

UNITED STATES GOVERNMENT
memorandum

Date: February 5, 2001

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

Subject: Monthly Report - January 2001

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 - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	155											
Rec'd in month	35											
Recons. rec'd	4											
Ans'd in month	62											
Pending at end	138											
Over 180 days	28											

B. Tort Claim Investigation Status: As of January 31, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	60	9	3	2	5	5	7	13	3	9	5	1	7	4	5
>60 DAYS	8	0	0	0	0	0	0	7	2	4	3	0	3	0	1

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	212										
Rec'd in month	29											
Ans'd in month	19											
Pending at end	21											
Over 30 days	0											

D. FOIA Requests for records: As of January 2001

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PE N	TAL	TDG	YAZ	EDG
PENDING	6	6	0	1	2	0	1	0	3	0	0	1	1	1	0
>30 DAYS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

E. ADMINISTRATIVE REMEDIES 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133												

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. SUMMARY REPORT

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310											
New Cases	12											
Habeas Corpus	5											
FTCA	0											
Bivens	5											
Other	2											
Bivens/FTCA	0											
Lit Reports												
Cases Closed	110*											

B. SETTLEMENTS AND AWARDS:

Monroy-Vargas - Settlement Conference

On February 1, 2001, a court-ordered mediation conference with the plaintiff took place. Since no authority had been given to settle this matter, the conference was unsuccessful. However, it was discovered that the attorney is out \$10,000 in expenses related to the case and he did say he would advise about a figure that he would settle for. Trial is set for February 13, 2001.

C. SIGNIFICANT CASES, TRIALS or HEARINGS:

NEW CASES

See Religious Cases section.

HEARINGS

United States v. Luis Gines Perez, Criminal No. 98-164 (DRD) : *Ex parte* Court Order requiring MDC to produce records of a cooperator to the defense attorney of the inmate the cooperator was testifying against. Had filed an *ex parte* motion for an in camera

*It is noted that a number of the reported closed cases were closed as a result of end of year litigation file review.

review of the records since many of the records requested had telephone numbers and addresses of the family members of the cooperator. Attended in camera review of records; explained to the judge all the excisions made and presented to the court the reasons for the excisions. The Court ruled in our favor in all the excision and would release the records under the proposed protective order and agreement of non-disclosure.

United States v. James Nuesmeyer, No. 00-32-CR-SEITZ, (S.D. Fla.). ISM staff at FCC Coleman received an "Order Clarifying Sentence" from the District Court requiring the FBOP place an inmate with a PSF of sex offender in a community corrections center. The United States attorney's Office refused to take remedial action and seek additional clarification from the court. Legal staff at the institution sent letters to the District Court Judge, United States Attorney's Office, and defense counsel advising that the Court's "Order" would be treated as a recommendation. The Honorable Patricia Seitz calendared the matter for January 29, 2001, but after her further review of the FBOP's position, Judge Seitz concluded that she was without jurisdiction under 18 U.S.C. § 3621 to dictate the place of confinement of an inmate.

D. RELIGIOUS CASES:

Ricky Cox v. Kathleen Hawk-Sawyer, et. al., 7:00-3588-19BG. Inmate Ricky Cox, Register Number 46910-019, seeks to file a class action against five defendants. Inmate Cox is a Sunni Muslim who contends his first amendment rights are being violated because the Sunni Muslims need more space to lay their prayer rugs. He contends the that the actions of the defendants of not removing the screws in the pews in the main chapel violates his First Amendment rights.

E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

G. CRIMINAL CASES:

[REDACTED] b7C An investigation into forged visiting records and telephonic conversations resulted in an inmate informant providing intelligence about organized introduction of narcotics (heroin) into FCI Edgefield. The matter is under investigation by the FBI.

[REDACTED] b7C During a shakedown of the inmates' cell, substances were seized which later tested positive for marijuana and heroin. The matter is pending.

[REDACTED] b7C Inmate grabbed a female staff member when she attempted to serve him his noon meal. Staff did not sustain any injuries. The matter is pending.

Updates -

JORGE DEL SOL HERNANDEZ, Register Number 09649-000. On February 2, 2000, this inmate threw a television at staff during a forced cell move. A staff member sustained serious injuries to his spine. Inmate was arraigned on September 22, 2000. Trial was scheduled for December 4, 2000. A psychiatric evaluation for competency was ordered on November 28, 2000. Upon completion of the evaluation, the Court found the inmate competent to stand trial. The jury returned a guilty verdict. A sentencing date is pending.

III. TRAVEL SCHEDULE FOR JANUARY 2001

[REDACTED] b6
Travel -New Attorney Trng./OGC Meeting-2/26/01 thru 3/2/01
Jury Duty-2/14/01

[REDACTED] b6
Travel -

[REDACTED] b6
Travel - Jekyll Island - 2/4/01 thru 2/8/01

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

IV. Misc.:

On February 9, 2001, telephonic conference for Southeast Region legal staff will be held.

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memorandum

Date: March 5, 2001

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

Subject: Monthly Report - February 2001

To: Christopher Erlewine, Assistant Director/General Counsel
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Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	155	138										
Rec'd in month	35	21										
Recons. rec'd	4	2										
Ans'd in month	62	38										
Pending at end	138	140										
Over 180 days	28	54										

B. Tort Claim Investigation Status: As of February 1, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	67	11	3	4	5	4	4	13	2	7	4	1	7	3	4
>60 DAYS	31	0	0	0	1	0	2	9	0	3	2	0	5	0	1

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	21										
Rec'd in month	29	37										
Ans'd in month	19	33										
Pending at end	21	23										
Over 30 days	0	0										

D. FOIA Requests for records: As of January 2001

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PE N	TAL	TDG	YAZ	EDG
PENDING	6	6	0	1	2	0	1	0	3	0	0	1	1	1	0
>30 DAYS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

E. ADMINISTRATIVE REMEDIES 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133	136											

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310	212	213									
New Cases	12	11										
Habeas Corpus	5	6										
FTCA	0	0										
Bivens	5	5										
Other	2	0										
Bivens/FTCA	0	0										
Lit Reports												
Cases Closed	110*	10										

B. Settlements and Awards:

C. Significant Cases, Trials, Hearings, Other:

NEW CASES: No significant cases reported.

HEARINGS:

United States v. Cruz Mangual: Criminal No. 98-0194 (CCC)

Case of a former correctional officer who was charged with "knowingly engag[ing] in a sexual act, to wit, contact between the mouth and the penis, with S.T.L", who was an inmate at MDC Guaynabo. Trial was to start on February 20, 2001. Alma Lopez assisted the AUSA in trial preparing. In the past, problems were encountered regarding the victim appearing for the trial and the trial had been postponed on several occasions. On the date the trial was supposed to start, the defendant pled guilty to the charges. The sentencing hearing was scheduled for

*It is noted that a number of the reported closed cases were closed as a result of end of year litigation file review.

June 27, 2001, at 4:30 p.m. The defendant is facing a sentence between 0 - 6 six months.

TRIALS:

Vega Encarnacion v. Matthews, et al., Civil Case No. 97-1370 (D.D.R.)

Plaintiff alleges serious violations to his constitutional rights stemming from staff actions during the passing of hurricane Hortense through Puerto Rico. The plaintiff contends that the power generator was turned off and that he was forced to stay in his cell without air-condition. The case was dismissed based on the plaintiff's failure to exhaust administrative remedies. The plaintiff filed an appeal contending that the administrative remedies program did not provide for payment of monetary damages. Oral arguments were scheduled for March 4, 2001. On February 26, 2001, the First Circuit Court of Appeals issued a stay of the proceedings pending the Supreme Court decision in the Booth.

Domingo Santana Rosa v. United States: Case No. 99-1581

Plaintiff was an inmate at MDC Guaynabo who was assaulted by another inmate. He sued the government under the FTCA for damages caused by alleged staff negligence in entrusting the assailant with the broom he used to assault the plaintiff and in failing to prevent the assault. Defendant filed a motion for summary judgment based on the discretionary function exception. This motion is pending. The plaintiff and defendant filed a joint proposed pretrial order. The defendant was able to include an extensive explanation of the discretionary function exception.

The defense's expert neurological surgeon examined the plaintiff and submitted a preliminary report in which he concludes that the inmate has 100% disability. The defendant is currently awaiting the final report from the expert to determine which expert will be retained for trial. The bench trial has been scheduled for June 26, 2001.

U.S. v. Dexter Mathis:

This is the case of the inmate imposter where a person allowed another person to serve his sentence. The trial in this matter is scheduled for March 19, 2001.

Salvador Magluta v. F. P. Sam Samples, et al.
Appeal No. 00-12540
Partial Decision from the 11th Circuit Court of Appeals.

The Court of Appeals upheld the district court's dismissal of the 10 nonresident defendants. This leaves the four Georgia defendants (F. P. Sam Samples, Michael Garrett, Fred Stock and Michael Bell) still in the case at the appellate level. The court has set oral argument for April 19, 2001, regarding the conditions of confinement issues raised by the plaintiff. The opinion stated the court is especially interested in hearing argument regarding the question of whether the Bureau of Prisons' regulation on placement in administrative detention created a liberty interest.

Joe Mohwish and Joe White v. Waliyd Muhammad, et al.
Appeal No. 00-60279
Decision from the 5th Circuit Court of Appeals

The court of appeals upheld the district court's dismissal as to all the claims of Plaintiff White and the claims of Plaintiff Mohwish against five of the six defendants. Defendant Muhammad remains in the case.

b5

OTHER

Estrada v. Swope, No. 5:99-CV-325-OC-10GR, (M.D.Fla.)

Inmate Estrada underwent the residential drug treatment program in 1993, but was subsequently determined to be ineligible for early release after it was determined that he did not have a substance abuse problem. Relying on documentation that the inmate had a severe addiction to marijuana, he was recommended for drug treatment by the sentencing court, admitted being a drug addict, and was assessed as having a "high need" for RDAP, the court found that the inmate should be eligible for early release. While this would ordinarily give rise to an appeal, the inmate's release from BOP custody via Good Conduct Release mooted the issue.

- D. RELIGIOUS CASES: None Reported
- E. ENSIGN AMENDMENT CASES: None reported.
- F. PLRA 1915 DISMISSALS:

Pedro M. De Jesus, et al v. MDC, Civil No. 99-2271 (SEC)

Summary of the case and relief requested Plaintiffs made numerous allegations about violations to their constitutional rights. Injunctive relief was requested. The Magistrate Judge issued a report and recommendation recommending dismissal of the plaintiffs' complaint based on the plaintiffs' failure to exhaust the administrative remedy procedures available to him. On January 3, 2001, Judge Casellas issued an order adopting the report and recommendation of the Magistrate Judge concluding that the Magistrate's thorough legal analysis was accurate.

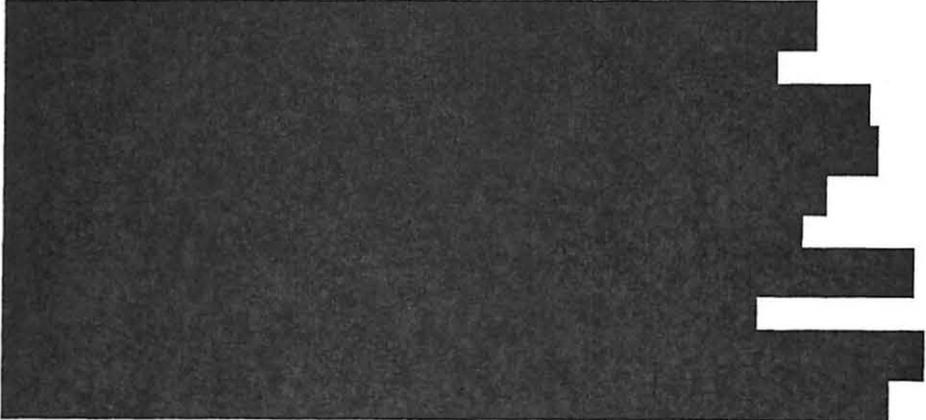
III CRIMINAL CASES:

A. New Referrals

- 1.  b7C

On January 31, 2001, staff received information about a possible escape plot. Through telephone monitoring, intelligence gathering, and communications. Case was referred on February 1, 2001.

Status of Investigation: The case was accepted for prosecution.

- 2. 

[REDACTED] b7C

On January 10, 2001, Warden Pastrana received information about a possible escape plot at MDC Guaynabo. At approximately 1:00 p.m., it was confirmed that the fencing of the recreation yard's roof, Unit 3B, had been cut. MDC Guaynabo was in lock-down at the time of this finding for a census count. Unit 3A and 3B remained on lock-down for a few days.

Status of Investigation: The FBI investigation is now in progress. SERO completed an After Action Review of this case.

Updates -

I. Arthur Stratton (Civilian)/USP Atlanta Case

Maurice Stratton, Register Number, 03507-015, died on March 18, 2000, from an overdose of drugs. A subsequent autopsy removed 19 balloons from inmate Stratton's stomach. Inmate Stratton had been visited by his nephew, [REDACTED] b7C earlier in the day. SIS has video and phone surveillance of earlier conversations and the visit that day.

Status: [REDACTED] b7C took a plea on January 8, 2001. Sentencing on March 29, 2001 at 10:00 a.m.

2. Billy Ned Ashley #25088-004/USP Atlanta Case

Inmate Ashley stabbed [REDACTED] b7C, several times with a shank.

Status: On February 16, 2001, Ashley plead guilty to Assault with a Deadly Weapon with Intent to do Serious Bodily Harm, in violation of 18 USC 113(a)(3). He was sentenced to 70 months to be run consecutive to his present sentence.

IV TRAVEL SCHEDULE FOR JANUARY 2001

[REDACTED] b6
Travel -

Jury Duty-

[REDACTED] b6
Travel -

V. MISCELLANEOUS:

[REDACTED] b2

UNITED STATES GOVERNMENT
memorandum

Date: April 5, 2001

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

Subject: Monthly Report - March 2001

To: Christopher Erlewine, Assistant Director/General Counsel
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A. Administrative Tort Claims - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	155	138	140									
Rec'd in month	35	21	30									
Recons. rec'd	4	2	1									
Ans'd in month	62	38	50									
Pending at end	138	140	105									
Over 180 days	28	54	10									

B. Tort Claim Investigation Status: As of March 1, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	42	9	8	2	3	5	3	7	4	3	3	2	5	4	5
>60 DAYS	2	0	0	0	1	1	2	0	1	0	1	0	2	0	0

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	21	23	29								
Rec'd in month	29	37	39									
Ans'd in month	19	33	29									
Pending at end	21	23	29									
Over 30 days	0	0	2*									

D. FOIA Requests for records: As of March 2001

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PE N	TAL	TDG	YAZ	EDG
PENDING	10	3	0	1	1	0	2	0	5	0	1	2	3	0	1
>30 DAYS	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0

E. ADMINISTRATIVE REMEDIES 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133	136	211										

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310	212	213	222								
New Cases	12	11	19									
Habeas Corpus	5	6	14									
FTCA	0	0	0									
Bivens	5	5	5									
Other	2	0	0									
Bivens/FTCA	0	0	0									
Lit Reports												
Cases Closed	110*	10	10									

B. Settlements and Awards:

C. Significant Cases, Trials, Hearings, Other:

NEW CASES:

Garcia v. Swope, et al.,
Middle District of Florida
No. 5:00-CV-102-oc-10GRJ

Inmate Garcia injured his ankle while playing soccer in the Low Security Institution in 1998 and filed an FTCA suit in March 2000. Garcia alleges that he sustained injury due to defectively installed sprinkler units on the institution soccer field and seeks several million dollars in compensation as Garcia now claims he was a professional soccer player before imprisoned. After personally inspecting the operation of the sprinkler units and the sprinkler covers, Attorney Dan Eckhart concluded that Garcia's version of the accident is unbelievable and requested digital photographs of the sprinkler covers. These photographs, declarations from staff from the Recreation and Facilities Department, and

*Files are being retrieved from archives.

blueprint for the operation of the sprinkler system were attached to a motion for summary judgment that was filed on March 13, 2001.

Garcia v. Swope, et al.,
Middle District of Florida
No. 99-337-Civ-Oc-10

Inmate Garcia filed a Third Amended Complaint in this Bivens action and the U.S. Marshal's Service served several FCC Coleman employees. There are basically the same allegations that Garcia has made in a sister complaint filed against the United States in case number 5:00-CV-102-oc-10GRJ. In the Third Amended Complaint, Garcia finds fault with his medical treatment and alleges discrimination under the American with Disabilities Act. FCC Coleman Legal is currently processing the defendant's representation requests.

Parrott v. Holden, et al.,
Middle District of Florida
No. 5:00-C-V-303-Oc-10

The plaintiff in this Bivens action claims that staff violated his Eighth Amendment rights when they forced him to work in a locked tool room for several hours each day. The plaintiff claims that he was forced to climb over a "dutch" or half-door to use the bathroom and injured his shoulder in the process. The defendants indicate that the plaintiff never was forced to remain in the room for more than an hour, never complained about the situation, and was instructed not to climb over the door. The plaintiff is also alleging staff retaliated against him after he threatened them with suit. FCC Coleman Legal is currently processing the defendant's representation requests.

Bob Custard v. Craig Robinson, et al.
Northern District of Georgia
Civil Action No. 1:99-CV-3285-CAM

Summary of the issue(s) and disposition: Inmate Custard alleged he was confined in a cell in SHU for fourteen days without lights. Judge did not rule in our favor concerning exhaustion of administrative remedies. Order, January 13, 2001, from Judge Moye granting our motion to dismiss as to defendants Fernandez, Ifill, and Scott. Denied as to Wynder, Robinson, and Vise.

United States v. Hernandez, aka Cuartas,
Southern District of Florida
Case No. 95-349-Cr-Roettger; 95-481-Cr-Roettger; 97-956-Cr-Roettger

At sentencing the defendant sought a downward departure by alleging that the Bureau caused him excessive suffering and agony during pretrial confinement by failing to address his mental health needs and by failing to provide him with the medications prescribed on over 150 occasions. In addition to preparing four (4) witnesses for an emergency hearing that was scheduled, [REDACTED]

b2

HEARINGS:

TRIALS:

U.S. v. Dexter Mathis:
Northern District of Georgia
1:00-Cr-1345

This is the case of the inmate imposter where a person allowed another person to serve his sentence. Trial in this matter began on April 2, 2001. On April 3, 2001, the jury returned verdicts of guilty on both counts; Failure to Appear and Conspiracy to Defraud the Government. Sentencing is scheduled for June 25, 2001.

United States v. Hernandez, aka Cuartas,
Southern District of Florida
Case No. 95-349-Cr-Roettger; 95-481-Cr-Roettger; 97-956-Cr-Roettger

The Court had previously sentenced the defendant and ordered that he receive 150% jail credit for the period of time spent in federal custody. Upon learning that the Court lacked jurisdiction to enter this order, the Judge declared the sentence to be in clear error and scheduled a resentencing. Defense counsel filed a motion for downward departure based on the FDC's alleged failure to address the defendant's mental health concerns as well as claims that the defendant was not receiving his medications as prescribed. Ultimately, the Court found it lacked jurisdiction over the matter because 1) the statutory time frame during which the Court could modify the sentence had passed and 2) because defense counsel had filed a notice of appeal which deprived the district court of jurisdiction over the case.

Monroy-Vargas v. United States,
Southern District of Florida
Case No. 99-1635-Civ-Moreno

This is the FTCA case wherein the plaintiff alleges that medical personnel committed malpractice in treating what was eventually diagnosed as herpes in his eye. Discovery, settlement negotiations, and trial preparation have been underway for several months. Trial is scheduled to begin April 3, 2001.

CLOSED

Mingo v. Sively, et al.

Northern District of Alabama

Civil Action Number 98-N-3042-E

Petition Denied and Dismissed with Prejudice

March 22, 2001

Hornsby v. Swope

Middle District of Florida

Civil Action Number 5:99-cv-305-Oc-10GRJ

Petition Denied and Dismissed with Prejudice

March 20, 2001

U.S. v. Hernandez, aka Cuartas

Southern District of Florida

Case No.: 95-349-Cr-Roettger; 95-481-Cr-Roettger; 97-956-Cr-Roettger

Motion for downward departure dismissed.

March 21, 2001

Todd Graves v. Parks, et. al.,

Civil Action Number 9:00-2627-13RB.

Habeas. Court granted the Respondeat's Motion for Summary Judgment

February 15, 2001.

Charles Lequire v. United States,

Civil Action Number 6:00-1275-23AK.

Habeas. Court granted the Respondeat's Motion for Summary Judgment/30 days to resubmit.

August 22, 2000.

Noah Robinson v. M. E. Ray,

Civil Action Number 2:00-1071-08AJ.

Habeas. Court granted the Petitioner's Motion to Withdraw Action

March 1, 2001.

Edward Saunders v. M. L. Batts, et. al.,
Civil Action Number 4:99-3096-13BF.

Bivens. Court granted the Respondeat's Motion for Summary Judgment
October 2000.

Andre Twitty v. M. E. Ray,
Civil Action Number 4:00-0421-23BF.

Bivens. Court dismissed case without prejudice for Failure to Exhaust
March 30, 2001.

OTHER

D. RELIGIOUS CASES:

Ricky Cox v. Kathleen Hawk Sawyer, et. al.
District of South Carolina: 7:00-3588-19BG
Bivens Action

Inmate Ricky Cox, register number 46910-019, is attempting to file a class action against five defendants. Inmate Cox is a Sunni Muslim who contends his first amendment rights are being violated because the Sunni Muslims need more space to lay their prayer rugs. He contends that the actions of the defendants of not removing the screws in the pews in the main chapel violates his First Amendment rights. The Plaintiff is seeking monetary and injunctive relief

E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

G. 3621(e) CASES: None reported.

Eugene Harris v. C.J. DeRosa
Middle District of Alabama
Civil Action No.01-D-295-N

The gravamen of the Harris' allegation is that he is eligible for sentence reduction under 18 U.S.C. 3621(e), but he has been denied eligibility. He asserts a contract with the Bureau of Prisons and the Bureau of Prisons does not intend to honor the agreement. Harris also argues he is eligible because he completed part of the Residential Drug Abuse

Program during the time when Kilpatrick v. Houston, 197 F.3d 1134 (11th Cir. 1999) was controlling law in this circuit.

He seeks an order directing the Bureau of Prisons not to apply provisions of its Program Statement 5162.04, which are considered to preclude him from early release eligibility.

[REDACTED]
b2

III CRIMINAL CASES:

A. New Referrals

1. Inmate(s): [REDACTED] b7C
FCC Coleman

Possession of serious contraband – On March 25, 2001, Officer conducting shakedown of inmate's personal property found a radio with battery charge pack attached. While attempting to remove charge pack, officer cut his finger on a razor blade that had been placed inside the battery charge pack.

Status: Declined 03/27/01

2. [REDACTED]
b7C

On March 5, 2001, Inmate [REDACTED] struck inmate [REDACTED] in the nose with a closed fist at which time inmate [REDACTED] fell to the floor and was kicked by inmate [REDACTED] on the left arm. Inmate [REDACTED] was treated for a swollen nose, laceration on the left side of the nose and abrasions on the left arm. Inmate [REDACTED] was examined and treated for minimal swelling of the right middle finger. b7C

Status: Declined 03/27/01

3. Inmate(s): [REDACTED] b7C
FCC Coleman

On March 26, 2001, Officer smelled smoke coming from cell, entered cell and observed inmate [REDACTED] wiping a leafy substance off the desk into his hand. Inmate [REDACTED] pushed the staff member when he attempted to retrieve the substance and flushed the substance down the toilet. A struggle ensued and the inmate threw a plastic bag containing the substance into the toilet. The officer was pushed to the floor as the inmate again flushed the toilet. Inmate [REDACTED] refused the officer's order to place his hands behind his back in order for restraints to be applied. The officer gained control of the inmate and applied the handcuffs. The officer received a scrape and abrasion to his left elbow and arm. **b7C**

Status: Pending

4. Jorge Del Sol Hernandez, Register Number 09649-000 **b7C**
FCI Taladega
Previously Reported

On February 2, 2000, the above inmate threw a television at staff during a forced cell move. Staff member, [REDACTED] **b6** received serious injuries to his back (spine).

Status: Trial was held on January 16-17, 2001. The jury returned a guilty verdict. On March 27, 2001, detainee Jorge Del Sol Hernandez was sentenced in the case of the U.S. v. Del Sol Hernandez, CR-00-C-323-E, for violating 18 U.S.C. § 111(b) (assaulting [REDACTED] **b6** with a deadly weapon). The inmate's guidelines range was 120-150 months. As the maximum penalty for the offense is ten years, the maximum sentence the court could impose was the minimum guideline applicable. The court found no basis for departure and sentenced Del Sol to 120 months incarceration. At the hearing the Judge advised that he felt the detainee was being held illegally and that such detention was unconstitutional, but told him that he couldn't do anything about it. [REDACTED]

[REDACTED] **b5**

IV ITS POSTINGS: No discrepancies reported.

V TRAVEL SCHEDULE FOR JANUARY 2001

[REDACTED] **b6**

Travel -

Jury Duty-

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

[REDACTED] b6
Travel

[REDACTED] b6
Travel -

[REDACTED] b6
Travel -

VI MISCELLANEOUS:

[REDACTED] b2

UNITED STATES GOVERNMENT
memorandum

Date: May 5, 2001

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

Subject: Monthly Report - April 2001

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 - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	155	138	140	105								
Rec'd in month	35	21	30	40								
Recons. rec'd	4	2	1	0								
Ans'd in month	62	38	50	61								
Pending at end	138	140	105	113								
Over 180 days	28	54	10	9								

B. Tort Claim Investigation Status: As of April 1, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	33	9	9	6	1	6	7	9	5	2	4	3	6	6	7
>60 DAYS	7	0	0	0	0	0	0	0	0	0	0	0	2	0	0

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	21	23	25								

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Rec'd in month	29	37	39											
Ans'd in month	19	33	29											
Pending at end	21	23	29											
Over 30 days	0	0	2*											

D. FOIA Requests for records: As of April 2001

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PE N	TAL	TDG	YAZ	EDG
PENDING	8	3	1	0	0	0	5	0	1	1	0	1	2	0	3
>30 DAYS	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0

E. ADMINISTRATIVE REMEDIES 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133	136	211	178									

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310	212	213	222								
New Cases	12	11	19	20								
Habeas Corpus	5	6	14	8								
FTCA	0	0	0	1								
Bivens	5	5	5	9								
Other	2	0	0	2								
Bivens/FTCA	0	0	0	0								
Lit Reports												
Cases Closed	110*	10	10	11								

B. Settlements and Awards: None reported.

C. Significant Cases, Trials, Hearings, Other:

NEW CASES: No significant cases reported.

**Weaver v. Meehan, et al.,
01-325-CIV-HUCK (S.D. Fla).**

CASE SUMMARY: This is a Bivens action in which the plaintiff makes a variety of allegations, including that he was subject to unlawful search and seizure, that his legal mail was unlawfully reviewed, that a conspiracy took place between the defendants to stalk his common law wife, that he was physically assaulted in a holding cell at the courthouse, and that the BOP staff failed to provide him appropriate medical treatment for his injuries. The Plaintiff is not represented by counsel.

**Thomas Kiracofe v. Administration, et. al.,
9:00-3131-13RB**

*One of those files has been requested from archives.

This is a Bivens lawsuit filed against Controller at FCI Edgefield, Sandra McGinnis, and Correctional Counselor at USP Pollock, Jimmy Parker. The Plaintiff alleges Defendant McGinnis violated his right of access to the courts by not returning a financial certificate he submitted to her. The Plaintiff also alleges that Defendant Parker assaulted him.

HEARINGS:

United States v. Jaime Perez Ayala

Criminal case in which the Magistrate Judge Delgado called my office to inquire about the medical conditions of the inmate and the medication he was taking. Together with the Health Services Administrator (medical officer was not available), we explained to the judge what the inmate's condition was and the medication he was taking.

TRIALS:

Monroy-Vargas,

Case No. 99-1635-Civ-Moreno (S.D. Fla.)

Monroy-Vargas case went to trial on April 3, 2001 and ended on April 4, 2001. We presented four witnesses; two medical staff members who testified regarding the inmate's care; William Trattler, M.D., who testified regarding the nature of the herpes disease and the treatment the inmate received, and Liz Garcia testified regarding the Bureau's policy on medical records and the plaintiff's various transfers during the time period in question. The plaintiff presented two witnesses; the plaintiff/inmate and their expert Dr. Insler. The case is pending decision by the judge.

OTHER

Bob Custard v. Craig Robinson, et al.

Civil Action No. 1:99-CV-3285-CAM (N.D. Ga.)

Inmate Custard alleges he was confined in a cell in SHU for fourteen days without lights. Judge did not rule in our favor concerning exhaustion of administrative remedies. Order, January 13, 2001, from Judge Moye granting our motion to dismiss as to defendants Fernandez, Ifill, and Scott. Denied as to Wynder, Robinson, and Vise.

CLOSED CASES

Trowers v. Willey, et al.

N.D. AL, Civil Action Number CV-00-N-0738-NE

Petition Denied and Dismissed with Prejudice

March 27, 2001

Carter v. Wiley

N.D. AL, Civil Action Number CV-00-C-0510-E

Petition Denied

April 9, 2001

Meyer v. Wiley, et al.

N.D. AL, Civil Action Number CV-99-PT-3092-E

Petition Denied and Dismissed with Prejudice

April 9, 2001

Fessman v. Wiley

N.D. AL, Civil Action Number CV-00-N-1343-E

Petition Denied and Dismissed with Prejudice

April 9, 2001

Jones v. Wiley

N.D. AL, Civil Action Number 00-16496-F

Eleventh Circuit - 00-16496-F

Appeal Dismissed at Appellant's Request

April 12, 2001

D. RELIGIOUS CASES:

Ricky Cox v. Kathleen Hawk Sawyer, et. al.
District of South Carolina: 7:00-3588-19BG

Inmate Ricky Cox, register number 46910-019, is attempting to file a class action against five defendants. Inmate Cox is a Sunni Muslim who contends his first amendment rights are being violated because the Sunni Muslims need more space to lay their prayer rugs. He contends that the actions of the defendants of not removing the screws in the pews in the main chapel violates his First Amendment rights. The Plaintiff is seeking monetary and injunctive relief

E. ENSIGN AMENDMENT CASES: None reported.

F. PLRA 1915 DISMISSALS: None reported.

III CRIMINAL CASES:

A. New Referrals: No significant reports.

IV TRAVEL SCHEDULE FOR JANUARY 2001

[REDACTED] b6
Travel -
Jury Duty-

[REDACTED] b6
Travel -

[REDACTED] b6

Travel -

V. MISCELLANEOUS:

[REDACTED]

b2

UNITED STATES GOVERNMENT
memorandum

Date: June 5, 2001

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

Subject: Monthly Report - May 2001

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 - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	155	138	140	105	113	112						
Rec'd in month	35	21	30	40	32							
Recons. rec'd	4	2	1	0	1							
Ans'd in month	62	38	50	61	64							
Pending at end	138	140	105	113	112							
Over 180 days	28	54	10	9	9							

B. Tort Claim Investigation Status: As of June 2, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	36	7	9	5	2	5	7	8	7	3	4	3	3	7	5
>60 DAYS	8	0	0	0	0	0	0	0	3	2	1	0	1	0	0

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	21	23	29	25	17						

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Rec'd in month	29	37	39	25	28										
Ans'd in month	19	33	29	31	37										
Pending at end	21	23	29	25	17										
Over 30 days	0	0	2*	2*	0										

D. FOIA Requests for records: As of June 2001

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

E. ADMINISTRATIVE REMEDIES 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133	136	211	178	272								

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310	212	213	222	231	236						
New Cases	12	11	19	20	19							
Habeas Corpus	5	6	14	8	16							
FTCA	0	0	0	1	0							
Bivens	5	5	5	9	3							
Other	2	0	0	2	0							
Bivens/FTCA	0	0	0	0	0							
Lit Reports												
Cases Closed	110*	10	10	11	14							

B. Settlements and Awards: None reported.

C. Significant Cases, Trials, Hearings, Other:

NEW CASES:

Isreal Garcia v. Willie Scott,
01-CV-456 (ODE) (N.D. Ga).

Inmate alleges that he has been held in an Administrative Detention status for over two years without the appropriate notice of review.

Clifford Lewin v. Warden Scott, et. al.,
1:00-CV-1124-RWS (N.D. Ga)

Plaintiff alleges that he was injured when staff at USP Allenwood forced him to carry a bag of books and grabbed his handcuffs. Plaintiff alleges that some of his property was lost at USP Atlanta when he was transferred to another institution. Plaintiff also alleges that he was sexually assaulted when he was searched.

*A file has been requested from archives.

Carlos Ala Santiago v. Luis A. Pastrana
Civil No. 01-1577 (JAF)

Habeas Corpus petition in which inmate requests a hearing concerning alleged constitutional rights violations, and to seek release from custody. Essentially, petitioner contended that he has not eaten since he arrived at MDC Guaynabo as his religious beliefs preclude him from consuming any food while incarcerated. Petitioner contended that Warden Pastrana denied him access to drinking water which was necessary for his well-being. A telephone conference with the judge was conducted and Dr. Carbonell (visiting doctor from Atlanta) and John Jones, HSA, explained to the judge the inmate's medical condition. The judge issued an order for us to respond to the inmate's allegations. A medical summary was submitted to the Court. This case received a lot of media attention as the petitioner is one of the individuals (university professor) who trespassed in Vieques. On May 7, 2001, the Court issued an order finding that the petitioner's rights were not violated and that since he was no longer in custody, his petition was rendered moot.

Carlos Ala Santiago, et al v. Luis A. Pastrana
Civil No. 01-1579

Group of Vieques trespassers filed a complaint seeking a temporary restraining order, a preliminary injunction, and a permanent injunction seeking to stop the visual cavity searches conducted at MDC upon their arrival and before and after receiving outside visitors. The plaintiffs seek to be representatives of the class of inmates under their same condition. Plaintiffs sought \$1,000,000 in monetary damages for the violation to their constitutional rights alleging that they were being held in custody for a petty offense and as a result, the visual cavity searches was extreme. In a case of first impression, the plaintiffs not only challenged this practice at MDC Guaynabo, but also challenged the constitutionality of the Code of Federal Regulations which mandated such a practice. An declaration from the Captain about the security concerns involved in not enforcing visual cavity searches for all inmates. Staff Attorney Lopez, together with AUSAs worked on this case (Criminal Division Chief Jorge Vega, Civil Division Chief Miguel Fernandez, AUSA Camille Velez), she explained the reasons grounded on security for conducting these searches on all inmates, regardless of the crime for which they are incarcerated and the possible national repercussions that ruling in favor of the plaintiffs could have on the federal correctional system as we know it. On May 10, 2001, the Court dismissed this case based on the plaintiffs' failure to exhaust the administrative remedies available to them.

HEARINGS:

United States v. Todd Gilbertson
1:00-CR-055 (N.D. Ga.)

Inmate Gilbertson was facing several charges stemming from an assault on inmate [REDACTED] with a sharpened weapon. A suppression hearing was scheduled for May 21, 2001. On May 18, however, inmate Gilbertson opted to take a plea on the charge. He was sentenced to five years consecutive to the time he is currently serving. b7C

U.S. v. Shotts
CR-95-PT0310-S

At re-sentencing, counsel for defendant raised the inadequacy of medical care as a basis for a downward departure from the sentencing guidelines. The defense also maintained that the BOP unconstitutionally prevented the inmate from receiving a halfway house placement. Since December 2000, staff worked extensively to advise the AUSA on this matter. Numerous subpoenas were served upon FCI staff. A hearing was held on May 31, 2001, concerning this matter. The court allowed the defense expert, a radiologist, to offer testimony, but the court cut short the testimony of our Clinical Director. The court did not grant the motion for downward departure. The court, however, did strongly recommend that the inmate receive the tests recommended by the neurosurgeon and that the inmate receive a prompt halfway house placement.

TRIALS: None

OTHER
Garcia v. U.S.
5:00-CV-102-Oc-10GRJ

Inmate injured his ankle while playing soccer in the Low Security Institution in 1998. Inmate filed an FTCA suit in March 2000 claiming that his injury was a result of the defectively installed sprinkler units on the soccer fields. Though the U.S. had filed a motion for summary judgement and the time for discovery had passed, the District Court amended its earlier order and extended discovery until May 21, 2001.

CLOSED CASES

Garcia v. Scott

Civil Action Number 01-CV456 (N.D. Ga.)

Closed by order-Failure to state a claim.

March 24, 2001

Kiracofe v. Serrano, et al.

Civil Action Number 9:01-3218-13R

Summary Judgement/Petition dismissed

May 2, 2001

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None reported.

III CRIMINAL CASES:

[REDACTED]

Incident: On May 6, 2001, at approximately 11:30 a.m., Unit G-East was placed on lock down because the unit officer found the referenced inmates in their cell bleeding from cuts to their body.

Status: Matter referred to FBI.

[REDACTED]

Incident: On April 2, 2001, inmate intentionally struck unit officer with wheelchair and then lunged toward officer and fell to the floor. The officer sustained a mild contusion to his right lower leg. Inmate sustained no apparent injury.

Status: Declined.

b7c

b7C

[REDACTED]

Incident: On April 3, 2001, while removing the handcuffs from the referenced inmate, the inmate attempted to grab and pull the handcuffs from the unit officer. Staff sustained a minor cut to his left thumb. The inmate sustained a minor bruise to his right wrist.

Status: Declined.

[REDACTED]

b7C

Incident: On May 28, 2001, inmate [REDACTED] fatally stabbed inmate [REDACTED] while in front of the housing unit.

Status: Case being investigated by the FBI.

IV TRAVEL SCHEDULE FOR MAY 2001

[REDACTED]

Travel-- May 16, 2001 thru May 18, 2001/Pensacola/Mediate Fitzgerald

b6

[REDACTED]

Travel - May 16, 2001 thru May 18, 2001/Pensacola/Mediate Fitzgerald

[REDACTED]

Travel -May 21, 2001 thru May 22, 2001/Los Angels/U.S. v. Roy Green
May 16, 2001 thru May 18, 2001/Pensacola/Mediate Fitzgerald

[REDACTED]

Travel-May 25, 2001/Usp Leavenworth/Deposition/Williams v. Scott

[REDACTED]

Travel -

[REDACTED]

Travel - May 16, 2001 thru May 18, 2001/Pensacola/Mediate Fitzgerald

[REDACTED]

Travel -

V. MISCELLANEOUS:

May 25, 2001 at USP Atlanta, Court issued an order for a blood sample of inmate [REDACTED] who had been on a hunger strike since May 23, 2001. Inmate would not allow medical staff to draw his blood and there was concern that the inmate would reach a critical point during the Memorial Day extended weekend. AUSA Mary Roemer obtained the court Order. Staff did not have to use the Order.

b7c

May 31, 2001, at USP Atlanta, Court issued a force feed Order for inmate [REDACTED] This inmate was designated to the USP on May 21, 2001 from USP Allenwood where he had been on a hunger strike from March 5, 2001 through March 23, 2001. This inmate had previously been force fed at USP Allenwood. On May 24, 2001, inmate began his hunger strike at USP Atlanta. AUSA Pat Stout obtained the court Order and the inmate was force fed on June 1, 2001.

FCI Edgefield has been in a lock down status since May 28, 2001 because the homicide which was reported above.

UNITED STATES GOVERNMENT
memorandum

Date: July 5, 2001

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

Subject: Monthly Report - June 2001

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 - 2001

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Pending on 1 st	155	138	140	105	113	112	136					
Rec'd in month	35	21	30	40	32	54						
Recons. rec'd	4	2	1	0	1	3						
Ans'd in month	62	38	50	61	64	55						
Pending at end	138	140	105	113	112	136						
Over 180 days	28	54	10	9	9	9*						

B. Tort Claim Investigation Status: As of June 2, 2001

	ATL	COL	EDG	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	PEN	TAL	TDG	YAZ
PENDING	36	7	9	5	2	5	7	8	7	3	4	3	3	7	5
>60 DAYS	8	0	0	0	0	0	0	0	3	2	1	0	1	0	0

C. FOI/Privacy Act Requests - 2001

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	6	21	23	29	25	17	19					

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Rec'd in month	29	37	39	25	28										
Ans'd in month	19	33	29	31	37										
Pending at end	21	23	29	25	17										
Over 30 days	0	0	2	2	0										

D. FOIA Requests for records: As of July 2001

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

E. Administrative Remedies 2001

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
133	136	211	178	272	182							

II. LITIGATION ACTIVITY - 2001 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Open	310	212	213	222	231	236	217					
New Cases	12	11	19	20	19	20						
Habeas Corpus	5	6	14	8	16	13						
FTCA	0	0	0	1	0	1						
Bivens	5	5	5	9	3	5						
Other	2	0	0	2	0	1						
Bivens/FTCA	0	0	0	0	0	0						
Lit Reports												
Cases Closed	110	10	10	11	14	39						

B. Settlements and Awards: None reported.

C. Significant Cases, Trials, Hearings, Other:

NEW CASES:

Miller v. Swope (FCC Coleman)

Civil Action Number 5:01-CV-163-Oc-10GRJ (MD FL)

In this FTCA matter and also injunctive relief, the inmate claims that the FBOP has neglected to properly treat his diabetes. According to Health Services Staff the treatment sought by the inmate cannot be provided in a secure environment because it requires blood sugar levels to be measured several times a day and insulin levels adjusted accordingly. The AUSA has advised that he will not take any action on the injunctive petition until ordered to do so by the court.

Layland v. United States of America (FCC Coleman)

Civil Action Number 2:01-CV-0076-ST (D UT)

In this Section 2255 petition, the inmate is attacking his conviction on the grounds of ineffective assistance of counsel. Inmate is seeking recordings of conversations between him and his attorney maintained by FCC Coleman's SIS Office. The AUSA has advised that the recordings should be provided to the inmate pursuant to an order from the district court allowing limited discovery. Staff at FCC Coleman are working with the AUSA on this matter due to the obvious impact that any such release may have on the operation of the institution.

U.S. v. Norberto Morales (MDC Guaynabo)

Criminal Number 99-185 (CCC)

Motion filed by defendant challenging his placement in the Special Housing pending an investigation for a possible violation to BOP regulations. The defendant contends that his rights are being violated as he has been placed in "disciplinary segregation" without a hearing. Defendant contends that his placement in segregation violated BOP regulations and the constitutional rights of the defendant. A litigation report is being prepared.

U.S. v. Jackeline Jackson (MDC Guaynabo)

Criminal Number 01-419 (DRD)

Motion filed by defendant challenging the visual searches conducted by correctional staff at MDC. Defendant contends that the visual searches are unreasonable and unjustified as staff did not have a reasonable suspicion of her intent to introduce contraband in the institution. The defendant's refusal to submit to the searches resulted in her placement in the Special Housing Unit. In relying on the First Circuit Court of Appeals decision in Roberts v. Rhode Island,

239 F.3d 107 (1st Cir. 2001), the defendant requested the immediate cessation of the visual searches and the immediate end of using solitary confinement as punishment for said violations. At sentencing, the defendant sought to argue this motion, but Judge Dominguez dismissed the motion following the court's decision in Carlos Ala Santiago, et al. V. U.S., Civil Number 01-1579 (JAG), in which the Court dismissed the complaint based on the defendant's failure to exhaust administrative remedies.

HEARINGS: None Reported

TRIALS:

U.S. v. Larry Bragg (FCI Tallahassee)
Criminal Number 4:00-cr-61-RH

This matter involved the criminal trial of a staff member and one inmate. On April 6, 2001, Staff member was convicted on all four of the counts. On June 15, 2001, he was sentenced to 37 months, restitution of \$7,500, and given three years probation. He is scheduled to self-report sometime in August 2001.

U.S. v. Mathis (Atlanta/Jesup)
Criminal Number 1:00-CR-855-01-ODE

This is the case of the inmate imposter. On June 21, 2001, the inmate who should have served the original 20 month sentence received consecutive sentences of 30 months and 18 months to run consecutive to his original sentence.

OTHER

Bob Custard v. Craig Robinson, et al. (USP Atlanta)
99-CV-3285-CAM (N.D. GA)

On May 17, 2001, Judge Moyer issued an Order directing the Clerk of Court to enter judgment for plaintiff on the issue of liability. On June 4, 2001, AUSA filed Defendants' Motions for Reconsideration of Order and Judgment or, in the alternative, Relief from Judgment or Order.

CLOSED CASES

Algernon Stewart v. Willie Scott (USP Atlanta)
Civil Action Number 00-CV-0757-JOF (N.D. GA)

Petition denied.
June 20, 2001

Parrot v. Holden (FCC Coleman)
Civil Action Number 5:00-CV-303-OC-10GRJ (MD. Dist. FL)
Dismissed without prejudice
June 22, 2001

Noah Robinson v. M.E. Ray (FCI Edgefield)
Civil Action Number 2:00-945-8AJ (Dist. Of SC)
Dismissed (Summary Judgement)
June 26, 2001

Monroy-Vargas v. U.S. (FDC Miami)
Civil Action 99-1635-Civ-Moreno (S.D. FL)
Judgement for U.S.
June 26, 2001

Victor Vega Encarnacion v. Robert Matthews (MDC Guaynabo)
Civil Number 00-1699 (appeal)
Vacated and affirmed lower court ruling.
June 7, 2001

Benjamin Lopez Pena v. U.S. (MDC Guaynabo)
Civil Number 00-2060 (SEC)
Dismissed without prejudice
June 14, 2001

- D. RELIGIOUS CASES: None reported.
- E. ENSIGN AMENDMENT CASES: None reported.
- F. PLRA 1915 DISMISSALS: None reported.

III CRIMINAL CASES:



b7c

Incident: On June 19, 2001, a visitor was observed laying on the floor bleeding from her mouth and nose. The inmate was standing approximately 4 feet away observing his wife laying on the floor and making no attempt to assist her. The visitor suffered a cut on her

upper lip, a bruise above her left eye, and had blood on her right hand. An interview was attempted with [REDACTED], but she declined to have photographs taken or make a statement, refused medical attention, and departed the institution. There were no staff witnesses to the actual assault.

b6
b7c

IV TRAVEL SCHEDULE FOR JUNE 2001

[REDACTED] June 19th -22nd Attended CCM Conference to teach Standards of Conduct to contractors and transitional services staff.

b6

V. MISCELLANEOUS: