

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
OHIO, WESTERN DIVISION

Ohio Justice and Policy Center v. Chambers-Smith, et al.

Ohio Justice and Policy Center v. Chambers-Smith, No. 1:25-cv-291 (S.D. Ohio Feb. 10, 2026) · No. 1:25-cv-291 · Decided February 10, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denies the Ohio Justice and Policy Center’s motion for a preliminary injunction challenging the Ohio Department of Rehabilitation and Correction’s Legal Mail Copying Policy. The court concludes that the organization has standing to assert its and its attorneys’ general right to communicate with incarcerated persons, but not a right to confidential communication or the constitutional rights of its incarcerated clients. Applying the Turner framework, the court determines that the plaintiff is unlikely to prevail on the claim it may properly advance.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Ohio, Western Division                                                                                                                                                                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Douglas R. Cole                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Southern District of Ohio, Western Division                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DECIDED               | February 10, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 1:25-cv-291                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff moved for a preliminary injunction barring Ohio Department of Rehabilitation and Corrections officials from implementing and enforcing the Legal Mail Copying Policy. The court denied the amended motion and denied the original motion as moot.                                                                                                                                                                                                                                           |
| STANDARD OF REVIEW    | A preliminary injunction requires consideration of likelihood of success on the merits, irreparable injury, harm to others, and the public interest; in First Amendment cases, likelihood of success is usually the crucial inquiry. Standing requires injury in fact, traceability, and redressability. Prison regulations affecting communications with inmates are evaluated under whether they are reasonably related to legitimate penological interests, applying the Turner v. Safley factors. |

|                           |                                                                                                                                |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>PRECEDENTIAL VALUE</b> | unpublished district-court opinion; nonprecedential                                                                            |
| <b>PARTIES</b>            | Ohio Justice and Policy Center v. Annette Chambers-Smith, Other<br>Ohio Department of Rehabilitation and Corrections officials |

## TOPICS

first amendment free speech prisoners rights section 1983 equitable relief

## PRACTICE AREAS

constitutional law civil rights prison law preliminary injunctions standing

## QUESTIONS PRESENTED

1. Whether the Ohio Justice and Policy Center had standing to challenge the policy based on its own and its attorneys' asserted rights to communicate with incarcerated persons.
2. Whether the Ohio Justice and Policy Center had a cognizable right, sufficient to support standing, to communicate confidentially with incarcerated persons through legal mail.
3. Whether the Ohio Justice and Policy Center could assert the constitutional rights of its incarcerated clients under the third-party-standing doctrine.
4. Whether Plaintiff demonstrated a likelihood of success on its First Amendment challenge to the policy sufficient to warrant a preliminary injunction.

## HOLDINGS

1. The Ohio Justice and Policy Center adequately alleged standing to challenge interference with its and its attorneys' general First Amendment right to communicate with incarcerated persons.
2. The Ohio Justice and Policy Center did not establish a cognizable right to communicate confidentially with incarcerated persons through legal mail for purposes of standing.
3. The Ohio Justice and Policy Center lacked third-party standing to assert its incarcerated clients' rights because it failed to show that the clients were hindered from asserting their own claims.
4. Plaintiff did not demonstrate a strong or substantial likelihood of success on its First Amendment challenge, and therefore was not entitled to a preliminary injunction.

## KEY QUOTATIONS

*“The OJPC has adequately alleged a general right as an outsider to communicate with those incarcerated. So, it has standing to pursue claims that the Policy interferes with that right. But to the extent it seeks instead to rely on an asserted right to communicate confidentially or to assist as an attorney more generally, that is not a right that OJPC has, and so it cannot support standing.”* (at #994)

*“Because the OJPC doesn’t have standing to invoke its clients’ rights on a third-party theory, the Court doesn’t have subject-matter jurisdiction to consider the OJPC’s claim insofar as it relies on constitutional*

*rights other than the constitutional right that it and its attorneys have to generally communicate with prisoners.” (at #994)*

*“At bottom, “prison administrators, and not the courts, are to make the difficult judgments concerning institutional operations.”” (at #511-13)*

## FACTUAL BACKGROUND

The Ohio Department of Rehabilitation and Corrections adopted a Legal Mail Copying Policy on December 2, 2024, in response to synthetic drugs being sprayed on or soaked into paper and smuggled into prisons through mail. Under the policy, prison officials photocopy each page of incoming legal mail and provide the photocopies to inmates instead of the original paper. The Ohio Justice and Policy Center alleged that page-by-page handling and copying could expose confidential attorney-client communications and violate First Amendment rights.

## PROCEDURAL HISTORY

The Ohio Justice and Policy Center filed suit under 42 U.S.C. § 1983 and sought preliminary injunctive relief against an Ohio prison legal-mail policy. After the policy was amended to expand its institutional coverage, Plaintiff filed a Second Amended Complaint and an amended motion for preliminary injunction. The court addressed standing and the preliminary-injunction factors, declined to resolve the policy's ultimate constitutionality, and denied the amended motion.

## DISPOSITION

other

## CASES CITED

- *ACLU Fund of Mich. v. Livingston Cnty.*, 796 F.3d 636 (6th Cir. 2015)
- *Platt v. Bd. of Comm'rs on Grievances & Discipline of Ohio Sup. Ct.*, 769 F.3d 447 (6th Cir. 2014)
- *McNeilly v. Land*, 684 F.3d 611 (6th Cir. 2012)
- *Cretor Constr. Equip. LLC v. Gibson*, 738 F. Supp. 3d 950 (S.D. Ohio 2024)
- *Crawford v. Law Offs. of Brett Borland*, No. 1:23-cv-191, 2024 WL 187825 (S.D. Ohio Jan. 12, 2024)
- *Ohio v. Yellen*, 539 F. Supp. 3d 802 (S.D. Ohio 2021)
- *Lyshe v. Levy*, 854 F.3d 855 (6th Cir. 2017)
- *Suciu v. Washington*, No. 12-12316, 2012 WL 4839924 (E.D. Mich. Oct. 11, 2012)
- *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016)
- *Lujan v. Defs. of Wildlife*, 504 U.S. 555 (1992)
- *Clapper v. Amnesty Int'l USA*, 568 U.S. 398 (2013)
- *Thornburgh v. Abbott*, 490 U.S. 401 (1989)
- *Jones v. Caruso*, 569 F.3d 258 (6th Cir. 2009)
- *Elrod v. Burns*, 427 U.S. 347 (1976)
- *N.Y. Times Co. v. United States*, 403 U.S. 713 (1971)

- Dwyer v. Hall, No. 5:21-cv-12024, 2022 WL 16709712 (E.D. Mich. Apr. 25, 2022), report and recommendation adopted, 2022 WL 5241842 (E.D. Mich. Oct. 6, 2022)
- Thaddeus-X v. Blatter, 175 F.3d 378 (6th Cir. 1999)
- Goff v. Nix, 113 F.3d 887 (8th Cir. 1997)
- LifeBio, Inc. v. Eva Garland Consulting, LLC, 672 F. Supp. 3d 512 (S.D. Ohio 2023)
- Speech First, Inc. v. Schlissel, 939 F.3d 756 (6th Cir. 2019)
- Ass'n of Am. Physicians & Surgeons v. U.S. Food & Drug Admin., 13 F.4th 531 (6th Cir. 2021)
- Hunt v. Wash. State Apple Advert. Comm'n, 432 U.S. 333 (1977)
- Trollinger v. Tyson Foods, Inc., 370 F.3d 602 (6th Cir. 2004)
- International Union, United Auto., Aerospace & Agric. Implement Workers of Am. v. Brock, 477 U.S. 274 (1986)
- Kowalski v. Tesmer, 543 U.S. 125 (2004)
- Moody v. Mich. Gaming Control Bd., 847 F.3d 399 (6th Cir. 2017)
- Trumbull Cnty. Bd. of Comm'rs v. Vill. of Lordstown, 811 F.3d 226 (6th Cir. 2016) (Mem.)
- Jones v. Van Lanen, 27 F.4th 1280 (7th Cir. 2022)
- Human Rights Def. Ctr. v. Baxter Cnty., Ark., 667 F. Supp. 3d 959 (W.D. Ark. 2023)
- Muhammad v. Pitcher, 35 F.3d 1081 (6th Cir. 1994)
- Pell v. Procunier, 417 U.S. 817 (1974)
- Ray v. Fifth Third Bank, N.A., 689 F. Supp. 3d 502 (S.D. Ohio 2022)
- Sallier v. Brooks, 343 F.3d 868 (6th Cir. 2003)