



**United States Government
Memorandum**

Date: November 2, 1994

Reply to Attn. of: Sherree L. Sturgis, Regional Counsel
Southeast Region, Bureau of Prisons

Subject: October, 1994 SER Litigation

To: SER CEOs, Regional Administrators
Institution Paralegals and Attorneys
Wallace H. Cheney, General Counsel
Joyce Zoldak, Associate General Counsel

New Cases

1. ENEL DESIR v. JANET RENO, et al

Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 94-1479-CIV-DAVIS
Institution: MCC, Miami
Type of Case: Federal Tort Claims Act (FTCA)
Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at DAN in 1994 alleges while at MIA in 1992, he was not given adequate medical treatment following exploratory surgery in liver/spleen area. He suffered continued bleeding and pain.

Damages Req: \$1,750,000; *Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: September 30, 1994; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Marilyn Lindsey; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

2. NARCISO CARRILLO v. UNITED STATES

Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 88-684-CR-MARCUS
Institution: MCC, Miami
Type of Case: Other, Petition for Corum Nobis
Subject: SENTENCING

Facts Alleged: Inmate at MIA in 1994 alleges that inaccurate information exists in his PSI.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



3. ORLANDO BENIGNO LORENZO v. MICHAEL W. GARRETT, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: CV 94-PT-2376-E
Institution: FCI, Talladega
Type of Case: Personal Liability Action (Bivens)
Subject: AD DETENTION, INMATE DISCIPLINE, VISITING, RECREATION, CONDITIONS OF CONFINEMENT

Facts Alleged: TDG detainee in 1994 alleges he was arbitrarily placed in administrative detention. Conditions in administrative detention were severe; no heat, restrictions on hygiene, etc. Exercise period was very short and visitation was limited.

Damages Req: unspecified; *Special Monitoring:* IC5, Publicity / Impact on staff morale, Other.; **SERO: Regional office staff are alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Richard Mahler, Torts Branch, Department of Justice, Washington, D.C.; Van Vandivier, Deputy Regional Counsel, SERO



4. SALVADOR MAGLUTA v. F. P. SAM SAMPLES, et al

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1-94-CV-2700-ODE
Institution: USP, Atlanta
Type of Case: Personal Liability Action (Bivens)
Subject: INMATE DISCIPLINE AD DETENTION, CONDITIONS OF CONFINEMENT

Facts Alleged: ATL detainee 1994 alleges while at TDG in 1992 he was arbitrarily placed in administrative detention. Conditions in administrative detention were severe: temperature cold, no control over hygiene, no space, etc. Recreation time and visitation hours were shortened.

Damages Req: unspecified; *Special Monitoring:* IC5, Publicity / Impact on staff morale, Other.; **SERO: Regional office staff are alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* -1994

Assigned to: Sharon Douglas Stokes; Assistant U.S. Attorney, Atlanta, GA ; Van Vandivier, Deputy Regional Counsel, SERO



JOSE R. DE LA FE v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-1639-FMH

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: SAFETY TORT

Facts Alleged: BSP Inmate alleges he received several injuries when he fell out of a bus at ATL in 1992 because of the failure of staff to take appropriate safety precautions.

Damages Req: \$6,000,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* Unknown

Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

6. UNITED STATES v. PEDRO ANTONIO MOJICA

Court: DISTRICT OF PUERTO RICO

Docket No.: 94-000

Institution: MDC, Guaynabo

Type of Case: Habeas Corpus

Subject: INS SENTENCING

Facts Alleged: Inmate at GUA in 1994 alleges that he is being required to serve his full sentence prior to deportation.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Guillermo Gil; United States Attorney, Hato Rey, PR; Zoe Laboy, Attorney Advisor, MDC, GUAYNABO

7. PAUL E. SHAVER v. UNITED STATES

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50122\LAC

Institution: FCI, Marianna

Type of Case: Federal Tort Claims Act (FTCA)

Subject: PROPERTY

Facts Alleged: Inmate at MNA in 1994 alleges his crutches were lost after he was transferred to JES in 1993.

Damages Req: \$120.00; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Angle Grider, Legal Assistant, SERO

8. DAVID BRASWELL v. BUREAU OF PRISONS, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV294-63

Institution: FCI, Jesup

Type of Case: Habeas Corpus

Subject: CLASSIFICATION FOI-PRIVACY

Facts Alleged: Inmate at JES in 1994 alleges that incorrect information in his PSI has resulted in a higher classification level.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

9. UNITED STATES, et al v. ANTONIO JOSE LOPEZ-PEREZ, et al

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 94-8097-CR-KING

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: VISITING

Facts Alleged: Court orders MIA to permit pre-trial detainee to visit with his wife.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* -1994

Assigned to: Kevin S. Kozak; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



10. FREDEL WILLIAMSON v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-000

Institution: FCI, Marianna

Type of Case: Mandamus

Subject: LAW LIBRARIES

Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.

Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna



11. GEORGE WILSON v. BUREAU OF PRISONS

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-000
Institution: FCI, Marianna
Type of Case: Habeas Corpus
Subject: TRANSFERS ACCESS TO COURTS
Facts Alleged: Inmate at MNA in 1994 seeks a transfer back to MEM in order to adequately address several cases that he has presently pending.
Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE
Assigned to: P. Michael Patterson; U.S. Attorney, Tallahassee, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

12. CLAYTON P. CROWE v. FRED J. STOCK

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CV-2173-JTC
Institution: USP, Atlanta
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at ATL in 1994 alleges that he has been placed in federal custody without explanation. He alleges that there has been an improper use of a writ ad prosequendum.
Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* 10-11-1994
Assigned to: Sharon Douglas Stokes; Assistant U.S. Attorney, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

13. DANIEL J. FEDERLE v. VIC LOY, et al

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: 94-000
Institution: FCI, Jesup
Type of Case: Injunction
Subject: MEDICAL TREATMENT
Facts Alleged: Inmate at JES in 1994 alleges that he is not receiving adequate medical care, including physical therapy, for several conditions that stem from a birth defect which resulted in his being a paraplegic.
Damages Req: 0; *Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE
Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup



14. NELSON SARDINA v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-000
Institution: FCI, Marianna
Type of Case: Mandamus
Subject: LAW LIBRARIES
Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.
Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE
Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna



15. JORGE DURANGO v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-000
Institution: FCI, Marianna
Type of Case: Mandamus
Subject: LAW LIBRARIES
Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.
Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE
Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna



16. RAYMOND OLSEN v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-000
Institution: FCI, Marianna
Type of Case: Mandamus
Subject: LAW LIBRARIES
Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.
Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE
Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna



 17. GREGORY SOWELL v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-000

Institution: FCI, Marianna

Type of Case: Mandamus

Subject: LAW LIBRARIES

Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.

Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

 18. LEROY BUSH v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-000

Institution: FCI, Marianna

Type of Case: Mandamus

Subject: LAW LIBRARIES

Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.

Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

 19. LEONARDO RUBIO v. GEORGE E. HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-000

Institution: FCI, Marianna

Type of Case: Mandamus

Subject: LAW LIBRARIES

Facts Alleged: Inmate at MNA in 1994 alleges that the law library is not being operated per policy requirements.

Damages Req: 0; *Special Monitoring:* ID13, Case management may be a problem, Multiple use of form pleading; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

20. CHARLES ELLENBERG, JR. v. BUREAU OF PRISONS, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 6:94-2445-3AK

Institution: USP, Atlanta

Type of Case: Habeas Corpus

Subject: SENTENCING COMMUNITY TREATMENT CENTERS

Facts Alleged: Inmate at ATL in 1994 alleges that his sentence should be modified to allow for CTC placement.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* 10-21-1994

Assigned to: William C. Lucas; Assistant U.S. Attorney, Greenville, SC; Ken Hyle, Attorney/Advisor, SERO

21. CHARLES ELLENBERG, JR. v. BUREAU OF PRISONS, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 6:94-2445-3AK

Institution: USP, Atlanta

Type of Case: Habeas Corpus

Subject: SENTENCING COMMUNITY TREATMENT CENTERS

Facts Alleged: Inmate at ATL in 1994 alleges that his sentence should be modified to allow for CTC placement.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* 10-21-1994

Assigned to: William C. Lucas; Assistant U.S. Attorney, Greenville, SC; Ken Hyle, Attorney/Advisor, SERO

22. DEXTER CONROD v. JAMES MOSELY, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 94-H-0788-E

Institution: FCI, Talladega

Type of Case: Personal Liability Action (Bivens)

Subject: VISITING

Facts Alleged: Inmate at TDG in 1994 alleges that his wife and children were denied visitation rights.

Damages Req: \$50,000; *Special Monitoring:* 0, Not assigned to special monitoring; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: October 24, 1994; *Due:* 10-07-1994

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega



23. JORGE MUNOZ v. U.S. GOVERNMENT

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 94-000

Institution: FPC, Eglin

Type of Case: Injunction

Subject: CLASSIFICATION

Facts Alleged: Inmate at EGL in 1994 alleges he has been placed in an institution in violation of his judgment and imprisonment order.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Gerelene Gooden, Paralegal Specialist, Southeast Regional Office

24. ROBERT M. BROWN, JR v. MIKE PETTIFORD, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 9-94-2611-17-JC

Institution: FCI, Estill

Type of Case: Personal Liability Action (Bivens)

Subject: PROPERTY

Facts Alleged: Inmate at EST in 1994 alleges that his Bible cover was taken and not returned.

Damages Req: \$300,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* Unknown

Assigned to: Jay Preston Strom; U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill

25. CALVIN R. MATTISON v. TONY BROWN, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 9:94-2610-6-JC

Institution: FCI, Estill

Type of Case: Personal Liability Action (Bivens)

Subject: CORRESPONDENCE

Facts Alleged: Inmate at EST in 1994 alleges that his mail is being tampered with in the mailroom.

Damages Req: \$500,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* Unknown

Assigned to: Jay Preston Strom; U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill

26. GLENN ALIN MARTINOFF v. ___ DUKES, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 9:94-2609-18-JC

Institution: FCI, Estill

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT, WORK, FOOD SERVICE

Facts Alleged: Inmate at EST in 1994 alleges that he was assigned to work in food services in violation of his medical order.

Damages Req: \$835,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 24, 1994; *Due:* Unknown

Assigned to: Jay Preston Strom; U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill

27. ANDREW WALKER v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-2567-ODE

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: PROPERTY

Facts Alleged: Inmate at ATL in 1994 alleges that his property was confiscated and destroyed while in SHU.

Damages Req: \$1,250,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* 12-20-1994

Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

28. JERRY D. ASHMORE v. KATHLEEN HAWKE, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 94-000

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS WORK

Facts Alleged: Inmate at FPC, ATL in 1994 alleges that he was assaulted by a staff member at work.

Damages Req: \$350,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta



SELBIE MCNAIR-BEY v. FEDERAL BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-1941-CIV-DAVIS

Institution: MCC, Miami

Type of Case: Personal Liability Action (Bivens)

Subject: AD REMEDIES

Facts Alleged: Inmate at MIA in 1994 alleges he submitted a BP-9 to the Regional Office due to its sensitive nature. It was rejected sent back to the institution arbitrarily. When it was resubmitted at the institution, it was lost.

Damages Req: \$75,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* 12-19-1994

Assigned to: Peter Outerbridge; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

30. DAVID EARL HUGHES v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-2523-ODE

Institution: USP, Atlanta

Type of Case: Habeas Corpus

Subject: SENTENCING CLASSIFICATION

Facts Alleged: Inmate at ATL in 1994 alleges that the BOP is not computing his sentences correctly which has placed him in a different severity level.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* NONE, NO SHOW CAUSE

Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

31. GEORGE TERZADO v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-cv-1771-JEC

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS

Facts Alleged: Inmate at ATL in 1994 alleges that he was assaulted by two officers.

Damages Req: \$2,050,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* NONE, NO SUMMONS SUED.

Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

32. THE STATE OF SOUTH CAROLINA v. DAVID JEPSEN

Court: SOUTH CAROLINA STATE COURT

Docket No.: 94GS25-0486

Institution: FCI, Estill

Type of Case: Other, Criminal Prosecution

Subject: CRIMINAL PROSECUTION

Facts Alleged: SC is prosecuting inmate for the murder of inmate Solomon Gilbert at EST on 07-10-1994. Crime will be prosecuted by the state because federal jurisdiction of EST property has not yet been obtained.

Damages Req: 0; *Special Monitoring:* IB1, All cases involving a death.; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: October 31, 1994; *Due:* 11-14-1994

Assigned to: Randolph Murdock, 98th Circuit Solicitor, Earl L. Cotton, Assistant Regional Counsel, SERO

Significant Activity on Existing Cases

ANTHONY EUGENE CASH v. JOSEPH P. CLASS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: MCA 92-50199/RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$200,000

Subject: RELIGION *Institution:* FCI, Marianna

Facts Alleged: Hebrew Israelite inmate at MNA in 1992 alleges that he has not been allowed to use the institution chapel for his religious worship.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 04-27-1993

Significant Activity: 10-03-1994 Order adopts magistrate's report, dismisses case. 09-13-1994 The magistrate's report recommends dismissal after applying the standard established by the Religious Freedom Restoration Act. Claims for declaratory and injunctive relief are moot because the inmate is no longer housed at the same institution. The court finds the defendants are entitled to qualified immunity protection because the actions in question occurred in 1992. Prison officials are not required to forecast future legislative or judicial decisions. In 1992 there was no clearly established law requiring prison officials to permit inmates to attend congregational religious services instead of or in addition to providing inmates with reading materials, religious counseling, and time for prayer. The prisoner failed to present any evidence showing that the exercise of his religion was substantially infringed by the denial of a Kosher diet.



NICK CINDIA v. ROGER F. SCOTT, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV-93-AR-1547-E; *Type of Case:* Habeas Corpus; *Damages Req:* \$1,274,000.00

Subject: COMMUNITY TREATMENT CENTERS CLASSIFICATION, DISCRIMINATION *Institution:* FCI, Talladega

Facts Alleged: Inmate at TDG in 1993 alleges that he was denied "full" placement at a CTC due to racial discrimination. Also challenges PSF based on weapon.

Special Monitoring: IA1, Precedent\ Public Safety Factor
Date Case Filed: 08-03-1993

Significant Activity: 10-05-1994 Order adopts magistrate's report, dismisses case. 09-13-1994 The magistrate's report recommends dismissal because the granting of CCC placement is discretionary and the inmate has presented no evidence to support his claim of racial discrimination.

JON MICHAEL HUNTER v. UNITED STATES PAROLE COMMISSION, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: MCA 92-50252/WEA; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: PAROLE *Institution:* FCI, Marianna

Facts Alleged: Inmate at MNA in 1993 alleges that the Parole Commission has arbitrarily and capriciously not given him credit for state time toward the parole guidelines.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 01-12-1993

Significant Activity: 10-14-1994 Order adopts magistrate's report, dismisses case. 09-09-1994 The magistrate's report recommends dismissal based on inmate's petition for voluntary dismissal.

FREESTON LEWIS v. ROGER BAXTER, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 92-50326-RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$272,500

Subject: INMATE DISCIPLINE AD DETENTION, TRANSFERS *Institution:* FCI, Marianna

Facts Alleged: Inmate at THA in 1993 alleges that while he was in MNA in 1992, a false incident report was knowingly written against which resulted in an institutional transfer and inmate segregation. Drugs were found in package addressed to him.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 08-17-1993

Significant Activity: 10-13-1994 Order adopts magistrate's report, grants summary judgement, dismisses case.

08-29-1994 The magistrate's report recommends dismissal. A prisoner has no right to be protected from false allegations. This prisoner had the process due to him in the DHP proceeding.

JOE MOWISH v. MATTHEW ARNOLD, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV294-69; *Type of Case:* Injunction; *Damages Req:* 0

Subject: ASSAULTS *Institution:* FCI, Jesup

Facts Alleged: JES inmate alleges he has been subjected to staff assaults in retaliation for another civil action, FGAS, 294-11. TRO hearing scheduled for 05-26.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 05-16-1994

Significant Activity: 10-25-1994 Dismissed without prejudice for failure to serve defendants with 120 days.

PHILLIP N. NORMAN v. ANDRE IVORY, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:92-CV-1833-RLV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$4,000,000.00

Subject: INMATE DISCIPLINE *Institution:* USP, Atlanta

Facts Alleged: ATL inmate claims false information was put in his Progress Report resulting in USPC not issuing a parole date. He also alleges discrimination based on race and inmate assault at the request of staff in retaliation for filing administrative remedies.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 07-30-1992

Significant Activity: 09-13-1994 Order grants the government's motion for summary judgement, dismisses case. Material facts are not in issue because the inmate challenges the staff member's version of the facts by submitting affidavits containing inadmissible hearsay.



RICHARD PELLEGRINO v. UNITED STATES

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-50124-WEA; *Type of Case:* Tort;

Damages Req: \$1,200.00

Subject: PROPERTY *Institution:* FCI, Marianna

Facts Alleged: Inmate at MNA in 1993 alleges that some of his property was lost, destroyed, misplaced, or stolen as a result of his transfer due to Hurricane Andrew in 1992.

Special Monitoring: IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew

Date Case Filed: 08-30-1993

Significant Activity: 10-17-1994 Order grants the government's motion for summary judgement, dismisses case. 09-08-1994 Magistrate's report recommends dismissal. The United States is immune under FTCA because the discretionary function exception because the handling of inmate property immediately prior to and after Hurricane Andrew was clearly discretionary implementation of policy within the scope of this exception. The claim would also be barred under 28 U.S.C. 2680(c) because the items in question were property detained by law enforcement officials.



GREGORY RICHARDSON v. JOHN E. HAHN

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-000; *Type of Case:* Habeas Corpus;

Damages Req: 0

Subject: SENTENCING *Institution:* FPC, Pensacola

Facts Alleged: Inmate at PEN in 1993 alleges that he should be given credit towards his sentence for time spent in a CCC.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed:

Significant Activity: 10-04-1994 Closed for inaction. No Show Cause order issued.

MICHAEL LEE SAMMONS v. ROGER F. SCOTT

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV-93-H-1291-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$500,000

Subject: LAW LIBRARIES *Institution:* FCI, Talladega

Facts Alleged: Inmate at TDG in 1993 alleges that the law library is inadequate.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 06-28-1993

Significant Activity: 10-07-1994 Order adopts magistrate's report, grants summary judgement, dismisses case.

9-12-1994 The magistrate's report recommends dismissal or inmates failure to respond to the government's motion. The cases the prisoner alleges he needed were available to him.

MARVIN YIZAR v. WARDEN R. HONSTED, et al
Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 292-166; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$4,000,212.25

Subject: MEDICAL TREATMENT *Institution:* FCI, Jesup

Facts Alleged: Inmate formerly at JES complains about housing conditions in ATL in 1990. He also complains about the medical treatment at ASH in 1990 for injury from a fall. Medical condition was not properly treated at JES. He claims a staff member at JES stole money from him and his good time credit was cancelled at JES. He also complains that JES staff has interfered with his mail. Lastly he alleges that the U. S. Marshalls stole some of property during transport to ATL in 1990.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 10-14-1992

Significant Activity: Appeal to Eleventh Circuit, 93-8536.

06-16-1994 Order vacates district court decision and remands for consideration of a possible FTCA claim.

04-06-1993 Order grants government's motion for summary judgement, dismisses case. Exhaustion of remedies argument was denied because injunctive relief claims became moot when the inmate was released. The inmate failed to establish that this was a serious medical need within the constitutional definition.