

UNITED STATES GOVERNMENT
memorandum

Date: February 5, 2000

Reply to: Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - January 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141										
Rec'd in month	35											
Recons. rec'd	0											
Ans'd in month	73											
Pending at end	148											
Over 180 days	25											

B. Tort Claim Investigation Status: As of January 31, 2000

	ATL	COL	EDG	EGL	EST	GUA	JES	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	58	11	7	1	8	3	4	5	11	13	3	0	17	0	0
>60 DAYS	34	0	0	0	3	1	1	0	7	5	1	0	7	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12										
Rec'd in month	34											
Ans'd in month	35											
Pending at end	12											
Over 30 days	0											

*

D. FOIA Requests for records: As of January 31, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	0	3	0	1	0	1	0	2	0	0	0	2	2	0	0
>30 DAYS															

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210												

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227											
New Cases	12											
Habeas Corpus	7											
FTCA	0											
Bivens	5											
Other	0											
Bivens/FTCA	0											
Lit Reports	16											
Cases Closed	5											

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

Clifford Lewin v. Dr. DiSanto et al., 1:97-CV-48-RWS - Settlement amount \$45,000 on 1/18/99

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

New Cases:

Zack McCain, Jr. v. Kathleen Hawk Sawyer, et. al., 2:99-3602-12AJ. The plaintiff is suing the Director, the Warden at FCI, Edgefield and the Regional Director of the Southeast Region over the Zimmer Amendment.

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

Motions in Criminal Cases:

III. TRAVEL SCHEDULE FOR November 1999:

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

IV. Misc.:

b6

UNITED STATES GOVERNMENT
memorandum

Date: March 3, 2000

Reply to Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - February 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125									
Rec'd in month	35	40										
Recons. rec'd	0	0										
Ans'd in month	73	74										
Pending at end	148	121										
Over 180 days	25	25										

B. Tort Claim Investigation Status: As of February 29, 2000

	ATL	COL	E D G	E G L	E S T	G U A	J E S	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	44	3	7	0	8	3	4	5	11	13	3	0	16	4	4
>60 DAYS	27	0	0	0	3	1	1	0	6	5	1	0	6	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16									
Rec'd in month	34	33										
Ans'd in month	35	30										
Pending at end	12	16										
Over 30 days	0	0										

D. FOIA Requests for records: As of February 29, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	1	5	0	0	0	0	0	2	0	1	0	3	1	1	2
>30 DAYS															

E. ADMINISTRATIVE REMEDIES.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196											

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238									
New Cases	12	13										
Habeas Corpus	7	12										
FTCA	0	0										
Bivens	5	1										
Other	0	0										
Bivens/FTCA	0	0										
Lit Reports	16	12										
Cases Closed	5	9										

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

Clifford Lewin v. Dr. DiSanto et al., 1:97-CV-48-RWS - Settlement amount \$45,000 on 1/18/99

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

New Cases:

Alicea Torres v. United States, 99-1805 (PG): FTCA case in which the plaintiff contends that while playing basketball at the recreation yard at the MDC, he executed an evasive maneuver and slipped and fell in a slippery substance that was on the floor of the basketball court. Plaintiff contends that he was not warned of the dangerous conditions of the floor and that there were no staff members present to ensure that the floor was not slippery. Plaintiff contends that, upon falling, he received a hard blow to his head and lost consciousness. Plaintiff contends that the injuries he sustained were proximately caused by the negligence of MDC staff in failing to adequately inspect and supervise the basketball court while plaintiff was playing and after inmates used the court. Plaintiff contends that MDC had a duty to maintain the basketball court free of slippery substance.

The Deposition of the plaintiff was taken. During the deposition, the plaintiff added to his claim that the dust that accumulated on the floor created the slippery condition that caused him to slip and fall. A settlement conference was scheduled. During the settlement conference, we informed the judge of our decision not to make an offer for settlement based on the kind of case and the lack of evidence of government negligence. The judge set the case for trial 4 days after the settlement conference. At trial, the plaintiff failed to prove that the conditions of the floor in the recreation yard were dangerous and that the staff knew of the allegedly dangerous condition. Moreover, the plaintiff testified that he knew of the slippery floor and still decided to play and not report the fact to the MDC staff. We presented the testimony of two staff members who testified about the conditions of the floor and their lack of knowledge as to their slipperiness. The court ruled in our favor. Corrective measures will be taken to repaint the recreation yards with a sandy paint that will create traction and avoid slipperiness.

Pedro De Jesus Mateo, et al. v. MDC Guaynabo, 99-2271 (SEC): Plaintiffs in this case have brought a lawsuit against MDC Guaynabo based on conditions of confinement. Essentially, plaintiffs allege that there is not enough food in the housing units for all inmates and some inmates are left without food; inmates are subjected to retaliation; that inmates have been assaulted for claiming their rights and frightened by having been placed in the S.H.U. (Special Housing Unit) and that mail alluding to their allegations is destroyed by prison personnel. A litigation report was prepared by Van Vandivier. We filed an answer to the inmates' complaint. An evidentiary hearing was scheduled for February 29. During the evidentiary hearing, the inmates raised a large number of new allegations and expanded on the allegations already made in the complaint. The hearing lasted about 3.5 hours and only the testimony of the three plaintiffs was taken. The hearing was continued for March 9, 2000, at which time the Government will present our evidence, by way of a second answer to the plaintiffs' allegations and witnesses on the day of the hearing.

Domingo Santana Rosa v. United States, et al.: FTCA/Bivens lawsuit in which the plaintiff contends that he was assaulted by another inmate as a result of government negligence. The plaintiff contends that the inmate who assaulted him was a trust agent of the government (unit orderly) and as a result the government is responsible for that inmate's assault on the plaintiff. Prepared litigation report detailing defenses to this lawsuit, especially, the plaintiff's failure to meet the statute of limitations applicable to both Bivens and FTCA lawsuits. Motion to dismiss the plaintiff's complaint was filed.

Jesus Miranda Gonzalez v. J.L. Garcia, 98-2187 (PG): Petitioner sought expungement of an incident report for use of intoxicants. The petitioner alleges that the date on the first incident report was altered to conform to 28 C.F.R. § 541.11, which requires that an incident report be delivered to the inmate within twenty-four hours after staff became aware of the incident. The incident report indicated that the incident occurred on June 24, 1996, but was dated July 4, 1996. The incident report was delivered to the petitioner on July 4, 1996, days after the incident giving rise to the incident report had occurred. The disciplinary hearing was conducted on July 10, 1996 and the first incident report was expunged. The petitioner contends that on July 15, 1996, a second incident report identical to the first one was served upon him, explaining that the toxicology test results could not have produced a false positive by the medications prescribed to petitioner. The petitioner contends that the first incident report was delivered untimely and that dates were altered to conform with the policy requirement that the incident report be served within 24 hours. Thereby, the petitioner alleges that his rights protected under the due process clause and his right to a speedy trial were violated. The petitioner also contends that the second incident report affects his custody level and community release. The petitioner contends that the "prosecution" of the second incident report violated the Fifth Amendment protection against double jeopardy or having criminal trials twice for a defendant for the same offense.

The Honorable J.A. Castellanos, Magistrate Judge, issued a Report and Recommendation recommending that the petition be dismissed as there were no due process violations. No objections were received from the petitioner.

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

On February 10, 2000, an interview was conducted with inmate [REDACTED], in the SIS Office at the Medium facility at FCC. Coleman. [REDACTED] claimed to have information provided by a Witsec inmate and inmate [REDACTED] concerning plans to commit criminal activity in the community, threats against the President, threats against private individuals, and threats against staff. Also, [REDACTED] stated that the brother of inmate [REDACTED] is involved with distributing fraudulent documents, (i.e., drivers license, social security numbers, birth certificates, etc) and these documents were supposed to be supplied to [REDACTED] and two accomplices. This information, including notes by [REDACTED] was provided to the FBI. This case was accepted for prosecution by the FBI on February 11, 2000. b7c

[REDACTED] formerly an inmate at FPC Pensacola is being tried along with an employee of the National Park Service for allegedly selling telephone time and other unauthorized activities to other inmates assigned to the work detail at Gulf Islands National Seashore. Staff from FPC Pensacola have received subpoenas to appear in court and testify as to the information gathered and rules and regulations of the institution. The trial is scheduled for March 6, 2000 at the federal court house in Pensacola.

Motions in Criminal Cases:

III. TRAVEL SCHEDULE FOR March, 2000

[REDACTED] s
Travel - 3/05/00 - 03/06/00 Savannah, GA
3/13/00 - 03/15/00 Jackson, MS
3/19/00 - 03/24/00 St. Ptsbrg, FL b6

[REDACTED]
Travel - 3/13/00 - 03/15/00 Jackson, MS

[REDACTED]
Travel -
[REDACTED]

4/5/00
3/00
Met 11/12/00

UNITED STATES GOVERNMENT
memorandum

Date: April 5, 2000

Reply to: Sherree L. Sturgis, Regional Counsel, Southeast Region

Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - March 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

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I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151								
Rec'd in month	35	40	51									
Recons. rec'd	0	0	2									
Ans'd in month	73	74	78									
Pending at end	148	121	143									
Over 180 days	25	25	13									

B. Tort Claim Investigation Status: As of March 31, 2000

	ATL	COL	EDG	EGL	EST	GUA	JES	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	48	7	7	1	1	4	0	13	10	13	3	0	24	3	9
>60 DAYS	9	0	0	0	0	0	0	0	3	0	0	0	1	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17								
Rec'd in month	34	33	39									
Ans'd in month	35	30	38									
Pending at end	12	16	17									
Over 30 days	0	0	0									

*

D. FOIA Requests for records: As of March 31, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	0	7	1	0	1	0	0	0	1	0	0	1	2	0	4
>30 DAYS															

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211										

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236								
New Cases	12	13	10									
Habeas Corpus	7	12	6									
FTCA	0	0	0									
Bivens	5	1	3									
Other	0	0	1									
Bivens/FTCA	0	0	0									
Lit Reports	16	12	15									
Cases Closed	5	9	12									

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

Yawn v. Reno, FGAS, CV299-153 - Title VII sexual harassment case from JES. \$300K authority approved. Mediation on 3-6 was unsuccessful.

Williams Administrative claim - YAZ hunger striker died after he was force fed. Mediation on 3-14 resulted in an agreement (subject to all appropriate approvals) to settle for \$60,000 plus mediator fees. Awaiting approval.

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

The 11th Circuit has denied our motion for a rehearing in Kilpatrick v. Houston. (2 point enhancement DAP early release case) While the Court has stayed all further appeals and has not yet issued the mandate, after consulting with the Department, we are seeking approval of an OM recognizing that Kilpatrick is the established law in the 11th Circuit.

Jeff Dorsey et al. v. Thomas Keohane et al., 98-CV-0919-RWS, three inmates allege that they were assaulted, placed in four point restraints, and forced to remain there in violation of BOP policy and their constitutional rights. At this time the only plaintiff that remains is Lealon Muldrow #89827-071. Motion To Dismiss Based Upon Qualified Immunity was denied on March 7, 2000, for several defendants. Motion for Reconsideration filed with the court on March 23, 2000.

Jerry Lewis v. United States and BOP, 98-CV-2168-CC, inmate filed complaint entitled "Federal Question Jurisdiction and/or Writ of Error Coram Nobis". The complaint is filed to prevent the BOP

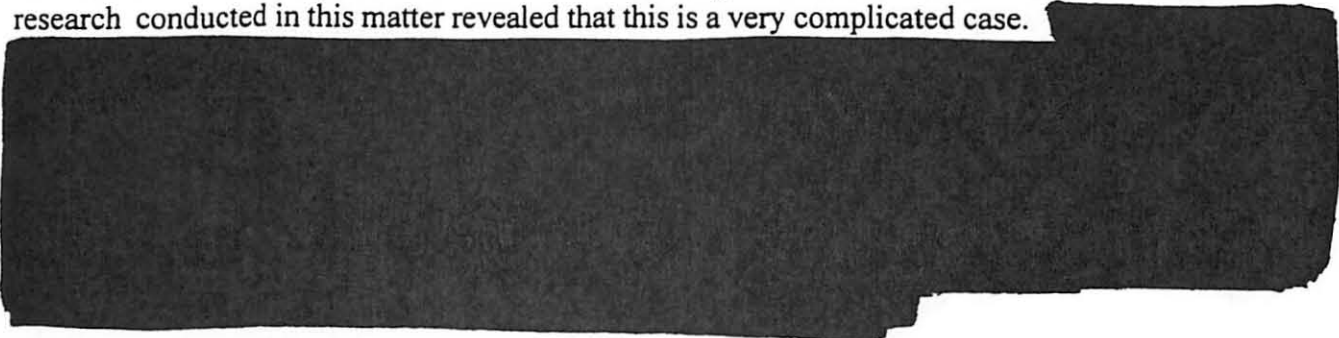
from collecting payments from him under the IFRP. Inmate also claims that the court is without authority to delegate its authority to determine a scheduling of payments to the BOP and may not allow the BOP to assume the authority to determine a schedule of payments. Motion To Dismiss was granted on January 20, 2000.

New Cases:

Pedro De Jesus Mateo, et al. v. MDC Guaynabo, FPR, 99-2271 (SEC): Plaintiffs in this case have brought a lawsuit against MDC Guaynabo based on conditions of confinement. Essentially, plaintiffs allege that there is not enough food in the housing units for all inmates and some inmates are left without food; inmates are subjected to retaliation; that inmates have been assaulted for claiming their rights and frightened by having been placed in the S.H.U. (Special Housing Unit) and that mail alluding to their allegations is destroyed by prison personnel. We filed an answer to the inmates' complaint. An evidentiary hearing took place on February 29, during which the inmates raised a large number of new allegations and expanded on the allegations already made in the complaint. The hearing lasted about 3.5 hours and only the testimony of the three plaintiffs was taken. The hearing was continued for March 9, 2000. The plaintiffs were given until March 30, 2000 to respond to our renewed motion to dismiss.

Domingo Santana Rosa v. United States, et al, FPR, : FTCA/Bivens lawsuit in which the plaintiff contends that he was assaulted by another inmate as a result of government negligence. The plaintiff contends that the inmate who assaulted him was a trust agent of the government (unit orderly) and as a result the government is responsible for that inmate's assault on the plaintiff. There was an initial scheduling conference at which the plaintiff's counsel failed to appear. The Court dismissed the case based on the plaintiff's failure to prosecute the case.

Government of the Virgin Islands and USA v. Caswell Fredericks, USVI, Crim. No. 92-52 and 98-132. Defendant filed a motion for rule to show cause as to why the government of the Virgin Islands and the United States Government has failed to comply with order. There was a Government recommendation for this inmate to obtain programs while incarcerated. Essentially, the government of the VI had not provided the Bureau of Prisons with a sentence computation for Fredericks' VI sentence and as a result, the BOP was not able to designate Fredericks to a federal institution. The research conducted in this matter revealed that this is a very complicated case.



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U.S. v. Bridgette Bradford, FPR: Inmate assaulted a staff member (Warden Garcia) with a pool ball inside a sock. Bridgette Bradford was brought to Puerto Rico for trial scheduled for March 28, 2000. Instead, the inmate pled guilty to assault on a federal officer. The sentencing hearing has been scheduled for April 4, 2000.

United States v. Algarin, District of Puerto Rico, 98-195 (HL) On September 18, 1998, the Grand Jury returned an indictment against Staff member Rafael Algarin de Jesus charging him with one count, for having sexual contact with an inmate. Rafael Algarin was found guilty as charged. On June 30, 1999, the Court held the sentencing hearing of former officer who was convicted of having sexual contact with an inmate. On March 8, 2000, oral arguments on this defendant's appeal of his conviction were heard. As of this date, the court has issued no ruling on the appeal.

Robinson v Scott, FGAN 1:99-CV-1780

Plaintiff alleges defendants were aware that information in his file is inaccurate and had a duty to correct the information but did not. He asserts the defendants knew the information was false and even when he requested that they correct it, they refused. He states he sues the defendants in their individual and official capacity. He seeks damages from the BOP and U.S. Probation Office as well as the defendants as individuals. He requests that liens be placed against the assets of the defendants until the court decides what damages should issue.

Andre J. Twitty v. M. E. Ray, FSC, 4:00-0421-23BF. This is a Bivens lawsuit against the Warden, M. E. Ray. The Plaintiff alleges the Defendant violated his first amendment right when he kept the inmate from receiving mail for a period of time. The Plaintiff also alleges that his eighth amendment right was violated when the Warden ordered the Plaintiff placed in four point restraints.

Zack McCain, Jr. v. Kathleen Hawk Sawyer, et. al., FSC, 2:99-3602-12AJ. The Plaintiff is suing the Director, the Warden and the Regional Director of the Southeast Region over the Zimmer Amendment. The United States Attorneys' Office has been served and the litigation report is due March 8, 2000.

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

US v. Emmett Knight/Richard Weber, Northern District of Florida, FFLN, 3:99cr115/LAC - Richard Weber, formerly an inmate at FPC Pensacola was charged along with an employee of the National Park Service for allegedly selling telephone time and other unauthorized activities to other inmates assigned to the work detail at Gulf Islands National Seashore. The park employee was acquitted of the charges. The inmate entered a plea to a lesser charge of Bribery of a Public Official. Sentencing is scheduled for May 23, 2000. He has the potential for an additional 24 month sentence.

U.S. v. Battle, NDGA, 1:95-CR-528: Writ of Certiorari denied on March 20, 2000. Warden & SERO were notified.

III. TRAVEL SCHEDULE FOR MARCH 2000

[REDACTED]

Travel - 3/05/00 - 03/06/00 Savannah, GA
3/13/00 - 03/15/00 Jackson, MS
3/19/00 - 03/24/00 St. Ptsbrg, FL
3/27/00 - 03/30/00 Jesup, FL

[REDACTED]

Travel - 3/13/00 - 03/15/00 Jackson, MS

[REDACTED]

Travel -

[REDACTED]

Travel -

[REDACTED]

Travel -

[REDACTED]

Travel -

IV. Misc.:

[REDACTED]

ble

UNITED STATES GOVERNMENT
memorandum

Date: May 5, 2000

Reply to Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - April 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151								
Rec'd in month	35	40	51	44								
Recons. rec'd	0	0	2	1								
Ans'd in month	73	74	78	80								
Pending at end	148	121	143	141								
Over 180 days	25	25	13	23								

B. Tort Claim Investigation Status: As of March 31, 2000

	ATL	COL	ED G	E G L	E S T	G U A	J E S	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	40	10	11	1	1	1	2	15	8	3	5	0	29	1	9
>60 DAYS	12	0	0	0	0	0	0	2	5	5	3	0	14	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25							
Rec'd in month	34	33	39	50								
Ans'd in month	35	30	38	43								
Pending at end	12	16	17	25								
Over 30 days	0	0	0	0								

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D. FOIA Requests for records: As of April 30, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	2	1	1	0	2	0	5	1	1	2	5	0	2	2	1
>30 DAYS															

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211	196									

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236	249							
New Cases	12	13	10	24								
Habeas Corpus	7	12	6	12								
FTCA	0	0	0	1								
Bivens	5	1	3	8								
Other	0	0	1	3								
Bivens/FTCA	0	0	0	0								
Lit Reports	16	12	15	7								
Cases Closed	5	9	12	11								

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

Williams Administrative claim - YAZ hunger striker died after he was force fed. Mediation on 3-14 resulted in an agreement to settle for \$60,000 plus mediator fees. Approval granted 4/26/00.

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

Luz M. Gonzalez Jimenez et al. V. U.S.A., CV #00-1210 (JP) (District of Puerto Rico). Plaintiffs allege in this FTCA case that while incarcerated at FCC Coleman, the decedent was denied treatment and placed in administrative detention for requesting medical care. In addition, plaintiffs allege the decedent's family received incorrect information from staff at FCC Coleman, who told them the decedent did not want to visit with them. Plaintiffs further alleged that at FMC Fort Worth, only the decedent's wife was permitted to visit with him and his children were denied a visit. Finally, plaintiffs allege decedent was not cared for properly by FMC Fort Worth medical staff. They assert the decedent was forced to lay in his own waste and urine. Plaintiffs claim he suffered greatly and died because of a lack of medical care from the BOP. This FTCA case is on behalf of the decedent's widow and children and seeks \$30,000,000 in damages. The first responsive pleading is currently being prepared in an attempt to have jurisdiction of this case removed to the Middle District of Florida. Case was filed in Puerto Rico due to the domicile of the plaintiffs.

New Cases:

Bermudez v. Wetzel, FFLS, 00-0971-CIV-KING: The petitioner alleges that he has cancer and the BOP is not giving him the needed treatment or a liver transplant. He asserts that without the specific

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or the transplant his health will decline rapidly and he will die. He want the court to order the BOP to provide the treatment he seeks and a liver transplant.

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

On November 7, 1997 inmate Bridgette Bradford, Reg. No. 86495-012 assaulted Warden Garcia (MDC GUA) with a pool ball inside a sock. The inmate was brought to Puerto Rico for trial scheduled for March 28, 2000. Instead, the inmate pled guilty to assault on a federal officer. On April 4, 2000 the inmate was sentenced to three years to run concurrently with her present sentence.

During this reporting period, FCI, EDG reported on six (6) case which were referred to the FBI and U.S. Attorney's Office for prosecution regarding an inmate's alleged attempt to introduce a controlled substance into FCI, EDG. One specific case involved the attempted introduction of three large packets containing marijuana and to pieces of a rock-like substance which tested positive for cocaine. The inmate involved in this case was arraigned on April 11, 2000 and his pretrial is set for May 25, 2000.

Information from staff at FCI, TDG reveals that on February 2, 2000 an inmate threw a television at a staff member during a forced cell move. The staff member received serious injuries to his back (spine). The case was referred for prosecution on February 20, 2000 and the FBI indicates they anticipate the matter will go before the Grand Jury in the next couple of weeks. This is the first report of this incident.

III. TRAVEL SCHEDULE FOR MAY 2000

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

UNITED STATES GOVERNMENT
memorandum

Date: June 1, 2000

Reply to Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - May 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151	147	155						
Rec'd in month	35	40	51	44	60							
Recons. rec'd	0	0	2	1	1							
Ans'd in month	73	74	78	80	75							
Pending at end	148	121	143	141	155							
Over 180 days	25	25	13	23	7							

B. Tort Claim Investigation Status: As of May 31, 2000

	ATL	COL	ED G	E G L	E S T	G U A	J E S	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	36	10	12	3	4	1	6	15	8	9	6	1	28	1	15
>60 DAYS	8	0	0	0	0	0	0	5	3	4	2	0	13	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25	20						
Rec'd in month	34	33	39	50	33							
Ans'd in month	35	30	38	43	38							
Pending at end	12	16	17	25	20							
Over 30 days	0	0	0	0	0							

*

D. FOIA Requests for records: As of May 31, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	3	1	0	0	0	3	4	0	0	3	0	2	2	0	2
>30 DAYS															

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211	196	250								

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

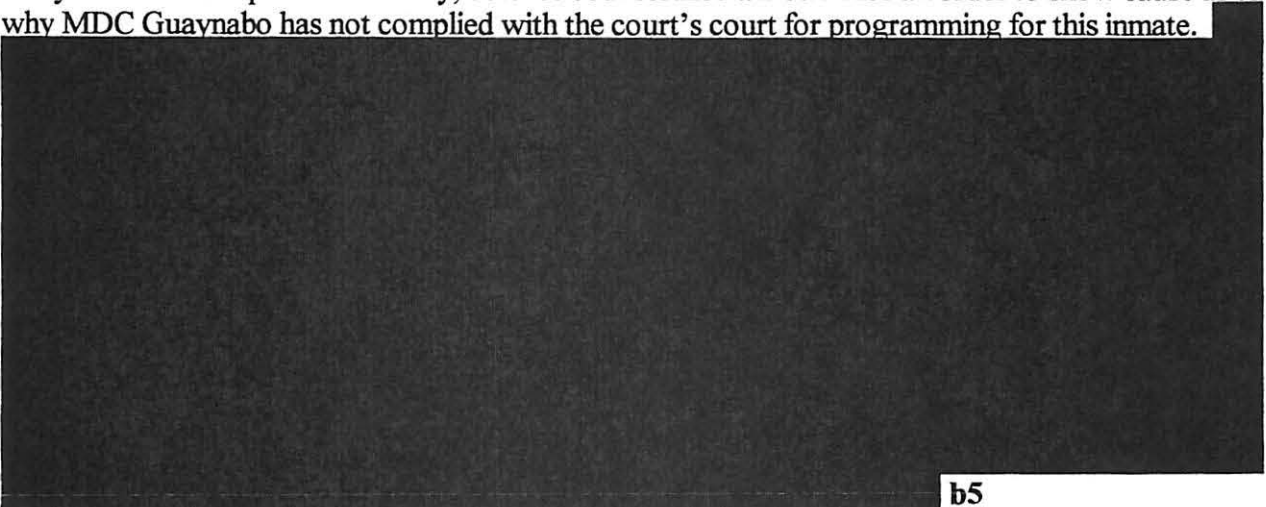
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236	249	254						
New Cases	12	13	10	24	17							
Habeas Corpus	7	12	6	12	8							
FTCA	0	0	0	1	3							
Bivens	5	1	3	8	6							
Other	0	0	1	3	0							
Bivens/FTCA	0	0	0	0	0							
Lit Reports	16	12	15	7	16							
Cases Closed	5	9	12	11	12							

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

Government of the Virgin Islands and USA v. Caswell Fredericks, Criminal No. 92-52 and 98-132 (District of Puerto Rico). This high security level Virgin Islands inmate has been designated to MDC, Guaynabo. Staff report that in May, defense counsel filed a motion for an order to show cause as to why MDC Guaynabo has not complied with the court's court for programming for this inmate.



b5

New Cases:

Jorge Rivera Gonzalez, et al v. United States, Civil No. 00-1196 (DRD), MDC, Guaynabo: Plaintiff and his wife bring an FTCA action for time he allegedly spent (approximately two month) in federal custody in excess of the sentence imposed by the court. Plaintiff is alleging loss of wages, mental anguish and pain and suffering and seeks \$350,000.00 in damages (\$175,000 for the past, present and future pain and suffering of the plaintiff and \$175,000 for his wife's).

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

U.S. v. Emmett Knight/Richard Weber, 3:99cr115/LAC, N/FL - Richard Weber, formerly an inmate at FPC Pensacola was tried along with an employee of the National Park Service for allegedly selling telephone time and other unauthorized activities to other inmates assigned to the work detail at Gulf Islands National Seashore. Staff from FPC, Pensacola were called to testify as to rules and regulations of the facility. The park employee was acquitted of the charges. The inmate entered a plea to a lesser charge of Bribery of a Public Official and was sentenced to a 12-month consecutive term on May 23, 2000.

During this reporting period, FCC, Coleman reported on six (6) case which were referred to the FBI and U.S. Attorney's Office for prosecution regarding an inmate's alleged attempt to introduce a controlled substance into the complex. Two of the six cases have been accepted for prosecution by the FBI. One case involved the attempted introduction of 27 packets of marijuana weighing 7.258g.

III. TRAVEL SCHEDULE FOR JUNE 2000

[REDACTED] b6

Travel - Conference/Legal (Attorney/Paralegal Training) - Fort Worth, TX - 06/05/2000-06/09/2000

Travel - RC/AGC Meeting - Washington, DC - 06/19/2000-06/23/2000

[REDACTED] b6

Travel - Paralegal Work Group/MSTC - Aurora, CO - 05/30/2000-06/02/2000

[REDACTED] b6

Travel -FLETC - Glynco, GA - 06/05/2000-06/23/2000

[REDACTED] b6

Travel -Conference/Legal (Attorney/Paralegal Training) - Fort Worth, TX - 06/05/2000-06/09/2000

[REDACTED] b6

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Travel -Conference/Legal (Attorney/Paralegal Training) - Fort Worth, TX - 06/05/2000-06/09/2000

Travel -Peer Reviews (LSMR's/FOIA) - Dallas, TX - 07/10/2000-07/13/2000

[REDACTED] b6

Travel - Paralegal Training/MSTC - Aurora, CO - 06/05/2000-06/16/2000

IV. Misc.:

[REDACTED]

b6

UNITED STATES -

n 6/00
limited mail

Date: July 5, 2000

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

Subject: Monthly Report - June

To: Christopher Erlewine, Regional Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151	147	155	167					
Rec'd in month	35	40	51	44	60	51						
Cons. rec'd	0	0	2	1	1	3						
Ans'd in month	73	74	78	80	75	78						
Pending at end	148	121	143	141	155	167						
Over 180 days	25	25	13	23	7	18						

B. Tort Claim Investigation Status: As of June 30, 2000

	ATL	COL	ED	FL	ES	GU	JE	MI	MIN	ANA	MON	PEN	TAL	TDG	YAZ
			G	L	T	A	S	A							
PENDING	32	13	7	9	0	2	7	19	13	9	8	0	25	4	19
>60 DAYS	6	0	0	0	0	0	0	2	3	3	2	0	10	1	0

C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25	20	24					
Rec'd in month	34	33	39	50	33	39						
s'd in month	35	30	38	43	38	34						
ending at end	12	16	17	25	20	24						

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Over 30 days	0	0	0	0	0	2*							

*Two (2) requests are awaiting records from archives. Ten-day extension letters were sent to the requesters extending the due date to July 14, 2000

D. FOIA Requests for records: As of June 30, 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	4	6	1	0	1	1	1	0	1	0	1	0	1	6	1
>30 DAYS															

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211	196	250	215							

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236	249	254	262					
New Cases	12	13	10	24	17	22						
Habeas Corpus	7	12	6	12	8	19						
FTCA	0	0	0	1	3	0						
Bivens	5	1	3	8	6	3						
Other	0	0	1	3	0	0						
Bivens/FTCA	0	0	0	0	0	0						
Lit Reports	16	12	15	7	16							
Cases Closed	5	9	12	11	12	14						

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

The Court in the Northern District of Alabama has been granting stays in cases dealing with the two point enhancements. Declarations regarding the provisional eligibility granted under the Operations Memorandum were sent and some Judges have sent out notices of their intent to dismiss the action.

New Cases:

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

Update: On February 2, 2000 an inmate at FCI, Talladega threw a television at a staff member during a forced cell move. The staff member received serious injuries to his back (spine). The AUSA handling the case in the Northern District of Alabama had scheduled the matter to go before the Grand Jury in June; however, he has since determined it will go the last week in July as additional information was desired regarding restitution amounts.

III. TRAVEL SCHEDULE FOR JUNE 2000

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED] Travel - July 23 - 27, NABJA National Conference, Atlanta, GA

[REDACTED]
Travel -

[REDACTED] Paralegal
Travel - July 17 - 21, USP Atlanta Training Bldg., Supervisory Training
July 23 - 27, NABJA National Conference, Atlanta, GA

[REDACTED] Paralegal
Travel - July 10 - 13, Dallas, Texas - Peer Reviews (LSMR)

[REDACTED] - Paralegal Trainee
Travel - July 23 - 27, NABJA National Conference, Atlanta, GA

IV. Misc.:

b6

UNITED STATES GOVERNMENT
memorandum

Date: August 4, 2000

Reply to: Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - July 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151	147	155	167	166				
Rec'd in month	35	40	51	44	60	51	38					
Cons. rec'd	0	0	2	1	1	3	1					
Ans'd in month	73	74	78	80	75	78	82					
Pending at end	148	121	143	141	155	167	166					
Over 180 days	25	25	13	23	7	18	18					

B. Tort Claim Investigation Status: As of July 31, 2000

	ATL	COL	ED G	E G L	ES T	G L A	J E S	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	40	8	6	2	11	3	5	14	12	8	8	0	16	6	18
>60 DAYS	4	0	0	0	0	0	0	2	3	3	2	0	5	0	0

C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25	20	24	18				
Rec'd in month	34	33	39	50	33	39	30					
Ans'd in month	35	30	38	43	38	34	34					
Pending at end	12	16	17	25	20	24	18					
Over 30 days	0	0	0	0	0	2*	1*					

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*One (1) request is awaiting records from

D. FOIA Requests for records: As of July 31, 2000

	ATL	COL	EGL	EST	GLA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	7	4	0	1	0	0	3	0	0	0	0	0	2	0	1
>30 DAYS	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211	196	250	215	143						

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236	249	254	262	273				
New Cases	12	13	10	24	17	22	21					
Habeas Corpus	7	12	6	12	8	19	17					
FTCA	0	0	0	1	3	0	1					
Bivens	5	1	3	8	6	3	3					
Other	0	0	1	3	0	0	0					
Bivens/FTCA	0	0	0	0	0	0	0					
Lit Reports	16	12	15	7	16	5	6					
Cases Closed	5	9	12	11	12	14	10					

B. SETTLEMENTS AND AWARDS:

Settlement Authority Approved

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

Death Penalty Issue in Puerto Rico:

MDC, Guaynabo legal staff continues to inform Central Office and Regional Office staff on the latest developments in the death penalty cases/issue in Puerto Rico. Recently, a District Court Judge issued an order ruling that the death penalty as it applies to Puerto Rico is unconstitutional mainly because the Puerto Rico people do not have a right to vote in the States and do not have any participation in the promulgation and passage of laws in Congress in the States. After this decision, in a separate case, another District Judge ruled that Puerto Ricans do have a right to vote in the presidential elections of the United States. The U.S. Department of Justice has been given a week to respond to an order to show cause as to why a count of the number of electors should not be started to prepare for the presidential elections. DOJ is appealing both decisions.

New Cases:

United States V. Agront, et al (Vieques cases): 122 individuals were arrested in Vieques, Puerto Rico for trespassing Navy Land. During the month of July, the legal department at MDC, Guaynabo received many call from defense attorneys regarding the inmates in this group. MDC, Guaynabo legal staff received many inquiries from defense attorneys regarding the inmate's medical condition, legal visits and others. Legal staff at MDC, Guaynabo appraised the Warden of he different developments and inquiries made by the Vieques attorneys during daily meetings.

United States v. Albert de Jesus Mercado: Defendant was one of the inmates arrested in Vieques. Inmate De Jesus did not eat for several days. The inmate's physical condition had deteriorated to the point that he had fallen and sustained a head injury. He was taken to the hospital where he received intravenous fluids, ate a meal and was returned to MDC, Guaynabo. Upon his return, he ate a meal and discontinued the hunger strike. However, prompt action by legal staff at MDC, Guaynabo was taken by contacting the the regional office and coordinating the paper work necessary to file a mtion seeking an order to force feed the inmate in case it was necessary.

United States v. Manuel Antonio Diaz Rodriguez: Inmate belonging to the group arrested in Vieques for trespassing Navy grounds and who refused to post bail for \$1,000 because he did not recognize the jurisdiction of the court. The inmate had serious high blood pressure problems to the point that it was life threatening. Medical staff at MDC, Guaynabo met with the inmate on several occasions to discuss his medical condition and the fact that he was not responsive to medication. The inmate indicated that he wanted to meet with his attorney to discuss his medical condition and his possibilities. After meeting with his attorney, he decided to stay in the institution. MDC, Guaynabo legal staff immediately met with the Warden to discuss the inmate's condition with the executive staff. Medical staff referred the inmate to an outside hospital for treatment of his high blood pressure. MDC, Guaynabo legal staff called the Assistant U.S. Attorney's Office in the case and reported on the inmate's condition. Also, a meeting was held with the Medical Officer and an extensive declaration , outlining the inmate's condition and a chronology of the facts, was prepared.

[REDACTED]

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

While conducting a routine random cell search, staff at FCC, Coleman - Medium, discovered eight wrapped packages, each containing a green leafy substance. The packets were small in size, approximately 1/8". Staff found the packages inside the wall outlet beside the desk in the inmate's cell. The green leafy substance was tested and found to be positive for marijuana.

III. TRAVEL SCHEDULE FOR AUGUST 2000

[REDACTED] b6
Travel - FDC, Miami, Florida - August 11, 2000 - Re-engineering Meeting
USP, Atlanta - August 10, 2000 - Re-engineering Meeting

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel - Intro. To Supervision - USP Atlanta Trng. Bldg.-August 21-25,2000

[REDACTED]
Travel -

[REDACTED]
Travel -Intro. To Supervision - USP Atlanta Trng. Bldg. - August 21-25,2000

[REDACTED]
Travel - OGC (FOI/PA), Washington, D.C - August 7-9, 2000 b6

[REDACTED]
Travel -

IV. Misc.:

Legal Staff at MDC, Guaynabo assisted in a community relations program entitled "Too High a Price". This program involved a group of 15 children and 4 adults who came to MDC, Guaynabo from the Veterans Hospital to participate. The participants were taken to an empty unit for a tour of the housing unit and were given a presentation by an inmate about his experiences in prison. Legal Staff presented a video tape of life in prison and also talked with the children about the criminal justice system, also arranged for the SIS office to give them a presentation about the

types of weapons prepared by the inmates in prison and the types of crimes and bad acts the inmates commit while in prison.

[REDACTED]

b6

UNITED STATES GOVERNMENT
memorandum

Date: September 5, 2000

Reply to: Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - August 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151	147	155	167	166	202			
Rec'd in month	35	40	51	44	60	51	38	40				
Recons. rec'd	0	0	2	1	1	3	1	2				
Ans'd in month	73	74	78	80	75	78	82	77				
Pending at end	148	121	143	141	155	167	166	192				
Over 180 days	25	25	13	23	7	18	18	25				

B. Tort Claim Investigation Status: As of August 31, 2000

	ATL	COL	ED G	EG L	E S T	GU A	J E S	MI A	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	46	11	12	2	7	12	7	15	13	12	6	0	22	5	22
>60 DAYS	4	0	0	0	0	0	0	4	2	3	2	0	5	0	0

C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25	20	24	18	24			
Rec'd in month	34	33	39	50	33	39	30	40				
Ans'd in month	35	30	38	43	38	34	34	37				
Pending at end	12	16	17	25	20	24	18	24				
Over 30 days	0	0	0	0	0	2*	1*	4*				

The District Court for the Northern District of Alabama issued a favorable ruling on the issue of whether the BOP should excuse or reduce halfway house stays for those inmate who were recently deemed eligible after the Kilpatrick decision. The Court found the BOP's determination not to waive or reduce the halfway house placement rational.

MDC GUA - United States v. Agront, et al. (Vieques cases): Between 20 and 30 individuals are still in custody for trespassing Navy land. During the month of August, the legal department at MDC GUA received many call from defense attorneys regarding the inmates in this group.

MDC GUA - United States v. Santiago-Santiago: Cr. No. 00-152 (PG): The Court ordered MDC Guaynabo to disclose the test results performed on the defendant for sexually transmitted diseases so that the AUSA could disclose results to the victim of rape.

New Cases:

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

FCI, Edgefield - Cooke, George, Reg. No. 18383-077 - Special monitoring criminal referral case in which an inmate has been the subject of an ongoing SIS investigation concerning narcotics trafficking inside the institution and is believed to be a major player. Additional information concerning this inmate movement of money utilizing sources outside of the institution via mail and electronic transfers of money. The case has been accepted by United States Attorney's Office for prosecution.

MDC GUA - United States v. Cruz: Criminal case against former correctional officer for engaging in sexual acts with an inmate. The trial date has been set for October 4, 2000.

UNITED STATES GOVERNMENT
memorandum

Date: October 4, 2000

Reply to Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - September 2000

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	161	141	125	151	147	155	167	166	202			
Rec'd in month	35	40	51	44	60	51	38	40	46			
Recons. rec'd	0	0	2	1	1	3	1	2	2			
Ans'd in month	73	74	78	80	75	78	82	77	80			
Pending at end	148	121	143	141	155	167	166	192	183			
Over 180 days	25	25	13	23	7	18	18	25	23			

B. Tort Claim Investigation Status: As of September 30, 2000

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	43	10	19	3	14	16	2	13	10	11	5	0	26	11	25
>60 DAYS	3	0	0	0	0	0	0	9	2	0	2	0	5	0	0

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C. FOI/Privacy Act Requests - 2000

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	15	12	16	17	25	20	24	18	24			
Rec'd in month	34	33	39	50	33	39	30	40	33			
Ans'd in month	35	30	38	43	38	34	34	37	30			
Pending at end	12	16	17	25	20	24	18	24	27			
Over 30 days	0	0	0	0	0	2*	1*	4*	3*			

*Three (3) requests are awaiting records from archives.

D. FOIA Requests for records: As of September 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	5	2	0	0	0	3	3	0	4	1	0	1	1	1	4
>30 DAYS	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0

E. ADMINISTRATIVE REMEDIES

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
210	196	211	196	250	215	143	270	205				

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	227	234	238	236	249	254	262	273	279	287		
New Cases	12	13	10	24	17	22	21	20	12			
Habeas Corpus	7	12	6	12	8	19	17	14	10			
FTCA	0	0	0	1	3	0	1	2	1			
Bivens	5	1	3	8	6	3	3	3	1			
Other	0	0	1	3	0	0	0	1	0			
Bivens/FTCA	0	0	0	0	0	0	0	0	0			
Lit Reports	16	12	15	7	16	5	6	10	8			
Cases Closed	5	9	12	11	12	14	10	14	4			

B. SETTLEMENTS AND AWARDS:

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

A wrongful death administrative claim has been filed on behalf of the Estate of Nathaniel Williams, his minor children and Cheryl Williams as administrator. This claim involves allegations of failure to exercise the degree of care and skill ordinarily employed by the medical profession in the medical care rendered to Nathaniel Williams on October 10, 1998. Nathaniel Williams died on October 13, 1998 while in the custody of the United States Penitentiary in Atlanta, Georgia. Ms. Williams brings a claim against the United States in the amount of \$500,000 for Mr. Williams' wrongful death. Mrs. Williams brings this claim individually and on behalf of the minor child, Nathaniel Williams, Jr. On behalf of the Estate, Mrs. Williams brings a claim against the United States for Mr. Williams' pain and suffering, emotional anguish, and post-mortem expenses in the amount of \$1,500,000. The events surrounding Mr. Williams death are currently pending completion of an after action report.

Domingo Santana Rosa v. United States: 99-1581 (GG): Plaintiff is suing the government under the FTCA for injuries he sustained when another inmate assaulted him. Deposition of the plaintiff has been rescheduled for October 19, 2000. Discovery has been extended until October 25, which is the deadline for all dispositive motions in this case. The case is scheduled to go to trial on January 23, 2001.

Gonzalez v. United States: 00-1210 (JP): Wife and children of decedent, an inmate who died in custody, filed a lawsuit under the FTCA alleging that medical malpractice and negligence of BOP

staff in the delayed diagnosis of the decedent's cancerous condition caused his death. Also, the plaintiffs contend the decedent complained about pain and that the medical staff failed to properly care for him. The plaintiffs also contend that visits were denied on the last days of decedent's life. The decedent had been transferred from MDC Guaynabo to FCC Coleman, where he was transferred to an outside hospital for treatment of his complaints. He was diagnosed with terminal cancer, was transferred to FMC Fort Worth where he passed away. On August 24, 2000 the Court ordered an Initial Scheduling Conference Call ("ISC"). FCC Coleman, FCI Fort Worth, and MDC Guaynabo staff provided information to the AUSA in order to prepare the government's memorandum. During the ISC, the defense counsel added the theory of BOP negligence in following BOP policy and procedures. Defense counsel indicated that a former BOP employee had given her information that in this case BOP staff failed to follow procedures. The Judge continued the ISC until November 16, 2000.

New Cases: None reported.

D. RELIGIOUS CASES: None reported.


E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

G. CRIMINAL CASES:

United States v. Cruz: Criminal case against former correctional officer for engaging in sexual acts with an inmate. The trial date has been set for October 4, 2000. MDC, Guaynabo's legal staff assisted the AUSA in preparing the witnesses who are employed at MDC Guaynabo. This assistance involved reviewing records to ensure that all records needed had been provided; coordinated service of the subpoenas on the defense witnesses; maintained executive staff, witnesses, witnesses' supervisors and Union President abreast of the developments in the case. Ensured that subpoenas complied with CFR and submitted letter to AUSA regarding irrelevance of one of the testimonies sought by the defense attorney.

III. TRAVEL SCHEDULE FOR AUGUST 2000


Travel - DOJ training - October 23, 2000 - Washington, D.C.
OGC meeting - October 25-27, 2000 - Washington, D.C.


Travel -


Travel - Honors Attorney Interview Training - October 3, 2000 - Washington, D.C.

Program Review at USP, Florence, CO - October 16-20, 2000 - Florence, CO

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

[REDACTED]
Travel -

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IV. Misc.:

United States v. Kouri: MDC Guaynabo's Attorney Advisor, Medical Officer, and Acting Warden a had a conference with Judge in his chambers regarding inmate Kouri's medical condition and the court's concerns, in light of negative publicity, about MDC Guaynabo's alleged lack of care for this inmate. Inmate Kouri is a high profile inmate as he was a prominent doctor who was the director of the former AIDS institute in Puerto Rico. There was a lot of publicity surrounding this situation as the inmate was taken to an outside hospital for medical care and upon his return to the institution (and obtaining clearance from medical staff) had to be placed in SHU due to disciplinary infractions. The inmate's medical condition and current status were discussed with the Judge at the Court's request.

[REDACTED]