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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
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REFERENCE LR 5.4
(Rule Number/Section)

Daniel David Rigmaiden aka Steven Brawner
Agency #10966111
CCA-CADC
PO Box 6300
Florence, AZ 85232

In pro se:

United States District Court
District of Arizona

United States of America, Plaintiff V. Daniel David Rigmaiden, aka Steven Brawner Defendant.	No. CR 08-814-PHX-DGC Motion requesting court order a remedy for lost legal research due to suspected mail theft and motion requesting court order an investigation into the suspected mail theft and motion to proceed in forma pauperus in regards to filing fees for this document.

Comes now the defendant, Daniel David Rigmaiden, appearing pro se in this motion only, to humbly request that your Honor order one of the following remedies for lost legal research due to suspected mail theft:

1. Order the defendant removed from CCA-CADC immediately and transfered to a BOP ran facility where there is sufficient legal resources satisfying legal requirements.

2. Order the defendant transfered back to the Santa Clara County jail for a period of 60 days so that the defendant may have

access to the same law library and legal help used to produce the legal research and defense strategies that are now lost.

The defendant humbly requests that your Honor order an investigation into the suspected mail theft at Corrections Corporation of America, Central Arizon Detention Center.

Attached is an affidavit of points and authorities to establish this motions factual background and to support its caption clause.

Your Honor should also be made aware that I have been denied my right to law library access at CCA-CADC, under the Bounds decision. Furthermore, my court appointed attorney, Thomas Crowe, has decided not to represent or assist me in filing this motion, pursuant to the Criminal Justice Act (18 USC 3006A, et seq.). Considering the Bounds violation and lack of representation, the defendant humbly requests that your Honor look past and ignore any procedural or format errors I have made in filing this motion and accept it as is.

The attached affidavit is not notarized because having jail staff notarize a document containing mistreatment allegations

against the jail would put me in danger. The defendant is willing to read the affidavit out loud for your Honor and swear to its accuracy and truth, under penalty of perjury, in court.

The defendant is currently a federal pretrial inmate at the CCA-CADC jail and has no income. The defendant humbly requests that your Honor wave all filing fees for this document.

Dated this 3rd day of November, 2008

Daniel David Rigmaiden, in pro se

By Daniel Rigmaiden

Daniel Rigmaiden aka Steven Brawner
Agency # 10966111
CCA-CADC
PO Box 6300
Florence AZ 85232

A true copy of the foregoing mailed this 3rd day of November, 2008 to:

Court clerk US District Court
District of Arizona
401 W. Washington St. SPC-1
Phoenix AZ 85003

Daniel Rigmaiden, CR08-814-PHX-DGC, Motion #9 - 11-5-2008, Affidavit (Pages are front and back)

I, Daniel David Rigmaiden, am currently being held at the "Corrections Corporation of America" (CCA) Central Arizona Detention Center as a federal pretrial inmate. My angency # is 10966111 and I am booked under the name "Steven Brawner". I am currently housed at Q104L in the 900 section of CCA. I have reason to believe that staff at the CCA jail has tampered with and then stolen from my privileged legal mail.

On 10-10-2008 an attorney, Thomas Crowe, sent me a large envelope marked privileged legal mail. This letter contained, among other things, a copy of a letter I sent Thomas Crowe, a letter he wrote to me in response, copies of three affidavits I prepared (mailed to him previously) and various legal research documents amounting to roughly 200 pages. On 10-15-2008 a member of jail staff, named Mrs. Clawson, brought the letter to me at my housing unit. The envelope appeared to be sealed and she opened it in front of me. The envelope only contained a total of 9 pages. There was the response letter from Thomas Crowe, a copy of my letter I mailed Thomas Crowe previously and copies of the three affidavits with the last page (front and back) of the third affidavit missing. This third affidavit was titled #3 (CCA staff abuse & human rights violations) and the missing third page listed some of the abusive CCA staff members by name. I suspect that this third page was removed by CCA staff so that the named parties could be tipped off about their being reported. The remainder of the roughly 200 pages mailed to me were missing from the sealed envelope as well. The bulk of the roughly 200 pages mailed to me were case file print outs that I used to work out defense strategies pertaining to my case. This legal research material and defense strategies were developed over a period of roughly 100 work hours over the course of roughly 30 days while inearcerated at the Santa Clara County jail in San Jose, CA..

There are no copies of the legal research material or defense strategies that were all outlined in the roughly 200 pages that, I suspect, were stolen from my legal mail. This information was crucial to my defense and anyone reading it would realize this fact. I suspect that CCA staff removed this legal research from my envelope as an act of retaliation for me reporting the CCA jail for their abuse against me and other inmates.

It will be impossible for me to redo the research and obtain all the case file print outs while at the CCA jail. I have been refused access to the CCA law library since 10-2-2008. Furthermore, the CCA jail does not provide the means to obtain the full texts of case files and other inmates have informed me that the CCA legal resources in general are no where near sufficient to the point of satisfying legal requirements.

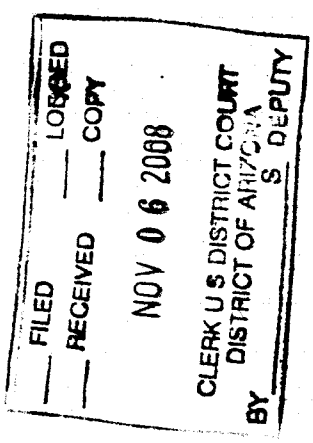
I request that the court order one of the following remedies:

1. Order me removed from CCA-CADC immediately and transfered to a BOP ran facility where there is sufficient legal resources satisfying legal requirements.

2. Order me transfered back to the Santa Clara County jail for a period of 60 days so that I may have access to the same law library and legal help used to produce the legal research and defense strategies that are now lost. This time will be used to rebuild the lost information.

I also request that the court order the Postal Inspectors to conduct an official investigation into the suspected mail tampering and theft.

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



Executed on 11-3-2008
Daniel Rigmaiden