

UNITED STATES GOVERNMENT

memorandum

Date: February 10, 1998

Reply to Henry J. Sadowski, Regional Counsel, Northeast Region
Attn of: Federal Bureau of Prisons, Philadelphia, PA 19106

Subject: Monthly Report - January 1998

To: Wallace H. Cheney, General Counsel and
Assistant Director, Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Remedies - 1998

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
DEC											
Pending on 1st	110										
Rec'd in month	113										
Ans'd in month	132										
Pending at End	91										
Over 30 days	0										

B. Administrative Tort Claims - 1998

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
DEC											
Pending on 1st	236										
Rec'd in month	77										
Recons. rec'd	3										
Ans'd in month	54										
Pending at End	262										
Over 180 days	0										

C. Tort Claim Investigation Status: As of January 31, 1998

	ALF	ALM	ALP	ALW	BRO	DAN	FAI	FTD	LEW	LOR	MCK	NYM	OTV	RBK	SCH
Pending	0	12	8	2	3	5	6	13	23	4	9	1	11	7	7
Over 60 days	0	0	0	0	0	0	0	3	5	0	0	0	0	0	3

D. FOI/Privacy Act Requests - 1998

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV
DEC
Pending on 1st 37
Rec'd in month 34
Ans'd in month 58
Pending at End 13
Over 30 days 1

E. FOIA Requests for records: As of January 31, 1998

	ALF	ALM	ALP	ALW	BRO	DAN	FAI	FTD	LEW	LOR	MCK	NYM	OTV	RBK	
SCH															
Pending	3	0	0	0	0	1	0	1	2	0	0	1	0	1	0
Over 30 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

II. LITIGATION ACTIVITY - 1998 NORTHEAST REGION

A. SUMMARY REPORT

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV
DEC
Cases Open 670
New Cases 13
Habeas Corpus 5
FTCA 1
Bivens 1
Other 4
Bivens/FTCA 2
Lit Reports 8
Cases Closed 66

B. SETTLEMENTS AND AWARDS: None

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

1. United States v. Dong Kyu Kim, Crim. No. ---- (EDPA)

On January 23, 1998, Judge Dalzell held a sentencing hearing for defendant Dong Kyu Kim. The defendant requested a downward departure from the sentencing guidelines of 10-16 months, alleging, as an alien, the Bureau of Prisons would treat him worse than a non-alien defendant. Hank Sadowski assisted the AUSA and advised the court of Bureau policy concerning

designations of deportable aliens and explained the rationale underlying it. The court's questions concerning

split sentences under Sentencing Guideline 5C1.1 were also addressed. The court decided that defendant did not warrant a downward departure from the guidelines and sentenced him to a 5 month term, 36 month supervised release, the first 5 months of which is in home detention. The AUSA felt the sentence was just.

2. United States v. Luis Felipe, No. 97-1155, 97-1484 (2d Cir.)

On January 22, 1998, the Second Circuit heard oral argument concerning the authority of a district judge to impose restrictions on conditions of confinement for Luis Felipe, 14067-074, the leader of the Latin Kings. The district court held that 18 U.S.C. § 3582(d) provided the court with jurisdiction to limit the defendant's contact with the outside world. The district court also held it had inherent authority to impose such restrictions. The AUSA advised that the Court of Appeals focused primarily on the 3582(d) jurisdiction prong. The Court of Appeals took the case under advisement.

3. U.S. v. David Rosario, 96-CR-126 (JFK) (S.D.N.Y.)

On January 5, 1998, Kevin McDonald, Health Services Administrator, MCC New York, testified during the above-captioned criminal matter. His testimony focused mainly on certifying copies of previously subpoenaed medical records. Clinton Stroble assisted the AUSA in preparing Mr. McDonald.

4. Starzecpyzel v. Reno, et. al., 3:97-CV-1081 (D. Conn.)

On February 17, 1998, a status conference is scheduled to discuss the numerous motions filed by attorney Stephen Roen on behalf of inmate Eileen Starzecpyzel, Reg. No. 34792-054. Roen is a New York City patent attorney, who has filed at least three requests for temporary injunction alleging harassment, right to represent his client at a UDC hearing, and visiting conditions. Recently, the District Court in Connecticut issued an order denying the TRO and suggesting that if the attorney continues to file TROs on these type of matters he would be sanctioned. Patty Gotts is assisting the AUSA.

D. RELIGIOUS CASES: No new cases.

E. ENSIGN AMENDMENT CASES:

1. Ramirez v. Reno, et. al. - 4:CV-97-0359 (M.D.PA.) -

LSCI Allenwood inmate Marc Ramirez, Reg. No. 27353-053, filed this action alleging an infringement on his First Amendment Rights. Main Justice, Civil Division has advised the U.S. Attorney's office in the Middle District of Pennsylvania that their office will handled the case.

F. PLRA 1915 DISMISSALS: None.

III. TRAVEL AND LEAVE SCHEDULE FOR FEBRUARY 1998:

Hank Sadowski -
Travel - None scheduled
Annual Leave - None Scheduled

Mike Tafelski -
Travel - Feb. 9 - Law School Job Fair, Philadelphia
Annual Leave - Feb. 13

Joyce Horikawa -
Travel - Feb. 9 - Law School Job Fair, Philadelphia
Feb. 17-18 -- FCI Ft. Dix - Staff Assist Visit
Annual Leave - None Scheduled

Ron Hill.-
Travel - None Scheduled
Annual Leave - Feb. 17 - 18

Les Owen -
Travel - February 6 - Return from Glynco
Annual Leave - None scheduled

Rosalind Bingham -
Travel - None scheduled
Annual Leave - None Scheduled

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I am pleased to report that Attorney Les Owen graduated with honors from Glynco.

cc: Regional Director and Deputy Regional Director, NER
All NER Wardens

All Regional Counsel and Associate General Counsel
All NER institution attorneys and paralegals