

UNITED STATES GOV. MEMORANDUM  
 FEDERAL BUREAU OF PRISONS  
 WESTERN REGIONAL OFFICE  
 DUBLIN, CALIFORNIA

Joe

DATE: 10/06/93

REPLY TO: DOUGLAS CURLESS  
 ATTENTION OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT (SEPT 1 - SEPT 30, 1993)

TO: WALLACE H. CHENEY  
 GENERAL COUNSEL

*- No Trials  
 - Adverse Decision*

STATISTICS:

TORT CLAIMS:	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	30	7	55	59	46	39	58	51	56			
CLOSED	26	18	119	28	23	93	81	74	56			
PENDING	433	422	354	387	408	372	249	321	321			
OVERDUE	210	198	156	172	156	156	103	55	59			

TORT CLAIM INVESTIGATION STATUS: AS OF 09/30/1993

BRN LOM LOF LOC LOS NEL PHX DUB SAF SDC SHE TRM TCN

PENDING OVER 60 DAYS	1	2	0	0	0	0	2	4	2	2	2	12	6
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FOI/PA	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	11	36	43	43	52	57	46	47	52			
CLOSED	27	16	17	23	39	71	30	96	39			
PENDING	131	151	181	201	214	200	216	155*	169			
OVERDUE	42	43	56	57	60	49	42	57	57			

\*PHYSICAL INVENTORY OF ALL REQUESTS

ADMIN. REM.:	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	114	77	92	69	123	113	93	104	125			

LITIGATION:	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	565	562	579	596	607	627	659	666	651			
NEW	14	9	21	26	16	24	18	7	6			
HC	8	5	6	8	4	10	9	6	3			
FTCA	3	1	3	4	1	4	0	0	0			
BIVENS	3	2	9	11	8	7	8	1	3			
OTHER	1	1	3	3	3	3	1	0	0			
TRANSFERS			1	0	1	1	0	0				
CLOSED	24	12	4	9	4	4	1	2	21			
INS/SOLER:												
OPEN	44											

LITIGATION MATTERS:

SUPREME COURT ACTION:

THE SUPREME COURT DENIED DEFENDANT LAWRENCE POWELL'S REQUEST TO REMAIN FREE ON BOND PENDING THE APPEAL IN U.S. V. KOON AND POWELL (THE RODNEY KING CIVIL RIGHTS VIOLATION CASE). HE IS TO SELF SURRENDER TO FCI DUBLIN OCTOBER 11, 1993. DEFENDANT KOON HAS A SIMILAR MOTION PENDING BEFORE THE SUPREME COURT THAT SHOULD BE DECIDED SOON.

US. DISTRICT COURTS TRIALS/COURT HEARINGS

BOSTIC V. CARLSON CIV, 88-0941 PHX PGR D. AZ. (PHOENIX).  
INMATE FILED AN FTCA CLAIM FOR LOSS OF TAPED ARGUMENTS BEFORE THE 8TH  
CIRCUIT IN HIS CRIMINAL CASE. WE LOST THE TAPES AND OFFERED REPLACEMENT  
VALUE OF \$15. THE INMATE REFUSED WANTING \$2,000 AND FILED IN USDC IN  
PHOENIX. THE USDC DISMISSED THE COMPLAINT. 6 MONTHS AGO THE 9TH CIRCUIT  
REVERSED AND REMANDED INDICATING THE USDC DID NOT MAKE A SUFFICIENT RE-  
CORD. SETTLEMENT CONFERENCE SET FOR OCTOBER 18, 1993.

WILMER V. MEYERS, C-92-1145-FMS N.D. CAL. (SAN FRANCISCO).  
BIVENS TRIAL AGAINST LT. AT DUB. INMATE ALLEGES IMPROPER VISUAL SEARCH BY  
STAFF BEFORE HER PLACEMENT IN SHU. STATUS CONFERENCE HELD 10/5/93. PRE-  
TRIAL CONFERENCE SCHEDULED FOR 10/18/93. TRIAL SCHEDULED FOR 10/25-26 IN  
SAN FRANCISCO. AUSA PAUL SOLON AND ASST. RC JENIFER GRUNDY CO-COUNSEL.  
PLAINTIFF RECENTLY APPOINTED PRO BONO COUNSEL FROM MORRISON & FORRESTER IN  
SAN FRANCISCO.

ALEXANDER V. PERRILL, CIV 87-582-TUC-RMB D. AZ. (TUCSON).  
PRETRIAL CONFERENCE SET FOR OCTOBER 4, 1993. ANTICIPATED 4 DAY TRIAL IN  
TUCSON SET FOR NOVEMBER (SPECIFIC DATE NOT FINALIZED). AUSA GENE  
BRACAMONTE, VALERIE STEWART AND PARALEGALS TOM BYRON AND LARRY WESTON  
HANDLING.

STRICK V. U.S., CV91-3926 C.D. CAL. (LOS ANGELES).  
INMATE CONTRACTED SHIGELLA DURING OUTBREAK AT TRM IN 1990. SUIT IS FOR  
\$10,000,000. INMATE IS A FORMER ATTORNEY FROM CAL'S BOALT HALL AND IS  
ACTING PRO SE. PLAINTIFF'S SETTLEMENT OFFER OF \$20K WAS REJECTED. TRIAL  
SET FOR NOV.

GARCIA V. U.S., CIV 91-1952, J. COPPLE D. AZ. (PHOENIX).  
FTCA ACTION BY FAMILY OF DECEASED INMATE (GARCIA). INMATE DIED FROM ACUTE  
ASTHMA ATTACK. DISCOVERY HAS BEEN COMPLETED. FAMILY OF THE INMATE IS  
ASKING FOR UNREALISTICALLY HIGH SETTLEMENT AMOUNT. TRIAL SET FOR LATE  
NOVEMBER (DATE CERTAIN NOT YET SET). AUSA ROGER DOKKEN AND PARALEGAL JANE  
HASCHEMEYER HANDLING.

#### ADVERSE DECISIONS:

FINNEGAN V. MORTON, CV S 93 713 D. NV. (LAS VEGAS).  
HABEAS BY FPC NELLIS INMATE SENTENCED ON A PROBATION REVOCATION (FROM "OLD  
LAW" SPLIT SENTENCE) CONTENTED SENTENCE COMPUTATION WAS INCORRECT AND  
RELEASE DATE SHOULD HAVE BEEN 7/23/93 RATHER THAN OUR COMPUTATION OF  
12/93. ISSUE WAS WHETHER SENTENCING COURT INTENDED REVOCATION SENTENCE TO  
BE 1 YEAR IN ADDITION TO THE ORIGINAL 6 MONTH SPLIT ON THE 2 YEAR  
SENTENCE. HABEAS COURT RULED THAT "GUIDELINES" MANDATED SENTENCE COULD  
ONLY BE CONSIDERED ONE YEAR EN TOTO (WITH CREDIT FOR ORIGINAL 6 MONTHS).  
U.S. ATTORNEY FILED A MOTION FOR RECONSIDERATION. THE COURT HAS THE  
MOTION UNDER ADVISEMENT, AND IN THE MEANTIME HAS ORDERED THE INMATE RE-  
LEASED 9/15/93. WE ANTICIPATE FINNEGAN WILL FILE A BIVENS SUIT AGAINST  
INSTITUTION/BOP STAFF A LA ALEXANDER SUPRA.

#### STATE CASES OF INTEREST:

MADRID V. GOMEZ, C-90-3094 TEH N.D. CAL. (SAN FRANCISCO).  
CHIEF JUDGE HENDERSON BEGAN HEARING A 42 USC SEC. 1983 CONDITIONS OF CON-  
FINEMENT CLASS ACTION LAWSUIT BROUGHT BY INMATES OF CALIFORNIA DOC'S AD  
MAX FACILITY AT PELICAN BAY. INMATES' BASIC THEORY IS THE PRISONS USE OF  
FORCE (FORCED CELL MOVES) AND ISOLATION (SHU 22 HOURS PER DAY) CONSTITUTES  
AN 8TH AMENDMENT VIOLATION. INMATES ALLEGE THIS IS A UNIT TO TRY TO BREAK

UP PRISON GANGS. INMATES ALSO ALLEGE THE FACILITY DENIES BASIC MEDICAL ATTENTION. THE INMATES ARE REPRESENTED BY PRISON LAW OFFICE AND WILSON, SONSINI, GOODRICH & ROSATI, ONE OF THE TOP CORPORATE LAW FIRMS IN SILICON VALLEY. ON SEPTEMBER 12, 1993, "60 MINUTES" FEATURED THE CASE ON THEIR SHOW. FORMER BOP WARDEN CHARLIE FENTON TESTIFIED 9/24 REGARDING THE EXCESS USE OF FORCE, A PSYCHIATRIST FROM HARVARD WILL ALSO TESTIFY AS AN EXPERT WITNESS. TRIAL BEGAN SEPTEMBER 17 AND IS SCHEDULED FOR 2 MONTHS.

FOIA/PA: NONE.

PENDING SETTLEMENTS:

SISNEROS V. HARRISON, CIV 92-Z-1013 D. COL. (DENVER).  
BIVENS/FTCA CASE. FEMALE INMATE AT PHOENIX CAMP WAS SEXUALLY ASSAULTED BY MALE CORRECTIONAL OFFICER. CORRECTIONAL OFFICER WAS FIRED, NO DOJ REPRESENTATION WAS AUTHORIZED. THE CASE WAS REFERRED TO THE US ATTORNEY FOR PROSECUTION, BUT WAS DECLINED. THE INMATE SUED THE WARDEN, AW, CORRECTIONAL OFFICER AND BOP. MAGISTRATE JUDGE HAS RECOMMENDED DISMISSAL OF BIVENS AGAINST WARDEN AND AW. SETTLEMENT OFFER FOR FTCA PORTION OF CASE PENDING \$85,000. FUNDS TO COME FROM THE JUDGEMENT FUND.

MATTERS OF INTEREST:

PERSONNEL MATTERS:

WRO  
DOUG CURLESS - HARLAN PENN IS TRANSFERRING TO WRO AS REGIONAL COUNSEL  
RE-ASSIGNED TO CENTRAL OFFICE  
AL 10/12-15

VALERIE STEWART - STAFF ASSIST FCI SHE 10/4-6  
VACCARO DEPOSITION CONT. 10/20/93 FPC NEL  
INTN'L AIDS IN CORRECTION CONF. 10/14-15

JENIFER GRUNDY - WILMER STATUS CONF. FCI DUB 10/5 3:00PM  
PRE-TRIAL CONF. 10/18 2:30PM  
TRIAL 10/25-26  
AL 10/7-14 TRIAL TECHNIQUES CLE SAN FRANCISCO  
10/15-16; 10/29-30

JANELLE BROCK - LEAVES WRO FOR CENTRAL OFFICE. REPORTS TO C/O 10/18  
AN TRAN - SWORN IN AS A MEMBER OF THE OKLAHOMA BAR 9/30/93.  
INSTITUTION FAMILIARIZATION TRAINING FCI DUB 10/18-28

GLORIA POPOUR - NLTC 9/13-10/1. FINAL EXAM 10/15  
FCI DUB 10/18 STAFF ASSIST FOR TINA ROBINSON PENDING  
TINA'S MATERNITY LEAVE.

INSTITUTIONS:

FCI DUBLIN WILMER TRIAL 10/25-26

USP LOMPOC DARREN BRACY AL 10/08

FCI LOMPOC: MIKE DEDDMAN HELD DHO HEARINGS AT MDC LOS ANGELES AND  
FCI TRM FOR INMATES ALLEGEDLY INVOLVED IN THE FCI SHE  
RIOT. MIKE PLAYED CIRCUIT RIDER FROM 9/29 TO 10/1.

MDC LA: TIM ROBERTS WILL BE ACTING REGIONAL COUNSEL 10/14-15.  
TIM RECENTLY RECEIVED A SPECIAL ACT AWARD FROM THE  
WARDEN FOR HANDLING SEVERAL SENSITIVE PROJECTS.