

RECEIVED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 24 2025

JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 24-CV-03283-RMR-MDB
(To be supplied by the court)

Peter George Noe, Plaintiff

v.

Jury Trial requested:
(please check one)

☒ Yes ☐ No

Federal Bureau of prisons,

warden cioli,

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

PRISONER COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Peter George Noe 10849-041 Box 8500 Florence, CO, 81226
(Name, prisoner identification number, and complete mailing address)

N/A
(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☒ Convicted and sentenced federal prisoner
☐ Other: (Please explain) _____

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: Federal Bureau of Prisons Box 8500
(Name, job title, and complete mailing address)

Florence, CO, 81226

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

The Fed Bureau of prison responsible for
its policy

Defendant 1 is being sued in his/her ☐ individual and/or ☒ official capacity.

Defendant 2: Cioli (Warden) P.O. Box 8500 Florence
(Name, job title, and complete mailing address)
COLO 81226

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ___ No (check one). Briefly explain:

Warden Cioli is responsible for his policy
and supervising his staff.

Defendant 2 is being sued in his/her ___ individual and/or ☒ official capacity.

Defendant 3: _____
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ___ Yes ___ No (check one). Briefly explain:

Defendant 3 is being sued in his/her ___ individual and/or ___ official capacity.

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

___ 42 U.S.C. § 1983 (state, county, and municipal defendants)

___ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)
(federal defendants)

☒ Other: (please identify) 1331 Constitutional violation, The
Administrative procedures act USC 702,
Declaratory relief under 28 USC 2201, 2202

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: First amendment, 4th amendment violations

Supporting facts:

① on Aug, 3, 2020 The (defendant) Ciolli (warden) issued a memo concerning mail rules citing (Defendant) Federal Bureau of prisons policy CFR 540-14

② This policy limits Noes first amendment and violates Noes right to freedom of association.

③ This policy states Noe cannot send any mail or receive any mail with Any third party information, talking about gambling, sending or receiving mail not directly from approved contacts or that is not directly from contacts. (No mail forwarding services) or talks about social media, direct social media.

④ The justification for these policies is said to be an interest in knowing whom all mail is send to or received from.

(D) Statement of Claim(s)
Claim one (cont)

⑤ There is no reasonably related legitimate penological interest in knowing whom Noe is communicating with. The only thing that could even possibly effect the safety or security of the prison is the content of the conversation. All mail at the facility must, by policy, be read by S-I-S before Noe receives it or it is mailed out.

⑥ This policy is arbitrary & capricious. Anyone could write Any name on an envelope and Noe could write Any name on his envelopes so, there is a lack of a rational relationship between the policy and the interest put forward.

⑦ To the extent that CFR 540.14 gives the (defendant) Fed. Bureau of prisons authority to limit speech in Noes outgoing mail citing "safety of

(D) Statement of claim(s)
claim one (cont)

⑦ cont the prison" CFR 540.14 is clearly unconstitutional.

⑧ The policy limiting Noe from talking about his social media, Gambling, Third party messages, talking to anyone not pre-approved, Does not have a "compelling and substantial Government interest."

⑨ The policy itself admits the true reason for the new rules are for "counter terrorism purpose" and so they only want Noe to identify his contacts to then forward this information to the F.B.I so that Noe and his contacts can be investigated. This violates Noes 4th amendment protection for illegal search and surveillance.

⑩ The (defendant) ciolli (warden) acted unreasonably by implementing this capricious policy.

D Statement of claim(s)
claim one (cont)

- ⑪ Noe has been written incident reports, his mail is all being rejected due to this policy and hes been warned that if he exercises his right to freedom of association in violation of this unconstitutional policy he will be put on mail restriction and never talk to his family again. The incident report is also effecting Noes ability to earn First step act time credits. Noe is losing contact with his family as he will not identify his contacts in fear that the F.B.I, I.C.E, will use this information to harass his family.

(D) Statement of claim(s)

Claim TWO

claim, A pa violation USC 702, Fifth amendment
Due process,

(12) The (defendant) Federal Bureau of prisons has a policy at the A.D.X that any mail that comes to the prison that goes unopened but is in violation of policy will no longer generate a rejection notice form.

(13) Every time Noe calls home his family tells him his mail has come back with either a stamp from the prison that says "unauthorized" or from the post office that says "refused" on it.

(14) Noe contacted the post master General. the response from the post master General was that Noe should contact the A.C.L.U because its the prison refusing all of his mail Not the post office.

(D) Statement of claim(s)

Claim Two

(15) This policy violates the Administrative procedures act as Program Statement 5264.14 and CFR 540.13 correspondence, requires a notice of rejection Form be sent to both sender and receiver of any correspondence when mail is rejected. it also requires an option for both parties to appeal.

(16) Noe filed an administrative remedy and the officials responded that "mail that goes unopen does not require or generate a rejection Notice".

(17) Due to this policy all Noes mail is, has been, and will be, rejected without any notice in violation of his 5th amendment.

(18) this is causing Noe to lose touch with family and denying his right to communicate with his family.

(D) Statement of claim(s)

Claim Three

Claim, first amendment freedom of association, fifth amendment due process, A.P.A act violation, 4th amendment.

(19) Due to the mail policy at A.D.X the only route for Noe to exercise his first amendment right to freedom of association is via the telephone.

(20) The first step act requires Noe, whom is participating in First Step act programming, to receive 510 minutes per month of phone time.

(21) The (defendant) warden Cioli is refusing to allow Noe the 510 minutes per month and instead limits Noe to four call per month of 15 minutes. These extreme, arbitrary and capricious limits are not reasonably related to legitimate penological concerns and violate Noes freedom of association under the 1st amendment and his substantive due process.

(D) Statement of claim(s)
Claim Three. (Cont)

(22) The (defendant) Federal Bureau of prisons has also put in place policy limiting what numbers may be approved. This policy limits or completely bars Noe the ability to call the majority of his family. For example all phone numbers must be registered to the person inmates call. No family plans are allowed. Simply because Noes family members are too poor for each of them to have a phone plan he can no longer call them.

(23) Some of Noes family are children and cannot have a phone plan in their name because it requires an I.d. and bank account, some cannot afford a phone plan and use pre-paid phones.

(24) The justification for these limits and policy is said to be that the officials must now know whom

(D) Statement of Claim(s)
Claim Three (cont)

(24) cont Noe is talking to. Every call at A.D.X is live monitored, recorded and listened to by S.I.S Staff, by Policy. The content of the conversation is the only possible security concern. This policy is arbitrary, capricious and not reasonably related to legitimate penological interests.

(25) The (defendant) Warden ciolli told Noe that they know that anyone could answer the phone so there is an obvious and clear lack of a rational relationship between the policy and the stated goal of knowing whom inmates are talking to.

(26) These policies violate the Administrative procedures act as CFR 540.101(2) states "telephone numbers requested ordinarily will be approved".

(27)
The (defendant) ciolli warden, openly

(D) Statement of Claim(s)
Claim three (cont)

(27) cont admits in the policy that the true reason for these policies are to gather and forward this information to the F.B.I who is then using this information to illegally and without a warrant surveil Noe and his family or forward information to I.C.E in violation of the fourth amendment.

(28) Noe recently tried to get his cousin's phone number approved that's been approved for over 20 years and they denied it and won't even explain why. in violation of his right to fair warning 5th amend.

(29) The limits of four calls per month and the policies at A.D.X are causing untold hardship on Noe and his family. he is losing touch with family and cannot prepare for his release to home confinement under the First Step act.

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ☒ Yes ☐ No (check one).

If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."

Name(s) of defendant(s): Noe V Mateviousian

Docket number and court: 19-CV-02148 DDD/STV

Claims raised: mail claim

Disposition: (is the case still pending?
has it been dismissed?; was relief granted?) denied

Reasons for dismissal, if dismissed: jurisdiction

Result on appeal, if appealed: denied

F. ADMINISTRATIVE REMEDIES

WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.

Is there a formal grievance procedure at the institution in which you are confined?

☒ Yes ☐ No (check one)

Did you exhaust administrative remedies?

☒ Yes ☐ No (check one)

E previous suits(cont)

Peter Noe v U.S. Gov 21-CV-01589

8th amend

Denied

Failure to state claim

Denied

Noe v US Gov 21-CV-03340

and 23-CV-000695 (consolidated)

8th amend

Still pending

N/A

N/A

G. REQUEST FOR RELIEF

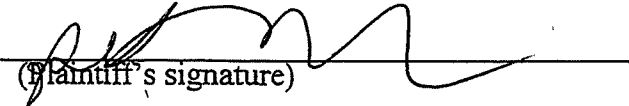
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

(A) Declare that the acts and omissions described herein as to all claims violates Noe's rights under the Constitution and Laws of the United States and the A.P.A. (B) Both injunction and declarator relief as to all claims requiring all policies be stopped. (C) order Noe's incident report for social media be expunged (D) order Noe to receive 50 minutes per month of phone time. (E) order cover costs, fees and reasonable attorneys fees paid to Noe (F) order or Grant all just and equitable relief this honorable court deems necessary. (G) rule that CFR 540.14 is unconstitutional.

H. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


(Plaintiff's signature)

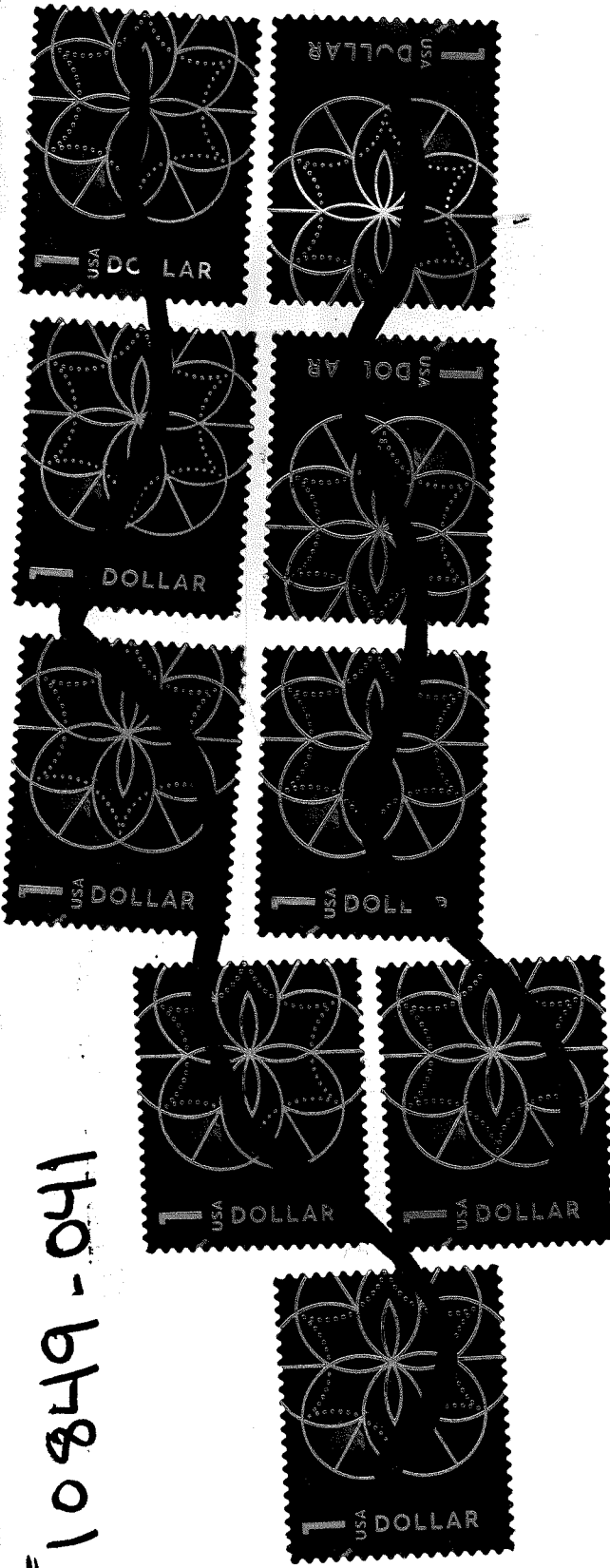
7/16/25
(Date)

NOTE: The enclosed are not to be used for special mailing
proceedings or business of the court. If the court has a question
or problem over which the writer has no decision, you may
wish to return the material to the writer for forwarding to another
address. If the writer enclosed documents for forwarding to another
address, please return the enclosed to the above address.

FEDERAL PRISON CAMP
P.O. BOX 30119
ALCOHOLIC COLORADO 81238
JUL 18 2025

Peter Noe #10849-041

Name: _____
Reg No: _____
U.S. Penitentiary MAX
P.O. Box 8500
Florence, CO. 81226-8500



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