

UNITED STATES GOVERNMENT

memorandum

DATE: April 21, 1998

REPLY TO

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

SUBJECT: Second Quarter Report FY 98 (January 1, 1998 through March 31, 1998)

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 second quarter (Jan, Feb, Mar) FY 1998.

Litigation

NUMBER OF ACTIONS FILED	36
HABEAS CORPUS ACTIONS	20
FTCA ACTIONS	2
BIVENS ACTIONS	12
OTHER (Mandamus, etc)	2
NUMBER OF LITIGATION REPORTS	14
NUMBER PENDING	
NUMBER CLOSED	94
NUMBER OF HEARINGS/TRIALS	
NUMBER OF SETTLEMENTS	
AMOUNT OF AWARD	\$
NUMBER OF CRIMINAL REFERRALS	

Significant Case Activity

Civil Matters

1. FRESON v. U.S. & ANTHONY RICHARDSON,
97-1373-CIV-GRAHAM - Southern District of Florida

A deposition of the plaintiff was taken on February 5, 1998. In this FTCA/Bivens case the plaintiff, a private mail courier by the name of Richard Freson, was being escorted off institution grounds as he was being verbally abusive of staff and was generally disruptive in FCI, Miami's front lobby. Lt. Anthony Richardson, Bivens defendant, was the escorting staff member. While escorting Freson verbal insults were exchanged between the two men. This situation was escalated when Freson, by several staff witnesses accounts, attempted to punch Lt. Richardson. Lt Richardson evaded the punches of Freson and returned one punch to Freson's face. Freson fell striking the U. S. Flag pole. Freson's injuries included a contusion and laceration in the middle of his forehead. Freson claims 1st, 4th and 5th Amendment violations, as well as common law torts.

2. PORTO v. UNITED STATES,
96-8337-CIV-HURLEY - Southern District of Florida

On February 23 through February 26, 1998; the depositions of three (3) Doctors and the Plaintiff were taken. In this FTCA case the plaintiff alleges negligent diagnosis and treatment of a toe lesion, while he was incarcerated at FCI, Jesup, resulting in the amputation of his leg (below the knee).

3. Johnson v. Moore
Case No. CV297-33 (S.D. Ga.)

This case was tried on April 9, 1998. This was Bivens case where the plaintiff alleges that a Correctional Officer forced him to clean a bathroom which was beyond his capabilities and in violation of his medical restriction. This was a bench trial. The judge returned a verdict for the defendant. Patty DeJuneas traveled to Brunswick, Georgia, to provide trial assistance.

4. Gelis v. Wooten, et al.
Case No. CV297-23 (S.D. Ga.)

This case had been set for trial April 20, 1998. This is a Bivens case where the plaintiff alleges there was a conspiracy to deny him hip replacement surgery and rehabilitative physical therapy. The District Court has taken this case off the docket pending resolution of the interlocutory appeal on qualified immunity.

5. Sulayman v. Reno
Case No. CV297-118 (S.D.Ga.)

This is the Jesup EEO case filed by a doctor claiming he was discriminated against because he had befriended a contract worker who had filed an EEO sexual harassment claim. This doctor had been removed as Chief Medical Officer and later transferred to Talladega as a result of a focus review. He appears to be claiming this was a pretext for the discriminatory motive. This case is a problem because two correctional health care administrators at Jesup had participated in sexually harassing actions with other (not Dr. Sulayman) health service staff. Sulayman seeks to make his own case by bringing out the facts of these other situations and Judge Alaimo has allowed in spite of our objections. Unfortunately, Judge Alaimo has extended discovery for the plaintiff for the third time. We believe he will want to depose Dr. Moritsugu and Regional Director Matthews, among others.

6. Byrd v. Hasty
Case Numbers: 3:96-CV-289-LAC/SMN (Northern District of Florida); 97-2129
(Eleventh Circuit Court of Appeals)

This case is a habeas corpus action in which the inmate challenges the refusal of the Bureau to allow him to participate in the DAP because his current offense was found to be a crime of violence by reason of a two-point enhancement at sentencing for possession of a firearm. Oral argument in the Eleventh Circuit was scheduled for 4-16. Sherree and Van went to observe the argument. All were surprised when the inmate's counsel failed to appear. The court will decide the case based on briefs. The inmate's counsel has written a letter indicating he had miscalendared the date of the oral argument and profusely apologizing to the court and all who were inconvenienced.

7. Wirth v. Federal bureau of Prisons, et al.
Case Number 98-A-2008-N (Middle District of Alabama)

This is a Bivens case with 22 named individual defendants. The defendants include several high-ranking employees who are in different locations. At least three of the defendants have retired. In the lengthy complaint, the Plaintiff alleges, among other things, a conspiracy to retaliate for exercise of First Amendment Rights, a deprivation of due process in an inmate discipline hearing, denial of a year off under 18 U.S.C. 3621, submission of false information to the court, transfer to impede his access to counsel and improper assignment of a management variable. He seeks unspecified compensatory and punitive money damages.

Criminal Referrals

DEFENDANT(S): SCHREIBER, Harry, Reg. No. 40454-004

Institution: FCC Coleman -Low

Date of Offense: Various

Type of Case: Potential Criminal Prosecution

Description: A review of telephone monitoring tapes has indicated that inmate Schreiber may be participating in the management of a Health Maintenance Organization through which he may be attempting to commit fraud. Inmate's Schreiber's current offense involves bankruptcy fraud, wire fraud, and concealment of assets, and a specific condition of his Judgment and Commitment Order directs that he is not to become involved in management of an HMO.

Status of Referral: Referred to local FBI on 01/13/98. Local FBI have referred further investigation to the FBI in C.D. Ca., and the U.S. Attorney's Office in W.D. Tex., which originally investigated and prosecuted inmate Schreiber's current offense.

DEFENDANT: William Raymond Hock

Institution: FCI, Tallahassee

Case Name: U.S.A. vs. William Raymond Hock, Case No. 4:97cr75-RH

Description: Sexual abuse of inmate by staff member. Trial begins on Monday, March 16 in Tallahassee. The officer is charged with violating 18 U.S.C. §2243(b). While the Office of Inspector General is handling the lead on the case, Warden Greer has indicated he wants Dan Rouse to attend to assist with the interests of the institution. Thirteen (13) staff members have been subpoenaed by the defense.

Federal Tort Claims Act/Employee Claims

NUMBER FILED	149
PERSONAL PROPERTY	116
PERSONAL INJURY	036
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERT	2
NUMBER PAID	019
AMOUNT PAID	\$7029
NUMBER DENIED	75
NUMBER PENDING	103
NUMBER OVERDUE	0
AVERAGE PROCESSING TIME	36

FOI/PA

NUMBER RECEIVED	51
NUMBER CLOSED	44
NUMBER PENDING	30
TOTAL NUMBER OVERDUE	04
NUMBER OVERDUE 30 DAYS	04
NUMBER OF CIVIL ACTIONS	0

Quarterly Comparison

TORT CLAIMS/EMPLOYEE CLAIMS

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	128	104	24	15	1703	58	120	3	98	27
2ND QTR	149	116	30	19	7029	75	103	0	00	36
3RD QTR										
4TH QTR										

LITIGATION

SER	NUM	H C	FT C	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	54	31	5	13	5	46	?	?	?	?	?
2ND QTR	36	20	2	12	2	14		94			
3RD QTR											
4TH QTR											

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	66	110	22	3	1	27	0
2ND QTR	51	044	30	4	1	23	0
3RD QTR							
4TH QTR							

Other Activities

Miscellaneous Activities

Travel/Leave:

Sherree L. Sturgis

2-10-98 Spoke at Joint CLE conference for all US attorneys's offices in GA.

2-26-98, 3-26 Depositions in Sulayman EEO case (Brunswick)

4-14-1998 (meeting with City of Tallahassee officials about road realignment issues)

4-26 to 30, 1998 MSTC (Sentencing Training)

Van Vandivier

5-11 to 5-20 DHO Training MSTC

Earl Cotton

2-23 to 2-26 Depositions, Porto v. US, Ft. Lauderdale

Military Leave 4-27 to 5-18

Patty DeJuneas

4-8 & 9 Johnson v. Moore (Brunswick)

Gere Gooden

1-20 to 22 FOI Course

Personnel Moves

Beverly Snell , legal intern, reported for duty on March 2, 1998.

Trevius Wilson, office assistant, reported for duty March 1, 1998.

cc: Regional Director

UNITED STATES GOVERNMENT

memorandum

DATE: July 20, 1998

received 11/13/98

REPLY TO

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

SUBJECT: Third Quarter Report FY 98

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

ATTN: Amy Whalen Risley, Executive Assistant

The following information is provided for the second quarter (Apr, May, Jun) FY 1998.

Litigation

NUMBER OF ACTIONS FILED	40
HABEAS CORPUS ACTIONS	22
FTCA ACTIONS	4
BIVENS ACTIONS	12
OTHER (Mandamus, etc)	2
NUMBER OF LITIGATION REPORTS	10
NUMBER PENDING	542
NUMBER CLOSED	23
NUMBER OF HEARINGS/TRIALS	
NUMBER OF SETTLEMENTS	
AMOUNT OF AWARD	\$
NUMBER OF CRIMINAL REFERRALS	

Significant Case Activity

Civil Matters

1. Johnson v. Moore
Case No. CV297-33 (S.D. Ga.)

This case was tried on April 9, 1998. This was Bivens case where the plaintiff alleges that a Correctional Officer forced him to clean a bathroom which was beyond his capabilities and in violation of his medical restriction. This was a bench trial. The judge returned a verdict for the defendant. Patty DeJuneas traveled to Brunswick, Georgia, to provide trial assistance.

3. Byrd v. Hasty
Case Numbers: 3:96-CV-289-LAC/SMN (Northern District of Florida); 97-2129 (Eleventh Circuit Court of Appeals)

This case is a habeas corpus action in which the inmate challenges the refusal of the Bureau to allow him to participate in the DAP because his current offense was found to be a crime of violence by reason of a two-point enhancement at sentencing for possession of a firearm. Oral argument in the Eleventh Circuit was scheduled for 4-16. Sherree and Van went to observe the argument. All were surprised when the inmate's counsel failed to appear. The court will decide the case based on briefs. The inmate's counsel has written a letter indicating he had miscalendared the date of the oral argument and profusely apologizing to the court and all who were inconvenienced.

4. Wirth v. Federal Bureau of Prisons, et al.
Case Number 98-A-2008-N (M.D. Ala.)

This is a Bivens case with 22 named individual defendants. The defendants include several high-ranking employees who are in different locations. At least three of the defendants have retired. In the lengthy complaint, the Plaintiff alleges, among other things, a conspiracy to retaliate for exercise of First Amendment Rights, a deprivation of due process in an inmate discipline hearing, denial of a year off under 18 U.S.C. 3621, submission of false information to the court, transfer to impede his access to counsel and improper assignment of a management variable. He seeks unspecified compensatory and punitive money damages. This is also the case where TDG Attorney Craig Simmons is accused of falsifying documents because of an error he made in a declaration in a previous case.

5. Alexander v. Hawk, et al.
Case Number 96-276-CIV-OC-10 (M.D.Fla.)
Appeal Number 96-3752 (11th Circuit)

This case began as a challenge to the implementation of the Ensign Amendment. The District Court dismissed the case, sua sponte and before service of process, on the ground that the PLRA requires exhaustion of administrative remedies. The inmate appealed. The Eleventh Circuit appointed counsel. Both counsel and the inmate requested that counsel be allowed to withdraw. This was denied. The DOJ Appellate Section has taken an interest in this case. Peter Maier is handling it. Consolidation with Michael Henry Smith v. BOP, App. No. 97-6663, was requested but this was denied. The SG has approved participation by the U.S. as amicus, and a motion requesting to file an amicus brief has been submitted to the 11th Circuit.

6. Kiser v. Hawk, No. 97-195-Civ-Oc-10B, FFLM

In this case, COL inmate Stanley Kiser (16395-004) challenged the BOP's decision to deny him eligibility for a reduction in sentence for successful completion of the residential DAP program. We had denied his eligibility after he completed the institution portion of the program at TAL. The basis for our denial was that he is an old law inmate to whom the DAP early release provisions do not apply. The court ruled in our favor on 4-30-98.

7. U.S. Ex rel. Jeffery Slavkovsky v. Susan Kirk and William Buchannann
Case No. CV298-100 (S.D. Ga.) (**FILED UNDER SEAL**)

This is new case, a Qui Tam civil complaint filed under the False Claims Act by a former PHS dentist who was assigned at FCI Jesup. He alleges that a contract Pharmacy Assistant fraudulently billed the institution for services she had not rendered with the full knowledge and cooperation of the Health Systems Administrator. The U.S. Attorney's Office has requested that we advise them of BOP's perspectives regarding whether there is merit to the relator's allegations and whether the United States should, therefore, intervene and pursue the action.

8. Figueroa v. Franco, et al.
Case No. 95-1791 (D. Puerto Rico)

We are very pleased to advise that the district court has vacated its previous judgment for \$1.00 against the individual defendants and dismissed this case with prejudice. This is the Bivens action from Puerto Rico where the court had found that two defendants violated the right of the inmate to receive a copy of the DHO report in a timely manner, and awarded \$1.00 damages against the defendants on summary judgment. Pursuant to a Rule 60(b)(6) motion, the court reconsidered and vacated its previous order.

9. United States v. Jaime Rosado Rosario Crim. No. 97-049 (JAF), D.P.R.

On April 24, 1998, the Honorable Jose A. Fuste convened a meeting among defense counsels (approximately 7), AUSAs and GUA Attorney Alma Lopez to discuss the need for additional records in the above referenced case. Defense counsel as well as the AUSA had made voluminous requests for records (entries of visits in Legal and Social Visitors logbooks) dating

back to 1996 through the present. There were some discrepancies in the records submitted pursuant to the Government's requests and the defense counsels. All information responsive to the requests had been provided, but some pieces of data addressed more than one request. Cross referencing was not always included. MDC was constrained from discussing defense counsel's request with AUSAs because the Court had specifically instructed MDC that this information was not to be discussed with US Attorney's Office. Judge Fuste ordered production of unredacted copies of the logbooks. It was explained to the judge that this production would compromise the privacy rights of the other inmates whose names appeared in the pages that would satisfy the request. The judge indicated that in order to safeguard those inmates' privacy rights, only two copies of the records would be made (one of AUSAs and the other for the defense counsels). These records could not be reproduced by counsel and upon completion of the trial, these copies as well as the copies given to the jury would be returned to the court for their destruction.

11. Sulayman v. Reno
Case No. CV297-118 (S.D.Ga.)

This is the Jesup EEO case filed by a doctor claiming he was discriminated against because he had befriended a contract worker who had filed an EEO sexual harassment claim. This doctor had been removed as Chief Medical Officer and later transferred to Talladega as a result of a focus review. He appears to be claiming this was a pretext for the discriminatory motive. This case is a problem because two correctional health care administrators at Jesup had participated in sexually harassing actions with other (not Dr. Sulayman) health service staff. Sulayman seeks to make his own case by bringing out the facts of these other situations and Judge Alaimo has allowed in spite of our objections. Unfortunately, Judge Alaimo has extended discovery for the plaintiff for the third time.

D. RELIGIOUS CASES: No new cases.

E. ENSIGN AMENDMENT CASES: No new cases.

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

1. U.S.A. vs. William Raymond Hock, 4:97cr75-RH, (N.D.Fla.)

This officer is charged with violating 18 USC §2243(b), sexual abuse of an inmate. While the Office of Inspector General is handling the lead on the case.. Thirteen (13) staff members have been subpoenaed by the defense. Trial began on June 1 was recessed on June 4 to June 16. The recess was necessary as Hock's attorney attempted to introduce physical evidence of which the government had no prior knowledge, specifically, photographs of the defendant's penis which showed an alleged birthmark which, according to his girlfriend's testimony, is very obvious. The inference to the jury is that the inmates should have noticed this if the sexual acts occurred as alleged. Hock is scheduled to be examined by a skin doctor to determine if the "mark" is real, how long it may have been there, is it obvious, etc.

2. DEFENDANTS(S): Anthony Battle #11451-056

Institution Tracking No.: ATL-94-4170

Name of Case: U.S. v. Battle

Court: FGAN

Docket No.: 1:95-CR-528

Institution: ATL

Date of Offense: 12/21/94

Type of Case: Criminal Prosecution

Description: Inmate convicted of homicide Officer D'Antonio Washington.

Special Monitoring: Assigned to special monitoring

Status of Referral: Accepted.

Update: Convicted and sentenced to death, 1997. Appellate briefs filed by both prosecution and defense. Housed in Alabama DOC facility. DOC would like for us to move him. Seeking to work out problems with DOC and exploring other possible state placements.

Assigned to: AUSA Bill McKinnon, Jan Jenkins FBI: Tyrone Smith

3. United States v. Jaime Rosado Rosario, Cr. No.: 97-049, D.P.R.

Institution: MDC Guaynabo

Date of Offense: November 22, 1996

Type of Case: Criminal Prosecution

Trial commenced on March 31, 1998. Defendants in this case are charged with arranging and carrying out the murder of a federal witness from within the MDC. Although requested by the prosecution, this case was not certified to carry the death penalty. Defense counsel and AUSAs have subpoenaed several staff members (i.e. Health Services Administrator and his Assistant, SIA) to testify about the possible ways in which different inmates could meet in the Health Services Unit or other places and how the inmates could communicate with one another even if not in the same unit. This issue is very relevant to the trial because some government witnesses were testifying to the fact that they had overheard conversations among the defendants in the HSU and other places of the institution. Judge Fuste had previously issued an order for all defense counsel to inspect and tour different areas of the institution in which the meetings among the defendants allegedly took place. Other staff members were also subpoenaed (i.e. ISM, Recreation Specialist) to authenticate records of movement of inmates to court and to testify about the delivery of newspapers to the Unit. The delivery of newspapers was important because defendants knew details of the murder that were only published in one newspaper that takes from two to three days to arrive at the institution because the inmates have individual subscriptions to it and they are delivered by regular mail. The prosecution rested. Trial is expected to end May 4 or 5.

AUSA: John Teakell and Mike Fernandez

4. FCI, Edgefield has started its Legal Services life early and with a bang by having a walk away from the work cadre.

5. FCI, Yazoo has referred two relatively minor drug possession cases for prosecution on the theory that we should begin with a strong statement. Both were accepted. A good start.

6. DEFENDANTS(S): David Shane Shelby #05374-081

Institution Tracking No.: ATL-7143

Name of Case: US v. David Shane Shelby

Court: NDGA

Docket No.: 1:98-CR-0020

Institution: ATL

Date of Offense: 7/23/97

Type of Case: Criminal Prosecution

Description: Inmate Shelby held Ms. D. Ross at knife point in the food service department.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: Inmate Shelby is scheduled to enter a guilty plea to Assault on a Correctional Officer on 7/20/98.

Assigned to: AUSA: Jan Jenkins FBI: Daron Cheney

Federal Tort Claims Act/Employee Claims

NUMBER FILED	136
PERSONAL PROPERTY	109
PERSONAL INJURY	27
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	0
NUMBER PAID	11
AMOUNT PAID	\$1,724
NUMBER DENIED	73
NUMBER PENDING	100
NUMBER OVERDUE	2
AVERAGE PROCESSING TIME	19

FOI/PA

NUMBER RECEIVED	58
NUMBER CLOSED	81
NUMBER PENDING	31
TOTAL NUMBER OVERDUE	2
NUMBER OVERDUE 30 DAYS	2
NUMBER OF CIVIL ACTIONS	0

Quarterly Comparison

TORT CLAIMS/EMPLOYEE CLAIMS

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	128	104	24	15	1703	58	120	3	98	27
2ND QTR	149	116	30	19	7029	75	103	0	00	36
3RD QTR	136	109	27	11	1724	73	100	2	3	19
4TH QTR										

LITIGATION

SER	NUM	H C	FT C	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	54	31	5	13	5	46	?	?	?	?	?
2ND QTR	36	20	2	12	2	14		94			
3RD QTR	42	22	4	12	2	10	542	23			
4TH QTR											

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	66	110	22	3	1	27	0
2ND QTR	51	044	30	4	1	23	0
3RD QTR	58	081	31	2	1	24	0
4TH QTR							

Other Activities

Miscellaneous Activities

Travel/Leave:

Sherree L. Sturgis

4-14-1998 (meeting with City of Tallahassee officials about road realignment issues)
4-26 to 30, 1998 MSTC (Sentencing Training)

Van Vandivier

Annual Leave 5-26 to 5/29 & 6/12

Earl Cotton

Military Leave 4-27 to 5-18

Patty DeJuneas

4-8 & 9 Johnson v. Moore (Brunswick)

Gere Gooden

Personnel Moves

cc: Regional Director

UNITED STATES GOVERNMENT

memorandum

DATE: October 6, 1998

REPLY TO

ATTN OF: Sherree L. Sturgis, Regional Counsel
Bureau of Prisons, Southeast Region

SUBJECT: Fourth Quarter Report FY 98 (7/1/98 - 9/30/98)

TO: Wallace Cheney, General Counsel
Bureau of Prisons

ATTN: Amy Whalen Risley, Executive Assistant

The following information is provided for the fourth quarter (July, Aug, Sept.) FY 1998.

Litigation

NUMBER OF ACTIONS FILED	49
HABEAS CORPUS ACTIONS	26
FTCA ACTIONS	2
BIVENS ACTIONS	18
OTHER (Mandamus, etc)	3
NUMBER OF LITIGATION REPORTS	10
NUMBER PENDING	661
NUMBER CLOSED	155
NUMBER OF HEARINGS/TRIALS	
NUMBER OF SETTLEMENTS	1
AMOUNT OF AWARD	See text below
NUMBER OF CRIMINAL REFERRALS	

Significant Case Activity

A. Civil Matters

Pamela Ruth Chilton, et al. v. United States, 4:96-CV-2533 CDP (E.D. Missouri)

Trial was held in this case where the inmate committed suicide at FCI Jesup shortly after arrival and his prescription for was changed from Xanax to Lorazepam. The court found that the Government was negligent and awarded damages to the plaintiffs in the amount of \$781,000. This consisted of \$725,000 lost earnings, \$50,000 intangible value and \$6,000 funeral expenses.

Salvador Magluta v. F. P. Sam Samples, et al., App No. 97-8417 (11th Cir.)

The defendants reply brief was submitted to the court, arguing that the district court's dismissal of the plaintiff's Bivens action on the basis of the fugitive from justice doctrine was permissible and should be upheld. Maria Simon, DOJ Appellate Attorney, prepared and filed the brief for the defendants. We await the court's decision.

Renee Clark v. United States of America, 1:97cv404-D-D (S.D. Miss.) This is the case where the female inmate was released 34 days late at TAL. She subsequently violated supervised release and was returned to custody. The 34 days were credited against her supervised release violator term. Largely because of this, we were able to settle this case for a minimal amount of \$1,250. In view of the uncertainty of the outcome of this litigation and the possible damages if liability was assessed, this is a favorable outcome.

Alexander v. Hawk, et al., Appeal No. 96-3752 (11th Cir.) This case was dismissed by the district court before service on the defendants, for failure to exhaust administrative remedies. Oral argument was held on August 27, 1998. DOJ Attorney Peter Maier appeared and argued for the government that the PLRA supported the dismissal.

B. SETTLEMENTS AND AWARDS:

7-7-98 Adverse Judgement, Chilton v. US, 4:96CV02533MLM: \$781,000. Wrongful death. FTCA, suicide after change in antidepressant medication.

7-7-98 Settled for \$75,000, EEO case of Sulayman v. US, FGAS, 297-118. Case involves doctor at JES.

C. SIGNIFICANT CASES, TRIALS OR HEARINGS: (See above)

D. RELIGIOUS CASES: None

E. ENSIGN AMENDMENT CASES: None

F. PLRA 1915 DISMISSALS: None

G. CRIMINAL CASES:

New Cases:

Update of Previously Reported Cases: No new information

Federal Tort Claims Act/Employee Claims:

NUMBER FILED	148
PERSONAL PROPERTY	120
PERSONAL INJURY	22
MEDICAL	1
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	5
NUMBER PAID	6
AMOUNT PAID	\$2115.85
NUMBER DENIED	108
NUMBER PENDING	100
NUMBER OVERDUE	3
AVERAGE PROCESSING TIME	12

FOI/PA

NUMBER RECEIVED	88
NUMBER CLOSED	120
NUMBER PENDING	55
TOTAL NUMBER OVERDUE	11
NUMBER OVERDUE 30 DAYS	11
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	128	104	24	15	1703	58	120	3	98	27
2ND QTR	149	116	30	19	7029	75	103	0	00	36
3RD QTR	136	109	27	11	1724	73	100	2	3	19
4TH QTR	148	120	22	06	2115	108	100	3	00	12

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	54	31	5	13	5	46	?	?	?	?	?
2ND QTR	36	20	2	12	2	14		94			
3RD QTR	42	22	4	12	2	10	542	23			
4TH QTR	49	26	2	18	3	10	661	155		1	1

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	66	110	22	3	1	27	0
2ND QTR	51	044	30	4	1	23	0
3RD QTR	58	081	31	2	1	24	0
4TH QTR	88	120	55	11	3	30	0

Other Activities

Miscellaneous Activities

Sherree L. Sturgis:

Travel - July 26-July 31, 1998; DC-Attorney and Paralegal
 Training

July 15 - Settlement Conference, Savannah, Sulayman
v. US.

Annual Leave - July 6
 August 11 & 14

Van Vandivier:

Travel - July 26-July 31, 1998; DC-Attorney and Paralegal Training
 September 14 - 18 - FCI Yazoo City

Annual Leave - August 17
 August 24 - September 2

Earl Cotton:

Travel - July 5 - July 8; St. Louis - Chilton v. US
 August 31 - September 3 - MSTC Sentencing Training

Beverly Snell:

Travel - August 20 & 21 - Ft. Lauderdale - Porto case

Loretta Rich:

Travel - July 5 - July 17 - Denver - Paralegal Training

IV. Other Matters

- a. 7-24 Closing date for SERO FOI paralegal announcement
- b. 7-31 Former Regional Director, now USPO Jerry Williford retires
- c. A Regional Inquiry Team was dispatched to FCI Yazoo City to review the situation of an inmate who went on a hunger strike and was taken to an outside hospital shortly before his release date, where he remains in a comatose state. Van Vandivier was assigned as attorney-advisor to the team. Preliminary information is that the inmate was intent on causing himself to be in a poor state of health when he was released so the State of Mississippi would be unwilling to assume responsibility for his medical care and so would not prosecute him on pending charges. A final report from the inquiry team should be available in the near future.

V. Personnel Moves

Jeffrey Sugg - first day as SERO Honors Attorney - August 17
Jennifer Merkle - last day at USP ATL - August 31
Tami Rippon - first day at FCI EDG - September 2
Loretta Ellis - first day as FOI Legal Tech at COL - September 13

cc: Regional Director