

United States Government
memorandum

Date: June 10, 1997

**Reply to
Attn Of:** Sherree L. Sturgis, Regional Counsel
Southeast Region

Subject: May, 1997 SER Litigation

To: SER CEOs, Regional Administrators
Institution Attorneys and Paralegals
Wallace H. Cheney, General Counsel
Joyce Zoldak, Associate General Counsel
Regional Counsel

New Cases - Civil

1. **DONALD P. CHAPPELL v. VINCENT DISANTO**

Court: Northern District of Georgia

Docket No.: 1:96 CV-1725

Institution: USP Atlanta

Type of Case: Personal Liability

Subject: **MEDICAL TREATMENTS**

Facts alleged: ATL inmate in 1996 claims that he has chronic pain from a foot injury from the Vietnam war. Staff have refused pain medication, change in job, and special shoes.

Damages Requested: 400,000.00; Not assigned to special monitoring

Assigned to: Jane Swift, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

2. **AUGUSTO G. FALCON v. PATRICK WHALEN**

Court: Southern District of Florida

Docket No.: 97-1488

Institution: FDC Miami

Type of Case: Habeas Corpus

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: MIM inmate in 1997 claims confinement in SHU since 1991 is not justified by security concerns and therefore is punishment without due process. He suffers mental and medical problems as a result.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robyn Hermann, Assistant U.S. Attorney, Chief, Civil Division, Miami, Florida; Michael Pybas, Attorney Advisor, MIM

3. **SALVADOR MAGLUTA v. PATRICK WHALEN**

Court: Southern District of Florida

Docket No.: 97-1490

Institution: FDC Miami

Type of Case: Habeas Corpus

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: MIM inmate in 1997 claims confinement in SHU since 1991 is not justified by security concerns and therefore is punishment without due process. He suffers mental and medical problems as a result.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robyn Hermann Assistant U.S. Attorney, Chief, Civil Division, Miami, Florida; Michael Pybas, Attorney Advisor, MIM

4. **RICHARD FRESON v. US**

Court: Southern District of Florida

Docket No.: 97-1373-CV-GRAHAM

Type of Case: Personal Liability and Tort

Subject: **ASSAULTS**

Facts alleged: Civilian working as a private courier in 1994 was assaulted by staff while attempting to deliver a package to an employee at MIA. A staff member punched him in the head, broke his glasses, and caused his head to strike a flagpole, resulting in extensive bleeding.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Vivian Rosado, Assistant U.S. Attorney, Miami Florida; Michael Pybas, Attorney Advisor, MIM

5. **GILLERMO GIL v. WARDEN WILLIE J. SCOTT**

Court: Northern District of Georgia

Docket No.: 1:96-CV-03071

Type of Case: Personal Liability and Tort

Subjects: **MEDICAL TREATMENT, CONDITIONS OF CONFINEMENT**

Facts alleged: Inmate claims in 1994 in ATL he injured his ankle playing soccer. Staff ignored a prison hospital determination that he could eat in his unit. He was required to go down steps in housing unit and to dining hall on crutches. Elevator did not work. He fell down the stairs injuring his neck and spine.

Access to medical care was delayed. Staff would not permit food to be brought to him in his cell.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Curtis Anderson, Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Terry Collins, Attorney Advisor, ATL

6. **CHARLES EDWARD HUNTER v. DANNY HOBBS**

Court: Middle District of Florida

Docket No.: 97-422-CV-J-20A

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts alleged: COL inmate in 1997 claims his PSI Report is incorrect.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Ralph Lee Assistant U.S. Attorney, Jacksonville, Florida; Darrin Scott, Attorney Advisor, COL

7. **DOROTHY JEAN JONES v. L. R. GREER**

Court: Northern District of Florida

Docket No.: 497-CV-098

Type of Case: Habeas Corpus

Subject: **SENTENCING**

Facts alleged: TAL inmate in 1997 seeks a one year credit for completing DAP. Credit was denied because of two level enhancement on her sentence for possession of dangerous weapon.

Damages Requested: 400,000.00; Not assigned to special monitoring

Assigned to: Jane Swift, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

8. **JESSIE LEE MYLES v. UNITED STATES**

Court: Northern District of Florida

Docket No.: 5:97-CV-76/RH-2/MD

Type of Case: Habeas Corpus

Subject: **SENTENCING**

Facts alleged: MNA inmate in 1997 claims that he should be eligible for a one year credit on his sentence for the completion of DAP because he is currently serving a sentence as a not based on a crime of violence. He claims discrimination against current non-violent offender.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Michael Finney, Assistant U.S. Attorney, Pensacola, Florida; Sterling Dawson, Paralegal Special, MNA

9. **ISHMAEL VALLADE v. BUREAU OF PRISONS et. al**

Court: Northern District of Georgia

Docket No.: 1:96 CV-1332-RLV

Institution: USP, Atlanta

Type of Case: Federal Tort Claims Act

Subject: **PROPERTY**

Facts alleged: Inmate claims his property was lost when he was transferred from JES to GUA in 1994.

Damages Requested: 10,000.00; Not assigned to special monitoring

Assigned to: Curtis Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Terry Collins, Attorney Advisor, ATL

Significant Activity On Existing Cases - Civil

1. **NICHOLAS LASORSA V. SALVATORE SEANEZ**

Court: Northern District of Georgia

Institution: FCI, Marianna

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts: MNA inmate in 1996, claims should receive 12 month sentence reduction for completing (DAP). He should not have been classified as "violent criminal" for use of weapon, as per BAILEY.

Significant Activity: 03-28-1997 Magistrate's report recommends dismissal based on inmate's request. 04-25-1997 Order dismisses case.

2. **GEORGE JOHN LAURENTI V. STEVE MORTON, et al**

Court: Southern District of Florida

Docket No.: CIV-96-2382

Type of Case: Personal Liability

Subject: **ASSAULTS, MEDICAL TREATMENT**

Facts Alleged: Hermann MIA inmate claims SORT used excessive force while quelling disturbance during Hurricane Andrew in 1992. Evacuated to Duval County, no medical care for a rash.

Significant Activity: 05-07-1997 Order dismisses case for inmate's failure to appear at status conference. Inmate is a fugitive.

3. **CHARLES RELIFORD v. U.S.**

Court: Northern District of Georgia

Docket No.: 1:95-CV-1002-JTC

Type of Case: Federal Tort Claims Act

Subject: **PROPERTY**

Facts Alleged: ATL inmate in 1994 seeks \$100 for property lost in the mail where officer allegedly refused to allow inmate to insure the package before sending it to TDG.

Significant Activity: 12-29-1996 Order dismisses case for inmate's failure to correct defects in service on defendants. Appeal to Eleventh Circuit, 96-2347. 01-29-1997 Appeal dismissed.

4. **WILLIAM VASQUEZ V. U.S. BUREAU OF PRISONS, et al**

Court: Southern District of Florida

Docket No.: 92-2201-CIV-MARCUS

Type of Case:

Subject: Personal Liability

Facts Alleged: Inmate presently at SPG claims MIA staff members failed to secure his property when placing him in administrative detention.

Significant Activity: 05-28-1997 Order dismisses case with prejudice.

5. **ELENA RIVERA V. U.S.**

Court: Southern District of Florida

Docket No.: 93-1380-CIV-KING

Type of Case: Federal Tort Claims Act

Subject: TORT

Facts Alleged: Civilian alleges that in 1990, a MIA staff member was negligently operating a car which collided with hers, causing her injury. Offered \$37,000 in settlement of administrative claim.

Significant Activity: 05-17-1994 Dismissed based on settlement.

Criminal Cases

1. **GERRARDO RODRIGUEZ-RAMOS, 09407-069**

Institution Tracking No.: ATL:95-7006

Name of Case: U.S. v. Rodriguez-Ramos

Court: FGAN, Docket No.: 1:97-CR-128

Institution: ATL

Date of Offense: 03-11-1996

Description: Inmate set fire to cell.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: 03-19-1997 Indicted for arson. Trial scheduled for 06-22-1997

Assigned to: AUSA: Dave Nahamias

2. JOHN HUMMANSTI, 57495-065

Institution Tracking No.: ATL-96-0069

Name of Case: U.S. v. Hummansti

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 12-13-1996

Description: Inmate assault on staff member, C.O. Christine Scott.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: 03-19-1997 Indicted for Assaulting C.O.

Assigned to: AUSA: Joe Plummer

3. DESMOND MORRIS, 83529-022

Institution Tracking No.: ATL-96-0243

Name of Case: U.S. v. Desmond Morris

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 09-12-1996

Description: Inmate assaulted staff, Judi Parks, Robert Willis, Melvin Adams

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: Indicted, 05-29-1997 Pretrial Conference.

Assigned to: AUSA: Katherine Monahan

4. JACK QUARLES, 42883-019

RICHARD ELIFF, 20244-001

Institution Tracking No.: ATL-96-0277

Name of Case: U.S. v. Quarles

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 10-10-1996

Description: Escape - Inmates observed crossing street to convenience store.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: Pending indictment

Assigned to: AUSA: Beverly Mitchell

5. ANTHONY BATTLE

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: 12-21-1994

Description: Inmate killed correctional officer, D'Antonio Washington with hammer.

Special Monitoring: Death of Staff

Status of Referral: Accepted

Update: Convicted, sentenced to death. 04-03-1997 Motion for New Trial, Sentencing Hearing and

Correction or Reduction of Sentence.
Assigned to: AUSA: McKinnon, Jenkins

6. RICKY JONES, 10724-018

Institution Tracking No.:
Name of Case:
Court: , Docket No.:
Institution: JES
Date of Offense: 05-06-1997
Description: Inmate Michael Graham beaten on head. 24 sutures to close laceration.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Will indict for Assault with intent to kill.
Assigned to: AUSA:

7. LARRY COWARD, 12989-056

TRAVIS JEFFERSON, 91086-071

Institution Tracking No.: 7034
Name of Case:
Court: , Docket No.:
Institution: EST
Date of Offense: 05-04-197
Description: Inmate Coward approached staff for film to take photos in visiting room. Film given. When camera bag searched later, found unopened can of film. Can contained marijuana.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Awaiting indictment.
Assigned to: AUSA:

8. STEVEN HOLLOWAY, 01839-112

Institution Tracking No.:
Name of Case:
Court: , Docket No.:
Institution: COM
Date of Offense: 05-22-1997
Description: Inmate in SHU for assaulting inmate destroyed cell. Broke window, pulled bolted in desk from wall. Threw carton of milk, striking staff member. When staff entered cell for forced move, soap on floor caused staff to slip. Injured two staff by striking with heavy object in sock.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Indictment pending
Assigned to: AUSA:

June Travel Plans

Sturgis - AL 6-13, 6-16, 6-23

Vandivier - AL 6-16 to 6-30

Cotton - ML 6-2 to 6-13, AL 6-19 to 6-20