

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

HUMAN RIGHTS DEFENSE CENTER

PLAINTIFF

V.

CASE NO. 3:17-CV-3070

BAXTER COUNTY, ARKANSAS

DEFENDANT

JUDGMENT

For the reasons stated in the Court's Bench Trial Opinion and Order issued today, the Court hereby finds and directs that Plaintiff Human Rights Defense Center is entitled to a judgment in its favor against Defendant Baxter County, Arkansas.

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. The Court **GRANTS IN PART AND DENIES IN PART** HRDC's request for monetary and injunctive relief under Count One.
2. Baxter County's postcard-only policy, as practiced in 2017, is **DECLARED** to be unconstitutionally overbroad. Baxter County's rejection of the *Prison Legal News* and the *Habeas Citebook*, two publications mailed to inmates in the Baxter County Detention Center in 2017, is **DECLARED** to be unconstitutional. Baxter County's continued refusal to allow HRDC, a neutral third-party publisher, to mail publications to BCDC inmates is **DECLARED** to be unconstitutional.
3. The Court hereby **PERMANENTLY ENJOINS** the County, as well as its officers, directors, employees, agents, and those in privity with them, from enforcing any

incoming mail policy that prohibits publications mailed by HRDC because the publication was not placed on postcards.

4. **IT IS ORDERED** that the County, as well as its directors, employees, agents, and those in privity with them, **SHALL NOT** refuse to deliver publications mailed to BCDC inmates by HRDC on the ground that the publication is not transposed on a postcard.
5. **IT IS FURTHER ORDERED** that the County make public notice of the outcome in this lawsuit and ramifications for the ability of HRDC, a neutral third-party publisher, to distribute publications to inmates in the Baxter County Detention Center within 30 days of issuance of this Order. Such notice must be made on the Sheriff's website and any other mechanism used by the County to communicate with the public about Jail policies.
6. **IT IS FURTHER ORDERED** that HRDC is awarded a total of \$1.00 in nominal damages for the violation of its First Amendment rights in 2017.
7. **IT IS FURTHER ORDERED** that the County's motion for judgment as a matter of law is **DENIED**.

IT IS SO ORDERED on this 31st day of March, 2023.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE