

UNITED STATES GOVERNMENT
MEMORANDUM
FEDERAL BUREAU OF PRISONS
DUBLIN, CALIFORNIA

DATE: February 8, 1996

Harlan W. Penn
REPLY TO Harlan W. Penn
ATTN OF: Regional Counsel

SUBJECT: Quarterly Report, October through December, 1995

To: Wallace H. Cheney
General Counsel

Perhaps the most significant developments for the Western Regional Legal Office in this quarter were personnel changes. Juanita Jiggetts resigned as secretary to return to school. Jenifer Grundy was selected as Lead Attorney at the Federal Correctional Complex, Florence, Colorado. Her predecessor there, Jeff Campbell, returned west as Assistant Regional Counsel. Finally, David Morrison joined the office as paralegal trainee.

The two furloughs that resulted from the lapse of appropriations had a significant impact on the regional legal office. During the first furlough we were completely closed for two days and then returned to operations with one person in place. During the second furlough we had three, and sometimes four, persons in the office each work day. Most activities were continued with institutional legal staff handling most contact with Assistant United States Attorneys.

During this Quarter the Low v. Reno litigation started in earnest as far as discovery was concerned. With cooperation from FPC Boron and Central Office we sent 15,000 pages of documents to the U.S. Attorneys office. Due to the furlough and the volume of records, they did not complete processing those during the quarter but continued in 1996.

Decisions were received regarding several of the cases arising out of inmate transfers following the Sept. '93 disturbances at FCI, Sheridan. All resulted in dismissals either at the district court or at the 9th Cir. Inmates argued several grounds of constitutional violations in the transfer process, however, BOP procedures were upheld in all cases. Unfortunately there were no reportable decisions.

Jeff Campbell and James Wills along with CCM Michael Thomas provided training for the San Francisco Public Defenders office on

December 12, 1995. Jeff Campbell attended by telephone hook-up a hearing of the California Lands Commission regarding jurisdiction for FPC, Boron and the institution at Taft, California.

HEARINGS AND TRIALS:

U.S. V. GARCIA (C.DIST.CA)

Motion for Reduction of Sentence. Multiple hearings were held in Los Angeles. BOP produced a large volume of records of Garcia's confinement in BOP and state contract facilities. Court ordered additional medical exams while inmate was housed at MDC-LOS. Defense continued to allege bad faith and inadequate medical care on part of BOP, sufficient to warrant reduction of sentence. Ultimately, the District Court granted a reduction in the sentence but did not interfere with the Bureau's placement of the inmate in the Washington Department of Corrections. Inmate is former DEA agent who stole money and drugs from DEA, and became a drug dealer himself. This was DEA's largest agency corruption case at time of prosecution.

USA v. REGGIE NEON BROWN, ET AL (Dist. ORE)

Criminal prosecution of three remaining inmates for offenses resulting from the 9/93 disturbance at FCI Sheridan. On Dec. 11, 1995, Reggie Neon Brown pled guilty to assault on federal officer and was sentenced to 36 months. Lowell Jackson and Tahonne Boyd pled to destruction of gov't property and were sentenced to 24 months.

BELOW ARE SUGGESTED TABLES FOR REPORTING REQUESTED DATA FOR OFFICE OF GENERAL COUNSEL. APPROPRIATE NARRATIVE ANALYSIS WILL BE INCLUDED.

1st QTR

TORT CLAIMS October 1, 1995 - December 31, 1995

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
MDR										
NER										
SER										
NCR										
SCR										
WXR	190	115	30	32	7626	107	146	5	123	117
CO										
TOT										

DEFINITIONS

- LOC - LOCATION
- NUM - NUMBER FILED IN QUARTER
- PROP - PROPERTY CLAIM
- PI - PERSONAL INJURY CLAIM
- APPR - APPROVED
- AMT - TOTAL AMOUNT APPROVED
- DEN - DENIED
- PEND - PENDING
- OD - NUMBER OVERDUE
- A/O - AVERAGE NUMBER OF DAYS OVERDUE
- A/P - AVERAGE LENGTH OF TIME TO PROCESS

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	40	18	4	21	2		333	141	3			\$
CO												\$
TOT												\$

DEFINITIONS

LOC - Location
 NUM - Total Number of Lawsuits Filed in Quarter
 HC - Number of Habeas Corpus Actions Filed in Quarter
 FTC - Number of FTCA Actions Filed in Quarter
 BIV - Number of Bivens Actions Filed in Quarter
 OTH - Other Actions Filed in Quarter
 ANS - Number of Litigation Reports Completed
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 AWD - Number of Awards (Narrative Analysis Follows)
 SET - Number of Settlements (Narrative Analysis Follows)
 AWD/SET - Amount of Settlements and Awards

LITIGATION ANALYSIS

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FAX TRANSMITTAL

of pages

8

To	Myra Hedin	From	Harlan Penn
Dept./Agency		Phone #	
Fax #		Fax #	
NSN 7540-01-317-7388		5089-101	GENERAL SERVICES ADMINISTRATION

MEMO

To: Wallace H. Cheney, General Counsel
From: Harlan W. Penn *Harlan Penn*
Subject: Quarterly Report Information - January to March, 1996
Date: July 18, 1996

Following is narrative information on the settlements during the January through March quarter:

Gallimore v. Keohane, CV 95-1379-LGB(E), (CDCA) (Bivens) and CV 96-0663-RAP (Jrx), (CDCA) (FTCA). In these cases the US Attorneys Office entered into a settlement for \$10,000 without the concurrence of the Bureau of Prisons. Leon Weidman, Civil Chief for the US Attorneys Office, states this is not the practice in his office and should not occur again. The facts are that two correctional staff at USP, Lompoc held Gallimore by both arms and apparently twisted his arm with some nerve injury resulting. The Officers admit holding Gallimore but claim it was "horseplay". Gallimore acknowledged that they did not intend to harm him but also claimed he was threatened him if he reported the incident.

Svarverund v. United States, CV 94-6488, (DOR) (FTCA). Settled claim by Lane County Deputy Sheriff who was injured when he fell from training tower at SORT facility. The Tower was constructed without a safety railing that would have prevented the injury. The Court pushed for settlement although the plaintiff's contributory negligence might have resulted in a smaller award.

LITIGATION 2nd QTR, 1996 QUARTER REPORT
(Jan., Feb. & Mar)

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	47	19	9	18	1	11	333	47	0	0	2	\$67,500
CO												\$
TOT												\$

DEFINITIONS

LOC - Location
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LITIGATION ANALYSIS

Settlements:

Svarverund v. U.S. CV94-6488, D.OR \$57,500
 Gallimore v. Reohane CDCA 10,000

BELOW ARE SUGGESTED TABLES FOR REPORTING REQUESTED DATA FOR OFFICE OF GENERAL COUNSEL. APPROPRIATE NARRATIVE ANALYSIS WILL BE INCLUDED.

TORT CLAIMS second Quarter - FY 96 (January - March 1996)

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXR	141	106	17	(settle) 53	4415	134	148	3	19	97

WD MED PPPI
 4 12 2

DEFINITIONS

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- APPR - APPROVED
- AMT - TOTAL AMOUNT APPROVED
- DEN - DENIED
- PEND - PENDING
- OD - NUMBER OVERDUE
- A/O - AVERAGE NUMBER OF DAYS OVERDUE
- A/P - AVERAGE LENGTH OF TIME TO PROCESS

WD - Wrongful death

MED - PIM + WDM + PPPIM + PPWDM

PPPI - both PROP + PI

MEMO

To: Wallace H. Cheney, General Counsel
From: Harlan W. Penn *Harlan Penn*
Subject: Quarterly Report Information - April to June, 1996
Date: July 18, 1996

Following is narrative information on the settlements and judgments during the April through June quarter:

Allen-Atkins v. Reno. CIV 93-707 TUC-WDB, (DAZ) (EEO). Employment discrimination case involving former Tucson employee now working in Central Office. Settlement for \$25,500.

Usselman v. Crabtree. CV 93-1577 FR, (DOR) (FTCA). Judgement for \$150,000 after trial on issue of damages. The United States conceded liability due to probationary officer returning Usselman to his cell handcuffed without handcuffing his cell mate per policy. Cell mate then used a metal pipe to beat Usselman on the head while the officer watched until other staff arrived. Usselman suffered permanent brain damage.

LITIGATION 3rd Qtr, 1996 QUARTER REPORT
(Apr., May & June)

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	55	34	4	15	2	24	268	20	1	1	1	\$175,500
CO												\$
TOT												\$

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LITIGATION ANALYSIS

Settlement:

Allen Atkins v. Reno, CV93-707, D.OR \$25,500

Trials:

Unselman V. Crabtree, D.OR \$150,000

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TORT CLAIMS Third Quarter - FY 96 (April - June 1996)

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXR	181	120	58	(settled) 34	3546	99	149	3	29	68

$\frac{WD}{1}$ $\frac{MED}{2}$ $\frac{PPPI}{0}$

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- PI - PERSONAL INJURY CLAIM
- APPR - APPROVED
- AMT - TOTAL AMOUNT APPROVED
- DEN - DENIED
- PEND - PENDING
- OD - NUMBER OVERDUE
- A/O - AVERAGE NUMBER OF DAYS OVERDUE
- A/P - AVERAGE LENGTH OF TIME TO PROCESS

WD - Wrongful death

MED - PIM + WDM + PPPI M + PPWDM

PPPI - Both prop + PI



**U.S. Department of Justice
Federal Bureau of Prisons**

Office of the Regional Director

Dublin, California 94568

January 9, 1997

MEMORANDUM TO WALLACE H. CHENEY, GENERAL COUNSEL

FROM: *Harlan W. Penn*
Harlan W. Penn, Regional Counsel

SUBJECT: Quarterly Report for Period July to September, 1996

Attached are the forms reporting information for the July to September, 1996 quarter. There were no Settlements, Awards or Trials requiring narrative analysis during that period.

LOC	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	AWD	SET	AWD/SET
MXR												\$
NCR												\$
NER												\$
SCR												\$
SER												\$
WXR	56	40	4	11	1	17	294	30	0	0	0	\$ 0
CO												\$
TOT												\$

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LITIGATION ANALYSIS

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TORT CLAIMS 4th Quarter FY-96 JULY 1, 1996 - SEPTEMBER 30, 1996

LOC	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
WXR	132	98	30	24	3102	102	140	10	24	116

<u>WD</u>	<u>MED</u>	<u>PPPI</u>
1	1	2

DEFINITIONS

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DEN - DENIED
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A/O - AVERAGE NUMBER OF DAYS OVERDUE
A/P - AVERAGE LENGTH OF TIME TO PROCESS
 W/D - Wrongful Death
 MED - PIM & WDM & PPPIM & PPWDM
 PPPI - Both Property and Personal Injury

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UNITED STATES GOVERNMENT
MEMORANDUM

FEDERAL BUREAU OF PRISONS

DUBLIN, CALIFORNIA

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U. S. Department of Justice
Federal Bureau of Prisons

Western Regional Office

Dublin, California 94568

FACSIMILE TRANSMISSION RECORD

Bureau of Prisons
Western Regional Office
7950 Dublin Blvd., 3rd Floor
Dublin, CA 94568
Office Phone 510-803-4723
FAX No. (510)803-4818

Date: 3/18/96

Number of Pages 3
(Excluding Cover Sheet)

To: Joyce Zoldak, Assoc. Gen. Counsel
ATTEN: Margaret Rogers
Admin. Tech.

From: Lida - WRO

Remarks: Qtly Report Stats.

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SER										
NCR										
SCR										
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CO										
TOT										

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NER												\$
SCR												\$
SER												\$
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CO												\$
TOT												\$

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LITIGATION ANALYSIS

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