



U.S. Department of Justice
Federal Bureau of Prisons
North Central Region

Kansas City, KS 66101-2492

November 4, 1994

MEMORANDUM FOR WALLACE H. CHENEY, ASSISTANT DIRECTOR
GENERAL COUNSEL & REVIEW

FROM: JOHN R. SHAW, Regional Counsel
N.C.F.O.

SUBJECT: MONTHLY REPORT (October 1994)

PENDING TRIALS/HEARINGS

Howard v. U.S., 92-N-1515, District of Colorado, FCI Englewood.

A status conference scheduled for October 21, 1994 regarding Judge Nottingham's order enjoining FCI Englewood from prohibiting inmate's practice of religion (Church of Satan) has been rescheduled for Friday, November 4, 1994. Daryl Kosiak will attend.

Plaintiff seeks place to perform sacramental rites in order to practice his satanic religion. (No monetary damages sought).

Ramon Alvarez Rodriguez v. Michael Quinlan, et al., Civil No. 93-25-JPG, USP Marion.

Report and recommendation filed granting in part and denying in part Defendant's motion to dismiss. Objections to the report and recommendation filed May 17, 1994. Plaintiff alleges that inmate legal assistance policy which requires inmates to obtain prior approval to work with another inmate at USP Marion violates his access to the courts. Additionally, Plaintiff claims postage stamps were confiscated without due process. Report and recommendation granted Defendant's motion to dismiss due process claim but recommended that the motion be denied with respect to all other claims.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial

setting. If the case is consented to trial before Magistrate Judge Frazier, a trial date will be set at this hearing.

Plaintiff seeks twenty-five thousand dollars (\$25,000.00) in damages.

Richard Coffman v. Michael Quinlan, et al., Civil No. 93-CV-82-JPG, USP Marion.

Defendant's motion to dismiss granted in part and denied in part July 15, 1994. Inmate complains of his placement into the control unit, medical treatment of his epileptic seizures, and denial of access to legal materials and the administrative remedy process. Defendants Quinlan and Edwards have been dismissed with prejudice and all Defendants in their official capacity.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial setting. If the case is consented to trial before Magistrate Judge Frazier, a trial date will be set at this hearing.

Plaintiff seeks eight million, five hundred thousand dollars (\$8,500,000.00) in damages.

Isiah Evans, III v. Rex Reed, Civil No. 94-90-JPG, USP Marion.

Defendant's motion to dismiss or for summary judgement filed September, 1994. Plaintiff alleges that counselor Rex Reed withheld administrative remedy forms from him on January 23, 1994 in violation of his First Amendment right of free speech and his right to petition government for redress of grievances.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial setting. If the case is consented to trial before Magistrate Judge Frazier, a trial date will be set at this hearing.

Plaintiff seeks one thousand dollars (\$1,000.00) in damages.

Daniel John LaPlante v. United States of America, Civil No. 93-284-JPG, USP Marion.

The Western Regional Office is handling this litigation. Answer filed July 20, 1994. Plaintiff alleges that certain property

items were lost from USP Lompoc when he was transferred to USP Marion.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial setting. If the case is consented to before Magistrate Judge Frazier, a trial date will be set at this hearing.

Plaintiff seeks seven hundred sixty dollars and fifty cents (\$760.50) in damages.

U.S. v. Alvarez-Lopez, 4-94-440, FMC Rochester.

18 U.S.C. 4245 commitment proceeding for mental disease of defect regarding this inmate set for October 19, 1994 has been postponed and has not yet been rescheduled.

U.S. v. Bearground, (no docket number reported), FMC Rochester.

18 U.S.C 4246 hearing regarding hospitalization of inmate due for release but suffering from mental disease or defect was set for October 19, 1994 but was postponed and has not yet been rescheduled.

James v. U.S., 94-C-1417, MCC Chicago.

A habeas hearing was held on October 11, 1994 and was dismissed with prejudice.

U.S. v. Bailey, 94-CR-152N, FCC Florence.

Criminal trial concerning assaults on two staff members by this inmate was held on October 11 and 12, 1994. Inmate was convicted on both counts. Awaiting pre-sentencing investigation. Sentencing is pending, tentatively set for Friday, December 16, 1994.

Bailor v. Salvation Army, Civil Number 94-2660, Seventh Circuit Court of Appeals.

The plaintiffs in this case are appealing the Northern District of Indiana's use of the discretionary function and independent contractor exception to dismiss their FTCA action. The plaintiffs sued the BOP after inmate Holly walked away from a Chicago half-way house, stole an automobile, and drove to Fort Wayne where he beat and raped a volunteer at another half-way house. They sought \$22,101,000 in damages.

In their appeal, they allege that federal regulations and BOP policies did not allow for the inmate's release to the half-way house. The plaintiffs are also arguing that venue was improper in the Northern District of Indiana.

Crowder v. True, Civil Number 94-1559,
Seventh Circuit Court of Appeals.

Jerome Crowder, a paraplegic and former El-Rukn gang member, initially brought an action against MCC staff for violations of the Rehabilitation Act, the Architectural Barriers Act and the Eighth Amendment. Crowder's sought \$54,000 in damages for being incarcerated in Administrative Detention without his wheelchair. The court dismissed the individual defendants because of the failure to plead personal involvement. Neither Crowder nor his attorney amended the complaint and the statute of limitations for both a Bivens and FTCA action ran. Crowder is appealing to the Seventh Circuit for relief based on the district court's dismissal and his attorney's alleged negligence.

DECISIONS/SETTLEMENTS/CASES OF INTEREST

Jose Drummond v. U.S. Attorney General, Civil Number 3-92-231,
District of Minnesota, 94-1009, Eighth Circuit Number, FMC
Rochester.

In October 1988 plaintiff injured his knee while working as an orderly, causing him to miss work. Subsequent to reconstructive surgery at the FMC Rochester, plaintiff sought lost-time wages under the IAC pursuant to 28 CFR 301.101 to .319. Plaintiff claimed \$178.64 for 232 days of work lost due to injuries.

After exhausting Bureau administrative remedies to recover the above wages and being denied relief, plaintiff filed suit under a personal liability theory (42 USC 1983). The District Court dismissed plaintiff's action because his exclusive remedy was under 18 USC 4126 and its implementing regulations.

The inmate appealed a District Court dismissal of his Inmate Accident Compensation claim. In the unpublished opinion from the 8th Circuit, the Court upheld the District Court decision stating specifically, the inmate could not bring the action as one arising under 42 USC 1983 and Bivens, or as a petition for a writ of mandamus. However, the Court construed the plaintiff's action under the APA for judicial review of the administrative decision denying his claim.

The Court explained the APA requires that an action for judicial review may be brought against the United States, the agency in its official title, or the appropriate officer. Plaintiff failed to properly name any of the defendants consistent with the requirements of the APA therefore the Court dismissed the plaintiff's action for failure to state a claim.

The District Court judgment was affirmed on October 11, 1994.

Raymond Magnuson v. United States, et al., Civil Number 87-3308-RDR, District of Kansas, USP Leavenworth.

This hybrid FTCA and personal liability action alleges that while a Federal Prison Camp inmate at Leavenworth and LaTuna, and the Medical Center for Federal Prisoners at Springfield, he was assaulted by other inmates and the Bureau of Prisons failed to provide for his protection. Plaintiff sought \$1,000,000 in damages.

The Court concluded plaintiff failed to establish a breach of any duty by the Bureau of Prisons. Further, that the Bureau of Prisons made every reasonable effort to meet plaintiff's security and medical needs and that no breach of ordinary care occurred.

The Court dismissed the action with prejudice on August 31, 1994.

Mele v. United States, Civil Number 91-5032, Western District of Missouri.

While incarcerated at USMCFP Springfield, the plaintiff suffered cardiac problems which necessitated his transfer to a contract hospital. At the hospital, plaintiff contracted hepatitis while undergoing bypass surgery. Plaintiff sued the BOP for \$100,000 and alleged it failed to warn him of the risks associated with the surgery. The court granted the United States summary judgment because under Missouri law, the duty to warn of risks associated with surgery is borne by the specialist, not the referring physician. Additionally, there is generally no liability for a referring physician as long as the specialist is not known to be incompetent.

Gross v. United States, Civil Number 93-4152, District of South Dakota, FPC Yankton.

The BOP was forced to litigate this case after the plaintiff refused a settlement offer for nuisance value. At trial, the plaintiff alleged that he suffered personal injury while negotiating snow covered sidewalks at FPC Yankton. Furthermore, plaintiff alleged he was forced to go outside during a snowstorm because of his medical need for insulin. The BOP countered with a dozen witnesses and documentary evidence which effectively refuted these allegations.

District Court Judge Piersol found for the United States on the snow removal issue at trial, but reserved rendering an opinion on whether the plaintiff had reasonable access to insulin. The

court issued a written opinion on October 14, 1994 finding for the United States on the insulin issue. The court found for the United States because: 1) prison security prevented the plaintiff from keeping syringes and needles in his room; 2) plaintiff was never threatened by prison officials if he did not get his insulin injection; 3) plaintiff did not ask for assistance in getting his insulin injection; and 4) a missed or delayed injection would not have harmed plaintiff based on his previous history of missed injections and medical testimony.

The plaintiff was asking for \$250,000 in damages.

Rosenberg v. Quinlan, Civil Number 93-4131, District of South Dakota, FPC Yankton.

The survivors of an inmate who died from cancer sued former director Quinlan and present BOP employees for violations of the Eighth Amendment. The plaintiffs alleged delay in diagnosis, delay in treatment, lack of attention, and lack of care on behalf of the named defendants. In their administrative claim, the plaintiffs requested \$2,000,000 in damages, but made no specific damage claim in their civil suit.

The court dismissed the allegations against the individual defendants with prejudice, but preserved the plaintiffs' right to bring an action under the FTCA.

Norton v. United States, Civil Number 94-C-1430, Northern District of Illinois.

The plaintiff in this case initially filed suit under Bivens for violations of the Eighth Amendment arising out of the alleged failure of FCI Oxford staff to diagnose and treat his lung cancer. Plaintiff later amended his complaint to name the United States as the sole defendant. While no specific money damages were requested, the plaintiff previously sought \$20,000,000 when he filed his administrative FTCA claim.

At the same time plaintiff was pursuing his civil remedy under the FTCA, he was requesting a compassionate release under 18 U.S.C. § 4502(g) because of his affliction with cancer. An agreement was reached with the plaintiff that if he medically qualified for release under 4502(g), the Bureau of Prisons would motion the sentencing court to make the plaintiff eligible for parole. If the sentencing court granted the motion and the Parole Commission concurred, the plaintiff would be paroled. Once on parole, plaintiff would receive \$10,000 in settlement of his FTCA claim.

On October 17, 1994, the plaintiff was evaluated by an MCC Chicago contract-oncologist who determined he had a life expectancy of less than one year. Upon receiving this information, plaintiff's request for release was approved by Acting Director Thomas Kane on November 2, 1994. The AUSA handling the FTCA action has been informed of these recent developments and is awaiting a ruling on the 4502(g) motion.

Bruce v. United States, Civil Number CV-94-4096, District of South Dakota.

In this case the plaintiff, who was a former contract hobby-craft instructor, is suing the United States for damages she sustained when she slipped and fell in an employee rest room. The plaintiff is asking for damages in the amount of \$50,000.

A BOP employee who escorted the plaintiff to the rest room prior to the fall has recently sworn he warned the plaintiff of water accumulation on the rest room floor just as he opened the door for her. At the time of the accident investigation, this same employee failed to provide this information.

FPC facilities workers deny any prior knowledge of water accumulation in the rest room. A former recreation supervisor was recently interviewed and stated that water accumulated on the rest room floor on a regular basis. She also stated she reported the accumulation to an employee overseeing maintenance of institution roof repair.

A Rule 26(f) scheduling conference was held October 11, 1994. Given the fact the BOP offered the plaintiff \$9250.00 in settlement administratively, the cost of trial and experts, the inconsistent employee statements, and the potential sympathy the court may have for the plaintiff, the AUSA offered the plaintiff \$17,000 in settlement. This settlement offer was made subject to approval by the BOP.

United States of America v. Michael Turner, Criminal Number 94-20080-01, District of Kansas, USP Leavenworth.

On November 2, 1994, the Grand Jury for the District of Kansas returned a five count indictment against Michael Turner on charges of escape, possession of a firearm by a felon, auto theft using a firearm, carjacking, and interstate transportation of a stolen vehicle. If convicted on all counts, Turner could receive a maximum of 50 more years to his current federal prison sentences. Turner escaped from USP Leavenworth on February 1, 1993 and was the subject of an intense manhunt. He was captured on February 24, 1993 by Platte County, Missouri, sheriff's deputies after he robbed several civilians at gunpoint in a Leavenworth, Kansas restaurant and stole the vehicle of one of the robbery victims.

STAFF TRAVEL AND LEAVE

John	November	7-8 14-18	C.O. New Attorney Training
Gary	November	14, 15	Annual Leave
Janet	November	9, 10	Annual Leave
Daryl	November	4 9, 10 23, 25	Denver Rochester Annual Leave
Matt	November	14-18 25	New Attorney Training Annual Leave
Dan	November	25	Annual Leave
Helen	November	23, 25	Annual Leave
Gwen	November	25, 28	Annual Leave

Note: FTCA backup disk mailed to Mary Rose Hagan on November 1, 1994.



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U.S. Department of Justice
Federal Bureau of Prisons
North Central Region

Kansas City, KS 66101-2492

December 5, 1994

MEMORANDUM FOR WALLACE H. CHENEY, ASSISTANT DIRECTOR
GENERAL COUNSEL & REVIEW

FROM:

John R. Shaw
JOHN R. SHAW, Regional Counsel

SUBJECT:

MONTHLY REPORT (November 1994)

PENDING TRIALS/HEARINGS

Howard v. U.S., 92-N-1515, District of Colorado, FCI Englewood.

Plaintiff seeks to perform sacramental rites in order to practice his satanic religion. (No monetary damages sought). The court entered a preliminary injunction on October 7, 1994 directing the BOP to allow inmate Howard to perform Satanic rituals. A status conference was held on November 4, 1994. Daryl Kosiak attended. The court denied AUSA George Gill's motion for a stay of the order directing prison officials to permit inmate Howard to perform his ritual. The government's motion for reconsideration is still pending. The court has set several pretrial hearing dates prior to trial on a hearing on the merits (12/21/94, discovery & scheduling conference; 02/08/95, preliminary pretrial conference; and 05/26/95, final pretrial conference). Per the court's October 7, 1994 order, inmate Howard was permitted to perform a ritual on November 28, 1994.

Isiah Evans, III v. Rex Reed, Civil No. 94-90-JPG, S.D. Ill., USP Marion.

Defendant's motion to dismiss or for summary judgement filed September, 1994. Plaintiff alleges that counselor Rex Reed withheld administrative remedy forms from him on January 23, 1994 in violation of his First Amendment right of free speech and his right to petition government for redress of grievances. Plaintiff seeks one thousand dollars (\$1,000.00) in damages.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial setting. If the case is consented to trial before Magistrate Judge Frazier, a trial date will be set at this hearing.

We filed a Supplement to Defendant's Motion for Summary Judgment on October 31, 1994.

Daniel John LaPlante v. United States of America, Civil No. 93-284-JPG, S.D. Ill., USP Marion.

The Western Regional Office is handling this litigation. Answer filed July 20, 1994. Plaintiff alleges that certain property items were lost from USP Lompoc when he was transferred to USP Marion.

USP Marion received notice and order on October 25, 1994 for a scheduling and discovery conference set for November 3, 1994 before the Honorable Philip M. Frazier at USP Marion. Parties should be prepared to discuss discovery and a potential trial setting. If the case is consented to before Magistrate Judge Frazier, a trial date will be set at this hearing.

Plaintiff seeks seven hundred sixty dollars and fifty cents (\$760.50) in damages.

Minute Order dated November 3, 1994, states Government shall provide records to plaintiff on February 1, 1995.

Bailor v. Salvation Army, Civil Number 94-2660, Seventh Circuit Court of Appeals.

The plaintiffs in this case are appealing the District Court's (Northern District of Indiana) use of the discretionary function and independent contractor exception to dismiss their FTCA action. The plaintiffs sued the BOP after inmate Holly walked away from a Chicago half-way house, stole an automobile, and drove to Fort Wayne where he beat and raped a volunteer at another half-way house. They sought \$22,101,000 in damages.

In their appeal, they allege that federal regulations and BOP policies did not allow for the inmate's release to the half-way house. The plaintiffs are also arguing that venue was improper in the Northern District of Indiana.

This case was argued on December 5, 1994, before the Seventh Circuit Court of Appeals. MCC Attorney-Advisor Terry Collins attended. The panel had no questions for the government's counsel.

Farmer v. Wooten, No. 93-Z-2740, District of Colorado, FCI Florence.

This was a hearing concerning a motion for sanctions. It was held on November 30, 1994 out of FCI Florence. The inmate (Leslie Glenn Farmer) filed a habeas petition under 28 U.S.C. 2241. The issues involved concerned his conviction and the petition would have been more properly filed under 28 U.S.C. 2255. Legal staff at FCC Florence filed a response asserting that they should not have to respond to the petition. Subsequently it was discovered that the inmate may have altered some of the sentencing court's documents. As a result, the U.S. Attorney decided to seek sanctions against Farmer. The motion has been taken under advisement. No decision has been issued.

DECISIONS/SETTLEMENTS/CASES OF INTEREST**Leggett v. Clark**, Civil Number 93-3163-RDR, 10th Cir. 94-3219, USP Leavenworth.

Plaintiff alleged officers were "setting him up for assault" by leaving his cell door open and that on one occasion he was assaulted by staff. Plaintiff seeks \$10,000,000.00 in damages. Staff aver that plaintiff's cell door was opened accidentally and when he left his cell he refused orders to return to his cell and several staff were required to restrain him and return him to his cell.

The Government moved to dismiss on the basis the plaintiff failed to state a claim, failed to exhaust remedies, and qualified immunity. In attempting to draft a response to the Government's motion to dismiss, plaintiff sought discovery of certain documents he felt would support his contentions and requested a stay pending discovery.

The Court did not rule on plaintiff's motions concluding instead he had failed to establish the existence of a genuine issue of material fact for trial and granted summary judgment on facts. Plaintiff appealed.

The Court of Appeals concluded from the record that review of the facts was not consistent with the requirements of Hudson v. McMillian, 112 S.Ct. 995 (1992). Additionally, the Court instructed the District Court to consider plaintiff's discovery and stay of proceeding motions as well as the issue of qualified immunity. Reversed and remanded October 28, 1994.

Vance McCall v. U.S. Attorney General, Civil No. 94-2118-JWL, USP Leavenworth.

Action filed by job applicant concerning the BOP's failure to accommodate his handicap by hiring him as a correctional officer at USP Leavenworth. Because of inconsistency in the BOP medical record, and because of the anticipated cost of defending this suit, AUSA Janice Karlin recommended settlement in the sum of \$12,620.00 or less. Central Office staff concurred in this recommendation and

authorized settlement. Plaintiff accepted \$12,500.00 and agreed not to seek employment with the BOP in the future.

Greene v. United States, Civil Number 94-3105-CV-5-4, W.D. Missouri, MCFP Springfield.

The plaintiff alleged he was provided negligent medical care and did not give his informed consent to the amputation of his left leg. He sued the United States for \$40,000,000 in damages.

Prior to filing his motion for summary judgment, the AUSA handling the case was approached by the plaintiff's attorney who expressed his willingness to dismiss the case as long as each side paid its own costs. The AUSA agreed and the case was dismissed with prejudice on November 22, 1994.

Norton v. United States, Civil Number 94-C-1430, N.D. Ill., FCI Oxford.

The plaintiff, who was approved for a compassionate release on November 2, 1994, died on November 14, 1994. The controversy was to be resolved by a settlement agreement which awarded the plaintiff \$10,000 in damages if he was paroled. Since plaintiff was never paroled, it is unlikely any potential successors to the claim will be bound by the agreement. The NCRO is currently researching the relevant wrongful death and survivorship laws.

McAdams v. United States, Civil Number 3-92-514, District of Minnesota, FMC Rochester.

The plaintiff, an employee of FMC Rochester, was the subject of an internal investigation for inappropriate relationships with inmates. The plaintiff alleged that BOP employees made defamatory statements about her during this investigation and sought damages in the amount of \$440,000. The U.S. Attorney's Office responded by certifying the actions of the employees and motioning for the substitution of the United States as the proper defendant pursuant to 28 U.S.C. § 2679(b).

In his July 19, 1994 Order, Judge Alsop admitted he did not give the certification a limited review as required by the Eighth Circuit. To remedy this mistake, Judge Alsop allowed the plaintiff to challenge the certification. The plaintiff provided affidavits attacking the certification which were countered with affidavits from the defendants and BOP employees. On November 1, 1994, Judge Alsop held the employees were acting within the scope of their employment, substituted the United States as the defendant, and dismissed the defamation claims under 28 § 2680(h).

Rachel v. Nelson, Civil Number 94-3007-RDR, District of Kansas, USP Leavenworth.

Plaintiff alleged staff failed to protect him at his work site in UNICOR from the threats of another inmate. Additionally, plaintiff asserts staff discriminated against him on the basis of his race. Plaintiff requests \$40,000 in compensatory and punitive damages.

Staff reported that plaintiff complained he was having trouble with another inmate but did he not elaborate that he was in any danger.

The Court found no evidence supporting plaintiff's claims, that staff acted with deliberate indifference in their treatment of the plaintiff, and that all of plaintiff's allegations were conclusory in nature and unsupported by facts.

Dismissed October 31, 1994.

Bourgeois v. Vincent, Civil Number 89-3374-RDR, District of Kansas, USP Leavenworth.

In August 1988 an incident report was issued to the plaintiff. Subsequently, plaintiff challenged the report in Court and requested unspecified compensatory and punitive damages. On August 19, 1992 the Court ordered all reference to the disciplinary action be expunged from the file unless the plaintiff was given a new disciplinary hearing that included the participation of a requested witness. Accordingly, on March 31, 1994 a new hearing was provided to the plaintiff in which a statement from the requested witness, the former warden of the USP Leavenworth, was read into the record. Plaintiff complains now that this was not in keeping with the Orders of the Court and the entire matter needs to be expunged from his records.

The Court cited Title 28 CFR 541.17(c) in dismissing the complaint stating this section of the CFR provided the authority for the DHO to submit the written statement of an unavailable witness.

Dismissed September 1, 1994.

Squire v. Megathlin, Civil Number 93-0554-CV-W-2-P, Western District of Missouri, USP Leavenworth.

Inmate Squire alleged the law library at the USP Leavenworth was inadequate in that only about 30 volumes of materials remained after the balance of the library had been destroyed. This, plaintiff argued, was the reason he could not timely respond to defendants' dispositive motion.

Declarations by staff demonstrated that in fact no legal materials were missing from the law library and the library contained all the texts required by policy.

The Court commented in dicta that the inmate law library at the USP Leavenworth was not only adequate but was better than what most law firms had available to them.

The case was dismissed with prejudice on June 1, 1994.

Castner v. Whalen, No. 94-M-2233, District of Colorado, USP Florence.

This was a habeas case, re: parole hearing set for November 30, 1994 at USP High Security, Florence, Colorado. Order to Show Cause was vacated pending inmate's release on December 8, 1994.

Henderson v. Baird, et al, 29 F.3d 464 (8th Cir. 1994), FCI Sandstone.

A unanimous panel opinion vacated a lower court order denying qualified immunity to a prison IDC (for failing to find that Code 101 assault required proof of "serious injury") and a correctional officer (who wrote the incident report). The plaintiff requested rehearing en banc of the above matter which was denied. Plaintiff has filed a petition for writ of certiorari to the United States Supreme Court.

United States v. Michael Turner, District of Kansas (Criminal), USP Leavenworth.

Michael Turner escaped from USP Leavenworth in February 1993. While on escape status for approximately three weeks he committed several additional crimes. The United States Attorney for Kansas declined to prosecute, citing Turner's extensive escape history and the length of time remaining on his current sentences. After considering appeals from the BOP and USMS, U.S. Attorney Randy Rathbun finally agreed to authorize prosecution. Inmate Turner was removed from USP Marion for criminal processing. On Thursday, December 1, 1994, Turner disarmed a Deputy U.S. Marshal and escaped from U.S. Marshal's custody while at the U.S. Courthouse in Kansas City, Kansas. On early Sunday, December 4, 1994, following an extensive search by federal, state and local officials, Turner was shot to death by Kansas City, Missouri police officers who confronted him.

STAFF TRAVEL AND LEAVE

John	December 1	Atlanta
	December 14-15	Denver, FCC Florence
	December 23, 30	Annual Leave
Janet	December 7	Annual Leave
Daryl	December 27, 28	Annual Leave

Matt	December 5-9 December 23	DHO Training, STC Annual Leave
Dan	December 22, 23	Annual Leave
Gwen	December 22, 23 December 27-30	Annual Leave Annual Leave
Cindy	None Scheduled	
Gary	None Scheduled	
Helen	None Scheduled	

Note: FTCA backup disk mailed to Mary Rose Hagan on December 1, 1994.