

D. FOI/Privacy Act Requests - 1998

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
DEC											
Pending on 1st	37	13	9								
Rec'd in month	34	28	32								
Ans'd in month	58	35	29								
Pending at End	13	9	15								
Over 30 days	1	1	0								

E. FOIA Requests for records: As of March 31, 1998

	ALF	ALM	ALP	ALW	BRO	DAN	FAI	FTD	LEW	LOR	MCK	NYM	OTV	RBK
SCH														
Pending	0	0	0	0	0	1	0	0	1	1	1	1	0	0
Over 30 days	0	0	0	0	0	0	0	0	0	0	0	0	0	0

II. LITIGATION ACTIVITY - 1998 NORTHEAST REGION**A. SUMMARY REPORT**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
DEC											
Cases Open	670	604	597								
New Cases	13	15	21								
Habeas Corpus	5	7	13								
FTCA	1	4	2								
Bivens	1	2	3								
Other	4	2	1								
Bivens/FTCA	2	0	2								
Lit Reports	8	10	10								
Cases Closed	66	7	12								

B. SETTLEMENTS AND AWARDS: - None**C. SIGNIFICANT CASES, TRIALS or HEARINGS:**

1) United States v. Ginsberg, Criminal No. 95-634 (E.D.Pa.)

On March 4, 1998, Assistant Regional Counsel Joyce Horikawa and Quincy Heck, Regional Health Systems Administrator, assisted the AUSA at a sentencing hearing in the above case before Judge

Brody. The defendant, Irwin Ginsberg, who was convicted of setting fire to a building to collect in insurance money, requested downward departure from his sentencing guidelines based on his physical and emotional state. Defendant has a 15 year history of Type II diabetes and associated complications. He also has a history of hepatitis C, carpal tunnel syndrome, degenerative disk disease, hypertension, peptic ulcers, irritable bowel syndrome, chronic rhinitis, cardiac arrhythmia and depression.

Mr. Heck testified about the medical facilities and operation of the medical departments in the various Bureau of Prisons institutions in this region. He testified that based upon his review of the defendant's medical records and the testimony of the medical experts, as well as his personal knowledge of the Bureau of Prisons, the Bureau was capable of handling this defendant and his particular medical needs. The judge has not yet issue a ruling.

2) United States v. Mayhue, Crim. No. 96-548 (E.D.Pa.)

On March 10, 1998, Judge Joyner issued an order that Mark Mayhue, 51264-066 serve the remainder of his 9 month sentence under home detention. The inmate was designated to Lebanon County Jail in a work release program. He was not eligible under 18 U.S.C.

§ 3624(c) to enter home confinement until July 1998. On March 12, 1998, I contacted the Judge's law clerk and advised that the Bureau would violate the statute if it followed the court order. The Judge held a telephonic hearing on March 13, 1998. Joyce Horikawa and I participated in the hearing. The court stated he did not want to issue orders contrary to statute and rescinded the order.

3) Brown v. Morton et al., CV-95-2881 (E.D.N.Y.)

On Friday, March 13, 1998, at 11:15 a.m., a conference call was held with Judge Gold, the AUSA, FCI Schuylkill, inmate Orson Brown, 43993-053 and James Vogel, Paralegal, MDC Brooklyn. Judge Gold asked if the two page complaint the inmate recently filed was intended to be an amendment to the above-referenced matter or a new complaint. The inmate indicated that he filed this as a

new case because his Bivens claims regarding medical care had been dismissed. Additional miscellaneous issues were discussed, including the deposition of the Plaintiff and status of discovery responses.

4) United States v. Rojas , Crim No. (E.D.N.Y.)

On March 20, 1998, a hearing was held before Judge Weinstein regarding subpoenas, issued by an attorney for the defendant, demanding documents regarding inmates (not the defendant) at MDC Brooklyn and FCI Otisville. MDC Brooklyn attorney Azzemiah Vazquez argued the Bureau's objections to the subpoena (burdensome, relevancy, privacy). The Court agreed and advised the defense attorney that the Court would not issue an order compelling the disclosure of this information.

5) United States v. McNaughton, 93 Crim. 147 (E.D.Pa.)

On March 30, 1998, I participated in an emergency telephone hearing before Judge Brody. In connection with a April 1, 1998 hearing on a motion to vacate his sentence, the U.S. Marshal assumed custody of Richard McNaughton, 08042-073, from the camp at Lewisburg on the morning of March 30 pursuant to a writ. His attorney requested an emergency hearing to ask the court to release the inmate on bail pending the hearing. Counsel expressed concern for the ability of the writ custodians to administer medication, etc. Counsel advised that the inmate received fine medical care at Lewisburg. The court asked the Bureau's position on the medical care and whether the inmate could be held at FCI Fairton. I advised inmates on writ are afforded a supply of medication. I also advised that the court could recommend FCI Fairton but I would need to check with the Warden to ensure there were no security concerns. The court determined that the inmate's presence was not necessary for the hearing and vacated the writ. The inmate was immediately returned to Lewisburg.

UPCOMING HEARING

U.S. v. Hammer 4:Cr-96-239 (M.D.Pa.)

On April 13, 1998, a contempt of court hearing has been

scheduled before District Judge Muir in Williamsport, PA. At issue is the failure by USP Allenwood mail room staff to comply with the court's order relating to the opening of "Special Mail" from the Clerk of Court and defense counsel. Six staff from the USP are scheduled to testify concerning the four pieces of mail which were opened contrary to the Court's order. It appears that confusion concerning whether the court order was still effective caused the inadvertent opening.

D. RELIGIOUS CASES: - No New Activity

E. ENSIGN AMENDMENT CASES: No New activity.

F. PLRA 1915 DISMISSALS: None.

III. TRAVEL AND LEAVE SCHEDULE FOR MARCH 1998:

Hank Sadowski -

Travel - April 8 - Accompany Regional Director in meetings with Chief Judge, and U.S. Attorney, Harrisburg, Pa.

- April 26-April 30 - Sentencing Training, MSTC.

Annual Leave - April 13, 15, 17. May 1.

Training - Annual Refresher Training April 14 and 16.

Mike Tafelski -

Travel - April 20 - FCI Ray Brook

April 21 - Albany, NY - Settlement conference.

Annual Leave - None Scheduled

Training - Annual Refresher Training April 13 and 17.

Toni Brown -

Scheduled to report to NERO on April 27, 1998.

Ron Hill -

Travel - None Scheduled

Annual Leave - April 9 - 10.

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Les Owen -

Travel - None scheduled.

Annual Leave - None Scheduled.

Rosalind Bingham -

Travel - April 20-24 House Hunting -- FCI
Otisville
Annual Leave - April 13-14; April 27 - May 1.

Personnel notes:

Rosalind Bingham received the Paralegal Recognition Award during graduation ceremonies on March 17, 1998. She has been assigned to FCI Otisville and is reporting on May 26, 1998. I thank Ros for her assistance to this office over the past year.

cc: Regional Director and Deputy Regional Director, NER
All NER Wardens
All Regional Counsel and Associate General Counsel
All NER institution attorneys and paralegals