

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Parts 543 and 553**

[BOP 1063-F]

RIN 1120-AA58

Inmate Legal Activities and Inmate Personal Property

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons ("Bureau") is amending its regulations in order to set forth situations in which one inmate may be allowed to possess the legal materials of another inmate while assisting that other inmate. This amendment is intended to maintain an appropriate balance between the need for institution security, good order, and discipline and the ability of inmates to assist each other with their legal materials.

EFFECTIVE DATE: March 3, 1997.**ADDRESSES:** Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is amending its regulations on inmate legal activities (28 CFR part 543, subpart B) and on inmate personal property (28 CFR part 553, subpart B). A proposed rule in this proceeding was published in the Federal Register on October 30, 1996 (61 FR 56096).

The proposed regulations specified that except in instances where the Warden imposes limitations for reasons of institution security, good order, or discipline, an inmate may possess another inmate's legal materials while assisting that inmate in the institution's main law library and in other locations if the Warden so designates. The inmate being assisted must bring his or her legal materials to the law library or other location in order to provide access to the assisting inmate. The inmate providing assistance may not remove the legal materials from the library or other designated location. Although the inmate being assisted need not remain present, that inmate is responsible for retrieving his or her legal materials. If, for example, the inmate being assisted chooses to leave the library or other designated location in order to recreate, that inmate must return in order to retrieve the legal materials. Legal

materials left unattended in the law library or other designated location may be disposed of by staff as nuisance contraband.

The proposed rule also noted that the institution's need for security, good order, or discipline may limit an inmate's assistance to another inmate when an inmate is placed in the institution's special housing unit. An inmate may be placed in a special housing unit for various reasons including administrative detention during the course of an investigation of allegations that the inmate committed a prohibited act, for protection, pending transfer, or in disciplinary segregation following a determination that the inmate had committed a prohibited act. Security necessarily restricts access to such inmates by inmates in the general population. Inmate assistance therefore may only be available from other inmates already in the special housing unit. Legal assistance from attorneys remains available to an inmate in a special housing unit (see § 543.12).

In proposing these changes, the Bureau also consolidated the provisions pertinent to legal materials in the regulations on inmate legal activities. The regulations on inmate personal property contain only a cross-reference on this subject. Other proposed changes to the regulations on inmate legal activities included a definition of leisure time in § 543.11(a), a revised definition of legal materials in the introductory text of § 543.11(d), a restatement of the provisions for receipt, purchase, and retention of legal materials in § 543.11(d)(1) and (2), and a clarification to the provisions in § 543.11(h) concerning the preparation of legal documents by a public stenographer.

Comments received on the proposed rule raised a variety of concerns which may be generally grouped around the topics of access to courts and the qualifications to be placed on the possession of legal property. A more specific summary of the comments received and the agency response follows.

Some commenters claimed that an inmate's right to unimpeded access to courts overrides any penological concern of the Bureau. As set forth in the Supreme Court's decision in *Lewis v. Casey*, an inmate's right of access to the court is not absolute. An inmate's right of access to the court must be balanced against the Bureau's interest in maintaining security and good order in the institution. To maintain security and good order in the institution, the Bureau believes that an inmate should not possess another inmate's legal materials.

Possession of such materials by another inmate may result in extortion attempts, the exchange of contraband, or the dissemination of information which could be used to endanger other inmates, institution staff, or the general public. Practical complications may also arise. For example, when inmates are transferred from one institution to another, their legal materials could be lost or damaged, thereby potentially affecting the inmates' ability to litigate their cases.

One commenter objected to the proposed rule on the grounds that an assisting inmate¹ would not have sufficient time to provide assistance if restricted to doing so in the law library. Other commenters argued that institution libraries were inadequate for the needs of all the inmates who would require assistance. The Bureau notes, in response, that the proposed revision to § 543.11 expands upon previously authorized assistance to allow for the possession by an assisting inmate of another inmate's legal materials in the law library as well as in other locations if designated by the Warden. The Bureau believes that this revision is reasonable given legitimate concerns over the security, discipline, and good order of the institution. Speculation over the adequacy of the library fails to recognize that the Warden may designate other locations for the purpose of providing legal assistance. The Bureau, therefore, believes that the commenters' concerns regarding the insufficiency of law library hours are unwarranted. In any event, specific changes as to the library hours can be made locally at the various institutions if deemed appropriate. Furthermore, as noted below, the Bureau has adjusted its regulations to allow for an assisting inmate to prepare drafts of legal proceedings (with appropriate qualifications) outside the library or other designated location.

One commenter objected, alleging that by the time the Warden approves a request for one inmate to assist another inmate that the inmate in need of assistance would in all likelihood already have missed a filing deadline. In response, the Bureau notes that the procedures for allowing assistance in the law library or other designated location have already been approved and do not require any additional approval by the Warden. Therefore, the assumption that, in general, the inmate

¹ Several commenters used the term "jailhouse lawyer" when referring to an inmate who offers assistance to another inmate with legal matters. In summarizing comment, the Bureau has chosen to use the term which appears in the regulations ("assisting inmate") for the sake of clarity.

must wait for approval to be granted is incorrect.

One commenter claimed that prison authorities are required to provide adequate assistance to inmates from persons trained in the law and cited case law allegedly supportive of the commenter's statement. Under pertinent case law, for example, *Lewis v. Casey*, the Bureau is under no such obligation.

One commenter objected on the grounds that an inmate should not be prevented from receiving assistance from another inmate merely because one or the other is transferred or placed in special housing. Another commenter objected stating that inmates in special housing units would be denied all "next friend" assistance in preparing their legal pleadings. For reasons of security, discipline, and good order, the Bureau believes that there must be limitations on access to inmates in special housing. Inmates in special housing are often placed there because they are dangerous or because they require protection from other inmates. Inmates in special housing ordinarily have access to a basic law library in the special housing unit. The Bureau acknowledges that inmate assistance for an inmate in a special housing unit ordinarily would be available only from inmates who are in the same special housing unit. The Bureau notes that inmates are not entitled to assistance from any particular inmate; it is sufficient that assistance is available. Inmates in special housing ordinarily do not remain for an extended period of time. Under *Lewis v. Casey*, this temporary status ordinarily does not pose an unreasonable constraint on the inmate's access to court. Nevertheless, as noted below, the Bureau has adjusted its final regulations to allow special consideration for inmates in special housing units. Such consideration would be given on a case by case basis at the institution level, and it is not necessary to attempt to address this issue further in the regulations.

A number of commenters, who submitted separately the same comment in a form letter, objected stating that the daily rigors of prison life would prevent illiterate, uneducated, unknowledgeable, non-English speaking, handicapped, and retarded inmates from obtaining legal assistance and thereby would impede their access to courts. One commenter claimed that the proposed rule did not adequately address the needs of mentally ill or incompetent inmates. The Bureau notes that the revised regulations represent an improvement on the inmate's access to courts with respect to obtaining legal assistance from other inmates by

allowing inmates to possess other inmates' legal materials in the law library or other location if the Warden so designates. Other Bureau programming (for example, mandatory literary and English-as-a-Second Language programs) already exist to address the general educational needs of inmates. Also, legal assistance from attorneys remains available to all inmates (see § 543.12). With respect to mentally ill or incompetent inmates, such inmates would generally be housed in a seclusion unit at a federal medical facility. Other Bureau policies provide for representation of inmates not competent to represent themselves in certain administrative hearings. In addition, as noted below, the Bureau has adjusted its final regulations to allow special consideration for the legal needs of inmates in mental health seclusion status in federal medical centers (see § 543.11(f)(3)). Such consideration would be given on a case by case basis at the institution level, and it is not necessary to attempt to address this issue further in the regulations.

Some commenters claimed that the regulation did not address difficulties in effectuating transfers of documents. These commenters suggest that conflicts in scheduling of leisure time could prevent one inmate from meeting another inmate in an approved location. The Bureau believes that its regulation is adequate for this purpose. Even in instances where scheduled leisure time does not coincide completely, inmates have approximately ten minutes during an institution-wide move to arrive at a scheduled program or work assignment. Nevertheless, in order to address situations where a court deadline is pending, the Bureau has modified the final rule to allow an inmate with an imminent court deadline to request a brief absence from a scheduled program or work assignment in order to provide or retrieve legal materials from an assisting inmate.

One commenter claimed that the system for transferring legal material would result in these materials being left unattended in the law library and may cause security concerns for that reason. The proposed regulation provided that staff may dispose of unattended legal materials as nuisance contraband. This provision was not intended to direct that staff search for and dispose of unattended legal materials. The provision was intended to emphasize to the inmate that legal materials left with an assisting inmate can be lost or misplaced due to the actions of the assisting inmate. In an abundance of caution, to avoid creating the impression that such materials

should always be treated as nuisance contraband and disposed of by staff, the Bureau has removed this provision from this final rule. Internal instructions to staff will address the specifics for handling properly identified legal materials left unattended in the law library or other designated location.

Some commenters objected claiming that the regulation infringed upon an inmate's right to privacy. As evidenced by the specifics of the concerns raised, the Bureau concludes that these objections are more properly categorized under the general topic of the inmate's access to the court. For example, one commenter objected to the provisions in the regulation that detailed authorized channels for the receipt of legal materials (see § 543.11(d)(1)). This commenter asserted that some of the inspection procedures allowed staff to inspect and read material being sent to them. These provisions merely reflect existing regulations on correspondence (including special mail) and incoming publications and were included in the proposed regulation for the purpose of reference only. The point of repeating these provisions in this regulation is to make it clear to the inmate that special mail is an appropriate channel for receiving legal materials. The commenter also stated that the regulation would compromise the inmate's ability to investigate and report misconduct by prison staff because staff would be able to search through all of the inmate's personal and legal papers in search of contraband. The Bureau notes that standards of conduct for its staff serve to prevent such actions. The final regulation is intended to safeguard legal materials (whether during staff searches of inmate housing or from other inmates).

One commenter stated that the proposed regulation was inadequate, claiming it did not make allowances for the different types of facilities (penitentiaries, camps, etc.). The commenter fails to note that the regulations allow the Warden to designate locations other than the law library for providing legal assistance. Wardens at different types of institutions have the discretion to make appropriate allowances based upon the type of institution.

In light of the above, the Bureau therefore believes that its final rule does not pose an impediment to the inmate's access to the court.

Regarding legal property and personal property, one commenter objected that the regulation was vague and did not define what constitutes legal documents of another inmate. The Bureau notes that § 543.11(d) defines the legal

materials of an inmate. Logically, this definition can be used to identify the legal materials of another inmate.

One commenter objected, stating that the regulation could be interpreted to preclude possession of any non-published court record. Another commenter objected, stating that any document filed with a court is a public record available to anyone with the funds to purchase a copy. The Bureau notes that the regulation allows for the inmate to receive legal materials through authorized channels. Therefore, non-published court records or other public records available from a court received through an authorized channel are authorized for possession by the inmate, presumably as legal reference material. The Bureau believes that the regulation addresses security concerns by preventing the unauthorized transfer between inmates of inmate legal materials within the institution. As noted above, one Bureau concern is that contraband may be inappropriately transferred under the guise of legal materials.

One commenter objected, stating that inmates needed access to other inmate's legal materials for the sake of having access to precedents. Such access is best served by obtaining precedents through official channels (namely, the court, publisher, etc., or through publications contained in the library). As noted above, this requirement avoids the security concerns posed by direct inmate transfer of materials.

One commenter, alluding to laws of contracts and copyrights, argued that anything the assisting inmate writes for another inmate should be considered the assisting inmate's property. Another commenter suggested that written materials are the property of the authoring inmate until that inmate delivers them to the inmate being assisted. Bureau regulations preclude an inmate from conducting a business. Application of contract or copyright law is not relevant here. As noted above, reasons of institution security, discipline, and good order motivate the Bureau to retain limitations in these revised regulations on the possession by another inmate of an inmate's legal materials. The Bureau further notes that it has revised its regulation to allow assisting inmates to possess handwritten notes and drafts of pleadings they have prepared if they do not contain a caption, title of the document, or name(s) of inmate(s).

One commenter objected, stating that the regulation infringed on the due process rights of the inmate. This commenter claimed that prohibiting inmates from possessing another

inmate's legal materials denied them of a property right without due process. Other commenters claimed a liberty interest in possessing other inmate's legal materials, arguing that such an interest was created by past practice in some institutions which allowed inmates to possess other inmate's legal materials. The Bureau notes that no case law supports these contentions. As noted above in this final rule and also in the previously published proposed rule, the Bureau's regulation is intended to ensure consistency and maintain an appropriate balance between the need for institution security, good order, and discipline. For this reason, the regulation allows for possession of another inmate's legal materials within certain limitations. Those limitations are necessitated by the need for institution security, good order, and discipline.

One commenter objected to the proposed regulation claiming that it did not adequately address treatment of drafts or copies of legal materials. The Bureau has added language to the proposed regulations to clarify that an assisting inmate may not possess copies of another inmate's legal materials outside the law library or other designated location. The final regulations also specify that drafts of pleadings which contain the inmate's name and case caption or document title prominently of the first page are considered to be the legal materials of the assisted inmate. The assisting inmate, however, may create a handwritten draft of a pleading for another inmate and may possess that draft outside the law library or other designated location so long as the draft does not contain a case caption or document title or the name(s) of any inmate(s). Such drafts are not considered to be the legal materials of the assisting inmate.

One commenter argued that the rule was unfair to co-defendants who are maintaining one set of legal materials. While the Bureau is uncertain as to the particular point of this comment, it believes that the regulation adequately addresses the needs of co-defendants because co-defendants may maintain one set or separate sets of legal materials.

Comments discussed below did not fall under the general topics of access to courts or qualification or possession of personal property and legal property.

One commenter objected to the regulation stating that it failed to benefit the courts. This commenter claimed that limiting inmate assistance to the library would increase the length of time required to respond to pleadings and

that the courts would be burdened by requests for extension. This commenter stated that allowing inmates to assist one another in litigation saved the court's time and also assumed that the quality of pleadings would deteriorate. The commenter neglected to note that locations other than the law library may be authorized by the Warden. With respect to the assumed delays and the quality of pleadings, the Bureau again notes that the revised regulations do provide for inmate assistance. The commenter's concerns are unwarranted.

One commenter claimed that providing legal assistance to others was a religious exercise for him and that as such it would be protected under the Religious Freedom Restoration Act. For reasons of institution security, discipline, and good order, the Bureau believes that no further accommodation beyond what the regulation provides is necessary, regardless of the validity of the religious prescription claimed.

One commenter claimed that the regulation was overly broad and infringed upon the inmate's right to free communication without furthering an important government interest through the least restrictive means. Contrary to the commenter's claim, the Bureau believes that there are legitimate penological objectives underlying its regulation which satisfies the conditions under *Turner v. Safely*.

One commenter claimed that the regulation violated equal protection by discriminating against illiterate, uneducated, and non-English-speaking inmates. The Bureau disagrees with this assertion. As noted above, under the regulation these inmates have access to legal assistance (whether from an assisting inmate or attorneys). As noted above, separate programming is also available for the educational needs of these inmates.

One commenter objected to the regulation stating that it provided no place for inmates to work in private. As noted below, the Bureau has adjusted its regulation to allow the assisting inmate to produce drafts (with qualification) outside of the law library or other designated location.

One commenter objected on general grounds stating that there was no valid governmental or penological interest at stake. As noted above, the Bureau disagrees with this assessment.

One commenter objected, stating that "untrained staff" would have blanket authority to classify any legal document as contraband and that consequently the regulation would result in abuses. The Bureau notes that it is responsible for the proper training of its staff (whether for the purpose of avoiding abuse in

enforcing this regulation or any of its regulations).

Some commenters offered alternatives for consideration. One commenter recommended that paragraph (f)(2) in § 543.11 be removed. Removing paragraph (f)(2) eliminates provisions for possession by an assisting inmate of another inmate's legal materials (within the limitations proposed by the Bureau which are predicated upon the security needs noted above). The Bureau is uncertain about the nature of this comment's concern. If the commenter is proposing that the Bureau eliminate paragraph (f)(2) in § 543.11 in order to allow inmates to possess one another's legal materials without any restrictions, the Bureau rejects this proposal. For the reasons set forth above, the Bureau believes that there must be limitations placed on the extent to which inmates may possess the legal materials of other inmates. Alternatively, if the commenter is suggesting that the Bureau should completely prohibit inmates from possessing one another's legal materials, the Bureau believes that allowing inmates to possess one another's legal materials (within the limitations proposed by the Bureau) enhances an inmate's ability to obtain access to the court, which is one of the purposes of the Bureau's final regulation. Therefore, Bureau also rejects this proposal.

Another commenter advocated allowing the assisting inmate to possess another inmate's legal materials in his or her cell so that the assisting inmate could work on the materials in the cell. The Bureau, as noted below, has made an adjustment to its regulations which allows an assisting inmate to work on drafts (with qualifications) in locations other than the law library or designated location. As noted above, concerns of institution security, discipline, and good order preclude further adjustment on this point. Another commenter recommended that the Bureau provide forms in the law library which would document an inmate's release of legal materials to another inmate. This recommendation does little to address the Bureau's security concerns regarding the uncontrolled possession of inmate legal materials by another inmate.

One commenter stated that the California state prison system did not impose any restrictions on the possession of inmate legal materials and recommended that the Bureau also not impose any restrictions. The commenter inferred that no legitimate penological objectives were involved as none presumably were apparent to the California state prison system. This same commenter also cited instances in which various Bureau facilities had

authorized the possession by an inmate of another inmate's legal materials to a certain extent. The Bureau noted in its proposed rule that some institutions had varied from the Bureau's prohibition on the possession of another inmate's legal materials. Both the proposed rule and this final rule are intended to maintain the appropriate balance between the institution's need for institution security, good order, and discipline and the ability of inmates to assist each other with their legal documents. With respect to the cited example of the California state prison system, the Bureau notes that to some extent California is acting under a court order and that any particular policy of the prison system may not necessarily reflect the system's opinion regarding any penological concerns associated with allowing inmates to possess one another's legal materials.

This same commenter also advocated two other alternatives to the proposed rule. The commenter recommended that the law library provide storage for legal materials. Fiscal and space limitations within institutions make this suggestion impracticable. The commenter also recommended the development of an inmate law clerk program. The Bureau currently is evaluating a pilot project along these lines. Such a program may be implemented upon conclusion of the evaluation. However, the Bureau is not ready to do so at this time.

This same commenter also recommended including a provision in the regulation prohibiting retaliation by staff aimed at inmates who assist other inmates. The Bureau believes that such a specific provision is unnecessary as staff standards of conduct already prohibit retaliatory actions by staff.

In consideration of the comments above, the Bureau is adopting the proposed rule as final with the following changes. In § 543.11, paragraph (a) has been clarified to refer to "scheduled program or work assignment" rather than "scheduled assignment or program"; paragraph (d) has been adjusted to include reference to filings before other judicial or administrative body and to clarify that drafts of pleadings which contain the inmate's name and case caption or document title prominently on the first page are an assisted inmate's legal material; provisions in paragraph (f) pertaining to leisure time, the definition of legal materials, and the extent to which inmates may have copies of legal materials have been clarified; paragraph (f) has also been revised to address requirements on the assisting inmate's possession of handwritten notes and drafts, the providing or retrieving of

legal materials from the law library or other designated location, possible disposal or return of unattended legal materials, and the legal needs of inmates in mental health seclusion status in federal medical centers or inmates in controlled housing.

Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant impact on a substantial number of small entities. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects in 28 CFR Parts 543 and 553

Prisoners.

Ronald G. Thompson,

Acting Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 543 and 553 in subchapter C of 28 CFR, chapter V are amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 543—LEGAL MATTERS

1. The authority citation for 28 CFR part 543 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510, 1346(b), 2671–80; 28 CFR 0.95–0.99, 0.172, 14.1–11.

2. In § 543.11, paragraphs (a), (d), and (f) are revised, and paragraph (h) is amended by revising the last sentence to read as follows:

§ 543.11 Legal research and preparation of legal documents.

(a) The Warden shall make materials in the inmate law library available whenever practical, including evening

and weekend hours. The Warden shall allow an inmate a reasonable amount of time, ordinarily during the inmate's leisure time (that is, when the inmate is not participating in a scheduled program or work assignment), to do legal research and to prepare legal documents. Where practical, the Warden shall allow preparation of documents in living quarters during an inmate's leisure time.

* * * * *

(d) An inmate's legal materials include but are not limited to the inmate's pleadings and documents (such as a presentence report) that have been filed in court or with another judicial or administrative body, drafts of pleadings to be submitted by the inmate to a court or with other judicial or administrative body which contain the inmate's name and/or case caption prominently displayed on the first page, documents pertaining to an inmate's administrative case, photocopies of legal reference materials, and legal reference materials which are not available in the institution main law library (or basic law library in a satellite camp).

(1) An inmate may solicit or purchase legal materials from outside the institution. The inmate may receive the legal materials in accordance with the provisions on incoming publications or correspondence (see 28 CFR part 540, subparts B and F) or through an authorized attorney visit from a retained attorney. The legal materials are subject to inspection and may be read or copied unless they are received through an authorized attorney visit from a retained attorney or are properly sent as special mail (for example, mail from a court or from an attorney), in which case they may be inspected for contraband or for the purpose of verifying that the mail qualifies as special mail.

(2) Staff may allow an inmate to possess those legal materials which are necessary for the inmate's own legal actions. Staff may also allow an inmate

to possess the legal materials of another inmate subject to the limitations of paragraph (f)(2) of this section. The Warden may limit the amount of legal materials an inmate may accumulate for security or housekeeping reasons.

* * * * *

(f)(1) Except as provided for in paragraph (f)(4) of this section, an inmate may assist another inmate in the same institution during his or her leisure time (as defined in paragraph (a) of this section) with legal research and the preparation of legal documents for submission to a court or other judicial body.

(2) Except as provided for in paragraph (f)(4) of this section, an inmate may possess another inmate's legal materials while assisting the other inmate in the institution's main law library and in another location if the Warden so designates.

(i) The assisting inmate may not remove another inmate's legal materials, including copies of the legal materials, from the law library or other designated location. An assisting inmate is permitted to make handwritten notes and to remove those notes from the library or other designated location if the notes do not contain a case caption or document title or the name(s) of any inmate(s). The assisting inmate may also develop and possess handwritten drafts of pleadings, so long as the draft pleadings do not contain a case caption or document title or the name(s) of any inmate(s). These notes and drafts are not considered to be the assisting inmate's legal property, and when the assisting inmate has these documents outside the law library or other designated location, they are subject to the property limitations in § 553.11(a) of this chapter.

(ii) Although the inmate being assisted need not remain present in the law library or other designated location while the assistance is being rendered, that inmate is responsible for providing and retrieving his or her legal materials from the library or other designated

location. Ordinarily, the inmate must provide and retrieve his or her legal materials during his or her leisure time. An inmate with an imminent court deadline may request a brief absence from a scheduled program or work assignment in order to provide or retrieve legal materials from an assisting inmate.

(3) The Warden may give special consideration to the legal needs of inmates in mental health seclusion status in federal medical centers or to inmates in controlled housing.

(4) The Warden at any institution may impose limitations on an inmate's assistance to another inmate in the interest of institution security, good order, or discipline.

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(h) * * * Staff shall advise the inmate of any delay in the typing of which they have received notice from the stenographer.

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PART 553—INMATE PROPERTY

3. The authority citation for 28 CFR part 553 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

4. In § 553.11, paragraph (d) is revised to read as follows:

§ 553.11 Limitations on inmate personal property.

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(d) *Legal materials.* Staff may allow an inmate to possess legal materials in accordance with the provisions on inmate legal activities (see § 543.11 of this chapter).

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