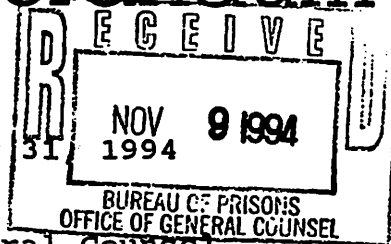


# memorandum



DATE:  
BY TO  
ATTN OF:

November 3, 1994  
*Michael D. Hood*  
Michael D. Hood, Regional Counsel

SUBJECT:

Monthly Report - October 1, 1994 - October 31, 1994

TO:

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

Attention: Nancy Redding, Executive Assistant

## ADMINISTRATIVE REMEDIES

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Received	68	80	92	86	70	67	76	115	118	73		
# Answered	55	50	99	76	88	82	66	69	114	63		

## TORT CLAIMS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	266	268	247	243	253	229	214	146	176	159		
# Received	64	47	69	83	63	50	40	55	32	40		
# Answered	62	68	73	73	87	65	108	25	59	79		
# Pending	268	247	243	253	229	214	146	176	159	120		
# Over Six Mon	0	0	0	0	0	0	0	0	0	27		

## FOIA/PRIVACY

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	146	152	169	138	129	127	197	165	202	201		
# Received	38	57	38	37	31	100	32	66	42	27		
# Answered	32	40	69	46	33	30	64	29	43	31		
# Pending	152	169	138	129	127	197	165	202	201	197		

## LITIGATION

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
New Cases Recd	15	13	19	15	14	22	22	18	20	21		
Cases Closed	20	7	14	3	6	2	3	15	6	11		
Habeas Corpus	6	3	9	9	6	8	7	8	8	5		
Bivens	7	7	7	5	6	9	10	8	6	7		
FTCA	1	2	2	0	1	2	2	0	2	2		
Other	1	1	1	1	1	3	3	2	4	7		
Lit Reports	11	14	12	18	12	12	15	10	17	16		
Cases With Hearing or Trials	0	0	0	1	2	0	0	3	4	0		
Cases With Settlements or Awards	3	0	0	0	2	0	1	0	1	0		
Tort Claim Settlements	0	0	0	0	0	0	0	0	1	0		

**SIGNIFICANT CASES**

John Gibbs v. Ron Thompson, et al., CIV-94-1399-A, W.D. OK  
 Inmate claims deliberate indifference to serious medical  
 needs because he is not housed at a medical facility,  
 seeks \$50,000 and transfer to medical facility.

Coupar v. Samford, EP-92-CA-244(B) - United States Court  
 for the Western District of Texas imposed a court sanction  
 of \$180.00 against Coupar for filing frivolous lawsuit.  
 U.S. Attorney Office is sending a letter to the Warden at  
 Florence requesting that this debt be a federal obligation  
 and be collected through the Inmate Financial  
 Responsibility Program.

**MEDICAL MALPRACTICE**

**NO MEDICAL MALPRACTICE LITIGATION OR TORT CLAIMS TO REPORT  
 THIS MONTH**

**TRAVEL**

Mike Hood	-	November 13 - 17	-	Aurora, CO
Scott Bomson	-	November 7 - 11	-	Washington, D.C.
Alma Lopez	-	November 13-17	-	Aurora, CO
	-	November 28 - December 16	-	Glynco

# memorandum

DATE:  
REPLY TO  
ATTN OF:

December 2, 1994  
*to: M. Hood*  
Michael D. Hood, Regional Counsel

SUBJECT: Monthly Report - November 1, 1994 - November 30, 1994

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

Attention: Nancy Redding, Executive Assistant

### ADMINISTRATIVE REMEDIES

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Received	68	80	92	86	70	67	76	115	118	73	63	
# Answered	55	50	99	76	88	82	66	69	114	63	106	

### TORT CLAIMS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	266	268	247	243	253	229	214	146	176	159	120	
# Received	64	47	69	83	63	50	40	55	32	40	27	
# Answered	62	68	73	73	87	65	108	25	59	79	107	
# Pending	268	247	243	253	229	214	146	176	159	120	40	
# Over Six Mon	0	0	0	0	0	0	0	0	0	27	0	

### FOI/PRIVACY

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	146	152	169	138	129	127	197	165	202	201	197	
# Received	38	57	38	37	31	100	32	66	42	27	44	
# Answered	32	40	69	46	33	30	64	29	43	31	18	
# Pending	152	169	138	129	127	197	165	202	201	197	223	
# Over 30 Days											46	

### LITIGATION

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
New Cases Recd	15	13	19	15	14	22	22	18	20	21	18	
Cases Closed	20	7	14	3	6	2	3	15	6	11	2	
Habeas Corpus	6	3	9	9	6	8	7	8	8	5	6	
Bivens	7	7	7	5	6	9	10	8	6	7	10	
FTCA	1	2	2	0	1	2	2	0	2	2	1	
Other	1	1	1	1	1	3	3	2	4	7	1	
Lit Reports	11	14	12	18	12	12	15	10	17	16	13	
Cases With Hearing or Trials	0	0	0	1	2	0	0	3	4	0	0	
Cases With Settlements or Awards	3	0	0	0	2	0	0	0	1	0	0	
Tort Claim Settlements	0	0	0	0	0	0	0	0	1	0	0	

**NO SIGNIFICANT CASES OR MEDICAL TORTS, LITIGATION TO REPORT.**

**ANNUAL LEAVE**

Mike Hood - December 23-30, 1994 and January 3-6, 1995  
Linda Nutt - December 23 - December 30, 1994  
Julie Holliway - December 23 - December 30, 1994  
Steve Abney - December 27 - December 29, 1994  
Patsy Davis - December 30 - January 4, 1994

*Joyce*  
**memorandum**  
*Revised*

DATE:

January 5, 1995

ADDRESSEE:

*Michael D. Hood*  
Michael D. Hood, Regional Counsel

SUBJECT:

Monthly Report - December 1, 1994 - December 31, 1994

TO:

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

Attention: Nancy Redding, Executive Assistant

**ADMINISTRATIVE REMEDIES**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Received	68	80	92	86	70	67	76	115	118	73	63	67
# Answered	55	50	99	76	88	82	66	69	114	63	106	50

**TORT CLAIMS**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	266	268	247	243	253	229	214	146	176	159	120	161
# Received	64	47	69	83	63	50	40	55	32	40	32	28
# Answered	62	68	73	73	87	65	108	25	59	79	107	60
# Pending	268	247	243	253	229	214	146	176	159	120	40	129
# Over Six Mon	0	0	0	0	0	0	0	0	0	27	0	0

**FOIA/PRIVACY**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	146	152	169	138	129	127	197	165	202	201	197	223
# Received	38	57	38	37	31	100	32	66	42	27	44	26
# Answered	32	40	69	46	33	30	64	29	43	31	18	25
# Pending	152	169	138	129	127	197	165	202	201	197	223	224
# Over 30 Days	0	0	0	0	0	0	0	0	0	0	46	0

**LITIGATION**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
New Cases Recd	15	13	19	15	14	22	22	18	20	21	18	10
Cases Closed	20	7	14	3	6	2	3	15	6	11	2	4
Habeas Corpus	6	3	9	9	6	8	7	8	8	5	6	5
Bivens	7	7	7	5	6	9	10	8	6	7	10	5
FTCA	1	2	2	0	1	2	2	0	2	2	1	0
Other	1	1	1	1	1	3	3	2	4	7	1	0
Lit Reports	11	14	12	18	12	12	15	10	17	16	13	10
Cases With Hearing or Trials	0	0	0	1	2	0	0	3	4	0	0	3
Cases With Settlements or Awards	3	0	0	0	2	0	0	0	1	0	0	0
Tort Claim Settlements	0	0	0	0	0	0	0	0	1	0	0	0

**SIGNIFICANT CASES**

Ahmad v. Ortiz, et al., No. 94-50195 (Fifth Cir.). This is a Bivens case originally filed in the Western District of Texas, alleging Eighth Amendment constitutional violations for deliberate indifference to medical needs, and retaliation, against numerous BOP employees at FCI, Bastrop. The District Court granted summary judgment on all claims as to all defendants, and the inmate appealed. The Fifth Circuit upheld the dismissal of five of the six claims, but held that the sixth claim - alleged placement in administrative detention for a month without a hearing - was not properly raised in our motion for summary judgment. Without intimating any decision as to whether the claim can withstand an appropriately filed motion to dismiss or for summary judgment, the Circuit Court vacated and remanded as to this one issue.

Ramos v. Ortiz, EP-94-CA-342-BR - Plaintiff alleges that FPC, La Tuna does not have adequate facilities for the handicapped. As a result, plaintiff alleges her daughter's wheelchair hit a clump of cement, her daughter was thrown forward, and sustained injuries.

**CASES WITH HEARINGS OR TRIALS**

Hieu Duc Tran v. George Killinger, 4:94-CV-809-A, ND/TX, Fort Worth Division - Spears hearing was scheduled for December 8, 1994. We declined the judge's invitation to attend. Hearing was cancelled and judge ordered the issuance of summonses on the case.

Marie Fleming v. United States, 4:93-CV-0094-Y, ND/TX, FTCA claim regarding fender bender. A settlement conference had been scheduled but plaintiff failed to appear. Conference was rescheduled for January.

**UPCOMING TRIALS**

Marie Fleming v. United States, 4:93-CV-0094-Y, ND/TX - Second attempt at settlement conference on January 4, 1995. Settlement offer of \$2,000.00 was rejected, trial set for 9:00 a.m., January 5, 1995.

Turner v. Wooten, EP-93-CA-172-F - Case is scheduled for trial on February 6, 1995. Requests for production of documents and answers to interrogatories completed.

**SIGNIFICANT TORT CLAIM**

Mary Ann Rounsavall, Reg. No. 92713-012 (claims she was raped by employee [REDACTED] on December 18, 1992, while at FPC, Bryan. Seeks \$5 million). *b6*