

Russell Tinsley  
Special Treatment Unit  
8 Production Way,  
PO Box 905  
Avenel, New Jersey 07001  
702 850-2393 ext. 101

October 25, 2015

Clerk,  
United States District Court  
District of New Jersey Newark  
M.L. King, Jr. Fed. Bldg. & U.S.  
Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Russell Tinsley v. main, et al 2:15-cv-07319-MCA-LDW**

Dear Clerk,

Enclosed please find a original of Russell Tinsley's Motion for a Temporary Restraining Order, pursuant to Rule **65 of the Federal Rules of Civil Procedure** in the above-cited civil action, to be filed with the Court.

Mr. Tinsley, will advise this court he is seeking for Preliminary Injunction relief, submitted to the Court, for consideration.

Thank you for your time and consideration in this matter.

Very truly yours,

Russell Tinsley, in pro se

c: State Attorney General

**Russell Tinsley Pro Se**  
P.O. Box 905  
8 Production Way  
Avenel, NJ 07001  
Telephone: 702.850.2393 ext/101

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**RUSSELL TINSLEY,** \_\_\_\_\_

**COMPLAINT**

Plaintiff,

**Civil Action 2:15-cv-07319-MCA-LDW**

**V.**

**JURY TRIAL DEMANDED**

**MERRILL MAIN, Ph.D, STU CLINICAL DIRECTOR'**

**SHERRY YATES, DEPARTMENT OF CORRECTIONS,**

**ADMINISTRATOR, SHANTAY ADAMS, UNIT DIRECTOR,**

**R. VAN PELT, AND J. OTTINO, PROGRAM COORDINATORS**

**LASHONDA BURLEY, Psy.D, AND CHRISTOPHER BEAUMOUNT, Ph.D.**

Defendants.

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**ORDER**

**AND NOW**, this        day of        , 2015, upon consideration of Plaintiff Russell Tinsley's Motion for a Temporary Restraining Order, and having determined that:

Unless Defendants Clinical Director Merrill Main and Administrator Yates – as well as all prison officials and Mr. Tinsley's Treatment Team Staff who reporting to them, are restrained by this Court, Plaintiff will be immediately and irreparably harmed by the continued denial of – denying Mr. Tinsley's his freedom to publishing his book and website, as well as from punishing him for it; and/or to preventing him from participating meaningfully in groups/modules at ("STU") ("DOC"), needed to get immediate release from civil commitment. Additionally, to ensure that Mr. Tinsley's freedom of Expression to publishing his book and website remedies the harm currently being inflicted on him, and, as a result, Defendants should be ordered to

allow Mr. Tinsley, to attend groups/modules off of the Facility Main South, Restricted Unit, without pulling his book and/or website from being published.

**IT IS HEREBY ORDERED AND DECREED THAT:**

- A. An Order shall issue immediately with the following terms:
1. Effective immediately, and without posting of bond, Mr. Tinsley shall be granted to attend groups/modules without pulling his book “civilly committed” and from his website, and to remain in treatment necessary to advance towards release;
  2. Mr. Tinsley’s Right of Freedom of Expression shall continue and in Accordance with the Full Faith and Credit Clause of the United States Constitution; and/or Under his First Amendment Liberties – Title VII of the Civil Rights Act;
  3. The Court’s Order will remain in full force and effect through and including the final resolution of Mr. Tinsley’s civil commitment matter pending in the New Jersey Civil Commitment Court SVP-573.

**BY THE COURT:**

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,J.

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Defendants.

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**MOTION FOR A TEMPORARY RESTRAINING ORDED AND PRELIMINARY  
INJUNCTION**

Plaintiff, Russell Tinsley ("Plaintiff" or "Mr. Tinsley), hereby moves this Court for a Temporary Restraining Order and Preliminary Injunction against Defendants Merrill Main ("Clinical Director") and Sherry Yates ("Administrator") and (all the above "Defendants") together, pursuant to Rule 65 of the Federal Rules of Civil Procedure. In support thereof, Plaintiff relies upon the Memorandum of Law in Support of the Motion for a Temporary Restraining Order and Preliminary Injunction and the Declaration of Russell Tinsley, which are attached hereto and incorporated herein by reference.



WHEREFORE, Plaintiff respectfully requests that this Court enter an order in the form attached hereto.

RUSSELL TINSLEY

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Dated: October 24, 2015

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Defendants.

---

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDED AND PRELIMINARY INJUNCTION**

**I. INTRODUCTION**

Plaintiff, Russell Tinsley ("Plaintiff" or "Mr. Tinsley"), seeks an Order restraining prison officials and the ("STU") facility staff in charge of the State Department of Corrections ("DOC") Special Treatment Unit, where Mr. Tinsley is confined, from continuing to unlawfully deny him his constitutionally guaranteed right to liberty interest and Freedom of Speech; or Free Expression by preventing him from publishing the book "Civilly Committed" and from promoting it on a website [www.pimpinentertainment.net](http://www.pimpinentertainment.net). Mr. Tinsley, the civil rights plaintiff herein, is pursuing his entertainment career, with the help of willing and responsible family members or friends, or fans and supporters, and since he cannot access the internet; or publish the book himself, they did because of his confinement. He is and always was a music

producer of CD's and videos as well as Fashion Shows with Live Entertainment. He has continued to make progress towards that musical entertainment business career while he has been at ("STU"). He has partnered and contracted with other celebrities' artists and music producers, who own their own studios in difference locations across the country. His primary works are being done by his partners, fans and supporters who are members of this musical and fashion business around the country. His fans and supporters have written a comprehensive book, which has recently been published. He has not violated any laws, in any way while at ("STU"). But, if the ("STU") and ("DOC") staff and/or Defendants continues to deny Mr. Tinsley his right of Free Speech, they are in violation of the laws that governs Article 19 and Mr. Tinsley's right to Free Expression.

Suffice to say, the spoken words of Defendants in their Memo to Mr. Tinsley, about his book and website was so calumny, slander and criminal that a civil libel defamation law suit is warrant. The Defendants has committed a slander disambiguation and attacked not only Mr. Tinsley's reputation, but the reputation of others who are not one of those residents at the ("STU") who has been civilly committed, but they are members in the free society, as American citizens who was involved in a business association with Mr. Tinsley, and under contracts to support his efforts to publish a book that sells on the internet. Not only does the Defendants' action violate Mr. Tinsley's rights for placing him on Program MAP, lost of his work privilege, but to subject him to Treatment Probation and threaten to placed him on Treatment Refusal, if he did not pull his book from publication and remove his website, that contractual agreement artists depends on to sell their musical cds and dvds. Not only Mr. Tinsley will not be able to participate meaningfully in groups/modules while on Treatment Refusal, is absurd. As "absurdist humor" this sound Mr. Tinsley will be unable to adequately support himself and family, as well as to exercising his right to share his own progress that he has been making while at the STU and in his book. Further to mention it will become a Breach of contract, with his signed artists is recognized by the law and remedies can be provided.

The ("DOC") ("STU") civil commitment facility for which Mr. Tinsley is confined is potentially for care and treatment of patients, with the same rights as other people in the free society. Mr. Tinsley's dilemma presents a classic case for injunctive



relief in that, absent an order restraining prison official and clinical staff from discriminating against Mr. Tinsley, he could very well find himself confined without adequate treatment of sex crimes he vehemently denies committing and civilly committed for to a life term sentenced, i.e., Mr. Tinsley will have no adequate remedy at law as money damages could hardly fairly compensate Plaintiff for being confined for what could be the remainder of his life.

## II. FACTS

Mr. Tinsley is currently civilly committed; and/or confined to the Special Treatment Unit in Avenel, N.J., pursuant to New Jersey's sexually Violent Predator's Act. See Declaration of Russell Tinsley ("Tinsley Declaration"), submitted contemporaneously herewith, at 1. Mr. Tinsley is not a threat and he does not present dangerousness to citizens of New Jersey, where he does not have such a sex offense in this state. 2. The state of New Jersey failed to prove by clear and convincing evidence that Mr. Tinsley would be highly likely to sexually reoffend if released. He vehemently denies suffering from a mental abnormality or personality disorder, other words that he was not mentally ill, to be confined at the STU.

Defendants Merrill Main ("Clinical Director") is the Clinical Director of the Special Treatment Unit ("STU"). See Complaint, 3. Merrill Main is and has been, at all relevant times, responsible for overseeing the "custody, care and treatment of over 700 sexually violent predators' residents at the ("STU") facility that are part of the Department of Mental Health and Services ("DHS") and ("DOC") including the facility of Main South Unit, most restricted area for those residents who are being punish, in which Mr. Tinsley has been confined.

Sherry Yates ("Administrator") is and has been, at all relevant times, the administrator of ("DOC") and ("STU"). As such, she is responsible for overseeing the welfare for security of residents confined at (DOC") and ("STU"), including Plaintiff.

But for a five year period when he was confined at ("STU") South Unit, Mr. Tinsley has been discriminated against, harassed and also showed that his continuance confinement had been the result of ("DOC") ("STU") staff therapists' retaliation against Mr. Tinsley, because of the many complaints that he brought against the during the time he had been confined, unsuccessfully, demanded his release. However, Mr. Tinsley



continue to be supported by responsible persons willing to provide any care personal or business he might need, to get released. So they are willing to continue to support Mr. Tinsley, in his endeavors to work hard and to do what it takes to progress in treatment, if he is suppose to be there for that.

Beginning from the time that he was originally confined at (“DOC”) (“STU”) in March 2010, Mr. Tinsley made it known to any and all prison officials and clinical staff that he was involved in the musical entertainment business with whom he had contact that he was returning back home in Philadelphia, to his business of entertainment.

The book was written to show that Mr. Tinsley was not putting anything past him. At all time, he was instead trying hard to do what the (“STU”) and (“DOC”) facilities’ Policies and Procedures for Treatment and the therapist’s recommendation ask of him to do and follow their directions. But to no avail, was he getting the credits he deserved making the treatment program violates the constitutional rights of those committed by the courts to the program, because there’s no clear path to ending treatment or being moved from the most restrictive South Unit settings.

Despite the Policies and Procedures for Treatment, it’s been five years and it shouldn’t take this long, unless the reason that it taking this long for Mr. Tinsley, to be released, is because of the discrimination, harassment and retaliation against him by the Defendants.

The fact there is something very wrong with this (“STU”) (“DOC”) method of dealing with Mr. Tinsley, and now how the Defendants are going about punishing Mr. Tinsley, for his book and website, this is unconstitutional. If the Defendants are punishing Mr. Tinsley for a book entitled “Civilly Committed” and after him serving his sentenced, and now willing to speak, talk or discuss about the book his fans and supporters written is to demonstrate how he was not hiding anything, about his criminal past, the book was to show he was willing to discuss this public record openly. Mr. Tinsley is not a threat, how can he deemed “abnormal” if the state could not prove he was necessarily going to commit a crime, this book was written to show so much, that he is willing to speak about this public record matter, wasn’t that enough to show his progress, noting that the Defendants has never fully wanted to discharge Mr. Tinsley from the program since he been civilly committed in 2010.

Prior to publishing this book in August 2010, Mr. Tinsley was often denied his Free Expression from the defendants without due process, and there is nothing on the [www.pimpinentertainment.net](http://www.pimpinentertainment.net) website criminalizing and/or the knowing transmission of “obscene or indecent” messages to any recipient under 18; and also the knowing sending to a person under 18 of anything “that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.”

“Matter of fact, the Pimpinentertainment.net website Policies and Procedures for a volunteer model and artist personal contract, on the Beautiful Model Portfolio Session page, has a Confidential agreement about celebrity and model, all members must stand by this agreement, and this contract between Mr. Tinsley and his models that are under no circumstances were a person force to prostitute, take nude pictures or in sexually suggestive poses in magazines, videos and over the internet. To selects customers or put on a freak show, and to have sex with Mr. Tinsley or any celebrity or athlete and/or any clients.”

“Models was and will never be forced or receive or coercion and assaulted for refusing to work as a model or entertainer. Models or Artists was never train how to perform any sex acts for money, what prices to charge, for which act to solicit for dates and to turn your earning to Mr. Tinsley. Nor has he at anytime had he especially try to arrange your transportation in USA or internationally, so you can work as a prostitute for Mr. Tinsley’s profits.”

“What we do as a Model or Entertainers all for volunteer and strictly for business. No promoting prostitution but as a Model or Entertainer you work for Mr. Tinsley and you were always either an actress/dancer/model/VIP Hostess or an R&B, Hip Hop, Pop or Rock Star Entertainer. Mr. Tinsley working with you is promoting where we are working together towards getting a business deal”.

### **AGREED**

“Russell Mac T Tinsley is the owner of Playza International Modeling/Music/Management Production. He makes a living organizing modeling and music shows and to promote new talent for people where a model or an artist can get into



the industry for modeling, dancing, acting or singing, doing shows or recording to producing and marketing.”

For the Defendant R. Van Pelt to state to Mr. Tinsley, in his memo that the website glorifies pimping which he said is part of “rape mentality” must be rejected as has disambiguation slander and libel are false or malicious claims that has harm Mr. Tinsley’s reputation, especially the many female fans and supporters of the website who are models, music artists, songwriters, singers and dancers in the entertainment industry who works for the website. Defendant R. Van Pelt was informed the website terms for the company, and who choose collectively with the help of willing and responsible family members or friends, or fans and supporters, as well as corporate officers to use the Etymology for pimpin’ entertainment. The word pimp first appeared in English in 1607 in a Thomas Middleton book entitled Your Five Gallants. It is believed to have stemmed from the French infinitive pimper meaning to dress up elegantly and from the present participle pimpant meaning alluring in dress seductive. The Pimpin Entertainment Network’s website is just that a fashion and live entertainment business, and responsible for producing music and fashion shows production, and market all Music Artist’s music and videos with fashion and jewelry. There’s no difference in using this term as did MTV PIMP MY CRIB (“HOUSE”);or in the term TO PIMP YOUR RIDE (“AUTOMOBIL”).

Mr. Tinsley filed a Complaint in the within action on October 6, 2015. Mr. Tinsley brings claims for, inter alia, violations of the First, Fourth, Fifth, Eighth, thirteenth and Fourteenth Amendments by Defendants resulting from Plaintiff having been denied of liberty, property and his free speech and Free Expression without due process.

To this day, Mr. Tinsley has not been permitted to publish his book entitled “Civilly Committed” or the Defendants threatened him to pull the ‘book’ from publication altogether. The Defendants’ action violate Mr. Tinsley’s rights for placing him on Program MAP, lost of his work privilege, and to subject him to Treatment Probation and threaten to placed him on Treatment Refusal, if he did not pull his book from publication and remove his website, that artists are under an contract and depends on to sell their musical cds and DVDs, Mr. Tinsley will not be able to participate

meaningfully in groups/modules while on Treatment Refusal, is absurd. As “absurdist humor” this sound Mr. Tinsley will be unable to adequately support himself and family, as well as to exercising his right to share his own progress that he has been making while at the STU, written about him in his book, despite the fact that the Constitutional of the United States of America, establish this Right of Free Speech, Free Expression and the right to Public Records under the Freedom of Information Act.

### III LEGAL ARGUMENT

#### A. Legal Standard

Courts sitting in the Third Circuit consider four factors in ruling on a motion seeking injunctive relief:

- (1) the likelihood that the application will prevail on the merits at a final hearing;
- (2) the extent to which the plaintiffs are being irreparably harmed by the conduct complained of;
- (3) the extent to which the defendants will suffer irreparable harm if the preliminary injunction is issued; and the public interest.

**S&R Corp. v. Jiffy Lube Int’l, Inc.**, 986 F.2d 371, 374 (3<sup>rd</sup> Cir. 1992); see also **BP Chems. Ltd. v. Formosa Chem. & Fibre Corp.**, 229 F.3d 254, 263 (3d Cir. 2000). The Third Circuit has recognized that “it is not necessary that the moving party’s right to a final decision after trial be wholly without doubt; rather, the burden is on the party seeking [injunctive] relief to make a prima facie case showing a reasonable probability that it will prevail on the merits.” **Oburn v. Shapp**, 521 F.2d 142, 148 (3d Cir. 1975) see also **Tenafly Eruv Ass’n., Inc. v. Borough of Tenafly**, 309 F.3d 144, 157 (3d Cir. 2002). Furthermore, pursuant to “the Prison Litigation Reform Act (“PLRA”), a court may grant prospective relief where the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.” 18 U.S.C. 3626(a)(1)(A).



## B. Legal Analysis

### 1. Mr. Tinsley is Likely to Succeed on the Merits of His Claim That He Has Been Deprived of His Constitutional Right to Exercise His Liberty Interest That Includes Free Speech or Free Expression of Publishing His Book And Websites

It is well settled that patients/ residents have a constitutional right to meaningful right to freedom from unreasonable restraint, prevent regression and ability to exercise their liberty interests. See generally **Youngberg v. Romeo**, 457 U.S. 307 (1982). In a landmark decision, the Supreme Court held “that the fundamental constitutional right of a patient/resident’s liberty, property and his free speech and Free Expression without due process shall not involve the infringement of a fundamental right.” See **Cooper**, 517 U.S. at 80; **Jones**, 463 U.S. at 361; **Vitek**, 445 U.S. at 492; **Blodgett**, 510 N.W. 2d at 914. **Youngberg**, 457 U.S. at 323 (emphasis added). The **Youngberg Court** reasoned that the State also must provide services in the most integrated setting appropriate to individual residents’ needs. title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. 12132 et seq.; 28 C.F.R. 35.130 (d) (“A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”); see general **Olmstead v. L.C.**, 527 U.S. 581 (1999). Additionally, the State must provide persons committed to psychiatric hospitals for an indefinite term with mental health treatment that give them a realistic opportunity to be cured and released. **Oregon Advocacy Center v. Mink**, 332 F.3d 1101, 1121 (9<sup>th</sup> Cir. 2003) (citing **Sharp**, 233 F.3d at 1172).

In the instant case, it was apparent that many (“STU”) (“DOC”) staff’s actions demonstrates that New Jersey’s civil commitment statutory scheme is unconstitutional both on its face and as applied. Because there are significant and wide-ranging deficiencies in Mr. Tinsley care provided at (“STU”) (“DOC”). Indeed, there can be little doubt that Mr. Tinsley’s being denied by the Defendants to publish his book entitled “**Civilly Committed**” or by the Defendants threatened him to pull the ‘book’ from publication altogether, it hit the top of the iceberg. The Defendants’ action violate Mr. Tinsley’s rights for placing him on Program MAP, lost of his work privilege, and to subject him to Treatment Probation and threaten to placed him on Treatment Refusal, if

he did not pull his book from publication and remove his website, that artists are under an contract and depends on him to sell their musical cds and DVDs, on that same website. Additionally, for Mr. Tinsley will not be able to participate meaningfully in groups/modules while on Treatment Refusal, is absurd. As “absurdist humor” this sound Mr. Tinsley will be unable to adequately support himself and family, pay his artists and be subject to an Breach of Contract, as well as to exercising his right to share his own progress that he has been making while at the STU, written about him in his book, despite the fact that the Constitutional of the United States of America, establish this Right of Free Speech, Free Expression and the right to Public Records under the Freedom of Information Act. By the Defendants denying Mr. Tinsley his liberty, property and his free speech and Free Expression without due process was a violation infringement of a fundamental right.

**2. Mr. Tinsley Is Suffering And Will Continue To Suffer Irreparable Harm Absent Being Granted His Liberty And Freedom To Publish His Book “Civilly Committed” And His Musical Website**

As a result of being denied any freedom to publishing his book and website at (“STU”) (“DOC”), Mr. Tinsley’s potential to be punished of his Free Expression and to be exposed to a lengthy imprisonment/confinement of civil commitment is greatly heightened. His rights to meaningful right to freedom from unreasonable restraint prevent regression and ability to exercise his liberty interests, and to participate meaningfully in groups/modules absolutely hinges on his ability to the supposed treatment **needed to get fully discharged from the (“STU”) program.** Without the ability to prepare his treatment criteria for release, Mr. Tinsley faces the imminent probability of being civilly committed for life. Such a commitment as a result of being foreclosed from participating meaningfully in groups/modules at (“STU”) (“DOC”), needed to get immediate release from civil commitment would constitute an example of irreparable injury **which could not be remedied by money damages.**

The only adequate remedy to avoid the irreparable injury that Mr. Tinsley is suffering and will continue to suffer is an injunction restraining Clinical Director Merrill Main and Administrator Yates – **as well as all prison officials and Mr. Tinsley’s Treatment Team Staff** who report to them – from denying Mr. Tinsley’s his



freedom to publishing his book and website, as well as from punishing him for it; and/or to preventing him from participating meaningfully in groups/modules at (“STU”) (“DOC”), needed to get immediate release from civil commitment. Additionally, to ensure that Mr. Tinsley’s freedom of Expression to publishing his book and website remedies the harm currently being inflicted on him, Defendants should be ordered to allow Mr. Tinsley, to attend groups/modules without pulling his book and/or website from being published.

### **3. Defendants Will Suffer No Harm If The Injunctive Relief Sought By Plaintiff Is Granted**

By contrast, Clinical Director Merrill Main and Administrator Yates will suffer absolutely no harm if the injunctive relief sought by Mr. Tinsley is granted. Mr. Tinsley is not asking for any favoritism to publish his book and website, or for (“DOC”) (“STU”) officials to purchase his new book from the internet, or for special treatment. Rather, Plaintiff merely sought from publishing this book **“Civilly Committed”** was in support to his freedom campaign, to free Mr. Tinsley, from the New Jersey prison punishing him wrongfully. The readers will be shown how Mr. Tinsley is trying to make good progress in his treatment and how the state’s psychiatrists and therapists at the (“STU”) (“DOC”), needlessly keeps him away from treatment necessary to advance towards release, when in fact, they suppose to give him the credit towards this progress, as well as to let the civil commitment court aware about his progress.

This book was authored by Mr. Tinsley and some of his supporters to educate the Public about the good progress Mr. Tinsley is making in his treatment’s groups and how much he learned from his mistakes as well as how serious he is about not reoffending and would like to process this information as just one of his discharge plans, to educate the Public, about how he is doing all he can do to make steps in the right direction and he would appreciate the thoughts of the Public about this book, with their feedback.

We believe the Public will like to know about Mr. Tinsley’s progress he been making, to help him out of his difficult situation, with their protest for his discharge from civil commitment, as well as can be used to further provide their concern, or support for their argument not only for his discharge, but to get the civil commitment judges, state

and federal representatives; or state senators and governors alike, to advocate for the improvements needed to make changes in the civil commitment's laws.

#### **4. The Public Interest Favors Granting Injunctive Relief**

Finally, there can be no greater public interest than that of insuring that individuals receive all of the rights which they are guaranteed under the United States Constitution. Especially, in Mr. Tinsley's case to exercise his First Amendment Liberties Right, under Title VII of the Civil Rights Act. In addition, as Restraining Order may also be enforced in accordance with the Full Faith and Credit Clause of the United States Constitution, to stop the Defendants' discrimination, harassment and retaliation actions against Mr. Tinsley, for trying to exercise his Constitutional of Free Expression. The narrowly tailored injunctive relief set forth in the attached proposed Order is in the public interest.

#### **C. Mr. Tinsley's Security Bond Should be Waived**

While Federal Rule of Civil Procedure 65(c) normally requires that all applicants seeking a Temporary Restraining Order ("TRO") or Preliminary Injunction post a security bond, "for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained," the Third Circuit has noted that the Court may exercise its discretion and waive the bond requirement under the appropriate circumstances. See Fed. R. Civ. P. 65(c). Specifically, the Courts of this Circuit, in non-commercial cases, should balance the hardship between "possible loss to the enjoined party [if it is wrongly enjoined] together with the hardship that a bond requirement would impose on the applicant." **Elliott v. Kiesewetter**, 98 F.3d 47, 59-60 (3d Cir. 1996) (internal citations omitted). Where the Court finds that the balance weighs greatly in favor of the party seeking the injunction, the bond requirement may be waived. *Id.*

Here, even a nominal bond would pose an extreme hardship for Mr. Tinsley. See Mr. Tinsley's Application to Proceed in Formal Pauperis. Conversely, Defendants will suffer absolutely no damages at all if the requested injunctive relief is granted. . As set forth above, Mr. Tinsley is not asking for any favoritism to publish his book and website, or for ("DOC") ("STU") officials to purchase his new book from the internet, or for special treatment. Rather, Plaintiff merely sought from publishing this book "**Civilly Committed**" was in support to his freedom campaign, to free Mr. Tinsley, from the New



Jersey prison punishing him wrongfully. As such, Mr. Tinsley should not be required to post a bond.

**IV. CONCLUSION**

**WHEREFORE**, for all of the reasons set forth above, Plaintiff, Russell Tinsley, respectfully requests that this Court grant the relief set forth in the attached Order.

Respectfully submitted,

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Dated: October 24, 2015

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**LASHONDA BURLEY, Psy.D, AND CHRISTOPHER BEAUMOUNT, Ph.D.**

Defendants.

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**DECLARATION OF RUSSELL TINSLEY**

I, Russell Tinsley, being duly sworn according to law do hereby depose and say the following:

1. I am currently a resident at Special Treatment Unit and the New Jersey Department of Corrections' Facility ("STU") ("DOC") in Avenel, awaiting appeal on a commitment initial hearing in a case docketed at SVP-573-10 App. Div. No: A-2521-13-T2 (the "Civil Commitment Action"), which was on trial December 18, 2013. Although, I am not a threat and I do not present dangerousness to citizens of New Jersey, where I do not have a sex offense in this state. I give this Declaration in support of my Motion for a Temporary Restraining Order, which is being filed at the same time as this Declaration. I am giving a Declaration, as opposed to an Affidavit, because of the current unavailability of a notary at ("STU") ("DOC"). I am willing to swear to the statements contained in this Declaration, and I give this Declaration under penalty of perjury.

2. Since March 2010, I have been confined waiting to resolve issues concerning the civil commitment Action against me at the (“STU”) (“DOC”). The state of New Jersey failed to prove by clear and convincing evidence that I would be highly likely to sexually reoffend if released. I vehemently denies suffering from a mental abnormality or personality disorder, other words I was not mentally ill, to be confined at the STU.

3. Merrill Main is and has been, at all relevant times, responsible for overseeing the “custody, care and treatment of over 700 sexually violent predators’ residents at the (“STU”) facility that are part of the Department of Mental Health and Services (“DHS”) and (“DOC”) including the facility of Main South Unit, most restricted area for those residents who are being punish, in which Mr. Tinsley has been confined.

4. My appeal raises issues concerning the State not having jurisdiction to civilly commit me, from a Pennsylvania case, without proof of present dangerousness to citizens of New Jersey, when there is an outstanding judgment of the Pennsylvania court that requires me to serve a period of probation and participate in out-patient supervision; the New Jersey civil commitment court erred in not assigning new counsel where I had filed a law suit against the Office of the Public Defender and therefore there was a conflict of interest with counsel from that Office representing me at the commitment hearing; I was denied a right to a commitment hearing within 20 days of the filing of the temporary commitment order in violation of NJSA 30: 4-27.29 (a) and my right to due process; and the State failed to prove by clear and convincing evidence that I would be highly likely to sexually reoffend if released.

5. Beginning from the time that I was temporary committed at (“STU”) (“DOC”) in March 2010, I made it known to any and all prison officials, psychiatrists and therapists with whom I had contact, that I was repeatedly demanding my release, showing them from my progress in treatment, that I was not a threat; or a danger to any one, that I do not suffer from a mental abnormality or personality disorder, other words, that I was not mentally ill.



6. It is imperative that I have this book civilly committed published and in support to campaign for my freedom, from the New Jersey prison punishing me wrongfully. The readers of the book will be shown how I was trying to make good progress in my treatment and how the States' psychiatrists and therapists at the ("STU") ("DOC"), needlessly keeps me away from treatment necessary to advance towards release, when in fact, they suppose to give me the credit for my progress, as well as to let the civil commitment court judges aware about my good progress in treatment.

7. Despite their knowing that I am making good progress, these psychiatrists and therapists, just report the opposite to keep me confined on the Main South Restricted Unit, where I can not participate in advance treatment groups/modules to move to the next treatment phases.

8. Among other things, my book was to educate the public and to show them, by evidence that I am trying to make progress in treatment, and for Mr. Van Pelt and my treatment team at the ("STU") ("DOC"), decision to place me on treatment probation, among other things mention in my complaint, was over this publisher book that my fans and supporters helped put together for me, that is now available to the public. Just further shows that I am being punish, and they do not want me to make good progress in treatment to get discharge from the ("STU") ("DOC")

9. Despite the Policies and Procedures for Treatment, it's been five years and it shouldn't' take this long, unless the reason that it taking this long for me, to be released, is because of the discrimination, harassment and retaliation against me by the Defendants.

10. Unless I am immediately given my rights to meaningful right to freedom from unreasonable restraint prevent regression and ability to exercise my liberty interests, and to participate meaningfully in groups/modules absolutely hinges on my ability to the supposed treatment **needed to get fully discharged from the ("STU") program.** Without the ability to prepare my treatment criteria for release, Mr. I am facing the imminent probability of being civilly committed for life. Such a commitment as a result



of being foreclosed from participating meaningfully in groups/modules at (“STU”) (“DOC”), needed to get immediate release from civil commitment would constitute an example of my being irreparable injury.

I declare under penalty of perjury that the foregoing is true and correct.

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Russell Tinsley