

FEB 5 1996

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UNITED STATES GOVERNMENT
MEMORANDUM

DATE: January 26, 1996

TO: Wallace Cheney, General Counsel
Bureau of Prisons, Central Office
320 First Street, N.W.
Washington, D.C. 20534

ATTN: Nancy P. Redding, Executive Assistant

FROM: Sherree L. Sturgis, Regional Counsel
Bureau of Prisons, Southeast Region
523 McDonough Blvd., S.E.
Atlanta, GA 30315



RE: First Quarter Report FY 96

The following information is provided for the fourth quarter (October, November, December) 1995.

Litigation

NUMBER OF ACTIONS FILED	46
HABEAS CORPUS ACTIONS	15
FTCA ACTIONS	10
BIVENS ACTIONS	17
OTHER (Mandamus, etc)	4
NUMBER OF LITIGATION REPORTS	40
NUMBER PENDING	546
NUMBER CLOSED	57
NUMBER OF HEARINGS/TRIALS	0
NUMBER OF SETTLEMENTS	4
AMOUNT OF AWARD	\$203,120.00

Significant Case Activity

Raoul Chasse v. United States, FGAN, 1:94-CV-2404-MHS. This Federal Tort Claims Act case involves a civilian suing the government based on an accident in Atlanta that occurred in 1992 in a rental vehicle driven by a BOP employee on travel status. On November 20, 1995, the case was settled by Budget Rental Car for \$3,000.00.

Richard E. Smith, M.D. v. United States, FDSC, CV-95-417-19. This is an employee claim in which a doctor at FCI, Estill in 1994 alleges he involuntarily terminated his employment for health reasons after facility failed to provide him with adequate staffing. The case was initially filed in South Carolina's state court. By Order dated October 16, 1995, judgement was granted in favor of the government on the pay comparability claim. The counterclaim of the former employee for relocation expenses was dismissed without prejudice for failure to exhaust administrative remedies.

Gerard V. Spanuolo v. Federal Bureau of Prisons, et al., FFLS, 91-0035-CIV-Hoeveler. This is a personal liability action in which a pretrial MCC, Miami inmate was forced to take a psychotropic medication in September, 1987. He claims excessive force was used to effect treatment. A November 14, 1995 Order dismisses FTCA case because the inmate did not present any declarations from medical professionals to rebut those presented by the government showing the reasonableness of the forced medication.

The criminal trial in U.S. v. Augusto Guillermo Falcon, et al (91-6060-CR-MORENO, SD/FL) commenced in October, 1995 and continues. The charges involve accusations that the defendants were involved in a large criminal conspiracy which imported many, many tons of cocaine into the South Florida area for over ten years beginning in the late 1970s', amassing an extremely large fortune in money and property. The prosecution is expected to rest at the end of January or the beginning of February, and the defendants will then present their defense.

An indictment was issued on November 21, 1995, in the criminal case of U.S. v. Battle. The charges involve the stabbing death of a USP Atlanta Correctional Officer in December, 1994. Arraignment was on December 4, 1995.

Federal Tort Claims Act/Employee Claims

NUMBER FILED	146
PERSONAL PROPERTY	126
PERSONAL INJURY	19
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	1
NUMBER PAID	39
AMOUNT PAID	\$4627.00
NUMBER DENIED	71
NUMBER PENDING	141
NUMBER OVERDUE	10
AVERAGE PROCESSING TIME	25.00 DAYS

NOTE: Two of the overdue tort claims cannot be completed because of OIA investigation into the inmate's claims which pre-empt completion of the institution investigation.

1ST QTR SERO

FOI/PA

NUMBER RECEIVED
 NUMBER CLOSED
 NUMBER PENDING
 TOTAL NUMBER OVERDUE
 NUMBER OVERDUE 30 DAYS
 NUMBER OF CIVIL ACTIONS

**NOTE: FOI/PA information is unavailable due to computer hardware problems.
 This information will be provided as soon as the cases have been re-loaded.**

Quarterly Comparison**TORT CLAIMS/EMPLOYEE CLAIMS**

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	146	126	19	39	4627	71	141	10	246	25.00
2ND QTR										
3RD QTR										
4TH QTR										

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	46	15	10	17	04	40	546	57	03	4	203120
2ND QTR											
3RD QTR											
4TH QTR											

FOI/PA (see note above)

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR							
2ND QTR							
3RD QTR							
4TH QTR							

Travel

Sherree L. Sturgis, Regional Counsel

October 19 through October 21, 1995. Travel to FCC, Coleman, Florida for staff assist to develop shared service model. The cost was \$631.70.

November 12 through November 14, 1995. Travel to Denver, Colorado to attend General Counsel meeting and teach new attorney training. The cost was \$491.55.

November 28, 1995. Travel to Birmingham, Alabama to meet with U.S. Attorneys regarding prosecution of inmates involved in FCI, Talladega disturbance. The cost was \$122.50.

Earl L. Cotton, Assistant Regional Counsel

November 8 through November 9, 1995. Travel to Savannah, Georgia to attend deposition in Cohen v. U.S. The cost was \$251.50.

Craig Simmons, Honors Attorney

November 12 through November 14, 1995. Travel to Denver, Colorado to attend new attorney training. The cost was \$803.00.

Ken Hyle, Attorney Advisor

October 18 through October 20, 1995. Travel to Tallahassee, Florida to attend settlement conference in case of Webb v. US. The cost was \$360.09.

The total cost of travel during this reporting period was \$2660.34.

Other Activities

Miscellaneous Activities

Publication and distribution of 1995 Litigation Subject Index to BOP and AUSA staff.

Personnel Moves

On October 2, 1995, Robert Kenner was selected as a Volunteer Law School Intern for the Regional Counsel's Office.

cc: Regional Director

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