

UNITED STATES GOVERNMENT
memorandum

Date: December 4, 2000

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

Subject: Monthly Report - November 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	183	186	170
Rec'd in month	35	40	51	44	60	51	38	40	46	59	36	
Recons. rec'd	0	0	2	1	1	3	1	2	2	1	0	
Ans'd in month	73	74	78	80	75	78	82	77	80	95	90	
Pending at end	148	121	143	141	155	167	166	192	183	186	170	
Over 180 days	25	25	13	23	7	18	18	25	23	48	40	

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

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	58	10	7	2	8	5	5	19	4	10	7	1	17	7	7
>60 DAYS	8	0	0	1	1	0	0	3	2	3	5	0	12	0	2

SER Monthly Report -November 2000
Page 2

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	27	17	25
Rec'd in month	34	33	39	50	33	39	30	40	33	24	28	
Ans'd in month	35	30	38	43	38	34	34	37	30	33	23	
Pending at end	12	16	17	25	20	24	18	24	27	17	25	
Over 30 days	0	0	0	0	0	2*	1*	4*	3*	1*	0	

D. FOIA Requests for records: As of November 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ	EDG
PENDING	4	2	1	1	0	0	2	2	0	0	4	0	3	2	3
>30 DAYS	0	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	270	205	154	190		

SER Monthly Report -November 2000
Page 3

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	294	302
New Cases	12	13	10	24	17	22	21	20	12	12	18	
Habeas Corpus	7	12	6	12	8	19	17	14	10	6	7	
FTCA	0	0	0	1	3	0	1	2	1	1	0	
Bivens	5	1	3	8	6	3	3	3	1	2	8	
Other	0	0	1	3	0	0	0	1	0	3	3	
Bivens/FTCA	0	0	0	0	0	0	0	0	0	0	0	
Lit Reports	16	12	15	7	16	5	6	10	8	7	6	
Cases Closed	5	9	12	11	12	14	10	14	4	5	10	

B. SETTLEMENTS AND AWARDS:

None reported.

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

Alvarez v. Scott, et al., 96-CV-963-RCF. The inmate alleges that Bureau of Prisons staff stated they would provide him with eye surgery and a prosthetic eye, but he has not received it. This case is approximately three years old. [REDACTED]

b2

Alvarez has been seen by an eye doctor. Motion by Bureau of Prisons filed on 7/28/97, to dismiss or in the alternative for summary judgment. He refused to remove the prosthetic eye in spite of the irritation. Order by Judge Forrester endorsed granting joint motion to re-open discovery thru 3/15/00. USCA acknowledgment of Readiness of Appeal on 6/21/00. Hearing set for November 2, 2000, before the Court of Appeals on the issue of whether or not the court erred by not granting the plaintiff a hearing on his motion for a preliminary injunction.

Hummansti v. Bell, et al., 1:98-CV-2651-JTC. This case was filed in 1998. Inmate Hummasti alleges he was physically assaulted by staff on December 13, 1996. Order dated 9/30/98 dismissing action pursuant to 28 U.S.C. 1915(e)(2). Plaintiff filed notice of appeal on 10/13/98. Certificate of Readiness of appeal recorded on 8/13/99. On 6/2/00 USCA certified copy of Judgment affirming the judgment of the District Court. On November 24, 2000, USP Atlanta staff received from the AUSA a letter written by inmate Hummasti. The inmate discussed settling the case for a "minimum" of \$5,000 and a plane ticket to Eretz Yisrail (the land of Israel).

Domingo Santana Rosa v. United States, 99-1581 (PR). Plaintiff is suing the government under the Federal Tort Claims Act for injuries he sustained when another inmate assaulted him. Plaintiff seeks \$150,000 in damages. Deposition of the plaintiff has been rescheduled for November 9, 2000. Opinion and Order denying motion to Dismiss for lack of in personam jurisdiction as to USA; granting motion to request that Ad Damnum be reduced in the amount of \$95,000. Partial judgment was entered as to co-defendant the Federal Bureau of Prisons. The case is proceeding as to the USA. A motion with memorandum in support of MDC, Guaynabo for Summary Judgment filed 11/28/00.

New Cases:

Brown v. Hawk-Sawyer, 9:00-465-08AJ-FSC: The plaintiff in this EEE/Discrimination complaint claims he was discriminated against because of his race and was refused consideration for any and all promotions. He further alleges that he has suffered from retaliatory actions because of administrative steps he has taken to seek relief. He seeks \$2,000,000 in damages. Answer due 11/9/00. Answers to interrogatories due by 12/11/00 for Federal Bureau of Prisons.

Michael Davis v. Janet Reno, et al, 1:00-CV-1820, FGAN, The inmate in this Federal Tort Claims Act case states that he received a bite wound to his hand during an altercation with another inmate. He states that he did not receive medical treatment until the following day. He further alleges staff

refused his request for assistance, failed to deliver prescribed medication and failed to permit him to clean and treat his surgical wound in the manner specified by the hospital. He also alleges that his personal property was lost while he was in the hospital. Order dismissing defendants Reno, Hawk-Sawyer, Warden Scott, Pickett, Martin, Augustin, Mendola and Johnson as parties to the action. Plaintiff filed motion for reconsideration of order on 9/26/00. Certificate of Readiness of appeal recorded and mailed to USCA on 11/27/00. Appeal #USCA 00-15675-E.

D. RELIGIOUS CASES: None reported.

E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

G. CRIMINAL CASES:

Updates -

United States v. Cruz - Trial in the criminal case against former correctional officer for engaging in sexual acts with an inmate has been continued because the main witness in the case, the victim, has not been located by the government.

On November 1, 1999 staff at FCI, EDG were conducting a routine search of Inmate Vincent Steele, Reg. No. 47366-004. During this search, three large packets containing a green leafy substance were found on his person. The substance tested positive for marijuana. The packets weighed a total of 11 grams. In addition, two pieces of rocklike substance were also found in a plastic bag. These items tested positive for cocaine. The case was accepted by the United States Attorney's Office and on September 13, 2000 in Steele was sentenced to serve 54 months consecutive to his current sentence and six years supervised release.

Staff at USP ATL found 17 books of 33 cent stamps and one book with nine stamps during a routine pat search of inmate Steven Vincent Lindsey, Reg. No. 19504-057. Subsequently, the inmate was strip searched and a plastic bag containing a substance which tested positive for heroin, was hanging from his rectum. On September 25, 2000, the inmate plead guilty to Possession of a Contraband (Section 1791) and is scheduled for sentencing on December 1, 2000.

III. TRAVEL SCHEDULE FOR DECEMBER 2000

██████████ b6
Travel -

██████████ b6
Travel -

██████████ b6

Travel - Bivens Litigation Training - Jekyll Island, GA - 12/11-13/00

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel - TDY - MSTC - Denver, CO - 12/4-15/00

IV. Misc.:

[REDACTED]

b2

UNITED STATES GOVERNMENT
memorandum

Date: January 2, 2001

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

Subject: Monthly Report - December 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	183	186	170
Rec'd in month	35	40	51	44	60	51	38	40	46	59	36	38
Recons. rec'd	0	0	2	1	1	3	1	2	2	1	0	1
Ans'd in month	73	74	78	80	75	78	82	77	80	95	90	65
Pending at end	148	121	143	141	155	167	166	192	183	186	170	155
Over 180 days	25	25	13	23	7	18	18	25	23	48	40	44

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

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	65	5	3	2	4	4	8	19	4	10	5	0	15	2	9
>60 DAYS	9	1	0	2	1	0	0	10	2	5	3	0	9	0	2

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	27	17	25
Rec'd in month	34	33	39	50	33	39	30	40	33	24	28	16
Ans'd in month	35	30	38	43	38	34	34	37	30	33	23	28
Pending at end	12	16	17	25	20	24	18	24	27	17	25	6
Over 30 days	0	0	0	0	0	2*	1*	4*	3*	1*	0	0

D. FOIA Requests for records: As of December 2000

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PE N	TAL	TDG	YAZ	EDG
PENDING	0	1	0	1	0	0	0	0	0	0	0	0	1	1	2
>30 DAYS	0	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	270	205	154	190	185	

II. LITIGATION ACTIVITY - 2000 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Tot
Cases Open	227	234	238	236	249	254	262	273	279	287	294	302	
New Cases	12	13	10	24	17	22	21	20	12	12	18	14	195
Habeas Corpus	7	12	6	12	8	19	17	14	10	6	7	8	
FTCA	0	0	0	1	3	0	1	2	1	1	0	0	
Bivens	5	1	3	8	6	3	3	3	1	2	8	5	
Other	0	0	1	3	0	0	0	1	0	3	3	1	
Bivens/FTCA	0	0	0	0	0	0	0	0	0	0	0	0	
Lit Reports	16	12	15	7	16	5	6	10	8	7	6	4	
Cases Closed	5	9	12	11	12	14	10	14	4	5	10	6	

B. SETTLEMENTS AND AWARDS:

None reported.

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

United States v. Cruz - Trial in criminal case against former correctional officer at MDC, Guaynabo for engaging in sexual acts with an inmate has been scheduled for February 20, 2001.

United States v. Luis Nevarez Marrero, Criminal No. 96-039 (SEC) - MDC Guaynabo legal staff followed up on court order ordering Bureau of Prisons to release recordings of conversations between United States Attorney's Office and inmates. A motion was submitted to vacate the order directly to the judge as he had precluded MDC Guaynabo legal staff from contacting the United States Attorney's Office. The Court scheduled a status conference to discuss the Bureau of Prisons position. Permission was granted to have on AUSA from the Civil Division present. Criminal Division had mistakenly been informed of the hearing and also made an appearance. It was explained to the Court the Bureau of Prisons' concerns regarding the release of this type of information. The Court found that the governmental interest in not releasing the information to defense attorney was much greater than the defense's interest or need for the records. The Court also understood the importance of not setting a precedence in this area.

New Cases:

Parks v. Chambers, et al., 5:00-CV-304BrS. This is a Bivens type case wherein the plaintiff alleges that he has been refused hormone therapy by prison officials, which he contends is essential in order to prevent irreparable harm. He is requesting injunctive relief from staff at FCI, Yazoo City.

Rivera v. Reno, Civ 00-17139RLA). The plaintiff in this EEO/Discrimination complaint claims she was discriminated against because of her gender and was refused employment consideration at MDC, Guaynabo. She seeks an unspecified dollar amount in damages. Complaint referred to Labor Law Branch.

D. RELIGIOUS CASES: None reported.

E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

G. CRIMINAL CASES:

On December 5, 2000, an inmate at FDC, Miami became confrontational with staff and hit a staff member on the mouth. The incident was reported to the Federal Bureau of Investigations and is pending.

Updates -

United States v. Lindsey - An officer at USP Atlanta found 17 books of 33 cent stamps and one book with nine stamps during a routine pat search of inmate Lindsey on July 20, 1999. Subsequently, the inmate was stripped searched and a plastic bag containing drugs was found hanging from his rectum. The drugs tested positive for heroin. The inmate plead guilty to Possession of Contraband on Monday, September 25, 2000. He was sentenced on December 1, 2000 and faces and additional 2-3 years added to his incarceration.

United States v. Arthur Stratton - On March 18, 2000 an inmate at USP Atlanta died from an overdose of drugs. A subsequent autopsy removed 19 balloons from the inmate's stomach. Further investigation revealed that the inmate had been visited by his nephew earlier in the day. The trial against the civilian defendant is scheduled to begin January 8, 2001.

United States v. Del Sol Hernandez - 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 case was referred for prosecution on February 20, 2000 and subsequently accepted. The inmate was arraigned on September 22, 2000. The trial was set for December 4, 2000. However, trial was postponed as a psychiatric evaluation for competency was ordered on November 28, 2000. The inmate was scheduled to be evaluated on December 1, 2000. The Court found the inmate competent to stand trial. Trial is scheduled for January 16, 2001.

III. TRAVEL SCHEDULE FOR JANUARY 2001

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel - ICP, Eglin AFB, Florida - 1/8/01 thru 1/12/01

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

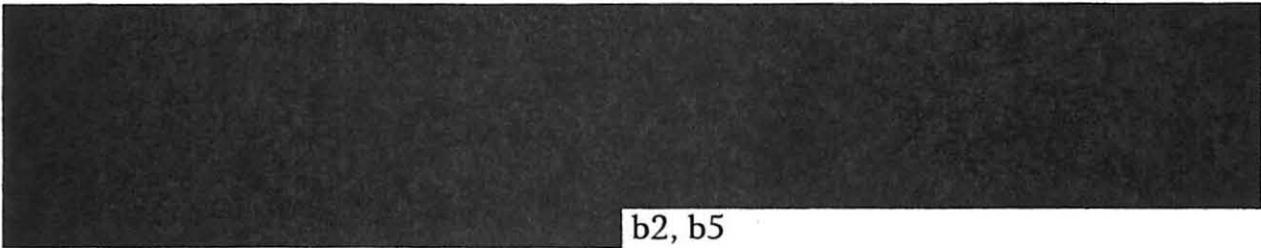
[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

IV. Misc.:

[REDACTED]

[REDACTED]



b2, b5