

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

PAUL SCHNELL, individually and in his official capacity as Commissioner of the Minnesota Department of Corrections; SAFIA KHAN, individually and in her official capacity as Deputy Commissioner of the Minnesota Department of Corrections; KRISTIN RISH, individually and in her official capacity as Warden of MCF Moose Lake; KATHY HALVORSON, individually and in her official capacity as Warden of MCF Shakopee; JESSE PUGH, individually and in his official capacity as Warden of MCF Saint Cloud; and JOHN AND JANE DOES 1-20, individually and in their official capacities,

Defendants.

Case No.

COMPLAINT

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

1. Plaintiff Human Rights Defense Center (“HRDC” or “Plaintiff”) brings this action to enjoin Defendants from censoring publications that Plaintiff mails to people incarcerated with the Minnesota Department of Corrections (“MNDOC” or the “Department”). Defendants have adopted, implemented, and enforced mail policies, practices, and customs, that unconstitutionally prohibit delivery of publications mailed by Plaintiff to people incarcerated at MNDOC. These policies,

practices, and customs also deny due process of law to senders, like Plaintiff, whose mail is censored, by failing to provide adequate notice and an opportunity to challenge each instance of censorship. Defendants' actions violate Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution. Plaintiff seeks injunctive relief, declaratory relief, and damages in an amount to be proven at trial under 42 U.S.C. § 1983.

JURISDICTION AND VENUE

2. This action is brought under 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States, and under 28 U.S.C. § 1343 as this action seeks redress for civil rights violations under 42 U.S.C. § 1983.

3. Venue is proper under 28 U.S.C. § 1391(b). At least one Defendant resides within this judicial district, and the events giving rise to the claims asserted occurred within this judicial district.

4. Plaintiff's claims for relief are brought under 42 U.S.C. § 1983, which authorizes actions to redress the deprivation, under color of state law, of rights, privileges and immunities secured by the First and Fourteenth Amendments to the United States Constitution and laws of the United States.

5. This Court has jurisdiction over claims seeking declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure, as well as nominal and compensatory damages, against all Defendants, and punitive damages against the individual defendants in their

personal capacities.

6. Plaintiff's claim for attorneys' fees and costs is predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to prevailing plaintiffs in actions brought under 42 U.S.C. § 1983.

7. Plaintiff is informed, believes, and based thereon alleges, that the individual Defendants as described herein each acted with reckless disregard for Plaintiff's rights and/or intending to injure, vex, annoy, and harass Plaintiff, and subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights with the intention of causing Plaintiff injury and depriving it of its constitutional rights. Because of the foregoing, Plaintiff seeks compensatory and punitive damages against the individual Defendants.

PARTIES

8. HRDC is a not-for-profit charitable organization recognized under § 501(c)(3) of the Internal Revenue Code, and is incorporated in the state of Washington with principal offices in Boynton Beach, Florida. For over thirty-five years, HRDC has focused its mission on public education, advocacy, and outreach on behalf of, and to assist, incarcerated people who seek legal redress for infringements of their constitutionally guaranteed and other basic human rights. HRDC's mission, if realized, has a salutary effect on public safety.

9. Nonparty the MNDOC is an administrative agency of the State of Minnesota organized and existing under the laws of the State of Minnesota. MNDOC

operates eleven correctional facilities: Minnesota Correctional Facility (“MCF”) Faribault; MCF Lino Lakes; MCF Moose Lake; MCF Oak Park Heights; MCF Red Wing; MCF Rush City; MCF Shakopee; MCF Saint Cloud; MCF Stillwater; MCF Togo; and MCF Willow River.

10. Defendant PAUL SCHNELL has been the MNDOC Commissioner since 2019. Defendant SCHNELL is employed by, and is an agent of, the State of Minnesota and MNDOC. He is responsible for overseeing the management and operations of MNDOC, and for the hiring, screening, training, supervision, discipline, counseling, and control, of the personnel at MNDOC who interpret and apply its incoming mail policies. As Commissioner, Defendant SCHNELL is and was a final policymaker for MNDOC regarding the operation of its facilities, including for policies, practices, and customs, governing incoming mail and publications for prisoners. He is sued in his individual and official capacities.

11. Defendant SAFIA KHAN has been the MNDOC Deputy Commissioner and Chief of Staff since 2023. Defendant KHAN is employed by, and is an agent of, the State of Minnesota and MNDOC. As Deputy Commissioner, Defendant KHAN is responsible for overseeing the management and operations of MNDOC, and for the hiring, screening, training, supervision, discipline, counseling, and control, of the personnel at MNDOC who interpret and apply its incoming mail policies. She is and was a policymaker for the State of Minnesota and MNDOC regarding the operation of

the prison facilities, including for policies, practices, and customs, governing incoming mail and publications for prisoners. She is sued in her individual and official capacities.

12. Defendant KRISTIN RISH has been the Warden of MCF Moose Lake since 2024. She is employed by, and is an agent of, the State of Minnesota and MNDOC. As Warden, Defendant RISH is and was a policymaker for the State of Minnesota and MNDOC regarding the operation of MCF Moose Lake. Defendant RISH is responsible for management, oversight, and administration, of all operations at MCF Moose Lake, and for the hiring, training, supervision, discipline, counseling, and control, of all MNDOC personnel who work at MCF Moose Lake, including those who interpret and apply MNDOC's policies, practices, and customs, governing incoming mail and publications for prisoners. She is sued in her individual and official capacities.

13. Defendant KATHY HALVORSON has been the Warden of MCF Shakopee since 2019. She is employed by, and is an agent of, the State of Minnesota and MNDOC. As Warden, Defendant HALVORSON is and was a policymaker for the State of Minnesota and MNDOC regarding the operation of MCF Shakopee. Defendant HALVORSON is responsible for management, oversight, and administration, of all operations at MCF Shakopee, and for the hiring, training, supervision, discipline, counseling, and control, of all MNDOC personnel who work at MCF Shakopee,

including those who interpret and apply MNDOC's policies, practices, and customs, governing incoming mail and publications for prisoners. She is sued in her individual and official capacities.

14. Defendant JESSE PUGH has been the Warden of MCF Saint Cloud since 2023. He is employed by, and is an agent of, the State of Minnesota and MNDOC. As Warden, Defendant PUGH is and was a policymaker for the State of Minnesota and MNDOC regarding the operation of MCF Saint Cloud. Defendant PUGH is responsible for management, oversight, and administration, of all operations at MCF Saint Cloud, and for the hiring, training, supervision, discipline, counseling, and control, of all MNDOC personnel who work at MCF Saint Cloud, including those who interpret and apply MNDOC's policies, practices, and customs, governing incoming mail and publications for prisoners. He is sued in his individual and official capacities.

15. The true names and identities of Defendants DOES 1 through 20 are presently unknown to HRDC. Each of Defendants DOES 1 through 20 are or were employed by and are or were agents of the State of Minnesota and/or MNDOC, were personally involved in the adoption, implementation, and/or enforcement of the policies, practices, and customs, governing incoming mail and publications for prisoners at MNDOC, and/or are or were responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and/or control, of the

personnel who interpret and implement policies, practices, and customs, governing incoming mail and publications. They are sued in their individual and official capacities. Plaintiff will seek to amend this Complaint when the true names and identities of Defendants DOES 1 through 20 have been ascertained.

16. At all times material to this action, all Defendants were acting within the course and scope of their employment as agents and/or employees of the State of Minnesota and MNDOC and Defendants acted under the authority and color of state law.

FACTUAL ALLEGATIONS

I. HRDC's Publications

17. For thirty-five years, HRDC's mission has been public education, advocacy and outreach on behalf of, and to assist, prisoners who seek legal redress for infringements of their constitutionally guaranteed and other basic human rights. HRDC's mission, if realized, has a salutary effect on public safety.

18. To accomplish its mission, HRDC publishes and distributes books, magazines, and other materials containing news and analysis about prisons, jails and other detention facilities, the rights of prisoners, court rulings, management of prison facilities, prison and jail conditions, and other matters pertaining to the rights and/or interests of prisoners. HRDC's publications contain political speech and social commentary, which are core First Amendment rights and are entitled to the highest protection afforded by the United States Constitution.

19. Sending publications through the mail to prisoners is essential to accomplishing the mission of HRDC. The primary aim of HRDC is to communicate with prisoners about developments in the law and protection of one's health and personal safety while in prison or jail. Reading materials enable prisoners to engage in productive activity rather than sitting idle, thus helping to avoid conflicts and incidents of violence in correctional facilities and encouraging lawful methods of dispute resolution. In addition, reading allows prisoners to keep their minds sharp, helping them prepare to become productive citizens when released back into society.

20. HRDC publishes and distributes an award-winning, 72-page monthly magazine titled *Prison Legal News: Dedicated to Protecting Human Rights* ("*Prison Legal News*"), which has news and analysis about correctional facilities, the rights of prisoners, court opinions, prison and jail conditions, excessive force, and religious freedom. *Prison Legal News* is published on newsprint bound by two small staples.

21. HRDC also publishes and distributes a second monthly magazine titled *Criminal Legal News: Dedicated to Protecting Human Rights* ("*Criminal Legal News*"), which has news and analysis about individual rights, court rulings, and other criminal legal-related issues. *Criminal Legal News* is also published on newsprint bound by two small staples, and was 48 pages long, but has more recently expanded to 56 pages long.

22. HRDC also publishes and/or distributes several soft-cover books on criminal justice, health, and legal issues of interest to prisoners and others.

23. Pertinent to this case, HRDC publishes and distributes the *Prisoners' Guerilla Handbook: A Guide to Correspondence Programs in the United States and Canada* ("*Prisoners' Handbook*"), which provides information on enrolling at accredited higher education, vocational, and training schools.

24. HRDC publishes and distributes the *Prison Education Guide*, which provides a comprehensive listing of correspondence programs available to prisoners including a detailed analysis of the quality and cost of each program.

25. HRDC also publishes and distributes *The Habeas Citebook: Ineffective Assistance of Counsel* ("*Habeas Citebook*"), which provide guidance for incarcerated people seeking habeas relief.

26. HRDC does not publish, but is the sole national distributor of *Protecting Your Health and Safety* ("*PYHS*"), which describes the rights, protections and legal remedies available to people about their health and safety while they are incarcerated.

27. In addition to its publications, HRDC also communicates with prisoners through the United States Postal Service by mailing them: (a) informational brochure packets, which contain a brochure and subscription order form, a book list, and a published books brochure (each of which is a single page); (b) copies of judicial

opinions of import to prisoners, which are marked “Court Ruling;” and (c) subscription renewal letters and follow-up letters to ascertain whether HRDC’s mailings have been delivered as addressed. HRDC encloses a self-addressed, stamped envelope with its informational brochure packets and subscription renewal letters, but does not enclose extra envelopes or stamps with the informational brochure packets, judicial opinions, or other letters it mails to prisoners.

28. HRDC has thousands of subscribers to its monthly magazines in the United States and abroad, including incarcerated people, attorneys, judges, journalists, libraries, and members of the public. Since its creation in 1990, HRDC has sent its publications to prisoners and law librarians in over 3,000 correctional facilities across the United States, including death row units and “supermax” prisons. These magazines and books are distributed to prisons and jails within the correctional systems of all 50 states.

II. Defendants’ Unconstitutional Mail Policies and Practices

29. MNDOC’s policy governing publications mailed to prisoners (the “Publication Policy”) is available on MNDOC’s public website at <https://mn.gov/doc/family-visitor/contact-and-general-information/how-send-mail/> (last visited December 6, 2025). In pertinent part, the Publication Policy provides:

Magazine subscriptions and catalogues should be sent directly to facilities.

Books are allowed from approved vendors and nonprofit organizations and must be shipped directly from them to the facility. Books ordered from unapproved vendors or nonprofit organizations will be returned or disposed of according to DOC policy. Books should be sent to the facility address and not the TextBehind address.

As of March 20th, 2025, the following book vendors are approved for purchases:

- You can purchase new books from the following catalog companies:
 - Books N Things catalogs: www.booksnthingswarehouse.com
 - Hamilton Books catalogs: www.hamiltonbook.com/online_catalogs
- Books can also be purchased directly from the following publishers (books purchased using the “buy from other retailers” option on their websites will not be allowed):
 - Harper Collins: www.harpercollins.com
 - Hachette Book Group: www.hachettebookgroup.com
 - Penguin Random House: www.penguinrandomhouse.com
 - Simon & Schuster: www.simonandschuster.com

You may also request book donations from the following approved nonprofit organizations:

- Books to Prisoners: www.bookstoprisoners.net/how-to-request-books
- Midwest Books to Prisoners: www.midwestbookstoprisoners.org/contact
- Prison Book Program: www.prisonbookprogram.org/for-people-in-prison/request-books
- Prison Library Project: www.claremontforum.org/resources-for-people-in-prison
- Women’s Prison Book Project: www.wpbp.org

30. A March 20, 2025 MNDOC memorandum, titled “Book Vendor Updates,” issued to “[a]ll incarcerated People in [MN]DOC Facilities and [MN]DOC

Staff,” (the “Book Vendor Policy”) further provides that there are only “three ways to receive books in DOC facilities”: (1) “Purchase books directly from approved vendors,” of which HRDC is not one; (2) “Receive donated books from approved nonprofit organizations,” of which HRDC is not one; and (3) “Access [MN]DOC library services.” This memorandum is publicly available on MNDOC’s website at https://mn.gov/doc/assets/Book%20Vendor%20Memo_tcm1089-673240.pdf (last visited December 6, 2025).

31. Upon information and belief, MNDOC did not solicit proposals from vendors and/or nonprofits for inclusion in its “approved vendor” list, nor did MNDOC inform the public of the process MNDOC would use to select and approve vendors and nonprofits.

32. As a result, MNDOC did not give other book vendors, including HRDC, the opportunity to seek and obtain approved book vendor status.

33. MNDOC failed to conduct a reasonable evaluation process to identify and approve book vendors and nonprofits under its Publication and Book Vendor policies. As a result, its selection decisions are arbitrary, capricious, unsupported by substantial evidence, and irrational.

34. Neither the Publication Policy nor the Book Vendor Policy provide any mechanism to obtain “approved vendor” status.

35. Defendants’ Publication Policy and Book Vendor Policy are

unconstitutional on its face and as applied. By restricting all books unless they are sent by a limited number of handpicked vendors, publishers, and organizations, Defendants ban books sent by HRDC to prisoners at MNDOC facilities. Accordingly, Defendants' Publication Policy and Book Vendor Policy violate HRDC's rights to free speech afforded by the First Amendment to the United States Constitution.

36. This is especially true because the books and magazines published and/or distributed by HRDC cover topics of great public concern and contain core protected speech, including political speech and social commentary, and educational information relating to the rights of prisoners, pertinent legal cases, and prisoners' health and safety, and are entitled to the highest protection afforded by the First Amendment to the United States Constitution.

37. Furthermore, Defendants fail to provide senders of censored mail with notice and an opportunity to appeal censorship decisions. Thus, such policies and practices violate HRDC's Fourteenth Amendment rights to due process.

III. Defendants' Censorship of HRDC's Mail

38. Between May 2025 and November 2025, HRDC sent books, magazines, informational brochures, and correspondence to individuals confined at MNDOC facilities. Fifty-three (53) of those items were returned to HRDC by MNDOC. Specifically, twenty-seven (27) of these items were returned by MCF Shakopee, twenty-five (25) of these items were returned by the MCF Moose Lake, and one (1) of

these items was returned by MCF Saint Cloud. The items returned were addressed to individuals confirmed to still be in custody at MNDOC facilities on the day HRDC received the returned mail.

39. The fifty-three (53) returned items consisted of: twenty-three (23) copies of *PYHS*; fourteen (14) copies of *Prisoners' Handbook*; and fourteen (14) copies of the *Habeas Citebook*; and two (2) copies of the *Prison Education Guide*.

40. Most of the rejected items were marked "RETURN TO SENDER NOT ALLOWED," "RTS," or, tellingly, "Unauthorized Vendor."

41. On information and belief, MNDOC facilities also censored up to fifty-nine (59) additional books mailed by HRDC to prisoners at MNDOC facilities but never returned to HRDC.

42. Such restrictions on written speech sent to people incarcerated at MNDOC facilities are not rationally related to any legitimate penological interest and violate HRDC's First Amendment right to communicate protected speech to incarcerated people.

43. Defendants' policies, practices, and customs are unconstitutional, both facially and as applied to HRDC.

44. Further, Defendants' censorship policies, practices, and customs have a chilling effect on HRDC's future speech and expression directed toward people incarcerated in MNDOC facilities.

45. HRDC will continue to mail copies of its magazines to subscribers, customers, and other individuals imprisoned in the MNDOC facilities, despite Defendants' unconstitutional censorship. Plaintiff seeks the protection of this Court to ensure Defendants stop their unlawful misconduct and either deliver HRDC's written speech or satisfy due process by providing HRDC with the basis for any censorship so that HRDC may challenge the censorship.

IV. Defendants' Failure to Provide Due Process Notice and an Opportunity to Appeal

46. Defendants failed to provide HRDC with any notice that its publications were being censored.

47. Defendants also failed to provide HRDC with an opportunity to appeal the censorship of its publications.

V. Defendants' Unconstitutional Mail Policies and Practices Are Causing HRDC Ongoing and Irreparable Harm and Damages.

48. Defendants' deprivation of HRDC's constitutional rights, both past and continuing, constitutes irreparable harm.

49. Because of Defendants' actions as described above, HRDC has suffered damages, and will continue to suffer damages, including, but not limited to: the suppression of HRDC's speech; the impediment of HRDC's ability to disseminate its message; frustration of HRDC's non-profit organizational mission; the loss of potential subscribers and customers; the inability to recruit new subscribers and supporters; the loss of reputation; and the cost of printing, handling, mailing, and

staff time, among other damages.

50. Defendants, and other agents of MNDOC, are responsible for or personally participated in, creating and implementing these unconstitutional policies, practices, and customs, or for ratifying and adopting them. Further, Defendants are responsible for training, supervising, and directing the employees of MNDOC, whose conduct has injured and continues to injure HRDC.

51. Defendants' actions and inactions were and are undertaken with reckless disregard for Plaintiff's rights and/or motivated by ill motive and intent and were and are all committed under color of state law with deliberate indifference to HRDC's rights.

52. Plaintiff will continue to send its books and magazines to subscribers, customers, and other individuals imprisoned at MNDOC facilities.

53. Defendants' unconstitutional policies, practices, and customs continue to violate HRDC's rights, and they were and are the moving force behind the injuries HRDC suffered as a direct result of the constitutional violations. As a result, HRDC has no adequate remedy at law.

54. Defendants' conduct prohibiting or not delivering HRDC's mailed publications to people incarcerated at MNDOC facilities violates the First Amendment by censoring HRDC's freedom of speech and expression, and has a chilling effect on future speech and expression directed at prisoners incarcerated at

the MNDOC.

55. Accommodating the free speech, free expression, and due process rights of HRDC will have no significant impact on MNDOC's staff, other prisoners at the MNDOC, Defendants' allocation of resources, or security at the MNDOC's facilities.

56. HRDC is entitled to declaratory and injunctive relief prohibiting Defendants from refusing to deliver publications from HRDC and other similarly-situated senders without legal justification, and prohibiting Defendants from censoring mail without due process of law.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

Violation of the First Amendment Right to Free Speech Under 42 U.S.C. § 1983 (Brought Against All Defendants)

57. HRDC repeats and re-alleges each and every allegation set forth above, and incorporates them herein by reference

58. Defendants' acts described above are violations of HRDC's right to communicate with prisoners at MNDOC facilities under the First Amendment to the United States Constitution.

59. HRDC has a constitutionally protected liberty interest in communicating with prisoners at MNDOC facilities by sending publications and correspondence to them via the United States Postal Service, a right clearly

established under existing case law.

60. Defendants' conduct was objectively unreasonable and was undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to the rights of others.

61. HRDC's injuries and the violations of its constitutional rights were directly and proximately caused by Defendants' policies, practices, and customs, which were and are the moving force of the violations.

62. Defendants' acts described above have caused damages to HRDC, and if not enjoined, will continue to cause damage to HRDC.

63. HRDC seeks declaratory and injunctive relief, and nominal and compensatory damages against all Defendants. HRDC also seeks punitive damages solely against the individual Defendants in their individual capacities.

SECOND CLAIM FOR RELIEF

Violation of the Fourteenth Amendment Right to Due Process

Under 42 U.S.C. § 1983

(Brought Against All Defendants)

64. HRDC repeats and re-alleges each and every allegation set forth above, and incorporates them herein by reference.

65. Defendants' acts described above are violations of HRDC's rights to due process under the Fourteenth Amendment to the United States Constitution.

66. HRDC has a constitutionally protected liberty interest in communicating with prisoners at MNDOC facilities by sending publications and

correspondence to them via the United States Postal Service, a right clearly established under existing case law.

67. HRDC has the right under the Due Process Clause of the Fourteenth Amendment to receive notice and an opportunity to object and/or appeal Defendants' decisions to prevent the publications mailed by HRDC from reaching the intended recipients incarcerated at MNDOC facilities.

68. Defendants' policy and practice of censoring HRDC's publications fail to give HRDC sufficient notice of the censorship of its publications and an opportunity to be heard regarding that censorship. In doing so, Defendants have deprived and continue to deprive HRDC of liberty and property without due process of law in violation of the Fourteenth Amendment to the United States Constitution.

69. Defendants' conduct was objectively unreasonable and was undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to the rights of others.

70. HRDC's injuries and the violations of its constitutional rights were directly and proximately caused by Defendants' policies, practices, and customs, which were and are the moving force of the violations.

71. Defendants' acts described above have caused damages to HRDC, and if not enjoined, will continue to cause damage to HRDC.

72. HRDC seeks declaratory and injunctive relief, and nominal and

compensatory damages against all Defendants. HRDC also seeks punitive damages solely against the individual Defendants in their individual capacities.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests relief as follows:

1. A declaration that Defendants' policies, practices, and customs as described in this Complaint violate the First and Fourteenth Amendments to the United States Constitution;
2. A preliminary and permanent injunction preventing Defendants and their employees, agents, and any and all people acting in concert with them from further violation of HRDC's civil rights under the First and Fourteenth Amendments to the United States Constitution; and providing other equitable relief;
3. Nominal damages for each violation of HRDC's rights by the Defendants;
4. Compensatory damages in an amount to be proven at trial;
5. Punitive damages against the individual Defendants in an amount to be proven at trial;
6. Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988 and under other applicable law; and
7. Any other relief that this Court deems just and equitable.

JURY DEMAND

Plaintiff Human Rights Defense Center, by and through its attorneys, demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Dated: January 7, 2026

Respectfully submitted,

s/ Matthew Gillespie

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**Pro hac vice application to be filed.*