

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID J. WIDI, JR.,)	
)	
Plaintiff,)	
)	
v.)	2:12-cv-00188-JAW
)	
PAUL MCNEIL, et al.,)	
)	
Defendants.)	

**ORDER ON PLAINTIFF'S MOTION FOR COURT INTERVENTION
REGARDING MAIL**

On March 10, 2014, David J. Widi, Jr. filed a motion for court intervention, stating that he has declined to accept general mail because of prison monitoring and is able to receive only "legal/special mail." *Pl.'s Mot. for Court Intervention Regarding Mail* at 1 (ECF No. 220). He represented:

The staff at FCI Berlin have said that the mail being sent to me does not meet the qualifications of legal mail as the defendants do not label it properly. They also state that the Court is not properly labeling its mailings and that I have only been provided the most recent orders as a one-time courtesy.

Id. Mr. Widi attached a copy of an envelope with the Clerk's Office of the United States District Court in Bangor, Maine as the return address. *Id.* Attach. 1. The envelope contained the following stamp:

SPECIAL MAIL. Open only in the presence of the inmate. LEGAL DOCUMENT ENCLOSED.

Also affixed to the envelope was the following stamp:

**THIS CORRESPONDENCE DOES NOT MEET BOP CRITERIA FOR
SPECIAL MAIL HANDLING!**

After receiving Mr. Widi's motion, the Court asked the United States Marshal's Service to check with FCI Berlin to determine why the letter was not received as special correspondence. FCI Berlin responded that the envelope should have been treated as special correspondence.

The Court makes the following observations. First, defense counsel should follow the Clerk's Office's example and send correspondence and documents to Mr. Widi clearly marking the envelope in the fashion indicated above. Second, care should be taken to clearly display the special mail stamp. Although the Clerk's Office in this case stamped the envelope as special mail, the stamp was somewhat faint and not completely legible and its status may have led to FCI Berlin's rejection of the envelope as legal mail. The Court urges the parties to be extra careful in stamping the envelopes containing legal correspondence or documents sent to Mr. Widi.

In view of the response of FCI Berlin, the Court **DISMISSES** David J. Widi, Jr.'s motion without prejudice. If the problem persists, Mr. Widi is free to bring another motion.

The Court **DISMISSES** without prejudice David J. Widi, Jr.'s Motion for Court Intervention Regarding Mail (ECF No. 220).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR,
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 11th day of March, 2014