

UNITED STATES GOVERNMENT  
MEMORANDUM

DATE: April 16, 1996

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

APR 25 1996

**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: Second Quarter Report FY 96

The following information is provided for the second quarter (January, February, March) 1996.

**Litigation**

NUMBER OF ACTIONS FILED	56
HABEAS CORPUS ACTIONS	23
FTCA ACTIONS	06
BIVENS ACTIONS	14
OTHER (Mandamus, etc)	13
NUMBER OF LITIGATION REPORTS	51
NUMBER PENDING	564
NUMBER CLOSED	38
NUMBER OF HEARINGS/TRIALS	0
NUMBER OF SETTLEMENTS	0
AMOUNT OF AWARD	\$0

**Significant Case Activity**

Timothy L. Ruble, et al v. M.S. (Melvin) Jones, et al, 1:93-CV-2798-JEC. This personal liability case involves inmates at ATL in 1994 alleging that they were the subject of a force cell move which resulted in injuries. They allege the injuries were the result of being assaulted during the move. Same fact as Ruble v. King, FGAN, 93-1024, just new defendant. Motion issued to consolidate with Ruble v. King, FGAN, 1:93-CV-1024 JEC.

Timothy L. Ruble, et al v. Lieutenant King, et al, FGAN, 1:93-CV-1024-JEC. This personal liability case involves inmates at ATL in 1993 alleging that subsequent to a "force cell move," they were beaten and assaulted. They also complain that they did not receive immediate medical care for their injuries. On January 10, 1996 an Order was issued granting plaintiffs' motion for voluntary dismissal of the consolidated cases.

UNITED STATES GOVERNMENT  
MEMORANDUM

DATE: July 16, 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: Third Quarter Report FY 96

The following information is provided for the third quarter (April, May, June) 1996.

	<u>Litigation</u>
NUMBER OF ACTIONS FILED	108
HABEAS CORPUS ACTIONS	21
FTCA ACTIONS	07
BIVENS ACTIONS	70
OTHER (Mandamus, etc)	10
NUMBER OF LITIGATION REPORTS	95
NUMBER PENDING	618
NUMBER CLOSED	53
NUMBER OF HEARINGS/TRIALS	13
NUMBER OF SETTLEMENTS	2
AMOUNT OF AWARD	\$3556.95
NUMBER OF CRIMINAL REFERRALS	28

Significant Case Activity

Civil Matters

Ray Ransom v. U.S. et al, 9:95-2506-6JC. This FTCA claim involves an EST inmate alleging that books valued at \$90.95 were misplaced. The AUSA directed that administrative claim be re-opened in order for inmate to dismiss the suit.

Townsend v. Seanez, et al, 95-50351 LAC. This case is the first MNA disturbance case to be dismissed. Case was dismissed without prejudice for plaintiff's failure to provide copies of his complaint so that service could be effected.

Channer v. Warga, et al, 1:93-CV-1425-RHH. On appeal to the 11th Cir., the district court's dismissal decision was vacated and remanded. The 11th Cir. held that the district court erred in dismissing Channer's complaint and did not follow the required procedure to grant a summary judgement. The case centers on a pro se civil rights action against several BOP mail room supervisors -- alleging that BOP staff improperly tampered with his legal mail.

Brown v. U.S., 2:95-1015-18. In this case the court directed a verdict in favor of the plaintiff in the sum of \$3,466.00. This claim centers on a traffic accident involving a BOP staff member

driving a government van, while transporting EST inmate. The physical damages to both vehicles were minor. Specifically, the government vehicle collided with another vehicle causing a chrome fender molding to be dislodged and a dent in the BOP vehicle's hub cap. No physical injuries to drivers and/or passenger(s) were noted at the time of the accident.

More than 80 total civil cases have been filed in the Northern District of Florida against FCI, Marianna staff challenging conditions of confinement at FCI, Marianna after the October, 1995 disturbance. All of the cases contain nine pages of standard language. Many also contain specific allegations relating to their individual circumstances. Motions to dismiss/summary judgments have been filed in all of the cases and orders have been received to provide additional information in more than 38 of the cases. A few have been dismissed sua sponte by the court because the inmate failed to comply with instructions.

### **Criminal Matters**

**U.S. v. Maves, et al.** 96-PT-0023-E. On May 30, 1996, after a three week trial and four days of deliberation, a jury in the United States District Court for the Northern District of Alabama returned convictions against twelve inmates for their participation in the October, 1995 disturbance at FCI, Talladega. Sixteen inmates had been indicted in March of this year in this case which is captioned. Three of the defendants were acquitted. One inmate defendant plead guilty in the middle of the trial. All of the convicted inmates were found guilty of willfully assisting to cause a riot. 18 U.S.C. 1792. Nine of the twelve were also convicted of other charges.

Seven of the inmate defendants were found guilty of 18 U.S.C. 113(a, assaulting Correctional Officer Steven Croft. One inmate was convicted of assault with a dangerous weapon, 18 U.S.C. 113(a), a wooden plank, for the assault of Officer Croft. Another inmate was convicted of assault with a dangerous weapon, a metal baseball bat, for the assault on Correctional Officer Terry Bullock.

The jury determined that seven of the defendants possessed prohibited objects, 18 U.S.C. 1791, specifically metal baseball bats, during the disturbance. Three defendants were convicted for breaking windows, 18 U.S.C. 1361. Sentencing is scheduled for July 30, 1996.

**U.S. v. Beavers**, 96-N-0108-E. Twelve inmates were indicted on various charges including rioting, destruction of government property and possession of prohibited objects. The charges against one inmate were dismissed. Three pled guilty and testified against their codefendants in exchange for recommendations by the U.S. Attorney for one year sentences. Six plead guilty without cooperating in exchange for recommendations by the U.S. Attorney for sentences in the low end of the guidelines. All sentences were recommended to be consecutive. Two defendants went to trial. On July 11, the jury returned a conviction against one and acquitted the other. The acquittal was a surprise to the judge and U.S. Attorney.

TDG Staff Counsel Kathleen Kenney continued to assist as Special Assistant U.S. Attorney. A total of twenty-six (26) inmates have been convicted of participating in the October, 1995 riot at FCI, Talladega. No further prosecutions from this incident are anticipated.

**U.S. v. Battle**. 96-000. ATL inmate has been indicted for the murder of Correctional Officer D'Antonio Washington on December 22, 1994. Mental Health evaluations have been completed. Awaiting decision of the Attorney General on the recommendation of the U.S. Attorney to seek the death penalty.

**U.S. v. Addison, et al.** 96-000. Four ATL employees involved in introduction of and intent to distribute narcotics in October, 1995. Willis Williams plead guilty and was sentenced to 3 years. Deborah Woodley, found guilty of possession with intent, was sentenced to 60 days in a CC, 5 years probation, 200 hours community service and \$50 assessment. Terry Williams and Carlton

Addison were both convicted of offenses related to possession and introduction of cocaine and marijuana.

\*\*\*\*\*

**Federal Tort Claims Act/Employee Claims**

NUMBER FILED	184
PERSONAL PROPERTY	160
PERSONAL INJURY	21
MEDICAL	1
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	2
NUMBER PAID	23
AMOUNT PAID	\$5839.00
NUMBER DENIED	99
NUMBER PENDING	190
NUMBER OVERDUE	13
AVERAGE PROCESSING TIME	26

\*\*\*\*\*

**FOI/PA**

NUMBER RECEIVED	88
NUMBER CLOSED	110
NUMBER PENDING	25
TOTAL NUMBER OVERDUE	17
NUMBER OVERDUE 30 DAYS	0
NUMBER OF CIVIL ACTIONS	1

\*\*\*\*\*

**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	191	172	16	35	3038	73	184	03	19	0
3RD QTR	184	160	21	23	5839	99	190	13	68	26.0
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	56	23	06	14	13	51	564	38	0	0	0
3RD QTR	108	21	07	70	10	95	618	53	13	2	3556.95
4TH QTR											

**FOI/PA**

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	52	60	58	15	10	30	0
2ND QTR	78	74	15	9	10	30	0
3RD QTR	88	110	25	17	10	30	1
4TH QTR							

**Travel**

**Sherree L. Sturgis, Regional Counsel**

April 30, through May 2, 1996. Travel to Louisville, Kentucky to participate in the National DHO Training Seminar. The cost was \$740.86.

May 6 through May 11, 1996. Travel to Tampa, Florida to provide training in the U.S. Attorney's Office. The cost was \$887.88.

**Van Vandivier, Deputy Regional Counsel**

April 30 through May 2, 1996. Travel to Louisville, Kentucky to participate in the National DHO Training Seminar. The cost was \$603.00.

**Earl Cotton, Assistant Regional Counsel**

June 3 through June 6, 1996. Travel to Baltimore, Maryland to participate in Managing Diversity training. The cost was \$721.50.

**Gere Gooden, Paralegal Specialist**

May 19 through May 25, 1996. Travel to Washington, D.C. to provide staff assistance in the FOIA Section. The cost was \$1696.19.

The total cost of travel during this reporting period was \$4,649.43.

**Other Activities**

**Miscellaneous Activities**

June 24 through June 27, 1996 - Training seminar in Atlanta, for SER legal staff and SCR legal staff.

**Personnel Moves**

Ken Hyle, SERO Attorney, has been selected as Attorney/Advisor at MCC, Chicago, Illinois. His scheduled reporting date is August 19, 1996.

Craig Simmons, SERO Attorney, has been selected as Attorney/Advisor at FCI, Talladega, Alabama. His scheduled reporting date is September 3, 1996.

Ajay Jindia reported for duty as the SERO's Summer Legal Intern on June 10, 1996.

cc: Regional Director

UNITED STATES GOVERNMENT  
**memorandum**

DATE: January 17, 1997

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

SUBJECT: Fourth Quarter Report FY 96 (7/1/96 through 9/30/96)

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**

The following information is provided for the fourth quarter (July, August, September) 1996.

**Litigation**

NUMBER OF ACTIONS FILED	82
HABEAS CORPUS ACTIONS	26
FTCA ACTIONS	7
BIVENS ACTIONS	39
OTHER (Mandamus, etc)	10
NUMBER OF LITIGATION REPORTS	
NUMBER PENDING	?
NUMBER CLOSED	?
NUMBER OF HEARINGS/TRIALS	?
NUMBER OF SETTLEMENTS	?
AMOUNT OF AWARD	\$ ?.
NUMBER OF CRIMINAL REFERRALS	?

**Significant Case Activity**

**Civil Matters**

**Federal Tort Claims Act/Employee Claims**

NUMBER FILED	204
PERSONAL PROPERTY	170
PERSONAL INJURY	29
MEDICAL	0
WRONGFUL DEATH	1
PERSONAL INJURY AND PERSONAL PROPERTY	4
NUMBER PAID	32
AMOUNT PAID	\$5090.00
NUMBER DENIED	115
NUMBER PENDING	169
NUMBER OVERDUE	20
AVERAGE PROCESSING TIME	95

**FOI/PA**

NUMBER RECEIVED	83
NUMBER CLOSED	68
NUMBER PENDING	0
TOTAL NUMBER OVERDUE	0
NUMBER OVERDUE 30 DAYS	0
NUMBER OF CIVIL ACTIONS	?

**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
2ND QTR	191	172	16	35	3038	73	184	3	19	0
3RD QTR	184	160	21	23	5839	99	190	13	68	26
4TH QTR	204	170	29	32	5090	115	169	20	2	95

**LITIGATION**

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	46	15	10	17	04	40	546	57	3	4	203120.00
2ND QTR	56	23	6	14	13	51	564	38	0	0	0
3RD QTR	108	21	7	70	10	95	618	53	13	2	3556.95
4TH QTR	82	26	7	39	10		?	?	?	?	?

*Handwritten notes:*  
A. ...  
...

UNITED STATES GOVERNMENT  
**memorandum**

DATE: June 4, 1997

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

SUBJECT: First Quarter Report FY 97 (10/1/96 through 12/31/96)

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**

The following information is provided for the first quarter (October, November, December) 1996.

**Litigation**

NUMBER OF ACTIONS FILED	36
HABEAS CORPUS ACTIONS	11
FTCA ACTIONS	5
BIVENS ACTIONS	10
OTHER (Mandamus, etc)	10
NUMBER OF LITIGATION REPORTS	36
NUMBER PENDING	699
NUMBER CLOSED	37
NUMBER OF HEARINGS/TRIALS	
NUMBER OF SETTLEMENTS	
AMOUNT OF AWARD	\$ .00
NUMBER OF CRIMINAL REFERRALS	?

**Significant Case Activity**

**Civil Matters**

**Federal Tort Claims Act/Employee Claims**

NUMBER FILED	159
PERSONAL PROPERTY	132
PERSONAL INJURY	22
MEDICAL	1
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	4
NUMBER PAID	44
AMOUNT PAID	\$3287.00
NUMBER DENIED	91
NUMBER PENDING	169
NUMBER OVERDUE	20
AVERAGE PROCESSING TIME	79

**FOI/PA**

NUMBER RECEIVED	86
NUMBER CLOSED	123
NUMBER PENDING	1
TOTAL NUMBER OVERDUE	1
NUMBER OVERDUE 30 DAYS	0
NUMBER OF CIVIL ACTIONS	?

**Quarterly Comparison**

**TORT CLAIMS/EMPLOYEE CLAIMS**

<b>SER</b>	<b>NUM</b>	<b>PROP</b>	<b>PI</b>	<b>APPR</b>	<b>AMT</b>	<b>DEN</b>	<b>PEND</b>	<b>OD</b>	<b>A/O</b>	<b>A/P</b>
<b>1ST QTR</b>	159	32	22	44	3287	91	169	20	35	79
<b>2ND QTR</b>										
<b>3RD QTR</b>										
<b>4TH QTR</b>										

**LITIGATION**

<b>SER</b>	<b>NUM</b>	<b>HC</b>	<b>FTC</b>	<b>BIV</b>	<b>OTH</b>	<b>ANS</b>	<b>PEN</b>	<b>CLD</b>	<b>H/T</b>	<b>SET</b>	<b>AWD</b>
<b>1ST QTR</b>	36	11	5	10	10	36	699	37			
<b>2ND QTR</b>											
<b>3RD QTR</b>											
<b>4TH QTR</b>											

**FOI/PA**

<b>SER</b>	<b>NUM</b>	<b>PROC</b>	<b>PEND</b>	<b>OD</b>	<b>A/OD</b>	<b>A/P</b>	<b>CA</b>
<b>1ST QTR</b>	86	123	1	1	2	30	?
<b>2ND QTR</b>							
<b>3RD QTR</b>							
<b>4TH QTR</b>							