

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA

Joseph E. Glaum v. Colby Braun and Joseph Joyce

Glaum · No. 1:24-cv-146 · Decided March 31, 2026

SUMMARY

The United States District Court for the District of North Dakota grants Defendants’ motion for summary judgment and denies Joseph E. Glaum’s cross-motion for summary judgment. The court holds that NDSP’s policy directing incoming personal mail through a digital mail center was reasonably related to legitimate penological interests under *Turner v. Safley* and that restrictions on Glaum’s outgoing mail were justified by a no-contact order and institutional interests. The document addresses First Amendment claims involving interference with mail and access to the courts under 42 U.S.C. § 1983.

CASE DETAILS

COURT	United States District Court for the District of North Dakota
WRITING FOR THE COURT	Clare R. Hochhalter
JURISDICTION	United States District Court for the District of North Dakota
DECIDED	March 31, 2026
DOCKET	1:24-cv-146
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in a prisoner civil-rights action under 42 U.S.C. § 1983 seeking prospective injunctive relief against state prison officials in their official capacities.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 when, viewing the evidence in the light most favorable to the nonmoving party, there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. On cross-motions, each motion is considered separately with the nonmoving party receiving the benefit of reasonable inferences. Prison mail restrictions are reviewed under the <i>Turner v. Safley</i> reasonableness standard, and injunctive relief requires a current constitutional violation or a real and immediate threat of future violation.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Joseph E. Glaum v. Colby Braun, Joseph Joyce

TOPICS

section 1983

prisoners rights

first amendment

summary judgment

injunctions

PRACTICE AREAS

civil rights

prisoner litigation

constitutional law

federal civil procedure

QUESTIONS PRESENTED

1. Whether NDSP's policy requiring incoming personal mail to be processed through an outside digital mail center and delivered electronically violated Glaum's First Amendment rights.
2. Whether NDSP's restriction on Glaum's outgoing mail to a person protected by a state-court no-contact order violated the First Amendment.
3. Whether Glaum demonstrated an actionable denial of access to the courts based on alleged obstacles to pursuing state postconviction relief.
4. Whether Glaum established entitlement to prospective injunctive relief against the prison officials.

HOLDINGS

1. NDSP's policy requiring incoming personal mail to be sent to a digital mail center, where it was opened, inspected for contraband, scanned, and uploaded to an inmate tablet, was reasonably related to the legitimate penological interest of preventing contraband from entering the prison and did not violate the First Amendment.
2. Defendants did not violate Glaum's First Amendment rights by restricting his outgoing mail to Rebecca Woodrow because a state-court no-contact order prohibited such contact and Woodrow had requested not to receive it.
3. Glaum failed to establish a denial of access to the courts because he had filed a state postconviction application, had appointed counsel, had a hearing scheduled, and identified no actual injury or present obstacle caused by Defendants.
4. Glaum was not entitled to injunctive relief because he failed to show a constitutional violation or a real and immediate threat of future violation.

KEY QUOTATIONS

"The Court concludes NDSP's personal mail policy is logically and rationally related to a legitimate interest in preventing contraband from entering NDSP." (Section III.A.1)

"The Court, therefore, concludes that defendants have not violated Glaum's First Amendment right to send mail." (Section III.A.2)

"Glaum has filed for postconviction relief, and a hearing is scheduled. Glaum's access to the courts is not presently denied or impaired." (Section III.B.2)

“Therefore, Defendants’ Motion for Summary Judgment (Doc. 69) is GRANTED, and Glaum’s Motion for Summary Judgment (Doc. 75) is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Glaum is incarcerated at North Dakota State Penitentiary and is serving a sixty-year sentence, with ten years suspended, after entering Alford pleas to two counts of gross sexual imposition of a minor. He challenged prison policies that routed incoming personal mail through an electronic scanning and tablet system, restricted mail to individuals protected by a no-contact order, and allegedly impaired his ability to pursue state postconviction relief. During the case, Glaum filed a state postconviction application and had counsel appointed for the matter.

PROCEDURAL HISTORY

Glaum was permitted to proceed on First Amendment claims concerning incoming and outgoing prison mail and access to the courts for pursuing state postconviction relief. Defendants moved for summary judgment, and Glaum filed a competing motion. The court granted Defendants' motion, denied Glaum's motion, denied injunctive relief, and ordered that any appeal could not be taken in forma pauperis because it would be frivolous and not taken in good faith.

DISPOSITION

other

CASES CITED

- Whitworth v. Kling, 90 F.4th 1215, 1217 (8th Cir. 2024)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Brands International Corp. v. Reach Co., LLC, 103 F.4th 501, 504 (8th Cir. 2024)
- Turner v. XTO Energy, Inc., 989 F.3d 625, 627 (8th Cir. 2021)
- Diesel Machinery, Inc. v. B.R. Lee Industries, Inc., 418 F.3d 820, 832 (8th Cir. 2005)
- Torgerson v. City of Rochester, 643 F.3d 1031, 1042 (8th Cir. 2011)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Turner v. Safley, 482 U.S. 78, 89-91 (1987)
- Thornburgh v. Abbott, 490 U.S. 401, 407, 415 (1989)
- Weiler v. Purkett, 137 F.3d 1047, 1050-1051 (8th Cir. 1998)
- Wheeler v. Sayler, 2023 WL 4565595, at *5 (D.N.D. June 5, 2023)
- Davis v. Goord, 320 F.3d 346, 351 (2d Cir. 2003)
- Wolff v. McDonnell, 418 U.S. 539, 576-577 (1974)
- Jensen v. Klecker, 648 F.2d 1179, 1182 (8th Cir. 1981)
- Harrod v. Halford, 773 F.2d 234 (8th Cir. 1985)
- Moore v. Schuetzle, 486 F. Supp. 2d 969, 987 (D.N.D. 2007)
- Schmitt v. Rebertus, 148 F.4th 958, 967 (8th Cir. 2025)

- Murchison v. Rogers, 779 F.3d 882, 887 (8th Cir. 2015)
- Sisney v. Kaemingk, 15 F.4th 1181, 1190 (8th Cir. 2021)
- Murphy v. Missouri Superintendent of Corrections, 372 F.3d 979, 983 (8th Cir. 2004)
- Goff v. Graves, 362 F.3d 543, 549 (8th Cir. 2004)
- Beard v. Banks, 548 U.S. 521, 531-532 (2006)
- Larkin v. Strafford County Department of Corrections Superintendent Bracket, 2020 WL 981289, at *1-2, *7-8 (D.N.H. Jan. 13, 2020)
- Human Rights Defense Center v. Baxter County, Arkansas, 129 F.4th 498, 504 (8th Cir. 2025)
- House v. Henderson County Detention Center, 2022 WL 4279724, at *3 (W.D. Ky. Sept. 15, 2022)
- Chapman v. Henderson County Detention Center, 2022 WL 109211, at *2 (W.D. Ky. Jan. 11, 2022)
- Berdella v. Delo, 972 F.2d 204, 209 (8th Cir. 1992)
- Procnier v. Martinez, 416 U.S. 396, 414 (1974)
- Finney v. Arkansas Board of Correction, 505 F.2d 194, 211 (8th Cir. 1974)
- Samford v. Dretke, 562 F.3d 674, 680 (5th Cir. 2009)
- Lewis v. Casey, 518 U.S. 343, 351, 354-356 (1996)
- Zink v. Lombardi, 783 F.3d 1089, 1108 (8th Cir. 2015)
- Christopher v. Harbury, 536 U.S. 403, 413 (2002)
- Hartsfield v. Nichols, 511 F.3d 826, 831, 833 (8th Cir. 2008)
- Lamp v. State of Iowa, 122 F.3d 1100, 1105 (8th Cir. 1997)
- Schrier v. Halford, 60 F.3d 1309, 1313-1314 (8th Cir. 1995)
- Coleman v. Thompson, 501 U.S. 722, 752 (1991)
- Sabers v. Delano, 100 F.3d 82, 84 (8th Cir. 1996)
- Dale v. Brott, 2013 WL 12074952, at *8-9 (D. Minn. July 23, 2013)
- Ex parte Young, 209 U.S. 123 (1908)
- Entergy Arkansas, Inc. v. Nebraska, 210 F.3d 887, 897 (8th Cir. 2000)
- Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261, 269 (1997)
- Rogers v. Scurr, 676 F.2d 1211, 1214 (8th Cir. 1982)
- Goff v. Harper, 60 F.3d 518, 520-521 (8th Cir. 1995)
- Watkins, Inc. v. Lewis, 346 F.3d 841, 844 (8th Cir. 2003)