

INJUNCTION'S IN. WHAT NOW?
Suggestion from injunction writer

Here is the explanation you seek for the newsletter. First off, a legal action, such as an injunction, seeks to stop a specific act of the DOC. It is initially a "temporary" situation. The court looks to the body of the petition to determine if we have raised sufficient facts to get it to order a temporary injunction. It then schedules a hearing at which all evidence is put forth, arguments made and the court then decides whether to make the injunction permanent or to end it.

Now, here is where it gets a bit complicated. In order to get that injunction, I alleged that the DOC enacted a policy called 309.45.02 that is in direct conflict with State laws. Now, the injunction is sought pursuant to 813.02 Wisconsin Statutes. However, because I am challenging the validity of 309.45.02, the court must construe 309.45.02, as a DOC rule, which calls into the equation, 227.40, Wis. Stats. which is a Declaratory Judgment. This DJ is required by the statute, the legal procedural rules for challenging a rule of the DOC. So, in the injunction, I quote declaratory judgment as part of our legal action, combining an 813.02 and 227.40 proceeding since both are in play.

Its complex. However, if we prevail, it will make the DOC stop taking everyone's money etc. That is why I said everyone needs to relax and let this legal action progress to its end to see what happens. EVERYONE, TAKE A CHILL PILL!!!!!! ha ... ha.

In the declaratory judgment portion, you will see I named those entities that have to be notified, i.e, the joint committee for administrative rule review, the Attorney General and the DOC Secretary. These people all had to be served with a summons and petition, by the Dane County Sheriff. 42.00 per person served! The filing fee is 129.50. Its all coming out of the release account.

We never know how a court will act. It should obey the law and if it does, we will win this legal action. In your john doe, the court said the inmates could file certioraris. That is true. HOWEVER, any decision on certiorari will only apply to that individual inmate that filed it. Certiorari is the worst way to go. Declaratory judgment is legally required. We allege 309.45.02 is in conflict with Stat-law- and that law is 973.045, 973.05, 973.06, and 301.32. We do not make any challenge to 2015 Wis. Act 355. This act is not retroactive and thusly does not effect anyone sentenced prior to July 31, 2016. That 309.45.02 policy is being applied illegally. 50% deductions across the board. Act 355 does not say it is retroactive so there is no valid reason to attack it. That 50% language all stems from 309.45.02 and the DOC has taken to citing 301.32 as its guiding light. That is stupidity on their part. 301.32 only got amended to allow "restitution" to be paid by the inmates. 301.32 does not do anything else.

The DOC could legally take 50% from new inmates sentenced after 7-31-16. It chose to take it from everyone, which would make 355 a retroactive act. But, since it isn't, the DOC is abusing its authority. As usual. This should answer all questions. No need for anyone to file anything right now. Its being done. Randall Mataya 86187, RGCI

