

Short Circuit 190

Anthony Sanders 00:06

Hello, and welcome to Short Circuit, your podcast on the federal courts of appeals. I'm your host, Anthony Sanders, Director of the Center for Judicial Engagement at the Institute for Justice. We're recording this on Wednesday, September 22, 2021. If you like this podcast, please check out our free weekly newsletter, an irreverent take on recent court of appeals opinions, and our sister podcast, the documentary series Bound by Oath. We are especially pleased to bring you today's show because we have a special guest. Over the last few years, you may have heard of federal crimes that you didn't know existed, or more likely didn't ever imagine might exist, such as selling limburger cheese unless it's more than two months old or selling sparklers without warning people not to touch the glowing wire. The man behind this renaissance in criminal awareness is Mike Chase. He's the author of *How to Become a Federal Criminal*. He runs the Twitter account A Crime A Day. He's a graduate of the University of Connecticut Law School, and he's also a lawyer. He's here today appropriately enough to talk about a case involving Twitter. Mike, welcome to Short Circuit.

Mike Chase 01:19

Hey, thanks for having me.

Anthony Sanders 01:21

And how many crimes are you up to now on the Twitter account?

Mike Chase 01:26

Whatever seven years and some change times 365 is? So, I think that last count, it was well over 2,000 crimes. And by last count, I have about 830 years left to go to count them all, so I'm getting pretty close.

Anthony Sanders 01:46

Wow. So, do you have a plan of like either cryogenic storage or passing the account off to your descendants, some kind of tail perhaps?

Mike Chase 01:56

So, on cryogenic freezing, the full body is like \$250,000, but you can do a head only cryogenic for like \$40,000, so I'm saving up for that. I've got about \$550 saved up for head only cryogenic freezing. That's the current plan. My son has shown no interest in tweeting crimes, committing them is a different story.

Anthony Sanders 02:18

Okay, well, you know, maybe that'll all change and you've got time to shake it out. Well, we'll be hearing from Mike very shortly. Also joining us is Diana Simpson, an IJ attorney. She doesn't tweet about federal crimes, well, not very much, but she does enjoy a good Eighth Amendment violation, or at least cases about them. She'll be sharing one of those in a little bit. Welcome back, Diana.

Diana Simpson 02:42

Thank you, Anthony.

Anthony Sanders 02:44

Well, my congressman Devin Nunes isn't a big fan of criticism, and he's sued a lot of people for picking on him, including someone who contends to be his pal. Most of these lawsuits have gone nowhere, but it seems like the Eighth Circuit has given him a bit of a lifeline. What's going on?

Mike Chase 03:02

So, this recent decision in Nunes v. Lizza and Hearst is sort of an interesting Court of Appeals decision, mostly because it comes years into the many years long saga of Devin Nunes suing people who have criticized him in various fora, so Twitter, or in the press, or on television, and this is a particularly interesting one, because one, the decision is so fresh, but two it comes, you know, a little while after Devin Nunes' cow Twitter account has crossed, you know, half a million or more followers on Twitter and become some people's favorite, say favorite person on Twitter, but you know, this, or I guess our favorite bovine on Twitter I should say, but this decision comes procedurally on a motion to dismiss, a successful motion to dismiss, in the Northern District of Iowa, and this is a case that is just sort of a core defamation case, and it proceeded on two different theories. The essence of it is, it stems from an article that Lizza wrote and that Hearst published in which it was suggested, or, you know, some could argue stated explicitly that Nunes had a deep, dark political secret, and the idea was that Nunes who comes from these agrarian roots, and that part of his focus appeal as a congressman, is that you know, his life, and his upbringing was this, you know, farm based upbringing. He's a man of the people, and that this California dairy farm really was baked into his identity, but the suggestion by this article was

that his secret was that the farm had secretly been moved to Iowa, and that the farm had secretly been employing undocumented labor, and Nunes took issue with this. And unlike most folks who have, you know, that have been in political life, congressmen who have had countless articles, true or debunked published about them, Nunes, you know, continued on his campaign to litigate the truth of these articles in court, and sued on two theories of defamation. The first one was sort of an express defamation theory, basically saying, you published purported facts about me that are factually false, and then alternatively under this implication defamation theory, you know, the whole overall structure of your article ends up casting me in a light and ends up suggesting things that are not true, even if they aren't said explicitly. And ultimately, the district court granted the motion to dismiss. The motion to dismiss proceeded on these theories that neither account of this complaint stated a claim for defamation. That it was either justifiable opinion that was stated in this article, that all these suggestions about political motivations to spike the Russia investigation, or to advance immigration, certain immigration policies were all, you know, part and parcel of this deep political secret to hide undocumented labor on the Nunes farm, you know, the motion to dismiss said this is either opinion, or it is it is of this literary nature, that it can't really be taken as fact, and the district court agreed. The district court said this complaint does not state a claim for defamation under either theory. There are not expressed statements that are false, and under the bi-implication theory, the overall structure of the article, the District Court said, is disjointed enough that the suggestions about Nunes himself are sufficiently separate from the from the allegations about the Nunes family and the Nunes farm. And so, the motion to dismiss was successful. While on appeal, the Eighth Circuit disagreed and essentially salvaged parts of the Nunes complaint. And the Eighth Circuit said a colorable claim for defamation has been stated in this complaint, and it's a little bit tricky, right? I mean, most of the people that are going to be listening are lawyers. Most of the people that are going to be closely following this are lawyers and know all too well what the standard is on a motion to dismiss. To the average person, this court of appeals opinion looks in many ways like the Eighth Circuit Court of Appeals is saying that defamation did in fact occur. That this article was in fact defamatory, but as we all know, the standard on a motion to dismiss is, assuming all of the allegations in the complaint are true, is a claim stated. And so, you know, the Eighth Circuit basically just said on its face, if we take Nunes at his word, and at his word meaning, when Nunes says in his complaint that none of this stuff about him is true is true, then this complaint can't survive. And it's actually a fairly straightforward Court of Appeals opinion, except it's got this truth upon lie upon truth aspect to it, which makes it somewhat fascinating, because we all know that Nunes is a public figure, an elected public figure, sort of the most public criticizeable type of figure that there is out there, has a higher burden of pleading when it comes to a defamation claim. In this case, he would have to prove actual malice, and the Eighth Circuit said look, it may very well be the case that the article when it was

first published, did not demonstrate malice, okay. We'll give him that sort of like, in the dog bite case, we give them one bite, right? They published this thing, Nunes says it's not true, let's let it slide. But Lizza then publishes on Twitter. They call it a republication. Lizza takes issue with that and says it's it is not a republication, but the Eighth Circuit said, when he tweeted this article after Nunes took issue with the article in the first place, that that alone was enough to plead actual malice, and if credited as true, if found to be true by the Fact Finder, then that could satisfy the elements of actual malice here. The fact that Lizza tweeted it and reached a new audience after Nunes had been concerned about... did that

Anthony Sanders 09:51

Sorry, when he when he did that, right, it wasn't a merely a retweet, but it was a retweet with like, a sentence explainer? Right?

Mike Chase 10:00

Right, the query whether a retweet would have been a republication, what he did was effectively a quote tweet, or he tweeted out the article again, and he said, hey, Nunes is in the news, boy have I got a story for you. And so, the Eighth Circuit found it significant that he was potentially reaching and actually did reach a new audience by republishing it. So, the upshot of the case is that the motion to dismiss should not have been successful according to the Eighth Circuit, and that Nunes stays alive once again in one of his many defamation cases for unfavorable articles.

Diana Simpson 10:42

It also provides another example of the perils of Twitter, and so some folks are very good at running their Twitter account without getting into trouble, but I think many people are not, and so this provides an example of a place to be cautious once again, on Twitter.

Mike Chase 10:59

There are no perils on Twitter. What are you talking about? Perils of Twitter.

Diana Simpson 11:04

There's always one person who, it's their story of the day on Twitter, and your goal is to not be that person.

Mike Chase 11:10

That's right. That's true. I mean, you're exactly right. I mean, one of the big things when I was publishing *How to Become a Federal Criminal*, like the publisher reached out and they said, can we like even publish this book? Are we allowed to publish a book that sort of describes all the federal crimes on the books? Like, can we even do that? And I said, I don't know. Probably. I had to like sign a contract that said that nothing in the book violated federal law, which, like, how can you like say that, but anyway... But the whole thing about Twitter is that it is this like, overly candid, oversharing place, and here Twitter, you're right, Twitter ended up being a main character in this Eighth Circuit opinion because malice was established by tweeting, right. You know, you could publish something in Hearst media. I mean, that's a behemoth of media. You publish it there, you get a free pass, but you tweet it out later, after Devin Nunes gets upset about it, and all of a sudden, you found yourself in a viable defamation case. I mean, that, that's pretty remarkable. So, I guess retweet with caution is the lesson here? We'll see where this goes. I mean, I think a lot of people are fairly upset with this, this decision, but I do think look, I mean, you know, motions to dismiss, assume all the facts are true, if Nunes says in his complaint, that there he has no secret, he has no political secret, the court is supposed to credit that. So...

Diana Simpson 12:34

What was interesting to me was that they have this, this kind of discussion about how the defamation by implication, it wasn't protected opinion under the First Amendment because it's not rhetorical hyperbole in a work of literary journalism, they say, because this is a piece of investigative journalism, and the audience is likely to interpret it as conveying facts, like assertion of objective facts. And so, that's an interesting kind of discussion, particularly in this hyper-partisan environment in which the lines between fact and opinion are often very muddled, and it really brings to mind to me, these recent news anchor cases, or not news anchor cases, with Rachel Maddow, and Tucker Carlson, both of whom have won basically a dismissal of a defamation case brought by people saying, hey, these people defamed me on their show, and the courts saying, nobody's going to interpret this as fact, this is just opinion on, you know, by a person on the news who's not actually a news anchor, but just giving their opinion, and it's interesting to kind of see the dynamic between these kinds of cases, and, you know, defamation may be an old type of tort, but it's certainly not unchanged by modern times.

Mike Chase 13:55

That's a great point, because that is a huge new dynamic, where one of each person, you know, the sides of the political spectrum, keep latching on to these decisions, which are largely procedural decisions, right? The kind of arguments that lawyers would of course make, which is to say, you can't

actually interpret this as objective fact. This is not just, you know, hard fact reporting, because, of course, it's an obvious defense to any defamation case as to say, you know, no reasonable listener, or no reasonable viewer or reader is going to interpret this as hard facts. This is commentary. You know, there's a lot of color in this. You know, it is happening on both sides of the political spectrum, right. MSNBC, Fox News, nobody is immune to this. Obviously, Hearst Media is not immune to this, and Ryan Lizza is not immune to this. Is that whenever it suits them, they're going to argue in these defamation cases, that no person would assume this or take this as his objective fact, and I think in addition to being an interesting procedural commentary on the law of defamation, it is interesting commentary on the state of journalism, right, in that, it is, what is the reasonable viewer supposed to take as true, and take as fact? And at what point, you know, I mean, for all of the warts on this case, and all the odiousness on this case, does Nunes, is he end up being the messenger of a deeper point, which is that maybe we should have higher expectations of our media to stand by their reporting, and say, every person should take this as fact, because it is fact, because it's well sourced and it is true? Again, you know, the lawyer in me knows that, that that is not actually what's being said here, but I think for a bystander, somebody watching the courts from the cheap seats, might have a little bit of concern that every time a journalist finds himself in court, they're saying you can't trust anything that I say.

Anthony Sanders 15:49

Well, I'm no expert on defamation laws, especially Iowa's defamation law, although I do live next door in Minnesota, but I thought that, you know, maybe the ins and outs of whether you can have defamation by implication with a set of facts is true or not is not something I could opine on, but that the malice standard that where the rubber hits the road at the end of the opinion, where there actually is a cause of action, and how the malice standard applies to that, did seem to me a bit of a stretch, and a worrying stretch, which was right after that Nunes asks for New York Times versus Sullivan to be overturned, because that's the one of course that gave us the analysis in the first place that, well, we can't do that. Of course, they're preserving it for the Supreme Court, but it didn't, it didn't even sound like they presented it as preserving it. They just asked for the circuit to overturn New York Times versus Sullivan. But after that, this, you know, this retweet where Lizza just says a couple things, it seems like the reason why that, you know, doesn't get, that could be actual malice, and then the earlier publication isn't, is the fact that Nunes in his complaint, says, well, this isn't true. And so, then he's on notice that it isn't true, but this standard has to be much beefier than that. My understanding is, not much beefier than that, then it's not just the person you're accusing of doing whatever says, oh, that's not true, it's the person you're accusing of whatever presents evidence beyond just he said, she said, or there's some

other evidence that comes to light that shows, look, look, you really were wrong when you were saying that. It's not like they just made this up. The article quoted people who were other farmers in the area. I'm not sure if they were anonymous or not. I assume they were anonymous in the article saying, yeah, they're hiring undocumented laborers or what have you. That's pretty worrying for the actual malice standard, and so, you know, I hope that this becomes just an Asterix in defamation law, or that something else, and I think it's unlikely would go on bonk, but we'll see. There's an interesting write up by our friends at Tector that came out right after the decision came out for those interested in the ins and outs of defamation, but that was my main takeaway. Knowing a little bit about actual malice is that, you know, actual malice means actual malice, right?

Mike Chase 18:33

Do you want Devin Nunes, or any newsworthy person who feels slighted by reporting on them, do you want them to be able to create their own de facto gag order by being able to just send you notice that they disagree with what your reporting is? And then, if you if you continue to speak beyond me telling you I disagree with the facts, purported facts reported, you will now have demonstrated actual malice, right? Oh, I will survive a motion to dismiss, and I will put you past the pleading stage in litigation and incur all the costs associated with it. I mean, that is a little bit worrying.

Anthony Sanders 19:09

And could that defeat a slap motion if we're in a state with a with a slap suit, which is a statute, which is a defense that you can have in defamation cases? So, anyways, there's some worrying elements here, but also some thought provoking questions that that Mike is, and Diana have given us. So, thanks very much to Mike Chase for relating us to Devin Nunes, who I don't think has been mentioned on Short Circuit before, and hopefully won't very much in the future.

Diana Simpson 19:42

Hopefully, we won't get sued for defamation.

Anthony Sanders 19:45

And that too. Thank you. Thank you, Diana, for addressing the elephant in the room. Are you now going to tell us about an Eighth Amendment violation involving Twitter?

Diana Simpson 19:57

Not involving Twitter, but it does involve the Eighth Amendment, and some people may suggest that Twitter does also involve cruel and unusual punishment, but this one is, thankfully perhaps, a little bit taken away from Twitter. So, this case, it comes to us out of the Ninth Circuit, and so Daniel Coston is an inmate at California State Prison Sacramento, and he's in his late 50s, and suffers from a degenerative joint disease that causes chronic pain all over his body. And so, because of this disease, the prison physician has prescribed morphine to treat his pain. And so, the prison policy has a specific policy for morphine because it's a narcotic, and it requires that the nurse delivering the medication, and the guard escorting the nurse have to watch the inmate ingest the medicine, so that way, they can't stock up a stockpile somewhere or distribute to other inmates, but they have to actually take the medicine in front of both the nurse and the guard. But, as with many policies, the California State Prison Sacramento nurse and guard delivering this medicine cut corners a little bit. And so, sometimes they would leave meds in empty cells while inmates were in the yard. And that is indeed what happened with Coston it would appear. And so, he had given a guard a magazine to deliver to another inmate, and the guard found two of these morphine pills taped inside. So, the guard searched the cell, and found a stash of 50 morphine pills that Coston had hoarded in violation of the policy. So, the guard confiscated the pills and disciplined Coston. In response, the doctor cut off his prescription completely, and so, he didn't evaluate Coston before, he didn't taper him off of morphine, in fact, he didn't even see him for nearly four months after cutting off the prescription. And this is despite the fact that morphine has, people who are cut off just cold turkey from morphine often experience withdrawal that is very uncomfortable. Indeed, 11 days after his medicine was cut off, a nurse found Coston on the floor in his cell, surrounded by his own vomit and heavily sweating, both of which are symptoms of morphine withdrawal. He ultimately recovered, but he continued to report severe and debilitating pain, and he asked for morphine again, and they said, no, we're not going to give it back to you because of this hoarding situation. So, he sued alleging deliberate indifference, and he represented himself at trial, and the court granted judgment against him. So, this was back in 2015. The Ninth Circuit ended up reversing that in 2016, and remanded for a second trial, where Coston once again represented himself. And so, he presented evidence of this medication management policy, but the district court excluded it as irrelevant, and then gave the jury an instruction that you should give deference to prison officials in the adoption and execution of policies and practices that, in their judgment, are needed to preserve discipline and to maintain internal security. Coston objected to this, and cited a case that, or close facsimile of a Ninth Circuit case, saying that this was an inappropriate jury instruction, but the district court disregarded that, and the jury returned a verdict for the medical staff and said that this was not deliberate indifference in violation of the Eighth Amendment. And so, it's now up at the Ninth Circuit once again, although this time Coston is represented by counsel who is at least briefing the case. And

so, it talks about this Ninth Circuit case back from 2015, that says that trial courts in these prison medical care cases can't instruct jurors to defer to prison policies unless there's some plausible connection between the policy and the challenged medical care decision. You can't just always instruct the jury to defer in these medical care cases, because no other circuit does that, and that's just, that's nuts. That's just way too much deference in these kinds of cases. And so, they go through the facts here, and they, they say, you know, of course, it's reasonable for a prison to want to prevent pill hoarding, but the policy already protects against that. The guard and the nurse were supposed to watch him ingest the pills, not leave them in the empty cell, and he's not challenging that policy. He's challenging their decision to cut him off of the morphine without tapering. And cutting him off the morphine without tapering sure seems to be unnecessary, unjustified, or exaggerated, according to the Ninth Circuit, that that just, you know, that that's really a step too far for the prison to have taken. And so, the court holds that the jury instruction was wrong, and remains for a third trial, which is kind of bananas to think about, that this inmate is now on his, what, his second appeal, and has gotten a new trial once again. And so, you know, are the defendants at this point going to settle to avoid a third trial? If they go to trial, is he going to represent himself again, or is he at this point going to have an attorney? I mean, he seems to be a pretty capable defendant representing his own interests. I mean, he's citing a case close enough that the court understood what he was talking about. He's now won two cases at the Ninth Circuit on this issue, which I mean, a lot of people with very good representation lose at the Ninth Circuit on one issue once, let alone going on twice.

Anthony Sanders 25:35

It looked like this time he had a clinic that helped him out.

Diana Simpson 25:39

Well, at the Ninth Circuit at trial. So, who knows what will happen, you know. If there's a third trial, will he be represented, or is he gonna go in alone once again? So yeah.

Mike Chase 25:52

That's remarkable. I mean, it's remarkable to have that much success and to be able to preserve issues. I mean, granted, he may be getting a little bit of deference from the courts who recognize that he's pro se, and, you know, but that only goes so far. I mean, people get slapped out of court representing themselves pro se all the time, so for him to be able to survive this much, have issues adequately preserved, the Ninth Circuit's not going to just look over that. I mean, this is... That's remarkable. But, the deeper issue here, that sort of merits issue about deference to medical policies,

that the Department of Corrections is promulgating is obviously worrisome, because I don't like deference to any government entity as it is, and particularly where we have a cause of action, you know, a claim under 1983 for deliberate indifference. The reason that deliberate indifference exists, is because there's a heck of a lot of deliberate indifference that happens inside of prisons. And so, you have an organization that has to have a whole cat cause of action for deliberate indifference, violation of constitutional rights. I'm not sure that that's the entity that I want to defer to, you know, on setting what's necessary from a medical policy perspective. I mean, even just from a federal criminal perspective. You know, I can remember back a bunch of months ago, maybe years ago, I did you know, 18 USC 1791, which is a federal criminal statute, which has all kinds of regulations promulgated under it, where it's about providing prison contraband, but they again, the legislature has essentially ceded entirely defining what prison contraband is to the prison guards and the wardens and etc. The problem with that is like, you can't even mail a toupee to a prisoner. You can't send a wig. If you send a medically unnecessary wig to a federal prisoner, you have committed a federal crime under 18 USC 1791, and that's because like they just locked it down, you know, what is deemed medically necessary for folks? So, I don't know when you're talking about somebody who's going to go through the unenviable throes of morphine withdrawal. I'm just glad that this guy's had his days in court, because I think this is an issue worth plowing the depths of.

Diana Simpson 28:19

Yeah, and it certainly brings to mind, you know, this whole issue of deference. I mean, this is something that at IJ we certainly have to deal with quite a bit, because the courts are always very hands off, and oh, the legislators, you know, they deserve all the deference in the world. Why? That's literally never been explained in a way that that makes sense to me. But particularly here, right, I mean, you know, I think what a lot of it comes down to is judges just saying, you know, inmates, I don't want to deal with that. But that's not how it's supposed to work. You know, you can't constantly defer to other I mean, this is a guy who was going through very uncomfortable symptoms, and you know, whether it's morphine withdrawal, or whether it's his underlying pain, I mean, you shouldn't have to go through pain just because of this other thing that you did. And so, he should be able to treat his pain in prison, and you know, if they have to watch him ingest the pills, so be it. That seems like a reasonable policy to avoid this exact problem, but you know.

Anthony Sanders 29:19

And the craziest part about it all, it seems like the court didn't even emphasize this as much as it could have, is that their policy was to do that in the first place, and because they weren't doing that, he was

able to get away with it seems like, maybe he was taking some of the pills and then keeping some of them. It's splitting the difference, and so that's why he got this stash of morphine. So, if they just gone back to the actual policy that they were supposed to be enforcing, he would have been able to come down off the meds. So how is that not just embarrassing or, you know, an estoppel of some kind against the deference. So, you know, the court ended up as it ended up, but you almost wonder how could it be anything else given that they don't even follow their own damn policy?

Diana Simpson 30:13

Well, what was I think somewhat troubling to me anyway is that the Ninth Circuit said, look, it's still possible for the government to win here, they just have to demonstrate that there is a plausible connection between this policy of removing him from morphine cold turkey, and, you know, whatever their policy is, is designed to protect against. And so, here's how you would do it government. And do they really need your help? I mean, they've got actual attorneys who've been litigating this the whole time against a pro se inmate litigant who keeps beating them, maybe just, you know, hold back for a second and just let the parties fight it out.

Mike Chase 30:51

I will tell you, I mean, you know, some of my favorite cases I've ever litigated and had the honor to represent have been taking on these pro bono prisoner cases, right. Ever since the prisoner litigation Reform Act, it's brought a whole bunch of talented litigators I think into the fold that would have otherwise not practiced in that area, and have gotten trained, you know, and you know, the training is not in depth, but it is it is a bunch of folks who have a critical eye and are good litigators. Now, in many districts, in the District of Connecticut being one, you're on the wheel, and you are required to take a case unless you have extreme cause why you wouldn't take one of these cases, and to represent folks that need your representation. I will tell you that when you step into one of these cases, particularly if you're somebody who is known in the jurisdiction, and somebody who is known to be a talented litigator, once the other side starts seeing cogent arguments, oftentimes, it's like you flipped the lights on, and it's and the bugs are scattering. It's like, oh my god, we're so used to just steamrolling these, these arguments, these complaints, these pro se complaints that come in, that what sometimes if you get a litigant that is represented and you finesse the complaint a little bit, and all of a sudden you start realizing that there's really merit to what they've been arguing, all of a sudden, you know, real issues start getting shaken loose, and I can just tell you from litigating those cases, I am just shocked at the number of times that a complaint that came in, written on college ruled paper, in oftentimes really beautiful handwriting, by the way, you read through and you go, this cannot possibly be true. There is

no way that when I subpoena the records, and that when I go through these records, that they are going to support this claim, how indifferent and how, how craven some of these allegations are. The number of times that it is exactly true is just horrifying. It's just shocking. And so yes, cold turkey, cold turkey non-taper from morphine. That's shocking. You know, some of the people that have had unbelievably horrific injuries or infections left to fester because of deliberate indifferences is just remarkable. But again, my big takeaway from this case, in addition to how awful deference can be, is I'm just really impressed by this plaintiff. I mean, this is just really remarkable, you know.

Diana Simpson 33:21

Maybe a career in law is his future, indeed. I don't know, what he's an inmate for, but who knows, maybe he'll finish school and do this for real on the outside.

Mike Chase 33:32

But look, we know incarcerated people oftentimes can be the best. They know the system better than anybody else, and they have the vigor. I mean, look, you know, what always comes to mind is Shon Hopwood who, you know, was incarcerated and was able to write, you know, one of the best cert petitions that you know, folks had ever seen, and so this is not a voice to be dismissed. You know, these are people that often know the system extremely well, and they can, they can establish some very good law. So, I'm going to be watching this one too, because for that reason, exactly, who knows how many appeals we're gonna end up having in this one.

Anthony Sanders 34:07

Yeah, as we've learned more and gotten more into the criminal justice issues at IJ the last few years, the thing I've been most surprised of is just how bad prison is. I mean, your stories, you're always told, ah you don't want to go to prison, because it's really bad. They're like, well, obviously you can't leave. It's not just that you can't leave. There's a lot of incredibly bad things about American prisons, and this case is just one small example of that. Well, thank you for that elucidation on our prison systems and prisoner plaintiffs who we should be proud of this guy and proud of the others that have somehow navigated the system. Thanks, Diana, for presenting that case and for joining us on conversation today. So, thank you again for joining us, Mike. You can get his book from all good booksellers, which I think are all online now, but it's *How to Become a Federal Criminal*. You'll learn a lot there, you'll learn how you can get into federal prison in a number of different ways, and while you're not doing that, I will ask that all of you get engaged.