

IN THE COURT OF APPEALS OF IOWA

No. 3-544 / 12-1452
Filed June 26, 2013

MICHAEL H. LANG,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Lee (North) County, John G. Linn,
Judge.

Applicant appeals the district court's summary dismissal of his
postconviction relief application. **AFFIRMED.**

Michael H. Lang, Fort Madison, appellant pro se.

Thomas J. Miller, Attorney General, and Forrest Guddall, Assistant
Attorney General, for appellee State.

Considered by Vogel, P.J., and Vaitheswaran and Bower, JJ.

VOGEL, P.J.

Michael Lang appeals the district court's summary dismissal of his application for postconviction relief (PCR). Lang filed a pro se application with the district court alleging the Fort Madison prison was refusing to provide him with mail containing case law that he had ordered from the state law library. He asked the district court to order the prison mailroom to release the mail to him, order all public record material in the future to not be held, and award him money damages. Lang attached a confidential grievance response from the Iowa Department of Corrections stating the deputy warden had denied his mailroom appeal as the mail requested contained "legal mail concerning other offenders."

The State filed a motion to dismiss, stating Lang's allegations do not state a cognizable ground for postconviction relief under Iowa Code chapter 822 (2011). Lang did not resist the motion to dismiss but instead filed an amended PCR application, alleging again the deprivation of his mail from the state law library and requesting the same relief.

The district court granted the State's motion to dismiss, concluding none of the claims Lang raised are encompassed in Iowa Code section 822.2(1)(a) through (g).¹ Finding Lang failed to allege facts that would permit him relief under section 822.2, the district court dismissed the PCR application.

¹ Iowa Code section 822.2(1) provides a list of claims an inmate can raise in a postconviction relief action, which includes:

- a. The conviction or sentence was in violation of the Constitution of the United States or the Constitution or laws of this state.
- b. The court was without jurisdiction to impose sentence.
- c. The sentence exceeds the maximum authorized by law.
- d. There exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.

Lang articulates his claim on appeal that the State violated his First Amendment rights, subjected him to a deprivation of his liberty or property interest, and violated his Fourteenth Amendment right to due process. However, at the heart of his claim is the request that we order the mailroom at the prison to release to him the mail he ordered from the state law library. This is not a proper claim under Iowa Code section 822.2. We therefore affirm the district court pursuant to Iowa Court Rule 21.26(1)(d) and (e).

AFFIRMED.

e. The person's sentence has expired, or probation, parole, or conditional release has been unlawfully revoked, or the person is otherwise unlawfully held in custody or other restraint.

f. The person's reduction of sentence pursuant to sections 903A.1 through 903A.7 has been unlawfully forfeited and the person has exhausted the appeal procedure of section 903A.3, subsection 2.

g. The conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error formerly available under any common law, statutory or other writ, motion, petition, proceeding, or remedy, except alleged error relating to restitution, court costs, or fees under section 904.702 or chapter 815 or 910.