

INMATE REQUEST SLIP Directorate of Operations		Control No: (b) (6), (b) (7)(C)	Date: 14 AUGUST 2011
PRIVACY ACT STATEMENT			
AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07			
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.			
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.			
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.			
To: CANTON JUDGE ADVISOR (CJA)		(b) (6), (b) (7)(C)	
I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)			
<p>SUBMIT THE ATTACHED REQUEST FOR ADDRESS IN REGARDS TO INCREASE MY MEDICAL TREATMENT, PURSUANT TO ART. 138, UCMJ</p> <p style="font-size: 2em; text-align: center;">//END//</p>			
Housing Unit NCO Printed Name:		Housing Unit NCO Signature:	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
FOR OFFICE USE ONLY			
To:		From:	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
In reply to your request:		Date:	
(b) (5), (b) (7)(E)			
Responder Printed Name:		Housing Unit NCO Printed Name:	
Responder Signature:		Housing Unit NCO Signature:	
		Inmate Printed Name:	
		Inmate Signature:	
Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).			
MCC Form 510			

9 August 2016

MEMORANDUM THRU Command Judge Advocate (CJA), U.S. Disciplinary Barracks (PMCC-DB), 1301 N. Warehouse Road, Fort Leavenworth, KS 66027-2304

FOR

Commandant, U.S. Disciplinary Barracks (PMCC-DB) (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C)
 Commander, Headquarters and Headquarters Detachment (HHD),
 U.S. Army Garrison, U.S. Army Personnel Control Facility (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C) (MSI-HHP) (7)(C)

SUBJECT: Request for Redress under Article 138, UCMJ for
 Medical Treatment--Inmate (b) (6), (b) (7)(C) (Reg. No. (b) (6), (b) (7)(C))

1. REFERENCES.

- a. Title 10, United States Code (U.S.C) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."
- b. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2013.
- c. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.
- d. American Psychiatric Association (APA), "Diagonistic and Statistical Manual of Mental Disorders," 5th ed. (DSM-5), dated 18 May 2013.
- e. World Professional Association for Transgender Health (WPATH), "Standards of Care," 7th ed., dated 25 September 2011.

2. NATURE OF REQUEST. Pursuant to chp. 19-6a. of AR 27-10 (reference c.), I hereby request redress for the failure to follow through with a medical and mental health treatment plan and assessment that is consistent with the current and accepted medical standards of care (reference e.) for my diagnosis of Gender Dysphoria under the DSM-5 (reference d.) by the respondents of this request--

- a. (b) (6), (b) (7)(C) Commandant, USDB and Commander, 15th Military Police (MP) Brigade (BDE); and,
- b. (b) (6), (b) (7)(C) Commander, HHD, USAG, PCF.

PNCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ for
Medical Treatment--Inmate (b) (6), (b) (7)(C) (Reg. No. (b) (6),
(b) (7))

3. BACKGROUND.

a. I am a transgender woman confined at the U.S. Disciplinary Barracks (USDB), an all male military prison. I have an extensive documented history of beliefs and behaviors consistent with a diagnosis of (b) (5), (b) (7)(E) beginning on 8 May 2010 at Contingency Operating Station (COS) Hammer, Iraq. Since my arrival at the USDB on 22 August 2013, I have requested treatment in the form of--

- (1) relaxation of hair and grooming standards to fit the female requirements for the real-life experience;
- (2) hormone replacement therapy; and,
- (3) gender re-assignment surgery.

b. So far, I have legally changed my name to correctly reflect my gender, received female undergarments in 2014, and received speech therapy and hormone replacement therapy in 2015.

c. Pursuant to my diagnosis of (b) (5), (b) (7)(E) I asserted my intent to receive surgical intervention. I requested an evaluation for (b) (5), (b) (7)(E) consistent with the currently accepted standards of care (reference e.) be made that considered surgical procedures based on my medical necessities--

- (1) (b) (5), (b) (7)(E)
- (2)
- (3)
- (4) and,
- (5)

d. Following my 10 December 2015 request for an evaluation, I received a psychological assessment by my primary mental health provider, (b) (5), (b) (7)(E) from February to April 2016.

e. (b) (6), (b) (7)(C) recommended that I receive a further evaluation for surgery by medical providers after approving my psychological need for surgery.

f. As of 9 August 2016, I have not received any information from any providers as to the status of my medical care in this matter.

g. On 5 July 2016, after several months without any information, and with little hope of receiving such information, I was forced into a position in which my serious medical condition deteriorated due to lack of care, and I attempted to take my own life.

PMCCQDB

SUBJECT: Request for Redress under Article 138, UCMJ for
Medical Treatment--Inmate (b) (6), (b) (7)(C) (Reg. No. (b) (6),
(b) (7)(C))

4. SEVERE ANXIETY, DEPRESSION AND STRESS. Today, due to the lack of medical and mental healthcare, I am not getting better. I am suffering in an endless loop of severe anxiety, depress, and hopelessness. I have difficulty feeling valued, and lack any self-esteem. Worse, I am not getting any better. Until I reciev meaningful medical treatment, I am very unlikely to get better. I need help, but help is being denied, delayed, or ignored.

5. IDENTIFICATION OF WRONG.

a. I believe that the refusal of the respondents of this request for redress, in the form of delaying and denying the implementation of a treatment plan with a (b) (5), (b) intervention is an arbitrary and unreasonable omission by the respondents.

b. Therefore, I consider these serious medical procedures being denied as a wrong within the meaning of Article 138, UCMJ (reference 1.a.) and chapter 19-4e. of AR 27-10 (reference 1.c.)

6. REDRESS REQUESTED. As redress, I hereby request that a further assessment for (b) (5), (b) (7)(E) be provided, and that any recommendations for serious medical interventions, to include surgery, be provided without delay.

7. RESPONDENT. Pursuant to chn. 19-6b. of AR 27-10 (reference 1.c.), the respondents, (b) (6), (b) (7)(C) shall respond to this request ~~in writing~~, within fifteen (15) days. If a final response within 15 days is not possible, a interim response shall be provided that indicates the estimated date of a final response. However, should the respondents not respond to this request for redress within the allotted 15 days, please reach out to the point of contact for this memorandum.

8. DELAY OR DENIAL. Should the respondents not submit a response within thirty (30) calendar days, I shall consider this a denial of the request for redress and I shall submit a complain to the general-court-martial convening authorities (GCMCAs).

9. POINT OF CONTACT. The point of contact for this memorandum is the undersigned at (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Inmate, USDB
Reg. No. (b) (6),
(b) (7)(C)

INMATE REQUEST SLIP Directorate of Operations		Control No: (b) (6), (b) (7)(C)	Date: 21 OCT 2014
To: COMMAND JUDGE ADVOCATE (CJA)		(b) (6), (b) (7)(C)	
I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.) REQUEST SUBMISSION OF ATTACHED REQUEST FOR REDDRESS MADE PURSUANT TO ARTICLE 132, UCMJ AND AR 27-10 <div style="text-align: center;">// END //</div> <div style="text-align: center; font-size: 2em;">X</div>			
Signature of Housing Unit NCO: (b) (6), (b) (7)(C)		Signature of Inmate: (b) (6), (b) (7)(C)	
FOR OFFICE USE ONLY			
To:		From:	Date:
In reply to your request: 			
Signature of Responder:		Signature of Inmate: (I have been informed of the above.)	
Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment File.)			

MEMORANDUM THRU Command Judge Advocate (CJA), U.S. Disciplinary Barracks (PMCC-DB), (b) (6), (b) (7)(C)

FOR

Commandant, U.S. Disciplinary Barracks (PMCC-DB), (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Commander, Personnel Control Facility (PCF) and Headquarters and Headquarters Detachment (HHD) Garrison Support (b) (6), (b) (7)(C)

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Reg. No. (b) (6), (b) (7)(C)

1. References.

- a. Title 10, U.S.C. § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."
- b. U.S. Disciplinary Barracks (USDB) Regulation 15-3, "Inmate Custody Classification," dated 6 February 2006 (incorporating changes #1-6).
- c. USDB Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2013.

2. Pursuant to para. 19-6a. of AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) I hereby request redress for your acts and omissions, through the Deputy Commandant, the Director of Treatment Programs, and the Director of Inmate Administration, specifically:

a. The implementation of a blanket policy denying visitors who I did not know prior to confinement, and the disapproval of my requests for exception to policy to add two more visitors to the approved visitors list.

b. The disapproval of my request for a custody grade elevation based on my previous request for redress, complaints of wrong, inspector general action requests, and a flawed preliminary initial risk assessment report.

3. Previous requests for redress have been denied by both the previous USDB Commandant, (b) (6), (b) (7)(C) and the current Commander, Personnel Control Facility (PCF) and Headquarters and Headquarters Detachment (HHD) Garrison Support under the belief that Article 138, UCMJ (10 U.S.C. § 938) is not an available form of redress for prisoners at the USDB.

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

4. However, the Court of Appeals for the Armed Forces requires that prisoners attempt to request redress and submit a complaint of wrong in order to exhaust administrative remedies in accordance with *United States v. Lovett*, 63 M.J. 211, 215 (C.A.A.F. 2006). This is another attempt to request redress in accordance with the applicable law.

5. Background.

a. Starting at approximately 1500 on 22 August 2013, (b) (6), (b) (7)(C), Chief Assessment Division, Directorate of Treatment Programs began evaluating and monitoring me upon my arrival at the USDB. At this time we mostly discussed my request for a treatment plan for my diagnoses of (b) (5), (b) (7)(E). Throughout the conversation he casually called me by old, shortened first name '(b) (6)'. I asked him multiple times to not call me by my first name because I preferred either '(b) (6), (b) (7)(C)' or '(b) (6), (b) (7)(C)'. He ignored my request and called me '(b) (6), (b) (7)(C)' frequently throughout the rest of our interactions, despite further requests that he stop.

b. At approximately 1000 on 23 August 2013, I met again with (b) (6), (b) (7)(C) to conduct an interview for the (b) (5), (b) (7)(E) Check-List. We went through the questionnaire throughout the morning and afternoon. However, there were several casual side conversations, mostly about 2013 pre-season professional football, college basketball championships generally, and my request for a treatment plan for (b) (5), (b) (7)(E). It struck me as odd that throughout our conversations, there was little discussion about the confining offenses, my personal history, my military history, or my incarceration history. He preferred to talk about politics, and my "celebrity" status—topics I felt were unprofessional, and wanted to avoid discussion of. As very little of what we discussed had anything to do with the risk assessment, I began to get suspicious.

c. Throughout the next week, (b) (6), (b) (7)(C) routinely visited my cell, asking me how I was doing generally, and mentioning that he was nearly finished creating his draft risk assessment, and would tell me when my initial classification board (ICB) would take place. The casual conversations continued each day of the week following my arrival. Based on his calling me (b) (6), frequently despite me asking him not to, and him asking several "off-the-record" conversations about my private life, I began to suspect that he was biased against (b) (5), (b) (7)(E) people, and was pathologizing me based on my (b) (5), (b) (7)(E) and (b) (5), (b) (7)(E) (b) (5), (b) (7)(E)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

d. In the first week of September, following a morning introductory "class" by the Combined Arms Center (CAC) and Fort Leavenworth Deputy Inspector General, I requested through the Special Housing Unit (SHU) Correctional Treatment Team (CTT), (b) (6), (b) (7)(C) for a copy of Department of the Army (DA) Form 1559, "Inspector General Action Request." There was no specific reason for me asking for the form at this time, but I was asked by two other SHU and CTT non-commissioned officers why I wanted a copy of the form.

e. Later that afternoon (b) (6), (b) (7)(C) again visited me, this time in my cell, inquiring as to why I had requested for a DA Form 1559 through the CTT. I said I didn't have a specific reason. I also said that I might file one if my request for a treatment plan was not acted upon. (b) (6), (b) (7)(C) dismissed my request for a form, admitting that it would be "pointless" for me to file anything with the Fort Leavenworth Inspector General against him or (b) (6), (b) (7)(C) the USDB Deputy Commandant, because they had "worked at the 'DB' for decades," and that they "know the civilian staff at the IG." He said "between you and me, (b) (6), (b) (7)(C) that the IG gets many frivolous complaints against staff from inmates at the USDB. He continued to discourage me from filing a complaint—which I was not considering making at the time—for approximately ten to fifteen (10-15) minutes.

f. In the following days, I felt increasingly threatened by (b) (6), (b) (7)(C) persistent monitoring, questions, and conversations. I felt awkward and uncomfortable around him when he would discuss sports, politics, and how he had evaluated other "high-profile" inmates at the USDB. I felt that he was judging me based on my (b) (5), (b) (7)(E) (b) (5), (b) (7)(E) and confining offenses through a purely political and personal lens and not an institutional one.

g. Several months later in early August 2014, during preparation of litigation for my (b) (5), (b) (7)(E) treatment plan request, I received a copy of the risk assessment conducted by (b) (6), (b) (7)(C) through counsel.

h. This risk assessment is partially based on an incomplete and biased report of investigation (ROI) containing only cherry-picked documents and summaries produced by the U.S. Army Criminal Investigation Command (USACIDC). The bulk of the complete ROI contains reports produced by the Federal Bureau of Investigation (FBI), the Department of State's Diplomatic Security Service (DSS) and other law enforcement agencies which are conveniently withheld because they are classified and un-summarized. Most of the withheld information is unbiased and potentially very mitigating in nature, and would drastically affect the outcome of a risk assessment.

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ- (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

i. The report also contains many statements and conclusions by (b) (6), (b) (7) that I deem to be misleading and apparently based on a pathologization of my (b) (5), (b) (6), (b) (7) and (b) (5), (b) (7)(E). This confirmed my suspicions that his perceptions of me are politically biased and potentially homophobic and/or (b) (5), (b) (7) in nature. I also believe, based on (b) (6), (b) (7)(C) statements to me in August and September 2013 that the civilian staff of the USDB directorates have a suspiciously close relationship with each other, and that the staff of the Combined Arms Center and Fort Leavenworth Office of the Inspector General.

j. On 1 October 2013, I was given a custody of Medium (MDI) custody based on this assessment pursuant to USDB Regulation 15-3. I then entered the general population.

k. On 2 October, 2014, pursuant to para. 1-4d, of USDB Regulation 15-3 (change # 3) after one full "good year" in the general population without any disciplinary reports, I requested an exception to policy to the Deputy Commandant through the Point-Based Classification System (PBCS) Coordinator, Directorate of Treatment Programs (DTP).

l. On 6 October 2014, my request for a custody grade elevation was denied without a meaningful basis.

m. On 3 September 2014, I requested an exception to policy to add two people, (b) (6), (b) (7) and (b) (6), (b) (7)(C) to my approved visitors list. I previously requested another person, (b) (6), (b) (7)(C) to be added in the same manner; this was also denied.

n. On 15 September 2014, my request was denied by the Deputy Commandant based on the same policy as the denial of (b) (6), (b) (7)(C) that inmates must have an established relationship prior to confinement.

6. I believe that these acts and omissions by you are "wrongs" within the meaning of Article 138, UCMJ (10 U.S.C. 938) and Army Regulation (AR) 27-10. However, these requests for redress have been denied by officers in the same position in the past. I believe these positions are incompatible with military law as set forth in *Lovett*.

7. As redress, I request an:

a. Approval of my status of elevation in custody classification grade from Medium (MDI) to Minimum Inside-Only (MIO).

b. Approval of my request to add (b) (6), (b) (7) and (b) (6), (b) (7)(C) to the approved visitors list.

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ--Inmate (b) (6), (b) (7)(C)
(b) (6) (Reg. No. (b) (6), (b) (7)(C))

8. The point of contact (POC) for this memorandum is the undersigned at 1300 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6), (b) (7)(C)

Inmate, USDB
Reg. No. (b) (6), (b) (7)(C)

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 20140811
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To: (b) (6), (b) (7)(C)

I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)
I am filing a grievance I.A.W Article 138. The complaint is in a sealed envelope attached to this 510. It is in reference to 26 March 2014.

Signature of Housing Unit NCO (b) (6), (b) (7)(C)	Signature of Inmate (b) (6), (b) (7)(C)
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FOR OFFICE USE ONLY

To: <i>Iwata</i> (b) (6), (b) (7)(C)	Date: 8-15-11
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In reply to your request:
(b) (5), (b) (7)(E)

Signature of Responder: (b) (6), (b) (7)(C)	Signature of Inmate: (I have been informed of the above.)
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Signature of Housing Unit NCO: (For use for inmate's Correctional Treatment File.)

INMATE REQUEST SLIP
Directorate of Operations

Control No:
(b) (6), (b) (7)(C)

Date:
4 Dec 13

To:
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

I hereby request that (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: request for inmate's record Article 17B, 17C -
[illegible]

Signature of Housing Unit NCO:
(b) (6), (b) (7)(C)

Signature of Inmate: (b) (6), (b) (7)(C)

FOR OFFICE USE ONLY

To:
(b) (6), (b) (7)(C)

From: [illegible]

Date:
2 MAR 14

In reply to your request:
(b) (5), (b) (7)(E)

[Redacted]

Signature of [illegible]:
(b) (6), (b) (7)(C)

Signature of Inmate: (I have been informed of the above.)

Signature of Housing Unit NCO: [illegible] (Awarded for inmate's Correctional Treatment File.)

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 8 May 2017
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: (b) (6), (b) (7)(C)

TDS

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Requesting Assistance on proper Article 138.
paperwork and procedures.

Thank You

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From:	Date:
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In reply to your request:

ACCT OF THE 510 HAS BEEN
FOR THE MAINT TDS
OFFICE. THEY WILL SEND YOU A
RESPONSE.

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

MCC Form 510 15-Jan-16

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 20190330
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: DTIC (b) (6), (b) (7)(C)

I hereby request that you give a clear, full explanation. (Continue on the reverse side if necessary.)

The Air Force has an A.F.I on the procedure to file an Article 138 compliant (A.F.I 51-904), I would like to know if the Army has an equivalent. If the Army has a procedure on how to official file an Article 138 compliant I would like to receive that information as soon as possible, as I have not been able to locate it on the Law Library

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From: OCJA	Date: 3 April 19
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In reply to your request:
 (b) (5), (b) (7)(E)

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: [Redacted] (b) (6), (b) (7)(C)

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Attached is an Article 138 complaint against
Commandant [Redacted] (b) (6), (b) (7)(C) dated 20190331
I would like you to turn it in immediately
to the G.C.M.C.A exercising jurisdiction over
Colonel [Redacted] (b) (6), (b) (7)(C) It is 5 single sided typed pages

Housing Unit NCO Printed Name: [Redacted] (b) (6), (b) (7)(C)
Housing Unit NCO Signature: [Redacted]
Inmate Signature: [Redacted]

FOR OFFICE USE ONLY

To: [Redacted] (b) (6), (b) (7)(C)
From: [Redacted]
Date: 3 April 19

In reply to your request: [Redacted] (b) (5), (b) (7)(E)

[Redacted] (b) (6), (b) (7)(C)
[Redacted] (b) (6), (b) (7)(C)
Housing Unit NCO Signature: [Redacted]
Inmate Signature: [Redacted]

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

(b) (6), (b) (7)(C)

Memorandum For Record

Subject: Article 138 complaint against (b) (6), (b) (7)(C) with reference to 1st Amendment and R.F.P.A. 42 U.S.C.S. § 2000bb

To: G.C.M.C.A. exercising jurisdiction over the Commandant of the United States Disciplinary Barracks.
From: (b) (6), (b) (7)(C)

I have been incarcerated at the U.S.D.B. since July 5, 2012. Initially my religious preference was (b) (5), (b) (7) (E), but since August of 2016 I have had my religious preference as (b) (5), (b) (7) (E). One thing that I believe that is noteworthy about this is that I originally attempted to get a kosher meal profile in 2016 and was told by the chapel staff that they had no such thing as a kosher meal profile. Though I no longer have that MCC form 510 here with me it should be inside of my CTF file. I consider myself to be a (b) (5), (b) (7) (E) like the (b) (5), (b) (7)(E) and (b) (5), (b) (7)(E). (b) (5), (b) (7) (E):

"... and settled in a town called (b) (5), (b) (7)(E) so that what had been spoken by the prophet might be fulfilled, that he will be called a (b) (5), (b) (7)(E)." (b) (5), (b) (7)(E)

"... He is an agitator among all the (b) (5), (b) (7)(E) throughout the world and a ringleader of the sect of the (b) (5), (b) (7)(E) (b) (5), (b) (7)(E)

been specifically studying (b) (5), (b) (7)(E) I have finally found out how I ended up in prison for a rape that I didn't committ and that was found in the Torah. I have learned what James meant by:

"Thus, faith by itself, unaccompanied by actions, is dead."

(b) (5), (b) (7)(E) 2:17 (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C)

My problem in life was that I was attempting to imitate a (b) (5), (b) (7)(E) observant (b) (5), (b) (7)(E) without observing (b) (5), (b) (7)(E) myself. I have found that I personally need both. If I had been taught (b) (5), (b) (7)(E) from my youth up, I would have known about the story of (b) (5), (b) (7)(E) and (b) (5), (b) (7)(E) wife. This story is found in (b) (5), (b) (7)(E) (b) (5), but I was not, so I did not. This eventually lead to me placing myself in the same situation as (b) (5), (b) (7)(E) over and over again. I was raised in a society that lead me to believe that I could place myself in hazardous situations like being alone with women or having casual sex with women was an okay thing to do, but it was not. The story of Yusef conveys this truth. Vice-President (b) (5), (b) (7)(E) lives this truth and because he lives this truth Vice-President (b) (5), (b) (7)(E) lives this truth he received all types of flak. The difference between V.P. (b) (5), (b) (7)(E) and I is that I am the only one sitting in a maximum security military prison having his religious freedoms taken away because of a rape he did not commit.

I am being deprived of my right to freedom of religious expression in the following ways:

- 1) not being allowed to grow a 1/2" beard. (b) (5), (b) (7)(E)
- 2) Not being able to abstain from having my hair faded (b) (5), (b) (7)(E)
- 3) not being able to take the vow of (b) (5), (b) (7)(E) (Num 6:1-22)
- 4) not being allowed regular wear of (b) (5), (b) (7)(E) and (b) (5), (b) (7)(E)
- 5) not being able to have a (b) (5), (b) (7)(E) in my cell. (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E)

As stated above this is an instruction found in (b) (5), (b) (7)(E) and has a very specific purpose behind it.

(b) (6), (b) (7)(C)

"And it shall be to you for a (b) (5), (b) (7)(E) and you shall see it, and shall remember all the commands or ~~אִתְּךָ~~ and shall do them, and not search after your own heart and your own eyes after you went whoring, so that you remember, and shall do all My commands..."

(b) (5), (b) (7)(E)

Wearing (b) (5), (b) (7)(E) is specifically meant to encourage "good order and discipline". (b) (5), (b) (7)(E) (i.e. (b) (5), (b) (7)(E) are a secondary reminder designed to protect the wearer from his own evil inclinations.

"Therefore you are to store up these words of mine in your heart and in all your being; tie them on your hand as a sign..."

(b) (5), (b) (7)(E)

Wearing (b) (5), (b) (7)(E) on your hand reminds the wearer to not : steal, murder, and just in general not cause your fellow man physical harm.

"...put them at the front of a headband around your forehead."

(b) (5), (b) (7)(E)

The purpose of wearing (b) (5), (b) (7)(E) on your head is to remind the wearer to not: covet your neighbor's property. It is also to remind you to love your neighbor as yourself and to take care of the poor, the orphan, the widow, and the foreigner. These things are meant to help guide your behavior.

(b) (5), (b) (7)(E) is also meant to help guide your behavior. (b) (5), (b) (7)(E) is also meant to help guide your behavior. (b) (5), (b) (7)(E) is also meant to help guide your behavior.

"Do not round the corner of your head, nor destroy the corner of your beard"

(b) (5), (b) (7)(E)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

BKM me ~~has been pretending that she can not give me an exception to policy to AR 670-1 grooming standards.~~ BKM
She has been placing the onus for this decision on the Chief of Staff for the Department of the Army. This would be necessary if I were an active duty service member that wore "Army uniform and insignia", but I am not. I have read DoDI 1325.07 and 1300.17. I have also read AR 190-47. Both of these DoDI's and this Ar, to my knowledge supersede any U.S.D.B. regulation. The Manual for the Guidance of Inmates (MGI) does not list any M.C.C. regulations that would have any relevant application to this particular situation. Inmates only have to abide by AR 670-1 because the Command group of the U.S.D.B. wants them to. Interestingly enough AR 670-1 allows for an active duty service member to have a shaving profile that allows them to maintain a 1/4" beard and Command group, unofficially, prohibits this regardless of a persons actual medical needs.

I have also requested to be able to have a Mezuzah in my cell according to:

"... and write them on the door-frames of your house and on your gates..."

(b) (5), (b) (7)(E)

The purpose behind this is to show people who enter into that particular living space that the occupant observes (b) (5), (b) (7)(E) and that sinful behavior has no place there. It also reminds the occupant of his/her obligations in life. These things are

"When that time comes for ADONAI's sacrifice 'I will punish the leaders and the sons of the king, also those who dress in foreign clothes."

(b) (5), (b) (7)(E)

That verse is speaking of the second coming of (b) (5), (b) (7) (E) the (b) (5), (b) (7)(E) (aKa (b) (5), (b) (7)(E)). I don't want to go into the Lake of Fire because (b) (6), (b) (7)(C) believes:

(b) (6), (b) (7)(C)

"ADONAI will do nothing neither good or bad"

(b) (5), (b) (7)(E)

why the facility would have an issue with me wearing the traditional t'fillin. Traditional t'fillin are boxes that could possibly conceal contraband in them. In order to facilitate this compromise I asked (b) (6), (b) (7)(C) (and through him Colonel (b) (6), (b) (7)(C)) to instead be able to order the following items to replace the traditional ones:

- 1) Aaronic Blessing Pendant EQ124725 14.99
- 2) Song of Songs Sterling Silver Ring EQ935516Y 68.99

These items would replace the traditional t'fillin and can be viewed at christianbookdistributor.com

To replace the (b) (5), (b) (7)(E) I requested to order:

- 3) Ark of the Covenant Sculpture EQ201281 31.99

This item would sit on my desk and remove the need to hang anything on my cell wall.

I was also denied the ability to order tzitzath from the Torah Institute www.torahzone.net. They come in a set of four (4) for 17.00\$ and you hang them from your belt loops. They are no more than shoe strings essentially. (see 510 control # 1209370-SHU)

These things are to be worn on a daily basis and I would be most grateful to be able to observe (b) (5), (b) (7)(E) in these ways.

Thank you.

(b) (6), (b) (7)(C)

INMATE REQUEST SLIP
Directorate of Operations

Control No:
(b) (6), (b) (7)(C)

JAN 14

To: (b) (6), (b) (7)(C)

Commandant USDB

I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

On 26 Dec 13 I submitted an MCC Form 510 (b) (6), (b) (7)(C) to you seeking redress of a complaint under Ar 138, USMJ concerning the denial of access to the USDB law is Pursuant to AR 27-10, para 14.6(b) a response to my m t was due 15 days from submission Failure to req within the required time period may be treated as a =/ under AR 27-10 para 14.7 Please advise.

Signature of Housing Unit NCO:
(b) (6), (b) (7)(C)

Signature of Inmate:
(b) (6), (b) (7)(C)

FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

COMMANDANT

MAR 14

In reply to your request:
(b) (5), (b) (7)(E)

Signature:
(b) (6), (b) (7)(C)

Signature of Inmate: (I have been info

the above.)

Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment File.)

Memorandum for (b) (6), (b) (7)(C)

Dec 13

From Inmate (b) (6), (b) (7)(C)

Subject: Request for Redress, Article 138, UCMJ

The following request seeks redress of the denial of to the Command Judge Advocate (CJA) for additional the law library.

request
time in

On 10 Jul 13, I submitted an MCC Form 510 to the CJA requesting that I be placed on pass to law library to work on my appeal on various days to 7 Nov 13 from 1300-1600 hours. None of the or times conflicted with my duty schedule on Detail

(b) (6), (b) (7)(C)

to the
22 Jul 13
rested days

I did not receive a response to my request from until 6 Sep 13. In the response, "You don't use the law library time that is already. We're unable to approve extra library time when what is not being utilized."

CJA
ed,
sible.
sible

the logic employed by the CJA Office in denying my re for numerous reasons:

is fairly

- 1) Because of my assignment to Detail 44, there frequently library times that conflict with my duty schedule, such as on weekends and cell on weekdays. For example, medium pods

2
21 44
library
2 library

hopefully demonstrates, such is not only unrealistic, but impossible given my detail assignment.

According to my last discussion with my appellate atts I need to have my case inputs to them by mid-Feb latest. While I have attempted to get as much done with the time available, there is no way I can finish without having extra library time approved over the top. Therefore, I am requesting that you direct the CJA on pass for extra library time from 1300-1600 hrs following days: 2-3 Jan, 6-9 Jan, 15-17 Jan, 20-23-27 Feb. Done of the requested days or times is consent. Detail 44 work schedule.

Additionally, my appellate attorneys (b) (6), (b) (7)(C) for my review by mid-March 2014. I will then request a quick-turn in getting my comments back to them so have my appeal filed by 15 April 2014. Therefore, further direct the CJA to approve additional library time March/April 2014 for this purpose. While I do not know the date when my appeal will be ready for my review, my attorneys can contact the CJA directly to let them know when it is ready and when I will need extra library time. I request you approve extra library time for two weeks from my appellate attorneys in March/April.

While I would normally make the request for time through normal channels, as I stated previously, it took nearly two months to respond to my last request.

Simply

on 11 Nov 13, I at the 5 - can my work during period. To put me in the Jan and it with my

spec. ready to do a by can quest you re in re an exact appellate when its that end, upon contact.

March/April the CJA + kind of

INMATE REQUEST SLIP
Directorate of Operations

(b) (6), (b) (7)(C)

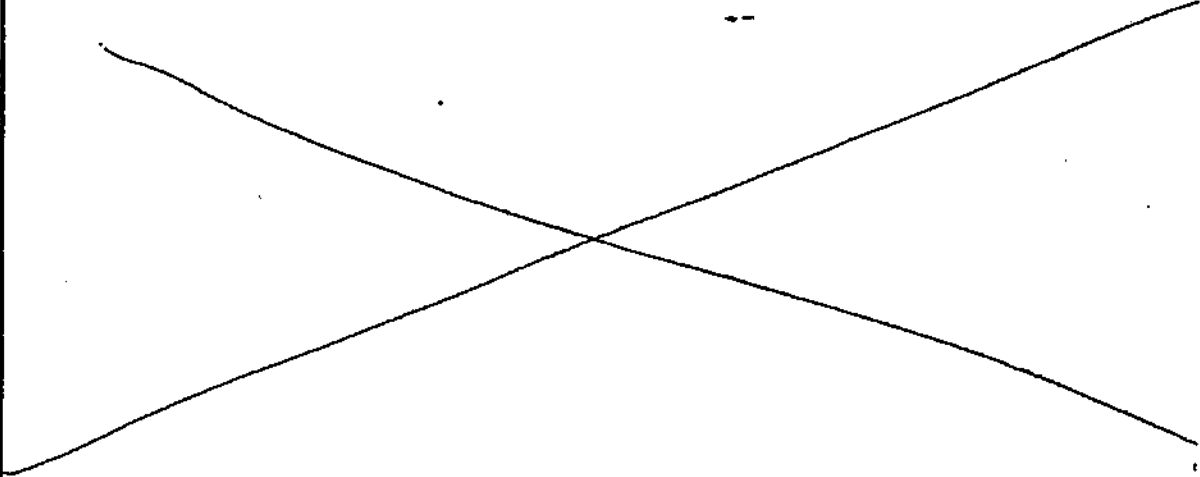
Date: 19
~~18~~ MAR 14

To: COMMANDANT, USDB

From: (Include Last Name, First Name, Mr/Ms, Room #, Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

SUBMIT THE ATTACHED REQUEST FOR REDRESS FOR YOUR DENIAL OF MY VISITATION REQUEST, (ARTICLE 138, UCMS)
// END //



Signature of Housing Unit NCO: (b) (6), (b) (7)(C)

Signature of Inmate: (b) (6), (b) (7)(C)

FOR OFFICE USE ONLY

To:

From:

Date:

In reply to your request:

Signature of Responder:

Signature of Inmate: (I have been informed of the above.)

Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment File.)

19 March 2014

MEMORANDUM FOR

(b) (6), (b) (7)(C) U.S. Disciplinary Barracks (PMCC-DB),
 (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C) Commander, Personnel Control Facility (PCF) and
 Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army
 Garrison (USAG), (b) (6), (b) (7)(C)

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)
 (b) (6), (b) (7)(C) Reg. No. (b) (6), (b) (7)(C)

1. References.

a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."

b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.

c. Military Correctional Complex (MCC) Regulation 15-2, "Inmate Visitation Procedures," dated ___ 2006.

d. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014.

2. Pursuant to para. 19-6a. of AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) I hereby request redress for your denial of my request to add Mr. (b) (6), (b) (7)(C) to my list of approved visitors at the U.S. Disciplinary Barracks (USDB).

3. Background.

a. On 6 March 2014, I requested visitation approval for Mr. (b) (6), (b) (7)(C) through the USDB Directorate of Inmate Administration (DIA) Visitation Clerk via an MCC Form 15-2-1 (control number (b) (6), (b) (7)(C)). To the MCC Form 15-2-1, I attached an MCC Form 510 (control number (b) (6), (b) (7)(C)) requesting an "exception to policy" to add (b) (6), (b) (7)(C) to my list of approved visitors. I provided the following information in my request.

(1) Full Name. (b) (6), (b) (7)(C)

(2) Address. (b) (6), (b) (7)(C)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Reg. No. (b) (6), (b) (7)(C)

(3) Phone Number: (b) (6), (b) (7)(C)

(4) Relationship. Friend.

(5) Age. Approximately (b) (6), (b) (7)(C) years old.

(6) Sex: (b) (6), (b) (7)(C)

b. On 7 March 2014, the DIA Visitation Clerk responded on both forms that my "request was denied by the Deputy Commandant, (b) (6), (b) (7)(C). The form also indicated that "per [USDB Regulation 600-1] you must have personally known this individual prior to [my] initial confinement." In essence, my request for an "exception to policy" was denied with the policy as the justification.

c. Based on this response, on 12 March 2014, (b) (6), (b) (7)(C) and another MCC Form 510 addressed to the USDB Deputy Commandant, (b) (6), (b) (7)(C) with an attached memorandum (control number (b) (6), (b) (7)(C) restating the facts and again requesting for an "exception to policy" from the USDB to add (b) (6), (b) (7)(C) to my visitation list, but this time also requesting for "any additional criteria or requirements that I need to have (b) (6), (b) (7)(C) added to the approved visitors list, and rationale and justification for the denial of my request."

d. On 17 March 2014, I received a response to my MCC Form 510 and memorandum from the DIA Visitation Clerk, (b) (6), (b) (7)(C) denying my request, but responding to my additional request by stating that "[t]here is no other additional criteria or requirements to add this contact other than what [USDB Regulation 600-1] states." She reiterated that I "must have personally known this contact prior to your initial confinement." Additionally, (b) (6), (b) (7)(C) writes that "[a]ny further attempts to add this contact [by] you may be written up for staff harassment."¹

(b) (6), (b) (7)(C)
4. I believe that your denial to add (b) (6), (b) (7)(C) to my list of approved visitors at the U.S. Disciplinary Barracks (USDB) is inconsistent with the stated mission of the USDB, is arbitrary, capricious, and an abuse of discretion, and is a materially unfair denial made without due process. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938) and para. 19-4e., AR 27-10.

¹ Paragraph 4.w.v. of Army Corrections Command (ACC) Policy Letter #16—Institutional Offense Policy (dated 13 January 2011) defines Staff Harrassment as "[a]ny comment, conversation, question, or other communication (verbal or nonverbal expressions) intended to or which may reasonably be expected to anger, irritate, or demean a staff member." I believe this additional statement (or threat) is not an appropriate response for a reasonable and legitimate request to add a visitor to my approved visitor list, or to request additional information and clarification regarding my request. This matter has been forwarded, separately, to the Inspector General for the Combined Arms Center and Fort Leavenworth.

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Reg. No. (b) (6), (b) (7)(C)

5. As redress, I hereby request that you approve my request to have added to my approved visitor list.

(b) (6), (b) (7)(C)

6. Pursuant to para. 19-8b. of AR 27-10, you shall respond to this request for redress, in writing, within fifteen (15) normal business days. If a final response within fifteen (15) business days, an interim response shall be provided that indicates the estimated date of a final response. If you do not submit a response within thirty (30) calendar days, I will consider this a denial of the request for redress and I will submit a complaint of wrong to the respective General Court-Martial Convening Authorities (GMCAs).

7. The point of contact (POC) for this memorandum is the undersigned. Additionally you can contact (b) (6), (b) (7)(C) civilian attorney, phone number (b) (6), (b) (7)(C), e-mail (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Inmate, USIB
Reg. No. (b) (6), (b) (7)(C)

INMATE REQUEST SLIP
Directorate of Operations

Control No:
(b) (6), (b) (7)(C)

Date:
30 Jan 2014

To: C-SMANNING, WALTER TAYLOR (b) (6), (b) (7)(C)

From: (Include Last Name, First Name, Rank, Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C)

I hereby request that (Give a clear, full explanation. Continue on reverse, if necessary.)

I HEREBY SUBMIT THE ATTACHED REQUEST FOR REMEDY REPORT TO ARMY REGULATION (AR) 27-10 AND ARTICLE 130 VIOLATION OF MILITARY JUSTICE (UCMJ) FOR REFUSAL TO IMPLEMENT A MEDICAL AND MENTAL HEALTH TREATMENT PLAN FOR MY SON'S DEPHORA BETHANZA.

// END //

Signature of Housing Unit NCO:
(b) (6), (b) (7)(C)

Signature of Inmate:

FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Date:
30 Jan 2014

DCSA

In reply to your request:

(b) (5), (b) (7)(E)

(b) (6), (b) (7)(C)

Signature of Inmate (If from inmate or his spouse):
(b) (6), (b) (7)(C)

MEMORANDUM FOR

Commander, Personnel Control Facility (PCF) and Headquarters and Headquarters Detachment (HHD) Garrison Support

Commander, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503

SUBJECT: Request for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C) formerly (b) (6), (b) (7)(C) Reg. No. (b) (6), (b) (7)(C)

1. References.

a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."

b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.

2. Pursuant to para. 19-6a. of AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) I hereby request redress for the following:

a. Your refusal and failure to respond to my previous two requests for redress and complaints of wrong correctly:

(1) Request for redress dated 21 January 2014, and complaint of wrong dated 4 March 2014 regarding denial of adequate treatment plan for my (b) (5), (b) (7)(E)

(2) Request for redress dated 19 March 2014, and complaint of wrong dated 4 April 2014 regarding the U.S. Disciplinary Barracks' (USDB's) refusal to add (b) (6), (b) (7)(C) to my approved visitors list.

b. Your refusal to accept and authorize my name change from (b) (6), (b) (7)(C) on a personnel action form, Department of the Army (DA) Form 4187.

3. Background.

a. On 20 May 2014, after not receiving a response to my Article 138 complaint submitted against (b) (6), (b) (7)(C) on 4 April 2014 regarding the USDB's refusal to add (b) (6), (b) (7)(C) to my approved visitors list, and after not receiving the 19 March 2014 memorandum claiming that my complaint was deficient and receiving any information on where to send my complaint, I submitted a memorandum explaining these issues.

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ-Inmate
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) formerly (b) (6), (b) (7)(C) Reg. No. (b) (6), (b) (7)(C)

b. Also, following my legal change of name by the District Court of Leavenworth County, Kansas on 23 April 2014, I requested on a Military Correctional Complex (MCC) Form 510 through the Directorate of Inmate Administration (DIA), USDB to alter my records to reflect my new name. They referred my request to your office. As of 28 May 2014, you have not responded to my request.

4. I believe that your refusal to correctly respond to my requests for redress and complaints of wrong, and to not act on my name change request are arbitrary, capricious, and abuses of discretion, and are materially unfair denials. Therefore, I consider these wrongs within the meaning of Article 138, UCMJ (10 U.S.C. § 938).

5. As redress, I hereby request that you correctly respond to my requests for redress and complaints of wrong, and approve my name change request on a DA Form 4187.

6. The points of contact (POCs) for this memorandum are the undersigned and
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Inmate, USDB
Reg. No. (b) (6), (b) (7)(C)

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

18 May, 2012

MEMORANDUM THRU Commander, 15th Military Police Brigade, Fort
Leavenworth, Kansas 66027

FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth,
Fort Leavenworth, Kansas 66027

SUBJECT: Complaint of Wrong (Article 138, UCMJ)

1. I, (b) (6), (b) (7)(C) am a member of the U.S. Army Reserve, subject to the Uniform Code of Military Justice, and currently assigned to U.S. Disciplinary Barracks (USDB), U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. On 29 March, 2012 while assigned to my present unit, I was wronged by my commandant, (b) (6), (b) (7)(C) Commandant, U.S. Disciplinary Barracks, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. I made a written request for redress to (b) (6), (b) (7)(C) on 30 April, 2012, but on May, 2012 he refused to grant it. The request for redress and his response are attached (Encl). I therefore submit this complaint against (b) (6), (b) (7)(C) under the provisions of Article 138, UCMJ, and Army Regulation 27-10.

2. The wrong which is the subject of this complaint is the improper denial of the Death Sentence Inmate (DSI) Cell Block's and my participation in the Equal Opportunity (EO) Ethnic Observance Meal served on the 29th of March, 2012. The circumstances are as follows: The DSI Cell Block as a special population group within the USDB, has been participating the Equal Opportunity Ethnic Observance Meals for over the past year. During the third week of February, 2012, we were once again asked to participate and if we wanted to, please fill out the appropriate form (DA Form 1130-R). Those of us who wished to participate filled out the forms and turned them in immediately. We were then informed that the Meal would be served on the 29th of March, 2012.

3. On Thursday, 22 March, 2012, we were suddenly informed that our forms had been lost and that we could not participate in the Observance. We immediately contacted our NCOIC, who looked into the issue and told us he had straighten out the issue, so that we could take part in the EO Ethnic Observance Meal. This was on Friday, the 23rd of March, 2012. At that time, we also filled out new forms and submitted them once again. Then on Monday, the 26th of March, 2012, we were once again informed that we could not participate in the Meal. We were further informed that the Chief of Staff, (b) (6), (b) (7)(C) had torn up our forms and had stated that we were not authorized to participate in any EO Ethnic Observances or Meals as the General Population was authorized to do. We were further informed that (b) (6), (b) (7)(C) stated he would personally make sure we could not participate by rewriting the regulations to ensure that we could not. We were

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

unable to correct the situation prior to the 29th of March, 2012 and have been trying to correct the situation ever since. However, we have been unsuccessful in our efforts to straighten out this issue, and the USDB has been completely unwilling to even discuss it with us, let alone work out a compromise with us, or even change any of it's actions, so that we may also participate in the EO Ethnic Observances and Meals.

4. I and others from the DSI Cell Block, the NCOIC of the Special Housing Unit, the USDB Equal Opportunity Representative, the 15th MP Brigade Equal Opportunity Advisor have all tried to change or remedy this situation, or to find out the reasons for this change of policy through numerous MCC Form 510's to the Commandant, COL (b) (6), (b) (7)(C). However, he has refused to acknowledge, my requests or other's requests, and instead has allowed the Deputy Commandant to respond, even when the forms and complaints were addressed directly to COL Belcher, and no-one else. The Deputy Commandant has simply stated that we can not participate in the EO Ethnic Observance Meals, because we are unable to participate in EO meetings or Observances.

5. The USDB has not made any effort to allow us to participate in any EO meetings or Observances, nor were we ever told this was a requirement in order to participate in the EO Meals. The USDB has the ability to allow us to participate in both the meetings and the Observances if they want to. There are several possible options, but we can not get anyone to discuss these options with us.

6. COL (b) (6), (b) (7)(C) actions were improper in that he was absolutely inflexible in trying to resolve this issue with myself and the DSI Cell Block/special population, and that he refused to work with us to reach a solution that would meet both the USDB's requirements and allow us to participate in the EO Ethnic Observances and Meals. Further more, COL (b) (6), (b) (7)(C) actions in allowing (b) (6), (b) (7)(C) to take punitive punishment actions against myself and the DSI Cell Block is improper. (b) (6), (b) (7)(C) actions were in essence personal abuse and harassment directed against the DSI Special Population and myself. (b) (6), (b) (7)(C) actions were in violation of AR 190-47, which states in Chapter 9, that the USDB is suppose to be correctional in nature and not punitive. Additionally, facility commanders will ensure policy and procedures protect inmates from personal abuse, corporal punishment; personal injury, disease, property damage, and harassment. The DSI Cell Block and myself are not on lockdown, or being disciplined in any manner for any misconduct, or in violation of USDB's rules or regulations.

7. Since the USDB must keep the DSI Cell Block separate from the General Population, the USDB could simply tape or film the EO Ethnic Observances and meetings, and then either show them on the internal television channel 7, or bring the mobile tv carts and video/dvd players to the Cell Block, as they do for the Disciplinary Lockdown Inmates, in order to show the Observances and meetings, just as they do church services. If the USDB did this, the DSI Cell Block would then be able to participate in the EO Meetings and Observances as

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

required by the USDB in order to take part in or participate in the EO Ethnic Observance Meals. Or the USDB could take notes at the EO Meetings and then publish them to all the Cell Blocks. It should be noted that the EO Ethnic Observance Meals do not cost the U.S. Army or the USDB any funds or money, as the inmates use and pay for the meals with their personal funds, when partaking in these EO Ethnic Observance Meals. So, it is not as if allowing myself and the other five DSI Cell Block Inmates to participate in these EO Ethnic Observance Meals, costs the USDB anything. That is one of the reasons we are having such a hard time understanding (b) (6), (b) (7)(C) actions, (b) (6), (b) (6), (b) (7)(C) actions or the USDB's actions in general. (b) (7)

8. I believe (b) (6), (b) (7)(C) actions and his refusal to work out some way for myself and the DSI Cell Block to participate in these events are arbitrary, capricious, and an abuse of discretion, in addition to being materially unfair.

9. I hereby ask as redress that you require the USDB to film or tape the EO Meetings and the EO Ethnic Observances and then to show them or publish them on the internal USDB channel 7, or to show them by using a mobile tv cart and video/dvd player. I then request that you then have the USDB allow myself and the other DSI Cell Block inmates to participate in the Equal Opportunity Ethnic Observance Meals, and to change the internal regulations to state that the DSI Special Population is authorized to participate in these events.

(b) (6), (b) (7)(C)

Encl

USDB, U.S. Army Combined Arms Center

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

24 April, 2012

MEMORANDUM FOR Commandant, United States Disciplinary Barracks(USDB),
U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, 66027-2304

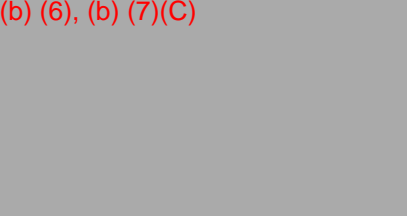
SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

1. During the third week of February, 2012, the Death Sentence Inmate (DSI) cell block, and specifically myself, were asked if we wanted to join in with the rest of the General Population Inmates in the Equal Opportunity Ethnic Observance Meal. This meal was conducted on the 29th of March, 2012. Since, we had been participating throughout the past year, no-one expected any issues to arise. I signed up to participate as did several others.
2. On 22 March, 2012, we were informed our DA Forms 1130-R's had been lost and we could not participate in the Equal Opportunity Ethnic Observance Meal. We contacted the Special Housing Unit(SHU) NCOIC, who looked into the issue for us, and made sure we could in fact participate, by simply filling out new DA Forms 1130-R. We did this on Friday, 23 March, 2012 and submitted them to the CTT that day.
3. On Monday, 26th of March, 2012, we were once again informed that we could not participate in the Equal Opportunity Ethnic Observance Meal. The reason provided to us, was that a (b) (6), (b) (7)(C), Chief of Staff, had torn up our DA Form 1130-R's and had stated that we were not authorized to participate in EO Ethnic Observance Meal, because we were DSI Inmates, and that he was going to make sure we could not participate by rewriting the regulations to ensure it.
4. We once again contacted the SHU NCOIC to get to the bottom of this arbitrary, capricious, abuse of discretion that was materially unfair and in violation of AR 190-47, page 28, paragraph 9-1, that states ACS facilities will be operated and administered on a corrective rather than a punitive basis." Being denied to participate in this special Equal Opportunity Ethnic Observance Meal by (b) (6), (b) (7)(C) is punitive in nature and not correctional, as the DSI cell block is not on lockdown or being disciplined in any manner for any misconduct, or violation of USDB rules or regulations.
5. We have sent in numerous MCC Form 510's to try to correct this situation, but have been rebuffed each time.
6. I think your refusal to correct this situation and allow the DSI cell block and specifically myself to participate in these Equal Opportunity Ethnic Observance Meals is unreasonable and punitive punishment in violation of AR 190-47. I consider this a wrong within the meaning of Article 138, UCMJ, and AR 27-10.

Continuation of Memorandum for Commandant, USDB
SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

7. As redress, I request approval for the DSI Cell Block, and myself, to participate in all upcoming Equal Opportunity Ethnic Observance Meals and for the rewriting of the regulations to state that we are authorized to participate.

(b) (6), (b) (7)(C)



4 March 2014

MEMORANDUM THRU Commander, U.S. Army Garrison (USAG), 3430 Wilson Street,
Fort Sill, OK 73503-4461

FOR

Commander, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503-
5000
Commander, U.S. Army Combined Arms Center and Fort Leavenworth, 881 McClellan
Avenue, Fort Leavenworth, KS 66027

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)
(b) (6), (b)
(7)(C)

1. References.

a. Title 10, U.S. Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."

b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.

c. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated November 2013.

d. American Psychiatric Association (APA), Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), dated 18 May 2013.

e. APA, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), dated circa 2000.

f. World Professional Association for Transgender Health (WPATH), "Standards of Care," Seventh Edition, dated 25 September 2011.

g. U.S. Federal Bureau of Prisons (FBOP), "Patient Care" Program Statement (P6031.03) dated 23 August 2012.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938), I hereby submit this complaint of wrong against Colonel (b) (6), (b) (7)(C) and Captain (b) (6), (b) (7) (b) (6), (b) I am providing the following information in accordance with para. 19-7a. of AR 27-10.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)
89289

I. COMPLAINANT.

3. I, (b) (6), (b) (7)(C) Social Security Number (SSN) (b) (6), (b) (7)(C), am an Active Duty member of the United States Army, a branch of the Armed Forces, currently confined at the USDB in Fort Leavenworth, Kansas.

4. My current command is at the Personnel Control Facility (PCF) at (b) (6), (b) (7)(C) and the USDB at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.

5. My current command for the PCF and the USDB is the same as it was during the wrong complained of.

6. My permanent address is 1300 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

II. RESPONDENTS.

7. I am submitting this complaint against COL (b) (6), (b) (7)(C) and CPT (b) (6), (b) (7)(C).

8. COL (b) (6), is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.

9. CPT (b) (6), is currently, and was at the time of the wrong complained of, the Commander of the Personnel Control Facility, U.S. Army Garrison (USAG) at 3430 Wilson Street, Fort Sill, OK 73503-4461.

III. COMPLAINT.

10. On 16 January 2014, I discovered through omission that (b) (6), (b) (7)(C) (b) (6), acting in their capacities as the USDB Commandant and the PCF Commander, were refusing to implement a medical and mental health treatment plan that is consistent with the current and accepted standards of care for my diagnosis of Gender Dysphoria under the DSM-5, previously known as Gender Identity Disorder (GID) under the DSM-IV-TR.

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)
(b) (6).

11. On 21 January 2014, I submitted a request for redress (Enclosure 1) pursuant to para. 19-6a. of AR 27-10, to (b) (6), (b) (7) via a Military Correctional Complex (MCC) Form 510 and to (b) (6), (b) (7)(C) via express mail, tracking number EE829171167US.

12. As of March 4, exactly forty-two (42) calendar days and over fifteen (15) normal business days since I submitted the request for redress, I have not received a cognizable redress from either (b) (6), (b) (7)(C) elect to treat the following responses as a refusal of redress pursuant to para. 19-7 of AR 27-10.

a. The Command Judge Advocate (CJA) for the USDB ignored my request for redress while acknowledging that I submitted it to them and to the PCF. (Enclosure 2).

b. (b) (6), (b) (7)(C) provided an interim response to the request for redress indicating that he needed more time to respond. (b) (6), (b) (7) final response claimed that he did "not have the authority to approve [my] requested treatment plan." (Enclosure 3).

13. The specific nature of the wrong complained of is as follows:

a. I have an extensive history and beliefs consistent with a diagnosis of Gender Dysphoria/GID. I have multiple prior diagnoses, beginning in 8 May 2010 by CPT (b) (6), (b) (7)(C) at Contingency Operating Station (COS) Hammer, Iraq.

b. I received successive diagnoses by multiple military providers and experts while confined at Camp Arifjan, Kuwait, Marine Corps Base (MCB) Quantico, Virginia, and Fort Leavenworth, Kansas, and also during a Rule for Court-Martial (R.C.M.) 706 Board conducted by (b) (6), (b) (7)(C) Lieutenant Colonel (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on 22 April 2011.

c. I arrived under the Command of the USDB and the PCF at approximately 1230 on 22 August 2013. At that time, the commander of the unit escorting me delivered a memorandum from me requesting that the USDB and U.S. Army provide me with a mental health assessment and treatment plan that is consistent with the currently accepted standards of care as published by the WPATH.

d. I specifically requested that the treatment plan consider the following three types of treatment:

- (1) Real-Life Experience (RLE).
- (2) Hormone Replacement Therapy (HRT).
- (3) Sex Reassignment Surgery (SRS).

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate

(b) (6), (b) (7)(C)

(b) (6),

e. On 28 August 2013, I delivered a Military Correctional Complex (MCC) Form 510 requesting for a "mental health evaluation and treatment plan for Gender Dysphoria/[GID]" addressed to the Director of Treatment Programs (DTP). I received a response from (b) (6), (b) (7)(C) stating that "[a]n assessment will be scheduled to evaluate all of your behavioral health needs."

f. Over the next few months, (b) (6), (b) (7)(C) Chief, Mental Health Division, USDB, (b) (6), (b) (7)(C) at Munson Army Health Clinic, and (b) (6), (b) (7)(C) Forensic Psychiatrist, Bethesda, Maryland, conducted a mental health assessment and evaluation.

g. In November 2013 (b) (6), (b) (7)(C) supervised by a civilian expert in Gender Dysphoria, produced a proposed treatment plan. At some time in late November 2013, this proposal was approved by (b) (6), (b) (7)(C) and sent to an unspecified command for approval.

h. On 5 January 2014, I submitted an MCC Form 510 to DTP requesting for an "update on the status of the proposed treatment plan for Gender Dysphoria." After not receiving a response I came to the conclusion on 16 January 2014 that the USDB and the PCF chain of command were not going to implement the proposed medical and mental health treatment plan.

14. I believe that the refusal by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) implement a treatment plan that considers the three types of treatment for Gender Dysphoria cited in para. 13d. above is, in the case of (b) (6), (b) (7)(C) inconsistent with the mission of the USDB, and in both cases, arbitrary, unreasonable, and politically motivated. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938), and para. 19-4e. of AR 27-10.

IV. RELIEF REQUESTED.

15. As relief, I hereby request that a treatment plan consistent with the WPATH standards of care for my diagnosis of Gender Dysphoria/GID be implemented.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate
89289

(b) (6), (b) (7)(C)

V. VERIFICATION.

16. I declare under penalty of perjury that this complaint is submitted in accordance with the guidelines and procedural requirements set forth in AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) and that the foregoing information is true and correct (28 U.S.C. § 1746).

Executed on: 4 March 2014

(b) (6), (b) (7)(C)

VI. CERTIFICATE OF SERVICE.

17. I certify that a copy of the foregoing was mailed to Commander, U.S. Army Garrison, 3430 Wilson Street, Fort Sill, Oklahoma on the 5 day of March 2014.

CF:

Commander, U.S. Army Western Regional Medical Command, Joint Base Lewis-McChord, WA 98433

Commander, U.S. Army Corrections Command, 150 Army Pentagon, Washington, DC 20310-0150

U.S. Army Surgeon General, 5109 Leesburg Pike Skyline 6, Falls Church, VA 22041-3258

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 08 APR 17
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: TDS	From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail.) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

I would like to speak with a TDS lawyer about filing an Article 138 complaint

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY		
To: (b) (6), (b) (7)(C)	From: OCSA	Date: 11 Apr 17

In reply to your request:

A COPY OF THIS SIO HAS BEEN FORWARDED TO THE MAIN TDS OFFICE. THEY WILL SEND YOU A RESPONSE.

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCG Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

MCC Form 510 15-Jan-16

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 6/29/2020
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>CJA - to Ft Leavenworth</i>	Legal assistance	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

I am asking for an appointment with Fort Leavenworth Legal Assistance with ^{reg} ~~com~~ Article 138 complaint. I do have all 510 and other documentation at denial for redress and complaint is within 90 days

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From: CSA.	Date: 80800620.
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In reply to your request:



Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

5-27-8

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 5/26/2020
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>CTA - Fort Leavenworth Legal assistance</i>	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell and Detail) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

In reference to SIO (b) (6), (b) (7)(C) I am requesting ~~for~~ assistance with a article 13E complaint, per AR 27-10 para 19-9 from the Fort Leavenworth legal assistance. ~~Prisonis~~

Housing Unit NCO Print Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY		
To: <i>IM</i> (b) (6), (b) (7)(C)	From: <i>CSA</i>	Date: <i>20200603</i>

In reply to your request: *LEGAL ASSISTANCE OFFICE*



Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 14 July 2017
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: CJA	From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

I would like to discuss opening an article 138 against my previous command. I am under the impression it would be through TDS?

Thank You
(b) (6), (b) (7)(C)

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY		
To: (b) (6), (b) (7)(C)	From: OCJA	Date: 26 July 17

In reply to your request:

[REDACTED]

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

09 September 2017

MEMORANDUM FOR Commandant, United States Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304

SUBJECT: Application for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C)

1. References:
 - a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
 - b. Army Regulation (AR) 27-10 (Military Justice), dated 03 October 2011
 - c. Army Regulation 190-47 (The Army Corrections System), dated 15 June 2006
2. I, (b) (6), (b) (7) am currently confined at the United States Disciplinary Barracks. On 11 November 2016, I was sent to the SHU for defending myself from another Inmate. On 08 December 2016, the Disciplinary and Adjustment board found me guilty of Assault Consummated by a Battery of another inmate in violation of Policy Letter # 16. In January 2017, the former President (b) (6), (b) (7) passed an order stating that inmate could not be kept in solitary confinement for more than a month at a time. Despite this order, I was kept in the SHU until approximately 17 May 2017.
3. This is was clearly in direct violation of the President's order. On or 7 March 2017, I had requested to have another unscheduled reclassification board (URB) to be upgraded in custody level from Maximum to Medium. Around the end of March 2017, I had a meeting with a meeting with the deputy Commandant and (b) (6), (b) (7) During this meeting, the deputy Commandant denied my request stating, "you seem like a smart individual, but obviously not smart enough because you are in prison. We'll see you again in 3 months", or words to the effect. Despite not causing any issues while in the SHU, I was kept in the SHU until 17 May 2017.
4. I request the following relief under Article 138, UCMJ:
 - a. 3 days credit for every day that I spent in the SHU after former President (b) (6), (b) (7) issued the order limiting the amount of time that could be spent in solitary confinement.
5. Pursuant to para. 19-6(b), AR 27-10, you shall respond to this request in writing within fifteen (15) days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response.
6. The point of contact (POC) for this is the undersigned at (b) (6), (b) (7)(C) 1300 N. Warehouse Rd, Fort Leavenworth, KS 66027-2304.

(b) (6), (b) (7)(C)

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 24 Oct 17
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation.) Continue on the reverse side if necessary.

See Attachment!

Thanks

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From: OCSA	Date: 31 Oct 17
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In reply to your request:

(b) (5), (b) (7)(E)

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 1 April 2015
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Please ensure deliver to USDB/Commandant as required for redress prior to proceeding with Article 138 proceedings.

Respectfully request redress of issues involving my D&A Board and its subsequent appeal be looked at and reviewed by you. My appeal was submitted to CJA in a timely manner on 14 Oct 2014. It was never forwarded to your office for a decision to be made as required by USDB Regulation 600-1.

The Appeal was control number (b) (6), (b) (7)(C). A copy of the appeal has been attached for your reference. The associated 510s to/from CJA/OCJA have also been attached for your reference.

Signature of Housing Unit NCO: (b) (6), (b) (7)(C)	Signature of Inmate: (b) (6), (b) (7)(C)
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From: (b) (6), (b) (7)(C)	Date: 20150409
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In reply to your request:




Signature of Responder: (b) (6), (b) (7)(C)	Signature of Inmate: (I have been informed of the above.)
Printed Name of [redacted] NCO:	Signature of Housing Unit NCO: (Forwarded for Inmate's CTF)

ACTIVE DUTY INMATES UNIT OF ASSIGNMENT


U.S. ARMY

(b) (6), (b) (7)(C)



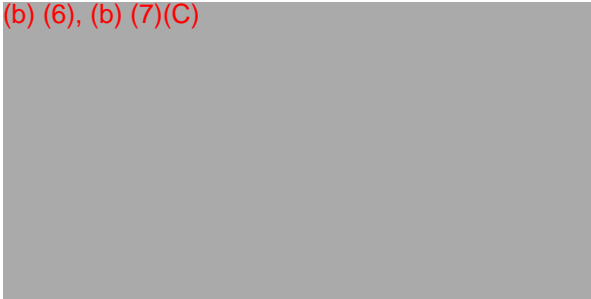
U.S. MARINE CORPS

(b) (6), (b) (7)(C)




U.S. AIR FORCE

(b) (6), (b) (7)(C)



U.S. NAVY

(b) (6), (b) (7)(C)



INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 9 Sept 17
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Ma'am: I've attached two applications for redress under Article 138, UCMJ.

Housing Unit NCO Printed Name:	Housing Unit NCO Signature:	Inmate Signature: (b) (6), (b) (7)(C)
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FOR OFFICE USE ONLY		
To: (b) (6), (b) (7)(C)	From: OCSA	Date: 18 Sep 17

In reply to your request:
(b) (5), (b) (7)(E)

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

MCC Form 510 15-Jan-16

INMATE REQUEST SLIP Directorate of Operations		Control No: (b) (6), (b) (7)(C)	Date: 17 Jan 2014
To: DIA	From: (Include Last Name, First Name, MI; Reg #; Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C) L-Pad 240		
I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)			
<p>I am requesting assistance for filing issues pertaining to Art. 138.</p> <p>Thanks</p>			
Signature of Housing Unit NCO: (b) (6), (b) (7)(C)		Signature of Inmate: (b) (6), (b) (7)(C)	
FOR OFFICE USE ONLY			
To: (b) (6), (b) (7)(C)	From: (b) (6), (b) (7)(C)	Date: 24 Jan 2014	
In reply to your request: (b) (5), (b) (7)(E)			
(b) (6), (b) (7)(C)		Signature of Inmate: (I have been informed of the above.)	
Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment File.)			

MEMORANDUM FOR Commandant, United States Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304

SUBJECT: Application for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C) Reg# (b) (6), (b) (7)(C)

1. References:

- a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
- b. Army Regulation (AR) 27-10 (Military Justice), dated 03 October 2011
- c. U.S. Disciplinary Barracks (USDB) Regulation 600-1 (Manual for Guidance of Inmates (MGI)), dated June 2016
- d. Army Regulation 190-47 (The Army Corrections System), dated 15 June 2006

2. I, (b) (6), (b) (7)(C) am currently confined at the United States Disciplinary Barracks. At 310900AUG17, the facility committed the following wrong against me: the facility was negligent in ensuring that a maximum custody inmate was properly restrained in accordance with the regulation and facility policies, which enabled Inmate (b) (6), (b) (7)(C) to act and injure me while I was at a legal appointment in the Command Judge Advocate (CJA) office.

3. Among the many issues concerning Inmate (b) (6), (b) (7)(C) the facility is well aware that he:
 - a. Is a high-risk inmate;
 - b. Has numerous disciplinary infractions;
 - c. Has been in the Special Housing Unit (SHU) since his arrival to the USDB (<3 years);
 - d. Has physically assaulted staff members;
 - e. Has physically assaulted other inmates (this urine on another inmate);
 - f. Has made racially motivated comments toward staff members and inmates; and
 - g. And threw feces into another inmate's cell.

4. According to AR 190-47, "Every precaution will be taken to protect the prisoners and others from possible injury..."

5. The facility was negligent in ensuring that Inmate (b) (6), (b) (7)(C) was properly restrained while at his CJA appointment. According to the correctional staff, the facility was negligent in ensuring that:
 - a. Inmate (b) (6), (b) (7)(C) had 3 escorts (one additional escort than required by AR 190-47);
 - b. Inmate (b) (6), (b) (7)(C) was restrained in accordance with USDB Regulation 600-1, which states that maximum custody inmates shall be in "fulls" when escorted inside the USDB (Inmate Williams was wearing the body-cuff, both arm restraints were fully extended);
 - c. Other inmates were not in the same area as Inmate (b) (6), (b) (7)(C)

6. As a direct result of the facility's negligence, I sustained injuries to my body and appendages.

7. Prior to this incident, I was confined to the SHU for 6 months for defending myself against another inmate (Inmate (b) (6), (b) (7)(C), who has clearly demonstrated that he is an aggressive inmate (he recently sent another inmate to the hospital). From the aforementioned incident, the facility taught me that inmates do not have a right to defend themselves against any assaults. Since I was scheduled for visitation with my girlfriend, (b) (6), (b) (7)(C) and did not

SUBJECT: Application for Redress under Article 138, UCMJ—Inmate (b) (6), (b) (7)(C) (Reg# (b) (6), (b) (7)(C))

want to miss visitation by being sent to the SHU; for defending myself—I did not do what any reasonably prudent person would have done when being attacked: I did not defend myself.

- 8. I am requesting a copy of all investigations, documents, emails, statements, and all other paperwork related to or that mention this incident. Additionally, I request that the same be sent to my lawyers (b) (6), (b) (7) and CPT (b) (6), (b) (7)(C). I would also like the facility to send a copy of the surveillance video to my lawyer.
- 9. I request the following relief under Article 138, UCMJ:
 - a. time of my sentence for being assaulted by a maximum custody inmate and
 - b. The MGI be amended to afford inmates the right to defend themselves without fear of punishment.
- 10. Pursuant to para. 19-6(b), AR 27-10, you shall respond to this request in writing within fifteen (15) days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response.
- 11. The point of contact (POC) for this is the undersigned at (b) (6), (b) (7)(C), 1300 N. Warehouse Rd, Fort Leavenworth, KS 66027-2304.

(b) (6), (b) (7)(C)

Inmate, USDB

(b) (6), (b) (7)(C)

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 11 Feb 2017
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: OIC/CJA	From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail.) (b) (6), (b) (7)(C) (b) (6), (b) (7)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Colonel, IF you would please provide the attached to the Commandant IAW art 138 ucmj and stand by to receive the art 138 complaint.

Also IF you could be so kind as to make an appointment with Capt. (b) (6), (b) (7)(C) for me as I have additional information showing that MPI interfered with the EO and CID investigations, and I would feel more comfortable talking to her about it.
 Thank you for your time.

Housing Unit NCO Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:
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FOR OFFICE USE ONLY

To: (b) (6), (b) (7)(C)	From: CJA	Date: 13 FEB 17
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In reply to your request:
 (b) (5), (b) (7)(E)

Responder Printed Name: (b) (6), (b) (7)(C)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6), (b) (7)(C)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

INMATE REQUEST SLIP Directorate of Operations		Control No: (b) (6), (b) (7)(C)	Date: August 15, 2013
To: Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)		From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C)	
I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.) Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME CREDITS			
Enclosure: (1) (b) (6), (b) (7) letter to Director, DIA, dated 8 Mar 11 (C)			
<p>1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time credits at the rate of 8 days per month based on Department of Defense (DoD) regulations in effect at the time of my offenses (i.e. DoD Instruction 1325.7, <i>Administration of Military Correctional Facilities and Clemency and Parole Authority</i> (Change 1, June 10, 2003)). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See <i>United States v. Wise</i>, 64 M.J. 468, 469 (C.A.A.F. 2007).</p> <p>2. Legal justification: The application of the 5 days per month good conduct time credit policy violates the <i>ex post facto</i> clause of the Constitution. The Directive-Type Memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness dated September 17, 2004 <u>expired</u> pursuant to DoD Instruction 5025.01, <i>DoD Directives Program</i> (October 28, 2007), which required DTMs to expire 180 days after issuance. The progressive good conduct time credit rates outlined in enclosure 26 of DoD Instruction 1325.7 was the <u>only</u> valid, lawful and applicable good conduct time credit policy <u>in effect</u> at the time of my offenses. The unlawful application of the expired DTM's good conduct time credit rates to compute the good conduct time credits of my sentence, contrary to the good conduct time rates provided explicitly by enclosure 26 of DoD Instruction 1325.7, violates the <i>ex post facto</i> clause of the Constitution.</p> <p>3. Back in March 8, 2011, I had requested, via my appellate defense counsel, Lieutenant (b) (6), (b) (7)(C) JAGC, U.S. Navy, that you recalculate my good conduct time credits at the rates specified in enclosure 26 of DoD Instruction 1325.7. See enclosure (1). As of this date, you have neither granted the requested relief nor answered the letter. Be advised that your refusal to grant the requested relief will compel me to seek redress from the Commandant, USDB, under the provisions of Article 138, Uniform Code of Military Justice, 10 U.S.C. § 938. Very Respectfully. End of statement.</p>			
Signature of Housing Unit NCO: (b) (6), (b) (7)(C)		Signature: (b) (6), (b) (7)(C)	
FOR OFFICE USE			
To: (b) (6), (b) (7)(C)		Date: 15 Aug 13	
In reply to your request: (b) (5), (b) (7)(E)			
Signature of Requester: (b) (6), (b) (7)(C)		Signature of Inmate (I have been informed of the above.) (b) (6), (b) (7)(C) 19 AUG 2013	
Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment.)			

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: August 21, 2013
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To: Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #; Housing Unit, Cell and Detail) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME (GCT) CREDITS

1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of GCT credits at the rate of 8 days per month based on the Department of the Army regulations in effect at the time of my offenses; i.e. Army Regulation (AR) 190-47, *The Army Corrections System* (June 15, 2006), and AR 633-30, *Military Sentences to Confinement* (February 28, 1989). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). My previous request on this issue (MCC Form 510 Control No. (b) (6), (b) (7)(C)) was denied based on the USDB's interpretation of Department of Defense (DoD) policy in effect at the time of my offenses, as opined by the Department of the Army's Office of the General Counsel. However, for the following reasons, I am hereby respectfully requesting you reconsider your position and recalculate my GCT credits.

2. **Legal justification:** The application of the 5 days per month GCT credit policy violates the *ex post facto* clause of the Constitution. At the time of my offenses, Army regulations in effect provided a benefit of 8 GCT days per month. AR 190-47 para. 5-8(b) provided "Good conduct time will be credited in accordance with AR 633-30 and at the rates described below... (4) Eight days for each month of the sentence, if the sentence is at least five years, but less than ten years." AR 190-47 para. 3-2(g) provides "Prisoners of other Armed Services of the United States...incarcerated in ACS facilities are subject to the policies contained in this regulation, except as directed by DAPM." The USDB is part of the U.S. Army Corrections System (ACS); the Department of the Army's Provost Marshal (DAPM) has not, with fair notice, excluded prisoners of other Services from the policies delineated at AR 190-47 para. 5-8(b). Additionally, AR 190-47 para. 3-5 provides that "Computation of sentence will be per AR 633-30 and DoD Instruction (DODI) 1325.7."

3. AR 633-30 para. 1(a) provides that "This regulation [AR 633-30] prescribes procedures for the computation of sentences to confinement of persons subject to the Uniform Code of Military Justice serving sentences in the custody of the Department of the Army."

[continued on the back of this MCC Form 510]

Signature of Housing Unit NCO: (b) (6), (b) (7)(C)	Signature of Inmate: 
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To: (b) (6), (b) (7)(C)	From: (b) (6), (b) (7)(C)	Date: 04 SEP 13
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In reply to your request:
(b) (5), (b) (7)(E)

Signature of Responder: (b) (6), (b) (7)(C)	Signature of Inmate (Continuation of the above.): (b) (6), (b) (7)(C) 25 SEP 2013
Signature of Housing Unit NCO: (Forwarded for inmate's Copy) (b) (6), (b) (7)(C)	

4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b), which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007)(citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term...[and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997)(quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10: For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b), which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007) (citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term...[and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997) (quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10. For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: October 1, 2013
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To: (b) (6), (b) (7)(C) U.S. Army Commandant United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI, Reg #, Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: REQUEST FOR REDRESS UNDER ARTICLE 138, UCMJ

1. A request for administrative relief was made to the Directorate of Inmate Administration of the United States Disciplinary Barracks for a violation of a constitutional right to proper award of Good Conduct Time credits
 1. This is a request for redress made pursuant to Army regulation (AR) 27-10, *The Military Justice System* (October 3, 2011) paras. 19-1 and 19-6a. I have been reassigned to the general court-martial authority of this Army facility under AR 190-47, *The Army Corrections System* (June 15, 2006), para. 4-2d. I am subject to the Uniform Code of Military Justice (UCMJ) under Article 2(a)(7), UCMJ, 10 U.S.C. § 802(a)(7). As a person subject to the UCMJ, I have a statutory right to seek redress under Article 138, UCMJ, 10 U.S.C. § 938. See *Rasmussen v. Seamans*, 432 F.2d 346, 349 (10th Cir. 1970) (those subject to the UCMJ, of which Article 138 is a part, are specifically defined in Article 2) (emphasis added).

2. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time (GCT) credits at the rate of 8 days per month based on Department of Defense (DoD) and Department of the Army regulations in effect at the time of my offenses; i.e. (1) DoD Instruction (DoDI) 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (Change 1, June 10, 2003); (2) AR 190-47; and (3) AR 633-30, *Military Sentences to Confinement* (February 28, 1989).

3. The application of the 5 days per month GCT credit policy violates the *Ex Post Facto* Clause of the Constitution. See U.S. Const. art. I, § 9, cl. 3. The full legal justification for this request for redress under Article 138 is on the back of this Form.

4. This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system and Article 138, UCMJ. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). Two prior request for administrative relief on the subject of GCT credits were made to the Director, Directorate of Inmate Administration, USDB via the prisoner grievance system; i.e. a Military Correctional Complex (MCC) Form 510—Inmate Request Slip. These two requests—(1) MCC Form 510 control no. (b) (6), (b) (7)(C) and (2) MCC Form 510 control no. (b) (6), (b) (7)(C)—were denied on the merits.

Signature of Housing Unit NCO: (b) (6), (b) (7)(C)	Signature of Inmate: [Redacted]
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FOR OFFICE USE ONLY		
To: (b) (6), (b) (7)(C)	From: COL (b) (6), (b) (7)(C) COMMANDANT	Date: 29 NOV 13

In reply to your request:
(b) (5), (b) (7)(E)

[Redacted]

Signature of Respondent: (b) (6), (b) (7)(C)	Signature of Inmate (if he/she is the author of the above.): [Redacted]
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[Redacted]

INMATE REQUEST SLIP
Directorate of Operations

Control No:
(b) (6), (b) (7)(C)

Date:
24 Dec 13

To: Directorate of Inmate Administration
United States Disciplinary Bldg

From: (Include Last Name, First Name, MI; Reg #; Housing Unit, Cell
and Detail.)
(b) (6), (b) (7)(C)

I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: FORT LEAVENWORTH GARRISON COMMANDER'S ACTION RE ARTICLE 138
UCMJ COMPLAINT.

1. By letter dated 18 Dec 13, the Deputy Garrison Commander informed me that his office "erroneously" received a complaint I filed under Article 138, UCMJ. He forwarded this complaint - contrary to regulations issued by the Secretary of the Army - to your office's attention (i.e., DIA, USDB).
2. I am advised to "contact [the] administration at the USDB for further action or questions." Therefore, I respectfully request an appointment to discuss the resolution of my complaint. Very respectfully. End of statement

(b) (6), (b) (7)(C)

To:
(b) (6), (b) (7)(C)

From:

NA/1PD

Date:
23 Dec 13

(b) (5), (b) (7)(E)

Signature of Responder:
(b) (6), (b) (7)(C)

informed of the above.)

26 DEC 13

(b) (6), (b) (7)(C)

forwarded for inmate's Correctional/Treatment

INMATE REQUEST SLIP Directorate of Operations	Control No: (b) (6), (b) (7)(C)	Date: 26 Dec 13
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To: Directorate of Inmate Administration United States Disciplinary Barracks	From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6), (b) (7)(C)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: COMPLAINT OF WRONG UNDER ARTICLE 138 UCMJ FOLLOW-UP
 Ms. (b) (6), (b) (7)(C) :

1. In a prior request (MCC Form 510 control no. (b) (6), (b) (7)(C) dated 20 Dec 13) made in your directorate's attention, I requested an appointment to resolve the resolution of a complaint I made, forwarded to your attention by the Fort Leavenworth Garrison Commander. I have enclosed copy of his letter, dated 15 Dec 13. You requested clarification of the issue.
2. BACK on 5 Nov 13, I submitted via mail (to an address provided by the USDB) a Complaint of Wrong under Article 138 UCMJ, to the Commander of the Combined Arms Center and Fort Leavenworth ("Commanding General"). The request was "erroneously" received in the Office of the Garrison Commander. See Enclosure. Then forwarded to your office for action (???)
3. As stated in the enclosure, I respectfully request an appointment to address my complaint, i.e., its forwarding to the Commanding General. End of statement.

Signature of Housing Unit NCO: (b) (6), (b) (7)(C)	Signature of Inmate: (b) (6), (b) (7)(C)
---	---

FOR OFFICE USE ONLY	
To: (b) (6), (b) (7)(C)	From: -DIA/IFD 30 DEC 13

In reply to your request:

(b) (5), (b) (7)(E)

Signature of Respondent: (b) (6), (b) (7)(C)	Signature of Inmate (if different from the above.): 1/2/14
Signature of Housing Unit NCO (if forwarded for inmate's counsel):	

INMATE REQUEST SLIP
Directorate of Operations

Control No:
(b) (6), (b) (7)(C)

Date:
11 APR 14

To:
Commandant

From: (Include Last Name, First Name, MI, Reg #, Housing Unit, Cell and Detail)
(b) (6), (b) (7)(C)

I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Ma'am,

Attached is my Request for Redress under Article 138.

Signature of Housing Unit NCO
(b) (6), (b) (7)(C)

Signature of Inmate:

To:
(b) (6), (b) (7)(C)

FOR OFFICE USE ONLY

From:

Date:
2 MAY 2014

In reply to your request:

(b) (5), (b) (7)(E)

Signature of Responder:

Signature of Inmate: (I have been informed of the above.)

Signature of Housing Unit NCO: (Forwarded for inmate's Correctional Treatment File.)

(b) (6)

1300 N. Warehouse Road
Ft. Leavenworth, KS
66027-2304

14 September, 2015

MG John G. Rossi, Commander
Headquarters, U.S. Army Fires Center of Excellence
and Fort Sill
455 McNair Avenue, Suite 100
Fort Sill, Oklahoma 73503

MG Rossi,

Sir, good afternoon. Please find enclosed a Article 138 complaint for your action. In this instance I have addressed four (4) separate wrongs by (b) (6) in one Article 138 complaint rather than send you four (4) separate complaints. However, if you feel these would be better served in four separate complaints please let me know and I will resubmit them that way. I just felt this way reduced the amount paperwork necessary, as well as the possible number of investigations.

Sir, I also believe that I have enclosed all the necessary documents for your use in looking at this complaint, however once again if you feel I have somehow left out a required document that I may have, please let me know so that I may have the opportunity to provide it for you.

Sir, I thank-you for your time and effort in this matter, it is appreciated.

(b) (6)

U.S. Army Reserve

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

14 September, 2015

MEMORANDUM FOR: MG John G. Rossi, Commander, Headquarters, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, Oklahoma 73503

SUBJECT: Complaint of Wrong Under Article 138, UCMJ

1. I, (b) (6) am a retired U.S. Army Service Member and a member of the U.S. Army Reserve Component (USAR), subject to the Uniform Code of Military Justice (UCMJ), and currently assigned to the Personnel Control Facility (PCF), Ft. Sill, Oklahoma with incarceration at the U.S. Disciplinary Barracks (USDB), Ft. Leavenworth, Kansas. On 11 August, 2015 while incarcerated within the USDB, I was wronged by my Commander, (b) (6) (b) (6) Commander, Personnel Control Facility (PCF) and HHD Garrison Support, Ft. Sill, Oklahoma. On 25 August, 2015 I made a written request for redress to CPT Byrd, but he has failed to provide a response, final or otherwise to my written request within fifteen (15) normal duty days. The request of redress is attached (Encl. 1). I therefore submit this complaint against (b) (6) under the provisions of Article 138, UCMJ, and Army Regulation (AR) 27-10.

2. The wrong which is the subject of this complaint is the refusal by (b) (6) to address the following four issues which I presented to him:

a. The first issue is his refusal to correct the unlawful and illegal PCS order that both assigned me to the Personnel Control Facility (PCF) and incarcerated me within the U.S. Disciplinary Barracks (USDB). The circumstances of which I recently became aware of are as follows:

1. I retired from the U.S. Army on 31 July, 2004. On 1 August, 2004, I was transferred to the U.S. Army Reserve Component (see Encl. 2).

2. On 14 September, 2006 I was ordered recalled to active duty for the purpose of UCMJ processing or court-martial as a Reserve Component Service Member using Reserve specific laws and regulations by the Human Resources Command (HRC), Alexandria, VA, order number # A10074487 (see Encl. 3).

3. These orders to active duty assigned me to the 18th Headquarters Company HHC Airborne, Ft. Bragg, NC. These orders were continuously extended for the next three (3) years, with no change in assignment. These orders extended my active duty time through 29 October 2011 (see Encl. 3), with continuing assignment with the 18th Headquarters Company HHC Airborne, Ft. Bragg, NC, after which time the orders ended and were not further extended. Furthermore, per an email from DFAS to my

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

military appellate attorneys, according to both U.S. Army G-1 and the Office of the Judge Advocate General, these active duty orders assigning me to Ft. Bragg through 29 October 2011 were at least automatically extended through Commanding General action on my unlawful court-martial on or about 26 January 2012 (see Encl. 4).

4. After the conclusion of my unlawful court-martial, and as a entirely separate action or post-conviction action under taken not by the military court or by the Human Resources Command (HRC) Alexandria or St. Louis, but by the Ft. Bragg Installation Command, Headquarters, U.S. Army Garrison, Ft. Bragg who on 16 April 2010, some twenty-one and a half months or one year and nine and a half months prior to my active duty orders assigning me to Ft. Bragg expired, issued PCS orders to me reassigning me to the PCF, Ft. Sill, OK with incarceration at the USDB, Ft. Leavenworth, KS (see Encl. 5).

These orders directly contravened the active duty orders issued to me by the Human Resources Command (HRC) and were not In Accordance With (IAW) AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, and thus were unlawful and illegal.

Per AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, (see Encl. 6), which states:

"2-21. Amendments, revocations, and rescissions

- a. Only the organization that published the original order may amend, rescind, or revoke the order. Exceptions to this policy are listed in (1) through (3) below. (none of the exceptions apply to my or this specific case, as none of them apply to court-martials)."

Thus since the Human Resources Comand (HRC), Alexandria or St. Louis issued the original orders to me ordering my recall to active duty for the purpose of UCMJ processing, and then continually extended those selfsame orders through 29 October 2011 with an automatic extension to 26 January 2012 with duty and assignment at Ft. Bragg, NC, only the Human Resources Command, Alexnadria or St. Louis could and were authorized by Army Regulations to amend my assignment orders and PCS me to the PCF, Ft. Sill, OK with incarceration at the USDB, Ft. Leavenworth, KS.

5. Because Ft. Bragg, NC did not or never ordered me recalled to active duty for the purpose of UCMJ processing in 2006, or ever extended my active duty orders between 2006 and 2012 as a Reserve Component Service Member, Ft. Bragg was not the originating command or organization who issued my orders to active duty. Thus IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, Ft. Bragg was not authorized to issue any PCS orders to me in 2010. Ft. Bragg had absolutely zero regulatory authority to do so. As such the orders issued to me on 16 April,

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

2010 by the Installation Management Command, Headquarters, U.S. Army Garrison, Ft. Bragg were completely unlawful and illegal.

6. As I explained to (b) (6) the only correct and lawful method of ordering my PCS and incarceration was for Ft. Bragg to contact the Human Resources Command, Alexandria or St. Louis at the completion of my unlawful court-martial and request that the Human Resources Command amend the active duty orders that they had issued to me, and order my PCS to the PCF, Ft. Sill with incarceration at the USDB, Ft. Leavenworth. Doing so would have been IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21 and the regulatory guidelines involving any and all orders issued to U.S. Military service members.

Because Ft. Bragg failed to do this, I was not lawfully or legally PCS'ed and incarcerated. I believe a large part of the issue stemmed from the fact that Ft. Bragg failed to understand and comprehend my correct military status, which was that of being a reserve component service member ordered to active duty for UCMJ processing. Instead Ft. Bragg considered me a active duty service member, something I was not as I had not been "transferred" back to the Active Army for court-martial in 2006, nor was I ordered to active duty as a retired service member. Instead I was ordered to active duty as a reserve component service member under very specific USAR and National Guard laws and regulations, and IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, only the command or organization (HRC, Alexandria or St. Louis) that originally ordered me to active duty could then amend my active duty orders.

7. One of the issues that (b) (6) fails to understand is that I cannot have or be subject to two (2) separate orders that order me to be in two (2) entirely separate locations, Posts, or States at the same time. Because U.S. Army G-1 and the Office of the Judge Advocate General expressed the opinion to DFAS that the active duty orders issued and extended by the Human Resources Command with assignment at Ft. Bragg were automatically extend and lawful through the Commanding General's action after my unlawful court-martial, that means I was required to be located at Ft. Bragg. The Ft. Bragg Installation Management Command, Headquarters, U.S. Army Garrison's PCS order countermanded HRC's order and PCS'ed some almost two (2) years prior to HRC's order expiring requiring me to be located at Ft. Leavenworth. I cannot lawfully be in two (2) separate locations at the same time, it is physically impossible.

8. I explained to (b) (6) that I did not expect him to order my release from incarceration, nor did I expect him to PCS me back to Ft. Bragg to straighten out this mess. What I did expect (b) (6) to do, IAW with his duties and responsib-

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

ilities as the Commander of the PCF and my alleged Company Commander, was to ensure that I was correctly and lawfully ordered PCS'ed to the PCF with incarceration at the USDB, something that is not true at the present time. As such, I requested (b) (6) to have the PCS/incarceration order issued by Ft. Bragg rescinded, and then contact the Human Resources Command (HRC), Alexandria or St. Louis and have them issue the correct amended order to my original active duty orders as required by law and regulation for my PCS and incarceration.

9. I did further explain that I was unsure and did not know if that was even possible or lawful after some five and a half (5 1/2) years. I explained that I did not know if the amended orders could be back dated for that long ago lawfully. However that is what must lawfully happen.

b. The second issue or wrong that (b) (6) has refused to address was my request for a complete copy of any and all personnel records that relate to me as a service member "assigned" to his command/company. These are personnel records every company command commander keeps on all personnel assigned to his or her company. Since Ft. Bragg issued the unlawful order PCS'ing to the Personnel Control Facility, I know the PCF had to start at least one personnel file folder or record on me, if not more. So far, even though in all other commands assigned service members are allowed or authorized to see their personnel records, (b) (6) has steadfastly refused to provide me a copy, even though there may be updated information or even orders in these files or file that the USDB and the PCF has refused to provide me with. As such, I respectfully request a complete copy of any and all personnel records that the PCF has about me or on me.

c. The third issue or wrong that (b) (6) has refused to address was my request for a phone number and point of contact (POC) at the PCF that I could call and receive assistance at. As a supposedly lawfully assigned reserve component service member of the PCF who is supposed to be on active duty orders, it is my lawful right to contact my company command and speak to my 1SG or Company Commander. (b) (6) is presently refusing to allow me to contact my company command. I respectfully request that I be provided with a phone number (that I can call at my expense) and point of contact to contact my company command as needed.

d. The fourth and last issue or wrong that (b) (6) has refused to address was my request for a "informational packet" or hand-out that could be issued to all PCF assigned service members that were incarcerated at the USDB or Joint Regional Correctional Facilities (JRCF). These informational packets or handouts would contain such items as: the correct mailing address for the PCF; the Company Commander and 1SG's names; a phone number that the inmate could call for answers to questions; what exactly

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

were the responsibilities and duties of the PCF for the inmates/ service members that were assigned to the PCF with incarceration at the USDB or JRCFs; what services the PCF was required to provide to service members/inmates assigned to the PCF with incarceration at the USDB or JRCFs; what other services did the PCF provide to service members/inmates assigned to the PCF with incarceration at the USDB or JRCFs; and finally any other information or knowledge the PCF had that would assist me and other inmates assigned to the PCF.

Since this was never provided, and has yet to be after five and half (5 1/2) years of incarceration, I respectfully request that such a document or packet be created and provided to all U.S. Army inmates at the USDB and all JRCFs with inmates that are assigned to the PCF including myself.

3. Since I submitted my Request for Redress on 25 August, 2015 I have not heard anything from (b) (6) not even a letter requesting more time to address these issues. Since I have not received an interim response or a final response from (b) (6) within the required fifteen (15) days (AR 27-10, Chapter 19, paragraph 19-6 (b)) I am submitting this Complaint.

4. (b) (6) failure as my company commander and commanding officer to ensure that the orders PCS'ing to his company command with incarceration at the USDB are lawful and legal; to provide me a copy of personnel records; to provide me with a phone number and POC; and to issue an informational packet to me as an inmate is improper and a direct violation of the law. I believe (b) (6) actions violate the law and regulatory guidelines (Army Regulations), are beyond his legitimate authority, arbitrary, capricious, and an abuse of his discretion.

5. I respectfully request that the following actions be taken: that the unlawful orders issued by Ft. Bragg be rescinded and that lawful orders be issued by the appropriate command (Human Resources Command); that I be provided a copy of my personnel records; that I be provided a phone number and POC to call; that an informational packet be created and provided to me and all other inmates of the USDB and JRCFs in accordance with my request for redress to (b) (6) (b) (6) Correct and lawfully orders would include my correct and proper rank, and all pay and allowances to include family separation pay as authorized and allowed under the laws in effect at the time of my alleged offenses (see DFAS Directives and regulations).

(b) (6)

U.S. Army Reserve

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

Enclosures:

- 1 - Request for Redress
- 2 - Retirement Order
- 3 - Recall and Extension Orders
- 4 - Email from DFAS
- 5 - Unlawful Order from Ft. Bragg
- 6 - Excerpt from AR 600-8-105, Military Orders

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

25 August, 2015

MEMORANDUM FOR Commander, Personnel Control Facility (PCF) and Headquarters and Headquarters Detachment (HHD) Garrison Support, Fort Sill, Oklahoma 73503-4461

SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

1. During January 2015, (b) (6) visited me at my cell within the U.S. Disciplinary Barracks (USDB) to discuss an equal opportunity complaint I had filed. During this discussion, I raised four issues with you, (b) (6). Sir, you stated that you would inquire into the issues or take action on my requests. However, you never responded or replied back to me on the issues.

2. On 11 August 2015, I mailed you a letter reminding you about those issues we discussed. That was fourteen (14) days ago, and once again you have refused to reply to me about these issues or address them in any form.

3. These issues are as follows:

- a) I requested a copy of my personnel records that are located at the PCF, Ft. Sill, OK in your custody.
- b) I requested you provide a phone number within the PCF, that I could call to discuss any issues that arose about my continued recall to active duty and incarceration.
- c) I requested that the PCF and yourself, Sir, create an informational packet about the PCF that would be provided to all new inmates of the USDB that were assigned to the PCF. I suggested that this packet include such items as: the correct mailing address of the PCF; the Commander's name along with the 1SG's; a phone number that inmates could call about issues affecting while assigned to the PCF; what the responsibilities and duties of the PCF for the inmates/service members that were assigned to the PCF with incarceration at the USDB; what services the PCF was required to provide to the service members/inmates assigned to the PCF with incarceration at the USDB; and any other information that would assist me and other inmates assigned to the PCF.
- d) Finally, I spoke to you about the legality or lawfulness of the orders that PCS'ed me and assigned me to the PCF. These orders were issued by Fort Bragg, NC on 16 April 2010, orders # 106-055. I explained that I was a reserve component service member recall to active duty by the Human Resources Command (HRC) Alexandria and St. Louis. I further explained that that AR 600-8-105, Chapter 2, paragraph 2-21 states that only the originating command of an order

Continuation of Memorandum for Commander, PCF
Subject: Request for Redress Under Article 138, UCMJ (AR-27-10)

is authorized to rescind or amend that order. Since the orders from HRC, Alexandria and St. Louis ordered me recalled to active duty as a reserve component service member with duty at HHC, STB, 18th ABN Corps, Ft. Bragg, NC, only HRC Alexandria and St. Louis were authorized and empower to amend my assignment orders to Ft. Bragg. Ft. Bragg had absolutely zero authority to amend my assignment orders and PCS me to the PCF and HHD Garrison Support Command, Ft. Sill, OK.

4. I think your refusal to inquire into these four issues, and investigate them and take the corrective action needed is in violation of regulations, arbitrary, capricious, and an abuse of discretion. I also think that your refusal to provide any information on or about the Personnel Control Facility (PCS) to which I am assigned unlawfully to me or the other inmates within the USDB is materially unfair to me as a service member, and in violation of your duties and responsibilities as my commanding officer.

5. As redress I request that you provide me with the information requested in paragraph 3(a) and 3(b), and create the informational packet and provide it as requested in paragraph 3(c). I further request as redress that you have Ft. Bragg, NC rescind their unlawfully and illegal order discussed in paragraph 3(d), and have HRC St. Louis issue the correct and lawful order as they should have done back in 2010.

(b) (6)

U.S. Army Reserve

Enclosure # 2
Retirement Order

DEPARTMENT OF THE ARMY
Headquarters, I Corps and Fort Lewis
Fort Lewis, Washington 98433-5000

ORDERS 344-0015

10 December 2003

(b) (6)

0304LG AUG CARRIER (WNAE99) FT LEWIS WA
98433

You are released from active duty and, on the date following, placed on the retired list. The people of the United States express their thanks and gratitude for your faithful service. Your contributions to the defense of the United States of America are greatly appreciated. On the date placed on the retired list, you are transferred to the U.S. Army Reserve Control Group (Retired), U.S. Army Reserve Personnel Center, St. Louis, Missouri 63132-5200.

Effective date: 31 July 2004

Retired grade of rank: 1SG

Current grade effective date: 01 March 1999

Authorized place of retirement: US ARMY TRANSITION CENTER (W12K1X) FORT LEWIS
WA 98433-5000

Requested place of retirement: US ARMY TRANSITION CENTER (W12K1X) FORT LEWIS
WA 98433-5000

Effective date of retirement: 31 July 2004

Date placed on retirement list: 01 August 2004

DOB: 24 February 1958

Sex: M

Citizenship code: A

Retirement type and allotment code: NON-DISABILITY/2

Component: RA

Statute authorizing retirement: 3914

Vol retirement: 23 years, 6 months, 2 days

Date initially entered military: 20 October 1980

Section 1405: 23 years, 6 months, 2 days

Basic pay: 23 years, 9 months, 11 days

Significant awards: No

Additional instructions: a. You are authorized up to 1 year to complete selection of a home and travel in connection with this action.

PEBD: Not applicable

Format: 600

BY: [REDACTED] COMMANDER

(b) (6)

DISTRIBUTION

MSG HENNIS (1)

CDR 0304LG AUG CARRIER (WNAE99)

AFST-RNF-DR (1)

AFST-RGC-DR (1)

CDR US-A FOR GP (Retired) ARSENAL

4 RESERVE WAY ST LOUIS MO 63132-5200

TEL: 314-344-2000

DD FORM 1300 (10/99)

Enclosure # 3
Recall and Extension
Orders

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22304-0470

AHRC-PDZ,RC
ORDERS [REDACTED]

14 SEP 2006

(b) (6)
(b) (6)

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC AIRBOR WALKAA FT BRAGG NC 28310
REPORT DATE/TIME: 30 OCT 2006 BETWEEN 0800 AND 1700 HRS.
ASG TO: 18 HQ CO HHC AIRBOR WALKAA FT BRAGG NC 28310
ACTIVE DUTY COMMITMENT: 2 YEARS
PURPOSE: UCMJ PROCESSING.

END DATE: 29 OCT 2008

ADDITIONAL INSTRUCTIONS: RELIEVED FROM RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING EFFECTIVE DATE OF ORDER. INDIVIDUAL WILL BE RETAINED ON ACTIVE DUTY IN HIS OR HER CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DMS-AC WILL REFLECT A SVC COMP OF "R". SHIPMENT OF HHQ AND TVL OF DEF NOT AUTHORIZED. SOLDIER WILL BE BILLETED IN GOVERNMENT QUARTERS. FAMILY SEPARATION ALLOWANCE IS AUTHORIZED. EARLY RELEASE AUTHORIZED.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

MDC: 1A E7
SEX: M
DORRES: 01 MAR 1999

HOR: SAME AS ENL
PPN: N/A
FEED: 29 OCT 1980

PMOS/SEL: 23A5
COMP: RET
SCTY CL: NO CLEARANCE

RES GR: M80

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)

CHIEF, MOBILIZATION
SUPPORT BRANCH

DISTRIBUTION:
1 SOLDIER
1 18 HQ CO HHC AIRBOR FT BRAGG NC 28310

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-FIM-S
ORDERS

15 JAN 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC ABN CO WAUKAA FT BRAGG NC 28310 5000
REPORT DATE/TIME: 30 OCT 2008 BETWEEN 0800 AND 1700 HRS.
ASG TO: 18 HQ CO HHC ABN CO WAUKAA FT BRAGG NC 28310 5000
PERIOD OF ACTIVE DUTY: 365 DAYS
PURPOSE: UCMJ PROCESSING. END DATE: 29 OCT 2009

ADDITIONAL INSTRUCTIONS: YOU ARE RELIEVED FROM YOUR RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING THE EFFECTIVE DATE OF THE ORDER. SM WILL BE RETAINED ON ACTIVE DUTY IN CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DUMS-AC WILL REFLECT SVC COMP OF "R". SHIP HHG AND TVL OF DEP NOT AUTH. A DD 214 WILL BE ISSUED UPON COMPLETION OF R.C.M. ALL PREVIOUS ACTIVE DUTY SERVICE PRIOR TO R.C.M. STATUS WILL BE ACCOUNTED FOR IN BLOCK 18 OF THE DD 214. EARLY RELEASE AUTH. GOVT MEALS AND LODGING ARE DIRECTED IF AVAILABLE. YOU ARE IN A TEMPORARY DUTY STATUS. ONLY FIRST COLONEL (O6) COMMANDER IN CHAIN OF CMD CAN AUTH SM TO RESIDE OFF A GOVERNMENT INSTALLATION WITH STATEMENT OF NONAVAILABILITY (SNA). IF SNA IS ISSUED BY COLONEL COMMANDER, GOVERNMENT CONTRACT LODGING WILL BE USED. TO GET INTO GOVERNMENT CONTRACT LODGING, CONTACT ARMY LODGING SUCCESS AT 1-866-363-5771. THE LOCAL DMPO IS RESPONSIBLE FOR PERFORMING ACCESSION TRANSACTIONS.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: 21 8/9/0 2010.0000 01-1100 P2A2000 11**/12** PAMP 5570 01EN3 0
S12120 TRAVEL/PER DEIM CHARGED TO: 21 8/9/0 2020.0000 01-1 100 P135198
21**/22**/25** VFRE F3203 S12120 TAC CIAE IAE

MDC: N/A HOR: SAME AS SNL PMOS/AOC: 92A5
SEX: M PEN: N/A COMP: UNKNOWN RES GR: 1SG
DORRES: 01 MAR 1999 PEBB: 20 OCT 1980 SCTY CL: NO CLEARANCE

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)

COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC ABN CO FT BRAGG NC 28310 5000

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS A-01-902037R

26 JAN 2009

(b) (6)
(b) (6) 28

EAD71

(b) (6)

THE FOLLOWING ORDER IS REVOKED OR RESCINDED AS SHOWN.

ACTION: REVOKE

SO MUCH OF: FORMAT 460 A-01-902037 AHRC DATED 15 JAN 2009

PERTAINING TO: EXTENDED ACTIVE DUTY ORDER OF
[REDACTED]

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)

FORMAT: 705
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC ABN CO FT BRAGG NC 28310 5000

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS

29 JAN 2009

(b) (6)
(b) (6)

EAD71

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC AEN CO WAUKAA FT BRAGG NC 28310 5000
REPORT DATE/TIME: 30 OCT 2008
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PURPOSE: UCMJ PROCESSING
END DATE: 29 OCT 2009

ADDITIONAL INSTRUCTIONS: YOU ARE RELIEVED FROM YOUR RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING THE EFFECTIVE DATE OF THE ORDER. SM WILL BE RETAINED ON ACTIVE DUTY IN CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DMS-AC WILL REFLECT SVC COMP OF "R". SHIP HHG AND TVL OF DEP NOT AUTH. A DD 214 WILL BE ISSUED UPON COMPLETION OF R.C.M. ALL PREVIOUS ACTIVE DUTY SERVICE PRIOR TO R.C.M. STATUS WILL BE ACCOUNTED FOR IN BLOCK 18 OF THE DD 214. GOVT MEALS AND LODGING ARE DIRECTED IF AVAILABLE. EARLY RELEASE AUTH. YOU ARE IN A TEMPORARY DUTY STATUS. THE LOCAL DMPO IS RESPONSIBLE FOR PERFORMING ACCESSION TRANSACTIONS.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

MDC: 3AES HOR: SAME AS SNL EMOS/AOC: 92A5
SEX: M PPN: N/A COMP: UNKNOWN RES GR: 1SG
DORRES: 01 MAR 1999 PEED: 20 OCT 1980 SCTY CL: NO CLEARANCE

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC AEN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS [REDACTED]

14 SEP 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)

AS READS:

ADDRESS: (b) (6)

PAD: 365 DAYS END DATE: 29 OCT 2009

HOW CHANGED:

IATR: ADDRESS: (b) (6)

~~IATR: PAD: 365 DAYS END DATE: 29 OCT 2009~~

IATA: ADUTL INSTR: NO PER-DIEM AUTHORIZED.

FOR ARMY USE: AUTHORITY: R.C.M. 202 (C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 HQ CO HHC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS [REDACTED]

16 SEP 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)
[REDACTED] 1SG

AS READS:

PAD: 730 DAYS END DATE: 29 OCT 2010

HOW CHANGED:

IATR: PAD: 1095 DAYS END DATE: 29 OCT 2011

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 16 HQ CO HHC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5206

AHRC-PLM-S
ORDERS [REDACTED]

17 SEP 2009

(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)
MSG

AS READS:

SNL: (b) (6)

HOW CHANGED:

IATR: (b) (6)

FOR ARMY USE: AUTHORITY: R.C.M. 202 (C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

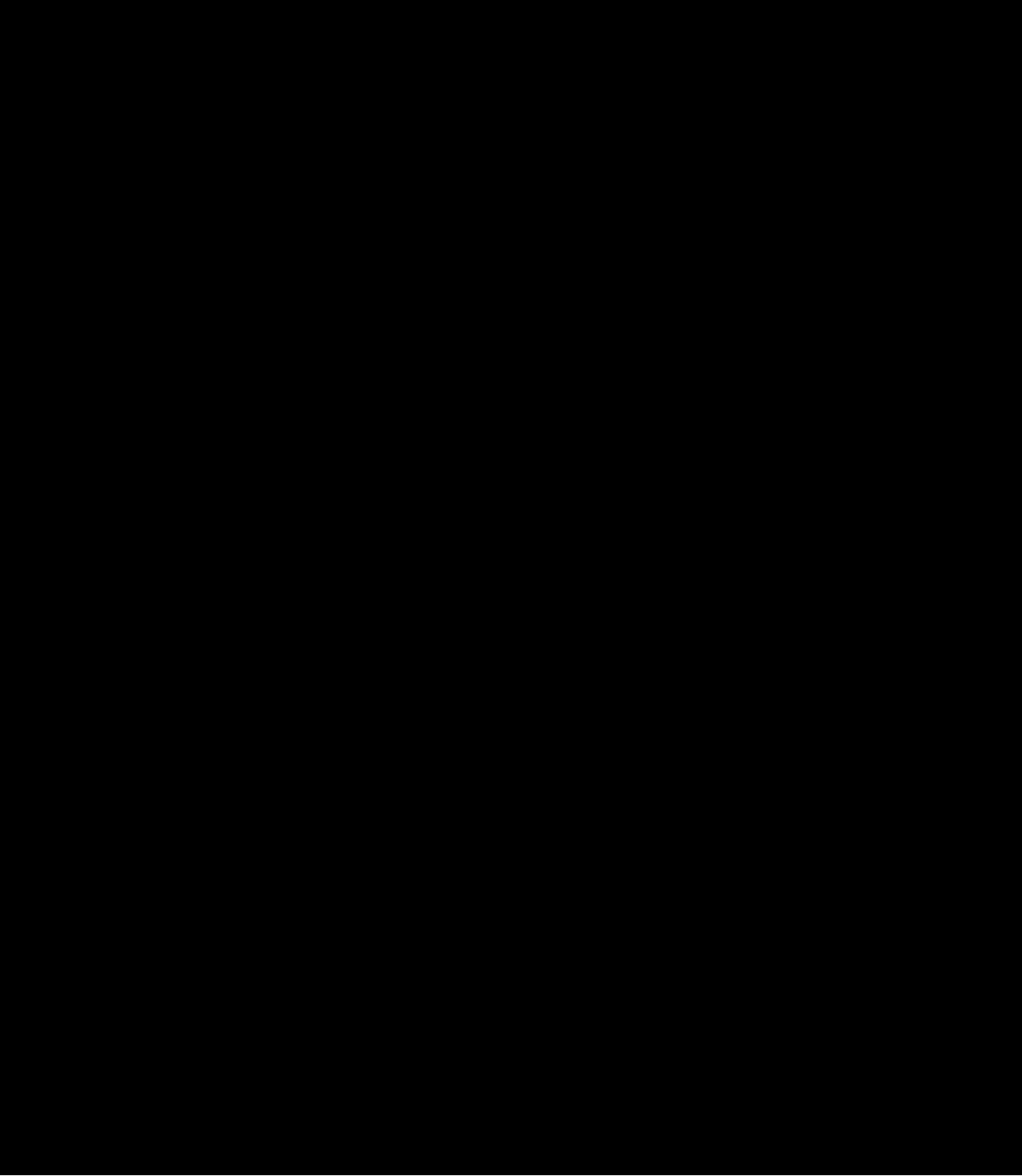
FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

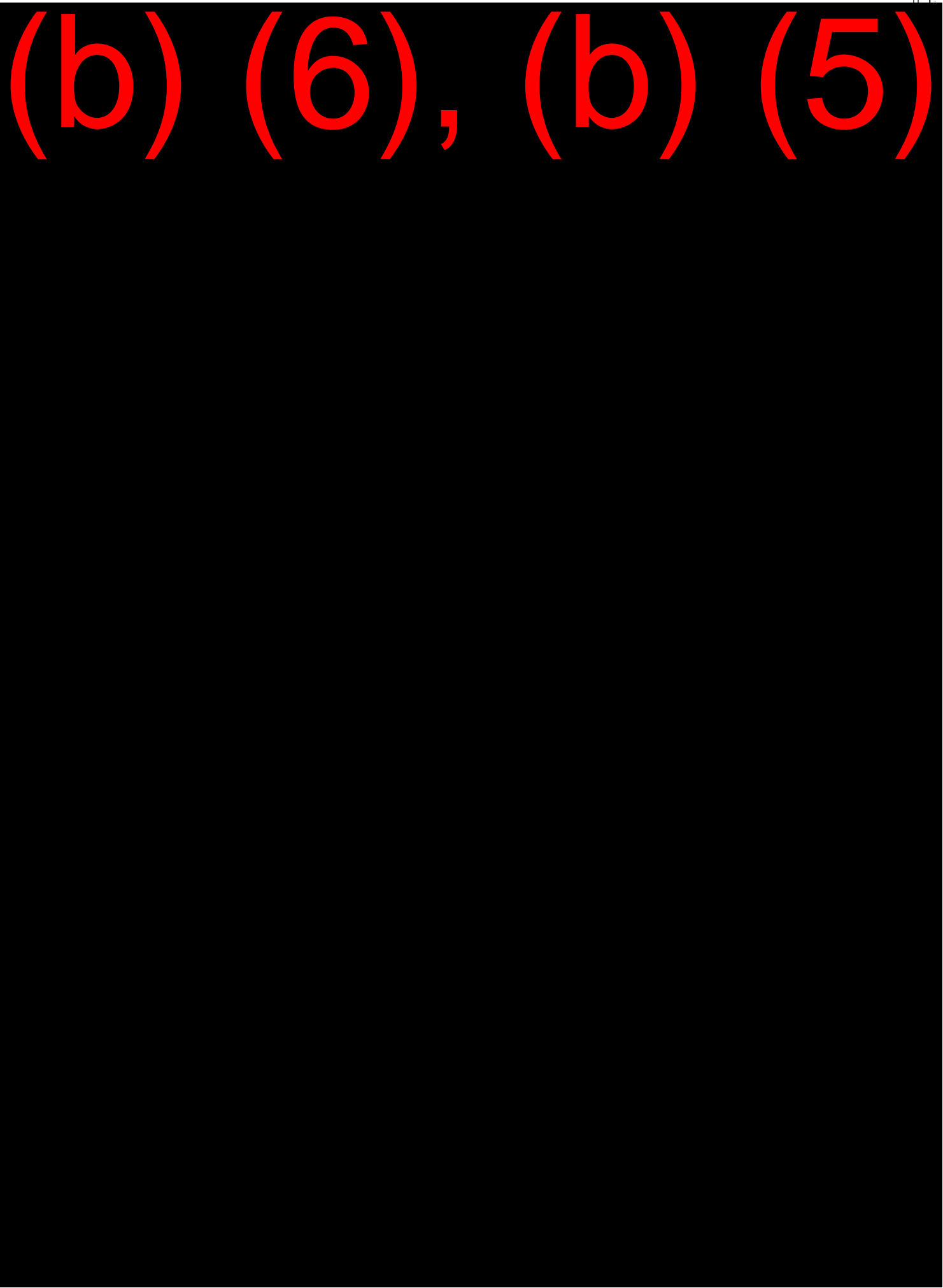
(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HRC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

(b) (6), (b) (5)



(b) (6), (b) (5)



Enclosure # 5

Unlawful Order by
Ft. Bragg

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28310

ORDERS [REDACTED]

16 April 2010
ds

(b) (6) [REDACTED] 0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

You will proceed on permanent change of station as shown.

Assigned to: PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,
OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY
BARRACKS FORT LEAVENWORTH, KANSAS 66027

Reporting Date: On-or-about 19 April 2010.

Additional Instructions:

- (a) You will be escorted by guards IAW current FAA rules and regulations.
- (b) Soldier will out-process through the Personnel Services Center BLDG 8T-6643.
- (c) Soldier is authorized shipment of hold baggage to home of record only.
- (d) This is an administrative reassignment.
- (e) Transfer is administrative in nature and subject enlisted soldier does not have to travel from the place in which he is residing to the Personnel Control Facility to which he or she is assigned.
- (f) Dependents: YES.

FOR ARMY USE:

Auth: AR 190-47

MDC: 1BE0

HOR: (b) (6)

BOCA RATON, FL 33432-0000

PERS CONNO: NA

PEBD: NA

Asgd to mgt ds: For Confinement

ENL/RENLB: NA

Place EAD or OAD: SPC/PCF, FORT KNOX, KY 40121-0000

Proj Specialty: NA

Format: 410

FOR THE COMMANDER:

Digitally signed by
(b) (6)

Chief, Military Personnel Division

DISTRIBUTION:

Individual (5)

Cdr, /0018/HQ/INTELL SUS C, Fort Bragg, NC 28310 (1)

Cdr, XVIII ABN CORPS, ATTN: AFZA-JA-C, Fort Bragg, NC 28310 (1)

CLERK OF COURT, (JALS-CC), 901 N. Stuart ST, Ste 1200, Arlington, VA 22203 (1)

Cdr, PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,
OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY

BARRACKS FORT LEAVENWORTH, KANSAS 66027 (1)

Telephone DSN 236-8673 if you have questions about this order

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28310

ORDERS [REDACTED]

29 April 2010
ds

(b) (6) [REDACTED] /0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

So much of: ORDERS 106-055 this Headquarters, dated 16 April 2010.
Pertaining to: Reassignment of:

(b) (6) [REDACTED] /0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

As reads: SNL: (b) (6) [REDACTED] /0018/HQ/INTELL SUS C (WAUKB0),
FORT BRAGG, NORTH CAROLINA 28310

How Changed: Amended to Read: SNL: (b) (6) [REDACTED] /0018/HQ/INTELL
SUS C (WAUKB0), FORT BRAGG, NORTH CAROLINA 28310

Authority: DODFMR Chapter 48, Para 480502A
PCN: Not Applicable
Format: 700

FOR THE COMMANDER:

(b) (6)

Chief, Military Personnel Division

DISTRIBUTION:

Individual (5)

Cdr, /0018/HQ/INTELL SUS C Fort Bragg, NC 28310 (1)

Cdr, XVIII ABN CORPS, ATTN: AFZA-JA-C, Fort Bragg, NC 28310 (1)

CLERK OF COURT, (JALS-CC), 901 N. Stuart ST, Ste 1200, Arlington, VA 22203 (1)

Cdr, PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,
OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY
BARRACKS FORT LEAVENWORTH, KANSAS 66027 (1)

Telephone DSN 236-8673 if you have questions about this order

Enclosure # 6
AR 600-8-105,
Military Orders

Army Regulation 600-8-105

Personnel—General

Military Orders

Headquarters
Department of the Army
Washington, DC
28 October 1994

UNCLASSIFIED

Contents—Continued

Classified orders • 1-26, *page 4*
Court-martial orders • 1-27, *page 4*
Department of Army general orders and Department of Army orders • 1-28, *page 4*

Section V

Movement Designator Codes, page 4
Purpose of movement designator codes • 1-29, *page 4*
Correct movement designator codes on orders • 1-30, *page 5*
Construction of movement designator codes • 1-31, *page 5*
Basic categories of travel • 1-32, *page 5*

Chapter 2

Orders, page 10
Formats • 2-1, *page 10*
Group actions • 2-2, *page 10*
Heading • 2-3, *page 10*
Paragraphs • 2-4, *page 10*
Standard name line • 2-5, *page 10*
Constant information • 2-6, *page 10*
Leadlines • 2-7, *page 10*
Variable information • 2-8, *page 11*
Additional instructions • 2-9, *page 11*
Modes of transportation • 2-10, *page 11*
Per diem • 2-11, *page 11*
Page size and page numbering • 2-12, *page 11*
Length of orders • 2-13, *page 11*
Numbering • 2-14, *page 11*
Abbreviations • 2-15, *page 12*
Effective date • 2-16, *page 12*
Reproduction • 2-17, *page 12*
Authentication • 2-18, *page 12*
Distribution • 2-19, *page 12*
Transmission by message • 2-20, *page 13*
Amendments, revocations, and rescissions • 2-21, *page 13*
Corrections • 2-22, *page 14*
Endorsements • 2-23, *page 14*
True copies • 2-24, *page 15*
Files • 2-25, *page 15*
DA Form 2446 • 2-26, *page 15*

Chapter 3

Strength Management, page 29
Strength management-related orders • 3-1, *page 29*
Strength management-related formats • 3-2, *page 29*
Headquarters, Department of the Army, strength management-related formats • 3-3, *page 29*
Reserve Components strength management-related formats • 3-4, *page 29*
Other strength management-related formats • 3-5, *page 29*
Modification of strength management-related formats • 3-6, *page 29*

Chapter 4

Personnel Reassignment, page 44
Personnel reassignment-related orders • 4-1, *page 44*
Personnel reassignment-related formats • 4-2, *page 44*
Reserve Components personnel reassignment-related formats • 4-3, *page 44*
Other personnel reassignment-related formats • 4-4, *page 44*
Format 401 (Individual Deployed Soldier) • 4-5, *page 44*
Modification of personnel reassignment-related formats • 4-6, *page 44*
Temporary duty in connection with permanent change of station • 4-7, *page 44*
Reassignment orders • 4-8, *page 44*
North Atlantic Treaty Organization travel orders • 4-9, *page 45*

Chapter 5

Personnel Plans and Actions, page 63
Personnel plans and actions-related orders • 5-1, *page 63*
Personnel plans and actions-related formats • 5-2, *page 63*
Reserve Components personnel plans and actions-related formats • 5-3, *page 63*
Other personnel plans and actions-related formats • 5-4, *page 63*
Modification of personnel plans and actions-related formats • 5-5, *page 63*
Use of provisional pass • 5-6, *page 63*

Chapter 6

Soldier Actions, page 79
Soldier actions-related orders • 6-1, *page 79*
Soldier actions-related formats • 6-2, *page 79*
HQDA soldier actions-related formats • 6-3, *page 79*
Reserve Components soldier actions-related formats • 6-4, *page 79*
Other soldier actions-related formats • 6-5, *page 80*
Modification of soldier actions-related formats • 6-6, *page 80*

Chapter 7

Promotions, page 92
Promotions-related orders • 7-1, *page 92*
Promotions-related formats • 7-2, *page 92*
HQDA promotions-related formats • 7-3, *page 92*
Other promotions-related formats • 7-4, *page 92*
Modification of promotions-related formats • 7-5, *page 92*

Chapter 8

Replacement Support, page 100
Replacement support-related orders • 8-1, *page 100*
Replacement support-related formats • 8-2, *page 100*
Modification of replacement support-related formats • 8-3, *page 100*

Chapter 9

Transition Center, page 102
Transition-related orders • 9-1, *page 102*
Transition-related formats • 9-2, *page 102*
HQDA transition-related formats • 9-3, *page 102*
Reserve Components transition-related formats • 9-4, *page 102*
Other transition-related formats • 9-5, *page 102*
Modification of transition-related formats • 9-6, *page 102*

Chapter 10

Retention, page 141
Retention-related orders • 10-1, *page 141*
Retention-related formats • 10-2, *page 141*
Modification of retention-related formats • 10-3, *page 141*

Chapter 11

Recruiting, page 143
Recruiting-related orders • 11-1, *page 143*
Recruiting-related formats • 11-2, *page 143*

Chapter 12

Temporary Duty Orders and Emergency Leave Travel Orders, page 144
DD Form 1610 • 12-1, *page 144*
DA Form 31 as an emergency leave order • 12-2, *page 145*
Format 400 • 12-3, *page 145*
Modification of temporary duty orders • 12-4, *page 145*
Amendment of temporary duty orders and emergency leave travel orders • 12-5, *page 145*
Rescission or revocation of temporary duty orders and emergency leave orders • 12-6, *page 145*
Continuation sheet for DD Form 1610 • 12-7, *page 145*

the location of the distribution block on permanent orders and orders. See paragraph 12-1 for the location of the distribution block on DD Form 1610 when it has been continued and when it has not been continued. Include the following information under Distribution:

(1) Names of individuals to be furnished copies and, in parenthesis, the number of copies to be furnished to each. When an order applies to four or more individuals, distribution may be shown as "Each indiv indicated" (each individual indicated) instead of listing each individual by name.

(2) A list of organizations to be furnished copies and, in parenthesis, the number of copies to be furnished each. When copies will be mailed to an organization, include the complete unit designation and post office address. Do not use statements such as "each unit concerned." When organizations are at the same location as the order-issuing organization, use a standard distribution letter (for example, "A," "B," or "C") instead of listing each organization. The headquarters or agency concerned will publish a distribution list that shows the organizations included in each letter designation.

b. Commanders issuing orders. Commanders issuing orders will establish strict controls to ensure that—

(1) Orders are sent promptly to each individual and organization named in the order with sufficient lead time to execute the order.

(2) Orders are sent through intermediate commanders unless the intermediate commanders are not authorized to modify or suspend them. In these cases, orders will be sent directly to the soldier who will execute them, and one copy will be furnished to each intermediate commander.

(3) Local distribution is limited to official agencies with a need for orders.

(4) Individuals and organizations are furnished the minimum number of copies.

(5) Distribution includes one copy for the record set of military publications.

(6) Local inspections include a review of the orders distribution system to determine if copies are required by all organizations receiving distribution and if the number of copies is correct.

(7) Orders being mailed from a location within CONUS for delivery in CONUS are sent as follows:

(a) First-class mail if they weigh 1 ounce or less.

(b) First-class mail if they are for USAR personnel not on active duty and if orders were issued on the basis of requests received less than 45 days before the duty date.

(c) Third-class single-piece mail and third-class bulk mail if (a) or (b) above do not apply.

(8) Orders being mailed to, from, or between overseas locations are sent as follows:

(a) First-class mail if they weigh 1 ounce or less.

(b) First-class mail if they are being mailed to, from, or between Alaska, Hawaii, and Puerto Rico.

(c) First-class mail if they are for USAR personnel not on active duty and if orders were issued on the basis of requests received less than 45 days before the duty date.

(d) Airmail if they are being mailed to an international address (non-APO).

(e) Third-class military ordinary mail if (a) (b) (c) or (d) above does not apply.

(9) SSNs of all soldiers shown in an order are deleted from all copies of orders being distributed to organizations or individuals for unofficial purposes.

(10) Travelers will be advised that copies of their order should not be given to car rental agents, airline ticket agents, hotel clerks, and motel clerks. Travelers can show their DOD identification card or a copy of their travel orders as proof of eligibility for a discount rate.

c. Gaining commanders. Gaining commanders will establish strict controls to ensure that—

(1) Orders are routed immediately to the agency responsible for strength accountability, to the servicing personnel unit, and to the

unit to which the soldier is attached for quarters, rations, or administration.

(2) Mail distribution personnel are trained in the special handling required for orders and are aware of the importance of orders.

d. PCS orders. Distribution will include—

(1) Enough copies for each soldier to meet personal requirements, for example, movement of family members and HHG.

(2) One copy for the commander of the unit to which the soldier is being assigned. The complete unit designation and post office address of the gaining unit will be shown. Do not use statements such as "each unit concerned."

(3) One copy for the commander of the unit to which the soldier will be attached while en route to a new assignment.

(4) One copy for the MPRJ.

(5) One copy for the Commander, Eighth Personnel Command, ATTN: EAPC-RR, APO 96205 for each soldier who is being assigned to Korea.

(6) One copy to the Commander, U.S. Army Central Personnel Security Facility, ATTN: PCCF-SC (Bldg 4552A), Fort George G. Meade, Maryland 20755-5202, for all soldiers who are being assigned to the North Atlantic Treaty Organization (NATO), Allied Command Europe (ACE) which includes the Supreme Headquarters Allied Powers Europe (SHAPE), Belgium; Allied Forces Central Europe (AFCENT); Allied Land Forces Southeastern Europe (ALFSEE), Turkey; Allied Forces Southern Europe (AFSOUTH), Italy; Land Forces Southern Europe (LANDSOUTH), Italy; Allied Forces Northern Europe (AFNORTH), Norway; Central Army Group (CENTAG), Germany (will be combined with Northern Army Group (NORTHAG)) as Land Forces Central Europe (LANDCENT); and Allied Command Europe Corps (ARC), Germany.

e. Orders. Orders when personnel records are being sent to another unit or station. The provisions of d(4) above apply when a soldier's personnel records are being sent to another unit or section.

f. Orders for HQDA. A note to the formats described in this regulation prescribes the number of copies to be sent to agencies of HQDA. Send orders daily in an envelope addressed to the specific office requiring the order. Do not send orders for one office in an envelope addressed to another office. All orders sent to a career management branch at PERSCOM will have the soldier's primary MOS (PMOS) shown in parenthesis after the appropriate office symbol.

g. Orders citing specific allotments of funds. Include one copy for the finance officer of the specific station number cited in that particular accounting classification.

h. Transition orders.

(1) Include one copy of each transition order and each reassignment for transition processing order, if separate, for the servicing finance and accounting office. This copy is needed to support the Joint Uniform Military Pay System automated transition system.

(2) Include one copy of each transition order issued to a USAR soldier on IADT for the troop program unit if the unit is shown in the distribution block of the IADT order.

2-20. Transmission by message

a. Orders may be sent by message when the commander issuing the order determines that to send the order by mail will not accomplish the purpose. Orders received by message will be endorsed (JFTR, vol I, para U2115-D) and may be reproduced if more copies are needed.

b. The transmission of orders by message will be kept to a minimum.

c. Classified orders will not be transmitted by commercial facilities.

2-21. Amendments, revocations, and rescissions

a. Only the organization that published the original order may amend, rescind, or revoke the order. Exceptions to this policy are listed in (1) through (3) below.

(1) Commanders may revoke the following award orders that

INMATE REQUEST SLIP Directorate of Operations	Control No: 1193850	Date: 10 Oct 2017
---	-------------------------------	-----------------------------

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U. S. C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in denial of request.

To: CJA	From: (Include L.Name, F.Name, MI, Reg#, House Unit, Cell#, & Detail.) (b) (6)
-----------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Attached is my Official Art. 138 Complaint of Wrongs. Please forward to the appropriate GCMCA as directed in AR27-10. The 15 days allotted for a response has expired and I have not received a request for extension.

Housing Unit NCO Printed Name: (b) (6)	Housing Unit NCO Signature: (b) (6)	Inmate Signature: (b) (6)
--	---	---

FOR OFFICE USE ONLY

To:	From:	Date:
------------	--------------	--------------

In reply to your request:

Responder Printed Name:	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature:	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

**MEMORANDUM THRU Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Street, Fort Sill, Oklahoma 73503
Commander, USAG, 3430 Wilson Street, Fort Sill, Oklahoma 73503
Commander, U.S. Army Fires Center of Excellence, Fort Sill, Oklahoma 73503-5000**

FOR Commander, U.S. Army Combined Arms Center, 881 McClellan Avenue, Fort Leavenworth, Kansas 66027

Subject: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138, Uniform Code of Military Justice (UCMJ)"
- b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.
- c. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this complaint of wrong against the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, inmate (b) (6) Social Security Number (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this complaint against (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 N Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

5. Complaint.

- a. On 09 June 2016, (b) (6) the USDB psychiatrist, prescribed Selegilin (Emsam), 6 MG/24hr Patch to me.
- b. Sometime in August 2016 when I submitted a refill sheet for my pain medications (prescribed to me prior to my arrival at the USDB for neck, back, and pain in my jaw from combat injuries) I was told that I had to speak to the medical clinic about my refill. I went to sick call the next

morning and was told by Physician Assistant (PA) (b) (6) that my Flexeril and Ultram had a known fatal side effect with Emsam. I explained that (b) (6) psychiatrist, had prescribed Emsam (Selegiline).

- c. (b) (6) as well as the PA (b) (6) contacted (b) (6) and explained that it contraindicated with a fatal side effect to my current pain medication and muscle relaxer. (b) (6) argued that the medical providers were incorrect.
- d. After approximately two more months of being prescribed the Emsam patch and not denied my pain medication, I asked (b) (6) to discontinue the Emsam patch from my prescribed medications.
- e. At that point (b) (6) took a book from his shelf and began to read the known side effects and contraindications. After a few minutes he made a few contorted facial expressions and stated "Oh, I guess it does have that known side effect with your pain medications." He did not seem concerned and shrugged it off. Later, he discontinued the Emsam patch sometime in November 2016.
- f. It was determined by (b) (6) that the only reason I did not die from being prescribed the Emsam patch with Flexeril, Ultram, and the rest of my extensive medications at the same time was due to my liver hyper-metabolizing most medication.
- g. Emsam (Selegiline) is an irreversible Monoamine Oxidase (MAO) inhibitor, an intracellular enzyme associated with the outer membrane of mitochondria.
- h. The totality of damaged done to my internal organs and whether or not it has shortened my life expectancy cannot be measured.
- i. On 19 September 2017, I submitted a MCC 510 requesting to address the issue with the Commandant.
- j. In accordance with AR 27-10 paragraph 19-4(e) the initial request for redress must "be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong." My memorandum stated that the request for redress was for the Commandant.
- k. As of 6 October 2017, exactly 18 calendar days have elapsed since I submitted my official request to the Commandant for redress, (b) (6) has 15 calendar days to respond, or request an extension. As I have not received a response or a request for extension, I consider this a refusal of redress in accordance with AR 27-10 paragraph 19-5(d).
- l. I believe the Commandants decision not to address my request for redress is a direct violation of the UCMJ as well as AR 27-10, and that I deserve the granted request for relief.

6. Relief Requested. As relief, I hear by request:

- a. For reasons listed below, I ask for redress under Rule 1101(c) in the form of deferment of confinement. I feel that it is justified due to the severity of the offenses committed against me, my family's need for my presence, and the unknown effect of being prescribed medications that have potentially shortened my life expectancy. I have to think of my family and what is best for them. My three sons have had their own struggles in life since I have been here. My oldest son is struggling with a drug addiction (something that started shortly after my incarceration), my

middle son is on the verge of running from his family, and my youngest son is now overweight, withdrawn, has angry outbursts and I fear will be lost to his own devices soon as well. My wife is ill equipped to deal with three teenage boys and has her own disabilities and social inadequacies to contend with.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on 6 October 2017

(b) (6)

Inmate, USDB

Reg No. [REDACTED]

(2) Encls

1. MCC 510 from requesting Redress from (b) (6)
2. Medication List

26 NOVEMBER 2017

**MEMORANDUM THRU Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 1300 N Warehouse Rd, Fort Leavenworth, Kansas, 66027-2304
Commander, USAG, 3430 Wilson Street, Fort Sill, Oklahoma 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill, Oklahoma 73505-5000**

FOR Commander, U.S. Army Combined Arms Center, 881 McClellan Avenue, Fort Leavenworth, Kansas 66027

Subject: Complaint of Wrong under Article 138, UCMJ -- Inmate (b) (6)

(b) (6) (b) (6)

1. References

a. Title 10, U.S. Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"

b. Army Regulation (AR) 27-10, "Military Justice," dated 11 May 2016

2. Regulation references. In accordance with AR 27-10, para 19-6, this formal complaint is "addressed to the GCMCA exercising GCM jurisdiction over the respondent at the time of the alleged wrong."

3. **Complainant.** I, (b) (6) am filing a "formal Article 138 Complaint" in accordance with AR 27-10, para 19-6.

a. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.

b. My current command is the same as it was during the wrong complained of.

c. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth, KS 66027-2304.

3. Complaint.

- a. The initial complaint was sent on 06 November 2017.
- b. The complainant did not receive a response within the 15 days allocated by the regulation.
- c. The wrong is a discretionary act by the respondent under color of Federal military authority that adversely affects the complainant personally and is arbitrary and materially unfair.
- d. (b) (6) continuously fails to ensure that the law library computers stay up-to-date. It is the USDB's policy that the law computers get updated every three months. Additionally, the computers are never updated at the three-month mark or are only partially updated (missing updated portions).
- e. I believe that this is inconsistent with the stated priorities of the USDB. This intentionally and specifically inhibits our ability to file appeals with the Courts of Criminal Appeals (CCA) and the Court of Appeals for the Armed Forces (CAAF).

4. Respondent.

- a. I am submitting this complaint against the Commandant, (b) (6)
 - b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.
5. Relief Requested. As relief, I hereby request that the Commandant change the policy to reflect that the computers will be updated monthly; the computers are updated remotely and this would no impose any additional strain on the USDB.
6. I declare under penalty of perjury that the foregoing is true and correct.

(b) (6)

Encl.

Initial Request for Redress
dated 06NOV17

06 November 2017

MEMORANDUM FOR Commandant, United States Disciplinary Barracks, 1300
N Warehouse Rd, Fort Leavenworth, KS 66027-2304

SUBJECT: INITIAL REQUEST FOR REDRESS

1. Regulations.

a. Army Regulation 27-10, Military Justice, dated 11 May 2016

2. Complainant. I, (b) (6) am filing an "Initial Request for Redress." In accordance with AR 27-10, para 19-4, "the Initial Request for Redress is not an Article 138 complaint."

3. Complaint.

a. (b) (6) is the commanding officer whom I believe committed the wrong. She is the commanding officer in complainant's chain of command and is authorized to impose nonjudicial punishment on the complainant

b. (b) (6) continuously fails to ensure that the law library computers stay up-to-date. It is the United States Disciplinary Barracks policy that the law computers get updated every three months; however, this--in and of itself--is a discretionary act by the commanding officer that adversely affects the complainant personally and is arbitrary, capricious, and materially unfair to the inmate population. It is an arbitrary decision for the computers to be updated every three months. Additionally, the computers are never updated at the three-month mark.

4. In accordance with AR 27-10, para 19.4, subpara e, "the Initial Request for Redress must be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong" and not to the Personnel Facility Commander at Fort Sill.

5. Respondent. In accordance with AR 27-10, para 19-4, the complainant holds the Commandant, (b) (6) as the "Commanding Officer whom the Soldier believes committed the wrong." The complainant does not believe that the Personnel Facility Commander, (b) (6) committed the wrong since he is not stationed at Fort Leavenworth. In accordance with para 19-5:

a. subpara a states, "A commanding officer receiving an Initial Request for Redress submitted under this regulation will respond, in writing, in a timely manner so that the complainant will receive the response within **15 days.**"

b. subpara d states, "A Soldier who, through no fault of the Soldier's own, has not received a final response within 15 days or an interim response containing the date of a final response that does not unreasonably delay the final response, may elect to treat that as a refusal of redress."

6. **Redress Requested.** I request that the law library be updated monthly. If this cannot be facilitated due to contractual restraints, I request that the facility follow the current policy of updating the law library every three months without formal requests from the inmate population every three months to update the law library.

6. If a response is not received from the Commandant within 15 days from the date of this memorandum (**NLT 21 November 2017**), the complainant will treat this as a refusal of redress and will submit a formal complaint to the General Court Martial Convening Authority in accordance with para 19-6.

7. The point of contact for this memorandum is [REDACTED] 1300 N Warehouse Rd, Fort Leavenworth, Kansas 66027-2304.

Encl.

- 1. Figure 19-1 Formal Complaint Process diagram from AR 27-10

Respectfully

(b) (6)

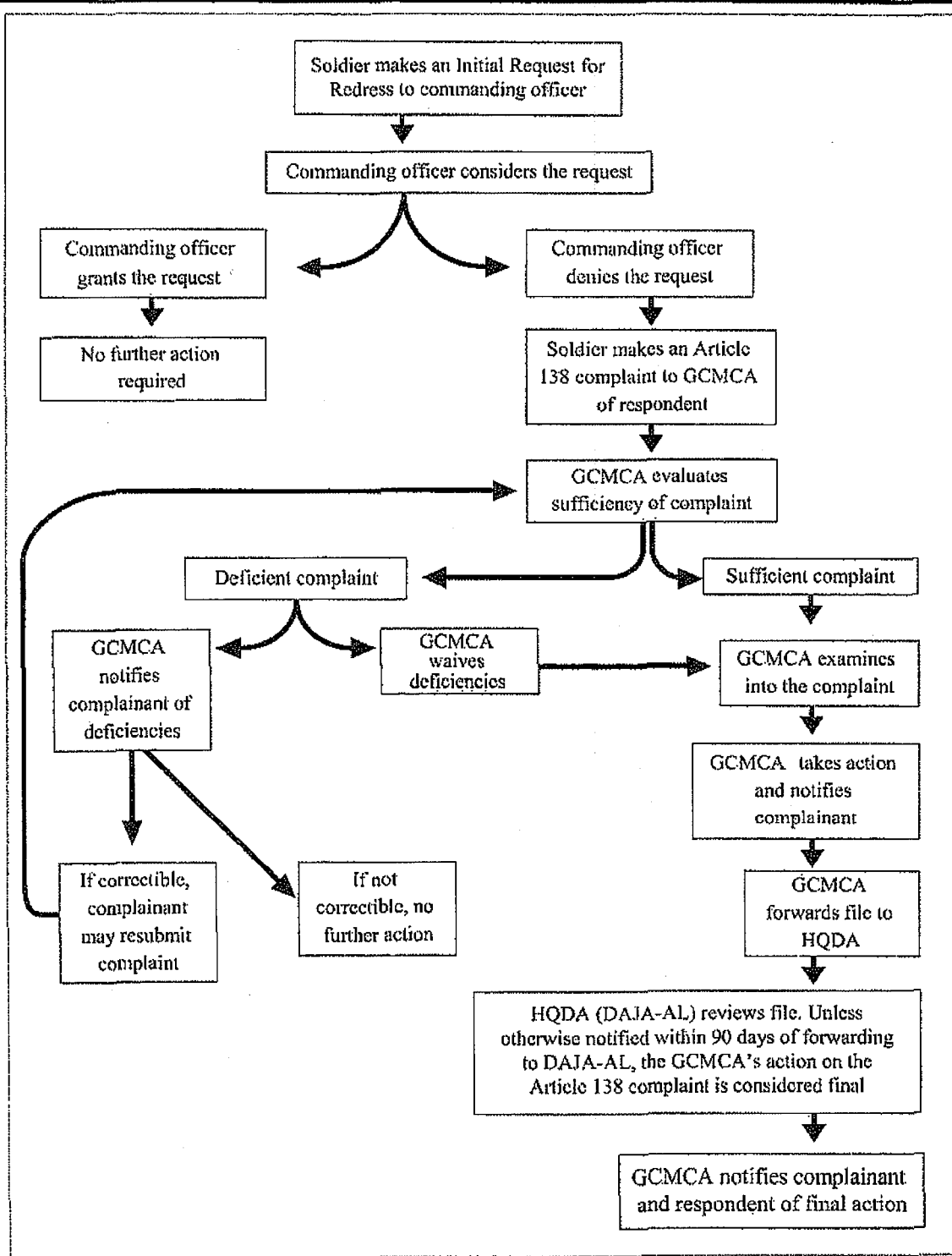


Figure 19-1. Article 138 Complaint Process

INMATE REQUEST SLIP Directorate of Operations	Control No: 1167 382-0	Date: 12-22-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>Commandant</i>	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
---------------------------------	---

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See Attached

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
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FOR OFFICE USE ONLY

To:	From:	Date:
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In reply to your request:

Signature of Responder:	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for Inmate's CTF)

MEMORANDUM THRU

**Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support,
U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, USAG, 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill OK 73505-5000**

**FOR Commander, U.S. Army Combined Arms Center, 881 McCellan Avenue, Fort
Leavenworth KS 66027**

**SUBJECT: Complaint of Wrong under Article 138, UCMJ-Inmate (b) (6)
(b) (6)**

1. References.
 - a. Title 10, 138, U.C. Code (U.S.C.) §938, "Article Uniform Code of Military Justice (UCMJ)
 - b. Army Regulation (AR) 27-10, "Military Justice, "dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manuel for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)
2. Pursuant to AR 27-10 Article 138, UCMJ, (10 U.S.C.§938), I hereby submit this complaint of wrong against (b) (6)
(b) (6) I am providing information in accordance with para, 19-7. OF AR 27-10
3. **Complaint.**
 - a. Inmate (b) (6) Social Security Number (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth Kansas.
 - b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.
 - c. My current command is the same as it was during the wrong complained of.
 - d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth KS 66027-2304.
4. **Respondent.**

- a. I am submitting this complaint against the United States Disciplinary Barracks (USDB).
- b. Colonel Erica Nelson is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) AND 15th Military Police Brigade at 1301 NORTH Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

PMCC-DB

22 December 2015

Subject: Complaint of Wrong under Article 138, UCMJ- Inmate (b) (6)

5. Complaint.

- a. On 24th November 2015, I that (b) (6) acting in t^{(b) (6)} capacity as the USDB Commandant Fort Leavenworth.
- b. On 24th November 2015, I submitted as request for redress pursuant to para. 19.6a. of AR 27-10.
- c. As of 22nd December 2015, exactly 20, days 28 calendar days, and over the fifteen (15) normal business days since I submitted my request for redress, I have not received a final response or an interim response. I elect to treat this as a refusal of redress pursuant to para. 19-7 of AR 27-10.
- d. The specific nature of the wrong of is as follows:
 1. On the way to the Cussing Hospital for a concussion inside of the housing unit. The escorts did not use a seatbelt on me, and did not follow the approved rout to the hospital. Going off the road in an attempt to go round the closed gate onto the solder of the road into the grass, created a near death experience, mental trauma for the prisoner. Their actions violated all laws federal, state, and the civil rights of the prisoner, their actions created a accident which the prisoner was thrown inside the van into the escorts lap forcing his face into the lap of the escort with him an inch from his gentiles. Hurting his neck, elbow, and giving him another concussion on hitting the floor.
 2. The prisoner was not allowed legal advice in accordance with para 19-8 AR 27-10.
- e. I believe not using a seatbelt, going off road to bypass a closed gate, not asking if he had suffered another concussion. Not being provided legal advice is arbitrary, an capricious, an abuse of discretion, and materially unfair to inmate (b) (6) I also consider this a denial a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938). And para 19-4e., AR 27-10.

6. Relief Requested.

As relief, I hereby request that 9 years be taken off my sentence, along with the current good conduct time, earned and abatement Minimum Release Date (MRD) adjusted to show new release date, the custody elevation.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. § 1746).

Executed on 12 December 2015

(X) Enclosures

1. Request for redress, dated 22 December 1015
2. (...)



Inmate, USDB
Reg. No 92402

INMATE REQUEST SLIP Directorate of Operations	Control No: 1166266-0	Date: 11-24-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
--------------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See attached

ASAP

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
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FOR OFFICE USE ONLY		
To: (b) (6)	From: (b) (6)	Date: 20151130

In reply to your request:

your article 138 Complaint has been received & forwarded to your Company Commander, (b) (6) HHC, U.S. Army Personnel Control Facility (PCF) 3430 Wilson St. Ft Sill, OK 73503

The Commandant is not your Commander under the UCMJ. If you have any further questions or concerns regarding this 138 Complaint, you may contact (b) (6) at the above address.

(b) (6)	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for inmate's CTF)

PMCC-DB

24th November 2015

MEMORANDUM FOR Commander , U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Redress under Article 138, UCMJ-Inmate

(b) (6)

(b) (6)

1. References.
 - a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
 - b. Army Regulation (AR 27-10, "Military Justice" dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manual for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)
2. Pursuant to para 19-6a OF AR27-10, I hereby request redress for your (act of omission) to: I was not put in a seatbelt that the fall could have broken my neck and I could have been killed. That I was forced to put my face that in the lap close to the genitals of another man. I have seen what happens in the back of vans to inmates especially black inmates.
3. Background.

On the 2nd November 2015, I was to be escorted to the Cussing Hospital by (b) (6) (b) (6) who was the armed escort; (b) (6) who was the driver; (b) (6) I was taken in full body cuffs, complete with leg restraints and helped into the waiting van, (b) (6) got in behind me. I sat close to the screen between the inmate and the front passenger. (b) (6) sat across from me to my left. Later the driver and the passenger entered the van. As we exited the facility nearing the metal gate the driver said something to the effect they always take too long to open the gate, the others agreed, the driver then turned left over onto the shoulder of the road into the grass, going around the gate. We passed a sign and when we came close to what looked like an electrical box the driver took a sharp right turn. I was never put into seatbelt; I was thrown from my seat to the other side. I was in full body cuffs so I was not able to stop, help or control my fall in any way. On the way down I landed into (b) (6) lap with my face an inch from his genitals, my head was then twisted to the right side with my neck supporting my whole body weight of 230 lbs. I continued to fall hitting my head, and elbow on the way down. After the incident, the van was stopped and I was helped to my seat, (b) (6) (b) (6) said something to the effect of no one told me I was supposed to buckle him in, or put him in a seatbelt.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1167 382-0	Date: 12-22-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>Commandant</i>	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
---------------------------------	---

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See Attached

Signature of Housing Unit NCO (b) (6)	Signature of Inmate: (b) (6)
--	-------------------------------------

FOR OFFICE USE ONLY

To:	From:	Date:
------------	--------------	--------------

In reply to your request:

Signature of Responder:	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for inmate's CTF)

MEMORANDUM THRU

**Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support,
U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, USAG, 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill OK 73505-5000**

**FOR Commander, U.S. Army Combined Arms Center, 881 McCellan Avenue, Fort
Leavenworth KS 66027**

SUBJECT: Complaint of Wrong under Article 138, UCMJ-Inmate (b) (6)

(b) (6)

1. References.

- a. Title 10, 138, U.C. Code (U.S.C.) §938, "Article Uniform Code of Military Justice (UCMJ)
- b. Army Regulation (AR) 27-10, "Military Justice, "dated 3 October 2011
- c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manuel for Guidance of Inmates (MGI) 3 March 2014
- d. (...)

2. Pursuant to AR 27-10 Article 138, UCMJ, (10 U.S.C. §938), I hereby submit this complaint of wrong against (b) (6)
(b) (6) I am providing information in accordance with para, 19-7. OF AR 27-10

3. **Complaint.**

- a. Inmate (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth Kansas.
- b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth KS 66027-2304.

4. **Respondent.**

- a. I am submitting this complaint against the United States Disciplinary Barracks (USDB).
- b. Colonel Erica Nelson is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) AND 15th Military Police Brigade at 1301 NORTH Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

PMCC-DB

22 December 2015

Subject: Complaint of Wrong under Article 138, UCMJ- Inmate [REDACTED]

5. Complaint.

- a. On 24th November 2015, I that (b) (6) acting in t (b) (6) capacity as the USDB Commandant Fort Leavenworth.
- b. On 24th November 2015, I submitted as request for redress pursuant to para. 19.6a. of AR 27-10.
- c. As of 22nd December 2015, exactly 20, days 28 calendar days, and over the fifteen (15) normal business days since I submitted my request for redress, I have not received a final response or an interim response. I elect to treat this as a refusal of redress pursuant to para. 19-7 of AR 27-10.
- d. The specific nature of the wrong of is as follows:
 1. On the way to the Cussing Hospital for a concussion inside of the housing unit. The escorts did not use a seatbelt on me, and did not follow the approved rout to the hospital. Going off the road in an attempt to go round the closed gate onto the solder of the road into the grass, created a near death experience, mental trauma for the prisoner. Their actions violated all laws federal, state, and the civil rights of the prisoner, their actions created a accident which the prisoner was thrown inside the van into the escorts lap forcing his face into the lap of the escort with him an inch from his gentiles. Hurting his neck, elbow, and giving him another concussion on hitting the floor.
 2. The prisoner was not allowed legal advice in accordance with para 19-8 AR 27-10.
- e. I believe not using a seatbelt, going off road to bypass a closed gate, not asking if he had suffered another concussion. Not being provided legal advice is arbitrary, an capricious, an abuse of discretion, and materially unfair to inmate (b) (6). I also consider this a denial a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938). And para 19-4e., AR 27-10.

6. Relief Requested.

As relief, I hereby request that 9 years be taken off my sentence, along with the current good conduct time, earned and abatement Minimum Release Date (MRD) adjusted to show new release date, the custody elevation.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. § 1746).

Executed on 12 December 2015

(X) Enclosures

1. Request for redress, dated 22 December 1015
2. (...)

(b) (6)

INMATE REQUEST SLIP Directorate of Operations	Control No: 1166266-0	Date: 11-24-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
--------------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See attached
ASAP

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
--	------------------------------

FOR OFFICE USE ONLY		
To: (b) (6)	From: (b) (6)	Date: 20151130

In reply to your request:
Your article 138 Complaint has been received & forwarded to your Company Commander, CPT Byrd, Andre, HHC, U.S. Army Personnel Control Facility (PCF) 3430 Wilson St. Ft Sill, OK 73503

The Commandant is not your Commander under the UCMJ. If you have any further questions or concerns regarding this 138 Complaint, you may contact [redacted] at the above address.

Signature of Responder: (b) (6)	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO: [redacted]	Signature of Housing Unit NCO: (Forwarded for Inmate's CTF)

24th November 2015

PMCC-DB

MEMORANDUM FOR Commander , U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Redress under Article 138, UCMJ (b) (6)

(b) (6)

1. References.
 - a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
 - b. Army Regulation (AR 27-10, "Military Justice" dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manual for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)

2. Pursuant to para 19-6a OF AR27-10, I hereby request redress for your (act of omission) to: I was not put in a seatbelt that the fall could have broken my neck and I could have been killed. That I was forced to put my face that in the lap close to the gentiles of another man. I have seen what happens in the back of vans to inmates especially black inmates.

3. Background.

On the 2nd November 2015, I was to be escorted to the Cussing Hospital by (b) (6) (b) (6) who was the armed escort; (b) (6) who was the driver; (b) (6) I was taken in full body cuffs, complete with leg restraints and helped into the waiting van, (b) (6) got in behind me. I sat close to the screen between the inmate and the front passenger. (b) (6) sat across from me to my left. Later the driver and the passenger entered the van. As we exited the facility nearing the metal gate the driver said something to the effect they always take too long to open the gate, the others agreed, the driver then turned left over onto the shoulder of the road into the grass, going around the gate. We passed a sign and when we came close to what looked like an electrical box the driver took a sharp right turn. I was never put into seatbelt; I was thrown from my seat to the other side. I was in full body cuffs so I was not able to stop, help or control my fall in any way. On the way down I landed into (b) (6) lap with my face an inch from his gentiles, my head was then twisted to the right side with my neck supporting my whole body weight of 230 lbs. I continued to fall hitting my head, and elbow on the way down. After the incident, the van was stopped and I was helped to my seat, (b) (6) (b) (6) said something to the effect of no one told me I was supposed to buckle him in, or put him in a seatbelt.

4. I believe your actor or omission is inconsistent with the priorities of the USDB, is arbitrary, capricious, and unreasonable...) Therefore, I consider this a wrong within the meaning of Article 138, UCMJ 10 U.S.C. § 938, AND PARA. 19-4e., AR 27010
5. As Redress I request six (6) years off my current sentence which would change my MRD to year 2020, and custody elevation to Minimum Pod; counseling for trauma for of being forced to look at and being the lap of another mans gentiles , the a near death experience by the hands of Police.
6. Pursuant to para. 19-6b., AR 27-10, you will respond to this request, within, fifteen (15) days. If a final response within 15 days is not possible an interim response shall be provided that indicates the estimated date of final response.
7. The point of contact (POC) for the undersigned at 1300 N. Warehouse Road, Fort Leavenworth, KS 66027-2304

(b) (6)

reserve component, upon request by the member, for the member's personal examination.

§ 938. Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of, and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

§ 939. Art. 139. Redress of injuries to property

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages as assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

SUBCHAPTER XII. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

Sec.	Art.
941.	141. Status.
942.	142. Judges.
943.	143. Organization and employees.
944.	144. Procedure.
945.	145. Annuities for judges and survivors.
946.	146. Code committee.

§ 941. Art. 141. Status

There is a court of record known as the United States Court of Appeals for the Armed Forces. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

§ 942. Art. 142. Judges

(a) *Number.* The United States Court of Appeals for the Armed Forces consists of five judges.

(b) *Appointment; qualification.*

(1) Each judge of the court shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (c).

(2) The term of a judge shall expire as follows:

(A) In the case of a judge who is appointed after January 31 and before July 31 of any year, the term shall expire on July 31 of the year in which the fifteenth anniversary of the appointment occurs.

(B) In the case of a judge who is appointed after July 31 of any year and before February 1 of the following year, the term shall expire fifteen years after such July 31.

(3) Not more than three of the judges of the court may be appointed from the same political party, and no person may be appointed to be a judge of the court unless the person is a member of the bar of a Federal court or the highest court of a State.

(4) A person may not be appointed as a judge of the court within seven years after retirement from active duty as a commissioned officer of a regular component of an armed force.

(c) *Removal.* Judges of the court may be removed from office by the President, upon notice and hearing, for—

- (1) neglect of duty;
- (2) misconduct; or
- (3) mental or physical disability.

A judge may not be removed by the President for any other cause.

(d) *Pay and allowances.* Each judge of the court is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals.

(e) *Senior judges.*

(1)(A) A former judge of the court who is receiving retired pay or an annuity under section 945 of this title (article 145) or under subchapter III of chapter 83 or chapter 84 of title 5 shall be a senior judge. The chief judge of the court may call upon an individual who is a senior judge of the court under this subparagraph, with the consent of the senior judge, to perform judicial duties with the court—

(i) during a period a judge of the court is unable to perform his duties because of illness or other disability;

(ii) during a period in which a position of judge of the court is vacant; or

(iii) in any case in which a judge of the court recuses himself.

(B) If, at the time the term of a judge expires, no successor

INMATE REQUEST SLIP Directorate of Operations		Control No: 1122542-0	Date: 19 APR 2016
PRIVACY ACT STATEMENT			
<p>AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07</p> <p>PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.</p> <p>ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.</p> <p>DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.</p>			
To: LAMOND JUDGE ADVOCATE (CJA)		From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail.) MANNING, CHESTER E. 89231 OSCAR HU, 0327, DET. 21	
I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)			
<p>SUBMITTING THE ATTACHED COMPLAINTS OF WRONG UNDER ARTICLE 138, UCMJ FOR THE GCMCAs OF BOTH FORT SILL, OK AND FORT LEAVENWORTH, KS. SEE ATTACHED MEMORANDUM W/ ENCLOSURES</p> <p>_____/END/_____/</p>			
Housing Unit NCO Printed Name: (b) (6)		Housing Unit NCO Signature: (b) (6)	
FOR OFFICE USE ONLY			
From: CJA		Date: 21 APR 2016	
<p>In reply to your request:</p> <p>Your Article 138 request for redress has been forwarded to the appropriate General Court-Martial Convening Authority, Fort Sill, OK, for processing (AW AR 27-10).</p>			
Requester Printed Name: (b) (6)		Housing Unit NCO Printed Name:	Inmate Printed Name:
Housing Unit NCO Signature:		Inmate Signature:	
<p>Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).</p> <p>MCC Form 510 15-Jan-16</p>			

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate (OCJA), U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461

FOR

Commander, Headquarters, U.S. Army Combined Arms Center and Fort Leavenworth (ATZL-C), 415 Custer Avenue, Fort Leavenworth, KS 66027-2300
Commander, Headquarters, U.S. Army Fires Center of Excellence and Fort Sill (ATZR-C), 455 McNair Avenue, Suite 100, Fort Sill, OK 73503

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

1. References.

- a. Title 10, United States Code, section 855 (10 U.S.C. § 855), "Article 55, Uniform Code of Military Justice (UCMJ)."
- b. Title 10, U.S.C., section 938 (10 U.S.C. § 938), "Article 138, UCMJ."
- c. Army Regulation (AR) 27-10, *Military Justice*, dated 3 October 2011.
- d. Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, dated 30 September 2011.
- e. U.S. Disciplinary Barracks (USDB) Regulation 600-1, *Manual for the Guidance of Inmates (MGI)*, dated 14 November 2013.

I. **NATURE OF REQUEST.**

2. Pursuant to Article 138, UCMJ,¹ and paragraph 19-6a. of AR 27-10,² I, the undersigned complainant hereby submit this complaint of wrong against the Commandant, United States Disciplinary Barracks (USDB) and the Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison (USAG), Fort Sill, to the respective general court-martial convening authorities (GCMCAs) for Fort Leavenworth, Kansas and Fort Sill, Oklahoma.

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, *Military Justice* (3 October 2011)

ii. COMPLAINANT.

3. The following information identifying the complainant for this complaint of wrong is provided—

- a. Rank and Grade. Inmate (E-1).
- b. Name. (b) (6)
- c. Social Security Administration Number. (b) (6)
- d. Current Address. 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
- e. Permanent Address. 1492 Selworthy Road, Potomac, MD 20854.

iii. RESPONDENTS.

4. The following information identifying the first respondent for this complaint of wrong is provided—

- a. Rank and Grade. (b) (6)
- b. Name. (b) (6)
- c. Title. Commandant and Commander.
- d. Organization. United States Disciplinary Barracks, and 15th Military Police (MP) Brigade, Fort Leavenworth, Kansas.

5. The following information identifying the second respondent for this complaint of wrong is provided—

- a. Rank and Grade. (b) (6)
- b. Name. (b) (6)
- c. Title. Commander.
- d. Organization. Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, Fort Sill, Oklahoma.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

IV. BACKGROUND.

6. The following information is provided in support of this complaint of wrong.

A. THE ARBITRARY DENIALS OF
PRINTED INTERNET MATERIALS.

7. On 8 February 2016, civilian staff at the Inmate Services Branch (ISB) of the U.S. Disciplinary Barracks (USDB) denied mail sent to the complainant inside an envelope³ from (b) (6) correctly addressed to the complainant.⁴

8. The written basis of the denial was "PRINTED INTERNET PAGES" based on para. 14 of Military Correctional Complex (MCC) Form 28-1-2,⁵ and chapter 1-4c.(14) of MCC Regulation 28-1.⁶

9. In a written request,⁷ I appealed the denial made on the basis that—

a. The First Amendment of the U.S. Constitution⁸ protects against arbitrary, capricious, and unlawful denials of prisoners' mail;

b. The USDB and MCC were deliberately abusing their discretion based on a flimsy interpretation of federal copyright statutes⁹—as promoted by (b) (6) (b) (6) the Command Judge Advocate of the USDB—and that any alleged enforcement of copyright is beyond the scope, duty, and mission of the USDB and MCC, and was therefore an improper basis for violating the First Amendment of the U.S. Constitution;¹⁰ and

c. That the USDB and MCC failed to provide adequate and meaningful due process under the Fifth Amendment of the U.S. Constitution for a violation of the First Amendment.¹¹

³ Enclosure 1. (b) (6) Envelope, addressed to (b) (6) (31 January 2016)

⁴ Enclosure 2. Military Correctional Complex (MCC) Form 28-1-2, "Notification of Rejected Mail" (8 February 2016)

⁵ *Id.*

⁶ MCC Regulation 28-1, *Mail Screening Policy and Procedures*, chp. 1-4c.(14) (30 September 2011)

⁷ Enclosure 2, at p. 3.

⁸ U.S. Const., amend. I

⁹ 17 U.S.C. § 101 *et seq.*

¹⁰ U.S. Const., amend. I

¹¹ U.S. Const., amend. I, V

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

10. The content of the first envelope was a number of articles written under the "share-alike attribution" Creative Commons License by the Electronic Frontier Foundation (EFF), and two other articles covered under the "fair use" provisions of federal copyright statutes.¹² The subject matter of these articles primarily dealt with prison conditions, censorship of prisoners, and prisoners' access to electronic mail and telephones.¹³

11. Two more envelopes sent from (b) (6) to the complainant were also denied on the same basis as para. 6 above on 19 February 2016, and appealed on the same basis as para. 7 above on 24 February 2016.¹⁴

12. One of the respondents to this request for redress, the Commandant, USDB, replied to all three (3) of the complainant's appeals in a combined omnibus memorandum on 1 March 2016.¹⁵ This memorandum restated the facts of the three appeals and "rejected" the materials "for admission into the institution."¹⁶

13. Given only two (2) options for disposition of the materials—ship or destroy—the complainant elected to ship the items¹⁷ to (b) (6) an investigative researcher at the EFF. These items remain secured in the possession of the EFF as the complainant files this complaint of wrong.

B. THE LOCKDOWN OF OSCAR HOUSING UNIT.

14. On 30 March 2016, at approximately 2205 the Commandant, USDB ordered a "lockdown" of Oscar Housing Unit (OHU).

15. This lockdown kept the complainant inside her cell, O-227 for 24 hours each day, prevented her from receiving adequate food or any hot meals, and prevented her from having adequate access to hygiene facilities to include a shower, and eliminated all of her out-of-cell recreation time.

16. On 31 March 2016, at approximately 0600, the complainant verbally request that the lockdown be lifted to (b) (6) a Housing Unit Non-Commissioned Officer.

¹² 17 U.S.C. § 107

¹³ Enclosure 3. (b) (6) Cover Letter (31 January 2016)

¹⁴ Enclosure 4. MCC Form 28-1-2 (19 February 2016)

¹⁵ Enclosure 5. Memorandum, by (b) (6) to (b) (6)

¹⁶ *Id.*

¹⁷ *Id.*

PMCC-DB

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

17. At that time, after receiving a verbal denial of her request, the complainant submitted a written request via an MCC Form 510.¹⁸ Attached to this request was a separate memorandum.¹⁹

A. THE COMBINED ARMS CENTER AND FORT LEAVENWORTH
OFFICE OF THE INSPECTOR GENERAL

18. On 8 February 2016, the complainant submitted to the Office of the Inspector General for the Combined Arms Center (OIG) an Inspector General Action Request (IGAR) form²⁰ pursuant to AR 20-1,²¹ requesting for an investigation into the denials of mail. No response has yet been provided to this request.

19. On 31 March 2016, the complainant submitted another IGAR form²² pursuant to AR 20-1.²³ In response the OIG sent DA civilian personnel to investigate my request and submitted a written response acknowledging receipt of my request. No formal or final action has been made in response to this request.

¹⁸ Enclosure 6. MCC Form 510, *Inmate Request Slip*, by Inmate (b) (6) Control No. 1171636-O (31 March 2016)

¹⁹ Enclosure 7. Memorandum, "Request for Lifting of Lockdown and Adequate Prison Provisions," by Inmate Manning, for the Commandant, USDB

²⁰ Department of the Army (DA) Form 1559, *Inspector General Action Request*, by Inmate Manning (8 February 2016)

²¹ AR 20-1, *Inspector General Activities and Procedures* (29 November 2010)

²² DA Form 1559, *Inspector General Action Request*, by Inmate Manning (31 March 2016)

²³ AR 20-1, *Inspector General Activities and Procedures*

V. REQUESTS FOR REDRESS.

20. As redress the complainant requested on 14 March 2016, via an MCC Form 510,²⁴ that the respondents of this complaint of wrong—

a. retract the denial of the three (3) envelopes containing non-objectionable printed internet materials;²⁵ and

b. refrain from denying non-objectionable printed Internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.²⁶

22. Additionally, the complainant requested at approximately 0630 on 31 March 2016, also via an MCC Form 510,²⁷ that the respondents of this complaint of wrong—

a. lift the lockdown of Oscar Housing Unit (OHU); and

b. provide the complainant with—

(1) adequate nutrition;

(2) at least two (2) hot meals per day;

(3) adequate access to hygiene and a shower;

(4) at least one hour of out-of-cell recreation per day; and

(5) provide the complainant with telephonic access to legal counsel.²⁸

23. On 22 March 2016,²⁹ and ___ April 2016,³⁰ the Commander, HHD and USAG at Fort Sill responded—via the Fort Sill Office of the Staff Judge Advocate—that the complaint was "inappropriate for review." Meanwhile the Commandant, USDB has declined to respond in any manner whatsoever.

²⁴ Enclosure 8. MCC Form 510, by Inmate Manning, Control No. 1170794-O (13 March 2016)

²⁵ Enclosure 9. Memorandum, "Request for Redress under Article 138, UCMJ and Article 27-10 Regarding Denial of Printed Internet Materials," by Inmate (b) (6) (14 March 2016)

²⁶ *Id.*

²⁷ Enclosure 10. MCC Form 510, by Inmate (b) (6) Control No. _____ (31 March 2016)

²⁸ Enclosure 11. Memorandum, "Request for Redress under Article 138 Regarding Lockdown and Prison Provisions," by Inmate (b) (6) (31 March 2016)

²⁹ Enclosure 12. Memorandum, "Response to Article 138 Request for Redress (22 March 2016)

³⁰ Enclosure 13. Memorandum, "Response to Article 138 Request for Redress (___ April 2016)

PMCC-DB

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VI. NOTICE OF FUTILITY UNDER THE PLRA.

24. Based on previous responses to requests for redress by the complainant to the respondents and their predecessors, and through subsequent complaints of wrong under Article 138, UCMJ,³¹ the complainant considers the process of requesting for redress and complaining for wrongs under AR 27-10,³² and Article 138, UCMJ,³³ as futile for purposes of the Prison Litigation Reform Act (PLRA).³⁴

25. Historically, the respondents and the respective GCMCAs have denied all reasonable means for the complainant to redress any concerns on issues as broad as those involving—

- a. arbitrary denials for visitation;
- b. inadequate healthcare;
- c. deliberate denials for healthcare;
- d. reprisals for invoking the Fifth Amendment and Article 31, UCMJ rights against self-incrimination during an informal criminal investigation; and
- e. several failures to provide adequate due process at a disciplinary board and appeals process.

26. The respondents and their respective GCMCAs have repeatedly and consistently shield their actions behind a Byzantine statutory and regulatory process. They have also argued that they are essentially "above the law"³⁵ and beyond the reach of any appellate authority within the Department of the Army and the U.S. government.

27. The respondents' and GCMCA's positions have resulted in the complainant not receiving relief on a single prison conditions issue brought to the attention of the USDB being addressed in any meaningful manner whatsoever since arriving 22 August 2013.

28. Therefore, the complainant argues that the only adequate and meaningful means of redress for prison conditions issues in military confinement can be found by filing a civil complaint before a federal district judge under the PLRA.³⁶

³¹ 10 U.S.C. § 938

³² AR 27-10, *Military Justice*

³³ 10 U.S.C. § 938

³⁴ 42 U.S.C. §§ 1997e *et seq.*; see also *Booth v. Churner*, 532 U.S. 731, 740 n. 6, 121 S. Ct. 1819, 1825

³⁵ The Deputy Commandant, USDB, Mr. Thomas Schmit has on at least two occasions verbally claimed to be beyond the reach of all military authorities except for a "federal judge."

³⁶ See generally, 42 U.S.C. §§ 1997e *et seq.*

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VII. COMPLAINT PROCESS.

29. **Date Wrongs Discovered.**

- a. 8 February 2016;³⁷ and
- b. 30 March 2016.³⁸

30. **Date Written Request for Redress Submitted.**

- a. 14 March 2016;³⁹ and
- b. 31 March 2016.⁴⁰

31. **Date Answer to Request for Redress Received.**

- a. 22 March 2016;⁴¹ and
- b. ___ April 2016.⁴²

32. **Number of Days between Wrong and Submission of Complaint.**

- a. Approximately 35 calendar days; and
- b. less than 1 calendar day.

³⁷ Enclosure 9.

³⁸ Enclosure 11.

³⁹ Enclosure 9.

⁴⁰ Enclosure 11.

⁴¹ Enclosure 12.

⁴² Enclosure 13.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VIII. REDRESS REQUESTED.

33. The complainant requests that the respondents—

- a. retract the denial of the three (3) envelopes containing non-objectionable printed internet materials; and
- b. refrain from denying non-objectionable printed internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.
- c. prevent improper lockdowns of Oscar Housing Unit (OHU); and
- d. ensure that while the complainant is on lockdown, she is provided with—
 - (1) adequate nutrition;
 - (2) at least two (2) hot meals per day;
 - (3) adequate access to hygiene and a shower;
 - (4) at least one hour of out-of-cell recreation per day; and
 - (5) provide the complainant with telephonic access to legal counsel.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

IX. VERIFICATION.

34. I hereby declare under penalty of perjury⁴³ that the above information is true and correct, and that this complaint is submitted per the guidelines and procedural requirements in AR 27-10.⁴⁴

Executed on: 19 April 2016

(b) (6)

PRIVACY ACT STATEMENT

1. **Authority.** 10 U.S.C. §§ 938, 3001 *et seq.*; Army Regulation 27-10.
2. **Principal Purpose.** Used by command authorities and the Office of the Staff Judge (OSJA) Advocate and Office of the Judge Advocate General (OTJAG) to review, take action, and make recommendations to the Secretary of the Army on Article 138, UCMJ, and AR 27-10 complaints of wrong.
3. **Routine Uses.** The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices apply (32 C.F.R. §§ 505.1 *et seq.*)
4. **Mandatory or Voluntary Disclosure.** Providing requested information is voluntary; however, failure to do so may result in delayed command action and OSJA review, or the inability to notify complainant of the decision of the Secretary of the Army.

⁴³ 28 U.S.C. § 1746

⁴⁴ AR 27-10, *Military Justice*

ENCLOSURE 1

(b) (6)

UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.550
0001792486 JAN 27 2016
MAILED FROM ZIP CODE 94612

UNITED STATES POSTAGE
\$ 000.145
JAN 27 2016
MAILED FROM ZIP CODE 94612

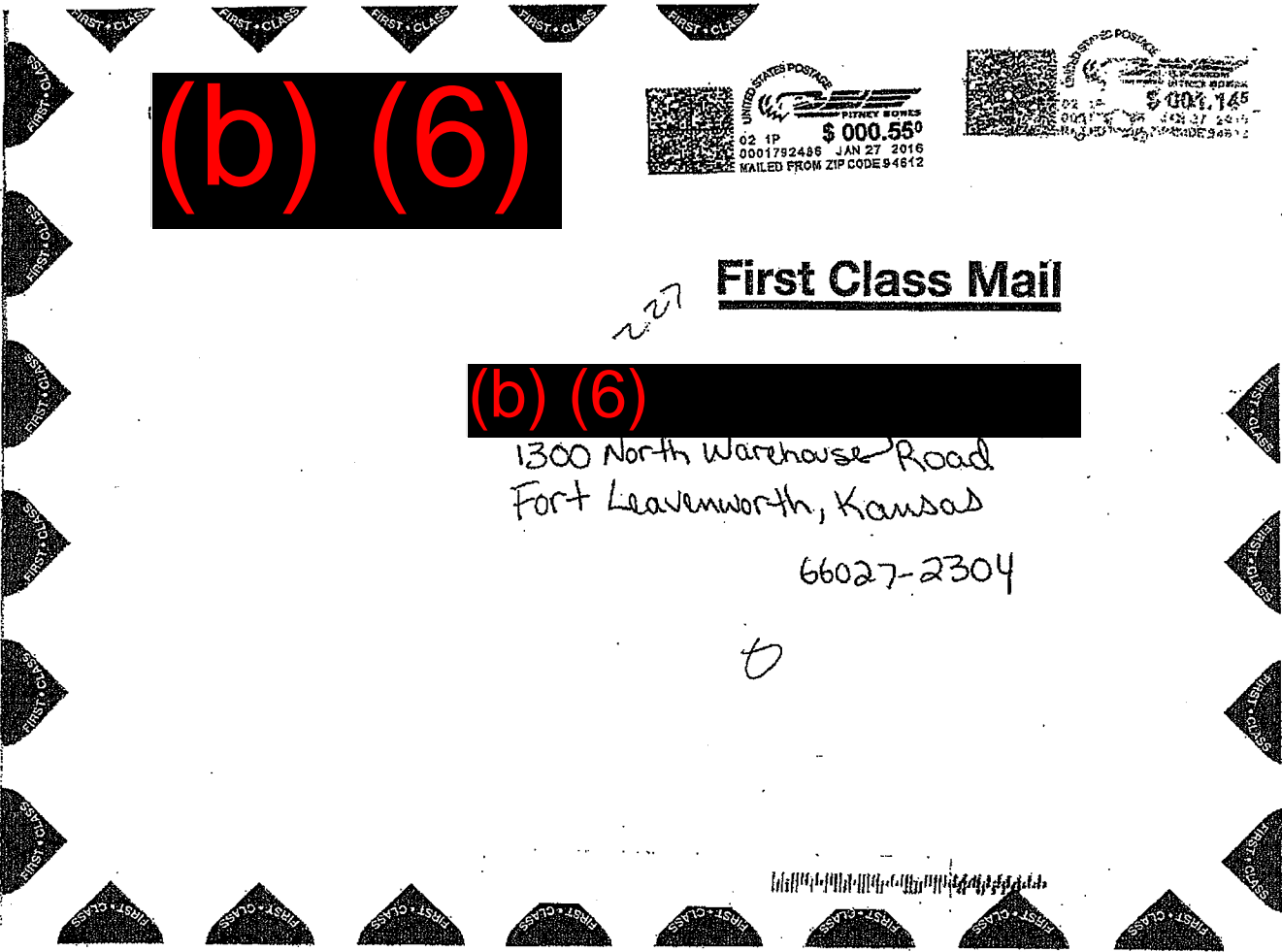
First Class Mail

(b) (6)

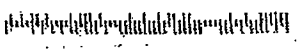
1300 North Warehouse Road
Fort Leavenworth, Kansas

66027-2304

to



Stock #R1470
Made in USA



First Class Mail

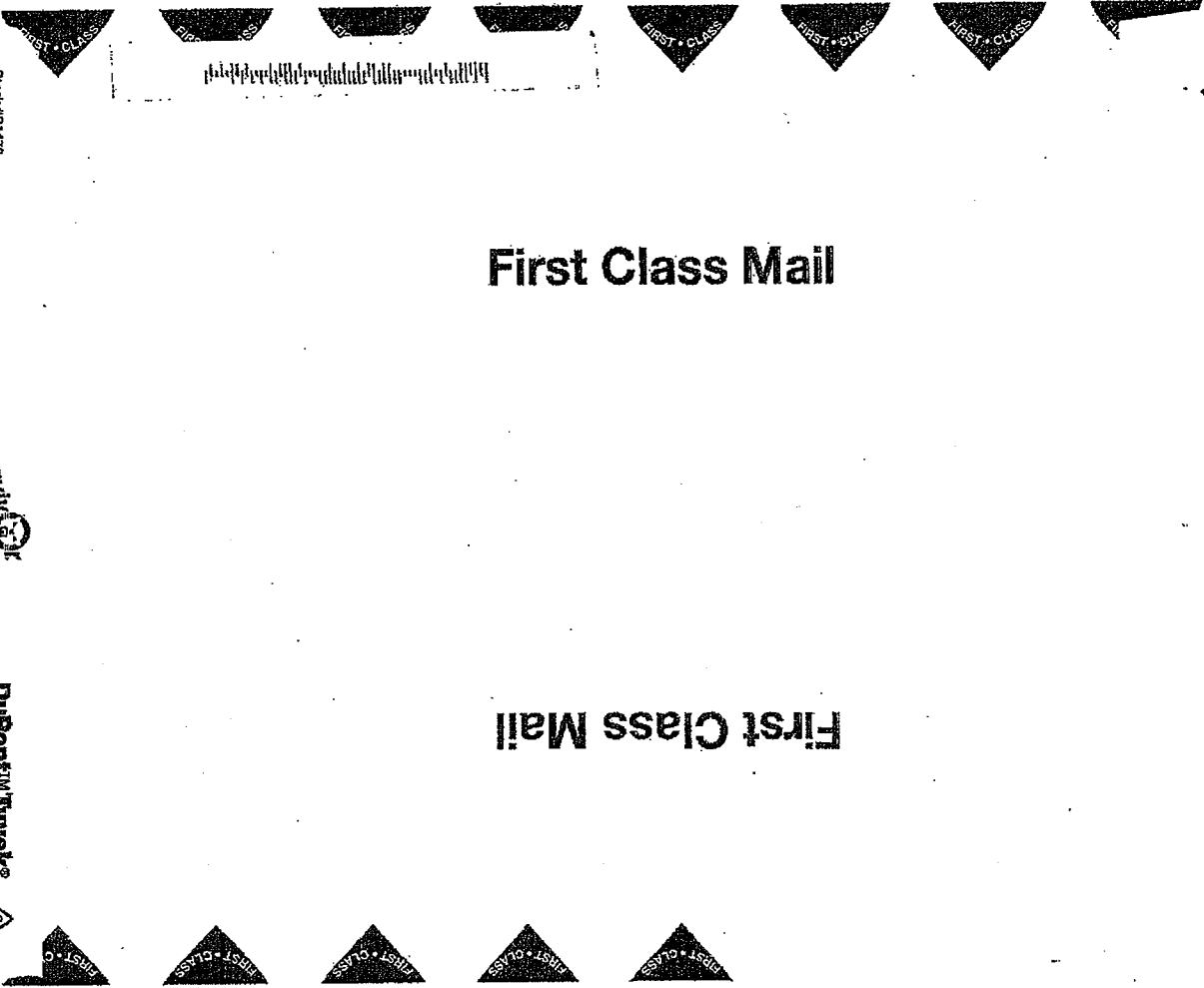
SURVIVOR
MANNING YORK PRODUCTS

DuPont™ Tyvek®
Protect What's Inside!™



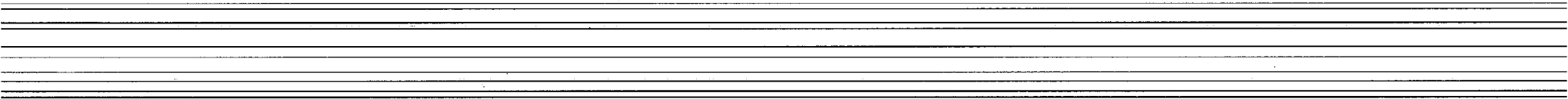
HDPE

FIRST CLASS
FIRST CLASS
FIRST CLASS
FIRST CLASS
FIRST CLASS



First Class Mail

FIRST CLASS
FIRST CLASS
FIRST CLASS
FIRST CLASS
FIRST CLASS



ENCLOSURE 2

NOTIFICATION OF REJECTED MAIL

Inmate Name:

(b) (6)

Reg#:

(b) (6)

Housing Unit:

0

Comments:

Printed internet pages

The above mail item(s) was found objectionable based on MCC Regulation 28-1, para. 1-4 as indicated below.

(1) Contains sexually explicit material involving obscenity or a violation of a sex-based crime included in the Uniform Code of Military Justice (UCMJ). Obscenity is defined as writings or pictures that, taken as a whole under contemporary community standards, appeals to a prurient interest in sex, are offensive because it depicts sexual conduct in a patently offensive way and, taken as a whole, lacks serious literary, artistic, political, or scientific value. Examples of obscenity under this regulation includes actual or simulated acts of sadomasochism; bondage; masturbation; penetration of bodily orifices, both digitally or with an object; nude depictions of sexual activity with, or sexualized accounts regarding children or adults depicting children; and sexual activity with animals. Violations of sex-based crimes under the UCMJ include, but are not limited to, sodomy (both anal and oral) and indecent acts or assault. These examples do not limit the discretion of the 15th MP BDE Commander, in determining specific materials are obscene.

(2) Encourages or advocates racial, religious, or ethnic hatred, unlawful discrimination, or sexual harassment.

(3) Encourages or advocates criminal activity, violence, or institutional violations. This includes publications or materials encouraging or glamorizing tattooing or body piercing.

(4) Contains blackmail, threats, or extortion.

(5) Depicts, encourages, assists, or describes plans or methods of escape from an MCC facility or other correctional facility, or contains blueprints, drawings, or similar descriptions of the MCC.

(6) Depicts roads and streets or contains maps which may aid in an escape.

(7) Depicts or describes the ingredients, use of, or procedures for the manufacturing of alcoholic beverages, drugs, other intoxicants, drug paraphernalia, or any poisons.

(8) Contains material prohibited by postal or other regulations.

(9) Depicts or describes procedures for the construction, manufacture, or use of weapons, explosives, ammunition, bombs, incendiary devices, or escape devices.

(10) Contains material intended to, or likely to, incite fights, riots, strikes, or disobedience of inmates or which describes or encourages activities which may lead to such events.

(11) Contains material which could cause severe psychiatric or emotional disturbance to an inmate.

(12) Contains materials related to the establishment, management, or administration of a for-profit business by an inmate during incarceration.

(13) Publications otherwise allowable under Chapter 4 of this regulation, having been defaced and/or altered, e.g., removing or defacing of pages, articles, cartoons, photographs, games, or advertisements.

X (14) Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.

(15) Contains material pertaining to gambling, lotteries, or games of chance.

(16) Contains material pertaining to contests, such as art or writing contests, unless the inmate has specific permission from the 15th MP BDE Commander to enter such a contest as an exception to policy.

NOTIFICATION OF REJECTED MAIL (continued)

- (17) Solicits money, gifts, or pen-pal relationships. Pen-pals are defined as individuals who had no relationship with the inmate prior to the inmate's entry into post-trial confinement. Inmates may correspond with pen-pals as long as the inmate did not initiate the relationship either directly or indirectly via family, friends, or other inmates. Inmates are not permitted to solicit celebrity photos, autographs, posters, or other memorabilia, or join fan clubs.
- (18) Correspondence or publication(s) written in code or in a language other than English. Requests for exception may be processed per USDB/JRCF Regulation 600-1, Manual for the Guidance of Inmates (MGI), as applicable.
- (19) Contains contraband or any material which inmates are not authorized to possess under the USDB/JRCF MGI or other policy.
- (20) Contains medical, psychological, or pharmaceutical information which may assist inmates in manipulating their behavior for purposes of acquiring a specific diagnosis/prescription drugs or which may otherwise interfere with the medical or mental treatment provided by the MCC.
- (21) Establishes or furthers a financial transaction prohibited by the USDB/JRCF MGI, (e.g., "Bill Me Later").
- (22) Contains a video tape, audio tape, DVD, or other such recording, as a means of communication.
- (23) Contains correspondence to or from current or former inmates of the MCC; current inmates of other penal institutions; relatives of other current or former MCC inmates; and current or former MCC staff members. Requests for exception may be processed per the USDB/JRCF MGI.
- (24) Contains correspondence to or from minors (under 18 years old), whose parents or guardians have objected; or with confining offense victims. (MCC inmates who committed sexual offenses with minor children are not allowed to have written, telephonic, or in-person contact with any minor children without prior approval.)
- (25) Contains any other material which, by its nature or content, poses a threat to the safety, security, or good order and discipline of the MCC.
- (26) Is sealed non-privileged mail.
- (27) Outgoing mail containing insufficient postage and/or incorrect address (non-appealable)

(b) (6)	ISE	(b) (6)	Date: 4 Feb 16
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In accordance with MCC Regulation 28-1 you have the following options (choose one):

- I choose to dispose the item(s).
- I choose to ship the item(s) at my own expense to a person of my choice (for incoming mail ONLY).
- I choose to appeal the item(s) through the Publication Advisory Board (PAB) for a final decision by the Commander, 15th Military Police Brigade.

If you opt to appeal, you may provide a statement in support of your appeal in the space below. In the alternative, you may prepare a separate statement and forward to the ISB using an MCC Form 510, Inmate Request Slip. The separate statement must be received by the ISB staff within seven (7) calendar days from the below date. Failure to meet this deadline will result in your appeal being processed without the benefit of appellate matters.

Inmate's Name (Printed): (b) (6)	Inmate's Signature: (b) (6)	Date: 8 FEBRUARY 2016
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NOTIFICATION OF REJECTED MAIL (continued)

Statement for Appeal:

(1) THE PRINTED MATERIAL BEING CENSORED IS NOT PROTECTED BY COPYRIGHT IN ANY MANNER. ADDITIONALLY, THE ELECTRONIC FRONTIER FOUNDATION PROMOTES "COPYLEFT" POLICIES AND OPPOSES CENSORSHIP BASED ON THE "DIGITAL MILLENNIUM COPYRIGHT ACT OF 2000," GIVING AN INCREASED LIKELIHOOD THAT EFF WILL PROVIDE PERMISSIONS FOR PRINTING OF THESE MATERIALS TO PRISONERS. (IT IS IRONIC THAT THE TOPIC OF THIS MATERIAL IS CENSORSHIP OF PRISONERS BY PRISON STAFF)

(2) CENSORSHIP BASED ON ARGUMENTS THAT PRINTED MATERIAL FROM THE INTERNET IS AN ARBITRARY, CAPRICIOUS, AND UNLAWFUL VIOLATION OF THE LAW AND SPIRIT OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION (U.S. CONST. AMEND. I). FURTHERMORE, IT IS AN ABUSE OF DISCRETION BEING MADE BASED ON THE CONTENT OF THIS MATERIAL, IN REGARDS TO ITS DISCUSSION OF PRISON CENSORSHIP RULES, LAWS, AND POLICIES.

I hereby certify the above statement is true and accurate to the best of my knowledge and belief.

Inmate's Name (Printed): (b) (6)	Inmate's Signature: (b) (6)	Date: 8 FEB 2016
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For Appeals Only:
I have reviewed the mail / property appealed and found the item(s) to be (Objectable/ Not Objectable) based on MCC Reg 28-1, Paragraph 1-4.

Comments:

Publication Review Officer (Printed):	Publication Review Officer (Signature):	Date:
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ENCLOSURE 3

Hi! ☺

1/31/16

① EFF - Feb 12, 2015

② EFF - Dec 28, 2015

③ EFF - Jan 20, 2016

④ EFF - FCC Comments

⑤ (from EFF #1) Combating Facebook

⑥ Relevant Part of Inmate
(from EFF #1) Handbook

⑦ Buzzfeed Referenced
from EFF #2

⑧ Harvard Biz Review article

Love,



(b) (6)

ENCLOSURE 4

NOTIFICATION OF REJECTED MAIL

Inmate Name:

(b) (6)

Re:

(b) (6)

Housing Unit:

0

Remarks:

over 5 internet pages

The above mail item(s) was found objectionable based on MCC Regulation 28-1, para. 1-4 as indicated below.

- (1) Contains sexually explicit material involving obscenity or a violation of a sex-based crime included in the Uniform Code of Military Justice (UCMJ). Obscenity is defined as writings or pictures that, taken as a whole under contemporary community standards, appeals to a prurient interest in sex, are offensive because they depict sexual conduct in a patently offensive way and, taken as a whole, lack serious literary, artistic, political, or scientific value. Examples of obscenity under this regulation include actual or simulated acts of sadomasochism; bondage; masturbation; penetration of bodily orifices, both digitally or with an object; nude depictions of sexual activity with, or sexualized accounts regarding children or adults depicting children; and sexual activity with animals. Violations of sex-based crimes under the UCMJ include, but are not limited to, sodomy (both anal and oral) and indecent acts or assault. These examples do not limit the discretion of the 15th MP BDE Commander, in determining specific materials are obscene.
- (2) Encourages or advocates racial, religious, or ethnic hatred, unlawful discrimination, or sexual harassment.
- (3) Encourages or advocates criminal activity, violence, or institutional violations. This includes publications or materials encouraging or glamorizing tattooing or body piercing.
- (4) Contains blackmail, threats, or extortion.
- (5) Depicts, encourages, assists, or describes plans or methods of escape from an MCC facility or other correctional facility, or contains blueprints, drawings, or similar descriptions of the MCC.
- (6) Depicts roads and streets or contains maps which may aid in an escape.
- (7) Depicts or describes the ingredients, use of, or procedures for the manufacturing of alcoholic beverages, drugs, other intoxicants, drug paraphernalia, or any poisons.
- (8) Contains material prohibited by postal or other regulations.
- (9) Depicts or describes procedures for the construction, manufacture, or use of weapons, explosives, ammunition, bombs, incendiary devices, or escape devices.
- (10) Contains material intended to, or likely to, incite fights, riots, strikes, or disobedience of inmates or which describes or encourages activities which may lead to such events.
- (11) Contains material which could cause severe psychiatric or emotional disturbance to an inmate.
- (12) Contains materials related to the establishment, management, or administration of a for-profit business by an inmate during incarceration.
- (13) Publications otherwise allowable under Chapter 4 of this regulation, having been defaced and/or altered, e.g., removing or defacing of pages, articles, cartoons, photographs, games, or advertisements.
- (14) Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.
- (15) Contains material pertaining to gambling, lotteries, or games of chance.
- (16) Contains material pertaining to contests, such as art or writing contests, unless the inmate has specific permission from the 15th MP BDE Commander to enter such a contest as an exception to policy.

NOTIFICATION OF REJECTED MAIL (continued)

(17) Solicits money, gifts, or pen-pal relationships. Pen-pals are defined as individuals who had no relationship with the inmate prior to the inmate's entry into post-trial confinement. Inmates may correspond with pen-pals as long as the inmate did not initiate the relationship either directly or indirectly via family, friends, or other inmates. Inmates are not permitted to solicit celebrity photos, autographs, posters, or other memorabilia, or join fan clubs.

(18) Correspondence or publication(s) written in code or in a language other than English. Requests for exception may be processed per USDB/JRCF Regulation 600-1, Manual for the Guidance of Inmates (MGI), as applicable.

(19) Contains contraband or any material which inmates are not authorized to possess under the USDB/JRCF MGI or other policy.

(20) Contains medical, psychological, or pharmaceutical information which may assist inmates in manipulating their behavior for purposes of acquiring a specific diagnosis/prescription drugs or which may otherwise interfere with the medical or mental treatment provided by the MCC.

(21) Establishes or furthers a financial transaction prohibited by the USDB/JRCF MGI, (e.g., "Bill Me Later").

(22) Contains a video tape, audio tape, DVD, or other such recording, as a means of communication.

(23) Contains correspondence to or from current or former inmates of the MCC; current inmates of other penal institutions; relatives of other current or former MCC inmates; and current or former MCC staff members. Requests for exception may be processed per the USDB/JRCF MGI.

(24) Contains correspondence to or from minors (under 18 years old), whose parents or guardians have objected; or with confining offense victims. (MCC inmates who committed sexual offenses with minor children are not allowed to have written, telephonic, or in-person contact with any minor children without prior approval.)

(25) Contains any other material which, by its nature or content, poses a threat to the safety, security, or good order and discipline of the MCC.

(26) Is sealed non-privileged mail.

(27) Outgoing mail containing insufficient postage and/or incorrect address (non-appealable)

ISB Staff (Printed Name):

(b) (6)

ISB Staff (Signature):

(b) (6)

Date:

19 Feb 16

In accordance with MCC Regulation 28-1 you have the following options (choose one):

I choose to dispose the item(s).

I choose to ship the item(s) at my own expense to a person of my choice (for incoming mail ONLY).

I choose to appeal the item(s) through the Publication Advisory Board (PAB) for a final decision by the Commander, 15th Military Police Brigade.

If you opt to appeal, you may provide a statement in support of your appeal in the space below. In the alternative, you may prepare a separate statement and forward to the ISB using an MCC Form 510, Inmate Request Slip. The separate statement must be received by the ISB staff within seven (7) calendar days from the below date. Failure to meet this deadline will result in your appeal being processed without the benefit of appellate matters.

Inmate's Name (Printed):

Inmate's Signature:

Date:

NOTIFICATION OF REJECTED MAIL (continued)

Statement for Appeal:

(1) ARBITRARY, CAPRICIOUS AND UNLAWFUL ABUSE OF DISCRETION
IN VIOLATION OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION,
SPECIFICALLY REGARDING FREEDOM OF SPEECH AND FREEDOM OF ASSOCIATION
(2) INCORRECT APPLICATION OF U.S. AND INTERNET COPYRIGHT LAW
USED IN JUSTIFYING A FIRST AMENDMENT VIOLATION AND
A CLEAR INTENT TO CENSOR PRISONERS' ACCESS TO THEIR
COMMUNITY.

SEE PREVIOUS MCC FORM 28-1-2, DATED 8 FEBRUARY 2016,
SIGNED B.I. MP.

// END //

I hereby certify the above statement is true and accurate to the best of my knowledge and belief.

Inmate's Name (Printed):

(b) (6)

(b) (6)

Date:

24 FEB 2016

For Appeals Only:

I have reviewed the mail / property appealed and found the item(s) to be (Objectable/ Not Objectable)
based on MCC Reg 28-1, Paragraph 1-4.

Comments:

Publication Review Officer (Printed):

Publication Review Officer (Signature):

Date:

ENCLOSURE 5

0 1 MAR 2016

PMCC-DB

MEMORANDUM FOR (b) (6)

SUBJECT: Publication Review Decision

I have reviewed your appeal of the referenced publication(s) that was initially rejected for the following reason:

Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.

INTERNET MORE THAN 5 PAGES (3 ENVELOPES)

After a thorough review, I have decided to deny your appeal. Your appeal is denied and the referenced item(s) is rejected for admission into the institution.

(b) (6)

Commandant

ITEM DISAPPROVED: SHIP (b) (6) DESTROY _____

SIGNATURE (b) (6) DATE 3 MARCH 2016

ENCLOSURE 6

INMATE REQUEST SLIP Directorate of Operations		Control No: 1171636-0	Date: 31 MARCH 2016
PRIVACY ACT STATEMENT			
<p>AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07</p> <p>PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.</p> <p>ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.</p> <p>DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.</p>			
To: COMMANDANT, USDB		From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) MANNING, CHELSEA E. 89284 OSCAR HU, 0227, DET. 22	
I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)			
<p>YOU MAKE THE FOLLOWING ACTIONS IMMEDIATELY:</p> <p>(1) LIFT THE LOCKDOWN OF ME IN OSCAR HOUSING UNIT (OHU)</p> <p>(2) PROVIDE ME WITH ADEQUATE NUTRITION, AND AT LEAST TWO (2) HOT MEALS PER DAY.</p> <p>(3) PROVIDE ME WITH ACCESS TO HAIRSHAVE AND A SHOWER</p> <p>(4) PROVIDE ME WITH ACCESS TO AT LEAST ONE (1) HOUR OF OUT-OF-CELL RECREATION PER DAY.</p> <p>(5) PROVIDE ME WITH TELEPHONE ACCESS TO LEGAL COUNSEL.</p> <p><u>SEE ATTACHED DOCUMENTS:</u> (1) "REQUEST FOR LIFTING OF LOCKDOWN AND ADEQUATE PRISON PROVISIONS"; (2) "REQUEST FOR REDRESS UNDER ART. 138, UCMJ"</p> <p style="text-align: center;">//END//</p>			
Housing Unit NCO Printed Name: (b) (6)		Housing Unit NCO Signature: (b) (6)	
FOR OFFICE USE ONLY			
To: [REDACTED]		From: CJA	Date: 1 APR 2016
In reply to your request:			
<p>I have been asked to respond on behalf of the Commandant. As the lockdown of O-Pod is now over, there is no need for USDB staff to respond either affirmatively or negatively to your request. IAW Article 27-10, your Article 138 claim has been forwarded to Fort Sill for processing.</p> <p><i>ADVIS NEGOTIATION</i></p>			
Housing Unit NCO Printed Name: (b) (6)		Inmate Printed Name: (b) (6)	
Housing Unit NCO Signature: (b) (6)		Inmate Signature: (b) (6)	

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).
MCC Form 510

15-Jan-16

ENCLOSURE 7

PMCC-DB

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Lifting of Lockdown and Adequate Prison Provisions—Inmate

(b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 955, "Article 55, Uniform Code of Military Justice (UCMJ)"
- b. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014.

2. Pursuant to para. 13a, of USDB Regulation 600-1, I hereby request that you make the following actions immediately:

- a. Lift the lockdown of me in OSCAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.
- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

3. **Background.** On 30 March 2014, you ordered a lockdown of OSCAR Housing Unit (O HU). Your action keeps me inside my cell, O-122, for 24 hours each day, prevents me from receiving adequate food or any hot meals, prevents me from having adequate access to hygiene facilities to include a shower, and eliminates all out-of-cell recreation time. I believe that these actions and omissions are a serious violation of Article 55, UCMJ and the Eighth Amendment of the U.S. Constitution protecting inmates from cruel and/or unusual punishments.

4. The point of contact for this memorandum is the undersigned in OSCAR Housing Unit at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 8

ENCLOSURE 9

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate (CJA), U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

FOR

Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."
- b. Army Regulation (AR) 27-10, *Military Justice*, dated 3 October 2011.
- c. Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, dated 30 September 2011.
- d. U.S. Disciplinary Barracks (USDB) Regulation 600-1, *Manual for the Guidance of Inmates (MGI)*, dated 14 November 2013.

2. **Nature of Request.** Pursuant to Article 138, UCMJ¹ and chapter 19-6a. of AR 27-10,² I hereby request redress for your rejection of "printed internet materials [. . .] of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws."

3. **Respondents.** The respondents of this request for redress are—

- a. [REDACTED] Commandant, U.S. Disciplinary Barracks and Commander 15th Military Police Brigade, Fort Leavenworth, Kansas; and

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, *Military Justice*, chp. 19-6a., at p. 100 (3 October 2011)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

b. the Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461.

4. Background.

a. On 8 February 2016, civilian staff at the Inmate Services Branch (ISB) denied mail sent inside an envelope from (b) (6) correctly addressed to me at the USDB.

b. The written basis of the denial was "PRINTED INTERNET MATERIALS," based on para. 14 of MCC Form 28-1-2 and chapter 1-4c.(13) of MCC Regulation 28-1.³

c. I appealed the denial in subpara. b. above on the basis that—

(1) the First Amendment of the U.S. Constitution protects against arbitrary, capricious, and unlawful denials of mail; and

(2) the USDB and MCC are deliberately abusing their discretion based on a flimsy interpretation of federal copyright statutes,⁴ and that any alleged enforcement of copyright is beyond the scope, duty, and mission of the USDB and MCC and is therefore an improper basis for violating the First Amendment of the U.S. Constitution.⁵

d. The content of the first envelope was a number of articles written under the "share-alike attribution" Creative Commons License by the Electronic Frontier Foundation (EFF), and two other articles covered under the "fair use" provisions of federal copyright statutes.⁶ The content of these articles mostly dealt with prison conditions, censorship, and inmates' access to e-mail and telephones.

e. Two more envelopes sent from (b) (6) to myself were denied on the same basis as subpara. b. above on 19 February 2016, and appealed on the same basis as subpara. c. on 24 February 2016.

f. One the respondents to this request for redress, the Commandant, USDB, replied to all three my appeals in a combined omnibus memorandum on 1 March 2016. The memorandum restated the facts of the three cases and "rejected" the materials "for admission into the institution.

³ Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, chp. 1-4c.(13) (30 September 2011)

⁴ 17 U.S.C. §§ 101 *et seq.*

⁵ U.S. const. amend. I; V

⁶ 17 U.S.C. § 107

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

g. Given only two options for disposition of the materials—ship and destroy—I elected to ship the items to (b) (6) an investigative researcher at EFF. These items remain secured in their possession as I process this request for redress.

5. **Request for Redress.** As redress, I hereby request that both of you—the respondents identified in para. 3. above—

a. retract the denial of the three envelopes containing non-objectionable printed internet materials; and

b. refrain from denying non-objectionable printed internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.

6. **Response.** Pursuant to AR 27-10,⁷ you shall respond to this request for redress, in writing, within 15 days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response. If you fail to submit a response within thirty calendar days, I may consider this a denial of my request for redress and I may submit a complaint of wrong to the general court-martial convening authorities (GCMCA) of Fort Leavenworth, Kansas and Fort Sill, Oklahoma.

7. **Notice of Futility.**

a. Based on previous responses to requests for redress by you and your predecessors as Commandant, USDB and Commander, HHD, USAG, Fort Sill, I consider the process of requesting for redress under AR 27-10 and Article 138, UCMJ futile for purposes of the Prison Litigation Reform Act (PLRA).⁸

b. You have denied reasonable means for me to redress my concerns on issues as broad as those concerned with—

(1) arbitrary denials for visitation;

(2) inadequate and deliberate denials for healthcare; and

(3) reprisals for invoking Fifth Amendment and Article 31 rights against self incrimination during an informal criminal investigation; and

(4) failures to provide due process at a disciplinary board and appeals process.

⁷ AR 27-10, chp. 19-6b, at p. 101

⁸ 42 U.S.C. §§ 1997e; See also *Booth v. Churner*, 532 U.S. 731, 740 n. 6, 121 S. Ct. 1819, 1825 n. 6, 149 L. Ed. 2d 958, 967 n. 6 (2001)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

c. You and your predecessors have repeatedly and consistently shielded your actions behind a Byzantine statutory and regulatory process, and have argued that you are above the law and beyond the reach of any appellate authority within the Department of the Army or the U.S. government. As a result, not a single prison conditions issue brought to your attention has been addressed in any meaningful manner whatsoever.

8. The point of contact for this memorandum is the undersigned at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 10

ENCLOSURE 11

PMCC-DB

31 MARCH 2016

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

FOR Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 73503-4461

SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 855, "Article 55, Uniform Code of Military Justice (UCMJ)."
- b. Title 10, U.S.C. § 938, "Article 55, Uniform Code of Military Justice (UCMJ)."
- c. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.
- d. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014.

2. Pursuant to Article 138, UCMJ¹ para. 19-6a. of AR 27-10,² I hereby request redress for your refusal to:

- a. Lift the lockdown of me in OSCAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.
- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011

PMCC-DB
SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

3. Background.

a. On 30 MARCH 2016 at 0205, you ordered a lockdown of OSCAR Housing Unit (O HU). Your action keeps me inside my cell, 0227, for 24 hours each day, prevents me from receiving adequate food or any hot meals, prevents me from having adequate access to hygiene facilities to include a shower, and eliminates all out-of-cell recreation time.

b. On 31 MARCH 2016 at 0600, I submitted an MCC Form 510 in accordance with USDB Regulation 600-1.³ I request that you immediately:

- (1) Lift the lockdown of me in OSCAR Housing Unit (O HU).
- (2) Provide me with adequate nutrition, and at least two hot meals per day.
- (3) Provide me with adequate access to hygiene and a shower.
- (4) Provide me with at least one hour of out-of-cell recreation per day.
- (5) Provide me with telephonic access to legal counsel.

c. On 31 MARCH 2016 at 0600, I received your denial of my request. (VERBAL)

4. I believe that your denial to lift the lockdown or provide adequate provisions are actions and omissions that are a serious violation of Article 55, UCMJ and the Eighth Amendment of the U.S. Constitution protecting inmates from cruel and/or unusual punishments. I believe that your denial of these requests is arbitrary, unreasonable, unlawful, and not in the interests of the U.S. Disciplinary Barracks or the Army. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ⁴ and para. 19-4e. of AR 27-10.

5. As redress, I hereby request that you:

- a. Lift the lockdown of me in OSCAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.

³ U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014

⁴ 10 U.S.C. § 938

PMCC-DB

SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

6. Pursuant to para. 19-6b. of AR 27-10, you shall respond to this request for redress, in writing, within fifteen (15) days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response. If you do not submit a response within thirty (30) calendar days, I will consider this a denial of my request for redress and I will submit a complaint of wrong to the general court-Martial convening authority (GCMCA).

7. The point of contact for this memorandum is the undersigned in OSCAR Housing Unit at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 12



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SILL
U. S. ARMY PERSONNEL CONTROL FACILITY
3436 WILSON STREET
FORT SILL, OK 73503-4461

22 MAR 2016

IMSI-HHP

MEMORANDUM FOR [REDACTED] U.S. Disciplinary Barracks (PMCC-DD),
1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Response to Article 138 Request for Redress

1. On 15 March 2016, I received your request for redress under UCMJ Article 138 from you dated 13 March 2016. After reviewing your request regarding the disposition of your mail, your request for redress is denied. A complaint is not appropriate under Article 138 if other procedures exist that provide the Soldier notice of an action, a right to rebut or a hearing, and a review by an authority superior to the officer originating the action. Your administrative appeal for this decision was denied on 01 March 2016, under MCC Regulation 28-1, chapter 3 and Army Regulation (AR) 190-47, para 10-10b(6)(c). Thus, your request is inappropriate for review under Article 138 as Army regulations specifically authorize an administrative appeal.

2. For clarification, your request for redress states that the denial of your mail was pursuant to MCC Regulation 28-1, para. 1-4c(13). However, your mail was denied to you under MCC Regulation 28-1, para. 1-4c(14), because the mail "[c]ontains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws." Your mail was denied on MCC Form 28-1-2 because the printed internet materials were in excess of five pages, not because of copyright concerns.

3. I have ensured that the U.S. Disciplinary Barracks is aware of your concerns. The POC for this memorandum is the Office of the Staff Judge Advocate, 580-442-2388/2685.

(b) (6)

Commanding

ENCLOSURE 13



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SILL
U. S. ARMY PERSONNEL CONTROL FACILITY
3430 WILSON STREET
FORT SILL, OK 73503-4461

IMSI-HHP

4 April 2016

MEMORANDUM FOR [REDACTED] U.S. Disciplinary Barracks (PMCC-DD),
1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Response to Article 138 Request for Redress

1. On 31 March 2016, I received your request for redress under UCMJ Article 138 from you dated 31 March 2016. I have reviewed your request to lift the lockdown. Your housing pod was locked down as a part of standard operating procedure to ensure safety and security in the prison, therefore this does not meet the criteria in AR 27-10, para. 19-4e, for a wrong suitable for redress under Article 138. Further, the lockdown was lifted on 1 April 2016.

2. I have ensured that the U.S. Disciplinary Barracks is aware of your concerns. The POC for this memorandum is the Office of the Staff Judge Advocate, 580-442-2388/2685.

(b) (6)

Commanding

MEMORANDUM THRU: Trial Defense Services, Fort Leavenworth, KS 66027

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

Subject: Complaint of Wrong under Article 138, Uniform Code of Military Justice (UCMJ)—Inmate, (b) (6)
(b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138 UCMJ."
- b. Army Regulation (AR) 27-10, "Military Justice" dated May 2016.
- c. U.S. Disciplinary Barracks (USDB) 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this request for redress to the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, Inmate (b) (6) I am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment HHD Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Rd., Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this request for redress to (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the USDB and the 15th Military Police Brigade at 1301 N Warehouse Rd., Fort Leavenworth, Kansas 66027-2304

5. Complaint.

- a. Prior to arrival at the USDB, I underwent two spinal fusion surgeries on the front and back of my spine. And suffer chronic pain as a result.
- b. Prior to my arrival to the USDB Medical Staff and the medical staff at (BAMC) Brook Army Medical Center pre-coordinated on 3 February 2016, my care requirements with (b) (6) the USDB's lead medical officer. This was annotated in my medical records and was a pre-transfer requirement.
- c. My medications list and my extensive medical history dealing with my chronic pain resulting from spinal fusion surgery was part of the pre-transfer conversation.
- d. My spine surgeries have left me with constant pain, I am unable to function with everyday tasks without medication

- e. On February 3rd 2017 I was attacked by an inmate while I was performing my duties at the USDB library. The guard that was on duty at the time I was attacked was sitting in the office surfing the multimedia site Face book and was unaware of the attack against me. Because I was not protected by the facility guards, I was forced to defend myself using the least amount of force; I was in a great deal of pain because of the attack and having to use my body weight to restrain my attacker until help arrived. However help never arrived. The attack was stopped by two other inmates. The CCTV Video showed that I was attacked from behind and the attack lasted around three minutes. The facility guards failed to protect me or even arrive to help me. I in turn was found guilty of assault consummated by battery even though the video showed I was not the aggressor and I never raised my hand to my attacker other than to restrain him so he could no longer attack me. My punishment placed me in solitary confinement and elevated to maximum custody for six months.
 - f. The facility is aware of my neck and back injuries, and that I underwent two neck surgeries to fuse my vertebrae. Because of my spine injuries it makes it unbearable to have my hands cuffed behind my back, so I have a profile alerting the guard staff not to cuff my hands behind my back. During a forced cell move I told the guards that I had hands to the front profile. The five guards grabbed me and took me to the ground ignoring my cries of pain and placed their knees on my neck and back while they forced my arms to the rear and cuffed me. I suffered severe pain due to their unnecessary action, as I did not fight them.
 - g. On 22 November 2017, I submitted a MCC 510 requesting redress for the issue with the Commandant.
 - h. In accordance with AR 27-10 paragraph 19-4(e) the initial request for redress must "be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong." My MCC 510 stated that the request for redress was for the Commandant.
 - i. As of 18 December 2017, 26 calendar days elapsed since I submitted my official request to the Commandant for redress, (b) (6) had 15 calendar days to respond, or request an extension¹. As I have not received a response or a request for extension, I consider this a refusal of redress².
 - j. The Commandant's decision not to address my request for redress is a violation of the UCMJ as well as AR 27-10, and that I deserve to have my request for relief granted.
- 6. Relief Requested, As relief, I hereby request:**
- a. Under the Eighth Amendment and both Article's 55 Cruel and unusual punishments prohibited, and Article 93 Cruelty and maltreatment of the UCMJ my rights have been violated. I feel that administrative relief should be granted due to suffering severe pain at the hands of the guards even though they were made aware of my pre-existing conditions. And I was not protected by the guards while being attacked by another inmate.
 - b. The facility accepted responsibility for the pre-existing conditions when the pre-coordination with the facility and the BAMC Nurse case manager was completed.
 - c. I feel that the redress requested is justified due to the severity of the offense committed against me.

¹ AR 27-10 paragraph 19-5(a)

² IAW AR 27-10 paragraph 19-5(d)

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on December 22nd 2017

Enclosure: (1)
Request for Redress

(b) (6)

MEMORANDUM THRU: Trial Defense Services, Fort Leavenworth, KS 66027

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

Subject: Request for Redress under Article 138, Uniform Code of Military Justice (UCMJ)—Inmate, (b) (6)
(b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138 UCMJ."
- b. Army Regulation (AR) 27-10, "Military Justice" dated May 2016.
- c. U.S. Disciplinary Barracks (USDB) 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this request for redress to the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, Inmate (b) (6) I am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment HHD Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Rd., Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this request for redress to (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the USDB and the 15th Military Police Brigade at 1301 N Warehouse Rd., Fort Leavenworth, Kansas 66027-2304

5. Complaint.

- a. Prior to arrival at the USDB, I underwent two spinal fusion surgeries on the front and back of my spine. And suffer chronic pain as a result.
- b. Prior to my arrival to the USDB Medical Staff and the medical staff at (BAMC) Brook Army Medical Center pre-coordinated on 3 February 2016, my care requirements with (b) (6) the USDB's lead medical officer. This was annotated in my medical records and was a pre-transfer requirement.
- c. My medications list and my extensive medical history dealing with my chronic pain resulting from spinal fusion surgery was part of the pre-transfer conversation.
- d. My spine surgeries have left me with constant pain, I am unable to function with everyday tasks without medication

- e. On February 3rd 2017 I was attacked by an inmate while I was performing my duties at the USDB library. The guard that was on duty at the time I was attacked was sitting in the office surfing the multimedia site Face book and was unaware of my attack. Because I was not protected by the guards, I was forced to defend myself with the least amount of force. I used my body weight to restrain my attacker until help arrived, however help never came the attack was stopped by two other inmates. The CCTV Video showed that i was attacked from behind and the attacked lasted around three minutes and the guards never arrived to help me. I was found guilty of assault consummated by battery even though the video showed I was not the aggressor and I never raised my hand to my attacker other than to restrain him so he could no longer attack me. My punishment placed me in maximum custody for six months.
- f. Because of my spine injuries it makes it unbearable to have my hands cuffed behind my back, so I have a profile alerting the guard staff not to cuff my hands behind my back. During a forced cell move I told the guards that I had hands to the front profile. The five guards grabbed me and forced me to the ground and ignored my cries of pain and placed their knees on my neck and back while they forced my arms to the rear and cuffed me. I suffered severe pain due to their unnecessary action, as I did not fight them.
6. **Relief Requested, As relief, I hereby request:**
- a. Under the Eighth Amendment and both Article's 55 Cruel and unusual punishments prohibited, and Article 93 Cruelty and maltreatment of the UCMJ my rights have been violated. I feel that administrative relief should be granted due to suffering severe pain at the hands of the guards even though they were made aware of my pre-existing conditions. And I was not protected by the guards while being attacked by another inmate.
- b. The facility accepted responsibility for the pre-existing conditions when the pre-coordination with the facility and the BAMC Nurse case manager was completed.
- c. I feel that the redress requested is justified due to the severity of the offense committed against me.
7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on November 22nd 2017

(b) (6)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: (b) (6) (b) (6) sing Unit,

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Attached is an Article 138 complaint against Commandant (b) (6) dated 20190331. I would like you to turn it in immediately to the G.C.M.C.A exercising jurisdiction over (b) (6). It is 5 single sided typed pages.

Housing Unit NCO Printed Name: (b) (6) Housing Unit NCO Signature: (b) (6) Inmate Signature: (b) (6)

To: (b) (6) From: OCTA Date: 9 April 19

In reply to your request: In accordance with UCMJ § 938, Art. 138 and AR 27-10, Chapter 14, only a Servicemember has the ability to file an Article 138 complaint. You were discharged December 4, 2016 and no longer meet that states as a Servicemember.

Responder Signature: (b) (6) Housing Unit NCO Signature: Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

My problem in life was that I was attempting to imitate a Torah observant Messiah without observing Torah myself. I have found that I personally need both. If I had been taught Torah from my youth up, I would have known about the story of Yusef and Potifar's wife. This story is found in Genesis 39:6-20, but I was not, so I did not. This eventually lead to me placing myself in the same situation as Yusef over and over again. I was raised in a society that lead me to believe that I could place myself in hazardous situations like being alone with women or having casual sex with women was an okay thing to do, but it was not. The story of Yusef conveys this truth. Vice-President Mike Pence lives this truth and because he lives this truth Vice-President Pence lives this truth he received all types of flak. The difference between V.P. Pence and I is that I am the only one sitting in a maximum security military prison having his religious freedoms taken away because of a rape he did not commit.

I am being deprived of my right to freedom of religious expression in the following ways:

- 1) not being allowed to grow a $\frac{1}{2}$ " beard. (Lev 19:27)
- 2) Not being able to abstain from having my hair faded (Lev 19:27)
- 3) not being able to take the vow of a Nazir. (Num 6:1-22)
- 4) not being allowed regular wear of tzitzath, t'fillin (shel rosh), and t'fillin (shel yad). (Num 15:37-40; Deut 11:18)
- 5) not being able to have a Mezuzah in my cell. (Deut 6:9)

From the Bible we are told that:

...and he said to them, 'Whoever loves his father or mother more than me is not worthy of me. Whoever loves his father or mother more than me is not worthy of me.'

Matt 9:20
B.Y.N.V

As stated above this is an instruction found in Torah and has a very specific purpose behind it.

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

"And it shall be to you for a tsitsith, and you shall see it, and shall remember all the commands of ~~AV-32~~ and shall do them, and not search after your own heart and your own eyes after you went whoring, so that you remember, and shall do all My commands..."

Num 15:39-40
B.Y.N.V.

Wearing tzitzath is specifically meant to encourage "good order and discipline". T'fillin (i.e. phylacteries) are a secondary reminder designed to protect the wearer from his own evil inclinations.

"Therefore you are to store up these words of mine in your heart and in all your being; tie them on your hand as a sign..."

Deut 11:18a&b
C.J.B.

Wearing t'fillin on your hand reminds the wearer to not : steal, murder, and just in general not cause your fellow man physical harm.

"...put them at the front of a headband around your forehead."

Deut 11:18c
C.J.B.

The purpose of wearing t'fillin on your head is to remind the wearer to not: covet your neighbor's property. It is also to remind you to love your neighbor as yourself and to take care of the poor, the orphan, the widow, and the foreigner. These things are meant to help guide your behavior.

...not let his own grooming standards.

"Do not round the corner of your head, nor destroy the corner of your beard"

Lev 19:27
B.Y.N.V.

(b) (6)
1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

(b) (6) [redacted] has been pretending that she can not give me an exception to policy to AR 670-1 grooming standards. She (b) (6) has been placing the onus for this decision on the Chief of Staff for the Department of the Army. This would be necessary if I were an active duty service member that wore "Army uniform and insignia", but I am not. I have read DoDI 1325.07 and 1300.17 . I have also read AR 190-47. Both of these DoDI's and this Ar, to my knowledge supersede any U.S.D.B. regulation. The Manual for the Guidance of Inmates (MGI) does not list any M.C.C. regulations that would have any relevant application to this particular situation. Inmates only have to abide by AR 670-1 because the Command group of the U.S.D.B. wants them to. Interestingly enough AR 670-1 allows for an active duty service member to have a shaving profile that allows them to maintain a 1/4" beard and Command group, unofficially, prohibits this regardless of a persons actual medical needs.

I have also requested to be able to have a Mezuzah in my cell according to:

"... and write them on the door-frames of your house and on your gates..."

Deut 6:9
C.J.B.

The purpose behind this is to show people who enter into that particular living space that the occupant observes Torah and that sinful behavior has no place there. It also reminds the occupant of his/her obligations in life. These things are

"When that time comes for ADONAI's sacrifice 'I will punish the leaders and the sons of the king, also those who dress in foreign clothes.'"

Zeph 1:8
C.J.B.

That verse is speaking of the second coming of Yahusha the Messiah (aKa Jesus). I don't want to go into the Lake of Fire because Colonel Horton believes:

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

"ADONAI will do nothing neither good or bad"

Zeph 1:12c
C.J.B.

why the facility would have an issue with me wearing the traditional t'fillin. Traditional t'fillin are boxes that could possibly conceal contraband in them. In order to facilitate this compromise I asked Anthony Mendez (and through him Colonel Horton) to instead be able to order the following items to replace the traditional ones:

- 1) Aaronic Blessing Pendant EQ124725 14.99
- 2) Song of Songs Sterling Silver Ring EQ935516Y 68.99

These items would replace the traditional t'fillin and can be viewed at christianbookdistributor.com

To replace the Mezuzah I requested to order:

- 3) Ark of the Covenant Sculpture EQ201281 31.99

This item would sit on my desk and remove the need to hang anything on my cell wall.

I was also denied the ability to order tzitzith from the Torah Institute www.torahzone.net. They come in a set of four (4) for 17.00\$ and you hang them from your belt loops. They are no more than shoe strings essentially. (see 510 control # 1209370-SHU)

These things are to be worn on a daily basis and I would be most grateful to be able to observe Torah in these ways.

(b) (6)

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

18 May, 2012

MEMORANDUM THRU Commander, 15th Military police Brigade, Fort
Leavenworth, Kansas 66027

FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth,
Fort Leavenworth, Kansas 66027

SUBJECT: Complaint of Wrong (Article 138, UCMJ)

1. I, (b) (6) am a member of the U.S. Army Reserve, subject to the Uniform Code of Military Justice, and currently assigned to U.S. Disciplinary Barracks(USDB), U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. On 29 March, 2012 while assigned to my present unit, I was wronged by my commandant, (b) (6) Commandant, U.S. Disciplinary Barracks, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. I made a written request for redress to (b) (6) on 30 April, 2012, but on May, 2012 he refused to grant it. The request for redress and his response are attached (Encl). I therefore submit this complaint against (b) (6) (b) (6) under the provisions of Article 138, UCMJ, and Army Regulation 27-10.

2. The wrong which is the subject of this complaint is the improper denial of the Death Sentence Inmate (DSI) Cell Block's and my participation in the Equal Opportunity (EO) Ethnic Observance Meal served on the 29th of March, 2012. The circumstances are as follows: The DSI Cell Block as a special population group within the USDB, has been participating the Equal Opportunity Ethnic Observance Meals for over the past year. During the third week of February, 2012, we were once again asked to participate and if we wanted to, please fill out the appropriate form(DA Form 1130-R). Those of us who wished to participate filled out the forms and turned them in immediately. We were then informed that the Meal would be served on the 29th of March, 2012.

3. On Thursday, 22 March, 2012, we were suddenly informed that our forms had been lost and that we could not participate in the Observance. We immediately contacted our NCOIC, who looked into the issue and told us he had straighten out the issue, so that we could take part in the EO Ethnic Observance Meal. This was on Friday, the 23rd of March, 2012. At that time, we also filled out new forms and submitted them once again. Then on Monday, the 26th of March, 2012, we were once again informed that we could not participate in the Meal. We were further informed that the Chief of Staff, (b) (6) had torn up our forms and had stated that we were not authorized to participate in any EO Ethnic Observances or Meals as the General Population was authorized to do. We were further informed that (b) (6) (b) (6) stated he would personally make sure we could not participate by rewriting the regulations to ensure that we could not. We were

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

unable to correct the situation prior to the 29th of March, 2012 and have been trying to correct the situation ever since. However, we have been unsuccessful in our efforts to straighten out this issue, and the USDB has been completely unwilling to even discuss it with us, let alone work out a compromise with us, or even change any of it's actions, so that we may also participate in the EO Ethnic Observances and Meals.

4. I and others from the DSI Cell Block, the NCOIC of the Special Housing Unit, the USDB Equal Opportunity Representative, the 15th MP Brigade Equal Opportunity Advisor have all tried to change or remedy this situation, or to find out the reasons for this change of policy through numerous MCC Form 510's to the Commandant, (b) (6). However, he has refused to acknowledge, my requests or other's requests, and instead has allowed the Deputy Commandant to respond even when the forms and complaints were addressed directly to (b) (6) (b) (6) and no-one else. The Deputy Commandant has simply stated that we can not participate in the EO Ethnic Observance Meals, because we are unable to participate in EO meetings or Observances.

5. The USDB has not made any effort to allow us to participate in any EO meetings or Observances, nor were we ever told this was a requirement in order to participate in the EO Meals. The USDB has the ability to allow us to participate in both the meetings and the Observances if they want to. There are several possible options, but we can not get anyone to discuss these options with us.

6. (b) (6) actions were improper in that (b) (6) was absolutely inflexible in trying to resolve this issue with myself and the DSI Cell Block/special population, and that he refused to work with us to reach a solution that would meet both the USDB's requirements and allow us to participate in the EO Ethnic Observances and Meals. Further more, (b) (6) actions in allowing (b) (6) to take punitive punishment actions against myself and the DSI Cell Block is improper. (b) (6) actions were in essence personal abuse and harassment directed against the DSI Special Population and myself. (b) (6) actions were in violation of AR 190-47, which states in Chapter 9, that the USDB is suppose to be correctional in nature and not punitive. Additionally, facility commanders will ensure policy and procedures protect inmates from personal abuse, corporal punishment; personal injury, disease, property damage, and harassment. The DSI Cell Block and myself are not on lockdown, or being disciplined in any manner for any misconduct, or in violation of USDB's rules or regulations.

7. Since the USDB must keep the DSI Cell Block separate from the General Population, the USDB could simply tape or film the EO Ethnic Observances and meetings, and then either show them on the internal television channel 7, or bring the mobile tv carts and video/dvd players to the Cell Block, as they do for the Disciplinary Lockdown Inmates, in order to show the Observances and meetings, just as they do church services. If the USDB did this, the DSI Cell Block would then be able to participate in the EO Meetings and Observances as

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

required by the USDB in order to take part in or participate in the EO Ethnic Observance Meals. Or the USDB could take notes at the EO Meetings and then publish them to all the Cell Blocks. It should be noted that the EO Ethnic Observance Meals do not cost the U.S. Army or the USDB any funds or money, as the inmates use and pay for the meals with their personal funds, when partaking in these EO Ethnic Observance Meals. So, it is not as if allowing myself and the other five DSI Cell Block Inmates to participate in these EO Ethnic Observance Meals, costs the USDB anything. That is one of the reasons we are having such a hard time understanding Mr. Grande's actions, (b) (6)

(b) (6) actions or the USDB's actions in general.

8. I believe (b) (6) actions and his refusal to workout some way for myself and the DSI Cell Block to participate in these events are arbitrary, capricious, and an abuse of discretion, in addition to being materially unfair.

9. I hereby ask as redress that you require the USDB to film or tape the EO Meetings and the EO Ethnic Observances and then to show them or publish them on the internal USDB channel 7, or to show them by using a mobile tv cart and video/dvd player. I then request that you then have the USDB allow myself and the other DSI Cell Block inmates to participate in the Equal Opportunity Ethnic Observance Meals, and to change the internal regulations to state that the DSI Special Population is authorized to participate in these events.

(b) (6)

ENCL

USDB, U.S. Army Combined Arms Center

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

24 April, 2012

MEMORANDUM FOR Commandant, United States Disciplinary Barracks(USDB),
U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, 66027-2304

SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

1. During the third week of February, 2012, the Death Sentence Inmate (DSI) cell block, and specifically myself, were asked if we wanted to join in with the rest of the General Population Inmates in the Equal Opportunity Ethnic Observance Meal. This meal was conducted on the 29th of March, 2012. Since, we had been participating throughout the past year, no-one expected any issues to arise. I signed up to participate as did several others.
2. On 22 March, 2012, we were informed our DA Forms 1130-R's had been lost and we could not participate in the Equal Opportunity Ethnic Observance Meal. We contacted the Special Housing Unit(SHU) NCOIC, who looked into the issue for us, and made sure we could in fact participate, by simply filling out new DA Forms 1130-R. We did this on Friday, 23 March, 2012 and submitted them to the CTT that day.
3. On Monday, 26th of March, 2012, we were once again informed that we could not participate in the Equal Opportunity Ethnic Observance Meal. The reason provided to us, was that a (b) (6) Chief of Staff, had torn up our DA Form 1130-R's and had stated that we were not authorized to participate in EO Ethnic Observance Meal, because we were DSI Inmates, and that (b) (6) was going to make sure we could not participate by rewriting the regulations to ensure it.
4. We once again contacted the SHU NCOIC to get to the bottom of this arbitrary, capricious, abuse of discretion that was materially unfair and in violation of AR 190-47, page 28, paragraph 9-1, that states ACS facilities will be operated and administered on a corrective rather than a punitive basis." Being denied to participate in this special Equal Opportunity Ethnic Observance Meal by (b) (6) is punitive in nature and not correctional, as the DSI cell block is not on lockdown or being disciplined in any manner for any misconduct, or violation of USDB rules or regulations.
5. We have sent in numerous MCC Form 510's to try to correct this situation, but have been rebuffed each time.
6. I think your refusal to correct this situation and allow the DSI cell block and specifically myself to participate in these Equal Opportunity Ethnic Observance Meals is unreasonable and punitive punishment in violation of AR 190-47. I consider this a wrong within the meaning of Article 138, UCMJ, and AR 27-10.

Continuation of Memorandum for Commandant, USDB
SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

7. As redress, I request approval for the DSI Cell Block, and myself, to participate in all upcoming Equal Opportunity Ethnic Observance Meals and for the rewriting of the regulations to state that we are authorized to participate.

(b) (6)

MSG, USAR

PMCC-DB

4 March 2014

MEMORANDUM THRU Commander, U.S. Army Garrison (USAG), 3430 Wilson Street,
Fort Sill, OK 73503-4461

FOR

Commander, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503-
5000
Commander, U.S. Army Combined Arms Center and Fort Leavenworth, 881 McClellan
Avenue, Fort Leavenworth, KS 66027

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)
89289

1. References.

a. Title 10, U.S. Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."

b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.

c. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated November 2013.

d. American Psychiatric Association (APA), Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), dated 18 May 2013.

e. APA, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), dated circa 2000.

f. World Professional Association for Transgender Health (WPATH), "Standards of Care," Seventh Edition, dated 25 September 2011.

g. U.S. Federal Bureau of Prisons (FBOP), "Patient Care" Program Statement (P6031.03) dated 23 August 2012.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938), I hereby submit this complaint of wrong against [REDACTED]

[REDACTED] I am providing the following information in accordance with para. 19-7a. of AR 27-10.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate

(b) (6)

(b) (6)

I. COMPLAINANT.

3. I, (b) (6) Social Security Number (SSN) (b) (6) am an Active Duty member of the United States Army, a branch of the Armed Forces, currently confined at the USDB in Fort Leavenworth, Kansas.
4. My current command is at the Personnel Control Facility (PCF) at 3430 Wilson Street, Fort Sill, OK 73503-4461, and the USDB at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
5. My current command for the PCF and the USDB is the same as it was during the wrong complained of.
6. My permanent address is 1300 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

II. RESPONDENTS.

7. I am submitting this complaint against (b) (6) (b) (6)
8. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
9. (b) (6) is currently, and was at the time of the wrong complained of, the Commander of the Personnel Control Facility, U.S. Army Garrison (USAG) at 3430 Wilson Street, Fort Sill, OK 73503-4461.

III. COMPLAINT.

10. On 16 January 2014, I discovered through omission that (b) (6) (b) (6) acting in their capacities as the USDB Commandant and the PCF Commander, were refusing to implement a medical and mental health treatment plan that is consistent with the current and accepted standards of care for my diagnosis of Gender Dysphoria under the DSM-5, previously known as Gender Identity Disorder (GID) under the DSM-IV-TR.

SUBJECT: Complaint of Wrong under Article 138, UCMJ--Inmate (b) (6)

(b) (6)

11. On 21 January 2014, I submitted a request for redress (Enclosure 1) pursuant to para. 19-6a. of AR 27-10, to (b) (6) via a Military Correctional Complex (MCC) Form 510 and to CPT Byrd via express mail, tracking number EE829171167US.

12. As of March 4, exactly forty-two (42) calendar days and over fifteen (15) normal business days since I submitted the request for redress, I have not received a cognizable redress from either (b) (6) I elect to treat the following responses as a refusal of redress pursuant to para. 19-7 of AR 27-10.

a. The Command Judge Advocate (CJA) for the USDB ignored my request for redress while acknowledging that I submitted it to them and to the PCF. (Enclosure 2).

b. (b) (6) provided an interim response to the request for redress indicating that he needed more time to respond. (b) (6) final response claimed that he did "not have the authority to approve [my] requested treatment plan." (Enclosure 3).

13. The specific nature of the wrong complained of is as follows:

a. I have an extensive history and beliefs consistent with a diagnosis of Gender Dysphoria/GID. I have multiple prior diagnoses, beginning in 8 May 2010 by (b) (6) (b) (6) at Contingency Operating Station (COS) Hammer, Iraq.

b. I received successive diagnoses by multiple military providers and experts while confined at Camp Arifjan, Kuwait, Marine Corps Base (MCB) Quantico, Virginia, and Fort Leavenworth, Kansas, and also during a Rule for Court-Martial (R.C.M.) 706 Board conducted by (b) (6) (b) (6) (b) (6) on 22 April 2011.

c. I arrived under the Command of the USDB and the PCF at approximately 1230 on 22 August 2013. At that time, the commander of the unit escorting me delivered a memorandum from me requesting that the USDB and U.S. Army provide me with a mental health assessment and treatment plan that is consistent with the currently accepted standards of care as published by the WPATH.

d. I specifically requested that the treatment plan consider the following three types of treatment:

(1) Real-Life Experience (RLE).

(2) Hormone Replacement Therapy (HRT).

(3) Sex Reassignment Surgery (SRS).

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate Manning, Bradley E. 89289

e. On 28 August 2013, I delivered a Military Correctional Complex (MCC) Form 510 requesting for a "mental health evaluation and treatment plan for Gender Dysphoria/[GID]" addressed to the Director of Treatment Programs (DTP). I received a response from (b) (6) stating that "[a]n assessment will be scheduled to evaluate all of your behavioral health needs."

f. Over the next few months, (b) (6) Chief, Mental Health Division, USDB, (b) (6) at Munson Army Health Clinic, and (b) (6) (b) (6) Forensic Psychiatrist, Bethesda, Maryland, conducted a mental health assessment and evaluation.

g. In November 2013, (b) (6) supervised by a civilian expert in Gender Dysphoria, produced a proposed treatment plan. At some time in late November 2013, this proposal was approved by (b) (6) and sent to an unspecified command for approval.

h. On 5 January 2014, I submitted an MCC Form 510 to DTP requesting for an "update on the status of the proposed treatment plan for Gender Dysphoria." After not receiving a response I came to the conclusion on 16 January 2014 that the USDB and the PCF chain of command were not going to implement the proposed medical and mental health treatment plan.

14. I believe that the refusal by (b) (6) to implement a treatment plan that considers the three types of treatment for Gender Dysphoria cited in para. 13d. above is, in the case of (b) (6) inconsistent with the mission of the USDB, and in both cases, arbitrary, unreasonable, and politically motivated. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938), and para. 19-4e. of AR 27-10.

IV. RELIEF REQUESTED.

15. As relief, I hereby request that a treatment plan consistent with the WPATH standards of care for my diagnosis of Gender Dysphoria/GID be implemented.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)

(b) (6)

V. VERIFICATION.

16. I declare under penalty of perjury that this complaint is submitted in accordance with the guidelines and procedural requirements set forth in AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) and that the foregoing information is true and correct (28 U.S.C. § 1746).

Executed on: 4 March 2014

(b) (6)

VI. CERTIFICATE OF SERVICE.

17. I certify that a copy of the foregoing was mailed to Commander, U.S. Army Garrison, 3430 Wilson Street, Fort Sill, Oklahoma on the 5 day of March 2014.

CF:

Commander, U.S. Army Western Regional Medical Command, Joint Base Lewis-McChord, WA 98433

Commander, U.S. Army Corrections Command, 150 Army Pentagon, Washington, DC 20310-0150

U.S. Army Surgeon General, 5109 Leesburg Pike Skyline 6, Falls Church, VA 22041-3258

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)
(b) (6)

I. COMPLAINANT.

3. I, (b) (6) Social Security Number (SSN) (b) (6) am an Active Duty member of the United States Army, a branch of the Armed Forces, currently confined at the USDB in Fort Leavenworth, Kansas.
4. My current command is at the Personnel Control Facility (PCF) at 3430 Wilson Street, Fort Sill, OK 73503-4461, and the USDB at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
5. My current command for the PCF and the USDB is the same as it was during the wrong complained of.
6. My permanent address is 1300 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

II. RESPONDENTS.

7. I am submitting this complaint against (b) (6)
(b) (6)
8. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
9. (b) (6) is currently, and was at the time of the wrong complained of, the Commander of the Personnel Control Facility, U.S. Army Garrison (USAG) at 3430 Wilson Street, Fort Sill, OK 73503-4461.

III. COMPLAINT.

10. On 16 January 2014, I discovered through omission that (b) (6) (b) (6) acting in their capacities as the USDB Commandant and the PCF Commander, were refusing to implement a medical and mental health treatment plan that is consistent with the current and accepted standards of care for my diagnosis of Gender Dysphoria under the DSM-5, previously known as Gender Identity Disorder (GID) under the DSM-IV-TR.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)

(b) (6)

e. On 28 August 2013, I delivered a Military Correctional Complex (MCC) Form 510 requesting for a "mental health evaluation and treatment plan for Gender Dysphoria/[GID]" addressed to the Director of Treatment Programs (DTP). I received a response from (b) (6) stating that "[a]n assessment will be scheduled to evaluate all of your behavioral health needs."

f. Over the next few months, (b) (6) Chief, Mental Health Division, USDB, (b) (6) at Munson Army Health Clinic, and (b) (6) (b) (6) Forensic Psychiatrist, Bethesda, Maryland, conducted a mental health assessment and evaluation.

g. In November 2013, (b) (6) supervised by a civilian expert in Gender Dysphoria, produced a proposed treatment plan. At some time in late November 2013, this proposal was approved by (b) (6) and sent to an unspecified command for approval.

h. On 5 January 2014, I submitted an MCC Form 510 to DTP requesting for an "update on the status of the proposed treatment plan for Gender Dysphoria." After not receiving a response I came to the conclusion on 16 January 2014 that the USDB and the PCF chain of command were not going to implement the proposed medical and mental health treatment plan.

14. I believe that the refusal by (b) (6) to implement a treatment plan that considers the three types of treatment for Gender Dysphoria cited in para. 13d. above is, in the case of (b) (6) inconsistent with the mission of the USDB, and in both cases, arbitrary, unreasonable, and politically motivated. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938), and para. 19-4e. of AR 27-10.

IV. RELIEF REQUESTED.

15. As relief, I hereby request that a treatment plan consistent with the WPATH standards of care for my diagnosis of Gender Dysphoria/GID be implemented.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1192902	Date: 9 Sept 17
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Facility) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Ma'am: I've attached two applications for redress under Article 138, UCMJ.

Housing Unit NCO Printed Name:	Housing Unit NCO Signature:
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(b) (6)

FOR OFFICE USE ONLY

To: (b) (6)	From: OCSA	Date: 18 Sep 17
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In reply to your request:

Your request for redress has been received and forwarded to the Personnel Control Facility Commander on 15 September 2017.

Responder Printed Name: (b) (6)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

INMATE REQUEST SLIP Directorate of Operations	Control No: 1120381-12	Date: August 15, 2013
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To: Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME CREDITS

Enclosure: (1) LT M.R. Torrisi letter to Director, DIA, dated 8 Mar 11

1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time credits at the rate of 8 days per month based on Department of Defense (DoD) regulations in effect at the time of my offenses (i.e. DoD Instruction 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (Change 1, June 10, 2003)). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007).

2. Legal justification: The application of the 5 days per month good conduct time credit policy violates the *ex post facto* clause of the Constitution. The Directive-Type Memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness dated September 17, 2004 *expired* pursuant to DoD Instruction 5025.01, *DoD Directives Program* (October 28, 2007), which required DTMs to expire 180 days after issuance. The progressive good conduct time credit rates outlined in enclosure 26 of DoD Instruction 1325.7 was the *only* valid, lawful and applicable good conduct time credit policy *in effect* at the time of my offenses. The unlawful application of the expired DTM's good conduct time credit rates to compute the good conduct time credits of my sentence, contrary to the good conduct time rates provided explicitly by enclosure 26 of DoD Instruction 1325.7, violates the *ex post facto* clause of the Constitution.

3. Back in March 8, 2011, I had requested, via my appellate defense counsel, Lieutenant Michael R. Torrisi, JAGC, U.S. Navy, that you recalculate my good conduct time credits at the rates specified in enclosure 26 of DoD Instruction 1325.7. See enclosure (1). As of this date, you have neither granted the requested relief nor answered the letter. Be advised that your refusal to grant the requested relief will compel me to seek redress from the Commandant, USDB, under the provisions of Article 138, Uniform Code of Military Justice, 10 U.S.C. § 938. Very Respectfully. End of statement.

(b) (6) [Redacted] (b) (6) [Redacted]

FOR OFFICE USE

To: [Redacted]	Date: 15 Aug 13
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In reply to your request:

The Department of Defense, via Directive Type Memorandum (DTM), amended Department of Defense Instruction 1325.7 to standardize the GCT rate to five days per month for inmates whose offenses occurred on or after 1 January 2005. The Army's Office of General Counsel has opined that the expiration of the DTM in January 2012 does not alter the application of the memorandum's substance. That is, the five day per month GCT rate that is presently being applied to your sentence is still valid. Accordingly, your claim of an *ex post facto* violation is rejected and your claim is without merit.

(b) (6) [Redacted] (b) (6) [Redacted] (b) (6) [Redacted]

Signature of Housing Unit NCO: (Forwarded for inmate's Copy) [Redacted] 19 AUG 2013

INMATE REQUEST SLIP Directorate of Operations	Control No: 1124685-P	Date: August 21, 2013
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Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #; Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME (GCT) CREDITS

1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of GCT credits at the rate of 8 days per month based on the Department of the Army regulations in effect at the time of my offenses; i.e. Army Regulation (AR) 190-47, *The Army Corrections System* (June 15, 2006), and AR 633-30, *Military Sentences to Confinement* (February 28, 1989). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). My previous request on this issue (MCC Form 510 Control No. 11211381-P) was denied based on the USDB's interpretation of Department of Defense (DoD) policy in effect at the time of my offenses, as opined by the Department of the Army's Office of the General Counsel. However, for the following reasons, I am hereby respectfully requesting you reconsider your position and recalculate my GCT credits.

2. Legal justification: The application of the 5 days per month GCT credit policy violates the *ex post facto* clause of the Constitution. At the time of my offenses, Army regulations in effect provided a benefit of 8 GCT days per month. AR 190-47 para. 5-8(b) provided "Good conduct time will be credited in accordance with AR 633-30 and at the rates described below:...(4) Eight days for each month of the sentence, if the sentence is at least five years, but less than ten years." AR 190-47 para. 3-2(g) provides "Prisoners of other Armed Services of the United States...incarcerated in ACS facilities are subject to the policies contained in this regulation, except as directed by DAPM." The USDB is part of the U.S. Army Corrections System (ACS); the Department of the Army's Provost Marshal (DAPM) has not, with fair notice, excluded prisoners of other Services from the policies delineated at AR 190-47 para. 5-8(b). Additionally, AR 190-47 para. 3-5 provides that "Computation of sentence will be per AR 633-30 and DoD Instruction (DODI) 1325.7."

3. AR 633-30 para. 1(a) provides that "This regulation [AR 633-30] prescribes procedures for the computation of sentences to confinement of persons subject to the Uniform Code of Military Justice serving sentences in the custody of the Department of the Army."

[continued on the back of this MCC Form 510]

(b) (6)	Sign: (b) (6)
FOR OFFICE USE	

To: 11m Alonso #88815	From: (b) (6)	Date: 04 SEP 13
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In reply to your request:

IAW DoD 1325.7 you are awarded the rate of 5 days GCT. Your offenses were not committed prior to 1 Jan 05. Accordingly, your request is denied. Any further questions regarding this issue need to be addressed to CJA.

(b) (6)	(b) (6)	(b) (6) 25 SEP 2013
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(b) (6)

4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b) which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007)(citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term...[and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997)(quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10: For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b), which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007) (citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term... [and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997) (quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10. For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1126333-P	Date: October 1, 2013
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To: (b) (6) U.S. Army Commandant United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: REQUEST FOR REDRESS UNDER ARTICLE 138, UCMJ

1. A request for administrative relief was made to the Directorate of Inmate Administration of the United States Disciplinary Barracks for a violation of a constitutional right to proper award of Good Conduct Time credits

1. This is a request for redress made pursuant to Army regulation (AR) 27-10, *The Military Justice System* (October 3, 2011) paras. 19-1 and 19-6a. I have been reassigned to the general court-martial authority of this Army facility under AR 190-47, *The Army Corrections System* (June 15, 2006), para. 4-2d. I am subject to the Uniform Code of Military Justice (UCMJ) under Article 2(a)(7), UCMJ, 10 U.S.C. § 802(a)(7). As a person subject to the UCMJ, I have a statutory right to seek redress under Article 138, UCMJ, 10 U.S.C. § 938. See *Rasmussen v. Seamans*, 432 F.2d 346, 349 (10th Cir. 1970) (those subject to the UCMJ, of which Article 138 is a part, are specifically defined in Article 2) (emphasis added).

2. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time (GCT) credits at the rate of 8 days per month based on Department of Defense (DoD) and Department of the Army regulations in effect at the time of my offenses; i.e. (1) DoD Instruction (DoDI) 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (Change 1, June 10, 2003); (2) AR 190-47; and (3) AR 633-30, *Military Sentences to Confinement* (February 28, 1989).

3. The application of the 5 days per month GCT credit policy violates the *Ex Post Facto* Clause of the Constitution. See U.S. Const. art. I, § 9, cl. 3. The full legal justification for this request for redress under Article 138 is on the back of this Form.

4. This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system and Article 138, UCMJ. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). Two prior request for administrative relief on the subject of GCT credits were made to the Director, Directorate of Inmate Administration, USDB via the prisoner grievance system; i.e. a Military Correctional Complex (MCC) Form 510—Inmate Request Slip. These two requests—(1) MCC Form 510 control no. 1124381-P, and (2) MCC Form 510 control no. 1124685-P—were denied on the merits.

Signature of Housing Unit NCO (b) (6)	Signature of Inmate (b) (6)
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FOR OFFICE USE

To: (b) (6)	From: (b) (6)	Date: 29 NOV 13
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In reply to your request:

I have reviewed your file and you do not meet the requirements to earn at that rate. According to DoDI 1325.7 date 11 MAR 13, "All offenses that occurred after Dec 31, 2004 shall be calculated at the rate of 5 days for each month of confinement. All of your offenses occurred from March 2008 until June 2009. Request is denied."

Signature: (b) (6)	(b) (6)	Informed of the above.) 03 DEC 2013
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Signature of Housing Unit NCO (Forwarded for Inmate's Copy)	(b) (6)
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INMATE REQUEST SLIP Directorate of Operations	Control No: 113E-700-70	Date: 24 Dec 13
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To: Directorate of Inmate Administration UNITED STATES DISCIPLINARY BATTALIONS	From: (Include Last Name, First Name, MI, Reg #: Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: FORT LEAVENWORTH GARRISON COMMANDER'S ACTION RE ARTICLE 13E UCMJ COMPLAINT.

- By letter dated 18 Dec 13, the Deputy Garrison Commander informed me that his office "erroneously" received a complaint I filed under Article 13E, UCMJ. He forwarded this complaint - contrary to regulations issued by the Secretary of the Army - to your office's attention (i.e., DIA, USDB).
- I am advised to "contact [the] administration at the USDB for further action or questions." Therefore, I respectfully request an appointment to discuss the resolution of my complaint. Very respectfully End of statement

(b) (6)	Signature	(b) (6)
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(b) (6)	FOR OFFICE USE	(b) (6)	Date: 23 DEC 13
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In reply to your request:

What complaint are you talking about? Please be more specific so I may prepare myself for the appointment.

(b) (6)	Signature	(b) (6)	(b) (6)
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(b) (6)	Inmate's Correctional Treatment File	(b) (6)	(b) (6)
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INMATE REQUEST SLIP Directorate of Operations	Control No: 1130307-P	Date: 26 Dec 13
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To: Directorate of Inmate Administration United States Disciplinary Barracks	From: (Include Last Name, First Name, MI, Reg #, Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: COMPLAINT OF WRONG UNDER ARTICLE 138 UCMJ FOLLOW-UP
Ms. Culbertson:

1. In a prior request (MCC Form 510 control no. 1130200-P dated 28 Dec 13) made in your directorate's attention, I requested an appointment to resolve the resolution of a complaint I made, forwarded to your attention by the Fort Leavenworth Garrison Commander. I have enclosed copy of his letter, dated 18 Dec 13. You requested clarification of the issue.
2. BACK on 5 Nov 13, I submitted via mail (to an address provided by the USDB) a Complaint of Wrong under Article 138 UCMJ, to the Commander of the Combined Arms Center and Fort Leavenworth ("Commanding General"). The request was "erroneously" received in the Office of the Garrison Commander. See Enclosure then forwarded to your office for action (???)
3. As stated in the enclosure, I respectfully request an appointment to address my complaint, i.e., its forwarding to the Commanding General. End of statement.

(b) (6)	Signal	(b) (6)
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To: (b) (6)	From: (b) (6)
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In reply to your request:

What exactly is your complaint? you will be put on pass to discuss once you provide specific information regarding your complaint.

(b) (6)	of the above:	(b) (6)
for inmate's Coffe		- 1/2/14

(b) (6)

1300 N. Warehouse Road
Ft. Leavenworth, KS
66027-2304

14 September, 2015

MG John G. Rossi, Commander
Headquarters, U.S. Army Fires Center of Excellence
and Fort Sill
455 McNair Avenue, Suite 100
Fort Sill, Oklahoma 73503

MG Rossi,

Sir, good afternoon. Please find enclosed a Article 138 complaint for your action. In this instance I have addressed four (4) separate wrongs by (b) (6) in one Article 138 complaint rather than send you four (4) separate complaints. However, if you feel these would be better served in four separate complaints please let me know and I will resubmit them that way. I just felt this way reduced the amount paperwork necessary, as well as the possible number of investigations.

Sir, I also believe that I have enclosed all the necessary documents for your use in looking at this complaint, however once again if you feel I have somehow left out a required document that I may have, please let me know so that I may have the opportunity to provide it for you.

Sir, I thank-you for your time and effort in this matter, it is appreciated.

(b) (6)

U.S. Army Reserve

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

14 September, 2015

MEMORANDUM FOR: MG John G. Rossi, Commander, Headquarters, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, Oklahoma 73503

SUBJECT: Complaint of Wrong Under Article 138, UCMJ

1. I, (b) (6) am a retired U.S. Army Service Member and a member of the U.S. Army Reserve Component (USAR), subject to the Uniform Code of Military Justice (UCMJ), and currently assigned to the Personnel Control Facility (PCF), Ft. Sill, Oklahoma with incarceration at the U.S. Disciplinary Barracks (USDB), Ft. Leavenworth, Kansas. On 11 August, 2015 while incarcerated within the USDB, I was wronged by my Commander, (b) (6) (b) (6) Commander, Personnel Control Facility (PCF) and HHD Garrison Support, Ft. Sill, Oklahoma. On 25 August, 2015 I made a written request for redress to CPT Byrd, but he has failed to provide a response, final or otherwise to my written request within fifteen (15) normal duty days. The request of redress is attached (Encl. 1). I therefore submit this complaint against (b) (6) under the provisions of Article 138, UCMJ, and Army Regulation (AR) 27-10.

2. The wrong which is the subject of this complaint is the refusal by (b) (6) to address the following four issues which I presented to him:

a. The first issue is his refusal to correct the unlawful and illegal PCS order that both assigned me to the Personnel Control Facility (PCF) and incarcerated me within the U.S. Disciplinary Barracks (USDB). The circumstances of which I recently became aware of are as follows:

1. I retired from the U.S. Army on 31 July, 2004. On 1 August, 2004, I was transferred to the U.S. Army Reserve Component (see Encl. 2).

2. On 14 September, 2006 I was ordered recalled to active duty for the purpose of UCMJ processing or court-martial as a Reserve Component Service Member using Reserve specific laws and regulations by the Human Resources Command (HRC), Alexandria, VA, order number # A10074487 (see Encl. 3).

3. These orders to active duty assigned me to the 18th Headquarters Company HHC Airborne, Ft. Bragg, NC. These orders were continuously extended for the next three (3) years, with no change in assignment. These orders extended my active duty time through 29 October 2011 (see Encl. 3), with continuing assignment with the 18th Headquarters Company HHC Airborne, Ft. Bragg, NC, after which time the orders ended and were not further extended. Furthermore, per an email from DFAS to my

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

military appellate attorneys, according to both U.S. Army G-1 and the Office of the Judge Advocate General, these active duty orders assigning me to Ft. Bragg through 29 October 2011 were at least automatically extended through Commanding General action on my unlawful court-martial on or about 26 January 2012 (see Encl. 4).

4. After the conclusion of my unlawful court-martial, and as a entirely separate action or post-conviction action under taken not by the military court or by the Human Resources Command (HRC) Alexandria or St. Louis, but by the Ft. Bragg Installation Command, Headquarters, U.S. Army Garrison, Ft. Bragg who on 16 April 2010, some twenty-one and a half months or one year and nine and a half months prior to my active duty orders assigning me to Ft. Bragg expired, issued PCS orders to me reassigning me to the PCF, Ft. Sill, OK with incarceration at the USDB, Ft. Leavenworth, KS (see Encl. 5).

These orders directly contravened the active duty orders issued to me by the Human Resources Command (HRC) and were not In Accordance With (IAW) AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, and thus were unlawful and illegal.

Per AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, (see Encl. 6), which states:

"2-21. Amendments, revocations, and rescissions

- a. Only the organization that published the original order may amend, rescind, or revoke the order. Exceptions to this policy are listed in (1) through (3) below. (none of the exceptions apply to my or this specific case, as none of them apply to court-martials)."

Thus since the Human Resources Comand (HRC), Alexandria or St. Louis issued the original orders to me ordering my recall to active duty for the purpose of UCMJ processing, and then continually extended those selfsame orders through 29 October 2011 with an automatic extension to 26 January 2012 with duty and assignment at Ft. Bragg, NC, only the Human Resources Command, Alexnadria or St. Louis could and were authorized by Army Regulations to amend my assignment orders and PCS me to the PCF, Ft. Sill, OK with incarceration at the USDB, Ft. Leavenworth, KS.

5. Because Ft. Bragg, NC did not or never ordered me recalled to active duty for the purpose of UCMJ processing in 2006, or ever extended my active duty orders between 2006 and 2012 as a Reserve Component Service Member, Ft. Bragg was not the originating command or organization who issued my orders to active duty. Thus IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, Ft. Bragg was not authorized to issue any PCS orders to me in 2010. Ft. Bragg had absolutely zero regulatory authority to do so. As such the orders issued to me on 16 April,

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

2010 by the Installation Management Command, Headquarters, U.S. Army Garrison, Ft. Bragg were completely unlawful and illegal.

6. As I explained to (b) (6) the only correct and lawful method of ordering my PCS and incarceration was for Ft. Bragg to contact the Human Resources Command, Alexandria or St. Louis at the completion of my unlawful court-martial and request that the Human Resources Command amend the active duty orders that they had issued to me, and order my PCS to the PCF, Ft. Sill with incarceration at the USDB, Ft. Leavenworth. Doing so would have been IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21 and the regulatory guidelines involving any and all orders issued to U.S. Military service members.

Because Ft. Bragg failed to do this, I was not lawfully or legally PCS'ed and incarcerated. I believe a large part of the issue stemmed from the fact that Ft. Bragg failed to understand and comprehend my correct military status, which was that of being a reserve component service member ordered to active duty for UCMJ processing. Instead Ft. Bragg considered me a active duty service member, something I was not as I had not been "transferred" back to the Active Army for court-martial in 2006, nor was I ordered to active duty as a retired service member. Instead I was ordered to active duty as a reserve component service member under very specific USAR and National Guard laws and regulations, and IAW AR 600-8-105, Military Orders, Chapter 2, paragraph 2-21, only the command or organization (HRC, Alexandria or St. Louis) that originally ordered me to active duty could then amend my active duty orders.

7. One of the issues that (b) (6) fails to understand is that I cannot have or be subject to two (2) separate orders that order me to be in two (2) entirely separate locations, Posts, or States at the same time. Because U.S. Army G-1 and the Office of the Judge Advocate General expressed the opinion to DFAS that the active duty orders issued and extended by the Human Resources Command with assignment at Ft. Bragg were automatically extend and lawful through the Commanding General's action after my unlawful court-martial, that means I was required to be located at Ft. Bragg. The Ft. Bragg Installation Management Command, Headquarters, U.S. Army Garrison's PCS order countermanded HRC's order and PCS'ed some almost two (2) years prior to HRC's order expiring requiring me to be located at Ft. Leavenworth. I cannot lawfully be in two (2) separate locations at the same time, it is physically impossible.

8. I explained to (b) (6) that I did not expect him to order my release from incarceration, nor did I expect him to PCS me back to Ft. Bragg to straighten out this mess. What I did expect (b) (6) to do, IAW with his duties and responsib-

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

ilities as the Commander of the PCF and my alleged Company Commander, was to ensure that I was correctly and lawfully ordered PCS'ed to the PCF with incarceration at the USDB, something that is not true at the present time. As such, I requested (b) (6) to have the PCS/incarceration order issued by Ft. Bragg rescinded, and then contact the Human Resources Command (HRC), Alexandria or St. Louis and have them issue the correct amended order to my original active duty orders as required by law and regulation for my PCS and incarceration.

9. I did further explain that I was unsure and did not know if that was even possible or lawful after some five and a half (5 1/2) years. I explained that I did not know if the amended orders could be back dated for that long ago lawfully. However that is what must lawfully happen.

b. The second issue or wrong that (b) (6) has refused to address was my request for a complete copy of any and all personnel records that relate to me as a service member "assigned" to his command/company. These are personnel records every company command commander keeps on all personnel assigned to his or her company. Since Ft. Bragg issued the unlawful order PCS'ing to the Personnel Control Facility, I know the PCF had to start at least one personnel file folder or record on me, if not more. So far, even though in all other commands assigned service members are allowed or authorized to see their personnel records, (b) (6) has steadfastly refused to provide me a copy, even though there may be updated information or even orders in these files or file that the USDB and the PCF has refused to provide me with. As such, I respectfully request a complete copy of any and all personnel records that the PCF has about me or on me.

c. The third issue or wrong that (b) (6) has refused to address was my request for a phone number and point of contact (POC) at the PCF that I could call and receive assistance at. As a supposedly lawfully assigned reserve component service member of the PCF who is supposed to be on active duty orders, it is my lawful right to contact my company command and speak to my 1SG or Company Commander. (b) (6) is presently refusing to allow me to contact my company command. I respectfully request that I be provided with a phone number (that I can call at my expense) and point of contact to contact my company command as needed.

d. The fourth and last issue or wrong that (b) (6) has refused to address was my request for a "informational packet" or hand-out that could be issued to all PCF assigned service members that were incarcerated at the USDB or Joint Regional Correctional Facilities (JRCF). These informational packets or handouts would contain such items as: the correct mailing address for the PCF; the Company Commander and 1SG's names; a phone number that the inmate could call for answers to questions; what exactly

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

were the responsibilities and duties of the PCF for the inmates/ service members that were assigned to the PCF with incarceration at the USDB or JRCFs; what services the PCF was required to provide to service members/inmates assigned to the PCF with incarceration at the USDB or JRCFs; what other services did the PCF provide to service members/inmates assigned to the PCF with incarceration at the USDB or JRCFs; and finally any other information or knowledge the PCF had that would assist me and other inmates assigned to the PCF.

Since this was never provided, and has yet to be after five and half (5 1/2) years of incarceration, I respectfully request that such a document or packet be created and provided to all U.S. Army inmates at the USDB and all JRCFs with inmates that are assigned to the PCF including myself.

3. Since I submitted my Request for Redress on 25 August, 2015 I have not heard anything from (b) (6) not even a letter requesting more time to address these issues. Since I have not received an interim response or a final response from (b) (6) within the required fifteen (15) days (AR 27-10, Chapter 19, paragraph 19-6 (b)) I am submitting this Complaint.

4. (b) (6) failure as my company commander and commanding officer to ensure that the orders PCS'ing to his company command with incarceration at the USDB are lawful and legal; to provide me a copy of personnel records; to provide me with a phone number and POC; and to issue an informational packet to me as an inmate is improper and a direct violation of the law. I believe (b) (6) actions violate the law and regulatory guidelines (Army Regulations), are beyond his legitimate authority, arbitrary, capricious, and an abuse of his discretion.

5. I respectfully request that the following actions be taken: that the unlawful orders issued by Ft. Bragg be rescinded and that lawful orders be issued by the appropriate command (Human Resources Command); that I be provided a copy of my personnel records; that I be provided a phone number and POC to call; that an informational packet be created and provided to me and all other inmates of the USDB and JRCFs in accordance with my request for redress to (b) (6) (b) (6) Correct and lawfully orders would include my correct and proper rank, and all pay and allowances to include family separation pay as authorized and allowed under the laws in effect at the time of my alleged offenses (see DFAS Directives and regulations).

(b) (6)

U.S. Army Reserve

MEMORANDUM FOR: Commander, Headquarters, U.S. Army Fires Center of Excellence and Ft. Sill - continued
SUBJECT: Complaint of Wrong Under Article 138, UCMJ

Enclosures:

- 1 - Request for Redress
- 2 - Retirement Order
- 3 - Recall and Extension Orders
- 4 - Email from DFAS
- 5 - Unlawful Order from Ft. Bragg
- 6 - Excerpt from AR 600-8-105, Military Orders

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

25 August, 2015

MEMORANDUM FOR Commander, Personnel Control Facility (PCF) and Headquarters and Headquarters Detachment (HHD) Garrison Support, Fort Sill, Oklahoma 73503-4461

SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

1. During January 2015, (b) (6) visited me at my cell within the U.S. Disciplinary Barracks (USDB) to discuss an equal opportunity complaint I had filed. During this discussion, I raised four issues with you, (b) (6). Sir, you stated that you would inquire into the issues or take action on my requests. However, you never responded or replied back to me on the issues.
2. On 11 August 2015, I mailed you a letter reminding you about those issues we discussed. That was fourteen (14) days ago, and once again you have refused to reply to me about these issues or address them in any form.
3. These issues are as follows:
 - a) I requested a copy of my personnel records that are located at the PCF, Ft. Sill, OK in your custody.
 - b) I requested you provide a phone number within the PCF, that I could call to discuss any issues that arose about my continued recall to active duty and incarceration.
 - c) I requested that the PCF and yourself, Sir, create an informational packet about the PCF that would be provided to all new inmates of the USDB that were assigned to the PCF. I suggested that this packet include such items as: the correct mailing address of the PCF; the Commander's name along with the 1SG's; a phone number that inmates could call about issues affecting while assigned to the PCF; what the responsibilities and duties of the PCF for the inmates/service members that were assigned to the PCF with incarceration at the USDB; what services the PCF was required to provide to the service members/inmates assigned to the PCF with incarceration at the USDB; and any other information that would assist me and other inmates assigned to the PCF.
 - d) Finally, I spoke to you about the legality or lawfulness of the orders that PCS'ed me and assigned me to the PCF. These orders were issued by Fort Bragg, NC on 16 April 2010, orders # 106-055. I explained that I was a reserve component service member recall to active duty by the Human Resources Command (HRC) Alexandria and St. Louis. I further explained that that AR 600-8-105, Chapter 2, paragraph 2-21 states that only the originating command of an order

Continuation of Memorandum for Commander, PCF
Subject: Request for Redress Under Article 138, UCMJ (AR-27-10)

is authorized to rescind or amend that order. Since the orders from HRC, Alexandria and St. Louis ordered me recalled to active duty as a reserve component service member with duty at HHC, STB, 18th ABN Corps, Ft. Bragg, NC, only HRC Alexandria and St. Louis were authorized and empower to amend my assignment orders to Ft. Bragg. Ft. Bragg had absolutely zero authority to amend my assignment orders and PCS me to the PCF and HHD Garrison Support Command, Ft. Sill, OK.

4. I think your refusal to inquire into these four issues, and investigate them and take the corrective action needed is in violation of regulations, arbitrary, capricious, and an abuse of discretion. I also think that your refusal to provide any information on or about the Personnel Control Facility (PCS) to which I am assigned unlawfully to me or the other inmates within the USDB is materially unfair to me as a service member, and in violation of your duties and responsibilities as my commanding officer.

5. As redress I request that you provide me with the information requested in paragraph 3(a) and 3(b), and create the informational packet and provide it as requested in paragraph 3(c). I further request as redress that you have Ft. Bragg, NC rescind their unlawfully and illegal order discussed in paragraph 3(d), and have HRC St. Louis issue the correct and lawful order as they should have done back in 2010.

(b) (6)

U.S. Army Reserve

Enclosure # 2
Retirement Order

DEPARTMENT OF THE ARMY
Headquarters, I Corps and Fort Lewis
Fort Lewis, Washington 98433-5000

ORDERS 344-0015

10 December 2003

(b) (6)

0304LG AUG CARRIER (WNAE99) FT LEWIS WA
98433

You are released from active duty and, on the date following, placed on the retired list. The people of the United States express their thanks and gratitude for your faithful service. Your contributions to the defense of the United States of America are greatly appreciated. On the date placed on the retired list, you are transferred to the U.S. Army Reserve Control Group (Retired), U.S. Army Reserve Personnel Center, St. Louis, Missouri 63132-5200.

Effective date: 31 July 2004

Retired grade of rank: 1SG

Current grade effective date: 01 March 1999

Authorized place of retirement: US ARMY TRANSITION CENTER (W12K1X) FORT LEWIS
WA 98433-5000

Requested place of retirement: US ARMY TRANSITION CENTER (W12K1X) FORT LEWIS
WA 98433-5000

Effective date of retirement: 31 July 2004

Date placed on retirement list: 01 August 2004

DOB: 24 February 1958

Sex: M

Citizenship code: A

Retirement type and allotment code: NON-DISABILITY/2

Component: RA

Statute authorizing retirement: 3914

Vol retirement: 23 years, 6 months, 2 days

Date initially entered military: 20 October 1980

Section 1405: 23 years, 6 months, 2 days

Basic pay: 23 years, 9 months, 11 days

Significant awards: No

Additional instructions: a. You are authorized up to 1 year to complete selection of a home and travel in connection with this action.

PEBD: Not applicable

Format: 600

BY: [REDACTED] COMMANDER

(b) (6)

DISTRIBUTION

MSG HENNIS (1)

CDR 0304LG AUG CARRIER (WNAE99)

AFST-RNF-DR (1)

AFST-RGC-DR (1)

CDR US-A FOR GP (Retired) ARSENAL

4 RESERVE WAY ST LOUIS MO 63132-5200

TEL: 314-354-2000

DD FORM 1328 (10/99)

Enclosure # 3
Recall and Extension
Orders

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22304-0470

AHRC-PDZ & C
ORDERS (b) (6)

14 SEP 2006

(b) (6)
(b) (6)

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC AIRBOR WALKAA FT BRAGG NC 28310
REPORT DATE/TIME: 30 OCT 2006 BETWEEN 0800 AND 1700 HRS.
ASG TO: 18 HQ CO HHC AIRBOR WALKAA FT BRAGG NC 28310
ACTIVE DUTY COMMITMENT: 2 YEARS
PURPOSE: UCMJ PROCESSING.

END DATE: 29 OCT 2008

ADDITIONAL INSTRUCTIONS: RELIEVED FROM RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING EFFECTIVE DATE OF ORDER. INDIVIDUAL WILL BE RETAINED ON ACTIVE DUTY IN HIS OR HER CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DMS-AC WILL REFLECT A SVC COMP OF "R". SHIPMENT OF HHQ AND TVL OF DEP NOT AUTHORIZED. SOLDIER WILL BE BILLETED IN GOVERNMENT QUARTERS. FAMILY SEPARATION ALLOWANCE IS AUTHORIZED. EARLY RELEASE AUTHORIZED.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

MDC: 1A E7
SEX: M
DORRES: 01 MAR 1999

HOR: SAME AS ENL
PPN: N/A
FEED: 29 OCT 1980

PMOS/SEL: 23A5
COMP: RET
SCTY CL: NO CLEARANCE

RES GR: M80

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
CHIEF, MOBILIZATION
SUPPORT BRANCH

DISTRIBUTION:
1 SOLDIER
1 18 HQ CO HHC AIRBOR FT BRAGG NC 28310

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-FIM-5
ORDERS (b) (6), (b) (7)(C)

15 JAN 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC ABN CO WAUKAA FT BRAGG NC 28310 5000
REPORT DATE/TIME: 30 OCT 2008 BETWEEN 0800 AND 1700 HRS.
ASG TO: 18 HQ CO HHC ABN CO WAUKAA FT BRAGG NC 28310 5000
PERIOD OF ACTIVE DUTY: 365 DAYS
PURPOSE: UCMJ PROCESSING. END DATE: 29 OCT 2009

ADDITIONAL INSTRUCTIONS: YOU ARE RELIEVED FROM YOUR RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING THE EFFECTIVE DATE OF THE ORDER. SM WILL BE RETAINED ON ACTIVE DUTY IN CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DUMS-AC WILL REFLECT SVC COMP OF "R". SHIP HHG AND TVL OF DEP NOT AUTH. A DD 214 WILL BE ISSUED UPON COMPLETION OF R.C.M. ALL PREVIOUS ACTIVE DUTY SERVICE PRIOR TO R.C.M. STATUS WILL BE ACCOUNTED FOR IN BLOCK 18 OF THE DD 214. EARLY RELEASE AUTH. GOVT MEALS AND LODGING ARE DIRECTED IF AVAILABLE. YOU ARE IN A TEMPORARY DUTY STATUS. ONLY FIRST COLONEL (O6) COMMANDER IN CHAIN OF CMD CAN AUTH SM TO RESIDE OFF A GOVERNMENT INSTALLATION WITH STATEMENT OF NONAVAILABILITY (SNA). IF SNA IS ISSUED BY COLONEL COMMANDER, GOVERNMENT CONTRACT LODGING WILL BE USED. TO GET INTO GOVERNMENT CONTRACT LODGING, CONTACT ARMY LODGING SUCCESS AT 1-866-363-5771. THE LOCAL DMPO IS RESPONSIBLE FOR PERFORMING ACCESSION TRANSACTIONS.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: 21 8/9/0 2010.0000 01-1100 P2A2000 11**/12** PAMP 5570 01EN3 0
S12120 TRAVEL/PER DEIM CHARGED TO: 21 8/9/0 2020.0000 01-1 100 P135198
21**/22**/25** VFRE F3203 S12120 TAC CIAE IAE

MDC: N/A HOR: SAME AS SNL PMOS/AOC: 92A5
SEX: M PEN: N/A COMP: UNKNOWN RES GR: 1SG
DORRES: 01 MAR 1999 PEBB: 20 OCT 1980 SCTY CL: NO CLEARANCE

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)

COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC ABN CO FT BRAGG NC 28310 5000

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS A-01-902037R

26 JAN 2009

(b) (6)
(b) (6) 28

EAD71

(b) (6)

THE FOLLOWING ORDER IS REVOKED OR RESCINDED AS SHOWN.

ACTION: REVOKE

SO MUCH OF: FORMAT 460 A-01-902037 AHRC DATED 15 JAN 2009

PERTAINING TO: EXTENDED ACTIVE DUTY ORDER OF

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)

FORMAT: 705
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC ABN CO FT BRAGG NC 28310 5000

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS (b) (6), (b) (7)(C)

29 JAN 2009

(b) (6)
(b) (6)

EAD71

(b) (6)

YOU ARE ORDERED TO ACTIVE DUTY IN THE GRADE OF RANK SHOWN ABOVE FOR THE PERIOD SHOWN IN ACTIVE DUTY COMMITMENT BELOW. YOU WILL PROCEED FROM YOUR CURRENT LOCATION IN TIME TO REPORT ON THE DATE SHOWN BELOW.

RPT TO: 18 HQ CO HHC AEN CO WAUKAA FT BRAGG NC 28310 5000
REPORT DATE/TIME: 30 OCT 2008
ASG TO: 18 HQ CO HHC AEN CO WAUKAA FT BRAGG NC 28310 5000
PERIOD OF ACTIVE DUTY: 365 DAYS
PURPOSE: UCMJ PROCESSING
END DATE: 29 OCT 2009

ADDITIONAL INSTRUCTIONS: YOU ARE RELIEVED FROM YOUR RESERVE COMPONENT ASSIGNMENT ON THE DAY PRECEDING THE EFFECTIVE DATE OF THE ORDER. SM WILL BE RETAINED ON ACTIVE DUTY IN CURRENT GRADE AND IS INCLUDED IN THE ACTIVE ARMY END STRENGTH. ACCESSION INTO DOMS-AC WILL REFLECT SVC COMP OF "R". SHIP HHG AND TVL OF DEP NOT AUTH. A DD 214 WILL BE ISSUED UPON COMPLETION OF R.C.M. ALL PREVIOUS ACTIVE DUTY SERVICE PRIOR TO R.C.M. STATUS WILL BE ACCOUNTED FOR IN BLOCK 18 OF THE DD 214. GOVT MEALS AND LODGING ARE DIRECTED IF AVAILABLE. EARLY RELEASE AUTH. YOU ARE IN A TEMPORARY DUTY STATUS. THE LOCAL DMPO IS RESPONSIBLE FOR PERFORMING ACCESSION TRANSACTIONS.

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

MDC: 3AES HOR: SAME AS SNL EMOS/AOC: 92A5
SEX: M PPN: N/A COMP: UNKNOWN RES GR: 1SG
DORRES: 01 MAR 1999 PEED: 20 OCT 1980 SCTY CL: NO CLEARANCE

FORMAT: 460
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HHC AEN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS (b) (6), (b) (7)(C)

14 SEP 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)

AS READS:

ADDRESS: (b) (6)

PAD: 365 DAYS END DATE: 29 OCT 2009

HOW CHANGED:

IATR: ADDRESS: (b) (6)

~~IATR: PAD: 365 DAYS END DATE: 29 OCT 2009~~

IATA: ADUTL INSTR: NO PER-DIEM AUTHORIZED.

FOR ARMY USE: AUTHORITY: R.C.M. 202 (C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 HQ CO HHC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5200

AHRC-PLM-S
ORDERS (b) (6), (b) (7)(C)

16 SEP 2009

(b) (6)
(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)
1SG

AS READS:

PAD: 730 DAYS END DATE: 29 OCT 2010

HOW CHANGED:

IATR: PAD: 1095 DAYS END DATE: 29 OCT 2011

FOR ARMY USE: AUTHORITY: R.C.M. 202(C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 16 HQ CO HHC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1 RESERVE WAY
ST. LOUIS, MO 63132-5206

AHRC-PLM-S
ORDERS (b) (6), (b) (7)(C)

17 SEP 2009

(b) (6)

EAD66

(b) (6)

THE FOLLOWING ORDER IS AMENDED AS INDICATED:

SO MUCH OF: FORMAT: 460 A-01-903060 DATED 29 JAN 2009 IS FURTHER AMENDED.

PERTAINING TO: ORDER TO ACTIVE DUTY

(b) (6)
MSG

AS READS:

SNL: (b) (6)

HOW CHANGED:

IATR: (b) (6)

FOR ARMY USE: AUTHORITY: R.C.M. 202 (C), AR 27-10 CH 21, AR 135-200 (7-4)
ACCT CLAS: NONE

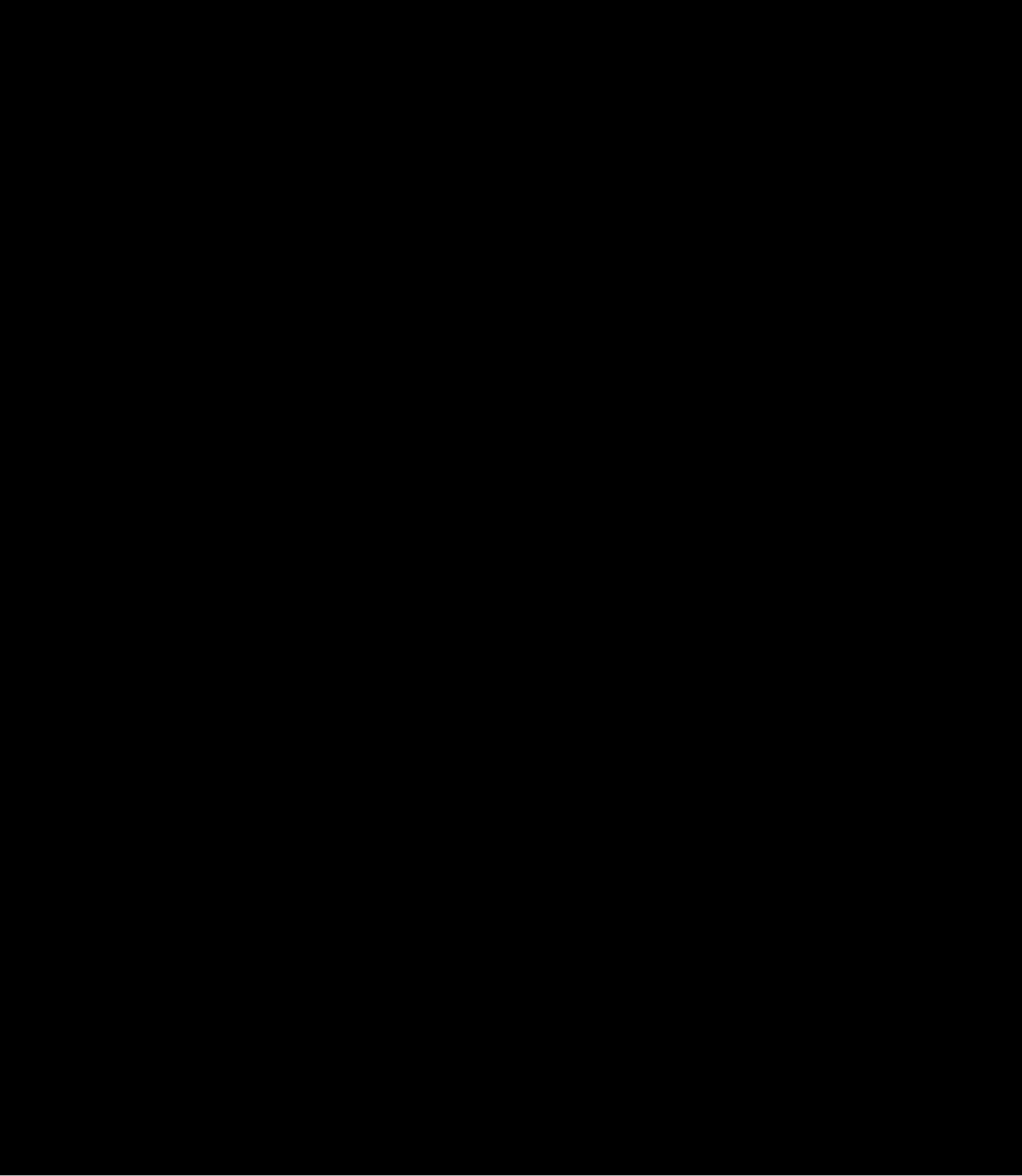
FORMAT: 700
BY ORDER OF THE SECRETARY OF THE ARMY:

* AHRC *
* OFFICIAL *

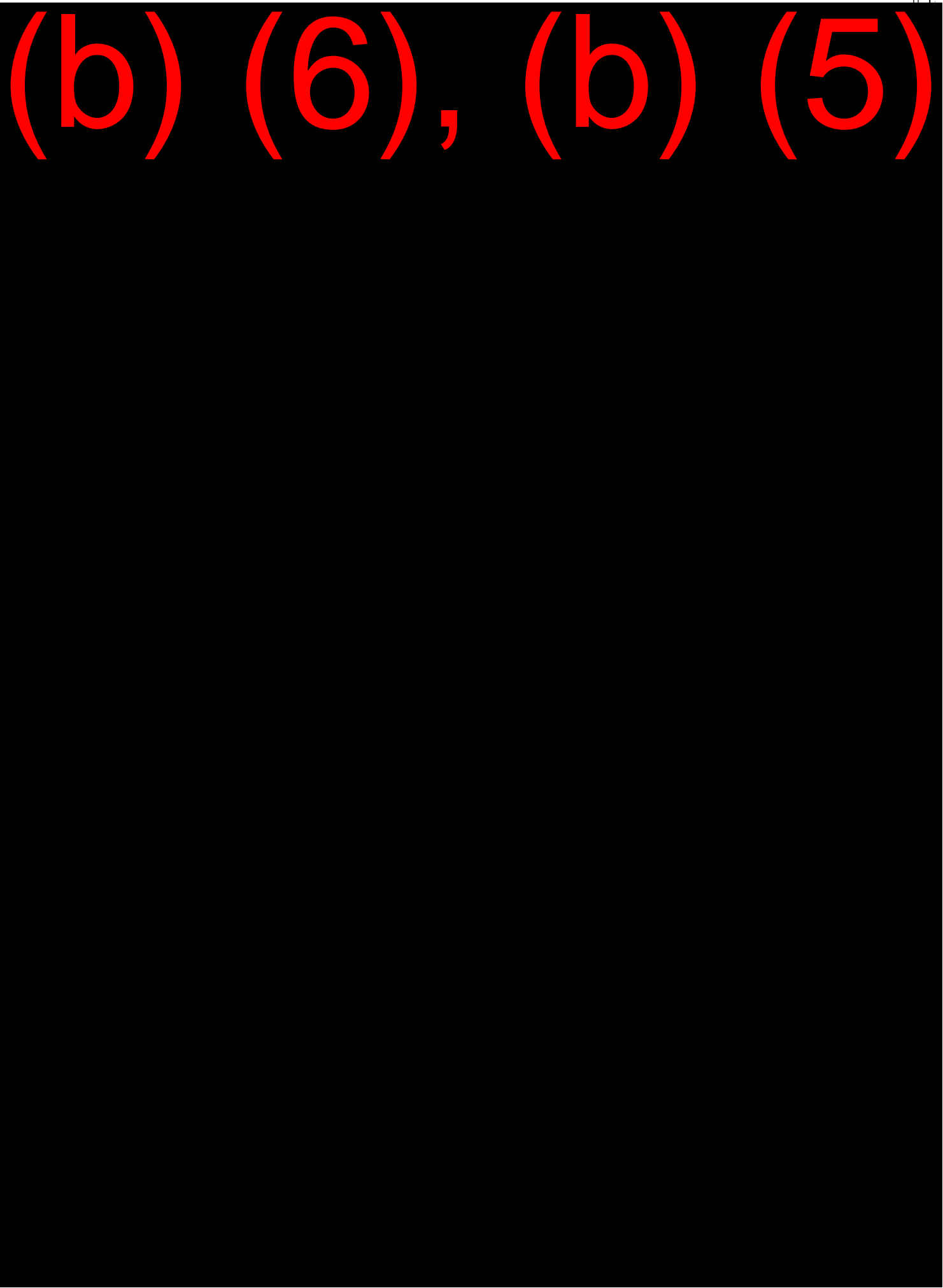
(b) (6)
COMMANDING

DISTRIBUTION: 1 SOLDIER
1 18 HQ CO HRC ABN CO FT BRAGG NC 28310 5000
1 HQ US ARMY TACOM DETROIT ARSENA MI 48397

(b) (6), (b) (5)



(b) (6), (b) (5)



Enclosure # 5

Unlawful Order by
Ft. Bragg

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28310

ORDERS (b) (6)

16 April 2010
ds

(b) (6) 0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

You will proceed on permanent change of station as shown.

Assigned to: PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,
OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY
BARRACKS FORT LEAVENWORTH, KANSAS 66027

Reporting Date: On-or-about 19 April 2010.

Additional Instructions:

- (a) You will be escorted by guards IAW current FAA rules and regulations.
- (b) Soldier will out-process through the Personnel Services Center BLDG 8T-6643.
- (c) Soldier is authorized shipment of hold baggage to home of record only.
- (d) This is an administrative reassignment.
- (e) Transfer is administrative in nature and subject enlisted soldier does not have to travel from the place in which he is residing to the Personnel Control Facility to which he or she is assigned.
- (f) Dependents: YES.

FOR ARMY USE:

Auth: AR 190-47

MDC: 1BE0

HOR: (b) (6)

BOCA RATON, FL 33432-0000

PERS CONNO: NA

PEBD: NA

Asgd to mgt dsq: For Confinement

ENL/RENLB: NA

Place EAD or OAD: SPC/PCF, FORT KNOX, KY 40121-0000

Proj Specialty: NA

Format: 410

FOR THE COMMANDER:

(b) (6)

Chief, Military Personnel Division

DISTRIBUTION:

Individual (5)

Cdr, /0018/HQ/INTELL SUS C, Fort Bragg, NC 28310 (1)

Cdr, XVIII ABN CORPS, ATTN: AFZA-JA-C, Fort Bragg, NC 28310 (1)

CLERK OF COURT, (JALS-CC), 901 N. Stuart ST, Ste 1200, Arlington, VA 22203 (1)

Cdr, PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,

OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY

BARRACKS FORT LEAVENWORTH, KANSAS 66027 (1)

Telephone DSN 236-8673 if you have questions about this order

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BRAGG
FORT BRAGG, NORTH CAROLINA 28310

ORDERS (b) (6), (b) (7)(C)

29 April 2010
ds

(b) (6) /0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

So much of: ORDERS 106-055 this Headquarters, dated 16 April 2010.
Pertaining to: Reassignment of:

(b) (6) /0018/HQ/INTELL SUS C (WAUKB0), FORT BRAGG,
NORTH CAROLINA 28310

As reads: SNL: (b) (6) /0018/HQ/INTELL SUS C (WAUKB0),
FORT BRAGG, NORTH CAROLINA 28310

How Changed: Amended to Read: SNL: (b) (6) /0018/HQ/INTELL
SUS C (WAUKB0), FORT BRAGG, NORTH CAROLINA 28310

Authority: DODFMR Chapter 48, Para 480502A
PCN: Not Applicable
Format: 700

FOR THE COMMANDER:

(b) (6)

Chief, Military Personnel Division

DISTRIBUTION:

Individual (5)

Cdr, /0018/HQ/INTELL SUS C Fort Bragg, NC 28310 (1)

Cdr, XVIII ABN CORPS, ATTN: AFZA-JA-C, Fort Bragg, NC 28310 (1)

CLERK OF COURT, (JALS-CC), 901 N. Stuart ST, Ste 1200, Arlington, VA 22203 (1)

Cdr, PERSONNEL CONTROL FACILITY (W6CSPR) GARRISON SUPPORT FORT SILL,
OKLAHOMA 73503, WITH CONFINEMENT AT THE UNITED STATES DISCIPLINARY
BARRACKS FORT LEAVENWORTH, KANSAS 66027 (1)

Telephone DSN 236-8673 if you have questions about this order

Enclosure # 6
AR 600-8-105,
Military Orders

Army Regulation 600-8-105

Personnel—General

Military Orders

Headquarters
Department of the Army
Washington, DC
28 October 1994

UNCLASSIFIED

Contents—Continued

Classified orders • 1-26, *page 4*
Court-martial orders • 1-27, *page 4*
Department of Army general orders and Department of Army orders • 1-28, *page 4*

Section V

Movement Designator Codes, page 4
Purpose of movement designator codes • 1-29, *page 4*
Correct movement designator codes on orders • 1-30, *page 5*
Construction of movement designator codes • 1-31, *page 5*
Basic categories of travel • 1-32, *page 5*

Chapter 2

Orders, page 10
Formats • 2-1, *page 10*
Group actions • 2-2, *page 10*
Heading • 2-3, *page 10*
Paragraphs • 2-4, *page 10*
Standard name line • 2-5, *page 10*
Constant information • 2-6, *page 10*
Leadlines • 2-7, *page 10*
Variable information • 2-8, *page 11*
Additional instructions • 2-9, *page 11*
Modes of transportation • 2-10, *page 11*
Per diem • 2-11, *page 11*
Page size and page numbering • 2-12, *page 11*
Length of orders • 2-13, *page 11*
Numbering • 2-14, *page 11*
Abbreviations • 2-15, *page 12*
Effective date • 2-16, *page 12*
Reproduction • 2-17, *page 12*
Authentication • 2-18, *page 12*
Distribution • 2-19, *page 12*
Transmission by message • 2-20, *page 13*
Amendments, revocations, and rescissions • 2-21, *page 13*
Corrections • 2-22, *page 14*
Endorsements • 2-23, *page 14*
True copies • 2-24, *page 15*
Files • 2-25, *page 15*
DA Form 2446 • 2-26, *page 15*

Chapter 3

Strength Management, page 29
Strength management-related orders • 3-1, *page 29*
Strength management-related formats • 3-2, *page 29*
Headquarters, Department of the Army, strength management-related formats • 3-3, *page 29*
Reserve Components strength management-related formats • 3-4, *page 29*
Other strength management-related formats • 3-5, *page 29*
Modification of strength management-related formats • 3-6, *page 29*

Chapter 4

Personnel Reassignment, page 44
Personnel reassignment-related orders • 4-1, *page 44*
Personnel reassignment-related formats • 4-2, *page 44*
Reserve Components personnel reassignment-related formats • 4-3, *page 44*
Other personnel reassignment-related formats • 4-4, *page 44*
Format 401 (Individual Deployed Soldier) • 4-5, *page 44*
Modification of personnel reassignment-related formats • 4-6, *page 44*
Temporary duty in connection with permanent change of station • 4-7, *page 44*
Reassignment orders • 4-8, *page 44*
North Atlantic Treaty Organization travel orders • 4-9, *page 45*

Chapter 5

Personnel Plans and Actions, page 63
Personnel plans and actions-related orders • 5-1, *page 63*
Personnel plans and actions-related formats • 5-2, *page 63*
Reserve Components personnel plans and actions-related formats • 5-3, *page 63*
Other personnel plans and actions-related formats • 5-4, *page 63*
Modification of personnel plans and actions-related formats • 5-5, *page 63*
Use of provisional pass • 5-6, *page 63*

Chapter 6

Soldier Actions, page 79
Soldier actions-related orders • 6-1, *page 79*
Soldier actions-related formats • 6-2, *page 79*
HQDA soldier actions-related formats • 6-3, *page 79*
Reserve Components soldier actions-related formats • 6-4, *page 79*
Other soldier actions-related formats • 6-5, *page 80*
Modification of soldier actions-related formats • 6-6, *page 80*

Chapter 7

Promotions, page 92
Promotions-related orders • 7-1, *page 92*
Promotions-related formats • 7-2, *page 92*
HQDA promotions-related formats • 7-3, *page 92*
Other promotions-related formats • 7-4, *page 92*
Modification of promotions-related formats • 7-5, *page 92*

Chapter 8

Replacement Support, page 100
Replacement support-related orders • 8-1, *page 100*
Replacement support-related formats • 8-2, *page 100*
Modification of replacement support-related formats • 8-3, *page 100*

Chapter 9

Transition Center, page 102
Transition-related orders • 9-1, *page 102*
Transition-related formats • 9-2, *page 102*
HQDA transition-related formats • 9-3, *page 102*
Reserve Components transition-related formats • 9-4, *page 102*
Other transition-related formats • 9-5, *page 102*
Modification of transition-related formats • 9-6, *page 102*

Chapter 10

Retention, page 141
Retention-related orders • 10-1, *page 141*
Retention-related formats • 10-2, *page 141*
Modification of retention-related formats • 10-3, *page 141*

Chapter 11

Recruiting, page 143
Recruiting-related orders • 11-1, *page 143*
Recruiting-related formats • 11-2, *page 143*

Chapter 12

Temporary Duty Orders and Emergency Leave Travel Orders, page 144
DD Form 1610 • 12-1, *page 144*
DA Form 31 as an emergency leave order • 12-2, *page 145*
Format 400 • 12-3, *page 145*
Modification of temporary duty orders • 12-4, *page 145*
Amendment of temporary duty orders and emergency leave travel orders • 12-5, *page 145*
Rescission or revocation of temporary duty orders and emergency leave orders • 12-6, *page 145*
Continuation sheet for DD Form 1610 • 12-7, *page 145*

the location of the distribution block on permanent orders and orders. See paragraph 12-1 for the location of the distribution block on DD Form 1610 when it has been continued and when it has not been continued. Include the following information under Distribution:

(1) Names of individuals to be furnished copies and, in parenthesis, the number of copies to be furnished to each. When an order applies to four or more individuals, distribution may be shown as "Each indiv indicated" (each individual indicated) instead of listing each individual by name.

(2) A list of organizations to be furnished copies and, in parenthesis, the number of copies to be furnished each. When copies will be mailed to an organization, include the complete unit designation and post office address. Do not use statements such as "each unit concerned." When organizations are at the same location as the order-issuing organization, use a standard distribution letter (for example, "A," "B," or "C") instead of listing each organization. The headquarters or agency concerned will publish a distribution list that shows the organizations included in each letter designation.

b. Commanders issuing orders. Commanders issuing orders will establish strict controls to ensure that—

(1) Orders are sent promptly to each individual and organization named in the order with sufficient lead time to execute the order.

(2) Orders are sent through intermediate commanders unless the intermediate commanders are not authorized to modify or suspend them. In these cases, orders will be sent directly to the soldier who will execute them, and one copy will be furnished to each intermediate commander.

(3) Local distribution is limited to official agencies with a need for orders.

(4) Individuals and organizations are furnished the minimum number of copies.

(5) Distribution includes one copy for the record set of military publications.

(6) Local inspections include a review of the orders distribution system to determine if copies are required by all organizations receiving distribution and if the number of copies is correct.

(7) Orders being mailed from a location within CONUS for delivery in CONUS are sent as follows:

(a) First-class mail if they weigh 1 ounce or less.

(b) First-class mail if they are for USAR personnel not on active duty and if orders were issued on the basis of requests received less than 45 days before the duty date.

(c) Third-class single-piece mail and third-class bulk mail if (a) or (b) above do not apply.

(8) Orders being mailed to, from, or between overseas locations are sent as follows:

(a) First-class mail if they weigh 1 ounce or less.

(b) First-class mail if they are being mailed to, from, or between Alaska, Hawaii, and Puerto Rico.

(c) First-class mail if they are for USAR personnel not on active duty and if orders were issued on the basis of requests received less than 45 days before the duty date.

(d) Airmail if they are being mailed to an international address (non-APO).

(e) Third-class military ordinary mail if (a) (b) (c) or (d) above does not apply.

(9) SSNs of all soldiers shown in an order are deleted from all copies of orders being distributed to organizations or individuals for unofficial purposes.

(10) Travelers will be advised that copies of their order should not be given to car rental agents, airline ticket agents, hotel clerks, and motel clerks. Travelers can show their DOD identification card or a copy of their travel orders as proof of eligibility for a discount rate.

c. Gaining commanders. Gaining commanders will establish strict controls to ensure that—

(1) Orders are routed immediately to the agency responsible for strength accountability, to the servicing personnel unit, and to the

unit to which the soldier is attached for quarters, rations, or administration.

(2) Mail distribution personnel are trained in the special handling required for orders and are aware of the importance of orders.

d. PCS orders. Distribution will include—

(1) Enough copies for each soldier to meet personal requirements, for example, movement of family members and HHG.

(2) One copy for the commander of the unit to which the soldier is being assigned. The complete unit designation and post office address of the gaining unit will be shown. Do not use statements such as "each unit concerned."

(3) One copy for the commander of the unit to which the soldier will be attached while en route to a new assignment.

(4) One copy for the MPRJ.

(5) One copy for the Commander, Eighth Personnel Command, ATTN: EAPC-RR, APO 96205 for each soldier who is being assigned to Korea.

(6) One copy to the Commander, U.S. Army Central Personnel Security Facility, ATTN: PCCF-SC (Bldg 4552A), Fort George G. Meade, Maryland 20755-5202, for all soldiers who are being assigned to the North Atlantic Treaty Organization (NATO), Allied Command Europe (ACE) which includes the Supreme Headquarters Allied Powers Europe (SHAPE), Belgium; Allied Forces Central Europe (AFCENT); Allied Land Forces Southeastern Europe (ALFSEE), Turkey; Allied Forces Southern Europe (AFSOUTH), Italy; Land Forces Southern Europe (LANDSOUTH), Italy; Allied Forces Northern Europe (AFNORTH), Norway; Central Army Group (CENTAG), Germany (will be combined with Northern Army Group (NORTHAG)) as Land Forces Central Europe (LANDCENT); and Allied Command Europe Corps (ARC), Germany.

e. Orders. Orders when personnel records are being sent to another unit or station. The provisions of d(4) above apply when a soldier's personnel records are being sent to another unit or section.

f. Orders for HQDA. A note to the formats described in this regulation prescribes the number of copies to be sent to agencies of HQDA. Send orders daily in an envelope addressed to the specific office requiring the order. Do not send orders for one office in an envelope addressed to another office. All orders sent to a career management branch at PERSCOM will have the soldier's primary MOS (PMOS) shown in parenthesis after the appropriate office symbol.

g. Orders citing specific allotments of funds. Include one copy for the finance officer of the specific station number cited in that particular accounting classification.

h. Transition orders.

(1) Include one copy of each transition order and each reassignment for transition processing order, if separate, for the servicing finance and accounting office. This copy is needed to support the Joint Uniform Military Pay System automated transition system.

(2) Include one copy of each transition order issued to a USAR soldier on IADT for the troop program unit if the unit is shown in the distribution block of the IADT order.

2-20. Transmission by message

a. Orders may be sent by message when the commander issuing the order determines that to send the order by mail will not accomplish the purpose. Orders received by message will be endorsed (JFTR, vol I, para U2115-D) and may be reproduced if more copies are needed.

b. The transmission of orders by message will be kept to a minimum.

c. Classified orders will not be transmitted by commercial facilities.

2-21. Amendments, revocations, and rescissions

a. Only the organization that published the original order may amend, rescind, or revoke the order. Exceptions to this policy are listed in (1) through (3) below.

(1) Commanders may revoke the following award orders that

INMATE REQUEST SLIP Directorate of Operations	Control No: 1193850	Date: 10 Oct 2017
---	-------------------------------	-----------------------------

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U. S. C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in denial of request.

To: CJA	From: (Include L.Name, F.Name, MI, Reg#, House Unit, Cell#, & Detail.) (b) (6)
-----------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)
Attached is my Official Art. 138 Complaint of Wrongs. Please forward to the appropriate GCMCA as directed in AR27-10. The 15 days allotted for a response has expired and I have not received a request for extension.

Housing Unit NCO Printed Name: (b) (6)	Housing Unit NCO Signature: (b) (6)	Inmate Signature: (b) (6)
--	---	-------------------------------------

FOR OFFICE USE ONLY

To:	From:	Date:
------------	--------------	--------------

In reply to your request:

Responder Printed Name:	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature:	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

**MEMORANDUM THRU Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Street, Fort Sill, Oklahoma 73503
Commander, USAG, 3430 Wilson Street, Fort Sill, Oklahoma 73503
Commander, U.S. Army Fires Center of Excellence, Fort Sill, Oklahoma 73503-5000**

FOR Commander, U.S. Army Combined Arms Center, 881 McClellan Avenue, Fort Leavenworth, Kansas 66027

Subject: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)(b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138, Uniform Code of Military Justice (UCMJ)"
- b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.
- c. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this complaint of wrong against the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, inmate (b) (6) Social Security Number (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this complaint against (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 N Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

5. Complaint.

- a. On 09 June 2016, (b) (6) the USDB psychiatrist, prescribed Selegilin (Emsam), 6 MG/24hr Patch to me.
- b. Sometime in August 2016 when I submitted a refill sheet for my pain medications (prescribed to me prior to my arrival at the USDB for neck, back, and pain in my jaw from combat injuries) I was told that I had to speak to the medical clinic about my refill. I went to sick call the next

morning and was told by Physician Assistant (PA) (b) (6) that my Flexeril and Ultram had a known fatal side effect with Emsam. I explained that (b) (6) psychiatrist, had prescribed Emsam (Selegiline).

- c. (b) (6) as well as the PA (b) (6) contacted (b) (6) and explained that it contraindicated with a fatal side effect to my current pain medication and muscle relaxer. (b) (6) argued that the medical providers were incorrect.
- d. After approximately two more months of being prescribed the Emsam patch and not denied my pain medication, I asked (b) (6) to discontinue the Emsam patch from my prescribed medications.
- e. At that point (b) (6) took a book from his shelf and began to read the known side effects and contraindications. After a few minutes he made a few contorted facial expressions and stated "Oh, I guess it does have that known side effect with your pain medications." He did not seem concerned and shrugged it off. Later, he discontinued the Emsam patch sometime in November 2016.
- f. It was determined by (b) (6) that the only reason I did not die from being prescribed the Emsam patch with Flexeril, Ultram, and the rest of my extensive medications at the same time was due to my liver hyper-metabolizing most medication.
- g. Emsam (Selegiline) is an irreversible Monoamine Oxidase (MAO) inhibitor, an intracellular enzyme associated with the outer membrane of mitochondria.
- h. The totality of damaged done to my internal organs and whether or not it has shortened my life expectancy cannot be measured.
- i. On 19 September 2017, I submitted a MCC 510 requesting to address the issue with the Commandant.
- j. In accordance with AR 27-10 paragraph 19-4(e) the initial request for redress must "be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong." My memorandum stated that the request for redress was for the Commandant.
- k. As of 6 October 2017, exactly 18 calendar days have elapsed since I submitted my official request to the Commandant for redress, (b) (6) has 15 calendar days to respond, or request an extension. As I have not received a response or a request for extension, I consider this a refusal of redress in accordance with AR 27-10 paragraph 19-5(d).
- l. I believe the Commandants decision not to address my request for redress is a direct violation of the UCMJ as well as AR 27-10, and that I deserve the granted request for relief.

6. Relief Requested. As relief, I hear by request:

- a. For reasons listed below, I ask for redress under Rule 1101(c) in the form of deferment of confinement. I feel that it is justified due to the severity of the offenses committed against me, my family's need for my presence, and the unknown effect of being prescribed medications that have potentially shortened my life expectancy. I have to think of my family and what is best for them. My three sons have had their own struggles in life since I have been here. My oldest son is struggling with a drug addiction (something that started shortly after my incarceration), my

middle son is on the verge of running from his family, and my youngest son is now overweight, withdrawn, has angry outbursts and I fear will be lost to his own devises soon as well. My wife is ill equipped to deal with three teenage boys and has her own disabilities and social inadequacies to contend with.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on 6 October 2017

(b) (6)

Inmate, USDB

Reg No. [REDACTED]

(2) Encls

1. MCC 510 from requesting Redress from (b) (6)
2. Medication List

(b) (6)

26 NOVEMBER 2017

**MEMORANDUM THRU Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 1300 N Warehouse Rd, Fort Leavenworth, Kansas, 66027-2304
Commander, USAG, 3430 Wilson Street, Fort Sill, Oklahoma 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill, Oklahoma 73505-5000**

FOR Commander, U.S. Army Combined Arms Center, 881 McClellan Avenue, Fort Leavenworth, Kansas 66027

Subject: Complaint of Wrong under Article 138, UCMJ -- Inmate (b) (6)

(b) (6) (b) (6)

1. References

a. Title 10, U.S. Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"

b. Army Regulation (AR) 27-10, "Military Justice," dated 11 May 2016

2. Regulation references. In accordance with AR 27-10, para 19-6, this formal complaint is "addressed to the GCMCA exercising GCM jurisdiction over the respondent at the time of the alleged wrong."

3. **Complainant.** I, (b) (6) am filing a "formal Article 138 Complaint" in accordance with AR 27-10, para 19-6.

a. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.

b. My current command is the same as it was during the wrong complained of.

c. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth, KS 66027-2304.

3. Complaint.

- a. The initial complaint was sent on 06 November 2017.
- b. The complainant did not receive a response within the 15 days allocated by the regulation.
- c. The wrong is a discretionary act by the respondent under color of Federal military authority that adversely affects the complainant personally and is arbitrary and materially unfair.
- d. (b) (6) continuously fails to ensure that the law library computers stay up-to-date. It is the USDB's policy that the law computers get updated every three months. Additionally, the computers are never updated at the three-month mark or are only partially updated (missing updated portions).
- e. I believe that this is inconsistent with the stated priorities of the USDB. This intentionally and specifically inhibits our ability to file appeals with the Courts of Criminal Appeals (CCA) and the Court of Appeals for the Armed Forces (CAAF).

4. Respondent.

- a. I am submitting this complaint against the Commandant, (b) (6)
 - b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.
5. Relief Requested. As relief, I hereby request that the Commandant change the policy to reflect that the computers will be updated monthly; the computers are updated remotely and this would no impose any additional strain on the USDB.
6. I declare under penalty of perjury that the foregoing is true and correct.

(b) (6)

Encl.

Initial Request for Redress
dated 06NOV17

06 November 2017

MEMORANDUM FOR Commandant, United States Disciplinary Barracks, 1300
N Warehouse Rd, Fort Leavenworth, KS 66027-2304

SUBJECT: INITIAL REQUEST FOR REDRESS

1. Regulations.

a. Army Regulation 27-10, Military Justice, dated 11 May 2016

2. Complainant. I, (b) (6) am filing an "Initial Request for Redress." In accordance with AR 27-10, para 19-4, "the Initial Request for Redress is not an Article 138 complaint."

3. Complaint.

a. (b) (6) is the commanding officer whom I believe committed the wrong. She is the commanding officer in complainant's chain of command and is authorized to impose nonjudicial punishment on the complainant

b. (b) (6) continuously fails to ensure that the law library computers stay up-to-date. It is the United States Disciplinary Barracks policy that the law computers get updated every three months; however, this--in and of itself--is a discretionary act by the commanding officer that adversely affects the complainant personally and is arbitrary, capricious, and materially unfair to the inmate population. It is an arbitrary decision for the computers to be updated every three months. Additionally, the computers are never updated at the three-month mark.

4. In accordance with AR 27-10, para 19.4, subpara e, "the Initial Request for Redress must be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong" and not to the Personnel Facility Commander at Fort Sill.

5. Respondent. In accordance with AR 27-10, para 19-4, the complainant holds the Commandant, (b) (6) as the "Commanding Officer whom the Soldier believes committed the wrong." The complainant does not believe that the Personnel Facility Commander, (b) (6) committed the wrong since he is not stationed at Fort Leavenworth. In accordance with para 19-5:

a. subpara a states, "A commanding officer receiving an Initial Request for Redress submitted under this regulation will respond, in writing, in a timely manner so that the complainant will receive the response within **15 days.**"

b. subpara d states, "A Soldier who, through no fault of the Soldier's own, has not received a final response within 15 days or an interim response containing the date of a final response that does not unreasonably delay the final response, may elect to treat that as a refusal of redress."

6. **Redress Requested.** I request that the law library be updated monthly. If this cannot be facilitated due to contractual restraints, I request that the facility follow the current policy of updating the law library every three months without formal requests from the inmate population every three months to update the law library.

6. If a response is not received from the Commandant within 15 days from the date of this memorandum (**NLT 21 November 2017**), the complainant will treat this as a refusal of redress and will submit a formal complaint to the General Court Martial Convening Authority in accordance with para 19-6.

7. The point of contact for this memorandum is [REDACTED] 1300 N Warehouse Rd, Fort Leavenworth, Kansas 66027-2304.

Encl.

1. Figure 19-1 Formal Complaint Process diagram from AR 27-10

Respectfully

(b) (6)

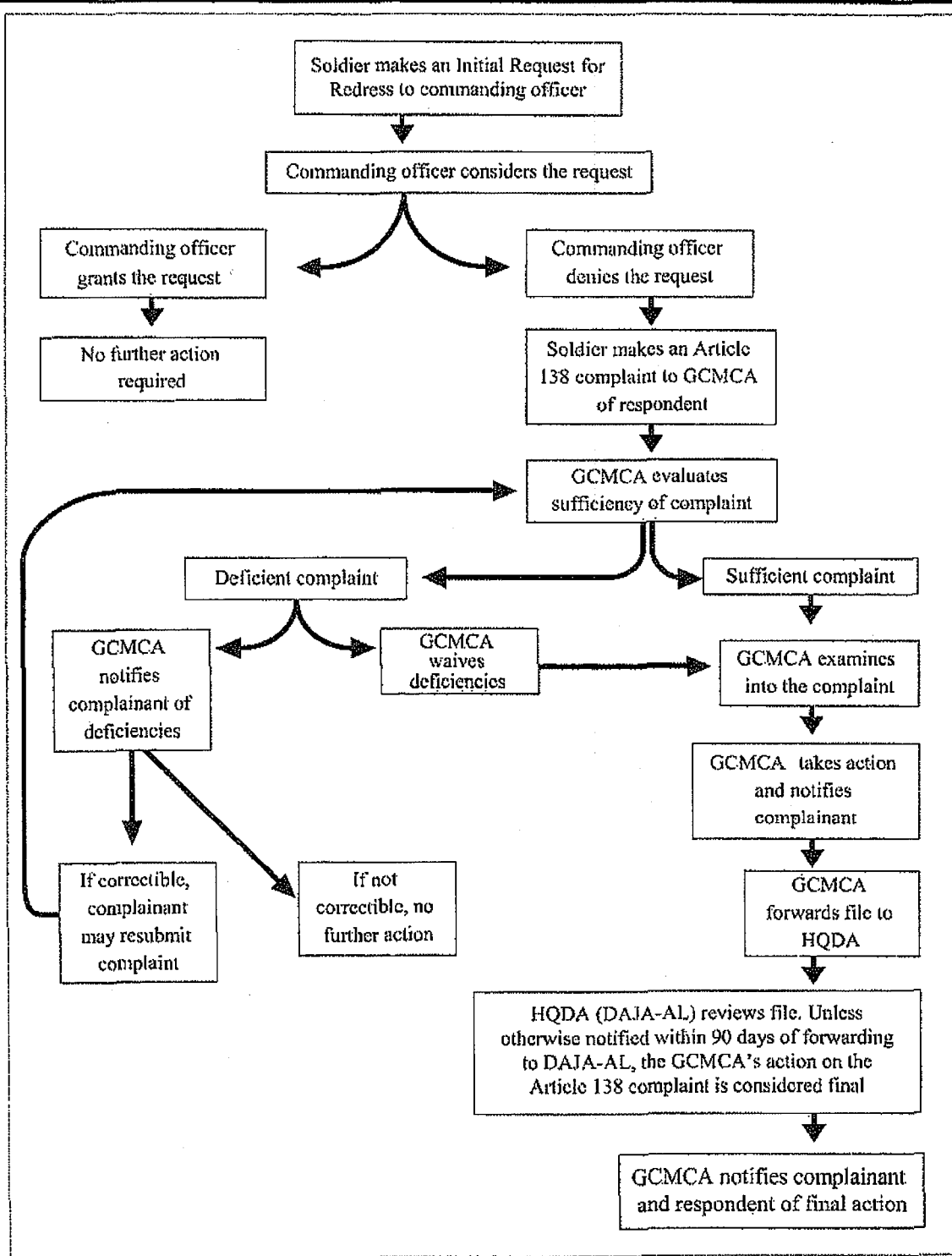


Figure 19-1. Article 138 Complaint Process

INMATE REQUEST SLIP Directorate of Operations	Control No: 1167 382-0	Date: 12-22-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>Commandant</i>	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
---------------------------------	---

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See Attached

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
---	-------------------------------------

FOR OFFICE USE ONLY

To:	From:	Date:
------------	--------------	--------------

In reply to your request:

Signature of Responder:	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for Inmate's CTF)

MEMORANDUM THRU

**Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support,
U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, USAG, 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill OK 73505-5000**

**FOR Commander, U.S. Army Combined Arms Center, 881 McCellan Avenue, Fort
Leavenworth KS 66027**

**SUBJECT: Complaint of Wrong under Article 138, UCMJ-Inmate (b) (6)
(b) (6)**

1. References.
 - a. Title 10, 138, U.C. Code (U.S.C.) §938, "Article Uniform Code of Military Justice (UCMJ)
 - b. Army Regulation (AR) 27-10, "Military Justice, "dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manuel for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)
2. Pursuant to AR 27-10 Article 138, UCMJ, (10 U.S.C.§938), I hereby submit this complaint of wrong against (b) (6)
(b) (6) I am providing information in accordance with para, 19-7. OF AR 27-10
3. **Complaint.**
 - a. Inmate (b) (6) Social Security Number (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth Kansas.
 - b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.
 - c. My current command is the same as it was during the wrong complained of.
 - d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth KS 66027-2304.
4. **Respondent.**

- a. I am submitting this complaint against the United States Disciplinary Barracks (USDB).
- b. Colonel Erica Nelson is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) AND 15th Military Police Brigade at 1301 NORTH Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

PMCC-DB

Subject: Complaint of Wrong under Article 138, UCMJ- Inmate

22 December 2015

(b) (6)

5. Complaint.

- a. On 24th November 2015, I that (b) (6) acting in t^{(b) (6)} capacity as the USDB Commandant Fort Leavenworth.
- b. On 24th November 2015, I submitted as request for redress pursuant to para. 19.6a. of AR 27-10.
- c. As of 22nd December 2015, exactly 20, days 28 calendar days, and over the fifteen (15) normal business days since I submitted my request for redress, I have not received a final response or an interim response. I elect to treat this as a refusal of redress pursuant to para. 19-7 of AR 27-10.
- d. The specific nature of the wrong of is as follows:
 1. On the way to the Cussing Hospital for a concussion inside of the housing unit. The escorts did not use a seatbelt on me, and did not follow the approved rout to the hospital. Going off the road in an attempt to go round the closed gate onto the solder of the road into the grass, created a near death experience, mental trauma for the prisoner. Their actions violated all laws federal, state, and the civil rights of the prisoner, their actions created a accident which the prisoner was thrown inside the van into the escorts lap forcing his face into the lap of the escort with him an inch from his gentiles. Hurting his neck, elbow, and giving him another concussion on hitting the floor.
 2. The prisoner was not allowed legal advice in accordance with para 19-8 AR 27-10.
- e. I believe not using a seatbelt, going off road to bypass a closed gate, not asking if he had suffered another concussion. Not being provided legal advice is arbitrary, an capricious, an abuse of discretion, and materially unfair to inmate (b) (6) I also consider this a denial a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938). And para 19-4e., AR 27-10.

6. Relief Requested.

As relief, I hereby request that 9 years be taken off my sentence, along with the current good conduct time, earned and abatement Minimum Release Date (MRD) adjusted to show new release date, the custody elevation.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. § 1746).

Executed on 12 December 2015

(X) Enclosures

1. Request for redress, dated 22 December 1015
2. (...)



Inmate, USDB
Reg. No 92402

INMATE REQUEST SLIP Directorate of Operations	Control No: 1166266-0	Date: 11-24-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
--------------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

**See attached
ASAP**

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
---	-------------------------------------

FOR OFFICE USE ONLY		
To: (b) (6)	From: (b) (6)	Date: 20151130

In reply to your request:
your article 138 Complaint has been received & forwarded to your Company Commander, (b) (6) HHC, U.S. Army Personnel Control Facility (PCF) 3430 Wilson St. Ft Sill, OK 73503

The Commandant is not your Commander under the UCMJ. If you have any further questions or concerns regarding this 138 Complaint, you may contact (b) (6) at the above address.

(b) (6)	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for inmate's CTF)

PMCC-DB

24th November 2015

MEMORANDUM FOR Commander , U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Redress under Article 138, UCMJ-Inmate (b) (6)

(b) (6)

1. References.
 - a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
 - b. Army Regulation (AR 27-10, "Military Justice" dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manual for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)
2. Pursuant to para 19-6a OF AR27-10, I hereby request redress for your (act of omission) to: I was not put in a seatbelt that the fall could have broken my neck and I could have been killed. That I was forced to put my face that in the lap close to the genitals of another man. I have seen what happens in the back of vans to inmates especially black inmates.
3. Background.

On the 2nd November 2015, I was to be escorted to the Cussing Hospital by (b) (6) (b) (6) who was the armed escort; (b) (6) who was the driver; (b) (6) I was taken in full body cuffs, complete with leg restraints and helped into the waiting van, (b) (6) got in behind me. I sat close to the screen between the inmate and the front passenger. (b) (6) sat across from me to my left. Later the driver and the passenger entered the van. As we exited the facility nearing the metal gate the driver said something to the effect they always take too long to open the gate, the others agreed, the driver then turned left over onto the shoulder of the road into the grass, going around the gate. We passed a sign and when we came close to what looked like an electrical box the driver took a sharp right turn. I was never put into seatbelt; I was thrown from my seat to the other side. I was in full body cuffs so I was not able to stop, help or control my fall in any way. On the way down I landed into (b) (6) lap with my face an inch from his genitals, my head was then twisted to the right side with my neck supporting my whole body weight of 230 lbs. I continued to fall hitting my head, and elbow on the way down. After the incident, the van was stopped and I was helped to my seat, (b) (6) (b) (6) said something to the effect of no one told me I was supposed to buckle him in, or put him in a seatbelt.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1167 382-0	Date: 12-22-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: <i>Commandant</i>	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
---------------------------------	---

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See Attached

Signature of Housing Unit NCO (b) (6)	Signature of Inmate: (b) (6)
--	-------------------------------------

FOR OFFICE USE ONLY

To:	From:	Date:
------------	--------------	--------------

In reply to your request:

Signature of Responder:	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for inmate's CTF)

MEMORANDUM THRU

Commander, Headquarters and Headquarters Detachment (HHD) Garrison Support,
U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, USAG, 3430 Wilson Street, Fort Sill, OK 72503-4461
Commander, U.S. Army Fires Center of Excellence, Fort Sill OK 73505-5000

FOR Commander, U.S. Army Combined Arms Center, 881 McCellan Avenue, Fort
Leavenworth KS 66027

SUBJECT: Complaint of Wrong under Article 138, UCMJ-Inmate (b) (6)

(b) (6)

1. References.
 - a. Title 10, 138, U.C. Code (U.S.C.) §938, "Article Uniform Code of Military Justice (UCMJ)
 - b. Army Regulation (AR) 27-10, "Military Justice, "dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manuel for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)
2. Pursuant to AR 27-10 Article 138, UCMJ, (10 U.S.C. §938), I hereby submit this complaint of wrong against (b) (6)
(b) (6) I am providing information in accordance with para, 19-7. OF AR 27-10
3. **Complaint.**
 - a. Inmate (b) (6) am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth Kansas.
 - b. My current command is at Headquarters and Headquarters Detachment (HHD) Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 72503-4461.
 - c. My current command is the same as it was during the wrong complained of.
 - d. My permanent address is 1300 N. Warehouse Road, Fort Leavenworth KS 66027-2304.
4. **Respondent.**

- a. I am submitting this complaint against the United States Disciplinary Barracks (USDB).
- b. Colonel Erica Nelson is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) AND 15th Military Police Brigade at 1301 NORTH Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

PMCC-DB

22 December 2015

Subject: Complaint of Wrong under Article 138, UCMJ- Inmate [REDACTED]

5. Complaint.

- a. On 24th November 2015, I that (b) (6) acting in t (b) (6) capacity as the USDB Commandant Fort Leavenworth.
- b. On 24th November 2015, I submitted as request for redress pursuant to para. 19.6a. of AR 27-10.
- c. As of 22nd December 2015, exactly 20, days 28 calendar days, and over the fifteen (15) normal business days since I submitted my request for redress, I have not received a final response or an interim response. I elect to treat this as a refusal of redress pursuant to para. 19-7 of AR 27-10.
- d. The specific nature of the wrong of is as follows:
 1. On the way to the Cussing Hospital for a concussion inside of the housing unit. The escorts did not use a seatbelt on me, and did not follow the approved rout to the hospital. Going off the road in an attempt to go round the closed gate onto the solder of the road into the grass, created a near death experience, mental trauma for the prisoner. Their actions violated all laws federal, state, and the civil rights of the prisoner, their actions created a accident which the prisoner was thrown inside the van into the escorts lap forcing his face into the lap of the escort with him an inch from his gentiles. Hurting his neck, elbow, and giving him another concussion on hitting the floor.
 2. The prisoner was not allowed legal advice in accordance with para 19-8 AR 27-10.
- e. I believe not using a seatbelt, going off road to bypass a closed gate, not asking if he had suffered another concussion. Not being provided legal advice is arbitrary, an capricious, an abuse of discretion, and materially unfair to inmate (b) (6). I also consider this a denial a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938). And para 19-4e., AR 27-10.

6. Relief Requested.

As relief, I hereby request that 9 years be taken off my sentence, along with the current good conduct time, earned and abatement Minimum Release Date (MRD) adjusted to show new release date, the custody elevation.

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. § 1746).

Executed on 12 December 2015

(X) Enclosures

1. Request for redress, dated 22 December 1015
2. (...)

(b) (6)

INMATE REQUEST SLIP Directorate of Operations	Control No: 1166266-0	Date: 11-24-15
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) (b) (6)
--------------------------	--

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

See attached
ASAP

Signature of Housing Unit NCO: (b) (6)	Signature of Inmate: (b) (6)
--	------------------------------

FOR OFFICE USE ONLY		
To: (b) (6)	From: (b) (6)	Date: 20151130

In reply to your request:
Your article 138 Complaint has been received & forwarded to your Company Commander, CPT Byrd, Andre, HHC, U.S. Army Personnel Control Facility (PCF) 3430 Wilson St. Ft Sill, OK 73503

The Commandant is not your Commander under the UCMJ. If you have any further questions or concerns regarding this 138 Complaint, you may contact [redacted] at the above address.

Signature of Responder: (b) (6)	Signature of Inmate: (I have been informed of the above.)
Printed Name of Housing Unit NCO:	Signature of Housing Unit NCO: (Forwarded for Inmate's CTF)

24th November 2015

PMCC-DB

MEMORANDUM FOR Commander , U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Redress under Article 138, UCMJ (b) (6)

(b) (6)

1. References.
 - a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)"
 - b. Army Regulation (AR 27-10, "Military Justice" dated 3 October 2011
 - c. U.S. Disciplinary Barracks (USDBN) Regulation 600-1, "Manual for Guidance of Inmates (MGI) 3 March 2014
 - d. (...)

2. Pursuant to para 19-6a OF AR27-10, I hereby request redress for your (act of omission) to: I was not put in a seatbelt that the fall could have broken my neck and I could have been killed. That I was forced to put my face that in the lap close to the gentiles of another man. I have seen what happens in the back of vans to inmates especially black inmates.

3. Background.

On the 2nd November 2015, I was to be escorted to the Cussing Hospital by (b) (6) (b) (6) who was the armed escort; (b) (6) who was the driver; (b) (6) I was taken in full body cuffs, complete with leg restraints and helped into the waiting van, (b) (6) got in behind me. I sat close to the screen between the inmate and the front passenger. (b) (6) sat across from me to my left. Later the driver and the passenger entered the van. As we exited the facility nearing the metal gate the driver said something to the effect they always take too long to open the gate, the others agreed, the driver then turned left over onto the shoulder of the road into the grass, going around the gate. We passed a sign and when we came close to what looked like an electrical box the driver took a sharp right turn. I was never put into seatbelt; I was thrown from my seat to the other side. I was in full body cuffs so I was not able to stop, help or control my fall in any way. On the way down I landed into (b) (6) lap with my face an inch from his gentiles, my head was then twisted to the right side with my neck supporting my whole body weight of 230 lbs. I continued to fall hitting my head, and elbow on the way down. After the incident, the van was stopped and I was helped to my seat, (b) (6) (b) (6) said something to the effect of no one told me I was supposed to buckle him in, or put him in a seatbelt.

4. I believe your actor or omission is inconsistent with the priorities of the USDB, is arbitrary, capricious, and unreasonable...) Therefore, I consider this a wrong within the meaning of Article 138, UCMJ 10 U.S.C. § 938, AND PARA. 19-4e., AR 27010
5. As Redress I request six (6) years off my current sentence which would change my MRD to year 2020, and custody elevation to Minimum Pod; counseling for trauma for of being forced to look at and being the lap of another mans gentiles , the a near death experience by the hands of Police.
6. Pursuant to para. 19-6b., AR 27-10, you will respond to this request, within, fifteen (15) days. If a final response within 15 days is not possible an interim response shall be provided that indicates the estimated date of final response.
7. The point of contact (POC) for the undersigned at 1300 N. Warehouse Road, Fort Leavenworth, KS 66027-2304

(b) (6)

reserve component, upon request by the member, for the member's personal examination.

§ 938. Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of, and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

§ 939. Art. 139. Redress of injuries to property

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages as assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

SUBCHAPTER XII. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

Sec.	Art.
941.	141. Status.
942.	142. Judges.
943.	143. Organization and employees.
944.	144. Procedure.
945.	145. Annuities for judges and survivors.
946.	146. Code committee.

§ 941. Art. 141. Status

There is a court of record known as the United States Court of Appeals for the Armed Forces. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

§ 942. Art. 142. Judges

(a) *Number.* The United States Court of Appeals for the Armed Forces consists of five judges.

(b) *Appointment; qualification.*

(1) Each judge of the court shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (c).

(2) The term of a judge shall expire as follows:

(A) In the case of a judge who is appointed after January 31 and before July 31 of any year, the term shall expire on July 31 of the year in which the fifteenth anniversary of the appointment occurs.

(B) In the case of a judge who is appointed after July 31 of any year and before February 1 of the following year, the term shall expire fifteen years after such July 31.

(3) Not more than three of the judges of the court may be appointed from the same political party, and no person may be appointed to be a judge of the court unless the person is a member of the bar of a Federal court or the highest court of a State.

(4) A person may not be appointed as a judge of the court within seven years after retirement from active duty as a commissioned officer of a regular component of an armed force.

(c) *Removal.* Judges of the court may be removed from office by the President, upon notice and hearing, for—

- (1) neglect of duty;
- (2) misconduct; or
- (3) mental or physical disability.

A judge may not be removed by the President for any other cause.

(d) *Pay and allowances.* Each judge of the court is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals.

(e) *Senior judges.*

(1)(A) A former judge of the court who is receiving retired pay or an annuity under section 945 of this title (article 145) or under subchapter III of chapter 83 or chapter 84 of title 5 shall be a senior judge. The chief judge of the court may call upon an individual who is a senior judge of the court under this subparagraph, with the consent of the senior judge, to perform judicial duties with the court—

(i) during a period a judge of the court is unable to perform his duties because of illness or other disability;

(ii) during a period in which a position of judge of the court is vacant; or

(iii) in any case in which a judge of the court recuses himself.

(B) If, at the time the term of a judge expires, no successor

INMATE REQUEST SLIP Directorate of Operations		Control No: 1122542-0	Date: 19 APR 2016
PRIVACY ACT STATEMENT			
<p>AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07</p> <p>PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.</p> <p>ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.</p> <p>DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.</p>			
To: LAMOND JUDGE ADVOCATE (CJA)		From: (Include Last Name, First Name, MI, Reg#, Housing Unit, Cell, and Detail.) MANNING, CHESTER E. 89231 OSCAR HU, 0327, DET. 21	
I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)			
<p>SUBMITTING THE ATTACHED COMPLAINTS OF WRONG UNDER ARTICLE 138, UCMJ FOR THE GCMCAs OF BOTH FORT SILL, OK AND FORT LEAVENWORTH, KS. SEE ATTACHED MEMORANDUM W/ ENCLOSURES</p> <p>_____/END/_____/</p>			
Housing Unit NCO Printed Name: (b) (6)		Housing Unit NCO Signature: (b) (6)	
FOR OFFICE USE ONLY			
From: CJA		Date: 21 APR 2016	
<p>In reply to your request:</p> <p>Your Article 138 request for redress has been forwarded to the appropriate General Court-Martial Convening Authority, Fort Sill, OK, for processing (AW AR 27-10).</p>			
Requester Printed Name: (b) (6)		Housing Unit NCO Printed Name:	Inmate Printed Name:
Housing Unit NCO Signature:		Inmate Signature:	
<p>Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).</p> <p>MCC Form 510 15-Jan-16</p>			

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate (OCJA), U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461

FOR

Commander, Headquarters, U.S. Army Combined Arms Center and Fort Leavenworth (ATZL-C), 415 Custer Avenue, Fort Leavenworth, KS 66027-2300
Commander, Headquarters, U.S. Army Fires Center of Excellence and Fort Sill (ATZR-C), 455 McNair Avenue, Suite 100, Fort Sill, OK 73503

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

1. References.

- a. Title 10, United States Code, section 855 (10 U.S.C. § 855), "Article 55, Uniform Code of Military Justice (UCMJ)."
- b. Title 10, U.S.C., section 938 (10 U.S.C. § 938), "Article 138, UCMJ."
- c. Army Regulation (AR) 27-10, *Military Justice*, dated 3 October 2011.
- d. Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, dated 30 September 2011.
- e. U.S. Disciplinary Barracks (USDB) Regulation 600-1, *Manual for the Guidance of Inmates (MGI)*, dated 14 November 2013.

I. NATURE OF REQUEST.

2. Pursuant to Article 138, UCMJ,¹ and paragraph 19-6a. of AR 27-10,² I, the undersigned complainant hereby submit this complaint of wrong against the Commandant, United States Disciplinary Barracks (USDB) and the Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison (USAG), Fort Sill, to the respective general court-martial convening authorities (GCMCAs) for Fort Leavenworth, Kansas and Fort Sill, Oklahoma.

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, *Military Justice* (3 October 2011)

ii. COMPLAINANT.

3. The following information identifying the complainant for this complaint of wrong is provided—

- a. Rank and Grade. Inmate (E-1).
- b. Name. (b) (6)
- c. Social Security Administration Number. (b) (6)
- d. Current Address. 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
- e. Permanent Address. 1492 Selworthy Road, Potomac, MD 20854.

iii. RESPONDENTS.

4. The following information identifying the first respondent for this complaint of wrong is provided—

- a. Rank and Grade. (b) (6)
- b. Name. (b) (6)
- c. Title. Commandant and Commander.
- d. Organization. United States Disciplinary Barracks, and 15th Military Police (MP) Brigade, Fort Leavenworth, Kansas.

5. The following information identifying the second respondent for this complaint of wrong is provided—

- a. Rank and Grade. (b) (6)
- b. Name. (b) (6)
- c. Title. Commander.
- d. Organization. Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, Fort Sill, Oklahoma.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

IV. BACKGROUND.

6. The following information is provided in support of this complaint of wrong.

A. THE ARBITRARY DENIALS OF
PRINTED INTERNET MATERIALS.

7. On 8 February 2016, civilian staff at the Inmate Services Branch (ISB) of the U.S. Disciplinary Barracks (USDB) denied mail sent to the complainant inside an envelope³ from (b) (6) correctly addressed to the complainant.⁴

8. The written basis of the denial was "PRINTED INTERNET PAGES" based on para. 14 of Military Correctional Complex (MCC) Form 28-1-2,⁵ and chapter 1-4c.(14) of MCC Regulation 28-1.⁶

9. In a written request,⁷ I appealed the denial made on the basis that—

a. The First Amendment of the U.S. Constitution⁸ protects against arbitrary, capricious, and unlawful denials of prisoners' mail;

b. The USDB and MCC were deliberately abusing their discretion based on a flimsy interpretation of federal copyright statutes⁹—as promoted by (b) (6) (b) (6) the Command Judge Advocate of the USDB—and that any alleged enforcement of copyright is beyond the scope, duty, and mission of the USDB and MCC, and was therefore an improper basis for violating the First Amendment of the U.S. Constitution;¹⁰ and

c. That the USDB and MCC failed to provide adequate and meaningful due process under the Fifth Amendment of the U.S. Constitution for a violation of the First Amendment.¹¹

³ Enclosure 1. (b) (6) Envelope, addressed to (b) (6) (31 January 2016)

⁴ Enclosure 2. Military Correctional Complex (MCC) Form 28-1-2, "Notification of Rejected Mail" (8 February 2016)

⁵ *Id.*

⁶ MCC Regulation 28-1, *Mail Screening Policy and Procedures*, chp. 1-4c.(14) (30 September 2011)

⁷ Enclosure 2, at p. 3.

⁸ U.S. Const., amend. I

⁹ 17 U.S.C. § 101 *et seq.*

¹⁰ U.S. Const., amend. I

¹¹ U.S. Const., amend. I, V

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

10. The content of the first envelope was a number of articles written under the "share-alike attribution" Creative Commons License by the Electronic Frontier Foundation (EFF), and two other articles covered under the "fair use" provisions of federal copyright statutes.¹² The subject matter of these articles primarily dealt with prison conditions, censorship of prisoners, and prisoners' access to electronic mail and telephones.¹³

11. Two more envelopes sent from (b) (6) to the complainant were also denied on the same basis as para. 6 above on 19 February 2016, and appealed on the same basis as para. 7 above on 24 February 2016.¹⁴

12. One of the respondents to this request for redress, the Commandant, USDB, replied to all three (3) of the complainant's appeals in a combined omnibus memorandum on 1 March 2016.¹⁵ This memorandum restated the facts of the three appeals and "rejected" the materials "for admission into the institution."¹⁶

13. Given only two (2) options for disposition of the materials—ship or destroy—the complainant elected to ship the items¹⁷ to (b) (6) an investigative researcher at the EFF. These items remain secured in the possession of the EFF as the complainant files this complaint of wrong.

B. THE LOCKDOWN OF OSCAR HOUSING UNIT.

14. On 30 March 2016, at approximately 2205 the Commandant, USDB ordered a "lockdown" of Oscar Housing Unit (OHU).

15. This lockdown kept the complainant inside her cell, O-227 for 24 hours each day, prevented her from receiving adequate food or any hot meals, and prevented her from having adequate access to hygiene facilities to include a shower, and eliminated all of her out-of-cell recreation time.

16. On 31 March 2016, at approximately 0600, the complainant verbally request that the lockdown be lifted to (b) (6) a Housing Unit Non-Commissioned Officer.

¹² 17 U.S.C. § 107

¹³ Enclosure 3. (b) (6) Cover Letter (31 January 2016)

¹⁴ Enclosure 4. MCC Form 28-1-2 (19 February 2016)

¹⁵ Enclosure 5. Memorandum, by (b) (6) to (b) (6)

¹⁶ *Id.*

¹⁷ *Id.*

PMCC-DB

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

17. At that time, after receiving a verbal denial of her request, the complainant submitted a written request via an MCC Form 510.¹⁸ Attached to this request was a separate memorandum.¹⁹

A. THE COMBINED ARMS CENTER AND FORT LEAVENWORTH
OFFICE OF THE INSPECTOR GENERAL

18. On 8 February 2016, the complainant submitted to the Office of the Inspector General for the Combined Arms Center (OIG) an Inspector General Action Request (IGAR) form²⁰ pursuant to AR 20-1,²¹ requesting for an investigation into the denials of mail. No response has yet been provided to this request.

19. On 31 March 2016, the complainant submitted another IGAR form²² pursuant to AR 20-1.²³ In response the OIG sent DA civilian personnel to investigate my request and submitted a written response acknowledging receipt of my request. No formal or final action has been made in response to this request.

¹⁸ Enclosure 6. MCC Form 510, *Inmate Request Slip*, by Inmate (b) (6) Control No. 1171636-O (31 March 2016)

¹⁹ Enclosure 7. Memorandum, "Request for Lifting of Lockdown and Adequate Prison Provisions," by Inmate Manning, for the Commandant, USDB

²⁰ Department of the Army (DA) Form 1559, *Inspector General Action Request*, by Inmate Manning (8 February 2016)

²¹ AR 20-1, *Inspector General Activities and Procedures* (29 November 2010)

²² DA Form 1559, *Inspector General Action Request*, by Inmate Manning (31 March 2016)

²³ AR 20-1, *Inspector General Activities and Procedures*

V. REQUESTS FOR REDRESS.

20. As redress the complainant requested on 14 March 2016, via an MCC Form 510,²⁴ that the respondents of this complaint of wrong—

a. retract the denial of the three (3) envelopes containing non-objectionable printed internet materials;²⁵ and

b. refrain from denying non-objectionable printed Internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.²⁶

22. Additionally, the complainant requested at approximately 0630 on 31 March 2016, also via an MCC Form 510,²⁷ that the respondents of this complaint of wrong—

a. lift the lockdown of Oscar Housing Unit (OHU); and

b. provide the complainant with—

(1) adequate nutrition;

(2) at least two (2) hot meals per day;

(3) adequate access to hygiene and a shower;

(4) at least one hour of out-of-cell recreation per day; and

(5) provide the complainant with telephonic access to legal counsel.²⁸

23. On 22 March 2016,²⁹ and ___ April 2016,³⁰ the Commander, HHD and USAG at Fort Sill responded—via the Fort Sill Office of the Staff Judge Advocate—that the complaint was "inappropriate for review." Meanwhile the Commandant, USDB has declined to respond in any manner whatsoever.

²⁴ Enclosure 8. MCC Form 510, by Inmate Manning, Control No. 1170794-O (13 March 2016)

²⁵ Enclosure 9. Memorandum, "Request for Redress under Article 138, UCMJ and Article 27-10 Regarding Denial of Printed Internet Materials," by Inmate (b) (6) (14 March 2016)

²⁶ *Id.*

²⁷ Enclosure 10. MCC Form 510, by Inmate (b) (6) Control No. _____ (31 March 2016)

²⁸ Enclosure 11. Memorandum, "Request for Redress under Article 138 Regarding Lockdown and Prison Provisions," by Inmate (b) (6) (31 March 2016)

²⁹ Enclosure 12. Memorandum, "Response to Article 138 Request for Redress (22 March 2016)

³⁰ Enclosure 13. Memorandum, "Response to Article 138 Request for Redress (___ April 2016)

PMCC-DB

SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VI. NOTICE OF FUTILITY UNDER THE PLRA.

24. Based on previous responses to requests for redress by the complainant to the respondents and their predecessors, and through subsequent complaints of wrong under Article 138, UCMJ,³¹ the complainant considers the process of requesting for redress and complaining for wrongs under AR 27-10,³² and Article 138, UCMJ,³³ as futile for purposes of the Prison Litigation Reform Act (PLRA).³⁴

25. Historically, the respondents and the respective GCMCAs have denied all reasonable means for the complainant to redress any concerns on issues as broad as those involving—

- a. arbitrary denials for visitation;
- b. inadequate healthcare;
- c. deliberate denials for healthcare;
- d. reprisals for invoking the Fifth Amendment and Article 31, UCMJ rights against self-incrimination during an informal criminal investigation; and
- e. several failures to provide adequate due process at a disciplinary board and appeals process.

26. The respondents and their respective GCMCAs have repeatedly and consistently shield their actions behind a Byzantine statutory and regulatory process. They have also argued that they are essentially "above the law"³⁵ and beyond the reach of any appellate authority within the Department of the Army and the U.S. government.

27. The respondents' and GCMCA's positions have resulted in the complainant not receiving relief on a single prison conditions issue brought to the attention of the USDB being addressed in any meaningful manner whatsoever since arriving 22 August 2013.

28. Therefore, the complainant argues that the only adequate and meaningful means of redress for prison conditions issues in military confinement can be found by filing a civil complaint before a federal district judge under the PLRA.³⁶

³¹ 10 U.S.C. § 938

³² AR 27-10, *Military Justice*

³³ 10 U.S.C. § 938

³⁴ 42 U.S.C. §§ 1997e *et seq.*; see also *Booth v. Churner*, 532 U.S. 731, 740 n. 6, 121 S. Ct. 1819, 1825

³⁵ The Deputy Commandant, USDB, Mr. Thomas Schmit has on at least two occasions verbally claimed to be beyond the reach of all military authorities except for a "federal judge."

³⁶ See generally, 42 U.S.C. §§ 1997e *et seq.*

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VII. COMPLAINT PROCESS.

29. **Date Wrongs Discovered.**

- a. 8 February 2016;³⁷ and
- b. 30 March 2016.³⁸

30. **Date Written Request for Redress Submitted.**

- a. 14 March 2016;³⁹ and
- b. 31 March 2016.⁴⁰

31. **Date Answer to Request for Redress Received.**

- a. 22 March 2016;⁴¹ and
- b. ___ April 2016.⁴²

32. **Number of Days between Wrong and Submission of Complaint.**

- a. Approximately 35 calendar days; and
- b. less than 1 calendar day.

³⁷ Enclosure 9.

³⁸ Enclosure 11.

³⁹ Enclosure 9.

⁴⁰ Enclosure 11.

⁴¹ Enclosure 12.

⁴² Enclosure 13.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

VIII. REDRESS REQUESTED.

33. The complainant requests that the respondents—

a. retract the denial of the three (3) envelopes containing non-objectionable printed internet materials; and

b. refrain from denying non-objectionable printed internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.

c. prevent improper lockdowns of Oscar Housing Unit (OHU); and

d. ensure that while the complainant is on lockdown, she is provided with—

(1) adequate nutrition;

(2) at least two (2) hot meals per day;

(3) adequate access to hygiene and a shower;

(4) at least one hour of out-of-cell recreation per day; and

(5) provide the complainant with telephonic access to legal counsel.

PMCC-DB
SUBJECT: Complaints of Wrong under Article 138, UCMJ and Article 27-10

IX. VERIFICATION.

34. I hereby declare under penalty of perjury⁴³ that the above information is true and correct, and that this complaint is submitted per the guidelines and procedural requirements in AR 27-10.⁴⁴

Executed on: 19 April 2016

(b) (6)

PRIVACY ACT STATEMENT

1. **Authority.** 10 U.S.C. §§ 938, 3001 *et seq.*; Army Regulation 27-10.
2. **Principal Purpose.** Used by command authorities and the Office of the Staff Judge (OSJA) Advocate and Office of the Judge Advocate General (OTJAG) to review, take action, and make recommendations to the Secretary of the Army on Article 138, UCMJ, and AR 27-10 complaints of wrong.
3. **Routine Uses.** The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices apply (32 C.F.R. §§ 505.1 *et seq.*)
4. **Mandatory or Voluntary Disclosure.** Providing requested information is voluntary; however, failure to do so may result in delayed command action and OSJA review, or the inability to notify complainant of the decision of the Secretary of the Army.

⁴³ 28 U.S.C. § 1746

⁴⁴ AR 27-10, *Military Justice*

ENCLOSURE 1

(b) (6)

UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.550
0001792486 JAN 27 2016
MAILED FROM ZIP CODE 94612

UNITED STATES POSTAGE
\$ 000.145
JAN 27 2016
MAILED FROM ZIP CODE 94612

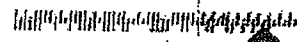
First Class Mail

(b) (6)

1300 North Warehouse Road
Fort Leavenworth, Kansas

66027-2304

to



Stock #R1470
Made in USA



First Class Mail

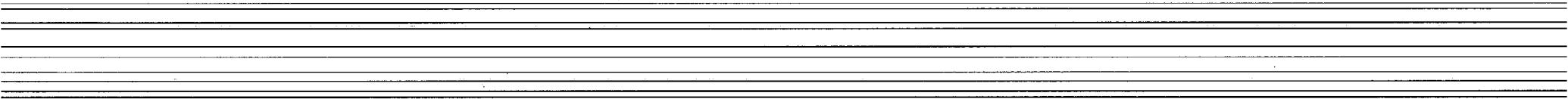
SURVIVOR
MANNING YORK PRODUCTS

First Class Mail

DuPont™ Tyvek®
Protect What's Inside!™



HDPE



ENCLOSURE 2

NOTIFICATION OF REJECTED MAIL

Inmate Name:

(b) (6)

Reg#:

(b) (6)

Housing Unit:

0

Comments:

Printed internet pages

The above mail item(s) was found objectionable based on MCC Regulation 28-1, para. 1-4 as indicated below.

(1) Contains sexually explicit material involving obscenity or a violation of a sex-based crime included in the Uniform Code of Military Justice (UCMJ). Obscenity is defined as writings or pictures that, taken as a whole under contemporary community standards, appeals to a prurient interest in sex, are offensive because it depicts sexual conduct in a patently offensive way and, taken as a whole, lacks serious literary, artistic, political, or scientific value. Examples of obscenity under this regulation includes actual or simulated acts of sadomasochism; bondage; masturbation; penetration of bodily orifices, both digitally or with an object; nude depictions of sexual activity with, or sexualized accounts regarding children or adults depicting children; and sexual activity with animals. Violations of sex-based crimes under the UCMJ include, but are not limited to, sodomy (both anal and oral) and indecent acts or assault. These examples do not limit the discretion of the 15th MP BDE Commander, in determining specific materials are obscene.

(2) Encourages or advocates racial, religious, or ethnic hatred, unlawful discrimination, or sexual harassment.

(3) Encourages or advocates criminal activity, violence, or institutional violations. This includes publications or materials encouraging or glamorizing tattooing or body piercing.

(4) Contains blackmail, threats, or extortion.

(5) Depicts, encourages, assists, or describes plans or methods of escape from an MCC facility or other correctional facility, or contains blueprints, drawings, or similar descriptions of the MCC.

(6) Depicts roads and streets or contains maps which may aid in an escape.

(7) Depicts or describes the ingredients, use of, or procedures for the manufacturing of alcoholic beverages, drugs, other intoxicants, drug paraphernalia, or any poisons.

(8) Contains material prohibited by postal or other regulations.

(9) Depicts or describes procedures for the construction, manufacture, or use of weapons, explosives, ammunition, bombs, incendiary devices, or escape devices.

(10) Contains material intended to, or likely to, incite fights, riots, strikes, or disobedience of inmates or which describes or encourages activities which may lead to such events.

(11) Contains material which could cause severe psychiatric or emotional disturbance to an inmate.

(12) Contains materials related to the establishment, management, or administration of a for-profit business by an inmate during incarceration.

(13) Publications otherwise allowable under Chapter 4 of this regulation, having been defaced and/or altered, e.g., removing or defacing of pages, articles, cartoons, photographs, games, or advertisements.

X (14) Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.

(15) Contains material pertaining to gambling, lotteries, or games of chance.

(16) Contains material pertaining to contests, such as art or writing contests, unless the inmate has specific permission from the 15th MP BDE Commander to enter such a contest as an exception to policy.

NOTIFICATION OF REJECTED MAIL (continued)

- (17) Solicits money, gifts, or pen-pal relationships. Pen-pals are defined as individuals who had no relationship with the inmate prior to the inmate's entry into post-trial confinement. Inmates may correspond with pen-pals as long as the inmate did not initiate the relationship either directly or indirectly via family, friends, or other inmates. Inmates are not permitted to solicit celebrity photos, autographs, posters, or other memorabilia, or join fan clubs.
- (18) Correspondence or publication(s) written in code or in a language other than English. Requests for exception may be processed per USDB/JRCF Regulation 600-1, Manual for the Guidance of Inmates (MGI), as applicable.
- (19) Contains contraband or any material which inmates are not authorized to possess under the USDB/JRCF MGI or other policy.
- (20) Contains medical, psychological, or pharmaceutical information which may assist inmates in manipulating their behavior for purposes of acquiring a specific diagnosis/prescription drugs or which may otherwise interfere with the medical or mental treatment provided by the MCC.
- (21) Establishes or furthers a financial transaction prohibited by the USDB/JRCF MGI, (e.g., "Bill Me Later").
- (22) Contains a video tape, audio tape, DVD, or other such recording, as a means of communication.
- (23) Contains correspondence to or from current or former inmates of the MCC; current inmates of other penal institutions; relatives of other current or former MCC inmates; and current or former MCC staff members. Requests for exception may be processed per the USDB/JRCF MGI.
- (24) Contains correspondence to or from minors (under 18 years old), whose parents or guardians have objected; or with confining offense victims. (MCC inmates who committed sexual offenses with minor children are not allowed to have written, telephonic, or in-person contact with any minor children without prior approval.)
- (25) Contains any other material which, by its nature or content, poses a threat to the safety, security, or good order and discipline of the MCC.
- (26) Is sealed non-privileged mail.
- (27) Outgoing mail containing insufficient postage and/or incorrect address (non-appealable)

(b) (6)	ISE (b) (6)	Date: 4 Feb 16
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In accordance with MCC Regulation 28-1 you have the following options (choose one):

- I choose to dispose the item(s).
- I choose to ship the item(s) at my own expense to a person of my choice (for incoming mail ONLY).
- I choose to appeal the item(s) through the Publication Advisory Board (PAB) for a final decision by the Commander, 15th Military Police Brigade.

If you opt to appeal, you may provide a statement in support of your appeal in the space below. In the alternative, you may prepare a separate statement and forward to the ISB using an MCC Form 510, Inmate Request Slip. The separate statement must be received by the ISB staff within seven (7) calendar days from the below date. Failure to meet this deadline will result in your appeal being processed without the benefit of appellate matters.

Inmate's Name (Printed): (b) (6)	Inmate's Signature: (b) (6)	Date: 8 FEBRUARY 2016
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NOTIFICATION OF REJECTED MAIL (continued)

Statement for Appeal:

(1) THE PRINTED MATERIAL BEING CENSORED IS NOT PROTECTED BY COPYRIGHT IN ANY MANNER. ADDITIONALLY, THE ELECTRONIC FRONTIER FOUNDATION PROMOTES "COPYLEFT" POLICY AND OPPOSES CENSORSHIP BASED ON THE "DIGITAL MILLENNIUM COPYRIGHT ACT OF 2000," GIVING AN INCREASED LIKELIHOOD THAT EFF WILL PROVIDE PERMISSIONS FOR PRINTING OF THESE MATERIALS TO PRISONERS. (IT IS IRONIC THAT THE TOPIC OF THIS MATERIAL IS CENSORSHIP OF PRISONERS BY PRISON STAFF)

(2) CENSORSHIP BASED ON ARGUMENTS THAT PRINTED MATERIAL FROM THE INTERNET IS AN ARBITRARY, CAPRICIOUS, AND UNLAWFUL VIOLATION OF THE LAW AND SPIRIT OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION (U.S. CONST. AMEND. I). FURTHERMORE, IT IS AN ABUSE OF DISCRETION BEING MADE BASED ON THE CONTENT OF THIS MATERIAL, IN REGARDS TO ITS DISCUSSION OF PRISON CENSORSHIP RULES, LAWS, AND POLICIES.

I hereby certify the above statement is true and accurate to the best of my knowledge and belief.

Inmate's Name (Printed): (b) (6)	Inmate's Signature: (b) (6)	Date: 8 FEB 2016
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For Appeals Only:
I have reviewed the mail / property appealed and found the item(s) to be (Objectable/ Not Objectable) based on MCC Reg 28-1, Paragraph 1-4.

Comments:

Publication Review Officer (Printed):	Publication Review Officer (Signature):	Date:
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ENCLOSURE 3

Hi! ☺

1/31/16

① EFF - Feb 12, 2015

② EFF - Dec 28, 2015

③ EFF - Jan 20, 2016

④ EFF - FCC Comments

⑤ (from EFF #1) Combating Facebook

⑥ Relevant Part of Inmate
(from EFF #1) Handbook

⑦ Buzzfeed Referenced
from EFF #2

⑧ Harvard Biz Review article

Love,



(b) (6)

ENCLOSURE 4

NOTIFICATION OF REJECTED MAIL

Inmate Name: (b) (6)

Re: (b) (6)

Housing Unit: 0

Remarks:

over 5 internet pages

The above mail item(s) was found objectionable based on MCC Regulation 28-1, para. 1-4 as indicated below.

- (1) Contains sexually explicit material involving obscenity or a violation of a sex-based crime included in the Uniform Code of Military Justice (UCMJ). Obscenity is defined as writings or pictures that, taken as a whole under contemporary community standards, appeals to a prurient interest in sex, are offensive because it depicts sexual conduct in a patently offensive way and, taken as a whole, lacks serious literary, artistic, political, or scientific value. Examples of obscenity under this regulation includes actual or simulated acts of sadomasochism; bondage; masturbation; penetration of bodily orifices, both digitally or with an object; nude depictions of sexual activity with, or sexualized accounts regarding children or adults depicting children; and sexual activity with animals. Violations of sex-based crimes under the UCMJ include, but are not limited to, sodomy (both anal and oral) and indecent acts or assault. These examples do not limit the discretion of the 15th MP BDE Commander, in determining specific materials are obscene.
- (2) Encourages or advocates racial, religious, or ethnic hatred, unlawful discrimination, or sexual harassment.
- (3) Encourages or advocates criminal activity, violence, or institutional violations. This includes publications or materials encouraging or glamorizing tattooing or body piercing.
- (4) Contains blackmail, threats, or extortion.
- (5) Depicts, encourages, assists, or describes plans or methods of escape from an MCC facility or other correctional facility, or contains blueprints, drawings, or similar descriptions of the MCC.
- (6) Depicts roads and streets or contains maps which may aid in an escape.
- (7) Depicts or describes the ingredients, use of, or procedures for the manufacturing of alcoholic beverages, drugs, other intoxicants, drug paraphernalia, or any poisons.
- (8) Contains material prohibited by postal or other regulations.
- (9) Depicts or describes procedures for the construction, manufacture, or use of weapons, explosives, ammunition, bombs, incendiary devices, or escape devices.
- (10) Contains material intended to, or likely to, incite fights, riots, strikes, or disobedience of inmates or which describes or encourages activities which may lead to such events.
- (11) Contains material which could cause severe psychiatric or emotional disturbance to an inmate.
- (12) Contains materials related to the establishment, management, or administration of a for-profit business by an inmate during incarceration.
- (13) Publications otherwise allowable under Chapter 4 of this regulation, having been defaced and/or altered, e.g., removing or defacing of pages, articles, cartoons, photographs, games, or advertisements.
- (14) Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.
- (15) Contains material pertaining to gambling, lotteries, or games of chance.
- (16) Contains material pertaining to contests, such as art or writing contests, unless the inmate has specific permission from the 15th MP BDE Commander to enter such a contest as an exception to policy.

NOTIFICATION OF REJECTED MAIL (continued)

(17) Solicits money, gifts, or pen-pal relationships. Pen-pals are defined as individuals who had no relationship with the inmate prior to the inmate's entry into post-trial confinement. Inmates may correspond with pen-pals as long as the inmate did not initiate the relationship either directly or indirectly via family, friends, or other inmates. Inmates are not permitted to solicit celebrity photos, autographs, posters, or other memorabilia, or join fan clubs.

(18) Correspondence or publication(s) written in code or in a language other than English. Requests for exception may be processed per USDB/JRCF Regulation 600-1, Manual for the Guidance of Inmates (MGI), as applicable.

(19) Contains contraband or any material which inmates are not authorized to possess under the USDB/JRCF MGI or other policy.

(20) Contains medical, psychological, or pharmaceutical information which may assist inmates in manipulating their behavior for purposes of acquiring a specific diagnosis/prescription drugs or which may otherwise interfere with the medical or mental treatment provided by the MCC.

(21) Establishes or furthers a financial transaction prohibited by the USDB/JRCF MGI, (e.g., "Bill Me Later").

(22) Contains a video tape, audio tape, DVD, or other such recording, as a means of communication.

(23) Contains correspondence to or from current or former inmates of the MCC; current inmates of other penal institutions; relatives of other current or former MCC inmates; and current or former MCC staff members. Requests for exception may be processed per the USDB/JRCF MGI.

(24) Contains correspondence to or from minors (under 18 years old), whose parents or guardians have objected; or with confining offense victims. (MCC inmates who committed sexual offenses with minor children are not allowed to have written, telephonic, or in-person contact with any minor children without prior approval.)

(25) Contains any other material which, by its nature or content, poses a threat to the safety, security, or good order and discipline of the MCC.

(26) Is sealed non-privileged mail.

(27) Outgoing mail containing insufficient postage and/or incorrect address (non-appealable)

ISB Staff (Printed Name):

(b) (6)

ISB Staff (Signature):

(b) (6)

Date:

19 Feb 16

In accordance with MCC Regulation 28-1 you have the following options (choose one):

I choose to dispose the item(s).

I choose to ship the item(s) at my own expense to a person of my choice (for incoming mail ONLY).

I choose to appeal the item(s) through the Publication Advisory Board (PAB) for a final decision by the Commander, 15th Military Police Brigade.

If you opt to appeal, you may provide a statement in support of your appeal in the space below. In the alternative, you may prepare a separate statement and forward to the ISB using an MCC Form 510, Inmate Request Slip. The separate statement must be received by the ISB staff within seven (7) calendar days from the below date. Failure to meet this deadline will result in your appeal being processed without the benefit of appellate matters.

Inmate's Name (Printed):

Inmate's Signature:

Date:

NOTIFICATION OF REJECTED MAIL (continued)

Statement for Appeal:

(1) ARBITRARY, CAPRICIOUS AND UNLAWFUL ABUSE OF DISCRETION
IN VIOLATION OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION,
SPECIFICALLY REGARDING FREEDOM OF SPEECH AND FREEDOM OF ASSOCIATION
(2) INCORRECT APPLICATION OF U.S. AND INTERNET COPYRIGHT LAW
USED IN JUSTIFYING A FIRST AMENDMENT VIOLATION AND
A CLEAR INTENT TO CENSOR PRISONERS' ACCESS TO THEIR
COMMUNITY.

SEE PREVIOUS MCC FORM 28-1-2, DATED ~~28~~ 2 FEBRUARY 2016,
SIGNED B.I. MP.

// END //

I hereby certify the above statement is true and accurate to the best of my knowledge and belief.

Inmate's Name (Printed):

(b) (6)

(b) (6)

Date:

24 FEB 2016

For Appeals Only:

I have reviewed the mail / property appealed and found the item(s) to be (Objectable/ Not Objectable)
based on MCC Reg 28-1, Paragraph 1-4.

Comments:

Publication Review Officer (Printed):

Publication Review Officer (Signature):

Date:

ENCLOSURE 5

0 1 MAR 2016

PMCC-DB

MEMORANDUM FOR (b) (6)

SUBJECT: Publication Review Decision

I have reviewed your appeal of the referenced publication(s) that was initially rejected for the following reason:

Contains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws.

INTERNET MORE THAN 5 PAGES (3 ENVELOPES)

After a thorough review, I have decided to deny your appeal. Your appeal is denied and the referenced item(s) is rejected for admission into the institution.

(b) (6)

Commandant

ITEM DISAPPROVED: SHIP (b) (6) DESTROY _____

SIGNATURE (b) (6) DATE 3 MARCH 2016

ENCLOSURE 6

INMATE REQUEST SLIP Directorate of Operations		Control No: 1171636-0	Date: 31 MARCH 2016
PRIVACY ACT STATEMENT			
<p>AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07</p> <p>PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.</p> <p>ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.</p> <p>DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.</p>			
To: COMMANDANT, USDB		From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Detail.) MANNING, CHELSEA E. 89284 OSCAR HU, 0227, DET. 22	
I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)			
<p>YOU MAKE THE FOLLOWING ACTIONS IMMEDIATELY:</p> <p>(1) LIFT THE LOCKDOWN OF ME IN OSCAR HOUSING UNIT (OHU)</p> <p>(2) PROVIDE ME WITH ADEQUATE NUTRITION, AND AT LEAST TWO (2) HOT MEALS PER DAY.</p> <p>(3) PROVIDE ME WITH ACCESS TO HAIRSHAVE AND A SHOWER</p> <p>(4) PROVIDE ME WITH ACCESS TO AT LEAST ONE (1) HOUR OF OUT-OF-CELL RECREATION PER DAY.</p> <p>(5) PROVIDE ME WITH TELEPHONE ACCESS TO LEGAL COUNSEL.</p> <p><u>SEE ATTACHED DOCUMENTS:</u> (1) "REQUEST FOR LIFTING OF LOCKDOWN AND ADEQUATE PRISON PROVISIONS"; (2) "REQUEST FOR REDRESS UNDER ART. 138, UCMJ"</p> <p style="text-align: center;">//END//</p>			
Housing Unit NCO Printed Name: (b) (6)		Housing Unit NCO Signature: (b) (6)	
FOR OFFICE USE ONLY			
To: [REDACTED]		From: CJA	
		Date: 1 APR 2016	
In reply to your request:			
<p>I have been asked to respond on behalf of the Commandant. As the lockdown of O-Pod is now over, there is no need for USDB staff to respond either affirmatively or negatively to your request. IAW Article 27-10, your Article 138 claim has been forwarded to Fort Sill for processing.</p> <p><i>ADVIS NEGOTIATION</i></p>			
Housing Unit NCO Printed Name: (b) (6)		Inmate Printed Name: (b) (6)	
Housing Unit NCO Signature: (b) (6)			

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).
MCC Form 510

15-Jan-16

ENCLOSURE 7

PMCC-DB

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Request for Lifting of Lockdown and Adequate Prison Provisions—Inmate

(b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 955, "Article 55, Uniform Code of Military Justice (UCMJ)"
- b. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014.

2. Pursuant to para. 13a, of USDB Regulation 600-1, I hereby request that you make the following actions immediately:

- a. Lift the lockdown of me in 05CAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.
- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

3. **Background.** On 30 March 2014, you ordered a lockdown of 05CAR Housing Unit (O HU). Your action keeps me inside my cell, O-122, for 24 hours each day, prevents me from receiving adequate food or any hot meals, prevents me from having adequate access to hygiene facilities to include a shower, and eliminates all out-of-cell recreation time. I believe that these actions and omissions are a serious violation of Article 55, UCMJ and the Eighth Amendment of the U.S. Constitution protecting inmates from cruel and/or unusual punishments.

4. The point of contact for this memorandum is the undersigned in 05CAR Housing Unit at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 8

ENCLOSURE 9

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate (CJA), U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

FOR

Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."
- b. Army Regulation (AR) 27-10, *Military Justice*, dated 3 October 2011.
- c. Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, dated 30 September 2011.
- d. U.S. Disciplinary Barracks (USDB) Regulation 600-1, *Manual for the Guidance of Inmates (MGI)*, dated 14 November 2013.

2. **Nature of Request.** Pursuant to Article 138, UCMJ¹ and chapter 19-6a. of AR 27-10,² I hereby request redress for your rejection of "printed internet materials [. . .] of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws."

3. **Respondents.** The respondents of this request for redress are—

- a. [REDACTED] Commandant, U.S. Disciplinary Barracks and Commander 15th Military Police Brigade, Fort Leavenworth, Kansas; and

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, *Military Justice*, chp. 19-6a., at p. 100 (3 October 2011)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

b. the Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison, 3430 Wilson Street, Fort Sill, OK 73503-4461.

4. Background.

a. On 8 February 2016, civilian staff at the Inmate Services Branch (ISB) denied mail sent inside an envelope from (b) (6) correctly addressed to me at the USDB.

b. The written basis of the denial was "PRINTED INTERNET MATERIALS," based on para. 14 of MCC Form 28-1-2 and chapter 1-4c.(13) of MCC Regulation 28-1.³

c. I appealed the denial in subpara. b. above on the basis that—

(1) the First Amendment of the U.S. Constitution protects against arbitrary, capricious, and unlawful denials of mail; and

(2) the USDB and MCC are deliberately abusing their discretion based on a flimsy interpretation of federal copyright statutes,⁴ and that any alleged enforcement of copyright is beyond the scope, duty, and mission of the USDB and MCC and is therefore an improper basis for violating the First Amendment of the U.S. Constitution.⁵

d. The content of the first envelope was a number of articles written under the "share-alike attribution" Creative Commons License by the Electronic Frontier Foundation (EFF), and two other articles covered under the "fair use" provisions of federal copyright statutes.⁶ The content of these articles mostly dealt with prison conditions, censorship, and inmates' access to e-mail and telephones.

e. Two more envelopes sent from (b) (6) to myself were denied on the same basis as subpara. b. above on 19 February 2016, and appealed on the same basis as subpara. c. on 24 February 2016.

f. One the respondents to this request for redress, the Commandant, USDB, replied to all three my appeals in a combined omnibus memorandum on 1 March 2016. The memorandum restated the facts of the three cases and "rejected" the materials "for admission into the institution.

³ Military Correctional Complex (MCC) Regulation 28-1, *Mail Screening Policy and Procedures*, chp. 1-4c.(13) (30 September 2011)

⁴ 17 U.S.C. §§ 101 *et seq.*

⁵ U.S. const. amend. I; V

⁶ 17 U.S.C. § 107

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

g. Given only two options for disposition of the materials—ship and destroy—I elected to ship the items to (b) (6) an investigative researcher at EFF. These items remain secured in their possession as I process this request for redress.

5. **Request for Redress.** As redress, I hereby request that both of you—the respondents identified in para. 3. above—

a. retract the denial of the three envelopes containing non-objectionable printed internet materials; and

b. refrain from denying non-objectionable printed internet materials on an arbitrary "per-page" basis, or incorrect interpretations of U.S. copyright statutes.

6. **Response.** Pursuant to AR 27-10,⁷ you shall respond to this request for redress, in writing, within 15 days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response. If you fail to submit a response within thirty calendar days, I may consider this a denial of my request for redress and I may submit a complaint of wrong to the general court-martial convening authorities (GCMCA) of Fort Leavenworth, Kansas and Fort Sill, Oklahoma.

7. **Notice of Futility.**

a. Based on previous responses to requests for redress by you and your predecessors as Commandant, USDB and Commander, HHD, USAG, Fort Sill, I consider the process of requesting for redress under AR 27-10 and Article 138, UCMJ futile for purposes of the Prison Litigation Reform Act (PLRA).⁸

b. You have denied reasonable means for me to redress my concerns on issues as broad as those concerned with—

(1) arbitrary denials for visitation;

(2) inadequate and deliberate denials for healthcare; and

(3) reprisals for invoking Fifth Amendment and Article 31 rights against self incrimination during an informal criminal investigation; and

(4) failures to provide due process at a disciplinary board and appeals process.

⁷ AR 27-10, chp. 19-6b, at p. 101

⁸ 42 U.S.C. §§ 1997e; See also *Booth v. Churner*, 532 U.S. 731, 740 n. 6, 121 S. Ct. 1819, 1825 n. 6, 149 L. Ed. 2d 958, 967 n. 6 (2001)

PMCC-DB

SUBJECT: Request for Redress under Article 138, UCMJ and AR 27-10 Regarding Denial of Printed Internet Materials—Inmate (b) (6)

c. You and your predecessors have repeatedly and consistently shielded your actions behind a Byzantine statutory and regulatory process, and have argued that you are above the law and beyond the reach of any appellate authority within the Department of the Army or the U.S. government. As a result, not a single prison conditions issue brought to your attention has been addressed in any meaningful manner whatsoever.

8. The point of contact for this memorandum is the undersigned at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 10

ENCLOSURE 11

PMCC-DB

31 MARCH 2016

MEMORANDUM THRU

Command Judge Advocate, Office of the Command Judge Advocate, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304
Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

FOR Commander, Headquarters and Headquarters Detachment (HHD), U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, OK 73503-4461

SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

1. References.

- a. Title 10, United States Code (U.S.C.) § 855, "Article 55, Uniform Code of Military Justice (UCMJ)."
- b. Title 10, U.S.C. § 938, "Article 55, Uniform Code of Military Justice (UCMJ)."
- c. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.
- d. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014.

2. Pursuant to Article 138, UCMJ¹ para. 19-6a. of AR 27-10,² I hereby request redress for your refusal to:

- a. Lift the lockdown of me in OSCAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.
- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

¹ 10 U.S.C. § 938

² Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011

PMCC-DB
SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

3. Background.

a. On 30 MARCH 2016 at 0205, you ordered a lockdown of OSCAR Housing Unit (O HU). Your action keeps me inside my cell, 0227, for 24 hours each day, prevents me from receiving adequate food or any hot meals, prevents me from having adequate access to hygiene facilities to include a shower, and eliminates all out-of-cell recreation time.

b. On 31 MARCH 2016 at 0600, I submitted an MCC Form 510 in accordance with USDB Regulation 600-1.³ I request that you immediately:

- (1) Lift the lockdown of me in OSCAR Housing Unit (O HU).
- (2) Provide me with adequate nutrition, and at least two hot meals per day.
- (3) Provide me with adequate access to hygiene and a shower.
- (4) Provide me with at least one hour of out-of-cell recreation per day.
- (5) Provide me with telephonic access to legal counsel.

c. On 31 MARCH 2016 at 0600, I received your denial of my request. (VERBAL)

4. I believe that your denial to lift the lockdown or provide adequate provisions are actions and omissions that are a serious violation of Article 55, UCMJ and the Eighth Amendment of the U.S. Constitution protecting inmates from cruel and/or unusual punishments. I believe that your denial of these requests is arbitrary, unreasonable, unlawful, and not in the interests of the U.S. Disciplinary Barracks or the Army. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ⁴ and para. 19-4e. of AR 27-10.

5. As redress, I hereby request that you:

- a. Lift the lockdown of me in OSCAR Housing Unit (O HU).
- b. Provide me with adequate nutrition, and at least two hot meals per day.
- c. Provide me with adequate access to hygiene and a shower.

³ U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated 14 November 2014

⁴ 10 U.S.C. § 938

PMCC-DB

SUBJECT: Request for Redress under Article 138 Regarding Lockdown and Prison Provisions—Inmate (b) (6)

- d. Provide me with at least one hour of out-of-cell recreation per day.
- e. Provide me with telephonic access to legal counsel.

6. Pursuant to para. 19-6b. of AR 27-10, you shall respond to this request for redress, in writing, within fifteen (15) days. If a final response within 15 days is not possible, an interim response shall be provided that indicates the estimated date of a final response. If you do not submit a response within thirty (30) calendar days, I will consider this a denial of my request for redress and I will submit a complaint of wrong to the general court-Martial convening authority (GCMCA).

7. The point of contact for this memorandum is the undersigned in OSCAR Housing Unit at 1301 North Warehouse Road, Fort Leavenworth, Kansas.

(b) (6)

ENCLOSURE 12



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SILL
U. S. ARMY PERSONNEL CONTROL FACILITY
3436 WILSON STREET
FORT SILL, OK 73503-4461

22 MAR 2016

IMSI-HHP

MEMORANDUM FOR [REDACTED] U.S. Disciplinary Barracks (PMCC-DD),
1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Response to Article 138 Request for Redress

1. On 15 March 2016, I received your request for redress under UCMJ Article 138 from you dated 13 March 2016. After reviewing your request regarding the disposition of your mail, your request for redress is denied. A complaint is not appropriate under Article 138 if other procedures exist that provide the Soldier notice of an action, a right to rebut or a hearing, and a review by an authority superior to the officer originating the action. Your administrative appeal for this decision was denied on 01 March 2016, under MCC Regulation 28-1, chapter 3 and Army Regulation (AR) 190-47, para 10-10b(6)(c). Thus, your request is inappropriate for review under Article 138 as Army regulations specifically authorize an administrative appeal.

2. For clarification, your request for redress states that the denial of your mail was pursuant to MCC Regulation 28-1, para. 1-4c(13). However, your mail was denied to you under MCC Regulation 28-1, para. 1-4c(14), because the mail "[c]ontains printed internet materials, including email, of a volume exceeding five pages per day, or the distribution of which may violate United States copyright laws." Your mail was denied on MCC Form 28-1-2 because the printed internet materials were in excess of five pages, not because of copyright concerns.

3. I have ensured that the U.S. Disciplinary Barracks is aware of your concerns. The POC for this memorandum is the Office of the Staff Judge Advocate, 580-442-2388/2685.

(b) (6)

Commanding

ENCLOSURE 13



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT SILL
U. S. ARMY PERSONNEL CONTROL FACILITY
3430 WILSON STREET
FORT SILL, OK 73503-4461

IMSI-HHP

4 April 2016

MEMORANDUM FOR [REDACTED] U.S. Disciplinary Barracks (PMCC-DD),
1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

SUBJECT: Response to Article 138 Request for Redress

1. On 31 March 2016, I received your request for redress under UCMJ Article 138 from you dated 31 March 2016. I have reviewed your request to lift the lockdown. Your housing pod was locked down as a part of standard operating procedure to ensure safety and security in the prison, therefore this does not meet the criteria in AR 27-10, para. 19-4e, for a wrong suitable for redress under Article 138. Further, the lockdown was lifted on 1 April 2016.

2. I have ensured that the U.S. Disciplinary Barracks is aware of your concerns. The POC for this memorandum is the Office of the Staff Judge Advocate, 580-442-2388/2685.

(b) (6)

Commanding

MEMORANDUM THRU: Trial Defense Services, Fort Leavenworth, KS 66027

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

Subject: Complaint of Wrong under Article 138, Uniform Code of Military Justice (UCMJ)—Inmate, (b) (6)
(b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138 UCMJ."
- b. Army Regulation (AR) 27-10, "Military Justice" dated May 2016.
- c. U.S. Disciplinary Barracks (USDB) 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this request for redress to the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, Inmate (b) (6) I am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment HHD Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Rd., Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this request for redress to (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the USDB and the 15th Military Police Brigade at 1301 N Warehouse Rd., Fort Leavenworth, Kansas 66027-2304

5. Complaint.

- a. Prior to arrival at the USDB, I underwent two spinal fusion surgeries on the front and back of my spine. And suffer chronic pain as a result.
- b. Prior to my arrival to the USDB Medical Staff and the medical staff at (BAMC) Brook Army Medical Center pre-coordinated on 3 February 2016, my care requirements with (b) (6) the USDB's lead medical officer. This was annotated in my medical records and was a pre-transfer requirement.
- c. My medications list and my extensive medical history dealing with my chronic pain resulting from spinal fusion surgery was part of the pre-transfer conversation.
- d. My spine surgeries have left me with constant pain, I am unable to function with everyday tasks without medication

- e. On February 3rd 2017 I was attacked by an inmate while I was performing my duties at the USDB library. The guard that was on duty at the time I was attacked was sitting in the office surfing the multimedia site Face book and was unaware of the attack against me. Because I was not protected by the facility guards, I was forced to defend myself using the least amount of force; I was in a great deal of pain because of the attack and having to use my body weight to restrain my attacker until help arrived. However help never arrived. The attack was stopped by two other inmates. The CCTV Video showed that I was attacked from behind and the attack lasted around three minutes. The facility guards failed to protect me or even arrive to help me. I in turn was found guilty of assault consummated by battery even though the video showed I was not the aggressor and I never raised my hand to my attacker other than to restrain him so he could no longer attack me. My punishment placed me in solitary confinement and elevated to maximum custody for six months.
 - f. The facility is aware of my neck and back injuries, and that I underwent two neck surgeries to fuse my vertebrae. Because of my spine injuries it makes it unbearable to have my hands cuffed behind my back, so I have a profile alerting the guard staff not to cuff my hands behind my back. During a forced cell move I told the guards that I had hands to the front profile. The five guards grabbed me and took me to the ground ignoring my cries of pain and placed their knees on my neck and back while they forced my arms to the rear and cuffed me. I suffered severe pain due to their unnecessary action, as I did not fight them.
 - g. On 22 November 2017, I submitted a MCC 510 requesting redress for the issue with the Commandant.
 - h. In accordance with AR 27-10 paragraph 19-4(e) the initial request for redress must "be submitted through command channels to the commanding officer whom the Soldier believes committed the wrong." My MCC 510 stated that the request for redress was for the Commandant.
 - i. As of 18 December 2017, 26 calendar days elapsed since I submitted my official request to the Commandant for redress, (b) (6) had 15 calendar days to respond, or request an extension¹. As I have not received a response or a request for extension, I consider this a refusal of redress².
 - j. The Commandant's decision not to address my request for redress is a violation of the UCMJ as well as AR 27-10, and that I deserve to have my request for relief granted.
- 6. Relief Requested, As relief, I hereby request:**
- a. Under the Eighth Amendment and both Article's 55 Cruel and unusual punishments prohibited, and Article 93 Cruelty and maltreatment of the UCMJ my rights have been violated. I feel that administrative relief should be granted due to suffering severe pain at the hands of the guards even though they were made aware of my pre-existing conditions. And I was not protected by the guards while being attacked by another inmate.
 - b. The facility accepted responsibility for the pre-existing conditions when the pre-coordination with the facility and the BAMC Nurse case manager was completed.
 - c. I feel that the redress requested is justified due to the severity of the offense committed against me.

¹ AR 27-10 paragraph 19-5(a)

² IAW AR 27-10 paragraph 19-5(d)

7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on December 22nd 2017

Enclosure: (1)
Request for Redress

(b) (6)

MEMORANDUM THRU: Trial Defense Services, Fort Leavenworth, KS 66027

MEMORANDUM FOR Commandant, U.S. Disciplinary Barracks (PMCC-DB), 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304

Subject: Request for Redress under Article 138, Uniform Code of Military Justice (UCMJ)—Inmate, (b) (6)
(b) (6)

1. References.

- a. Title 10, U.S. Code (U.S.C.) 938 "Article 138 UCMJ."
- b. Army Regulation (AR) 27-10, "Military Justice" dated May 2016.
- c. U.S. Disciplinary Barracks (USDB) 600-1, "Manual for the Guidance of Inmates (MGI)," dated 25 July 2016.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. 938), I hereby submit this request for redress to the Commandant. I am providing the following information in accordance with paragraph 19-6 of AR 27-10.

3. Complainant.

- a. I, Inmate (b) (6) I am an active duty member of the Armed Forces currently confined at the USDB at Fort Leavenworth, Kansas.
- b. My current command is at Headquarters and Headquarters Detachment HHD Garrison Support, U.S. Army Garrison (USAG), 3430 Wilson Street, Fort Sill, Oklahoma 73503-4461.
- c. My current command is the same as it was during the wrong complained of.
- d. My permanent address is 1300 N. Warehouse Rd., Fort Leavenworth, Kansas 66027

4. Respondent.

- a. I am submitting this request for redress to (b) (6)
- b. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the USDB and the 15th Military Police Brigade at 1301 N Warehouse Rd., Fort Leavenworth, Kansas 66027-2304

5. Complaint.

- a. Prior to arrival at the USDB, I underwent two spinal fusion surgeries on the front and back of my spine. And suffer chronic pain as a result.
- b. Prior to my arrival to the USDB Medical Staff and the medical staff at (BAMC) Brook Army Medical Center pre-coordinated on 3 February 2016, my care requirements with (b) (6) the USDB's lead medical officer. This was annotated in my medical records and was a pre-transfer requirement.
- c. My medications list and my extensive medical history dealing with my chronic pain resulting from spinal fusion surgery was part of the pre-transfer conversation.
- d. My spine surgeries have left me with constant pain, I am unable to function with everyday tasks without medication

- e. On February 3rd 2017 I was attacked by an inmate while I was performing my duties at the USDB library. The guard that was on duty at the time I was attacked was sitting in the office surfing the multimedia site Face book and was unaware of my attack. Because I was not protected by the guards, I was forced to defend myself with the least amount of force. I used my body weight to restrain my attacker until help arrived, however help never came the attack was stopped by two other inmates. The CCTV Video showed that i was attacked from behind and the attacked lasted around three minutes and the guards never arrived to help me. I was found guilty of assault consummated by battery even though the video showed I was not the aggressor and I never raised my hand to my attacker other than to restrain him so he could no longer attack me. My punishment placed me in maximum custody for six months.
- f. Because of my spine injuries it makes it unbearable to have my hands cuffed behind my back, so I have a profile alerting the guard staff not to cuff my hands behind my back. During a forced cell move I told the guards that I had hands to the front profile. The five guards grabbed me and forced me to the ground and ignored my cries of pain and placed their knees on my neck and back while they forced my arms to the rear and cuffed me. I suffered severe pain due to their unnecessary action, as I did not fight them.
6. **Relief Requested, As relief, I hereby request:**
- a. Under the Eighth Amendment and both Article's 55 Cruel and unusual punishments prohibited, and Article 93 Cruelty and maltreatment of the UCMJ my rights have been violated. I feel that administrative relief should be granted due to suffering severe pain at the hands of the guards even though they were made aware of my pre-existing conditions. And I was not protected by the guards while being attacked by another inmate.
- b. The facility accepted responsibility for the pre-existing conditions when the pre-coordination with the facility and the BAMC Nurse case manager was completed.
- c. I feel that the redress requested is justified due to the severity of the offense committed against me.
7. I declare under penalty of perjury that the foregoing is true and correct (28 U.S.C. 1746).

Executed on November 22nd 2017

(b) (6)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07

PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.

ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: (b) (6) (b) (6) sing Unit,

I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Attached is an Article 138 complaint against Commandant (b) (6) dated 20190331. I would like you to turn it in immediately to the G.C.M.C.A exercising jurisdiction over (b) (6). It is 5 single sided typed pages.

Housing Unit NCO Printed Name: (b) (6) Housing Unit NCO Signature: (b) (6) Inmate Signature: (b) (6)

To: (b) (6) From: OCTA Date: 9 April 19

In reply to your request:
In accordance with UCMJ § 938, Art. 138 and AR 27-10, Chapter 14, only a Servicemember has the ability to file an Article 138 complaint. You were discharged December 4, 2016 and no longer meet that states as a Servicemember.

Response Signature: (b) (6) Housing Unit NCO Signature: Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the inmate's Correctional Treatment File (CTF).

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

Memorandum For Record

Subject: Article 138 complaint against [REDACTED]
[REDACTED] with reference to 1st amendment and R.F.R.A
42 U.S.C.S. § 2006bb

To: G.C.M.C.A. exercising jurisdiction over the Commandant of
the United States Disciplinary Barracks.
From: (b) (6)

I have been incarcerated at the U.S.D.B. since July 5, 2012. Initially my religious preference was Christian, but since August of 2016 I have had my religious preference as Jewish. One thing that I believe that is noteworthy about this is that I originally attempted to get a kosher meal profile in 2016 and was told by the chapel staff that they had no such thing as a kosher meal profile. Though I no longer have that MCC form 510 here with me it should be inside of my CTF file. I consider myself to be a Natzrati like the Messiah (Matt. 2:23) and Paul (Acts 24:5):

"... and settled in a town called Natzeret, so that what had been spoken by the prophet might be fulfilled, that he will be called a Natzrati."

Matt. 2:23
C.J.B.

"... He is an agitator among all the Jews throughout the world and a ringleader of the sect of the Natzratim."

Acts 24:5
C.J.B.

... I have been specifically studying Torah. I have finally found out how I ended up in prison for a rape that I didn't commit and that was found in the Torah. I have learned what James meant by:

"Thus, faith by itself, unaccompanied by actions, is dead."
James 2:17
C.J.B.

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

My problem in life was that I was attempting to imitate a Torah observant Messiah without observing Torah myself. I have found that I personally need both. If I had been taught Torah from my youth up, I would have known about the story of Yusef and Potifar's wife. This story is found in Genesis 39:6-20, but I was not, so I did not. This eventually lead to me placing myself in the same situation as Yusef over and over again. I was raised in a society that lead me to believe that I could place myself in hazardous situations like being alone with women or having casual sex with women was an okay thing to do, but it was not. The story of Yusef conveys this truth. Vice-President Mike Pence lives this truth and because he lives this truth Vice-President Pence lives this truth he received all types of flak. The difference between V.P. Pence and I is that I am the only one sitting in a maximum security military prison having his religious freedoms taken away because of a rape he did not commit.

I am being deprived of my right to freedom of religious expression in the following ways:

- 1) not being allowed to grow a $\frac{1}{2}$ " beard. (Lev 19:27)
- 2) Not being able to abstain from having my hair faded (Lev 19:27)
- 3) not being able to take the vow of a Nazir. (Num 6:1-22)
- 4) not being allowed regular wear of tzitzath, t'fillin (shel rosh), and t'fillin (shel yad). (Num 15:37-40; Deut 11:18)
- 5) not being able to have a Mezuzah in my cell. (Deut 6:9)

From the Bible we can see that the

... is a very specific purpose behind it.

Matt 9:20
B.Y.N.V

As stated above this is an instruction found in Torah and has a very specific purpose behind it.

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

"And it shall be to you for a tsitsith, and you shall see it, and shall remember all the commands of אֵלֹהִים and shall do them, and not search after your own heart and your own eyes after you went whoring, so that you remember, and shall do all My commands..."

Num 15:39-40
B.Y.N.V.

Wearing tzitzith is specifically meant to encourage "good order and discipline". T'fillin (i.e. phylacteries) are a secondary reminder designed to protect the wearer from his own evil inclinations.

"Therefore you are to store up these words of mine in your heart and in all your being; tie them on your hand as a sign..."

Deut 11:18a&b
C.J.B.

Wearing t'fillin on your hand reminds the wearer to not : steal, murder, and just in general not cause your fellow man physical harm.

"...put them at the front of a headband around your forehead."

Deut 11:18c
C.J.B.

The purpose of wearing t'fillin on your head is to remind the wearer to not: covet your neighbor's property. It is also to remind you to love your neighbor as yourself and to take care of the poor, the orphan, the widow, and the foreigner. These things are meant to help guide your behavior.

...not let his own grooming standards.

"Do not round the corner of your head, nor destroy the corner of your beard"

Lev 19:27
B.Y.N.V.

(b) (6)
1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

(b) (6) (b) (6) has been pretending that she can not give me an exception to policy for AR 670-1 grooming standards. She has been placing the onus for this decision on the Chief of Staff for the Department of the Army. This would be necessary if I were an active duty service member that wore "Army uniform and insignia", but I am not. I have read DoDI 1325.07 and 1300.17. I have also read AR 190-47. Both of these DoDI's and this Ar, to my knowledge supersede any U.S.D.B. regulation. The Manual for the Guidance of Inmates (MGI) does not list any M.C.C. regulations that would have any relevant application to this particular situation. Inmates only have to abide by AR 670-1 because the Command group of the U.S.D.B. wants them to. Interestingly enough AR 670-1 allows for an active duty service member to have a shaving profile that allows them to maintain a 1/4" beard and Command group, unofficially, prohibits this regardless of a persons actual medical needs.

I have also requested to be able to have a Mezuzah in my cell according to:

"... and write them on the door-frames of your house and on your gates..."

Deut 6:9
C.J.B.

The purpose behind this is to show people who enter into that particular living space that the occupant observes Torah and that sinful behavior has no place there. It also reminds the occupant of his/her obligations in life. These things are

"When that time comes for ADONAI's sacrifice 'I will punish the leaders and the sons of the king, also those who dress in foreign clothes.'"

Zeph 1:8
C.J.B.

That verse is speaking of the second coming of Yahusha the Messiah (aKa Jesus). I don't want to go into the Lake of Fire because Colonel Horton believes:

(b) (6)

1300 N. Warehouse Rd.
Ft. Leavenworth, KS 66027

"ADONAI will do nothing neither good or bad"

Zeph 1:12c
C.J.B.

why the facility would have an issue with me wearing the traditional t'fillin. Traditional t'fillin are boxes that could possibly conceal contraband in them. In order to facilitate this compromise I asked Anthony Mendez (and through him Colonel Horton) to instead be able to order the following items to replace the traditional ones:

- 1) Aaronic Blessing Pendant EQ124725 14.99
- 2) Song of Songs Sterling Silver Ring EQ935516Y 68.99

These items would replace the traditional t'fillin and can be viewed at christianbookdistributor.com

To replace the Mezuzah I requested to order:

- 3) Ark of the Covenant Sculpture EQ201281 31.99

This item would sit on my desk and remove the need to hang anything on my cell wall.

I was also denied the ability to order tzitzith from the Torah Institute www.torahzone.net. They come in a set of four (4) for 17.00\$ and you hang them from your belt loops. They are no more than shoe strings essentially. (see 510 control # 1209370-SHU)

These things are to be worn on a daily basis and I would be most grateful to be able to observe Torah in these ways.

(b) (6)

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

18 May, 2012

MEMORANDUM THRU Commander, 15th Military police Brigade, Fort
Leavenworth, Kansas 66027

FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth,
Fort Leavenworth, Kansas 66027

SUBJECT: Complaint of Wrong (Article 138, UCMJ)

1. I, (b) (6) am a member of the U.S. Army Reserve, subject to the Uniform Code of Military Justice, and currently assigned to U.S. Disciplinary Barracks(USDB), U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. On 29 March, 2012 while assigned to my present unit, I was wronged by my commandant, (b) (6) Commandant, U.S. Disciplinary Barracks, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas. I made a written request for redress to (b) (6) on 30 April, 2012, but on May, 2012 he refused to grant it. The request for redress and his response are attached (Encl). I therefore submit this complaint against (b) (6) (b) (6) under the provisions of Article 138, UCMJ, and Army Regulation 27-10.

2. The wrong which is the subject of this complaint is the improper denial of the Death Sentence Inmate (DSI) Cell Block's and my participation in the Equal Opportunity (EO) Ethnic Observance Meal served on the 29th of March, 2012. The circumstances are as follows: The DSI Cell Block as a special population group within the USDB, has been participating the Equal Opportunity Ethnic Observance Meals for over the past year. During the third week of February, 2012, we were once again asked to participate and if we wanted to, please fill out the appropriate form(DA Form 1130-R). Those of us who wished to participate filled out the forms and turned them in immediately. We were then informed that the Meal would be served on the 29th of March, 2012.

3. On Thursday, 22 March, 2012, we were suddenly informed that our forms had been lost and that we could not participate in the Observance. We immediately contacted our NCOIC, who looked into the issue and told us he had straighten out the issue, so that we could take part in the EO Ethnic Observance Meal. This was on Friday, the 23rd of March, 2012. At that time, we also filled out new forms and submitted them once again. Then on Monday, the 26th of March, 2012, we were once again informed that we could not participate in the Meal. We were further informed that the Chief of Staff, (b) (6) had torn up our forms and had stated that we were not authorized to participate in any EO Ethnic Observances or Meals as the General Population was authorized to do. We were further informed that (b) (6) (b) (6) stated he would personally make sure we could not participate by rewriting the regulations to ensure that we could not. We were

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

unable to correct the situation prior to the 29th of March, 2012 and have been trying to correct the situation ever since. However, we have been unsuccessful in our efforts to straighten out this issue, and the USDB has been completely unwilling to even discuss it with us, let alone work out a compromise with us, or even change any of it's actions, so that we may also participate in the EO Ethnic Observances and Meals.

4. I and others from the DSI Cell Block, the NCOIC of the Special Housing Unit, the USDB Equal Opportunity Representative, the 15th MP Brigade Equal Opportunity Advisor have all tried to change or remedy this situation, or to find out the reasons for this change of policy through numerous MCC Form 510's to the Commandant, (b) (6). However, he has refused to acknowledge, my requests or other's requests, and instead has allowed the Deputy Commandant to respond even when the forms and complaints were addressed directly to (b) (6) (b) (6) and no-one else. The Deputy Commandant has simply stated that we can not participate in the EO Ethnic Observance Meals, because we are unable to participate in EO meetings or Observances.

5. The USDB has not made any effort to allow us to participate in any EO meetings or Observances, nor were we ever told this was a requirement in order to participate in the EO Meals. The USDB has the ability to allow us to participate in both the meetings and the Observances if they want to. There are several possible options, but we can not get anyone to discuss these options with us.

6. (b) (6) actions were improper in that (b) (6) was absolutely inflexible in trying to resolve this issue with myself and the DSI Cell Block/special population, and that he refused to work with us to reach a solution that would meet both the USDB's requirements and allow us to participate in the EO Ethnic Observances and Meals. Further more, (b) (6) actions in allowing (b) (6) to take punitive punishment actions against myself and the DSI Cell Block is improper. (b) (6) actions were in essence personal abuse and harassment directed against the DSI Special Population and myself. (b) (6) actions were in violation of AR 190-47, which states in Chapter 9, that the USDB is suppose to be correctional in nature and not punitive. Additionally, facility commanders will ensure policy and procedures protect inmates from personal abuse, corporal punishment; personal injury, disease, property damage, and harassment. The DSI Cell Block and myself are not on lockdown, or being disciplined in any manner for any misconduct, or in violation of USDB's rules or regulations.

7. Since the USDB must keep the DSI Cell Block separate from the General Population, the USDB could simply tape or film the EO Ethnic Observances and meetings, and then either show them on the internal television channel 7, or bring the mobile tv carts and video/dvd players to the Cell Block, as they do for the Disciplinary Lockdown Inmates, in order to show the Observances and meetings, just as they do church services. If the USDB did this, the DSI Cell Block would then be able to participate in the EO Meetings and Observances as

MEMORANDUM FOR Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027 - continued
SUBJECT: Complaint of Wrong (Article 138, UCMJ)

required by the USDB in order to take part in or participate in the EO Ethnic Observance Meals. Or the USDB could take notes at the EO Meetings and then publish them to all the Cell Blocks. It should be noted that the EO Ethnic Observance Meals do not cost the U.S. Army or the USDB any funds or money, as the inmates use and pay for the meals with their personal funds, when partaking in these EO Ethnic Observance Meals. So, it is not as if allowing myself and the other five DSI Cell Block Inmates to participate in these EO Ethnic Observance Meals, costs the USDB anything. That is one of the reasons we are having such a hard time understanding Mr. Grande's actions, (b) (6)

(b) (6) actions or the USDB's actions in general.

8. I believe (b) (6) actions and his refusal to workout some way for myself and the DSI Cell Block to participate in these events are arbitrary, capricious, and an abuse of discretion, in addition to being materially unfair.

9. I hereby ask as redress that you require the USDB to film or tape the EO Meetings and the EO Ethnic Observances and then to show them or publish them on the internal USDB channel 7, or to show them by using a mobile tv cart and video/dvd player. I then request that you then have the USDB allow myself and the other DSI Cell Block inmates to participate in the Equal Opportunity Ethnic Observance Meals, and to change the internal regulations to state that the DSI Special Population is authorized to participate in these events.

(b) (6)

ENCL

USDB, U.S. Army Combined Arms Center

Department of the Army
United States Disciplinary Barracks
U.S. Army Combined Arms Center
Fort Leavenworth, Kansas 66027-2304

24 April, 2012

MEMORANDUM FOR Commandant, United States Disciplinary Barracks(USDB),
U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, 66027-2304

SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

1. During the third week of February, 2012, the Death Sentence Inmate (DSI) cell block, and specifically myself, were asked if we wanted to join in with the rest of the General Population Inmates in the Equal Opportunity Ethnic Observance Meal. This meal was conducted on the 29th of March, 2012. Since, we had been participating throughout the past year, no-one expected any issues to arise. I signed up to participate as did several others.
2. On 22 March, 2012, we were informed our DA Forms 1130-R's had been lost and we could not participate in the Equal Opportunity Ethnic Observance Meal. We contacted the Special Housing Unit(SHU) NCOIC, who looked into the issue for us, and made sure we could in fact participate, by simply filling out new DA Forms 1130-R. We did this on Friday, 23 March, 2012 and submitted them to the CTT that day.
3. On Monday, 26th of March, 2012, we were once again informed that we could not participate in the Equal Opportunity Ethnic Observance Meal. The reason provided to us, was that a (b) (6) Chief of Staff, had torn up our DA Form 1130-R's and had stated that we were not authorized to participate in EO Ethnic Observance Meal, because we were DSI Inmates, and that (b) (6) was going to make sure we could not participate by rewriting the regulations to ensure it.
4. We once again contacted the SHU NCOIC to get to the bottom of this arbitrary, capricious, abuse of discretion that was materially unfair and in violation of AR 190-47, page 28, paragraph 9-1, that states ACS facilities will be operated and administered on a corrective rather than a punitive basis." Being denied to participate in this special Equal Opportunity Ethnic Observance Meal by (b) (6) is punitive in nature and not correctional, as the DSI cell block is not on lockdown or being disciplined in any manner for any misconduct, or violation of USDB rules or regulations.
5. We have sent in numerous MCC Form 510's to try to correct this situation, but have been rebuffed each time.
6. I think your refusal to correct this situation and allow the DSI cell block and specifically myself to participate in these Equal Opportunity Ethnic Observance Meals is unreasonable and punitive punishment in violation of AR 190-47. I consider this a wrong within the meaning of Article 138, UCMJ, and AR 27-10.

Continuation of Memorandum for Commandant, USDB
SUBJECT: Request for Redress Under Article 138, UCMJ (AR 27-10)

7. As redress, I request approval for the DSI Cell Block, and myself, to participate in all upcoming Equal Opportunity Ethnic Observance Meals and for the rewriting of the regulations to state that we are authorized to participate.

(b) (6)

MSG, USAR

PMCC-DB

4 March 2014

MEMORANDUM THRU Commander, U.S. Army Garrison (USAG), 3430 Wilson Street,
Fort Sill, OK 73503-4461

FOR

Commander, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503-
5000
Commander, U.S. Army Combined Arms Center and Fort Leavenworth, 881 McClellan
Avenue, Fort Leavenworth, KS 66027

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)
89289

1. References.

a. Title 10, U.S. Code (U.S.C.) § 938, "Article 138, Uniform Code of Military Justice (UCMJ)."

b. Army Regulation (AR) 27-10, "Military Justice," dated 3 October 2011.

c. U.S. Disciplinary Barracks (USDB) Regulation 600-1, "Manual for the Guidance of Inmates (MGI)," dated November 2013.

d. American Psychiatric Association (APA), Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), dated 18 May 2013.

e. APA, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), dated circa 2000.

f. World Professional Association for Transgender Health (WPATH), "Standards of Care," Seventh Edition, dated 25 September 2011.

g. U.S. Federal Bureau of Prisons (FBOP), "Patient Care" Program Statement (P6031.03) dated 23 August 2012.

2. Pursuant to AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938), I hereby submit this complaint of wrong against (b) (6)

(b) (6) I am providing the following information in accordance with para. 19-7a. of AR 27-10.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate

(b) (6)

(b) (6)

I. COMPLAINANT.

3. I, (b) (6) Social Security Number (SSN) (b) (6) am an Active Duty member of the United States Army, a branch of the Armed Forces, currently confined at the USDB in Fort Leavenworth, Kansas.
4. My current command is at the Personnel Control Facility (PCF) at 3430 Wilson Street, Fort Sill, OK 73503-4461, and the USDB at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
5. My current command for the PCF and the USDB is the same as it was during the wrong complained of.
6. My permanent address is 1300 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

II. RESPONDENTS.

7. I am submitting this complaint against (b) (6) (b) (6)
8. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
9. (b) (6) is currently, and was at the time of the wrong complained of, the Commander of the Personnel Control Facility, U.S. Army Garrison (USAG) at 3430 Wilson Street, Fort Sill, OK 73503-4461.

III. COMPLAINT.

10. On 16 January 2014, I discovered through omission that (b) (6) (b) (6) acting in their capacities as the USDB Commandant and the PCF Commander, were refusing to implement a medical and mental health treatment plan that is consistent with the current and accepted standards of care for my diagnosis of Gender Dysphoria under the DSM-5, previously known as Gender Identity Disorder (GID) under the DSM-IV-TR.

SUBJECT: Complaint of Wrong under Article 138, UCMJ--Inmate (b) (6)

(b) (6)

11. On 21 January 2014, I submitted a request for redress (Enclosure 1) pursuant to para. 19-6a. of AR 27-10, to (b) (6) via a Military Correctional Complex (MCC) Form 510 and to CPT Byrd via express mail, tracking number EE829171167US.

12. As of March 4, exactly forty-two (42) calendar days and over fifteen (15) normal business days since I submitted the request for redress, I have not received a cognizable redress from either (b) (6) I elect to treat the following responses as a refusal of redress pursuant to para. 19-7 of AR 27-10.

a. The Command Judge Advocate (CJA) for the USDB ignored my request for redress while acknowledging that I submitted it to them and to the PCF. (Enclosure 2).

b. (b) (6) provided an interim response to the request for redress indicating that he needed more time to respond. (b) (6) final response claimed that he did "not have the authority to approve [my] requested treatment plan." (Enclosure 3).

13. The specific nature of the wrong complained of is as follows:

a. I have an extensive history and beliefs consistent with a diagnosis of Gender Dysphoria/GID. I have multiple prior diagnoses, beginning in 8 May 2010 by (b) (6) (b) (6) at Contingency Operating Station (COS) Hammer, Iraq.

b. I received successive diagnoses by multiple military providers and experts while confined at Camp Arifjan, Kuwait, Marine Corps Base (MCB) Quantico, Virginia, and Fort Leavenworth, Kansas, and also during a Rule for Court-Martial (R.C.M.) 706 Board conducted by (b) (6) (b) (6) (b) (6) on 22 April 2011.

c. I arrived under the Command of the USDB and the PCF at approximately 1230 on 22 August 2013. At that time, the commander of the unit escorting me delivered a memorandum from me requesting that the USDB and U.S. Army provide me with a mental health assessment and treatment plan that is consistent with the currently accepted standards of care as published by the WPATH.

d. I specifically requested that the treatment plan consider the following three types of treatment:

(1) Real-Life Experience (RLE).

(2) Hormone Replacement Therapy (HRT).

(3) Sex Reassignment Surgery (SRS).

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate Manning, Bradley E. 89289

e. On 28 August 2013, I delivered a Military Correctional Complex (MCC) Form 510 requesting for a "mental health evaluation and treatment plan for Gender Dysphoria/[GID]" addressed to the Director of Treatment Programs (DTP). I received a response from (b) (6) stating that "[a]n assessment will be scheduled to evaluate all of your behavioral health needs."

f. Over the next few months, (b) (6) Chief, Mental Health Division, USDB, (b) (6) at Munson Army Health Clinic, and (b) (6) (b) (6) Forensic Psychiatrist, Bethesda, Maryland, conducted a mental health assessment and evaluation.

g. In November 2013, (b) (6) supervised by a civilian expert in Gender Dysphoria, produced a proposed treatment plan. At some time in late November 2013, this proposal was approved by (b) (6) and sent to an unspecified command for approval.

h. On 5 January 2014, I submitted an MCC Form 510 to DTP requesting for an "update on the status of the proposed treatment plan for Gender Dysphoria." After not receiving a response I came to the conclusion on 16 January 2014 that the USDB and the PCF chain of command were not going to implement the proposed medical and mental health treatment plan.

14. I believe that the refusal by (b) (6) to implement a treatment plan that considers the three types of treatment for Gender Dysphoria cited in para. 13d. above is, in the case of (b) (6) inconsistent with the mission of the USDB, and in both cases, arbitrary, unreasonable, and politically motivated. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938), and para. 19-4e. of AR 27-10.

IV. RELIEF REQUESTED.

15. As relief, I hereby request that a treatment plan consistent with the WPATH standards of care for my diagnosis of Gender Dysphoria/GID be implemented.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)

(b) (6)

V. VERIFICATION.

16. I declare under penalty of perjury that this complaint is submitted in accordance with the guidelines and procedural requirements set forth in AR 27-10 and Article 138, UCMJ (10 U.S.C. § 938) and that the foregoing information is true and correct (28 U.S.C. § 1746).

Executed on: 4 March 2014

(b) (6)

VI. CERTIFICATE OF SERVICE.

17. I certify that a copy of the foregoing was mailed to Commander, U.S. Army Garrison, 3430 Wilson Street, Fort Sill, Oklahoma on the 5 day of March 2014.

CF:

Commander, U.S. Army Western Regional Medical Command, Joint Base Lewis-McChord, WA 98433

Commander, U.S. Army Corrections Command, 150 Army Pentagon, Washington, DC 20310-0150

U.S. Army Surgeon General, 5109 Leesburg Pike Skyline 6, Falls Church, VA 22041-3258

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)
(b) (6)

I. COMPLAINANT.

3. I, (b) (6) Social Security Number (SSN) (b) (6) am an Active Duty member of the United States Army, a branch of the Armed Forces, currently confined at the USDB in Fort Leavenworth, Kansas.
4. My current command is at the Personnel Control Facility (PCF) at 3430 Wilson Street, Fort Sill, OK 73503-4461, and the USDB at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
5. My current command for the PCF and the USDB is the same as it was during the wrong complained of.
6. My permanent address is 1300 North Warehouse Road, Fort Leavenworth, Kansas 66027-2304.

II. RESPONDENTS.

7. I am submitting this complaint against (b) (6)
(b) (6)
8. (b) (6) is currently, and was at the time of the wrong complained of, the Commandant of the U.S. Disciplinary Barracks (USDB) and the 15th Military Police Brigade at 1301 North Warehouse Road, Fort Leavenworth, KS 66027-2304.
9. (b) (6) is currently, and was at the time of the wrong complained of, the Commander of the Personnel Control Facility, U.S. Army Garrison (USAG) at 3430 Wilson Street, Fort Sill, OK 73503-4461.

III. COMPLAINT.

10. On 16 January 2014, I discovered through omission that (b) (6)
(b) (6) acting in their capacities as the USDB Commandant and the PCF Commander, were refusing to implement a medical and mental health treatment plan that is consistent with the current and accepted standards of care for my diagnosis of Gender Dysphoria under the DSM-5, previously known as Gender Identity Disorder (GID) under the DSM-IV-TR.

PMCC-DB

SUBJECT: Complaint of Wrong under Article 138, UCMJ—Inmate (b) (6)

(b) (6)

e. On 28 August 2013, I delivered a Military Correctional Complex (MCC) Form 510 requesting for a "mental health evaluation and treatment plan for Gender Dysphoria/[GID]" addressed to the Director of Treatment Programs (DTP). I received a response from (b) (6) stating that "[a]n assessment will be scheduled to evaluate all of your behavioral health needs."

f. Over the next few months, (b) (6) Chief, Mental Health Division, USDB, (b) (6) at Munson Army Health Clinic, and (b) (6) (b) (6) Forensic Psychiatrist, Bethesda, Maryland, conducted a mental health assessment and evaluation.

g. In November 2013, (b) (6) supervised by a civilian expert in Gender Dysphoria, produced a proposed treatment plan. At some time in late November 2013, this proposal was approved by (b) (6) and sent to an unspecified command for approval.

h. On 5 January 2014, I submitted an MCC Form 510 to DTP requesting for an "update on the status of the proposed treatment plan for Gender Dysphoria." After not receiving a response I came to the conclusion on 16 January 2014 that the USDB and the PCF chain of command were not going to implement the proposed medical and mental health treatment plan.

14. I believe that the refusal by (b) (6) to implement a treatment plan that considers the three types of treatment for Gender Dysphoria cited in para. 13d. above is, in the case of (b) (6) inconsistent with the mission of the USDB, and in both cases, arbitrary, unreasonable, and politically motivated. Therefore, I consider this a wrong within the meaning of Article 138, UCMJ (10 U.S.C. § 938), and para. 19-4e. of AR 27-10.

IV. RELIEF REQUESTED.

15. As relief, I hereby request that a treatment plan consistent with the WPATH standards of care for my diagnosis of Gender Dysphoria/GID be implemented.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1192902	Date: 9 Sept 17
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PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; DoD Instruction 1325.07
PRINCIPLE PURPOSE(S): Prisoners use this form to initiate an interview or communication with Military Correctional Complex staff. Staff members provide pertinent remarks to the prisoner's request.
ROUTINE USE(S): The DoD "Blanket Routine Uses" apply to this completed form.
DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

To: Commandant	From: (Include Last Name, First Name, MI; Reg#, Housing Unit, Cell, and Facility) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on the reverse side if necessary.)

Ma'am: I've attached two applications for redress under Article 138, UCMJ.

Housing Unit NCO Printed Name:	Housing Unit NCO Signature:
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(b) (6)

FOR OFFICE USE ONLY

To: (b) (6)	From: OCJA	Date: 18 Sep 17
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In reply to your request:

Your request for redress has been received and forwarded to the Personnel Control Facility Commander on 15 September 2017.

Responder Printed Name: (b) (6)	Housing Unit NCO Printed Name:	Inmate Printed Name:
Responder Signature: (b) (6)	Housing Unit NCO Signature:	Inmate Signature:

Note: Original MCC Form 510 is forwarded to DIA for inclusion in the Inmate's Correctional Treatment File (CTF).

INMATE REQUEST SLIP Directorate of Operations	Control No: 1120381-12	Date: August 15, 2013
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To: Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME CREDITS

Enclosure: (1) LT M.R. Torrisi letter to Director, DIA, dated 8 Mar 11

1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time credits at the rate of 8 days per month based on Department of Defense (DoD) regulations in effect at the time of my offenses (i.e. DoD Instruction 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (Change 1, June 10, 2003)). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007).

2. Legal justification: The application of the 5 days per month good conduct time credit policy violates the *ex post facto* clause of the Constitution. The Directive-Type Memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness dated September 17, 2004 *expired* pursuant to DoD Instruction 5025.01, *DoD Directives Program* (October 28, 2007), which required DTMs to expire 180 days after issuance. The progressive good conduct time credit rates outlined in enclosure 26 of DoD Instruction 1325.7 was the *only* valid, lawful and applicable good conduct time credit policy *in effect* at the time of my offenses. The unlawful application of the expired DTM's good conduct time credit rates to compute the good conduct time credits of my sentence, contrary to the good conduct time rates provided explicitly by enclosure 26 of DoD Instruction 1325.7, violates the *ex post facto* clause of the Constitution.

3. Back in March 8, 2011, I had requested, via my appellate defense counsel, Lieutenant Michael R. Torrisi, JAGC, U.S. Navy, that you recalculate my good conduct time credits at the rates specified in enclosure 26 of DoD Instruction 1325.7. See enclosure (1). As of this date, you have neither granted the requested relief nor answered the letter. Be advised that your refusal to grant the requested relief will compel me to seek redress from the Commandant, USDB, under the provisions of Article 138, Uniform Code of Military Justice, 10 U.S.C. § 938. Very Respectfully. End of statement.

(b) (6) [Redacted] (b) (6) [Redacted]

FOR OFFICE USE

To: (b) (6) [Redacted]	Date: 15 Aug 13
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In reply to your request:

The Department of Defense, via Directive Type Memorandum (DTM), amended Department of Defense Instruction 1325.7 to standardize the GCT rate to five days per month for inmates whose offenses occurred on or after 1 January 2005. The Army's Office of General Counsel has opined that the expiration of the DTM in January 2012 does not alter the application of the memorandum's substance. That is, the five day per month GCT rate that is presently being applied to your sentence is still valid. Accordingly, your claim of an *ex post facto* violation is rejected and your claim is without merit.

(b) (6) [Redacted] (b) (6) [Redacted] (b) (6) [Redacted]

Signature of Housing Unit NCO: (Forwarded for inmate's Copy) _____

19 AUG 2013

INMATE REQUEST SLIP Directorate of Operations	Control No: 1124685-P	Date: August 21, 2013
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Director Directorate of Inmate Administration (DIA) United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #; Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: ADMINISTRATIVE RELIEF REQUEST RE GOOD CONDUCT TIME (GCT) CREDITS

1. I am hereby respectfully requesting the recalculation of my sentence for the proper award of GCT credits at the rate of 8 days per month based on the Department of the Army regulations in effect at the time of my offenses; i.e. Army Regulation (AR) 190-47, *The Army Corrections System* (June 15, 2006), and AR 633-30, *Military Sentences to Confinement* (February 28, 1989). This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). My previous request on this issue (MCC Form 510 Control No. 11211381-P) was denied based on the USDB's interpretation of Department of Defense (DoD) policy in effect at the time of my offenses, as opined by the Department of the Army's Office of the General Counsel. However, for the following reasons, I am hereby respectfully requesting you reconsider your position and recalculate my GCT credits.

2. Legal justification: The application of the 5 days per month GCT credit policy violates the *ex post facto* clause of the Constitution. At the time of my offenses, Army regulations in effect provided a benefit of 8 GCT days per month. AR 190-47 para. 5-8(b) provided "Good conduct time will be credited in accordance with AR 633-30 and at the rates described below:...(4) Eight days for each month of the sentence, if the sentence is at least five years, but less than ten years." AR 190-47 para. 3-2(g) provides "Prisoners of other Armed Services of the United States...incarcerated in ACS facilities are subject to the policies contained in this regulation, except as directed by DAPM." The USDB is part of the U.S. Army Corrections System (ACS); the Department of the Army's Provost Marshal (DAPM) has not, with fair notice, excluded prisoners of other Services from the policies delineated at AR 190-47 para. 5-8(b). Additionally, AR 190-47 para. 3-5 provides that "Computation of sentence will be per AR 633-30 and DoD Instruction (DODI) 1325.7."

3. AR 633-30 para. 1(a) provides that "This regulation [AR 633-30] prescribes procedures for the computation of sentences to confinement of persons subject to the Uniform Code of Military Justice serving sentences in the custody of the Department of the Army."

[continued on the back of this MCC Form 510]

(b) (6)	Sign:	(b) (6)
FOR OFFICE USE		

To: 11m Alonso #88815	From: (b) (6)	Date: 04 SEP 13
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In reply to your request:

IAW DoD 1325.7 you are awarded the rate of 5 days GCT. Your offenses were not committed prior to 1 Jan 05. Accordingly, your request is denied. Any further questions regarding this issue need to be addressed to CJA.

(b) (6)	Signature of Housing Unit Rep. (provided for inmate's Co)	(b) (6)
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(b) (6)	Date	25 SEP 2013
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4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b) which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007) (citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term...[and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997) (quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10: For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

4. AR 190-47 para. 5-8(b) reflect the GCT policy rates found at AR 633-30 para. 13(d); this paragraph provided that "All prisoners with a sentence adjudged on or after 31 May 1931 [sic], who are confined in institutions over which the Departments of the Army or Air Force have control, will be credited with good [conduct] time at...d. Eight days for each month of the sentence for a sentence of not less than 5 years and less than 10 years."

5. The authority to establish military correctional facilities and their operation is granted to the Service Secretaries under 10 U.S.C. § 951. The less generous GCT credit provisions of DoDI 1325.7, as amended by directive-type memorandum (DTM) issued by the Under Secretary of Defense for Personnel and Readiness on September 17, 2004, were not adopted by the Secretary of the Army. The statutory language of 10 U.S.C. § 951 allows the Secretary of the Army to provide a more generous GCT policy rate in the operation of Army correctional facilities. Where two regulations promulgated by the Secretary of the Army provide a more generous GCT benefit, positive action by the Secretary of the Army was required to explicitly adopt the lesser benefit defined in DODI 1325.7 where GCT is a constitutionally protected liberty interest explicitly defined in regulations. Where the regulations are in conflict, the more generous provision must be applied. "Critical to relief under the *Ex Post Facto* Clause is not an individual's right to less punishment, but lack of fair notice and governmental restraint when the legislature increases the punishment beyond what was prescribed when the crime was consummated." *Weaver v. Graham*, 450 U.S. 24, 30 (1981).

6. Service regulations explicitly provided for a benefit of 8 days per month of GCT credits at the time of my offenses. No fair notice was, or has been, provided for the 5 day per month GCT policy as established by the modification of DODI 1325.7 via the Under Sec'y of Defense's (P&R) DTM.

7. DoDI 1325.7 para. 4 states "It is DOD policy that corrections programs operated by the Military Services *should* strive to achieve uniformity, effectiveness, and efficiency in the administration of corrections functions in accordance with reference (b)." Reference (b), which is DoD Directive (DoDD) 1325.4, in para. 5.3.1 states "The Secretaries of the Military Departments shall *issue regulations on the confinement* of military prisoners and administration of military correctional programs and facilities that are consistent with this directive." (emphasis added).

8. These provisions of DoDI 1325.7 and DoDD 1325.4 do not override the authority of the Service Secretaries granted by Congress in statute. No statute provides the Secretary of Defense or his delegate authority in Uniform Code of Military Justice (UCMJ) matters which include sentences to confinement. The amount of GCT credits awarded is an essential part of the sentence to confinement. It is required that the Service Secretaries issue regulations on confinement and that service members may rely on them as an accurate reflection of policies, to include liberty interest in GCT credits, in effect in each Service.

9. "It is well settled that a government agency must abide by its own rules and regulations where the underlying principle of such a regulation is the protection of personal liberties or interest." *United States v. Adcock*, 65 M.J. 18, 23 (C.A.A.F. 2007) (citing *United States v. Russo*, 1 M.J. 134, 135 (C.M.A. 1975)). "As we recognized in *Weaver*, retroactive alteration of parole or early release provisions, like the retroactive applications of provisions that govern sentencing, implicates the *Ex Post Facto* Clause because such credits are 'one determinant of petitioner's prison term... [and the petitioner's] effective sentence is altered once this determinant is changed.'" *Lynce v. Mathis*, 519 U.S. 433, 445 (1997) (quoting *Weaver v. Graham*, 450 U.S. 24, 32 (1981)).

10. For the foregoing reasons, I respectfully request you reconsider your position and recalculate my GCT credits. Refusal to grant the requested administrative relief will compel me to seek redress from the Commandant of the USDB under the provisions of Article 138, UCMJ, 10 U.S.C. § 938. Very Respectfully. End of statement.

INMATE REQUEST SLIP Directorate of Operations	Control No: 1126333-P	Date: October 1, 2013
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To: (b) (6) U.S. Army Commandant United States Disciplinary Barracks (USDB)	From: (Include Last Name, First Name, MI; Reg #: Housing Unit, Cell and Detail.) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: REQUEST FOR REDRESS UNDER ARTICLE 138, UCMJ

1. A request for administrative relief was made to the Directorate of Inmate Administration of the United States Disciplinary Barracks for a violation of a constitutional right to proper award of Good Conduct Time credits

1. This is a request for redress made pursuant to Army regulation (AR) 27-10, *The Military Justice System* (October 3, 2011) paras. 19-1 and 19-6a. I have been reassigned to the general court-martial authority of this Army facility under AR 190-47, *The Army Corrections System* (June 15, 2006), para. 4-2d. I am subject to the Uniform Code of Military Justice (UCMJ) under Article 2(a)(7), UCMJ, 10 U.S.C. § 802(a)(7). As a person subject to the UCMJ, I have a statutory right to seek redress under Article 138, UCMJ, 10 U.S.C. § 938. See *Rasmussen v. Seamans*, 432 F.2d 346, 349 (10th Cir. 1970) (those subject to the UCMJ, of which Article 138 is a part, are specifically defined in Article 2) (emphasis added).

2. I am hereby respectfully requesting the recalculation of my sentence for the proper award of good conduct time (GCT) credits at the rate of 8 days per month based on Department of Defense (DoD) and Department of the Army regulations in effect at the time of my offenses; i.e. (1) DoD Instruction (DoDI) 1325.7, *Administration of Military Correctional Facilities and Clemency and Parole Authority* (Change 1, June 10, 2003); (2) AR 190-47; and (3) AR 633-30, *Military Sentences to Confinement* (February 28, 1989).

3. The application of the 5 days per month GCT credit policy violates the *Ex Post Facto* Clause of the Constitution. See U.S. Const. art. I, § 9, cl. 3. The full legal justification for this request for redress under Article 138 is on the back of this Form.

4. This request is made to satisfy the exhaustion requirement of seeking resolution through the prisoner grievance system and Article 138, UCMJ. See *United States v. Wise*, 64 M.J. 468, 469 (C.A.A.F. 2007). Two prior request for administrative relief on the subject of GCT credits were made to the Director, Directorate of Inmate Administration, USDB via the prisoner grievance system; i.e. a Military Correctional Complex (MCC) Form 510—Inmate Request Slip. These two requests—(1) MCC Form 510 control no. 1124381-P, and (2) MCC Form 510 control no. 1124685-P—were denied on the merits.

Signature of Housing Unit NCO (b) (6)	Signature of Inmate (b) (6)
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FOR OFFICE USE

To: (b) (6)	From: (b) (6)	Date: 29 NOV 13
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In reply to your request:

I have reviewed your file and you do not meet the requirements to earn at that rate. According to DoDI 1325.7 date 11 MAR 13, "All offenses that occurred after Dec 31, 2004 shall be calculated at the rate of 5 days for each month of confinement. All of your offenses occurred from March 2008 until June 2009. Request is denied.

Signature: (b) (6)	(b) (6)	Informed of the above.) 03 DEC 2013
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Signature of Housing Unit NCO (Forwarded for Inmate's Copy)	(b) (6)
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INMATE REQUEST SLIP Directorate of Operations	Control No: 113E-700-70	Date: 24 Dec 13
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To: Directorate of Inmate Administration UNITED STATES DISCIPLINARY BATTALIONS	From: (Include Last Name, First Name, MI, Reg #: Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: FORT LEAVENWORTH GARRISON COMMANDER'S ACTION RE ARTICLE 13E UCMJ COMPLAINT.

- By letter dated 18 Dec 13, the Deputy Garrison Commander informed me that his office "erroneously" received a complaint I filed under Article 13E, UCMJ. He forwarded this complaint - contrary to regulations issued by the Secretary of the Army - to your office's attention (i.e., DIA, USDB).
- I am advised to "contact [the] administration at the USDB for further action or questions." Therefore, I respectfully request an appointment to discuss the resolution of my complaint. Very respectfully End of statement

(b) (6)	Signature	(b) (6)
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(b) (6)	FOR OFFICE USE	(b) (6)
		Date: 23 DEC 13

In reply to your request:

What complaint are you talking about? Please be more specific so I may prepare myself for the appointment.

(b) (6)	(b) (6)	(b) (6)
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(b) (6)	Inmate's Correctional Treatment File.
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INMATE REQUEST SLIP Directorate of Operations	Control No: 1130307-P	Date: 26 Dec 13
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To: Directorate of Inmate Administration United States Disciplinary Barracks	From: (Include Last Name, First Name, MI, Reg #, Housing Unit, Cell and Detail) (b) (6)
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I hereby request that: (Give a clear, full explanation. Continue on reverse, if necessary.)

Subject: COMPLAINT OF WRONG UNDER ARTICLE 138 UCMJ FOLLOW-UP
Ms. Culbertson:

1. In a prior request (MCC Form 510 control no. 1130200-P dated 28 Dec 13) made in your directorate's attention, I requested an appointment to resolve the resolution of a complaint I made, forwarded to your attention by the Fort Leavenworth Garrison Commander. I have enclosed copy of his letter, dated 18 Dec 13. You requested clarification of the issue.
2. BACK on 5 Nov 13, I submitted via mail (to an address provided by the USDB) a Complaint of Wrong under Article 138 UCMJ, to the Commander of the Combined Arms Center and Fort Leavenworth ("Commanding General"). The request was "erroneously" received in the Office of the Garrison Commander. See Enclosure then forwarded to your office for action (???)
3. As stated in the enclosure, I respectfully request an appointment to address my complaint, i.e., its forwarding to the Commanding General. End of statement.

(b) (6)	Signal	(b) (6)
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To: (b) (6)	From: (b) (6)
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In reply to your request:

What exactly is your complaint? you will be put on pass to discuss once you provide specific information regarding your complaint.

(b) (6)	of the above:	(b) (6)
for inmate's Coffe		- 1/2/14