



U.S. Department of Justice

Federal Bureau of Prisons

South Central Regional Office

Dallas, Texas 75219

November 5, 1996

MEMORANDUM FOR WALLACE H. CHENEY
ASSISTANT DIRECTOR/GENERAL COUNSEL
CENTRAL OFFICE

FROM: Michael D. Hood, Regional Counsel

SUBJECT: Monthly Report - October, 1996

ADMINISTRATIVE REMEDIES

Table with 13 columns (JAN-DEC) and 2 rows (# Received, # Answered) showing monthly counts for Administrative Remedies.

TORT CLAIMS

Table with 13 columns (JAN-DEC) and 5 rows (# Pending, # Received, # Answered, # Pending, # Over Six Mon) showing monthly counts for Tort Claims.

* ADJUSTED TO TORT DATA BASE FOR OCTOBER 1996

FOI/PRIVACY

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* ADJUSTED FOR PHYSICAL COUNT

INVESTIGATION

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New Cases Recd	17	21	23	11	9	18	19	14	16	12
Cases Closed	8	4	7	7	3	8	1	4	5	14
Habeas Corpus	7	14	13	6	4	10	8	8	10	5
Bivens	7	5	8	4	4	5	7	4	6	4
FTCA	3	0	2	1	0	2	4	2	0	2
Other	0	2	0	0	1	1	0	0	1	1
Lit Reports	12	27	15	8	10	9	7	16	10	9

Cases With Hearing or Trials	0	1	0	1	1	1	0	3	2	4
Cases With Settlements or Awards	1	0	1	0	0	1	2	0	0	0
Tort Claim Settlements	0	0	0	0	0	0	1	0	0	0

SIGNIFICANT CASES

Veteto v. Ralph, 92-1139-A (WD/OK)

Case arising out of El Reno resurfaced; District court decides that case has merit after four years dormancy. Key issue is proper service of process to all named defendants where defendants are now all in various locations throughout the Bureau, and some have resigned.

CASE WITH SETTLEMENT OR AWARD

None

CASE WITH HEARING OR TRIAL

Glenn H. Zacher v. Kathleen Hawk, et al., C.A. No. 96-405

A Spears hearing was conducted on October 8, 1996. Case dismissed.

L.J. and Maylene Carter v. USA, C.A. No. LR-C-95-407 (ED/AR)

A hearing was held on October 23, in Little Rock, Arkansas. This is the case in which we assessed subsistence fees against 2 defendants who were direct court commitments to the CCC, despite the fact that the J&C imposed a fine, and contained the standard language "This fine includes cost of incarceration and/or supervision." The hearing went surprisingly well, but we are in the process of supplementing the record (the Judge asked for additional documentation) and no ruling has been issued yet.

U.S. v. Joseph Clinton Weinmunson, III, CR. No. 96-10008-01
(WD/LA)

A hearing was held on October 29, in Shreveport, Louisiana. This criminal case involved Sentencing Guidelines issues, and the Judge's desire that the defendant serve his term of imprisonment in a CCC. Because of the nature of the

defendant's offense (possession of child pornography), we did not follow the Judge's "recommendation" for halfway house placement. Other issues (e.g., a claim by the USPO that we had "promised" to place this inmate in a CCC) were also involved. At the hearing, the Judge resentenced the defendant to probation with a condition of one year CCC placement.

Whitney Broach v. Christopher M. Zepher, et al.,
C.A. No. H-96-1450 (SD/TX)

An emergency telephone hearing was conducted on October 11, as a result of petitioner's emergency petition, asking that the Bureau of Prisons not release her. Ms. Broach claimed that she was in need of surgery for removal of leaking breast implants (true), and that the Bureau of Prisons had an obligation to pay for her surgery. Thus, she sought an order that she be kept in custody so that the surgery could be performed at the government's expense. The Community Corrections Office in Houston was instrumental in gathering information on extremely short notice (approximately 24 hours lead time), whereby we proved to the judge that Ms. Broach had been offered the surgery in the past by the BOP, but refused those offers. The emergency petition was denied.

UPCOMING HEARING OR TRIAL

Fuller v. Martyn, et al., C-95-603 (SD/TX)

Spears hearing has been remanded to Magistrate Judge. Hearing date unknown at this time.

Vallier v. Harris, et al., A-93-CA-41 (WD/TX)

A Bivens action for cruel and unusual punishment in connection with a heart attack, is scheduled for trial in Austin on November 12, 1996. Docket Call is scheduled for November 8, 1996. Oddly, there has been no scheduling order. The case will be tried with a jury before a magistrate. The crux of the case is fairly simple. The plaintiff claims that Dr. Harris informed him that he had suffered a heart attack, and that he should take Motrin. Dr. Harris denies making such a statement. Dr. Dieck, the treating physician at the hospital to which the plaintiff was subsequently taken, who is also the plaintiff's expert witness, has stated in his deposition that in his opinion, there was no deliberate indifference to the serious medical needs of the plaintiff. With respect to the other two defendants, both PAs, the plaintiff's attorney admits there is no case against them, and that the plaintiff will probably voluntarily dismiss the suit as against them.

Banks v. Gibson, et al., A-95-CA-292JN (WD/TX)

A Bivens action, is scheduled for pre-trial conference on December 9, 1996, for a bench trial before a magistrate that

same week in Austin. There is no evidence that the slip-and-fall on a wet floor in the unit, which the plaintiff alleges resulted in damage to his back, ever occurred. The plaintiff claims that two correctional officers on duty were aware the floor was wet and violated the plaintiff's Eighth Amendment rights by failing to ensure it was remedied. The officers claim to have been unaware of the condition of the floor. Other than the plaintiff, there are no witnesses to testify as to the condition of the floor. A number of staff members will testify that they saw the plaintiff play vigorous contact sports such as basketball and football for a long time after his alleged accident.

Grigsby V. DOJ, 94-1293 (WD/LA)

Mediation Conference has been temporarily postponed due to an

illness of Mr. Grigsby's attorney. Counsel are attempting to reschedule.

MEDICAL MALPRACTICE

Torts:

Inmate Richard Burt, Reg. No. 02403-095, of FCI Texarkana, requests \$600,000.00 for personal injury for alleged medical indifference. He claims medical staff failed to treat him for ulcers resulting in emergency surgery for an ulcer perforation. He claims he is not treated for severe arthritis or a skin disorder. Investigation is pending. (T-SCR-96-352)

CRIMINAL MATTERS/PROSECUTIONS

FCI, TEXARKANA

Two incidents were referred to the U.S. Attorney's office for prosecution.

On October 16, 1996, four balloons containing marijuana were confiscated from inmate Martin Jackson, Reg. No. 07953-055. The FBI was contacted on October 17, 1996, and declined prosecution. This matter will be re-presented to the FBI and if necessary to the U.S. Attorney's office.

On October 17, 1996, inmate Ramirez, Reg. No. 27688-077, was assaulted by inmate Hernandez, Reg. No. 72163-079, at the satellite camp. Inmate Hernandez struck inmate Ramirez with a combination lock and a clothes iron. The assault was reported to the FBI on October 21, 1996. The FBI declined prosecution.

FPC, BRYAN

We expect the AUSA (Gerald Doyle, SD/TX-Houston) to decline prosecution in the Vincent Rosas case. Mr. Doyle cites the

lack of credible and forthcoming witness testimony as the basis for not prosecuting.

No change in the Schielack case. Sentencing is still scheduled for December 6th.

Additional interviews are taking place in the Mota case by OIG agents. We still have no indication as to whether prosecution will be pursued in this matter.

FCI, THREE RIVERS

The main witness in the Garcia-Chavez homicide has testified before the grand jury. The U.S. Attorney's office is reviewing the case for presentation of an indictment to the grand jury.

FCI, EL RENO

Ramos-Juarez, Raul, Reg. No. 56817-079, Possession of Weapon, FBI accepted.

Muniz, Eduardo, Reg. No. 69237-080, Possession of Weapon, FBI accepted.

Watts, Christopher, Reg. No. 25757-077, Assault on Inmate, FBI declined - no staff witnesses.

Hilliard, Rocky, Reg. No. 12401-076, Possession of Narcotics, FBI investigating.

Erving, Anthony, Reg. No. 18804-016, Assault on Inmate, FBI accepted.

SIGNIFICANT TORT CLAIMS

None

TORT CLAIM SETTLEMENT

None

SIGNIFICANT ADMINISTRATIVE REMEDIES

None

SITUATIONS OF INTEREST

FCC BEAUMONT

On October 2, 1996, Regional Counsel, Deputy Regional Counsel, and Supervisory Attorney met with U.S. Attorney and Magistrate Judge Hines regarding potential legal issues at FCC Beaumont.

On October 9, 1996, Supervisory Attorney met with Magistrate Judge Radford regarding legal issues at FCC Beaumont.

On October 15, 1996, we were notified by OGC that the request for concurrent jurisdiction for FCC Beaumont was signed by Assistant Attorney General and forwarded to Texas Governor.

FTC OKLAHOMA

On October 7, 1996, Harry T. Edwards, Chief Judge, U.S. Court of Appeals, District of Columbia toured the facility with Brooks Howard, U.S. Marshals Service.

On October 15, 1996, Correctional Officers Dahl Hendrickson and Frederick Russell, along with former Lieutenant Rosa Howard (now Captain at FCI Taft) appeared before the Grand Jury in the Western District of Oklahoma regarding the Trentadue issue.

FCI BASTROP

Gave a tour to four Assistant U.S. Attorneys all prosecutors, from Houston.

PERSONAL ISSUES

Mike Hood	- November 19-20	-	FCI Three Rivers
	- November 29	-	Annual Leave
Scott Bomson	- November 12	-	Annual Leave
Marsha Foulks	- November 12	-	Austin, Texas
Linda Nutt	- November 29	-	Annual Leave
Lesla Pamplin-Scott	- November 12	-	Annual Leave
Karen Summers	- November 15	-	Annual Leave
	- November 18,19	-	Admin. Leave

Patsy Davis	-	November 8, 29	-	Annual Leave
Paul Layer	-	November 22	-	"ROPES" Training Orange, Texas
	-	November 27,29	-	Annual Leave
Mike Flagor	-	November 8, 29	-	Annual Leave
An Tran	-	November 4-22	-	Acting Executive Assistant
	-	November 29	-	Annual Leave
Jeanne Whitecotton	-	November 25-29	-	Annual Leave



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December 5, 1996

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FOI/PRIVACY

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LITIGATION

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Cases With Hearing or Trials	0	1	0	1	1	1	0	3	2	4	1	
Cases With Settlements or Awards	1	0	1	0	0	1	2	0	0	0	2	
Tort Claim Settlements	0	0	0	0	0	0	1	0	0	0	0	

SIGNIFICANT CASES

Stewart v. Ralph, EP-96-CA-453F (WD/TX)

The case is interesting because it is based on a Hindu inmate's complaint that the common fare meal plan violates his 8th Amendment rights because it contains items such as meat, fish, poultry, eggs, onions and garlic that may not be offered before God in prayer. The inmate also complains that he is not allowed to remove offensive items from his tray for fear of being removed from the common fare meal plan.

Terise Ahr v. Federal Bureau of Prisons, 43932-272, District Court of Brazos County, Texas

This is a case which has been filed in state court in regard to the Bureau's alleged failure to comply with the terms of a settlement agreement between Ms. Ahr, a former employee, and the Bureau. We are working with the Assistant U.S. Attorney, Robert Bernard, to have the case removed to Federal court. Following the removal, we will respond to the merits of the case.

Loudermilk v. Franco, EP-96-423-H

Received a favorable decision. The case involved early release under 3621(e), and our decision not to place the inmate in a halfway house for transitional services.

CASE WITH SETTLEMENT OR AWARD

Venegas v. Warden, 96-1359LC (WD/LA)

We received an adverse decision in this 3621(e)e case out of the Western District of Louisiana, Lake Charles Division. The court relied upon the reasoning of Downey, held that the language of 3621(e) is not ambiguous (i.e., that the term "crime of violence" has an accepted meaning and definition), and that our interpretation "conflicts with the plain language

of the statute." The court then went on to order that the inmate get the one year reduction. Our motion for reconsideration has been denied. U.S. Attorney's office is recommending appeal.

Cardona-Sandoval v. Brush, No. 96-1583 (WD/LA)

We received an adverse decision on this habeas case. The offender was on parole, got picked up for committing a crime while on parole, and received a sentence for that new crime. The Parole Commission took a long time to file a parole violator detainer, and the new conviction was subsequently overturned. We gave the inmate credit against his parole violator term for all days after the filing of the parole detainer, but not any time prior to filing of the detainer. The USPC asked us to nunc pro tunc the detainer back to the date of inmate's arrest, but we couldn't because the detainer wasn't in existence at the time. We asked the USPC to take the inmate's "dead time" into account in imposing the violator term, but they felt their regulations prohibited them from doing that. The judge has now ordered that the "dead time" be credited to the parole violator term. Neither the Parole Commission nor our office recommends appeal. The inmate was originally scheduled for release on November 25, 1996. This moves his release date up by about a week or 2. Since he is being turned over to INS for deportation back to Columbia, all

this does is move the deportation up by a week or so.

CASE WITH HEARING OR TRIAL

Vallier v. Harris, et al., No. A-93-CA-41 (WD/TX)

We prevailed on all claims in this Bivens case. The case, involving allegations of deliberate indifference to medical needs (failure to diagnose and/or treat a heart attack) was handled by Martin Sweaney (FCI Bastrop) and Assistant U.S. Attorney Harold Atkinson. In addition, our Honors Attorney, Marsha Foulks, attended the trial, (conducted November 12 and 13) and sat as 3d chair. After several hours of deliberation, the 6 person jury ruled in favor of our staff members on all claims. The inmate was represented by counsel.

UPCOMING HEARING OR TRIAL

Spanjol v. USA, 4:94-CV-237 (ND/TX), was postponed. It has been rescheduled for March 10, 1997.

MEDICAL MALPRACTICE

Torts:

Inmate Edward Funches, Reg. No. 37764-054, from FMC, Fort Worth has filed a tort claim alleging that medical staff failed to properly treat him for a decubitus ulcer and as a result he was required to undergo a surgical procedure. He is seeking \$1.5 million in damages. (T-SCR-96-415)

Inmate Jose Reynoso-Olascoaga, Reg. No. 64714-079, from FCI, Big Spring has filed a tort claim alleging that he did not receive adequate treatment for a broken jaw.

Mr. Reynoso-Olascoaga alleges that on May 11, 1996, while he

was walking on the track at FCI, Big Spring, he was struck with a bat thrown from the adjacent softball field. The inmate was taken to a community hospital, but there was no dentist or oral surgeon available and the inmate was given a pain medication and ice pack and sent back to the institution for the night. The inmate was examined the next day in the institution hospital, and the medical staff advised him that his jaw would have to be wired closed. The inmate refused the procedure at that time. It is unknown if the procedure was later performed. The inmate is seeking \$10 million in damages. (T-SCR-96-430)

LITIGATION:

Johnigan v. Trueblood, et al., No. 3:96-CV-2434-T

Plaintiff alleges medical staff misdiagnosed his broken foot and he suffered severe pain as a result.

CRIMINAL MATTERS/PROSECUTIONS

FCI, TEXARKANA

One incident was referred to the U.S. Attorney's Office for prosecution. On November 12, 1996, Inmates Cordona-Rodriguez, Reg. No. 61017-079, and Morris Haughton, Reg. No. 50380-079, became involved in a heated verbal argument in the Dining Hall. Haughton then assaulted Cordona-Rodriguez by cutting him across the forehead with a single edge razor blade. Cordona-Rodriguez received 32 sutures to close the wound. The incident was referred to the FBI on November 12, 1996. The incident is being presented to the Grand Jury for possible prosecution.

FPC, BRYAN

Assistant U.S. Attorney Gerald Doyle, Southern District of Texas-Houston, has declined prosecution in the Vincent Rosas case. Mr. Doyle cites the lack of credible and forthcoming

witness testimony as the basis for not prosecuting. We have issued a letter to Mr. Rosas proposing termination.

No change in the Schielack case. Sentencing is still scheduled

for December 6th.

Additional interviews are taking place in the Mota case by OIG agents, who will be back in the institution during the week of December 2nd. We still have no indication as to whether prosecution will be pursued in this matter.

FCI, THREE RIVERS

The U.S. Attorney's Office is still reviewing the Garcia-Chavez case for presentation of an indictment to the grand jury.

On November 13, 1996, UNICOR staff observed inmates Carlos Dolores-Rodriguez, Reg. No. 33472-198, and Juan Alberto Gonzales, Reg. No. 54431-080, in a verbal confrontation which led to inmate Gonzalez attempting to strike inmate Dolores-Rodriguez with a screwdriver. Inmate Dolores-Rodriguez avoided the blow and simultaneously struck inmate Gonzalez on the left side of the neck with a utility knife causing a deep laceration. Both inmates separated and dropped their weapons when ordered to do so by staff. Inmate Gonzales was airlifted to a local hospital. He has been released from the hospital and is recovering from his injury. Dolores-Rodriguez was treated for a small abrasion to his left knee and placed in administrative detention. The FBI was notified. The U.S. Attorney's Office declined prosecution because the circumstances did not warrant prosecution, as the inmate's actions would be construed as self defense. The Warden concurs with the decision to not prosecute the inmates. Both inmates are pending disciplinary action and be recommended for separation status.

FCI, EL RENO

Sells, Dennis, Reg. No. 06113-062, Camp Escape, USM investigating.

Wilson, Antonio, Reg. No. 07191-062, Assault/Introduction of Drugs, indicted.

Jones, James, Reg. No. 07148-062, Introduction of Drugs, FBI indicted.

Luevano, Juan, Reg. No. 22720-077, Introduction of Drugs/Assault, indicted. Hardwood, William, Reg. No. 03271-063, Camp Escape, FBI accepted.

Harris, Jerry, Reg. No. 12187-064, Introduction of Drugs, FBI declines due to small amount.

Perez, Virginio, Reg. No. 60665-080, Camp Escape, USM investigating.

Aerceo, Elido, Reg. No. 76999-080, Camp Escape, USM investigating.

FMC, Fort Worth

The FBI has declined to prosecute Gutierrez, Paulo, Reg. No. 22336-080.

FMC, Carswell

Staff Chaplain may be indicted under 18 USC Section 2243(b), Sexual Abuse of a Ward, and/or a misdemeanor regarding making false statement during an official investigation.

FTC, Oklahoma

One matter of sexual assault was referred to the FBI, but the matter was declined and referred to the Oklahoma City Police Department instead.

SIGNIFICANT TORT CLAIMS

None

TORT CLAIM SETTLEMENT

None

SIGNIFICANT ADMINISTRATIVE REMEDIES

None

SITUATIONS OF INTEREST

FCI BASTROP

On November 14, Martin Sweaney played an integral role in a tour of 17 high-ranking justice officials from 10 Spanish-speaking counties.

FCI, Three Rivers

Charles Wendlandt, Assistant U.S. Attorney, spent the day in the institution interviewing staff concerning Fuller v. Martyn, et al., C-95-603. He also toured the institution with Paralegal Julie Gerardi.

FMC, Fort Worth

FMC, Fort Worth is scheduled to host the Sentencing Institute on January 7, 1997. Paralegals Carl Selogy and Linda DuBose are actively involved on the Planning Committee. They anticipate they will have 100 Federal Judges touring Fort Worth and in interview groups with selected inmates.

FTC, Oklahoma City

During the week of December 9-13, 1996, the Executive Staff will be in Oklahoma City for the Executive Staff Meeting. Executive Staff will tour the facility on Wednesday, December 11, 1996.

FCI, Texarkana

Henry Alvarado, Inmate Systems Supervisor, was subpoenaed by the United States Attorney, Northern District of Texas, to testify in the United States of America v. Jeffery H. Reynolds, III, Case Number 3:96-CR-271-P. Mr. Alvarado answered a telephone notification that Jeffery Reynolds, Reg. No. 61306-080, failed to report to a Community Corrections Center.

PERSONAL ISSUESAnnual Leave

Mike Hood

- December 23-27

Linda Nutt - December 26 - January 3
Henry Castro - December 23-24
Patsy Davis - December 30 - January 3
Paul Layer - December 23 - January 3
Julie Gerordi - December 5-6 and December 26-27
Linda DuBose - December 23 - December 31
Carl Selogy - December 26-27
Mike Flagor - December 23-27
Jim Schluter - December 19 - January 6



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January 6, 1997

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Tort Claim Settlements	0	0	0	0	0	0	1	0	0	0	0	0

SIGNIFICANT CASES

Daas v. Scott, et al., C.A. No. CV96-0724 (WD/LA)

Plaintiff is a detainee at FDC Oakdale. He has alleged that he has been retaliated against (in the form of disciplinary action and AD placement) for filing lawsuits/grievances. The Magistrate Judge has taken a particular interest in the case, and a motion to dismiss has been filed, along with a "Report" detailing the reasons for plaintiff's latest placement in AD.

William Paul Shaver v. United States Bureau of Prisons, et al., C.A. No. 4:96CV419 (ED/TX)

In this Habeas action, the inmate alleges he is improperly incarcerated. He asserts that the petition for revocation of supervised release was filed more than five months after the supervision should have been terminated.

FMC Fort Worth has received 10 Habeas Corpus petitions requesting deportation pursuant to the new INS procedure.

CASE WITH SETTLEMENT OR AWARD

None

CASE WITH HEARING OR TRIAL

Broach v. Zepher, et al., C.A. No. H-96-1450 (SD/TX)

A Spears hearing was held December 30 on this case which was originally filed as a habeas, but was "converted," at the Court's behest, to a potential Bivens claim. The case involves allegations regarding disciplinary action taken at a Houston CCC, as well as failure to provide plaintiff with surgery for removal of leaking breast implants. No ruling has been issued yet, but we are extremely confident that the court will dismiss the case as to the BOP defendant.

UPCOMING HEARING OR TRIAL

The Spanjol case was postponed. It has been rescheduled for March 10, 1997.

MEDICAL MALPRACTICE

None

CRIMINAL MATTERS/PROSECUTIONS

FPC, BRYAN

Ron Scheilack, former Materials Handler Supervisor, was sentenced on December 6, 1996, to a five year term of probation, 4 months home confinement, and fined \$2,000. He is also prohibited from seeking employment with any Federal, state or local law enforcement agency during the term of his probation.

Vincent Rosas has been issued a proposal letter indicating he will be terminated on December 27, 1996. He appeared and provided a response to Warden Beasley regarding the proposal on December 17, 1996. A letter regarding the final decision is in

the review process, and should be issued within the next few days.

The investigation into allegations of sexual impropriety by [REDACTED], Physician Assistant, continues. OIA agents and an AUSA from Main Justice (Civil Rights) will be in the institution during the week of January 1997 to interview the subject and others.

As an offshoot of the [REDACTED] case, allegations of sexual impropriety have been raised against [REDACTED] Correctional Officer. During an interview of an inmate involved in the [REDACTED] case, a semen sample was provided by the inmate who claimed it had been from Officer [REDACTED]. OIG and the FBI have confirmed that the sample is semen and have apparently determined the blood type of the person who produced the semen. During their visit in January 1997, a search warrant will be executed in order to obtain a blood sample from Officer [REDACTED].

FTC, Oklahoma

Two incidents were reported to the FBI, one inmate assault on inmate and one inmate assault on staff for spitting. The FBI decided not to submit these matters to the U.S. Attorney's Office for prosecution.

FCI, OAKDALE

Inmate Soeung Chhunn, Reg. No. 05755-041, stabbed inmate Jonathan Lock, Reg. No. 10020-265, on the SHU recreation yard in November, 1996. The investigation has been referred to the FBI. The investigation should soon be completed and the case forwarded to the U.S. Attorney's Office.

Inmate Donald Smith, Reg. No. 10043-078, walked away from the camp. This camp inmate was on an "extended unapproved furlough" in early December, 1996. (He went to visit his wife in Beaumont). Initially referred to FBI because of possible kidnaping; however, once that was disproved, the FBI backed out of the picture. The institution then referred the complaint to the U.S. Marshal's Service. The investigation should be

complete or very close to being completed. It will then be forwarded to the U.S. Attorney's Office.

FCI, TEXARKANA

On December 4, 1996, Inmate Morris Haughton, Reg. No. 50380-079, was indicted. This incident was initially reported last month. On November 12, 1996, Inmate Haughton assaulted Inmate Cordova-Rodriguez, Reg. No. 61017-079, after a heated verbal argument in the dining hall. Haughton cut Cordova-Rodriguez with a single edge razor blade. Cordova-Rodriguez received 32 sutures to close the wound. The incident was referred to the FBI on November 12, 1996.

FCI, THREE RIVERS

The U.S. Attorney's Office is awaiting the results of additional forensic evidence to be released by the FBI in the Garcia-Chavez homicide case for presentation of an indictment to the grand jury.

Thomas Summerville, Reg. No. 01970-190, is pending prosecution for phone/credit card fraud. Inmate established an outside contact whom was employed with a moving company. This individual provided inmate with customer names, credit card and social security numbers. The credit cards were used to order various items which were delivered to the inmate's residence. This activity occurred over a long period of time and involves the FBI, CIA and several state agencies. The CIA is interested in prosecution.

SIGNIFICANT TORT CLAIMS

MEDICAL

Inmate Eric LAWRENCE, Register Number 60517-080, filed an administrative claim number T-SCR-96-470, on December 24, 1996, alleging that medical staff at FMC, Fort Worth has been negligent because he has received his Insulin injections two

hours late for three weeks. He claims that his body has had to adjust to receiving the shots later and that it is "taxing on his system." He also states that because of the medical treatment he has received over the last four years for his

diabetic condition, he has suffered a stroke and is now legally blind. He seeks sixty thousand dollars (\$60,000.00) compensation for personal injury.

Inmates Gene GRAVENMEIR, Register Number 08224-097; George JANIS, Register Number 37039-198; and Robert BUTLER, Register Number 68846-079 have filed administrative tort claims alleging that they are being exposed to second hand smoke at FMC, Fort Worth.

Mr. Gravenmeir (T-SCR-96-391) seeks \$5,030,000.00. The investigation by staff at FMC, Fort Worth indicates that Mr. Gravenmeir has been incarcerated in the BOP since July 3, 1996. He currently has been housed at FMC, Fort Worth due to his medical history of hypertension, major depression, and a previous cerebrovascular accident in July 1995. On October 9, 1996, Mr. Gravenmeir was referred to the institution psychologist who noted that he was irritable due to being housed in an area where smoking is permitted. On October 11, 1996, he was evaluated and treated for a possible upper respiratory infection and on October 18, 1996, he was evaluated by a contract psychiatrist. Mr. Gravenmeir was treated on October 30, 1996, for a runny nose and he complained of inmates smoking around him. His lungs were clear and a normal nasal mucosa. On November 6, 1996, he again complained to medical staff about the smoking, and he said that the smoking was causing him to cough; the examination was normal. Staff indicate that there is nothing to indicate that Mr. Gravenmeir has suffered because of second hand smoke.

Mr. Janis (T-SCR-96-427) seeks \$12,940,000.00. The investigation reveals that he has been incarcerated in the BOP since April 27, 1995. He has sought treatment on multiple occasions for a dry cough, and has been diagnosed with an upper respiratory infection. On November 12, 1996, he complained to medical staff that the smoking in the housing units is causing his cough, runny nose, and watery eyes. The physician noted that the runny nose, cough, and watery eyes was secondary to smoke in the environment. Mr. Janis had a heart condition and breathing problems prior to being incarcerated and at his own admission, it was related to second hand smoke. However, he alleges that inmates are allowed to smoke in common areas in the housing unit.

Robert Butler (T-SCR-96-446) seeks \$286,000.00 in damages. He has not made any specific allegations regarding his injuries.

He simply states that he has been exposed to second hand smoke since his first day of incarceration. We have not received an investigation from institution regarding this claim.

It should be noted that FMC, Fort Worth implemented a "non-smoking" policy in Dallas and Fort Worth Units beginning January 2, 1997.

TORT CLAIM SETTLEMENT

None

SIGNIFICANT ADMINISTRATIVE REMEDIES

None

SITUATIONS OF INTEREST

FCC, Beaumont

On December 4, 1996, Paul Layer, Karen Summers, and Larry Weston (DHO) hosted a tour of the FCC Beaumont for Ruth Yeager, Chief of Civil Division, U. S. Attorney's Office, Eastern District of Texas, and some of her staff, including Moni Henderson, Paralegal Specialist, who will primarily handle FCC Beaumont cases in the U.S. Attorney's Office, and Civil Assistant U.S. Attorney O. Kenneth Dodd.

On December 6, 1996, Paul Layer and Karen Summers, hosted a tour of the FCC Beaumont for local U.S. National Park Service law enforcement officers. The request for a tour was made by John Stevens, Chief of Criminal Division, U.S. Attorney's Office, Eastern District of Texas, who was obligated to provide the officers with annual training.

December 12, 1996, Paul Layer, Karen Summers, and Larry Weston (DHO), attended the Restorative Justice Video-Teleconference at Lamar University, Beaumont, Texas. The video conference was produced by the Department of Justice and National Institute of

Corrections.

FMC, Carswell

High profile inmate Susan McDougal has generated additional legal and medical issues.

FCI, Three Rivers

Fuller v. Martyn, et al., C-95-603. Bivens case. Plaintiff continues to file motions which are unrelated to the original complaint. He has filed a motion requesting the addition of four BOP staff members as defendants in his lawsuit. These alleged actions by these defendants are unrelated to original complaint.

PERSONAL ISSUES

Scott Bomson's last day in the office will be January 31.