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SJC-12807

EMORY G. SNELL, JR. vs. SUPERINTENDENT, MASSACHUSETTS  
CORRECTIONAL INSTITUTION, SHIRLEY.

May 26, 2020.

Supreme Judicial Court, Superintendence of inferior courts.

In the county court, Emory G. Snell, Jr. (petitioner), requested declaratory, injunctive, and other relief concerning certain inmate mail regulations. A single justice of this court treated the requests as a petition pursuant to G. L. c. 211, § 3, and denied relief. The petitioner appeals. We affirm.

The petitioner has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). "Even though rule 2:21 does not apply here, because he is not challenging any interlocutory rulings of the trial court, it is clear that he is not entitled to relief. Regardless of how [the petitioner] styles his filing, . . . his avenue for seeking relief is in the Superior Court in the first instance." Vinnie v. Superintendent, Mass. Correctional Inst., Norfolk, 482 Mass. 1028, 1028 (2019). The petitioner's memorandum does nothing to establish the inadequacy of the ordinary process of trial and appeal. See Guzzi v. Secretary of Pub. Safety, 450 Mass. 1016, 1016 (2007).

The "single justice acted well within [her] discretion in concluding that the case presented no occasion to exercise the court's extraordinary authority to grant the preliminary injunction," Love v. Commissioner of Correction, 418 Mass. 1003, 1004 (1994), or otherwise to grant the relief requested by the petitioner in the first instance.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Emory G. Snell, Jr., pro se.