

08/11/1992 07:46:23 =====

Joyce

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

DATE: 8/7/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT
TO: WALLACE H. CHENEY
GENERAL COUNSEL

JULY

STATISTICS:

TORT CLAIMS:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38					
CLOSED	50					
PENDING	406					
OVERDUE	136					

TORT CLAIM INVESTIGATION STATUS: AS OF 7/31/1992
BRN LOM LOF LOC LOS NEL PHX PLE SAF SDC SHE TRM TCN

08/11/1992 07:46:27 =====

PENDING OVER 60 DAYS	JUL	AUG	SEP	OCT	NOV	DEC
	3	17	6	25	0	25
				46	3	28
					6	75
						8

FOI/PA	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38					
CLOSED	32					
PENDING	164					
OVERDUE	41					

ADMIN. REM.:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	126					

LITIGATION:	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	508					
NEW	23					
HC	15					
FTCA	2					
BIVENS	5					
OTHER	1					
CLOSED	3					

08/11/1992 07:46:32 =====

INS/SOLER:	
NEW	10
PENDING	90

(AT LEAST 3 CASES ARE NOW ON APPEAL TO 9TH CIR. - INMATE APPEALING FOR IMMEDIATE HEARING.)

BROWN V. RISON/SENTENCING CASES:	
NEW	11

PENDING: (INCOMPLETE)

HENTHORN:
PROCESSED 0

PERSONNEL: MOVES & DECISIONS

AUG. 11, 1992, DELESO ALFORD REPORTS TO FCI TERMINAL ISLAND TO ASSUME PARALEGAL DUTIES.

AUGUST 21, 1992, MIKE FLAGOR WILL LEAVE TERMINAL ISLAND TO ASSUME DUTIES AT FCI OAKDALE

AUGUST 28, 1992, REGGIE WEBSTER, SUMMER INTERN, WILL LEAVE THE REGIONAL

08/11/1992 07:46:46 =====

MARY SULLIVAN - ANNUAL LEAVE 8/3 - 8/7

JANET AUGUSTINE - STAFF ASSIST, FCI TERMINAL ISLAND 8/5 - 8/7

JANET AUGUSTINE - ANNUAL LEAVE 8/17 - 8/20

LARRY WESTON - STAFF ASSIST, TERMINAL ISLAND, 8/3 - 8/7

DELESO ALFORD - LAST DAY AT WRO 8/7, REPORT TO TERMINAL ISLAND 8/17

LITIGATION:

SOLER V. SCOTT. S.C.T. - 9TH CIR. ADVISED BY INS THAT SUPREME COURT HAS ACCEPTED CERTIORARI IN SOLER V. SCOTT. SOLER STANDS FOR THE PROPOSITION THAT INMATES WHO ARE DEPORTABLE ALIENS CAN USE THE VEHICLE OF THE WRIT OF MANDAMUS TO COMPEL THE INS TO PERFORM A DEPORTATION HEARING WHILE AN INMATE IS INCARCERATED WITH THE BUREAU OF PRISONS. 90 CASES (BY WRO COUNT) ARE CURRENTLY FILED IN THE DISTRICTS IN THE NINTH CIRCUIT, 80 CASES PENDING DISPOSITION IN SUPREME COURT.

MILLS V. TAYLOR, 9TH CIR. MILLS HOLDS THAT BROWN V. RISON JAIL TIME CREDIT APPLICATION UNDER 18 U.S.C. SEC. 3568 APPLIES TO SENTENCING

08/11/1992 07:46:51 =====

GUIDELINE CASES PURSUANT TO "OFFICIAL DETENTION" UNDER 18 U.S.C. SEC. 3585. WE HAVE RECEIVED PERMISSION FROM THE SOLICITOR GENERAL TO FILE A PETITION FOR RE-HEARING EN BANC WITH THE 9TH CIR. WHICH WILL BE FILED ON AUGUST 6, 1992. DOUG WILSON, U.S. DEPARTMENT OF JUSTICE, APPELLATE SECTION AND MIRIAM KRINSKI, CHIEF, APPELLATE SECTION, U.S. ATTORNEY'S OFFICE, CENTRAL DISTRICT OF CALIFORNIA ASSISTING WITH THE PETITION. THE SOLICITOR GENERAL'S OFFICE HAS INDICATED THEY WOULD BE WILLING TO SUPPORT A PETITION FOR CERTIORARI IF THE PETITION FOR RE-HEARING EN BANC FAILS.

MARTIN V. CHRONICLE V. BOP, 9TH CIR. DANNIE MARTIN & S.F. CHRONICLE HAVE EACH FILED A PETITION FOR REHEARING EN BANC WITH THE CIRCUIT. WE ARE STILL WAITING FOR THE 9TH CIR. TO RESPOND TO THE PETITION FOR REHEARING EN BANC.

RUSSO V. HAYES, N.D.CA. AUG. 24, 1992. HABEAS CORPUS PETITION ORAL ARGUMENT BEFORE CHIEF JUDGE HENDERSON. INMATE AT FPC PLEASANTON HAS FILED HABEAS CORPUS PETITION TO COMPEL THE BOP TO PLACE HIM IN EXCESS OF 6 MONTHS (22 MO.) IN A HALF-WAY HOUSE DUE TO "COMPELLING CIRCUMSTANCES".

INMATE INDICATES THAT HE IS HIV POSITIVE AND HAS A NEED TO GET INTO THE COMMUNITY SO THAT HE CAN START SCHOOL SO THAT HE CAN RETRAIN HIMSELF TO REENTER THE COMMUNITY. THE INMATE HAS APPROXIMATELY 20 MONTHS REMAINING ON HIS SENTENCE. BY ACCEPTING THE HABEAS CORPUS PETITION THE COURT HAS I:

8/11/1992 07:46:57 =====

CREASED THE NUMBER OF BP-9'S COMING FROM FPC PLEASANTON ADDRESSING THE ISSUE OF EXTENDED CCC PLACEMENT. DOUG CURLESS/TINA ROBINSON WILL APPEAR IN COURT.

10/15/1992 07:18:15

Joyce

Monthly Report - SEPT

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

DATE: 10/14/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: LEGAL ASSISTANCE PROGRAMS

TO: NANCY REDDING
EXECUTIVE ASSISTANT

THIS EMS IS TO NOTIFY YOU OF LEGAL ASSISTANCE PROGRAMS IN THE WESTERN REGION. WE CURRENTLY HAVE ESTABLISHED ONE WESTERN REGIONAL LEGAL PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA (USC). THE AMOUNT OF MONEY FOR THE USC PROGRAM IS \$15,000. USC SERVICES FCI, TERMINAL ISLAND ON A REGULAR BASIS. THEY ALSO APPEAR AT USP, LOMPOC FOR INS HEARINGS INVOLVING MARIEL CUBANS. WE ANTICIPATE THE SAME SUM WILL BE REQUESTED BY THE UNIVERSITY FOR FISCAL YEAR 1993.

10/15/1992 07:18:23

WE ARE CURRENTLY IN NEGOTIATIONS WITH SEVERAL LAW SCHOOLS IN THE BAY AREA TO PROVIDE LEGAL ASSISTANCE TO FEMALE CONVICTED OFFENDERS AT FCI, PLEASANTON. WE ANTICIPATE AN IDENTICAL AMOUNT OF FUNDS BEING OFFERED TO THE LAW SCHOOL WE ULTIMATELY CONTRACT WITH. OUR CURRENT NEGOTIATIONS ARE WITH THE UNIVERSITY OF SAN FRANCISCO. WE ANTICIPATE INTEREST BY GOLDEN GATE UNIVERSITY OF SAN FRANCISCO AND UNIVERSITY OF SANTA CLARA SCHOOL OF LAW, SANTA CLARA, CALIFORNIA.

10/15/1992 07:18:35

BY THE UNIVERSITY FOR FISCAL YEAR 1993.

PENDING

OVER 60 DAYS 1 2 0 5 0 7 39 0 3 2 20 5

FOI/PA JUL AUG SEP OCT NOV DEC

10/15/1992 07:18:50 =====

RCVD 38 28
CLOSED 32 50
PENDING 164 142
OVERDUE 41 39

ADMIN. REM.: JUL AUG SEP OCT NOV DEC

RCVD 126 139

LITIGATION: JUL AUG SEP OCT NOV DEC

OPEN 508 528
NEW 23 25
 HC 15 8
 FTCA 2 4
 BIVENS 5 11
 OTHER 1 2
CLOSED 3 7

INS/SOLER:

NEW 19
PENDING 114

(AT LEAST 4 CASES ARE NOW ON APPEAL TO 9TH CIR. - INMATE APPEALING

10/15/1992 07:18:56 =====

FOR IMMEDIATE HEARING.)

BROWN V. RISON/SENTENCING CASES:

NEW 3
PENDING: (INCOMPLETE)

HENTHORN:

PROCESSED 0

PERSONNEL: MOVES & DECISIONS

DEPUTY REGIONAL COUNSEL VALERIE STEWART'S DAUGHTER, KATHRINE, AGE 3, UNDERWENT AN EMERGENCY APPENDECTOMY ON AUGUST 27, 1992. THE SURGERY WENT WELL AND KATHERINE WAS RELEASED FROM THE HOSPITAL MONDAY, AUG. 31. VALERIE PLANS TO BE IN THE OFFICE FRIDAY, SEPTEMBER 4.

SANDY WELLS LAST DUTY DAY IN WRO IS OCTOBER 2, 1992.

MARY SULLIVAN REPORTED AS ATTORNEY, FCI SHERIDAN AUGUST 26, 1992.

DELESO ALFORD REPORTED AS PARALEGAL, FCI TERMINAL ISLAND ON AUGUST 11, 1992.

0/15/1992 07:19:11 =====

LEGAL INTERN REGGIE WEBSTER REPORTED TO LAW SCHOOL AND PART-TIME DUTIES AT MCC SAN DIEGO ON AUGUST 31. 1992.

JANELLE BROCK, DOJ HONORS ATTORNEY, REPORTED TO WRO ON AUGUST 24, 1992.

PAM RILEY (FPC BORON) WILL BE OUT FOR A COUPLE OF WEEKS IN SEPTEMBER FOR FOOT SURGERY. WE WISH HER A SPEEDY RECUPERATION.

LARRY WESTON'S SON (FCI SAFFORD) IS RECOVERING FROM A BOUT OF MENINGITIS. OUR GOOD WISHES AND PRAYERS HAVE BEEN WITH LARRY AND HIS FAMILY THROUGH THIS ORDEAL.

LEAVE & TRAINING - WRO STAFF

DOUG CURLESS - NEW ATTORNEY TRAINING/REGIONAL COUNSEL/ASST. GENERAL
COUNSEL/TRAINING 9/14/92 - 9/17/92

JANELLE BROCK - NEW ATTORNEY TRAINING 9/14/92 - 9/17/92

SANDY WELLS - ADMINISTRATIVE LEAVE 9/28/92 - 9/30/92

0/15/1992 07:19:18 =====

JANET AUGUSTINE - ANNUAL LEAVE 9/09/92 - 9/11/92

JUANITA JIGGETTS - ANNUAL LEAVE 9/04/92

LIDA PAETZKE - ANNUAL LEAVE 9/08/92 - 9/11/92

SPECIAL NOTE:

PAM RILEY, PARALEGAL, FPC BORON IS SERVING AS COORDINATOR FOR THE WESTERN REGION FOR RELIEF SUPPLIES AND CLOTHING BEING SENT TO VICTIMS OF HURRICANE ANDREW. WESTERN REGION INSTITUTIONS HAVE SHIPPED SUPPLIES GATHERED FROM THEIR INSTITUTIONS INTO BORON WHERE THEY WILL BE AIRLIFTED FROM MARCH AFB.

LITIGATION:

RUSSO V. HAYES, C-92-1982 TEH-N.D.CAL - CHIEF JUDGE HENDERSON, U.S.D.C. N.D. CAL (SAN FRANCISCO) HEARD ORAL ARGUMENTS IN THIS CASE ON 8/24/92. HIV POSITIVE INMATE ALLEGED (AMONG OTHER THINGS) INADEQUATE MEDICAL TREATMENT, DISCRIMINATION BY FAILING TO PLACE HIM IN THE ICC DUE TO HIS MEDICAL CONDITION, AND BIVENS CONSTITUTIONAL VIOLATION BASED ON 8TH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT. AFTER ORAL ARGUMENT COURT

/15/1992 07:19:24 =====

DENIED BOP MOTION TO DISMISS - HOWEVER THE COURT DID DISMISS (WITHOUT PREJUDICE) THE COMPLAINT WITH LEAVE TO REFILE BY 9/8/92. ARTICLES WERE WRITTEN AND PUBLISHED IN THE DAILY JOURNAL AND RECORDS CONCERNING THE

DENIAL OF BOP MOTION TO DISMISS ON 8/25. ON 8/26 THE COURT ISSUED AN ORDER OF DISMISSAL - GRANTING BOP'S MOTION TO DISMISS. THE COURT FOUND PLAINTIFF FAILED TO PLEAD SUFFICIENT FACTS TO SUPPORT A CLAIM THAT WARDEN AND CAMP SUPERINTENDENT DENIED PLAINTIFF HIS RIGHTS UNDER EQUAL PROTECTION/DUE PROCESS OR WERE ACTING WITH DELIBERATE INDIFFERENCE TO HIS MEDICAL NEEDS. GO FIGURE!!!! DOUG CURLESS - ATTORNEY ON CASE.

UNITED STATES V. GIRARD TUCKER - CR-89-755-TJH (C.D.CA) AN EX PARTE APPLICATION BY DEFENSE COUNSEL WAS MADE AND AN ORDER ISSUED TO SERVE TUCKER A KOSHER DIET ON DAYS WHEN PORK OR RED MEAT ITEMS SERVED AND BE SERVED A DIET OF FISH OR POULTRY FOR RELIGIOUS PURPOSES. THE GOVERNMENT FILED A MOTION FOR RECONSIDERATION OF THE ORDER CITING JURISDICTION, FAILURE TO EXHAUST ADMINISTRATIVE REMEDY, FACT THAT INMATE IS NOT JEWISH AND ASSERTING THAT THE DAY-TO-DAY MANAGEMENT OF MDC LOS ANGELES SHOULD BE LEFT TO PRISON OFFICIALS. ON 8/21/92, JUDGE HATTER DENIED THE MOTION FOR RECONSIDERATION. A DECISION REGARDING APPEAL TO THE 9TH CIRCUIT IS FORTHCOMING. TIM ROBERTS, MDC ATTORNEY ON CASE.

COUPAR V. FPI/UNICOR, 92-TSC-00006; 92-TSC-00008 - ON APRIL 14, 1992,

10/15/1992 07:19:35 =====

DEPARTMENT OF LABOR WAGE AND HOUR DIVISION DETERMINED PRISONERS ARE NOT EMPLOYEES WITHIN THE MEANING OF THE TOXIC SUBSTANCES CONTROL ACT OR CLEAN AIR ACT AND THE EMPLOYEE PROTECTION PROVISIONS OF THE STATUTES DO NOT APPLY TO PRISONERS. THIS DECISION DISMISSES THE CASE IN WHICH THE DOL ADMINISTRATIVE LAW JUDGE RECOMMENDED COUPAR BE COVERED AS AN EMPLOYEE UNDER THE WHISTLEBLOWER ACT AND RECEIVE \$10,000 AS COMPENSATION FOR LOST WAGES IN UNICOR. NOT A FINAL VERDICT, SO STANDBY FOR THE CONTINUING SAGA. DOUG CURLESS, WRO ON BRIEFS.

DAVID QUINTERO/BIANCA LUCRECIA V. FEDERAL BUREAU OF PRISONS - THIS IS CURRENTLY AN ADMINISTRATIVE TORT CLAIM UNDER RE-CONSIDERATION - THE SIX MONTH PERIOD ENDS ON 13 SEPT. INMATE IS A TRANSEXUAL WHO WAS PREVIOUSLY HOUSED AT PLEASANTON AND LEXINGTON, ALLOWED FEMALE GARB AND COSMETICS AT BOTH, WAS TRANSFERRED 1/31/91 TO FPC BORON WHERE 1) THERE IS NO CONTINUING PSYCHOLOGICAL SERVICES, AND 2) BOTH COSMETICS AND FEMALE GARB WERE CONFISCATED. TORT CLAIM STATES THAT SINCE TRANSFER TO BORON BOP HAS DENIED COMPETENT MEDICAL TREATMENT; SUBJECTED INMATE TO SEXUAL DISCRIMINATION AND ABUSE; INTERFERED WITH MAIL; AND DENIED PERSONAL CLOTHING AND HYGIENE ITEMS. INMATE HAS RETAINED TWO NOTED NORTHERN CALIFORNIA ATTORNEYS (ALLAN ELLIS AND GREGOR GUY-SMITH) AND IT IS EXPECTED THAT LITIGATION WILL BE PRESENTED WITH HIGH DEGREE OF MEDIA ATTENTION. VALERIE STEWART, WRO ON CASE.

11/03/1992 08:16:36 =====

Joyce

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

DATE: 11/02/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT (09/01-09/30)

TO: WALLACE H. CHENEY
GENERAL COUNSEL

STATISTICS:

TORT CLAIMS:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	50	44			
CLOSED	50	76	76			
PENDING	406	380	347			
OVERDUE	136	101	89			

TORT CLAIM INVESTIGATION STATUS: AS OF 7/31/1992
BRN LOM LOF LOC LOS NEL PHX PLE SAF SDC SHE TRM TCN

11/03/1992 08:16:41 =====

PENDING OVER 60 DAYS	JUL	AUG	SEP	OCT	NOV	DEC
	1	7	0	0	0	0

FOI/PA	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	28	42			
CLOSED	32	50	28			
PENDING	164	142	156			
OVERDUE	41	39	53			

ADMIN. REM.:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	126	139	105			

LITIGATION:	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	508	528	538			
NEW	23	25	11			
HC	15	8	4			
FTCA	2	4	1			
BIVENS	5	11	5			
OTHER	1	2	1			
CLOSED	3	7	1			

11/03/1992 08:16:50 =====

INS/SOLER:

NEW	19
PENDING	133

(AT LEAST 4 CASES ARE NOW ON APPEAL TO 9TH CIR. - INMATE APPEALING FOR IMMEDIATE HEARING.)

BROWN V. RISON/SENTENCING CASES:

NEW	3
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PENDING: (INCOMPLETE)

HENTHORN:
PROCESSED 0

PERSONNEL: MOVES & DECISIONS

10/2/92 - SANDY WELLS' LAST DAY IN THE WESTERN REGIONAL OFFICE.
10/26/92 - GLORIA POUPAR'S FIRST DAY IN THE WESTERN REGIONAL OFFICE,
GLORIA IS THE NEW REGIONAL PARALEGAL TRAINEE.

REGIONAL COUNSEL SCHEDULE: DOUG CURLESS
09/29/92 MEETING WITH JOHN MENDEZ, U.S. ATTORNEY, NORTHERN DISTRICT
OF CALIFORNIA.

11/03/1992 08:17:04 =====

10/05 - 10/06 ACTING JAIL ADMINISTRATOR, FDC PLEASANTON
10/14 FEDERAL BAR ASSOCIATION, 9TH CIRCUIT LUNCHEON, SAN FRANCISCO
10/15 AUSA'S NORTHERN DISTRICT OF CALIFORNIA, TOUR OF FCI/FDC
PLEASANTON.
10/07 - 10/09 AND 10/16 - ANNUAL LEAVE.

TRAINING/OTHER MEETINGS:

10/21 - 10/23/92 - 1993 BUDGET & STRATEGIC PLANNING CONFERENCE, WESTERN
REGION.
10/29 - 10/30/92 - 9TH CIRCUIT SENTENCING ISSUES SEMINAR. PRESENTED BY
WESTERN REGIONAL COUNSEL'S OFFICE FOR U.S. ATTORNEYS AND U.S. PROBATION
OFFICES IN THE 9TH CIRCUIT.

LITIGATION:

JENNINGS V. MITCHELL, CV 89-4428 WJR, CENTRAL DIST. CALIFORNIA. BIVENS
ACTION ALLEGING EXCESSIVE USE OF FORCE BY UNICOR STAFF AGAINST FORMER
INMATE AT USP LOMPOC. MOTION FOR QUALIFIED IMMUNITY TAKEN UNDER
ADIVSEMENT AND TRIAL SCHEDULED FOR 9/26/92 IN LOS ANGELES. AUSAS ARE
SARA ROBINSON AND JOHN NORDIN. JENNINGS HAS FILED WRITS AD TESTIFICANDUM

11/03/1992 08:17:13 =====

FOR APPEARANCE OF STILL INCARCERATED INMATE WITNESSES AT GOVERNMENT
EXPENSE, OPPOSITION FILED BY U.S., COURT HAS INDICATED IT WILL GRANT WRITS
USAO REQUEST TO APPEAL DISAPPROVED AT MAIN JUSTICE (ALSO NOT SUPPORTED BY
USM).

MILLS V. TAYLOR, CA9 91-55362, CENTRAL DIST. CALIFORNIA. (THIS IS 9TH
CIR. CASE WHICH APPLIED BROWN V. RISON TO 18 USC 3585 CASES). 9TH CIR.
HAS ORDERED A RESPONSIVE BRIEF TO THE GOVT'S MOTION FOR RECONSIDERATION
AND REQUEST FOR RE-HEARING EN BANC. RESPONSE TO BE FILED BY OCT. 7.
SOLICITOR GENERAL HAS GIVEN PERMISSION TO SEEK CERT. IF 9TH CIR. DENIES
RECONSIDERATION/REHEARING.

D. KANEHOLANI V. CRABTREE, CV 92-976, RE DIST. OREGON. HAWAIIAN
DEFENDANT FILED 2241 FOR BROWN V. RISON CREDIT IN HAWAII WHILE INCARCERAT-
ED AT FCI SHERIDAN, OR. USAO GOT HAWAII 2241 DISMISSED AND INMATE RE-FILE
D IN OREGON. JUDGE REDDEN GRANTED TIME FOR CREDIT IN HALFWAY HOUSE (PER
MILLS V TAYLOR), IN SPITE OF WRITTEN STATEMENT BY SENTENCING JUDGE THAT HE
NEVER INTENDED INMATE TO HAVE CREDIT. THIS CASE WAS BRIEFED BEFORE THE

GOVT. MOTION FOR RECONSIDERATION WAS FILED IN LOS ANGELES. (KANEHOLANI IS THE 3RD CASE FILED OUT OF HAWAII IN THE LAST TWO MONTHS FOR HALF WAY HOUSE CREDIT.)

11/03/1992 08:17:25 =====

GARCIA V. BOP & LIM. CV 91-1952 PHX, DIST. AZ. WRONGFUL DEATH FTCA BY MOTHER RE: DEATH OF INMATE SON FROM ACUTE ASTHMA ATTACK. MEDICAL RECORDS AND EXPERTS CURRENTLY SUBJECT OF DEPOSITION AND DISCOVERY.

DANNIE MARTIN & S.F. CHRONICLE V. RISON, ET AL. ON SEPTEMBER 21, 1992, THE 9TH CIRCUIT COURT OF APPEALS PANEL DENIED A MOTION FOR REHEARING FOR THE PANEL. THE PANEL REHEARING VOTE WAS 2 TO 1. ON SEPTEMBER 21, 1992, THE 9TH CIRCUIT COURT OF APPEALS REJECTED PETITIONERS CHRONICLE AND MARTIN'S PETITION FOR REHEARING EN BANC. DANNIE MARTIN AND THE SAN FRANCISCO CHRONICLE MAY NOW PETITION THE SUPREME COURT FOR WRIT OF CERTIORARI.

HALE V. ARCOR, 9TH CIRCUIT. AS MANY OF YOU MAY KNOW, THE 9TH CIRCUIT COURT OF APPEALS IN A 2 - 1 PANEL DECISION INDICATED THAT IN CERTAIN INSTANCES INMATES MUST BE PAID MINIMUM WAGE FOR PERFORMING CERTAIN TYPES OF WORK. THIS ORDER WAS ENTERED AGAINST THE STATE OF ARIZONA DEPARTMENT OF CORRECTIONS. ON SEPT. 28, 1992, THE 9TH CIRCUIT COURT OF APPEALS VOTED TO REHEAR THIS ISSUE EN BANC. WE WILL CONTINUE TO MONITOR THIS CASE. AS A SIDELIGHT WE HAVE ALREADY SEEN SEVERAL ADMINISTRATIVE REMEDIES FILED ARGUING THAT FEDERAL PRISON INMATES SHOULD BE PAID MINIMUM WAGE CITING THE HALE V. ARCOR CASE.

11/03/1992 08:17:36 =====

U.S. V. TUCKER, CR 89-755 TJH, CENTRAL DIST. CALIF. PRETRIAL INMATE (TUCKER) SOUGHT AND RECEIVED EX PARTE ORDER FOR KOSHER MEALS. INMATE IS NEITHER JEWISH OR IN PROCESS OF CONVERTING (JUST PREFERS THE FOOD). U.S. FILED MOTION FOR RECONSIDERATION OF ORDER AT REQUEST OF MDC-LA RAISING FOLLOWING ISSUES: (1) NO JURISDICTION TO ENTER ORDER; (2) TUCKER SHOULD HAVE BEEN REQUIRED TO EXHAUST ADMIN. REMEDIES BEFORE ASKING COURT FOR ORDER; (3) ORDER RAISES SERIOUS ADMINISTRATIVE PROBLEMS FOR INSTITUTION; (4) INMATE'S CLAIM THAT DIET IS FOR RELIGIOUS PURPOSES IS MERITLESS; (5) MANAGEMENT OF INSTITUTION IS FOR PRISONS OFFICIAL ABSENT A CONSTITUTIONAL VIOLATION. USAO-LOS ANGELES, BOP INSTITUTION, AND REGION RECOMMENDED DENIAL OF MOTION BE APPEALED. MAIN JUSTICE AND BOP OGC DISAPPROVED.

11/12/1992 10:17:53 =====

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

DATE: 11/10/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT (10/01-10/31)

TO: WALLACE H. CHENEY
GENERAL COUNSEL

STATISTICS:

TORT CLAIMS:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	50	44	43		
CLOSED	50	76	76	14		
PENDING	406	380	347	376		
OVERDUE	136	101	89	128		

TORT CLAIM INVESTIGATION STATUS: AS OF 7/31/1992
BRN LOM LOF LOC LOS NEL PHX PLE SAF SDC SHE TRM TCN

11/12/1992 10:17:57 =====

PENDING
OVER 60 DAYS 4 21 1 0 0 0 2 23 2 3 1 36 6

FOI/PA	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	28	42	40		
CLOSED	32	50	28	36		
PENDING	164	142	156	160		
OVERDUE	41	39	53	57		

ADMIN. REM.:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	126	139	105	118		

LITIGATION:	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	508	528	538	555		
NEW	23	25	11	19		
HC	15	8	4	8		
FTCA	2	4	1	1		
BIVENS	5	11	5	9		
OTHER	1	2	1	1		
CLOSED	3	7	1	2		

11/12/1992 10:18:01 =====

PERSONNEL MATTERS:

10/26/92 - GLORIA POPOUR, REGIONAL PARALEGAL TRAINEE, ARRIVED AT
WESTERN REGIONAL OFFICE
11/24/92 - ASST. REGIONAL COUNSEL JENIFER GRUNDY WILL ARRIVE FOR HER
FIRST DAY IN THE WESTERN REGIONAL OFFICE.
REGIONAL COUNSEL SCHEDULE: DOUG CURLESS

NOV. 5, 17, & 19, U.S. ATTORNEY'S OFFICE, N.D. CA TOUR OF FCI/FDC/FPC PLEASANTON.

NOV. 23/24 DEPOSITION OF PLAINTIFF IN ALEXANDER V. PERRILL, TUCSON AZ. ANNUAL LEAVE:

JANELLE BROCK - NOV. 13
LIDA PAETZKE - NOV. 23 - 27
VALERIE STEWART NOV. 24, 25, 27
GLORIA POPOUR - NOV. 27

DEPUTY GENERAL COUNSEL HARLAN PENN WILL VISIT THE WESTERN REGIONAL OFFICE NOV. 9 AND 10.

OCT. 15, 1992, 16 STAFF MEMBERS OF THE U.S. ATTORNEYS OFFICE FROM THE NORTHERN DISTRICT OF CALIFORNIA TOURED FCI PLEASANTON.

11/12/1992 10:18:04 =====

CASES IN WHICH NOTICE OF APPEAL FILED:

9TH CIRCUIT

MILLS V. TAYLOR, 9TH CIR. NO. 91-55362. ON OCTOBER 29, 1992, THE 9TH CIRCUIT REJECTED OUR PETITION FOR REHEARING WITH SUGGESTION FOR REHEARING EN BANC. BOP AND U.S. ATTORNEY'S OFFICE ARE RECOMMENDING CERTIORARI. THIS ISSUE (APPLICATION OF BROWN V. RISON TO SENTENCING GUIDELINES 18 USC SEC. 3583) IS PENDING IN U.S. V. MORELAND, 8TH CIR. WE WON THE ISSUE BEFORE THE 8TH CIRCUIT EN BANC AND THE INMATE IS PETITIONING FOR CERT.

HALE V. ARCOR, 9TH CIR. 88-15785 (D. AZ - NO9. CV 85-1205 (WPC). 9TH CIRCUIT COURT OF APPEALS AGREED TO REHEAR THE ISSUE OF INMATES RECEIVING MINIMUM WAGE IN REHEARING EN BANC.

U.S. DISTRICT COURTS:

JAYCOX V. U.S., CIV 90-467 TUC ACM (D. AZ). U.S. ATTORNEY'S OFFICE D. TUCSON SETTLED FTCA CLAIM FOR \$10,000 WITHOUT CONSULTING AGENCY. INMATE WAS STRUCK IN THE NOSE BY A SOFTBALL DURING A GAME AT FCI TUCSON, SUFFER-

11/12/1992 10:18:08 =====

ING BROKEN NOSE AND SINUS. INMATE WAS PRESCRIBED MOTRIN BY P.A. AND CLAIMED IT CAUSED HIS "BLOOD TO THIN" RESULTING IN HIS HOSPITALIZATION TO STOP BLEEDING. CASE ORIGINALLY FILED AS A BIVENS. USDC DISMISSED BIVENS, AND ALLOWED FILING AS AN FTCA ACTION. AUSA INDICATED OUR LIT REPORT FOR THE BIVENS ACTION WAS SUFFICIENT FOR FTCA LITIGATION. ON 11/4/92 INSTITUTION PARALEGAL RECEIVED A CC OF LETTER TO GAO INDICATING CASE WAS SETTLED FOR \$10,000. WE WILL BE CONTACTING THE U.S. ATTORNEY AND DEPARTMENT OF JUSTICE IN WRITING AND IN PERSON TO REGISTER OUR COMPLAINT OF NO CONSULTATION PRIOR TO SETTLEMENT.

JENNINGS V. MITCHELL, ET AL., CV 89-4428-WJR(SH) (C.D.CA). BIVENS ACTION ALLEGING EXCESSIVE USE OF FORCE BY 3 UNICOR STAFF MEMBERS. ON JUNE 17, 1989, PLAINTIFF JENNINGS WAS INSTRUCTED TO SUBMIT TO A PAT SEARCH UPON EXITING UNICOR. ONE OF THE DEFENDANTS FOUND A PLASTIC BAGGIE WITH WHAT APPEARED TO BE CONTRABAND IN JENNINGS' POCKET. A DEFENDANT ATTEMPTED TO SMELL THE CONTENTS OF THE PLASTIC BAG FOUND ON JENNINGS. JENNINGS STRUCK THE STAFF MEMBER IN THE FACE WITH HIS OPEN HAND, GRABBED THE BAG AND TURNED TO RUN. JENNINGS WAS PURSUED BY THE 3 DEFENDANTS (AND OTHER STAFF

MEMBERS NOT NAMED AS DEFENDANTS), RESTRAINED, FORCED TO THE GROUND, PLACED IN HANDCUFFS AND THEN ESCORTED TO THE HEALTHCARE UNIT. THE SUSPECTED CONTRABAND WAS NOT RECOVERED IN THE SCUFFLE. INMATE RECEIVED AN INCIDENT REPORT 100 LEVEL ASSAULT, REDUCED TO A 200 LEVEL ASSAULT ON

11/12/1992 10:18:12 =====

STAFF. 6 MONTHS LATER THE INMATE FILED A PRO SE BIVENS COMPLAINT. JENNINGS LATER RETAINED COUNSEL TO PROCEED WITH THE SUIT. U.S. ATTORNEYS OFFICE LOS ANGELES FILED MOTION FOR SUMMARY JUDGMENT WHICH WAS DENIED BY THE COURT IN MAY 1992. A MOTION FOR QUALIFIED IMMUNITY WAS SUBMITTED PRIOR TO TRIAL BUT THE COURT WOULD NOT RULE ON THE MOTION UNTIL AFTER THE CLOSE OF EVIDENCE. THE MOTION WAS DENIED. THE JURY VERDICT RETURNED IN THIS CASE INDICATED THAT ONE DEFENDANT IS LIABLE FOR \$56,000 IN COMPENSATORY DAMAGES AND \$50,000 IN PUNITIVE DAMAGES AND ANOTHER DEFENDANT IS LIABLE FOR \$50,000 IN COMPENSATORY DAMAGES. THERE WAS NO FINDING OF MONETARY DAMAGES AGAINST THE THIRD DEFENDANT. INDEMNIFICATION OF THE TWO DEFENDANTS HAS BEEN REQUESTED. MOTION TO STAY JUDGMENT WILL BE FILED ON NOV.9, 1992, MOTION FOR NEW TRIAL WILL BE FILED NOV. 13, 1992.

TYREE V. LUM, CV 92-5137 (C.D. CA). FORMER INMATE TYREE NOW FILES A BIVENS CASE AGAINST THE AUSA WHO PROSECUTED HIM AND WARDEN LARRY TAYLOR. BECAUSE OF A 9TH CIR. APPLICATION OF B.V.R. CREDIT TO TYREE'S 10TH CIR. SENTENCE TYREE BECAME A "LATE RELEASE" - 125 DAYS. HE SUED PREVIOUSLY UNDER FTCA FOR "DAMAGES" OF \$1,000 PER DAY. THAT CASE WAS DISMISSED ON SUMMARY JUDGMENT. NOW HE TRIES AGAIN UNDER BIVENS. AUSA MICHAEL JOHNSON FEELS THIS CASE WILL BE DISMISSED, BUT IT ILLUSTRATES THE AGRESSIVENESS THAT INMATES AND THEIR ATTORNEYS ARE USING IN SENTENCING CASES.

12/10/1992 13:36:40 =====

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

DATE: 12/09/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT (11/01-11/30)

TO: WALLACE H. CHENEY
GENERAL COUNSEL

STATISTICS:

TORT CLAIMS:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	50	44	43	33	
CLOSED	50	76	76	14	16	
PENDING	406	380	347	376	393	
OVERDUE	136	101	89	128	144	

TORT CLAIM INVESTIGATION STATUS: AS OF 11/30/1992
BRN LOM LOF LOC LOS NEL PHX PLE SAF SDC SHE TRM TCN

12/10/1992 13:36:43 =====

PENDING
OVER 60 DAYS 1 34 0 0 0 0 1 18 4 5 4 38 7

FOI/PA	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	28	42	40	14	
CLOSED	32	50	28	36	34	
PENDING	164	142	156	160	140	
OVERDUE	41	39	53	57	48	

ADMIN. REM.:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	126	139	105	118	142	

LITIGATION:	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	508	528	538	555	569	
NEW	23	25	11	19	16	
HC	15	8	4	8	7	
FTCA	2	4	1	1	0	
BIVENS	5	11	5	9	5	
OTHER	1	2	1	1	4	
CLOSED	3	7	1	2	2	

12/10/1992 13:36:46 =====

INS/SOLER:
NEW 4
PENDING 136

BROWN V. RISON/SENTENCING CASES:
NEW 3
PENDING: (INCOMPLETE)

HENTHORN:
PROCESSED

1

LITIGATION MATTERS:

SUPREME COURT
SOLER V. SCOTT

11/16/92 THE SUPREME COURT DISMISSED THE PETITION FOR CERT. REMANDING THE CASE TO THE 9TH CIRCUIT CITING MOOTNESS (SOLER HAS BEEN RELEASED). THUS THE SUBSTANTIVE ISSUES WERE NOT ADDRESSED AND NOT RESOLVED IN ANY WAY. THE CURRENT NUMBER OF SOLER PETITIONS FILED IN THE WESTERN REGION IS 136.

12/10/1992 13:36:50 =====

9TH CIRCUIT

MILLS V. TAYLOR, 9TH CIR. NO. 91-55362. ON OCTOBER 29, 1992, THE 9TH CIRCUIT REJECTED OUR PETITION FOR REHEARING WITH SUGGESTION FOR REHEARING EN BANC.

U.S. V. GEORGE CROUCH, 9TH CIR.

UNPUBLISHED DECISION

9TH CIRCUIT UPHELD LOWER COURT REFUSAL TO SEEK OUTSIDE MEDICAL EVALUATION FOR DEFENDANT WITH AIDS. COURT WAS SATISFIED WITH GENERAL INFORMATION ABOUT BOP'S ABILITY TO CARE FOR INMATES WITH AIDS.

JENNINGS V. MITCHELL, ET AL., CV 89-4428-WJR(SH) (C.D.CA) - BIVENS ACTION ALLEGING EXCESSIVE USE OF FORCE BY 3 UNICOR STAFF MEMBERS. (SEE OCTOBER REPORT FOR FACTUAL SUMMARY.) THE UNITED STATES ATTORNEY'S OFFICE HAS FILED A MOTION FOR NEW TRIAL BASED ON NEWLY DISCOVERED EVIDENCE AND PERJURY BY INMATE WITNESSES. THE MOTION FOR NEW TRIAL WILL BE HEARD ON DECEMBER 21, 1992. THE U.S. ATTORNEY'S OFFICE ALONG WITH THE OFFICE OF INTERNAL AFFAIRS AND THE FBI HAVE DEVELOPED INFORMATION INDICATING THAT AT LEAST TWO WITNESSES TESTIFYING FOR THE PLAINTIFF IN THE CASE PERJURED THEMSELVES. THERE ARE ALSO RECENT INDICATIONS THAT A THIRD INMATE WITNESS IS RECEIVING COMPENSATION FOR HIS TESTIMONY.

12/10/1992 13:36:53 =====

MIR V. CRABTREE, CV 92-B-00225. THIS CASE IS CURRENTLY PENDING BEFORE AN ADMINISTRATIVE LAW JUDGE FOR THE IMMIGRATION AND NATURALIZATION SERVICE. MIR WAS AN EMPLOYMENT APPLICANT WHO IS ALLEGING HE WAS DISCRIMINATED AGAINST BY BEING DENIED A POSITION AT FCI SHERIDAN BASED ON HIS CITIZENSHIP STATUS (AMERICAN BY BIRTH OF PAKISTANI DESCENT). OUR RESPONSE TO THE COURT'S ANSWER TO SHOW CAUSE IS DUE DECEMBER 30, 1992.

EVANS V. HENDERSON, ET AL., CV 92-2083-FMS. TELECONFERENCES WITH JUDGE FERN SMITH CONCERNING MOTION TO DISMISS FILED BY GOVERNMENT SCHEDULED FOR DECEMBER 7, 1992. TINA ROBINSON AT FCI PLEASANTON COVERING.

U.S. V. BENTON BURT, CR-92-0094 (N.D.CA.) (SAN FRANCISCO). PRE-TRIAL DETAINEE ALLEGING FDC PLEASANTON VIOLATING HIS RIGHTS AS A PRO SE DEFENDANT. VALERIE STEWART WILL COVER HEARING.

VACCARO V. DOBRE, CV S 92-895 (DIST. OF NEVADA) (LAS VEGAS). PREPARATION OF MOTION TO DISMISS/MOTION FOR SUMMARY JUDGMENT DECEMBER 7 & 8, VALERIE STEWART COVERING. BIVENS CASE AGAINST FPC NELLIS, NELLIS AFB, AND FCI

LOMPOC ALLEGING DELIBERATE INDIFFERENCE TO MEDICAL CONDITION.

QUACKENBUSH V. BOP, CV 91-3555-ER-GHKX (C.D.CA.) (LOS ANGELES). DEPOSITION OF PLAINTIFF IN THIS CASE SET FOR DECEMBER 9, 1992, JENIFER GRUNDY

12/10/1992 13:36:56 =====

COVERING.

STRICK V. U.S., CV 91-3926-JMI-JRX. POSSIBLE SETTLEMENT LOOMING AS A RESULT OF FOOD POISONING AT FCI TERMINAL ISLAND.

UPCOMING TRIALS:

U.S. V. SANTIAGO, C.D.CA., JANUARY 5, 1993. INMATE CHARGED WITH MURDERING OTHER INMATE.

MATTERS OF CONCERN:

(*INDICATES AN ATTACHMENT)
ISM "PEN PACKS"

LEGAL LIBRARY STANDARDS

SEE PAM RILEY-MORGAN'S MEMO ATTACHED DISCUSSING GLUTH IMPACT.*

HANDLING DEPOSITIONS/INTERVIEWS

SEVERAL CASES (CIVIL AND CRIMINAL) HAVE RECENTLY RESULTED IN REQUESTS TO INTERVIEW OR DEPOSE STAFF (AND INMATE) WITNESSES. QUESTIONS HAVE COME UP REGARDING THE INFORMATION OR ADVICE THAT SHOULD BE GIVEN IN THESE SITUATIONS. UNDER THE FEDERAL RULES A WITNESS HAS NO OBLIGATION TO TALK TO COUNSEL FOR EITHER PARTY IN A CASE. OUR ROLE IS TO INFORM THE INDIVI-

12/10/1992 13:36:59 =====

DUAL THAT COUNSEL WISHES TO TALK WITH THEM AND "MAKE THEM AVAILABLE" TO COUNSEL, EG. PROVIDE A QUIET, PRIVATE MEETING PLACE. IF THE INDIVIDUAL WISHES NOT TO BE INTERVIEWED THAT IS THEIR CHOICE AND THEIR RIGHT. IN A CIVIL CASE IN WHICH THE UNITED STATES IS NOT A PARTY, IF PRIVATE COUNSEL WANT TO SET UP A DEPOSITION OF AN INMATE AND THE INMATE OBJECTS, THE INMATE SHOULD COMMUNICATE THAT OBJECTION TO THE PARTIES AND THE COURT. WE ARE UNDER NO OBLIGATION TO FORCE AN INMATE TO BE DEPOSED.

IN CASES WHERE THE U.S. IS A PARTY (CIVIL OR CRIMINAL) WE SHOULD ASSIST THE U.S. ATTORNEYS IN CONTACTING ALL KNOWN WITNESSES. IF PRIVATE COUNSEL WANT TO INTERVIEW STAFF, STAFF SHOULD BE INFORMED AS EARLY AS POSSIBLE OF THEIR RIGHTS AND OBLIGATIONS.

TIM ROBERTS PUT TOGETHER THE ATTACHED MEMO FOR A RECENT CASE AT LA.*

GOVERNMENT EMPLOYEE LIABILITY INSURANCE

YOU MAY BE FIELDING QUESTIONS REGARDING LIABILITY AT ANNUAL REFRESHER TRAINING. RESIDENTIAL PROPERTY CAN BE HOMESTEADED, BUT THE PROCESS AND THE AMOUNT OF EQUITY PROTECTION VARIES FROM STATE TO STATE. INSURANCE IS ALSO AVAILABLE.*

PERSONNEL MATTERS

TRAVEL:

DOUG CURLESS -- 12/7 - 12/8 DENVER FOR U.S. V. REESE, 91-CR-271

12/10/1992 13:37:03 =====

TRIAL OF COLORADO STATE INMATE FILING FRAUDULENT FEDERAL INCOME TAX RETURNS. DOUG CURLESS HAS BEEN SUBPOENAED TO TESTIFY FOR THE GOVERNMENT IN THIS CASE. TRIAL BEGINS DECEMBER 7, 1992, BEFORE

JUDGE BABCOCK IN DENVER COLORADO.
VALERIE STEWART -- 12/7 - 12/8 LAS VEGAS, FPC NELLIS
JENIFER GRUNDY -- 12/8 - 12/10 LOMPOC
JANELLE BROCK -- 12/14 - 12/15 LOS ANGELES FOR CALIFORNIA BAR SWEARING IN
CEREMONY (CONGRATS TO JANELLE!!)
BILL HOBSON -- 12/14 - 12/18 USP LOMPOC TDY
JEFF CAMPBELL -- 12/24/92 LAST DAY AT USP LOMPOC
LIDA PAETZKE -- 12/8 - 12/11

ANNUAL LEAVE:

JANET AUGUSTINE - 12/23-24 & 12/28
VALERIE STEWART - 12/24, 12/28-12/31
JUANITA JIGGETTS - 12/24
JENIFER GRUNDY - 12/29-12/31
JANELLE BROCK - 12/30-12/31

11/6/92

01/22/1993 07:27:33 =====

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

DATE: 1/13/92

REPLY TO DOUGLAS CURLESS
ATTN OF: REGIONAL COUNSEL

SUBJECT: MONTHLY REPORT (12/01-12/31) *December*

TO: WALLACE H. CHENEY
GENERAL COUNSEL

STATISTICS:

TORT CLAIMS:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	50	44	43	33	43
CLOSED	50	76	76	14	16	1
PENDING	406	380	347	376	393	432
OVERDUE	136	101	89	128	144	204

TORT CLAIM INVESTIGATION STATUS: AS OF 12/31/1992
BRN LOM LOF LOC LOS NEL PHX PLE SAF SDC SHE TRM TCN

01/22/1993 07:27:44 =====

PENDING
OVER 60 DAYS 1 25 1 0 0 0 1 23 4 5 5 33 2

FOI/PA	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	38	28	42	40	14	15
CLOSED	32	50	28	36	34	8
PENDING	164	142	156	160	140	147
OVERDUE	41	39	53	57	48	52

ADMIN. REM.:	JUL	AUG	SEP	OCT	NOV	DEC
RCVD	126	139	105	118	142	148

LITIGATION:	JUL	AUG	SEP	OCT	NOV	DEC
OPEN	508	528	538	555	569	575
NEW	23	25	11	19	16	15
HC	15	8	4	8	7	3
FTCA	2	4	1	1	0	2
BIVENS	5	11	5	9	5	7
OTHER	1	2	1	1	4	3
CLOSED	3	7	1	2	2	9

01/22/1993 07:27:52 =====

INS/SOLER:
NEW 6
PENDING 136

BROWN V. RISON/SENTENCING CASES:
NEW 5
PENDING: (INCOMPLETE)

HENTHORN:
PROCESSED

1

LITIGATION MATTERS:

SUPREME COURT

S.F. CHRONICLE AND DANNIE MARTIN V. RISON
PLAINTIFFS HAVE FILED A PETITION FOR CERTIORARI IN THIS CASE. WE WILL
WAIT TO SEE IF THE SUPREME COURT AND SOLICITOR GENERAL REQUEST A
RESPONSE TO THE PETITION FOR CERT.

9TH CIRCUIT

01/22/1993 07:28:04 =====

MILLS V. TAYLOR, 9TH CIR. NO. 91-55362
SUPREME COURT DENIED CERT. IN 8TH CIR. CASE, U.S. V. MORELAND EFFECTIVELY
FORECLOSING ANY APPELLATE AVENUE FOR RESOLUTION OF THE CIRCUIT SPLIT ON
"PRIOR CUSTODY"/JAIL CREDIT. OPS MEMO WILL SOON INSTRUCT ISMS REGARDING
APPLICATION OF 9TH CIR. LAW AWARDED HALFWAY HOUSE TIME ON PRE-TRIAL
RELEASE AS "PRIOR CUSTODY CREDIT". THE NEXT LITIGATION BATTLE LOOMS OVER
APPLICATION TO INMATES SENTENCED IN OTHER CIRCUITS, BUT NOW HOUSED IN THE
9TH CIR./WESTERN REGION OF BOP.

ANYONE GETTING CASES IN YOUR REGION SEEKING APPLICATION OF SUCH CREDIT
PLEASE NOTIFY WRO LEGAL AND COPY US WITH ANY PLEADINGS FILED. WRO HAS
PREPARED A 9TH CIRCUIT SENTENCING ISSUES MANUAL - IT IS AVAILABLE TO
ANYONE WHO WANTS A COPY .

U.S. DISTRICT COURTS

JENNINGS V. MITCHELL, ET AL., CV 89-4428-WJR(SH) (C.D.CA)
JUSTICE DEPT. HAS AUTHORIZED INDEMNIFICATION (\$156,000) FOR THE STAFF
WHO SUFFERED THE ADVERSE JUDGMENT. MOTION FOR NEW TRIAL WAS FILED, ARGUED
AND DENIED BY THE DISTRICT COURT ON 12/28. U.S. ATTORNEY IS FILING
APPEAL.

MIR V. CRABTREE, CV 92-B-00225. THIS CASE IS CURRENTLY PENDING BEFORE AN

01/22/1993 07:28:11 =====

ADMINISTRATIVE LAW JUDGE FOR THE IMMIGRATION AND NATURALIZATION SERVICE.
MIR WAS AN EMPLOYMENT APPLICANT WHO IS ALLEGING HE WAS DISCRIMINATED
AGAINST BY BEING DENIED A POSITION AT FCI SHERIDAN BASED ON HIS CITIZENSHIP
(PAKISTANI). CENTRAL OFFICE IS NOW HANDLING THE CASE. ATTY IS KELLY
TIRIK.

TOSTA V. FLOYD

PARALEGAL MIKE DEDMAN IS ALSO THE DHO AT FCI LOMPOC. INMATE HAS FILED
SUIT ALLEGING CONSTITUTIONAL VIOLATIONS BY THE DHO IN PROCEEDINGS WHICH
RESULTED IN SANCTIONS. INMATE HAS FILED TRAVERSE TO ANSWER - REPLY DUE 1/
18/93.

COUPAR V. BOP/UNICOR

NEW ADMINISTRATIVE LAW CASE SEEKING DAMAGES FROM BOP. INMATE CONTENDS HE
IS A "WHISTLE BLOWER" AND ENTITLED TO DAMAGES FOR RETALIATORY TRANSFER
FROM FCI TERMINAL ISLAND TO FCI LATUNA. INMATE HAS FILED 3 PREVIOUS
ACTIONS WITH U.S. DEPT. OF LABOR (2 IN SCRO; 1 IN WRO). THE ALJ CASE IS
VENUED IN SAN FRANCISCO. WRO/IRA KIRSCHBAUM HANDLING.

UPCOMING TRIALS:

U.S. V. SANTIAGO, C.D.CA., JANUARY 5, 1993. INMATE CHARGED WITH MURDERING ANOTHER INMATE AT USP LOMPOC. NUMEROUS BOP EMPLOYEES CALLED AS WITNESSES.

1/22/1993 07:28:23 =====

HENTHORN REQUESTS COMPLETED 1/5/93.

MATTERS OF INTEREST/CONCERN

(*INDICATES AN ATTACHMENT - PLEASE CONTACT THIS OFFICE AT (510) 803-4723 IF YOU ARE RECEIVING THIS REPORT VIA SENTRY AND WOULD LIKE A COPY OF ANY ATTACHMENTS)

ISM "PENPACKS"*

SOME INSTITUTION STAFF HAVE RECENTLY RECEIVED REQUESTS FROM LOCAL LAW ENFORCEMENT AGENCIES OR DISTRICT ATTORNEY OFFICES FOR "PEN PACKS". THESE REQUESTS ARE USUALLY HANDLED BY THE ISM, SEE THE ATTACHED FORM. THESE ARE NOT TO BE HANDLED AS FOIA REQUESTS.

"LAW" - LEGAL ASSOCIATES WEST OF SACRAMENTO, CA.

MIKE DEDMAN WAS CONTACTED BY A DEPUTY DISTRICT ATTORNEY REGARDING THIS SUPPOSED LAW OFFICE WHICH HAS BEEN SENDING SOLICITATIONS INTO INMATES. APPARENTLY IT IS RUN BY A WILLIAM MARTIN RAVENSCROFT WHO IS NOT AN ATTORNEY AND IS BEING PROSECUTED. CONTACT VALERIE STEWART IF YOU RECEIVE ANY INFORMATION ABOUT HIS BUSINESS AT YOUR INSTITUTION.

REPRESENTATION FOR CONTRACT PHYSICIANS.

WE WON ONE!!! DOJ FINALLY AUTHORIZED REPRESENTATION FOR ONE OF THE CONTRACT PHYSICIANS. IT IS DIFFICULT, BUT IT CAN BE DONE. SINCE THE DR.

1/22/1993 07:29:00 =====

IS NOT AN EMPLOYEE, THE DEPARTMENT MAKES DECISION UNDER THE "GOVERNMENT BENEFIT" ANALYSIS. THEREFORE, IF YOU ARE DOING A REP. REQUEST FOR A CONTRACT PHYSICIAN YOU NEED TO WORK WITH YOUR HSA TO DEVELOPE A LETTER/ DECLARATION WHICH SPECIFIES THE NEED FOR THE CONTRACTOR'S SERVICES, SCARCITY OF SPECIALISTS, REMOTENESS OF FACILITY, COSTS OF PRIVATE INSURANCE PREMIUMS INCREASED BECAUSE OF PRISON CONTRACT, ETC. THESE REQUESTS NEED SPECIAL ATTENTION.

SETTLEMENTS:

ALLEN V. BOP - C.D. CAL. CIVILIAN DOD EMPLOYEE WAS BROADED SIDED BY FPC BORON VAN WHEN VAN RAN A STOP SIGN. CIVILIANS PORSCHE WAS TOTALLED. (CLAIM FILED BY INSURANCE COMPANY - NO INDEMNIFICATION ACTION AGAINST U.S. FOR CAR). CIVILIAN CLAIMED \$7,000 MEDICAL DAMAGES (VERIFIED) AND \$5,500 IN LOST RETIREMENT BENEFITS (CIVILIAN WAS ABOUT TO RETIRE FROM DOD AND WOUND UP LOSING SIGNIFICANT PORTION OF SICK LEAVE TO CONVALESE - THIS WOULD HAVE BEEN CREDITABLE TOWARD RETIREMENT.)

PERSONNEL MATTERS:

WRO

DOUG CURLESS - ANNUAL LEAVE 1/4 - 1/11
VALERIE STEWART - JURY DUTY 1/19 - ?

1/22/1993 07:29:10 =====

JENIFER GRUNDY - ANNUAL LEAVE 1/22 - 1/25
JANELLE BROCK - SWORN INTO CA. BAR (CONGRATS TO JANELLE)
JANET AUGUSTINE - ANNUAL LEAVE 1/5 - 1/8

JUANITA JIGGETS - TRAINING 1/20 - 1/22
LIDA PAETZKE

INSTITUTION STAFF:

BILL HOBSON/MCC, SDC - BILL HOBSON'S LAST DAY IS 1/12/93. BILL HAS BEEN THE ATTORNEY/ADVISOR AT MCC SAN DIEGO FOR THE PAST 1 1/2 YEARS. BILL IS LEAVING THE BUREAU TO ENTER INTO TRIAL PRACTICE.
ANDREA DAHLSTEN/MCC, SDC - ANDREA REPORTS TO MCC SAN DIEGO AS THE ATTORNEY ADVISOR AS OF 1/12. ANDREA HAS BEEN AT THE WESTERN REGION FOR THE LAST 2 YEARS.
JEFF CAMPBELL/USP, LOM - 12/24/92, LAST DAY FOR JEFF AT USP LOMPOC. JEFF WILL BE THE ATTORNEY AT THE FLORENCE COMPLEX. YOU CAN REACH HIM AT FLORENCE AS OF 1/14/93.
DARREN BRACEY/USP, LOM - DARREN IS HOLDING THE FORT AT USP LOMPOC UNTIL A NEW ATTORNEY IS ON BOARD. JENIFER GRUNDY, ASSISTANT REGIONAL COUNSEL IS PROVIDING BACKUP AT USP UNTIL THE NEW ATTORNEY IS IN PLACE.
TRAINING AT AURORA: 1/11 - 1/15/93
MARY SULLIVAN - SHERIDAN
JANE HASCHEMEYER - PHOENIX

01/22/1993 07:29:29 =====

JENIFER GRUNDY - ANNUAL LEAVE 1/22 - 1/25
JANELLE BROCK - SWORN INTO CA. BAR (CONGRATS TO JANELLE)
JANET AUGUSTINE - ANNUAL LEAVE 1/5 - 1/8
JUANITA JIGGETS - TRAINING 1/20 - 1/22
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TRAINING AT AURORA: 1/11 - 1/15/93
MARY SULLIVAN - SHERIDAN
JANE HASCHEMEYER - PHOENIX

01/22/1993 07:29:36 =====

TINA ROBINSON - PLEASANTON