

memorandum

DATE:

March 5, 1993

REPLY TO
ATTN OF:

John R. Shaw, Regional Counsel

SUBJECT:

North Central Region

MONTHLY REPORT

FEB

TO:

Wallace H. Cheney, Assistant Director
General Counsel and ReviewPENDING TRIALS/HEARINGS

There were no reports of pending trials or hearings received from the institutions within this region.

DECISIONS/SETTLEMENTS/CASES OF INTEREST

Gladson v. U.S. Penitentiary, 92-3505, D. Kansas, USP Leavenworth. Plaintiff alleges that defendants have improperly withheld records which he requested pursuant to the Freedom of Information and Privacy Acts. Specifically, he claims that certain medical records were never released to him. Institution staff were never informed of the inmate's request for medical records and upon notice of the inmate's request provided him access to the releasable portion of his medical file. Decision of the Court is pending.

Miller v. United States, 91-3257-RDR, D. Kansas, USP Leavenworth. Plaintiff was seeking recovery under the FTCA for injuries sustained during a riot at the Penitentiary which occurred in June 1990. The district court held the discretionary function exception [28 USC § 2680(a)] to the FTCA barred the prisoner's claim and issued an order granting summary judgment in favor of the United States.

United States of America v. Morgan

In this criminal case arising at the USP Leavenworth the inmate was found guilty of criminal assault and possession of a weapon. The court sentenced the inmate to 120 months consecutive.

Sellars v. Carlson, 80-4038, Southern District of Illinois, USP Marion. This action relates to the inmate's complaint of ineffective medical treatment for his diabetic condition. The case was appealed following a dismissal and subsequently reopened. The court has appointed counsel for the inmate and is considering whether to allow discovery.

United States v. Kizel, 90-CR-114, E.D. Wis.

Defendant Kizel, a convicted drug dealer incarcerated at FCI Tallahassee, returned to the Eastern District of Wisconsin pursuant to a sentence reduction motion. In support of the motion, inmate Kizel wrote a seventeen page letter to Judge Stadtmueller complaining of medical treatment and housing while at MCC Chicago

The court did not seek any response from the BOP, and the AUSA did not object to the letter's veracity. The Judge found Kizel's treatment to be "unconscionable" and stated he was going to hold a hearing on the matter in March with the Director and the Warden of MCC present.

We have filed with the court a detailed fifteen page report outlining the details of Kizel's various periods of incarcerations at the MCC. With minor exception, inmate Kizel was treated appropriately and suffered no harm. We are awaiting the Judge's reaction to he report.

STAFF TRAVEL AND LEAVE

John	MARCH	4 & 5	Englewood
	MARCH	16 & 18	Leavenworth
	MARCH	22 - 26	Central Office
	MARCH	31	Oxford
Daryl	MARCH	4 & 5	Englewood
	MARCH	9 & 10	Rochester
	MARCH	16 & 18	Leavenworth
	MARCH	29	Duluth
	MARCH	30 & 31	Sandstone
Jackie	MARCH	23 - 26	Annual Leave
Paul Erv	MARCH	18 & 19	Annual Leave
	MARCH	22 - 31	Denver
Gary	MARCH	26	Annual Leave