US 396 (1974), and their progeny, and other cases, hold that the government is forbidden from interfering with the right of incarcerated persons to use their own property (tangible or intangible) to the extent reasonably necessary or proper for their efforts to access the courts. The offer to permit the DOJ-BOP to supply its own property is presented solely as a matter of accommodation, to give the DOJ-BOP an alternative means of satisfying its constitutional obligations. The fundamental essence of this request is a demand that the DOJ-BOP cease its invidious interference with attempts to use an inmate's own property or rights thereto for purposes of access to the courts.

To the extent that the DOJ-BOP does not consider this request properly documented or supported, the 1 page limit on attachments is assigned as a violation of the constitutional right to peaceful petition, speech, due process, equal protection, and other rights secured by the constitution and laws of the United States and the State of Arkansas and Oklahoma. To the extent that the page limitation is only applicable to Regional and/or National appeals, please explain and set forth all authority upon which the Warden and/or DOJ-BOP rely. Furthermore, since all arguments submitted in *US v. Springer & Stilley*, Northern District of Oklahoma (NDOK) 09-43, and *US v. Springer & Stilley*, CA10 ## 10-5055 & 10-5057 have already been served upon counsel for the DOJ, which operates the DOJ-BOP, Stilley incorporates all such arguments to the extent not legally or administratively forbidden, or

otherwise inconsistent with the purposes of this application. See also Response in Admin. App. 626132-R2, in which CA10 10-5057 motions and an order are referenced.

Objection is made to the decision of this request by the DOJ-BOP, a subdivision of the Department of Justice (DOJ), which is the adversary of Stilley, in the aforementioned litigation, which is part of the reason that Stilley needs the wherewithal to access the courts. This violates *Yamaha Motor Corp., USA v. Riney* 21 F.3d 793 (8th Cir. 1993) and progeny and related cases, including Supreme Court and 8th Circuit cases, which require disinterested arbiters of disputes including administrative cases. Stilley requests and demands an impartial arbiter of this dispute at each and every level of the administrative process, as well as any appeal thereafter.

This document is the foundation for the request for informal resolution as well as the BP9, and will of course be used on appeal. If any part of this request is to be granted, Stilley requests that the decision set forth the reasons for granting part but not all of the relief sought.

Oscar Stilley, 10579-062
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