

Joyce

memorandum

DATE:

January 26, 1993

REPLY TO
ATTN OF:

MD Hood
Michael D. Hood, Regional Counsel

SUBJECT:

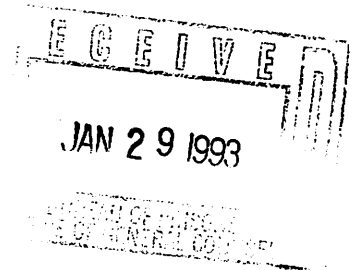
1993 ~~First~~ Quarterly Report for October, 1992 -
December 31, 1992

TO:

Wallace H. Cheney, Assistant Director/General Counsel
Office of General Counsel
Central Office

Attention: Ms. Nancy Redding
Executive Assistant

Attached is our quarterly report for the above-noted
months.



LITIGATION NARRATIVES

Goggin v. U.S., 91-2735(W.D. TN) - An FTCA action involving an inmate at Memphis who has alleges he did not receive proper medical treatment for an ankle injury. Goggin alleges he injured his ankle on the recreation yard, and one week later he was admitted to a community hospital suffering from fever, pain, and infection which resulted in the skin splitting. This case is set for trial on January 27, 1993.

McCollum v. Clark, 91-3024(W.D. TN) - A habeas action filed by an inmate at Memphis who claims his constitutional rights are being violated. This association began at USP Leavenworth, when Jane Stock was a contract English Teacher and McCollum was serving a 20 year sentence. Approximately one (1) week after Ms. Stock quit teaching at Leavenworth, the two began corresponding telephonically and in writing. After McCollum transferred to Memphis he requested Ms. Stock be added to his visiting list. His request was denied because the two did not have a relationship prior to his incarceration and for security reasons. McCollum however, alleges because he has no other visitors an exception to policy should be made and his request should be granted. An evidentiary hearing is set for January 14, 1993.

Agbosasa v. DOJ, et. al. (OAD) - Inmate claims he was improperly placed in DS, then forced to remain in DS status past allotted time - false imprisonment. WD/LA issued Memorandum Order accompanying complaint taking judicial notice that Agbosasa has filed six in forma pauperis complaints in the last two years. Court warns plaintiff that additional lawsuits may warrant the Court ruling that future filings are frivolous and may apply sanctions against him.

Stikes v. Kastner, Gingras v. Quinlan, Betka v. Brown, and Langston v. Quinlan - All Carville cases construed alleging discrimination against handicapped inmates, denying placement in halfway houses. Court construed as Habeas. We have Magistrate recommendation in our favor in Stikes, awaiting final decision.

Seymour v. Haas, 4:92-CV-630-Y (NDTX). Criminal Division of the Department of Justice accorded DOJ representation for two contract physicians at FCI, Fort Worth.

Anderson v. Thompson, 3:91-CV-2595/92-1558. Fifth Circuit affirmed dismissal of inmate's claim alleging that he was not given notice of reason for placement in administrative segregation.

Anderson v. Carter, 3:91-0227-H. Inmate filed Privacy Act violation, alleging staff members at FCI, Seagoville, divulged contents of his administrative remedy, which resulted in harassment by fellow inmates. A motion for summary judgment has been filed,

but it is unlikely the matter will be resolved without some form of evidentiary hearing.

Manuel v. Barr - Two hearings were held in San Antonio. EEO based violations of gender discrimination dating back to 1984-85. Government declined to settle out of court. Magistrate's decision is pending.

Jackson v. U.S.A., et al. - The settlement session was unsuccessful, since the government, now convinced that the plaintiff's claims are a hoax, refuses to agree to a settlement. Trial was originally set for November 16, but has been postponed indefinitely pending rulings on several outstanding rulings.

Turner v. U.S., EP-92-70-B (W.D. TX) - A Motion to Compel Plaintiff hearing was held on December 28, 1992, whereby the court ordered plaintiff's attorney to comply with our discovery request. This case is an FTCA action wherein the inmate alleges he was not provided adequate medical treatment for a work related injury. The inmate fell while working in Food Service. He alleges he was not medically fit to work and FCI La Tuna staff were deliberately indifferent to his disabilities. Plaintiff's attorney's are not actively pursuing this claim, and it is anticipated this action will be dismissed.

LITIGATION

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
MXR											
NER											
SER											
NCR											
SCR	57	26	8	22	1	60	230	66	7	0	0
WXR											
CO											
TOT											

NARRATIVE ANALYSIS NARRATIVE ATTACHED ON SEPARATE PAPER

DEFINITIONS

- LOC - LOCATION
- NUM - NUMBER OF TOTAL LAWSUITS FILED IN QUARTER
- HC - NUMBER OF HABEAS CORPUS ACTIONS FILED
- FTC - NUMBER OF FTCA ACTIONS FILED
- BIV - NUMBER OF BIVENS ACTIONS FILED
- OTH - OTHER ACTIONS FILED
- ANS - NUMBER OF LITIGATION REPORTS COMPLETED
- PEN - PENDING
- CLD - NUMBER OF ACTIONS CLOSED
- H/T - NUMBER OF HEARINGS OR TRIALS (INCLUDE INFO IN NARRATIVE)
- SET - NUMBER OF SETTLEMENTS (INCLUDE INFO IN NARRATIVE)
- AWD - NUMBER OF AWARDS (INCLUDE INFO IN NARRATIVE)
- GOVERNMENT ACTION AND DATE OF ACTION - (INCLUDE IN NARRATIVE)

BELOW ARE SUGGESTED TABLES FOR REPORTING REQUESTED DATA FOR OFFICE OF GENERAL COUNSEL. APPROPRIATE NARRATIVE ANALYSIS WILL BE INCLUDED.

TORT CLAIMS

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
MXR										
NER										
SER										
NCR										
SCR	172	138	34	21	2,486.88	78	227	0	0	4 mos.
WXR										
TOT										

NARRATIVE ANALYSIS

DEFINITIONS

LOC - LOCATION
 NUM - NUMBER FILED IN QUARTER
 PROP - PROPERTY CLAIM
 PI - PERSONAL INJURY CLAIM
 APPR - APPROVED
 AMT - TOTAL AMOUNT APPROVED
 DEN - DENIED
 PEND - PENDING
 OD - NUMBER OVERDUE
 A/O - AVERAGE NUMBER OF DAYS OVERDUE
 A/P - AVERAGE LENGTH OF TIME TO PROCESS

FOI/PA REQUESTS

LOC	NUM	PROC	PEND	OD	A/OD	A/P	CA
MXR							
NER							
SER							
NCR							
SCR	74	80	15	0	0	21 days	1
WXR							
CO							
TOT							

NARRATIVE ANALYSIS

DEFINITIONS

- LOC - LOCATION**
- NUM - NUMBER FILED IN QUARTER**
- PROC - PROCESSED**
- PEND - PENDING**
- OD - OVERDUE**
- A/OD - AVERAGE NUMBER OF DAYS OVERDUE**
- A/P - AVERAGE LENGTH OF TIME TO PROCESS**
- CA - CIVIL ACTIONS FILED UNDER FOI/PA ACTS**