

UNITED STATES GOVERNMENT

memorandum

DATE: October 4, 2001 Mid-Atlantic Regional Office, Annapolis Junction, MD 20701

REPLY TO: Bill Burlington, Regional Counsel
ATTN OF: Mid-Atlantic Region

SUBJECT: September 2001 Monthly Report

TO: Christopher Erlewine, General Counsel

ATTN: Linda DuBose, Executive Assistant

ADMINISTRATIVE REMEDIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	167	114	138	122	149	131	126	139	135			
Answered	144	170	115	103	180	113	127	153	169			
TORT CLAIMS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	180	146	139	128	113	113	124	159	146			
# Received	27	39	36	34	33	34	50	42	42			
# Answered	66	41	35	39	33	25	16	49	52			
# Pending	146	139	128	113	120	124	159	146	140			
# Over Six Month	2	2	2	3	3	4	4	1	2*			
*Serious personal injury and complex false imprisonment claim still under review.												
FOI/PRIVACY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	33	32	36	33	45	38	37	33	36			
# Received	45	46	39	63	56	49	53	55	33			
# Answered	48	43	40	54	61	46	60	53	47			
# Pending	32	36	33	45	38	37	33	36	22			
# Over 20 Working Days	1	2	3	4	2	3	4	1	2*			
*Awaiting files from archives.												
LITIGATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Pending	174			79	81	75	78	81	87			
New Cases Received	13	11	8	9	4	13	7	9	6			
Habeas Corpus	7	4	3	5	3	5	0	4	2			
Bivens	3	5	3	2	1	5	2	3	2			
FTCA	0	0	0	1	0	1	3	2	0			
Other	3	2	2	1	0	2	2	0	2			
Cases Closed				7	10	10	3	3	13			
Cases Pending			79	81	75	78	81	87	80			
Lit Reports Completed	8	9	13	11	13	6	10	10	10			
Cases/Hearings or Trials	0	1	0	0	1	0	0	0	0			
Settlements/Awards	1	1	1	0	1	0	0	0	1			
\$ Settlements/Awards (\$ in Thousands)	\$100.	\$22.	\$375.	0	\$50.0	0	0	0	\$50.0			

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SIGNIFICANT DECISIONS OR ADVERSE DECISIONS:

LEXINGTON CLC - Antonio Pagan v. Thoms - In this official capacity Bivens case, Judge Forester opined that the Plaintiff had been provided the requested relief for his prostate condition, so the case is moot. However, Forester then entered judgment for the Plaintiff under the theory he prevailed because he received the requested relief from the Defendants. This judgment will be appealed.

LEXINGTON CLC - Calvin Matthews v. Neil Brown - In this 8th Amendment Bivens case plaintiff alleges Officer Brown touched his genitals during a pat search and used racial slurs against him. Judge Wilhoit dismissed the case on the merits and gave Matthews another "strike" under the PLRA. We researched Matthews' litigation history across the country and found he had many more than 3 frivolous suits at FCI Memphis and prior institutions, and argued 3 strikes in our motion to dismiss. However, in another case filed by Plaintiff, an FTCA action, Wilhoit recognized our argument in this Bivens action and opined Plaintiff had a mere two strikes. Accordingly, the strike now given Plaintiff in the Bivens dismissal constitutes Plaintiff's third strike. A memo was prepared, with a copy of the pleadings attached, and was placed in Matthew's central file at FCI Ashland. An entry was also made in LawPack indicating Matthews has three strikes.

SETTLEMENTS:

FCI MILAN - Billie Nidiffer v. U.S. - We have recently sent the signed settlement forms in this medical malpractice case to the Central Office.

[REDACTED]

b5

MXRO CLC - Administrative Tort Claim T-MXR-2000-01426 - Inmate [REDACTED] filed an administrative tort claim alleging medical malpractice while housed at FCI Cumberland. Inmate [REDACTED] was treated for venous insufficiency when in fact cervical cord compression affected his ability to walk. He is now housed at FPC Seymour Johnson. Inmate [REDACTED] claim is for \$10 million. AFIP's review found delays in diagnosis and departures from the standard of care. We received settlement authority and have offered the claimant \$15,000. Shortly thereafter, we received a letter from a law firm indicating they are now representing [REDACTED]. They did not mention our offer of settlement. We are still awaiting a response to our offer.

b7c

UPDATE ON CASES, TRIALS OR HEARINGS, ETC. NOTED IN PRIOR REPORTS:

BUTNER CLC - Myers v. Tommie Smith, et al., FCI Petersburg - This is a Bivens case in which the Plaintiff alleges that a Correctional Officer agreed to bring contraband into the institution, and threatened to have the plaintiff beat up.

[REDACTED]

b2

MXRO CLC - Byrd, et al. v. Gunja, et al., - FCI, Cumberland Plaintiffs in this case are a group of Muslim inmates. They allege that their right to freely exercise their religion has been violated because staff will not allow them to offer prayer in congregation 5 times a day, as required by their religion (Islam). On September 17, 2001, we filed a Motion to Dismiss or in the alternative for Summary Judgement making several arguments. We argued that two plaintiffs should be dismissed for failing to exhaust their administrative remedies; that defendants are entitled to qualified immunity; that there is no right to congregate prayer; and even if there is such a right, the prison prohibitions in question were

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reasonable under Turner and O'Lone. Noteworthy as well was the Department's position that since plaintiffs did not raise RFRA, we were not required to brief it and argue it.

MXRO CLC - Reeder v. USA - FCI Cumberland - Survivors of inmate Howard Reeder, Reg. No. 12413-058, filed a wrongful death action. Several days after undergoing angioplasty at a Washington hospital, inmate Reeder was exercising by walking the track at FCI Cumberland. He later died after reporting that he was not feeling well. AFIP review of BOP action is favorable. Inmate's minor son and wife each filed a tort claim for \$500,000. After a thorough investigation of the facts, we determined that under Maryland law, it appeared that plaintiffs would not be able to survive a motion for summary judgment. Therefore, we submitted a draft motion for summary judgment to the U.S. Attorney's Office. [REDACTED]

b5

BECKLEY CLC - Craig v. Martin, et al. - FPC Alderson - This is a pending Bivens and FTCA action arising from a sexual assault by a former Correctional Officer. The United States Attorney's Office was notified today that the Alderson Legal Assistance Program of Washington and Lee University School of Law will be entering a notice of appearance on behalf of the inmate. [REDACTED]

b5

CRIMINAL:

BECKLEY CLC - [REDACTED] was indicted September 25, 2001, after he grabbed a contract staff member in the genital area and knocked her to the floor. The United States Attorney's Office was extremely responsive, resulting in an indictment within a week of the incident.

BECKLEY CLC - [REDACTED] were previously indicted for Assault (18 U.S.C. § 111(a)(1) and 111(b)). The charges stem from the disturbance at FCI Beckley in December 1999. Discovery continues as we prepare for trial. Trial was scheduled for May 30-31, but has now been postponed.

BECKLEY CLC - [REDACTED] former Chaplin, was indicted on January 31, 2001, for Possession with Intent to Distribute Heroin. Trial has been rescheduled for October 9, 2001.

b7c

LEXINGTON CLC - The attorneys at the Lexington CLC are assisting the U.S. Attorney's Office with criminal discovery in the case against FPC Lexington inmate [REDACTED], who is being prosecuted for assault against a fellow inmate.

SITUATIONS OF INTEREST, CONTACT WITH FEDERAL BENCH, HAZARDOUS WASTE SITES, ETC.:

BUTNER CLC - Military Prisoner - FMC Butner - Inmate [REDACTED] was convicted of sexual abuse of children and sent to FMC Butner as a potential 18 U.S.C. §4246 commitment. After conducting a study, FMC Butner staff concluded that [REDACTED] is a pedophile with a very serious potential to engage in future violent acts against children. After much debate about whether pedophilia meets the definition of mental illness, arrangements were made to transport inmate [REDACTED] to Florida, where he will be prosecuted on an old state child sexual abuse charge.

Concerns at Sussex II (Contract for D.C. prisoners) - Harley Lappin and Tom Kane met with representatives from the office of Eleanor Holmes Norton

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regarding the treatment of D.C. prisoners at Sussex II. Their main concern involves overly-punitive treatment of inmates by the current warden and his staff. The D.C. Prisoners Legal Services Project, Inc., has provided us with a list of their concerns, which we will review this month when we conduct a monitoring visit. Mike Bredenberg will be part of the monitoring team.

No Smoking Policy at FMC Butner - FMC Butner has a BP-9 which challenges the non-smoking policy at FMC Butner, and mentions that the CFR mandates the Warden shall designate smoking areas for inmates. While they have not cited Webber v. Crabtree, this is the first serious challenge we have had to the non-smoking policy. We learned that an impasse panel will consider the status of our new Inmate Smoking Program Statement later this month.

[REDACTED]

b2

LEXINGTON CLC - Coleman, Lester, TRT-MXR-2001-04493 - While FCI Manchester was verifying his sentencing information it was determined that the Northern District of Illinois had prepared a J&C order with an incorrect offense date. The sentence was corrected and verified as an offense date of March 24, 1990, making Inmate Coleman's term eligible for aggregation. Based upon the state jail credit, it appears Coleman over served by 158 days. A damage letter was sent to his counsel on September 6, 2001, and we are awaiting response.

Dr. Sam Samples (S.D. West Virginia) - I have been working with Sam Samples to develop language his Chief Judge can use to ensure that state child support obligations are not overlooked by our staff when determining an inmate's Financial Responsibility Plan. Dr. Samples is now the Chief United States Probation Officer in the Southern District of West Virginia (Charleston).

BUTNER CLC - Video-conference equipment provided by Warden Beeler was installed at the E.D.N.C. court his month.

Personnel Issues:

[REDACTED]

b6

[REDACTED]

[REDACTED]

b2

[REDACTED]

b2

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Mid-Atlantic Region Litigation for the Month of September 2001

MARO Consolidated Legal Center						Butner Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FCI CUM	0	0	0	1	1	FCC BUT	0	0	0	1	1
FCI MEM	0	0	0	0	0	FCI PET	0	0	0	0	0
						PET MED	0	0	0	0	0
FCI MRG	0	0	0	0	0	FPC SEY	0	0	0	0	0
MXR	0	0	0	0	0	Winton	0	0	0	0	0
Hazelton	0	0	0	0	0	VA Contracts	0	0	0	0	0
Ohio Co.	0	0	0	0	0		0	0	0	1	1
	0	0	0	1	1						

Lexington Consolidated Legal Center						Beckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FMC LEX	1	0	0	0	1	FCI BEC	0	2	0	0	2
FCI ASH	0	0	0	0	0	FPC ALD	0	0	0	0	0
FCI MAN	1	0	0	0	1	USP LEE	0	0	0	0	0
Big Sandy	0	0	0	0	0	Glennville	0	0	0	0	0
McCreary	0	0	0	0	0	McDowell	0	0	0	0	0
	2	0	0	0	2		0	2	0	0	2

	Bivens	HC	FTCA	Other	Total
Regional Total	2	2	0	2	6

Mid-Atlantic Region Litigation Year To Date

MARO Consolidated Legal Center						Beckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FCI CUM	1	6	1	1	9	Big Sandy	0	0	0	0	0
FCI MEM	2	2	0	0	4	McCreary	0	0	0	0	0
							11	6	2	1	20
FCI MRG	0	0	0	0	0						
MXR	0	0	0	2	2						
Hazelton	0	0	0	0	0						
Ohio Co.	0	0	0	0	0						
	3	8	1	3	15						

Lexington Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FMC LEX	4	3	1	1	9
FCI ASH	3	3	0	0	6
FCI MAN	4	0	1	0	5

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Butner Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCC BUT	6	3	0	9	18
FCI PET	3	5	0	0	8
PET MED	0	0	0	0	0
FPC SEY	0	0	0	0	0
Winton	0	0	0	0	0
VA Contracts	0	1	0	0	1
	9	9	0	9	27

Beckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCI BEC	2	10	3	0	15
FPC ALD	1	0	1	0	2
USP LEE	0	0	0	0	0
Glenville	0	0	0	0	0
McDowell	0	0	0	0	0
	3	10	4	0	17

	Bivens	HC	FTCA	Other	Total
Regional Total	26	33	7	14	80

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Habeas Corpus	7	4	3	5	3	5	0	4	2	2		
Bivens	3	5	3	2	1	5	2	3	2	0		
FTCA	0	0	0	1	0	1	3	2	0	1		
Other	3	2	2	1	0	2	2	0	2	2		
Cases Closed				7	10	10	3	3	13	8		
Cases Pending			79	81	75	78	81	87	80	77		
Lit Reports Completed	8	9	13	11	13	6	10	10	10	6		
Cases/Hearings or Trials	0	1	0	0	1	0	0	0	0	0		
Settlements/Awards	1	1	1	0	1	0	0	0	1	0		
\$ Settlements/Awards	\$100.	\$22.	\$375.	0	\$50.0	0	0	0	\$50.0	0		
(\$ in Thousands)												

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SIGNIFICANT DECISIONS OR ADVERSE DECISIONS:

LEXINGTON CLC - Pagan v. Thoms (FMC Lexington) - We have submitted our appeal recommendation in this case. Both the U.S. Attorney's Office and BOP recommend appeal in this case. Judge Karl Forrester refused to dismiss this PLRA case for failure to exhaust, and then entered injunctive relief for plaintiff before finally entering a confusing order which suggested the case was moot because plaintiff had obtained the relief he requested. The final order stated Plaintiff was granted the relief he sought.

BUTNER CLC - U.S. v. Salvatore Arena (Butner) - We have just received a favorable decision allowing Butner staff to involuntarily, but not forcibly medicate an incompetent defendant. Significantly, the Court expands the decision in U.S. v. Weston, finding the concept of dangerousness includes the danger to the community that attends the unlawful distribution of over 450 kilograms of cocaine. The inmate insists he will not take the medication unless ordered to do so by the court.

SETTLEMENTS:

MXR CLC - Administrative Tort Claim T-MXR-2000-01426 - Inmate [REDACTED], filed an administrative tort claim alleging medical malpractice while housed at FCI Cumberland. Inmate [REDACTED] was treated for venous insufficiency when in fact cervical cord compression affected his ability to walk. He is now housed at FPC Seymour Johnson. Inmate [REDACTED] claim is for \$10 million. AFIP's review found delays in diagnosis and departures from the standard of care. We received settlement authority and have offered the claimant \$15,000. Shortly thereafter, we received a letter from a law firm indicating they are now representing [REDACTED]. They did not mention our offer of settlement. We are still awaiting a response to our offer. b7c

UPDATE ON CASES, TRIALS OR HEARINGS, ETC. NOTED IN PRIOR REPORTS:

BUTNER CLC - Mayers v. Smith (Petersburg) - This is the Bivens case in which the Plaintiff alleges that a Correctional Officer agreed to bring contraband into the institution, and threatened to have the inmate beat up. The staff member died suddenly of a heart attack this month. We have notified the court of the defendant's death and are waiting to see if the plaintiff moves to substitute the defendant's estate.

MXR CLC - Michael Chernesky (Morgantown) - We have an order from Judge Payne, Eastern District of Virginia, in which he asks us to respond to an inmate's letter complaining that under the IFRP, his wife is required to pay money toward his restitution obligation. In his order, Judge Payne suggests he has "constitutional concerns" with how BOP is implementing the IFRP. The U.S. Attorney's Office indicates Judge Payne is often an activist judge vis a vis Executive Branch agencies, and that they fully expect he will rule against us in this case.

MXR CLC - Byrd, et al. v. Gunja (Cumberland) - Plaintiffs in this case are a group of Muslim inmates at FCI, Cumberland. They allege that their right to freely exercise their religion has been violated because staff will not allow them to offer prayer in congregation 5 times a day, as required by their religion (Islam). We filed a motion for enlargement of time (Judge has permitted each Plaintiff to file a separate response to our motion to dismiss) to file a consolidated response to all of the Plaintiffs' responses to our motion to dismiss. While the judge granted this motion, he denied our motion for reconsideration in which we sought

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Helene Vivian, Regional IFRP Coordinator and Matthew Mellady participated in a joint training session with the U.S. Attorney's Office, the U.S. Probation Office and the Clerk's Office for the United States District Court (Maryland), focusing on the collection of criminal fines and restitution and the IFRP program.

Personnel Issues:

b6

Staff Leave and Travel

[REDACTED] - November 7 & 8 Defense Attorney/Probation Officer Presentation, Chattanooga, TN
November 12 to 14 New Attorney Training/Regional Office.

[REDACTED] - Washington, D.C. Nov. 12-16 New Attorney Training

[REDACTED] FOIA training Washington, D.C.- Nov 1

[REDACTED] will teach SIS course at MSTC, Colorado, on Nov. 7-8.

[REDACTED] Honors Attorney Interviews - Washington, D.C. Nov 2 & 5
Cleveland - Nov 6

[REDACTED] Annapolis Nov. 5-8 - Tort Claims training sponsored by the Army.

BIG SPRING

Larry Gray, et al. v. Ronald G. Thompson, et al., No. 01 -CV-1190 (N.D. Tex.). Former FCI Big Spring inmate alleges that the institution was severely overcrowded, which caused a disturbance in June of 1999. Plaintiff alleges that he was injured (loss of one eye) by shotgun rounds which were discharged in order to quell the disturbance, and that staff subsequently threatened and harassed him and other inmate witnesses during subsequent investigation of plaintiff's allegations of excessive use of force.

FCI FORREST CITY

In Fairchild v. Morrison, No. 2:01CV00107JTR (E.D. Ark.), the Magistrate Judge issued a favorable Proposed Findings and Recommended Disposition on October 15, 2001. The petitioner had been written up for violating Code 213, which was written as "participating in a work stoppage," when he exercised a leading role in a work stoppage and food strike at FCI Bastrop in 1994. He was found guilty and ordered to forfeit 27 days of good time, whereupon he filed a habeas petition. The court chose not to rule on the factual dispute as to whether the petitioner properly exhausted available administrative remedies because "the merits are easily resolved against the petitioner."

The court, granting substantial deference to the BOP's interpretation of its regulations, found that the BOP's interpretation was rational, since other codes in the list of offenses (such as rioting in Codes 105 and 106) treat participation in a prohibited activity the same as encouraging others to participate in that activity. The court also noted that an inmate's participation in an organized work stoppage (Code 213) is more serious than merely refusing to work (Code 306), which the petitioner contends was the proper code.

[REDACTED]

b5

SIGNIFICANT TORT CLAIMS

USP BEAUMONT

Bryant. An administrative tort claim was filed by an attorney on behalf of inmate [REDACTED]. Inmate [REDACTED] claims that he was assaulted by staff at the USP on September 14, 1999. He seeks \$15 million in damages. (TRT-SCR-2001-5043)

b7c

Newman. Two administrative claims have now been filed relating to the Newman lawsuits mentioned under significant cases and in our

last monthly report. (TRT-SCR-2001-05034 & TRT-SCR-2001-06807)

FMC CARSWELL

Lead abatement claims - Three former FMC Carswell employees, the spouse and children of one former Carswell employee, and two Carswell inmates have filed claims alleging that they sustained personal injury in connection with a lead abatement project at Carswell in October 1999. The claimants allege that they were required to abate and dispose of lead materials without having been advised of the dangers associated with handling the material and without having been provided appropriate training and personal protective equipment.

The former employees and the spouse and children of one former employee seek compensation in the amount of \$15,000,000.00 each. (TRT-SCR-2002-06938/[REDACTED]; TRT-SCR-2002-06940/[REDACTED]; TRT-SCR-2002-06992/[REDACTED] and TRT-SCR-2002-06939/[REDACTED])

Each inmate claimant seeks compensation in the amount of \$850,000.00. (TRT-SCR-2001-06919/[REDACTED]; TRT-SCR-2001-06920/[REDACTED])

SIGNIFICANT ADMINISTRATIVE REMEDIES

None

UPCOMING TRIALS OR HEARINGS

On November 6, 2001, a 4245 mental health commitment hearing on Carswell inmate Joye Larson was held in absentia as she refused to attend.

MEDICAL MALPRACTICE

LITIGATION

See Significant Cases above.

TORT CLAIMS

See Significant Torts above.

ENSIGN AMENDMENT

None

b7C

LITIGATION

None

TORT CLAIMS

None

RELIGIOUS FREEDOM RESTORATION ACT**LITIGATION**

See Cases with Hearings held section.

TORT CLAIMS

None

PRISON LITIGATION REFORM ACT ORDERS

None

SITUATIONS OF INTEREST**FCI BASTROP**

Judge R. Hinojosa of the Southern District of Texas, McAllen Division, visited the institution on November 2, 2001. He teaches a course on federal sentencing at the University of Texas School of Law, and he brought his class in order to tour and to discuss federal sentences with staff and inmates. His prior visit, in April 2001, was a success.

FCI/FDC OAKDALE/USP POLLOCK

On October 16, 2001, Donald W. Washington was sworn in as the United States Attorney for the Western District of Louisiana.

USP POLLOCK

Concurrent federal jurisdiction was secured on October 3, 2001, and will exist until July 2005. In order to ensure necessary action is taken to secure permanent jurisdiction without lapse, staff at multiple levels are tracking the matter.

CRIMINAL MATTERS AND PROSECUTIONS**USP BEAUMONT**

On October 15, 2001, inmate Van Dugay pled guilty to violating 18 U.S.C. Sec. 1791 (a) (2), Possession of Contraband in a Prison (Marijuana).

On October 9, 2001, inmate Cedric Smith was sentenced to 6 months imprisonment, a two-year term of supervised release, and a \$100 special assessment based upon his earlier conviction for Trafficking in Contraband Articles (Marijuana).

FDC HOUSTON

On October 24, 2001, Anthony Ray Carter, a former FDC Houston correctional officer, received a 6-month term of incarceration in connection with his previously reported conviction for Sexual Abuse of a Ward. The Court ordered Mr. Carter to pay \$1,150 in fines, assessments, and court costs. Following his incarceration, Mr. Carter will be on supervised release for one year during which time he must, among other things, register as a sex offender and notify prospective employers of his conviction. Since resigning from FDC Houston, Mr. Carter resumed his prior employment as a correctional officer with the Texas Department of Criminal Justice. Mr. Carter stated that he intended to appeal his sentence, arguing that the Warden violated the government's agreement to remain silent at sentencing by submitting a letter to the author of the PSI, addressing the seriousness of Mr. Carter's conduct.

FCI OAKDALE

On October 26, 2001, former FCI Oakdale Correctional Officer David Mills received a 46-month term of incarceration after having previously pled guilty to attempting to introduce various drugs, including heroine, into the facility. Mr. Mills is to self-surrender to United States Marshals on November 9, 2001.

USP POLLOCK

The FBI declined, based upon the institution's recommendation, to pursue prosecution of inmate Humberto Solis-Perez for his previously reported September 14, 2001, assault of medical staff. The inmate is currently pending deportation, and prosecution would

have significantly extended the deportation process.

FCI TEXARKANA

Inmates Garcia-Quinones and Zepeda were indicted on July 10, 2001, for their role in a gang-related assault on various inmates on January 19, 2001. Both have entered plea agreements. The AUSA is reviewing appropriate sentencing recommendations.

Inmate Martinez-Ortega was indicted on July 10, 2001, for possession of a weapon in a correctional facility. He is scheduled to go to trial on November 6, 2001.

Due to the limited injuries sustained, the referral of assault charges by inmates Arugello, Rodriguez-Salas, Romero-Barcenas and Hernandez-Valenzuela for the September 2, 2001, assault of inmate Aguilar-Torres was declined. The Warden concurs.

PERSONAL ISSUES

[REDACTED]

Scheduled Annual/Sick Leave:

- [REDACTED] - November 8 & 9 - Annual Leave
- [REDACTED] - November 9 - Annual Leave
- [REDACTED] - November 13-16 - Annual Leave
- [REDACTED] - November 16-26 - Annual Leave
- [REDACTED] - November 19-21 - Annual Leave
- [REDACTED] - November 19-23 - Annual Leave
- [REDACTED] - November 19-23 - Annual Leave
- [REDACTED] - November 19-23 - Annual Leave
- [REDACTED] - November 21 - Annual Leave
- [REDACTED] - November 21-23 - Annual Leave
- [REDACTED] - November 21-23 - Annual Leave

b6

UNITED STATES GOVERNMENT
memorandum

DATE: December 5, 2001 Mid-Atlantic Regional Office, Annapolis Junction, MD 20701

REPLY TO: Bill Burlington, Regional Counsel
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TORT CLAIMS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	180	146	139	128	113	113	124	159	146	140	133	
# Received	27	39	36	34	33	34	50	42	42	41	37	
# Answered	66	41	35	39	33	25	16	49	52	57	49	
# Pending	146	139	128	113	120	124	159	146	140	133	131	
# Over Six Month	2	2	2	3	3	4	4	1	2	2	2*	

*Serious personal injury and complex false imprisonment claim still under review.

FOI/PRIVACY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	33	32	36	33	45	38	37	33	36	22	21	
# Received	45	46	39	63	56	49	53	55	33	40	18	
# Answered	48	43	40	54	61	46	60	53	47	40	24	
# Pending	32	36	33	45	38	37	33	36	22	21	15	
# Over 20 Working Days	1	2	3	4	2	3	4	1	2	1	2*	

*Awaiting files from archives.

LITIGATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Pending	174			79	81	75	78	81	87	80	77	
New Cases Received	13	11	8	9	4	13	7	9	6	5	4	
Habeas Corpus	7	4	3	5	3	5	0	4	2	2	2	
Bivens	3	5	3	2	1	5	2	3	2	0	1	
FTCA	0	0	0	1	0	1	3	2	0	1	0	
Other	3	2	2	1	0	2	2	0	2	2	1	
Cases Closed				7	10	10	3	3	13	8	7	
Cases Pending			79	81	75	78	81	87	80	77	74	
Lit Reports Completed	8	9	13	11	13	6	10	10	10	6	4	
Cases/Hearings or Trials	0	1	0	0	1	0	0	0	0	0	0	
Settlements/Awards	1	1	1	0	1	0	0	0	1	0	0	
\$ Settlements/Awards (\$ in Thousands)	\$100.	\$22.	\$375.	0	\$50.0	0	0	0	\$50.0	0	0	

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SIGNIFICANT DECISIONS OR ADVERSE DECISIONS:

LEXINGTON CLC - Pagan v. Thoms (FCI Lexington) - Both the U.S. Attorney's Office and BOP recommend appeal in this case wherein Judge Karl Forester refused to dismiss a PLRA case for failure to exhaust, and then entered injunctive relief for plaintiff before finally entering a confusing order which suggested the case was moot because plaintiff had obtained the relief he requested. The final order stated Plaintiff was granted the relief he sought. Much to our chagrin, the Civil Division, DOJ (Peter Maier) has recommended against an appeal. Michael Pybas has asked for a meeting if the Department decides to oppose appeal.

LEXINGTON CLC - Buford v. Thoms (Lexington) - This is a habeas corpus petition challenging petitioner's ineligibility for early release because of his imputed Bailey firearm enhancement. The Court originally ruled for petitioner, and the Sixth Circuit held the case in abeyance pending a ruling in Lopez. After the Lopez decision, the Sixth Circuit remanded the case back to the district court. Judge Wilhoit upheld the BOP's reasoning on the imputed firearms enhancement, holding the BOP regulation was not arbitrary and capricious as being speculative but merely punished the petitioner for conduct which he did, but for which a court chose not to punish him.

SETTLEMENTS:

LEXINGTON CLC - [REDACTED] - TRT-MXR-2001-04493 - (FCI Manchester) - We have offered over \$7,000 in an attempt to settle this false imprisonment tort claim, wherein former Manchester inmate [REDACTED] was kept in prison for 158 days too long. [REDACTED]

b7C
b5

UPDATE ON CASES, TRIALS OR HEARINGS, ETC. NOTED IN PRIOR REPORTS:

MXR CLC - Reeder v. U.S. (FCI Cumberland) - Survivors of inmate Reeder #12413-058, filed a wrongful death action in the District of Maryland. Several days after undergoing angioplasty at the Washington Hospital Center, inmate Reeder was walking the track at FCI Cumberland. He died after reporting that he was not feeling well. AFIP review is favorable. The inmate's minor son and wife each filed a tort claim for \$500,000. We have begun discovery in this case by making our initial disclosures, propounding discovery upon plaintiffs and responding to plaintiffs' interrogatories and requests for production of documents. The first round of depositions are scheduled for December 13, 2001. [REDACTED]

b2

CRIMINAL:

BECKLEY CLC - FPC Alderson - Brian Martin, former Correctional Officer, has been indicted for Abusive Sexual Contact in violation of 18 U.S.C. § 2244. Trial has been scheduled for December 18, 2001.

SITUATIONS OF INTEREST, CONTACT WITH FEDERAL BENCH, HAZARDOUS WASTE SITES, ETC.:

BECKLEY CLC - Deborah Craig v. Martin, et al. (Alderson) - This is a Eivens case in which plaintiff is being represented by the Director of the Alderson Legal Assistance Program. [REDACTED]

b2

[REDACTED]. At the conclusion of this lawsuit, Debbie Stevens and I will meet with the Director of the Alderson

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Legal Assistance Program to discuss this issue.

MXR CLC - [REDACTED] (FPC Cumberland) - An article recently appeared in the Washington Post, regarding former Maryland lobbyist [REDACTED] [REDACTED] early release from Cumberland via 18 USC §3621(e). In response to this article, the prosecutor, AUSA Dale Kelberman, contacted the Bureau claiming that [REDACTED] does not have a substance abuse problem which would justify his admission to the RDAP. We have shared information with AUSA Kelberman, showing that Dr. Chip Silverman, a Clinical Psychologist, supplied Cumberland staff with information indicating [REDACTED] was an alcoholic, and was abusing alcohol immediately prior to incarceration. AUSA Kelberman, based on [REDACTED] denial of a substance abuse problem during the PSR interview, is investigating this case for possible fraud by either the inmate or the psychologist.

b7C

BUTNER CLC - Inmate Smoking at FMC Butner - I just learned from Don Laliberte that despite a favorable ruling from the Federal Services Impasses Panel, we may still be many months away from being able to issue a new policy which will allow wardens to prohibit inmate smoking within our institutions. [REDACTED]

b2

We have recently been receiving a growing number of administrative remedies wherein inmates cite the CFR language that wardens must designate smoking areas. I believe this will be a topic of conversation at our upcoming regional wardens meeting.

BUTNER CLC - FMC Butner previously reported on the case of military prisoner, [REDACTED], who was convicted of serious child sexual assault charges, and was sent to FMC Butner for a forensic evaluation for possible indefinite commitment. We ultimately determined not to seek a 4246 commitment due to concerns regarding whether his diagnosed pedophilia met the commitment criteria. From Butner, [REDACTED] was taken to Florida to face additional sexual assault charges. Today we received word that Florida sentenced [REDACTED] to 10 years incarceration and 5 years probation. He will also have to register with Florida's sex offense registry as a sexual predator.

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LEXINGTON CLC - We were informed that inmate [REDACTED] re-sentencing will be on December 18 in the N.D. of Illinois. This re-sentencing is a result of an appeal filed by Krillich and will result in an increase in his sentence.

b7C

Personnel Issues:

b6

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Mid-Atlantic Region Litigation for the Month of November 2001

MARO Consolidated Legal Center						Burner Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FCI CUM	1	0	0	0	1	FCC BUT	0	0	0	1	1
FCI MEM	0	1	0	0	1	FCI PET	0	1	0	0	1
FCI MRG	0	0	0	0	0	PET MED	0	0	0	0	0
MXR	0	0	0	0	0	FPC SEY	0	0	0	0	0
Hazelton	0	0	0	0	0	Winton	0	0	0	0	0
Ohio Co.	0	0	0	0	0	VA Contracts	0	0	0	0	0
	1	1	0	0	2		0	1	0	1	2

Lexington Consolidated Legal Center						Beckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FMC LEX	0	0	0	0	0	FCI BEC	0	0	0	0	0
FCI ASH	0	0	0	0	0	FPC ALD	0	0	0	0	0
FCI MAN	0	0	0	0	0	USP LEE	0	0	0	0	0
Big Sandy	0	0	0	0	0	Glenville	0	0	0	0	0
McCreary	0	0	0	0	0	McDowell	0	0	0	0	0
	0	0	0	0	0		0	0	0	0	0

	Bivens	HC	FTCA	Other	Total
Regional Total	1	2	0	1	4

Mid-Atlantic Region Litigation Year To Date

MARO Consolidated Legal Center						Lexington Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total		Bivens	HC	FTCA	Other	Total
FCI CUM	2	4	1	1	10	Big Sandy	0	0	0	0	0
FCI MEM	2	3	0	0	5	McCreary	0	0	0	0	0
FCI MRG	0	0	0	0	0		11	7	2	1	21
MXR	0	1	0	2	3						
Hazelton	0	0	0	0	0						
Ohio Co.	0	0	0	0	0						
	4	10	1	3	18						

Lexington Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FMC LEX	4	3	1	1	9
FCI ASH	3	4	0	0	7
FCI MAN	4	0	1	0	5

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Bucner Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCC BNT	6	3	0	12	21
FCC PET	3	6	0	0	9
FPC MED	0	0	0	0	0
FPC SEY	0	0	0	0	0
Winton	0	0	0	0	0
VA Contracts	0	1	0	0	1
	9	10	0	12	31

Seckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCC BEC	0	10	3	0	13
FPC ALE	1	0	0	0	1
USF LEE	0	0	0	0	0
Glenville	0	0	0	0	0
McDowell	0	0	0	0	0
	1	10	3	0	14

	Bivens	HC	FTCA	Other	Total
Regional Total	27	37	8	16	88

UNITED STATES GOVERNMENT

memorandum

DATE January 10, 2002 Mid-Atlantic Regional Office, Annapolis Junction, MD 20701

REPLY TO: Bill Burlington, Regional Counsel
 ATTN OF: Mid-Atlantic Region

SUBJECT: December 2001 Monthly Report

cc: Christopher Erlewine, General Counsel

ATTN: Linda DuBose, Executive Assistant

ADMINISTRATIVE REMEDIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	167	114	138	122	149	131	126	139	135	142	169	133
Answered	144	170	115	103	180	113	127	153	169	125	134	147

TORT CLAIMS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	180	146	139	128	113	113	124	159	146	140	133	131
# Received	27	39	36	34	33	34	50	42	42	41	37	27
# Answered	66	41	35	39	33	25	16	49	52	57	49	36
# Pending	146	139	128	113	120	124	159	146	140	133	131	110
# Over Six Month	2	2	2	3	3	4	4	1	2	2	2	3*

*Serious personal injury and complex false imprisonment claims still under review.

FOI/PRIVACY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
# Pending	33	32	36	33	45	38	37	33	36	22	21	15
# Received	45	46	39	63	56	49	53	55	33	40	18	24
# Answered	48	43	40	54	61	46	60	53	47	40	24	19
# Pending	32	36	33	45	38	37	33	36	22	21	15	22
# Over 20 Working Days	1	2	3	4	2	3	4	1	2	1	2	3*

*Awaiting one file from archives.

LITIGATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Cases Pending	174			79	81	75	78	81	87	80	77	74
New Cases Received	13	11	8	9	4	13	7	9	6	5	4	6
Habeas Corpus	7	4	3	5	3	5	0	4	2	2	2	2
Bivens	3	5	3	2	1	5	2	3	2	0	1	4
FTCA	0	0	0	1	0	1	3	2	0	1	0	0
Other	3	2	2	1	0	2	2	0	2	2	1	0
Cases Closed				7	10	10	3	3	13	8	7	5
Cases Pending			79	81	75	78	81	87	80	77	74	75
Lit Reports Completed	8	9	13	11	13	6	10	10	10	6	4	8
Cases/Hearings or Trials	0	1	0	0	1	0	0	0	0	0	0	0
Settlements/Awards	1	1	1	0	1	0	0	0	1	0	0	0
\$ Settlements/Awards (\$ in Thousands)	\$100.	\$22.	\$375.	0	\$50.0	0	0	0	\$50.0	0	0	0

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SIGNIFICANT DECISIONS OR ADVERSE DECISIONS:

BUTNER CLC (Greensville) - Carter v. District of Columbia - We have just received a transfer order from the U.S. District Court, District of Columbia, transferring this case to the E.D. Virginia. In the suit, several D.C. inmates at Greensville challenge the medical care, the medical co-payment policy, and the food at Greensville. They also challenge the use of the U.S. Parole guidelines for D.C. inmates. This case will present the issue of our relationship in litigation with the Virginia Department of Corrections. As you may know, in the Jackson case (Virginia haircut policy), a D.C. District Court characterized the Virginia DOC as the "agent" of the Bureau of Prisons. [REDACTED]

MXR CLC (Cumberland) - Dorsey v. Bogden - The petitioner in this case was first arrested by state authorities. While those charges were pending, he was removed to federal custody pursuant to a writ and was convicted and sentenced in federal court. After sentencing, Petitioner was returned to state custody and a federal detainer was lodged against him. He then pled guilty to the state charges and was sentenced to a term of imprisonment. He was paroled from his state sentence and placed in federal custody on November 8, 1996. He alleged that he was improperly denied credit toward his federal sentence for time served in state custody, stating that the Pennsylvania sentencing court ordered that his state sentence be served concurrent with his federal sentence. The Court dismissed the case finding that the state cannot bind the federal authorities to require them to run the sentences concurrently and that Petitioner may not receive credit on his federal sentence for time spent in state custody which has been credited to another sentence. The AUSA has sent a letter to the Court asking that this opinion be published.

SETTLEMENTS:

LEXINGTON CLC - (Manchester) [REDACTED] TRT-MXR-2001-04493 - We have offered over \$7,000 in an attempt to settle this false imprisonment tort claim, wherein former Manchester inmate [REDACTED] was kept in prison for 158 days too long. Inmate [REDACTED] has responded with a demand for approximately \$100,000. He had asked for over a million dollars in his original claim.

UPDATE ON CASES, TRIALS OR HEARINGS, ETC. NOTED IN PRIOR REPORTS:

LEXINGTON CLC (FCI Manchester) - Yolonda Burt v. Hawk., et al. - A settlement agreement was reached between the parties concerning the inmate's transsexual needs being met while housed in BOP custody. Burt was transferred from FMC Rochester to FCI Manchester, and while at FCI Manchester made complaints that the BOP was not abiding by the settlement agreement. This precipitated a letter to be sent by the inmate's attorney to the AUSA and BOP/OGC requesting assistance in abiding by the agreement. Joe Tang and I worked with Renee Brinker and Joyce Zoldak, as well as FCI Manchester staff in meeting some of the terms of the agreement. Currently Joe has been working with FCI Manchester staff to utilize an endocrinologist on contract from the University of Kentucky Medical Center with a background in transsexualism to address any medical issues. Joe and FCI Manchester psychology staff are addressing the inmate's psychotherapy and are in contact with the Mayo Clinic in Rochester, MN.

LEXINGTON CLC (FMC Lexington) - Jesse Robard v. Thoms - This is a RDAP

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case in which the Court denied Petitioner's request for §3621(e) eligibility. The language of the Order appears to finally concede all positions presented in Lopez. The case should end most §3621(e) challenges in the Eastern District of Kentucky.

LEXINGTON CLC (FMC Lexington) - U.S. v. Santulli - A dangerous commitment hearing will be held on January 4, 2002, to determine whether Santulli will be returned to the custody of the BOP as a danger to the community based on his psychological condition.

CRIMINAL:

BECKLEY CLC - Brian Martin, former Correctional Officer, FPC Alderson, has been indicted for Abusive Sexual Contact, in violation of 18 U.S.C. § 2244. Trial has been postponed. A new trial date has not been set.

LEXINGTON CLC - United States v. Krilich - Inmate Krilich was to travel to the United States District Court for the Northern District of Illinois for resentencing. Due to medical concerns raised by Krilich's counsel, arrangements have been made with the Court, the AUSA and the defense counsel to conduct the resentencing via a video feed over the telemedicine equipment. This will occur in early January.

MXR CLC (FCI Memphis) - U.S. v. Lisa Lockhart - Defendant is the sister of an inmate incarcerated at FCI Memphis. On February 29, 2000, she introduced into the institution multiple balloons with marijuana and heroin, successfully passing them to the inmate in the visiting room. Staff had confidential information in advance and detained her until law enforcement officials arrived to arrest her. The inmate was placed in a dry cell and the balloons were recovered. The defendant refused to cooperate with the ensuing investigation and was indicted. After a two day trial, the defendant was found guilty. She was recently sentenced, receiving a 78-month term of imprisonment to be followed by a three year term of supervised release.

SITUATIONS OF INTEREST, CONTACT WITH FEDERAL BENCH, HAZARDOUS WASTE SITES, ETC.:

BECKLEY CLC - Harvey Lewis (DC YRA at Beckley) - In the first week of January inmate Lewis was given written notice that within 48 hours he must provide written information from his sentencing court indicating he has judicially challenged the Bureau of Prisons' decision to remove his YRA status. Inmate Lewis responded that he had no written proof that he had filed such an appeal. Accordingly, staff will now remove his YRA status. Inmate Lewis had received multiple infractions for use of drugs. This is one of the first YRA cases where the Director has chosen to use her authority to make an administrative "no further benefit" finding.

BUTNER CLC - Inmate Smoking at FMC Butner - We have just answered several BP-10's supporting Warden Art Beeler's decision to operate FMC Butner as a non-smoking institution for inmates. We are prepared to litigate this issue, as we feel our current regulations allow the Warden discretion to prohibit inmate smoking.

BECKLEY CLC (Alderson) [REDACTED] (Tort Claim of former inmate) - We are referring for outside evaluation (AFIP) the administrative tort claim wherein [REDACTED] claims Alderson staff failed to timely diagnose a

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cancerous lump in her breast. While we did do a timely breast exam (including a mammogram), [REDACTED]

b5

Inmate Discipline for Refusing Halfway House Referral - At our Regional Warden's meeting, both the Director and Regional Director expressed their desire that every eligible inmate will go through a halfway house prior to release. Wardens were encouraged to use everything at their disposal, including discipline, to encourage inmates to go to a halfway house. While the current Program Statement on CCC Utilization, #7310 contains some language indicating staff "may" honor an inmate's refusal to go to a halfway house, [REDACTED]

b5

LEXINGTON CLC - Kevin Walasinski and Joe Tang conducted a Legal Liaison Training session for the FCI Ashland and FCI Manchester liaisons on December 10, 2001.

MXR CLC - T-MXR-2002-00731 - On December 25, 1999, Hope Village halfway house female staff member [REDACTED] was raped and assaulted by [REDACTED] a resident on home confinement. [REDACTED] came into Hope Village halfway house, Langton Place, Washington, D.C., after being called to report. [REDACTED] was severely hurt. The attorney asserts \$3 million in damages, alleging the BOP failed to monitor the Hope Village contract; failed to adhere to its own policies and directives; and failed to train, supervise and monitor Hope Village.

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MXR CLC - T-MXR-2001-06769 - On February 6, 2001, Hope Village resident [REDACTED] was shot in the chest by an unknown assailant in front of the halfway house on Langton Place. He died shortly thereafter. Phillips had arrived at Hope Village the day before. The deceased's mother, represented by counsel, asserts a claim for \$10 million in personal injury and \$10 million for wrongful death. The claim was denied on November 15, 2001, on the basis of the contractor exception.

MXR CLC - T-MXR-2001-05683 - Former inmate [REDACTED] filed an administrative tort claim alleging personal injury as a result of his late release. He claims he was held 60 days over, claiming a sum of \$2000 per day for a total of \$120,000. During our investigation, we have discovered that [REDACTED] has outstanding restitution and misdemeanor assessments in excess of \$54,000. We recently received correspondence from [REDACTED] indicating his employment history and salary since being released and we continue to wait for tax filings and proof of employment and salary for the time period preceding his incarceration.

b7C

LEXINGTON CLC (FMC Lexington) - Joe Tang was contacted by the U.S. Probation Office in Knoxville, Tennessee, and U.S. District Court Judge Leon Jordan concerning inappropriate letters being sent to the Judge by inmate [REDACTED]. It was decided that [REDACTED] would be placed on Restrictive Correspondence. We are awaiting a request letter from the Judge to begin processing this request.

b7C

Personnel Issues:

Staff Leave and Travel

[REDACTED] - January 14-18, Los Angeles, RC/AGC Meeting
January 31-February 1 - Annual Refresher Training

b6

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Mid-Atlantic Region Litigation for the Month of December 2001

	MARC Consolidated Legal Center					Total	Butner Consolidated Legal Center					Total
	Bivens	HC	FTCA	Other			Bivens	HC	FTCA	Other		
FCI CUM	1	0	0	0		1	0	1	0	0	1	
FCI MEM	0	0	0	0		0	0	0	0	0	0	
FCI MRG	0	0	0	0		0	0	0	0	0	0	
MXR	0	0	0	0		0	0	0	0	0	0	
Hazelton	0	0	0	0		0	0	0	0	0	0	
Ohio Co.	0	0	0	0		0	0	0	0	0	0	
	1	0	0	0		1	3	2	0	0	5	

	Lexington Consolidated Legal Center					Total	Beckley Consolidated Legal Center					Total
	Bivens	HC	FTCA	Other			Bivens	HC	FTCA	Other		
FMC LEX	0	0	0	0		0	0	0	0	0	0	
FCI ASH	0	0	0	0		0	0	0	0	0	0	
FCI MAN	0	0	0	0		0	0	0	0	0	0	
Big Sandy	0	0	0	0		0	0	0	0	0	0	
McCreary	0	0	0	0		0	0	0	0	0	0	
	0	0	0	0		0	0	0	0	0	0	

	Bivens	HC	FTCA	Other	Total
Regional Total	4	2	0	0	6

Mid-Atlantic Region Litigation Year To Date

	MARC Consolidated Legal Center					Total	Lexington Consolidated Legal Center					Total
	Bivens	HC	FTCA	Other			Bivens	HC	FTCA	Other		
FCI CUM	3	6	1	1		11	4	3	1	1	9	
FCI MEM	2	3	0	0		5	3	4	0	0	7	
FCI MRG	0	0	0	0		0	4	0	1	0	5	
MXR	0	1	0	2		3						
Hazelton	0	0	0	0		0						
Ohio Co.	0	0	0	0		0						
	5	10	1	3		19						

	Lexington Consolidated Legal Center					Total
	Bivens	HC	FTCA	Other		
FMC LEX	4	3	1	1		9
FCI ASH	3	4	0	0		7
FCI MAN	4	0	1	0		5

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Burner Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCC BUT	6	4	0	12	22
FCI PET	3	6	0	0	9
PET MED	0	0	0	0	0
PFC SEY	0	0	0	0	0
Winton	0	0	0	0	0
VA Contracts	3	2	0	0	5
	12	12	0	12	36

Beckley Consolidated Legal Center					
	Bivens	HC	FTCA	Other	Total
FCC BEC	2	10	3	0	15
PFC ALD	-	-	2	0	3
USP LEE	0	0	0	0	0
Glenville	0	0	0	0	0
McDowell	0	0	0	0	0
	3	10	5	0	18

	Bivens	HC	FTCA	Other	Total
Regional Total	31	39	8	16	94