

Kaseem Ali-X #260516  
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April 27, 2024

Joseph Orlando, Clerk  
Appellate Division  
P.O. Box 006  
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RECEIVED  
APPELLATE DIVISION  
MAY 14 2024  
SUPERIOR COURT  
OF NEW JERSEY

Re: Kaseem Ali-X v. New Jersey Department  
of Corrections  
Docket No. A-3546-22T1

Civil Action: On Appeal from a Final Decision  
of the New Jersey Department of Corrections  
Letter Brief and Appendix of Appellant  
Kaseem Ali-X

Dear Mr. Orlando:

Please accept this letter brief and  
appendix on behalf of Appellant Kaseem  
Ali-X challenging the final decision of  
Respondent New Jersey Department of  
Corrections (DOC).

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Guarantee Ins. Co.,

Civ. A. No. 1:16-094 2020 U.S. Dist.  
LEXIS 77743, 2020 WL 211026 at \*4  
(D.N.J. May 14, 2020)

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## PRELIMINARY STATEMENT

New Jersey Department of Corrections (DOC) personnel are being allowed to arbitrarily deny its inmates meritorious property claims without disciplinary or correction as the Attorney General's Office are constantly supporting DOC's reckless acts in the courts.

## PROCEDURAL HISTORY

This is a civil action appeal filed by Appellant (Ali-X), a pro se inmate of Respondent (DOC) for the arbitrary action of denying his meritorious property claim. Also, for the reckless disregard of Ali-X's constitutional right to due process Ali-X seeks punitive damages as treble damages from each personnel of DOC involved in their individual capacity. Ali-X also seeks cost.

On 7-27-19 Ali-X filed a Grievance informing DOC that after months of writing and not receiving a response from the vendor, Walkenhorst's, Ali-X attempted to return the food item, falsely advertised, but was denied by personnel Sean Patterson and Craig Sears of DOC (Aa1).

On 8-19-19 Ali-X filed Grievance against being deprived of his constitutional right to

' Aa = Appellant appendix

1.

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return the item and Ali-X informed DOC that he was never provided any information that he cannot return the items, Ali-X informed DOC that its action to deny him was arbitrary. In response, DOC's personnel Craig Sears and Amy Enrich falsely claimed to be following the rules and regulations. (Aa2).

This falsehood gave Ali-X cause to file a property claim on 9-10-19 (Aa3-7, 1 and 2).

In response, DOC's property claim committee personnel consisting of unknown Social Worker, Custody major, classification, business office and chairperson each reviewed the claim and denied on 11-16-22. (Aa10-11). Also DOC's administrator personnel unknown denied the claim after review on 11-17-22. (Aa17).

As a result of DOC's personnel reckless disregard to Ali-X's constitutional rights Ali-X serviced a Notice of Appeal dated 11-23-2022. (Aa12).

### STATEMENT OF FACTS

On 2-26-19 Ali-X purchased 20 Chata Refried Pinto Beans in a pouch from Walkenhorst's which advertised as Kosher (Aa5). When Ali-X received this item and read the ingredients

it had lard which makes it not Kosher.

Therefore, Ali-X immediately wrote to Walkenhorst's in March to inform the Vendor of the false advertisement and for permission to return the item for a full refund or credit but Walkenhorst failed to respond. Ali-X wrote again in April and did not receive a response.

Ali-X then sent Walkenhorst's a 5-17-19 letter certified with the Sales Order informing the Vendor of the false advertisement of the item received and requested permission to return the item for a refund or credit (Aa4; Aa5; Aa6).

On 7-27-19 Ali-X filed a Grievance informing DOC of the mailroom's refusal to send his items back to Walkenhorst's (Aa1). In response, DOC's personnel Sean Patterson and Craig Sears falsely stated we do not ship food as a rule and regulation (Aa1).

On 8-19-19 Ali-X filed a Grievance informing DOC of the violation of his federal and state constitutional rights. Also, of DOC's false claim to be following a policy which

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does not exist in any information provided to Ali-X from DOC. (Aa2). In response, DOC's personnel Craig Sears and Amy Emrich both falsely claimed to be following a policy, which does not exist. (Aa2). Therefore, DOC's decision to refuse Ali-X to send the item back is arbitrary (Aa2).

Ali-X received a response from Walkenhorst's dated 8-9-19 with permission to return the item for a refund. (Aa7). Yet, DOC's personnel have deprived Ali-X of the liberty to comply and caused the loss. (Aa1).

Therefore, Ali-X submitted a property claim on 9-20-19 (Aa3). Attached to Ali-X's property claim were documents in support (Aa1; Aa2; Aa4; Aa5; Aa6; Aa7).

Ali-X's claim was partially investigated by DOC's personnel Omar Mendoza (Aa8). Mendoza recklessly disregarded the two attached Grievances (Aa1; Aa2).

DOC's property claim committee, unknown personnel, listed at Social Services, Custody, classification, Business Office and chairperson each independently reviewed Ali-X's submitted with documents and denied the claim on

11-16-22 as no negligence (Aa9; Aa10).

Final review by administrator on Certification of Inmate Claim was also denied on 11-17-22 without reason (Aa11).

Having Just cause Ali-X serviced a Notice of Appeal with papers dated 11-23-22. (Aa12). See attached Certification (Aa16, Aa17).

### ARGUMENT

I. DOC in abuse of authority recklessly deprived Ali-X of his due process rights (Raised below: Aa2; Aa3 Aa1)

The Due Process Clause of the Fourteenth Amendment of the Federal Constitution guarantees that no "State [shall] deprive any person of life, liberty, or property, without due process of law." United States Constitution amendment XIV, Section 1, Article 1, Paragraph 1 of the State Constitution embraces the same guarantee. State v. Njongo, 247 N.J. 533, 548 (2021); see also Jamgochian v. State Parole Bd., 196 N.J. 222, 239 (2008).

The court has "construed the expansive language of Art. 1, Par. 1 [of the New Jersey Constitution] to embrace the fundamental guarantee of due process." Jamgochian v. State Parole Bd., 196 N.J. 222, 239 (2008). AN

"integral part" of that guarantee of due process is the doctrine of fundamental fairness, which "serves to protect citizens generally against unjust and arbitrary governmental action, and specifically against governmental procedures that tend to operate arbitrarily." Doe v. Poritz, 142 N.J. 1, 108 (1995) (emphasis omitted) (pp. 18-20)

As a state agency DOC cannot violate due process, supra without a legitimate penological interest.

In this case, DOC has arbitrarily deprived Ali-X of the liberty to return the falsely advertised food item received from Walkenhorst (Aa1). As a result of DOC's error Ali-X was deprived of his property via refund (Aa7).

DOC's action is in contravention of Due Process State v. Njanga, supra and Jamgochian, supra because Ali-X was wrongfully restricted of his liberty to return the item (Aa1) when there was no rule or regulation established for DOC to unfairly or unreasonably do so. (Aa2). As a result, Ali-X was deprived of his property refund which Walkenhorst authorized (Aa7) and (Aa9-10).

Rule 2:10-2[7.2] Comment states, The fundamental principle governing review of agency

adjudicative actions is that the agency decision will be sustained unless it is arbitrary, capricious, or unreasonable, unsupported by substantial credible evidence in the record as a whole, offensive to the federal or state constitution.... Pressler & Verniero N.J. Court Rules (2015).

DOC's arbitrary action in this matter offends the federal and state constitution State v. Njango, supra and Jomgochian, supra and should be reversed pursuant to Henry v. Rahway, 81 N.J. 571, 579<sup>80</sup> (1980).

II. State Officials Acting Under Color of State Law, in Abuse of Authority Recklessly Disregarded Ali-X's Due Process Rights with the Evil Intent to Cause Harm

The United States Constitution provides that no State shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV, sect. 1. Article 1, paragraph 1 of the New Jersey Constitution does not enumerate the right to due process but protects against injustice and, to that extent, protects "values like those encompassed by the principle[] of due process." Doe v. Poritz, 142 N.J. 1, 99 (1995). In examining a procedural due process

claim, the court first assess whether a liberty or property interest has been interfered with by the State, and second, whether the procedures attendant upon that deprivation are constitutionally sufficient. Doe, supra, at 99.

"...[A] cause of action based upon personal liability and predicated upon fault; thus, liability does not attach unless the individual defendant caused or participated in a constitutional deprivation." Sheik-Abdul v. McClellan, 37 F.3d 1240, 1248 (7th Cir. 1994); 42 U.S.C. sect. 1983; N.J.S.A. sect. 10:6-1, et seq.

In this case, in their individual capacities while acting under color of State law, employees of DOC deprived Ali-X of the ability to return the falsely advertised food purchased from the Vendor with reckless disregard to Ali-X's liberty to fairly receive a refund in violation of the Fourteenth Amendment to the United States Constitution; N.J.S.A. Const. Art. VII, sect. I, par. 1.

The actions of DOC's employees Sean Patterson, Craig Sears and Amy Enrich were in abuse of authority as they have OUTRIGHT LIED by stating they are following a rule to deprive Ali-X of his liberty to return the items to the Vendor for a Refund with the evil intent to cause

Ali-X injury by loss of funds. (Aa1, Aa2).

An additional six employees of DOC in their individual capacity while acting under color of State law signed their initials to wrongfully deny Ali-X's meritorious claim in acquiesce by falsely stating no negligence to cause Ali-X unfair loss of funds. (Aa10). With partiality they intentionally failed to fairly consider Ali-X's evidence (Aa1, Aa2, Aa4, Aa5, Aa6, Aa7) submitted with claim (Aa3). They each knew the Vendor required Ali-X to return the items for a refund (Aa7) to which Ali-X was wrongfully denied (Aa1, Aa2).

They intentionally deprived Ali-X of an opportunity to be heard in a meaningful manner in violation of Due Process according to Doe v. Poritz, supra and Kahn v. U.S., 753 F.2d 1208, 1218 (3d Cir. 1985) which states, "Fundamentally, due process requires an opportunity to be heard at a meaningful time and in a meaningful manner."

III PUNITIVE DAMAGES AS TREBLE SHOULD BE AWARDED FOR DOC'S EMPLOYEES WILLFUL AND WANTON MISCONDUCT (Not raised below)

[P]unitive damages may be awarded to the

plaintiff only if the plaintiff proved, by clear and convincing evidence, that the harm suffered was the result of the defendant's acts or omissions, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions. This burden of proof may not be satisfied by proof of any degree of negligence including gross negligence. N.J.S.A. sect. 2A:15-5.12 (a). "Actual malice" means an

intentional wrongdoing in the sense of an evil minded act." sect. 2A:15-5.10. "Wanton and willful disregard" means a deliberate act or omission with knowledge of a high degree of probability of harm to another and reckless indifference to the consequences of such act or omission." Trusted Transportation Sols., LLC v. Guarantee Ins. Co., Civ. A. No. 1:16-094 2020 U.S. Dist. LEXIS 77743,

2020 WL 2111026 at \*4 (D.N.J. May 14, 2020).

In this matter, the stated employees acting under color of State law intentionally breach their Oath of Office by failing to perform their duties faithfully, impartially and justly to the best of their ability in contravention of N.J.S.A. Const.

Art. VII, sect. I, par. 1

First, they have unfairly outright lied to deprive Ali-X of his liberty to return the erroneous items (Aa1, Aa2) with the evil intention to cause Ali-X injury by loss of funds in direct violation of N.J.A.C. 10A:4-3.1(a)1; U.S. Const. amend. XIV, sect. 1; Art. 1, par. 1 of N.J.S.A. Const.; Jamgochian v. State, supra; Doe v. Poritz, supra.

Secondly, the addition six employees acting under color of State law initials under NJSP Property Claims Committee (Aa10) not only acquiesce the above wrongful acts of Sean Patterson/Craig Sears and Amy Emrich but intentionally deprived Ali-X of a meaningful manner hearing during their review to ensure Ali-X injury of loss of funds in contravention of Kahn v. U.S., supra; Doe v. Poritz, supra.

A. Unfaithfully, they have knowingly outright lied by stating no negligence (Aa10).

B. Impartially, in abuse of power, they breached their Oath of Office knowing that Ali-X was required to return the items to the Vendor for a refund (Aa7). Ali-X was wrongfully deprived of his liberty under the Federal and State Constitution to do so because he is

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an inmate (Aa1, Aa2, Aa3).

C. Unjustly they knowingly deprived Ali-X of fairness to return the erroneous items with the evil intent to cause Ali-X loss of funds (Aa10).

### CONCLUSION

For the foregoing reasons, Ali-X's wrongfully denied meritorious claim should be granted as it is clear Ali-X's loss was caused by the failure to allow him to return the items as required (Aa7).

Punitive damages should be awarded in addition to actual damages for the actions of recklessness, malice, or deception in this case to penalize the state actors for their breach of Oath of Office and to set an example for others to deter state actors from abusing their authority in processing inmates property claims.

Dated: 4-27-24

Signed: Kaseem Ali-X  
Kaseem Ali-X



PHILIP D. MURPHY  
*Governor*

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*Lt. Governor*

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July 3, 2024

**Via eCourts and Regular Mail**

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Re: Kaseem Ali-X v. New Jersey Department of Corrections  
Docket No. A-003546-22T1

Civil Action: On Appeal from a Final Decision of the New Jersey  
Department of Corrections

Letter Brief and Appendix on Behalf of Respondent New Jersey  
Department of Corrections Addressing the Merits of the Appeal

Dear Mr. Orlando,

Please accept this letter brief and supplemental appendix on the merits of  
the appeal on behalf of respondent the New Jersey Department of Corrections  
(DOC).



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### **PROCEDURAL HISTORY AND STATEMENT OF FACTS**<sup>1</sup>

This is an appeal from the DOC’s November 17, 2022 final agency decision denying Appellant Kaseem Ali-X’s property claim concerning a food item he had ordered from an outside vendor. (Pa11; Ra3-Ra4).<sup>2</sup>

As background, Ali-X, while incarcerated at New Jersey State Prison, ordered refried beans, among other items, from an outside vendor through the prison’s “Incentive Food Package” program, in which incarcerated persons were able to order food items from outside vendors subject to certain restrictions. (Ra1-Ra2). The Inmate Handbook, which details the program, made clear that the prison “is not responsible for damaged or lost Food Packages,” and that

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<sup>1</sup> Because the procedural and factual histories are closely related, they are presented together for the convenience of the Court.

<sup>2</sup> “Pa” refers to Appellant’s appendix. “Ra” refers to Respondent’s supplemental appendix. “Pb” refers to Appellant’s brief.

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ordering these outside packages from approved vendors should be “considered an ‘order at your own risk’ venture.” (Ra2).

Upon receipt of his food package, Ali-X discovered the refried beans he ordered contained lard, which was not what he expected. (Pa4). Ali-X contacted the outside vendor, who conceded their error, and Ali-X arranged to return the undesired beans for a \$34 refund. (Pa4-Pa7). However, the prison denied Ali-X’s attempt to send a return shipment because shipping food items outside the prison was prohibited. (Pa1-Pa4; Ra1-Ra2).

On July 27, 2019, Ali-X filed an internal grievance with New Jersey State Prison Administration regarding his inability to send back the refried beans to the outside vendor. (Pa1). On July 31, 2019, the DOC responded by indicating New Jersey State Prison does not ship food. Ibid. On August 1, 2019, Ali-X appealed, arguing that the response was unfair and disrespectful. Ibid. On August 1, 2019, the DOC responded to Ali-X’s appeal by indicating the initial response was correct and that Ali-X’s appeal was inappropriate because he simply disagreed with the prison’s prohibition against shipping food. Ibid.

On August 19, 2019, Ali-X filed another grievance on this issue, directly addressing the prison Administrator and indicating that a DOC staff member advised him not to appeal. (Pa2). In response, on August 20, 2019, the DOC

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advised Ali-X that his previous appeal had no legitimate basis because the grievance concerned a prison rule, which the DOC complied with and which Ali-X simply disagreed. Ibid. On August 20, 2019, Ali-X appealed this response and contended he was never given notice of the prison rule prohibiting the shipment of food. Ibid. DOC responded by indicating Ali-X needed to follow the rules and regulations of the prison, which were stated in his Inmate Handbook. Ibid.

On or about October 23, 2022, Ali-X submitted a formal property claim form to the DOC regarding his inability to return his defective food product to the vendor for a refund. (Pa3). After an investigation, it was determined Ali-X had ordered refried beans, advertised as Kosher, but that Ali-X received beans with lard and had arranged for a refund from the vendor. (Pa8). The investigation also noted Ali-X's original property claim form was not received until October 24, 2022, despite the outside vendor agreeing to refund Ali-X in August 2019. Ibid.

After its review, around November 17, 2022, the Claims Investigation Committee denied Ali-X's claim, issuing the DOC's final agency decision and finding that, under N.J.A.C. 10A:2-6.2, the "[i]nvestigation revealed no negligence/fault by the correctional facility. Care was exercised by the facility

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staff to prevent property loss, damage, and destruction.” (Pa9-Pa10; Ra3-Ra4).

This appeal followed. (Pa11-Pa12).

## ARGUMENT

### DOC'S DECISION TO DENY ALI-X'S PROPERTY CLAIM WAS BASED ON SUBSTANTIAL CREDIBLE EVIDENCE.

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On appeal, Ali-X argues DOC's denial of his property claim violated his due process rights because "there was no rule or regulation established for DOC" to deny the return of the food items. (Pb6). Moreover, Ali-X argues his procedural due process rights were violated because he was deprived "of an opportunity to be heard in a meaningful manner." (Pb9). Lastly, Ali-X argues he should be awarded punitive damages because he was "knowingly outright lied" to and that his property claim was denied with "evil intention." (Pb11).

The court's role in reviewing an agency decision is limited. In re Stallworth, 208 N.J. 182, 194 (2011). A "strong presumption of reasonableness attaches to [an agency decision]." In re Carroll, 339 N.J. Super. 429, 437 (App. Div. 2001) (quoting In re Vey, 272 N.J. Super. 199, 205 (App. Div. 1993)). "In order to reverse an agency's judgment, an appellate court must find the agency's decision to be 'arbitrary, capricious, or unreasonable, or [] not supported by substantial credible evidence in the record as a whole.'" Stallworth, 208 N.J. at 194 (alteration in original) (quoting Henry v. Rahway State Prison, 81 N.J. 571, 579-80 (1980)). To determine whether an agency decision is arbitrary,

capricious, or unreasonable, the Court looks to:

(1) whether the agency's action violates express or implied legislative policies, that is, did the agency follow the law; (2) whether the record contains substantial evidence to support the findings on which the agency based its action; and (3) whether in applying the legislative policies to the facts, the agency clearly erred in reaching a conclusion that could not reasonably have been made on a showing of the relevant factors.

[Stallworth, 208 N.J. at 194 (quoting In re Carter, 191 N.J. 474, 482-83 (2007) (additional citations omitted)).]

Moreover, a court generally does not “not substitute its own judgment for the agency’s, even though the court might have reached a different result.” Stallworth, 208 N.J. at 194 (quoting Carter, 191 N.J. at 483). “This is particularly true when the issue under review is directed to the agency’s special ‘expertise and superior knowledge of a particular field.’” Id. at 195 (quoting In re Herrmann, 192 N.J. 19, 28 (2007)). Furthermore, “[i]t is settled that ‘[a]n administrative agency’s interpretation of statutes and regulations within its implementing and enforcing responsibility is ordinarily entitled to [this court’s] deference.’” E.S. v. Div. of Med. Assistance & Health Servs., 412 N.J. Super. 340, 355 (App. Div. 2010) (second alteration in original) (quoting Wnuck v. N.J. Div. of Motor Vehicles, 337 N.J. Super. 52, 56 (App. Div. 2001) (additional citations omitted)).

Here, the DOC’s denial of Ali-X’s property claim, in which Ali-X sought

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reimbursement for the inability to return refried beans to an outside vendor, was not arbitrary, capricious, or unreasonable because the DOC's denial was consistent with its statutory authority to administer prison policy. For example, under N.J.A.C. 10A:31-21.7(a), the DOC has the power to "specify the types of personal property inmates can retain in their possession during incarceration." In addition, N.J.S.A. 30:1B-6(g) gives the DOC has "broad discretionary power to '[d]etermine all matters of policy and regulate the administration of [its] institutions . . . .'" See Russo v. N.J. Dep't of Corr., 324 N.J. Super. 576, 583 (App. Div. 1999) (stating "[t]he Legislature has vested in the Commissioner" this "broad discretionary power" under N.J.S.A. 30:1B-6(g)). Further, under N.J.A.C. 10A:18-5.2(a):

Each correctional facility Administrator or designee shall promulgate:

1. Internal management procedures written in accordance with this section that include a written list of items which may be received in a package; and
2. A limit on the number and weight of packages which may be received by an inmate each month.

The DOC's denial of Ali-X's property claim was not arbitrary, capricious, or unreasonable because DOC, consistent with the above statutory authority, has the power to regulate food packages and the DOC clearly communicated the

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applicable rules. The Inmate Handbook, which Ali-X used to order outside food, detailed the “Incentive Food Package” program and clearly stated the prison “is not responsible for damaged or lost food packages” and food is ordered “at your own risk.” (Ra2). Here, although the defect in the refried beans was based on a mistake by the outside vendor, (Pa7), the DOC was justified in relying on its policy that the purchase of outside food was “at your own risk.” And because there was no negligence or fault by the prison in the handling of the food package, the denial of Ali-X’s property claim was appropriate.

Ali-X’s due process claim likewise fails. The Due Process Clause of the Fourteenth Amendment prohibits states from depriving “any person of life, liberty, or property, without due process of law.” U.S. Const. amend XIV, § 1. This prohibition contains both a procedural and substantive component. Rivkin v. Dover Twp. Rent Leveling Bd., 143 N.J. 352, 364 (1996) (citing Daniels v. Williams, 474 U.S. 327, 337 (1986) (Stevens, J., concurring) (additional citations omitted)). Substantive due process looks for “state intrusions into realms of personal privacy and bodily security through means so brutal, demeaning and harmful as literally to shock the conscience of a court.” Rivkin, 143 N.J. at 365 (quotations omitted). On the other hand, under a procedural due process theory, “the first step is to determine whether the nature of the interest

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is one within the contemplation of the ‘liberty or property’ language of the Fourteenth Amendment.” Shoats v. Horn, 213 F.3d 140, 143 (3d Cir. 2000). To have a property interest, requiring procedural due process protection, there must be a “legitimate claim of entitlement,” which generally arises from a state-created statutory entitlement. Bd. of Regents v. Roth, 408 U.S. 564, 575, 577 (1972).

Here, Ali-X’s due process rights were not violated because the DOC’s denial of a property claim based on the refusal to allow Ali-X to ship back refried beans for a \$34 refund is not “brutal, demeaning and harmful as literally to shock the conscience of a court.” Rivkin, 143 N.J. at 365; see (Pa3) (detailing the cost of the beans). Moreover, Ali-X’s procedural due process rights were not violated because Ali-X has no protected liberty interest in obtaining a refund for refried beans that did not meet his dietary restrictions. The refried beans were directly ordered from an outside vendor, (Pa5), and the Inmate Handbook clearly put Ali-X on notice that the ordering of food items was “at your own risk.” (Ra2). In short, Ali-X had no legitimate claim of entitlement to a refund of the refried beans.

Further, Ali-X clearly received due process as to his claims. N.J.A.C. 10A:2-6.1 requires the DOC, in receipt of an incarcerated person’s property

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claim form,<sup>3</sup> to investigate the claim and issue a decision as to whether the claim is approved or denied with substantiating reasons. The DOC acted consistently with N.J.A.C. 10A:2-6.1: it received Ali-X's property claim form, and despite it being three years after the issue with his food order, DOC investigated the claim and denied it because it found no negligence on behalf of the prison. (Pa8-Pa10; Ra2-4).

Lastly, the Court should deny Ali-X's request for punitive damages because the DOC was acting upon its statutory authority when it denied the property claim. Punitive damages are awarded as punishment or deterrence for particularly egregious conduct. Nappe v. Anschelewitz, Barr, Ansell & Bonello, 97 N.J. 37, 48 (1984). To warrant a punitive award, there must be an "evil-minded act" or an act accompanied by a wanton and willful disregard of rights. Id. at 49.

Here, despite Ali-X's bald assertions, there is no indication that DOC's denial of Ali-X's property claim was evil-minded or a wanton disregard of Ali-

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<sup>3</sup> As background, when asserting personal property has been lost, damaged, or destroyed, an incarcerated person must complete an "Inmate Claim." N.J.A.C. 10A:2-6.1(a). In addition, the incarcerated person must complete the form "within [fifteen] . . . days of the incident or discovery of the incident." N.J.A.C. 10A:2-6.3(a). Significantly, Ali-X's claim form was received by the DOC more than three years after his issue with the food he had ordered. (Pa3; Pa8).

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X's rights, particularly in light of DOC's unambiguous policy in the Inmate Handbook that states all food purchases from outside vendors are at an incarcerated person's own risk. (Pa1; Ra2). The facts on this record demonstrate that DOC properly investigated and considered Ali-X's property claim and found the issue with the refried beans was not due to their actions but was instead a mistake by the vendor. (Pa8-Pa9; Ra3-Ra4). Thus, there is no basis for a claim for punitive damages.

### **CONCLUSION**

For these reasons, this Court should affirm the DOC's November 17, 2022 decision.

Respectfully submitted,

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