

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

IN THE MATTER OF THE	)	
PERSONAL RESTRAINT OF:	)	No. 76987-1-I
	)	
PARAMJIT SINGH BASRA,	)	ORDER DISMISSING
	)	PERSONAL RESTRAINT
_____Petitioner.	)	PETITION

Paramjit Basra is in the custody of the Department of Corrections (DOC) pursuant to a 2012 conviction for first degree murder. He filed this personal restraint petition challenging a DOC policy that resulted in the rejection of his incoming mail. In order to obtain relief in this setting, Basra must demonstrate that he is being "restrained under RAP 16.4(b) and that the restraint is unlawful under RAP 16.4(c)." In re Pers. Restraint of Grantham, 168 Wn.2d 204, 212, 227 P.3d 285 (2010). Because Basra makes no showing he can satisfy this burden, his petition is dismissed.

On May 23, 2017, Basra received a form entitled "Rejection Notice" informing him that DOC had rejected mail from Basra's son. The form listed the reason as follows:

Attempting third party correspondence. Policy 450.100 III-F states "Mail must contain only correspondence/property for the addressed individual(s). Correspondence/property for or from a third party is not permitted." Inside the envelope was court paperwork for someone other then [sic] the offender. Rejected all the paperwork.

Basra asserts that the rejected mail was a copy of this court's opinion in State v. Johnson, 113 Wn. App. 482, 54 P.3d 155 (2002) that his son obtained through a request under the Public Records Act (PRA), chapter 42.56 RCW, and mailed to him.

Basra contends that DOC's restrictions on incoming third-party correspondence violate his First Amendment right to free speech. "A prisoner retains those First Amendment rights that are consistent with his status as a prisoner or with the legitimate penological objectives of the corrections system." In re Pers. Restraint of Parmelee, 115 Wn. App. 273, 281, 63 P.3d 800 (2003). "As a condition of confinement, an inmate's First Amendment right to send and receive mail lawfully may be restricted by prison regulations reasonably related to legitimate penological interests." Livingston v. Cedeno, 164 Wn.2d 46, 56, 186 P.3d 1055 (2008). As this court recently held in an unpublished decision, Stephens v. Dep't of Corr., noted at 192 Wn. App. 1060 (2016), DOC Policy 450.100 as it relates to third party correspondence is reasonably related to legitimate penological goals and does not violate the First Amendment.

Basra next contends that DOC is violating the PRA by refusing to provide him with his mail. But the PRA "only requires that agencies 'make available' public records – it does not require agencies to guarantee disclosure or guarantee that mailed documents will be physically received by the person making the request." Livingston v. Cedeno, 135 Wn. App. 976, 980, 146 P.3d 1220 (2006). Under RCW 72.09.530, DOC "has broad discretion to deny entry of any materials it determines may threaten legitimate penological interests, without exception for public records." Livingston v. Cedeno, 164 Wn.2d 46, 52, 186 P.3d 1055 (2008).

Moreover, despite Basra's claim, Basra is not being prevented from reading the case or possessing a copy of it. As DOC points out, Basra has

access to the law library and can read or print the case during his law library use. DOC also notes that Basra may make his own public records request and have it sent directly to him instead of through a third party.

Because Basra has not demonstrated an entitlement to relief in this proceeding, the petition is dismissed.<sup>1</sup> Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Done this 28<sup>th</sup> day of September, 2017.

Trickey, ACT  
Acting Chief Judge

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2017 SEP 28 AM 10:22

---

<sup>1</sup> Basra's request for attorney fees and costs is denied.