

**SOUTH CENTRAL REGIONAL OFFICE**  
**NARRATIVES**  
**APRIL 1, 1999 - JUNE 30, 1999**  
**Third Quarterly Report FY 1999**  
**July 14, 1999**

**SIGNIFICANT CASES**

U.S.A. v. Don Alan Keeling, No. CR-98-0099-M (Western District of Oklahoma). On July 9, 1999, U.S. District Judge LaGrange issued an order directing that the Bureau of Prisons escort FTC Oklahoma City inmate Don Alan Keeling to visit his terminally ill father. We have informed the court that our position is that it can only recommend such a visit, and when a recommendation is made, it will be carefully considered. Accordingly, we requested that the court modify its order so that it "recommends" that the escorted trip take place. We are awaiting further word from the court.

Kenneth Jones v. A.M. Flowers, No. CIV-98-1707-A (Western District of Oklahoma). On July 9, 1999, we were informed by the U.S. Attorney's Office that an adverse Report and Recommendation was entered in this case. Previously, FCI El Reno inmate Kenneth Jones filed a 2241 Habeas petition regarding his ineligibility for a 3621(e) early release. The petitioner challenges the exercise of the Director's discretion to deny early release to inmates, such as the petitioner, who have a two-point firearm sentencing enhancement. After a review of the case, U.S. Magistrate Judge Doyle W. Argo found that P.S. 5162.04 is invalid because it is contrary to the Fristoe decision. We plan on objecting to the R&R on the grounds that 5162.04 is not contrary to Fristoe, and it is a valid exercise of the Director's discretion. We plan on citing cases such as O'Reilly v. Reese to support this position.

Kevin Ford v. Robert Guzik, et al., CIV-97-233-R (WD/OK). As an update to the June monthly report, a July 21, 1999, trial date has been set in this FTC Oklahoma City Bivens case. There is some potential liability in this case. However, we do not expect liability to exceed \$15,000. Attempts to settle this case (convert to an FTCA case) have been unsuccessful.

## LITIGATION (APRIL 1 - JUNE 30, 1999)

<i>LOC</i>	<i>NUM</i>	<i>HC</i>	<i>FTC</i>	<i>BIV</i>	<i>OTH</i>	<i>ANS</i>	<i>PEN</i>	<i>CLD</i>	<i>H/T</i>	<i>SET</i>	<i>AWD</i>
<i>MXR</i>											
<i>NER</i>											
<i>SER</i>											
<i>NCR</i>											
<i>SCR</i>	<i>48</i>	<i>32</i>	<i>5</i>	<i>8</i>	<i>3</i>	<i>41</i>	<i>11</i>	<i>26</i>	<i>11</i>	<i>1</i>	<i>0</i>
<i>WXR</i>											
<i>CO</i>											
<i>TOT</i>											

NARRATIVE ANALYSIS (NARRATIVE ATTACHED ON SEPARATE PAPER)

### DEFINITIONS

LOC - LOCATION

NUM - NUMBER OF TOTAL LAWSUITS FILED IN QUARTER

HC - NUMBER OF HABEAS CORPUS ACTIONS FILED

FTC - NUMBER OF FTCA ACTIONS FILED

BIV - NUMBER OF BIVENS ACTIONS FILED

OTH - OTHER ACTIONS FILED

ANS - NUMBER OF LITIGATION REPORTS COMPLETED

PEN - PENDING

CLD - NUMBER OF ACTIONS CLOSED

H/T - NUMBER OF HEARINGS OR TRIALS (INCLUDE INFO IN NARRATIVE)

SET - NUMBER OF SETTLEMENTS (INCLUDE INFO IN NARRATIVE)

AND - NUMBER OF AWARDS (INCLUDE INFO IN NARRATIVE)

GOVERNMENT ACTION AND DATE OF ACTION - (INCLUDE INFO IN NARRATIVE)

**LITIGATION (JANUARY 1 - MARCH 31, 1999)**

<b>LOC</b>	<b>NUM</b>	<b>HC</b>	<b>FTC</b>	<b>BIV</b>	<b>OTH</b>	<b>ANS</b>	<b>PEN</b>	<b>CLD</b>	<b>H/T</b>	<b>SET</b>	<b>AWD</b>
<b>MXR</b>											
<b>NER</b>											
<b>SER</b>											
<b>NCR</b>											
<b>SCR</b>	<b>37</b>	<b>30</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>27</b>	<b>15</b>	<b>24</b>	<b>5</b>	<b>1</b>	<b>0</b>
<b>WXR</b>											
<b>CO</b>											
<b>TOT</b>											

NARRATIVE ANALYSIS (NARRATIVE ATTACHED ON SEPARATE PAPER)

DEFINITIONS

- LOC - LOCATION
- NUM - NUMBER OF TOTAL LAWSUITS FILED IN QUARTER
- HC - NUMBER OF HABEAS CORPUS ACTIONS FILED
- FTC - NUMBER OF FTCA ACTIONS FILED
- BIV - NUMBER OF BIVENS ACTIONS FILED
- OTH - OTHER ACTIONS FILED
- ANS - NUMBER OF LITIGATION REPORTS COMPLETED
- PEN - PENDING
- CLD - NUMBER OF ACTIONS CLOSED
- H/T - NUMBER OF HEARINGS OR TRIALS (INCLUDE INFO IN NARRATIVE)
- SET - NUMBER OF SETTLEMENTS (INCLUDE INFO IN NARRATIVE)
- AND - NUMBER OF AWARDS (INCLUDE INFO IN NARRATIVE)
- GOVERNMENT ACTION AND DATE OF ACTION - (INCLUDE INFO IN NARRATIVE)

Tort Claims Third Quarter - FY 99 (April 1 - June 30, 1999)													
loc	num	pp	pi	pppi	wd	med	set	amt	pen	den	od	a/o	a/p
scr	181	129	33	4	2	13	24	4782	209	87	0	480	110

Num - Number of claims filed  
 PP - Personal Property claims  
 PI - Personal Injury claims  
 PPPI - Both PP & PI claims  
 WD - Wrongful death claims  
 Med - Medical claims  
 Set - Settled/Approved claims  
 Amt - Amount paid  
 Pen - Pending/open claims  
 Den - Number of claims Denied  
 OD - Number of claims Overdue  
 A/O - Avg number of days Overdue  
 A/P - Avg number of days to Process

(Med = PIM + WDM + PPPIM + PPWDM)

(WD = WD + PPWD)

Tort Claims Second Quarter - FY 99 (January 1 - March 31, 1999)													
loc	num	pp	pi	pppi	wd	med	set	amt	pen	den	od	a/o	a/p
scr	148	108	21	1	2	16	12	8033	200	86	1	8	101

- Num - Number of claims filed
- PP - Personal Property claims
- PI - Personal Injury claims
- PPPI - Both PP & PI claims
- WD - Wrongful death claims
- Med - Medical claims
- Set - Settled/Approved claims
- Amt - Amount paid
- Pen - Pending/open claims
- Den - Number of claims Denied
- OD - Number of claims Overdue
- A/O - Avg number of days Overdue
- A/P - Avg number of days to Process

(Med = PIM + WDM + PPPIM + PPWDM)

(WD = WD + PPWD)

**SOUTH CENTRAL REGIONAL OFFICE**  
**NARRATIVES - Quarterly Report**  
**JULY 1, 1999 - SEPTEMBER 30, 1999**  
**October 14, 1999**

**SIGNIFICANT CASES**

Jeff King. v. George Snyder, Case # LR-C-98-258 (E.D. Arkansas). The October 14, 1999, hearing, which was reported in the last monthly report, has been continued to October 21, 1999. As previously reported, the petitioner in this FCI Forrest City habeas case asserts that he was improperly denied a 3621(e) early release due to a 922(g) conviction.

Stephen Baker v. L.E. Fleming, Case # CIV-99-899-R (W.D. Oklahoma). Last week, we were notified that the Magistrate entered a negative R&R in this FCI El Reno habeas case. The Magistrate found that the 3621(e) provisions of P.S. 5162.04 violated the 10<sup>th</sup> Circuit Court of Appeals' holding in Fristoe, where P.S. 5162.02 was at issue. In part, we plan on objecting to the R&R on the grounds that we have the discretion to implement P.S. 5162.04 and any further proceedings in the case should be stayed pending a ruling from the 10<sup>th</sup> Circuit Court of Appeals in the Booker cases.

Branch Davidian/Waco Case. We have been informed that four Branch Davidians, who are material witnesses in the Waco civil suit and Special Counsel investigation, are inmates at SCR institutions. Inmate Graham Craddock (Reg. # 60593-080) is housed at FCI Oakdale. Inmate Brad Branch (Reg. # 60536-080), inmate Kevin Whitecliff (Reg. # 60537-080), and inmate Jaime Castillo (Reg. # 60594-080) are all housed at FCC Beaumont. On October 15, 1999, the Office of Special Counsel will interview inmate Craddock at FCI Oakdale. Participants include Barbara Barrett and Cordell Swindell of the Office of Special Counsel, and Stanley Rentz, Craddock's attorney. Craddock is due to be deposed in the civil suit; however, no date has been set. Marie Hagen and James Touhey, both from Main Justice, will be present at the deposition. We have not yet been informed who else will attend the deposition. Presumably, Craddock's attorney will be present. An attorney from Houston, Texas, who claims to represent another Branch Davidian, has requested an interview with Castillo and Branch. Staff at Beaumont have allowed the attorney to speak with Castillo on the phone. At this point, no interviews have been arranged. This office, FCC Beaumont and FCI Oakdale are working to ensure that our response to these high profile matters is orchestrated smoothly.

**LITIGATION (JULY 1 - SEPTEMBER 30, 1999)**

<i>LOC</i>	<i>NUM</i>	<i>HC</i>	<i>FTC</i>	<i>BIV</i>	<i>OTH</i>	<i>ANS</i>	<i>PEN</i>	<i>CLD</i>	<i>H/T</i>	<i>SET</i>	<i>AWD</i>
<i>MXR</i>											
<i>NER</i>											
<i>SER</i>											
<i>NCR</i>											
<i>SCR</i>	36	28	1	6	1	37	15	26	6	0	0
<i>WXR</i>											
<i>CO</i>											
<i>TOT</i>											

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- AND - NUMBER OF AWARDS (INCLUDE INFO IN NARRATIVE)
- GOVERNMENT ACTION AND DATE OF ACTION - (INCLUDE INFO IN NARRATIVE)

Tort Claims First Quarter - FY 99 (July 01, 1999 - September 30, 1999)													
loc	num	pp	pi	pppi	wd	med	set	amt	pen	den	od	a/o	a/p
scr	187	143	27	2	0	15	17	4467	224	104	0	0	106

Num - Number of claims filed  
 PP - Personal Property claims  
 PI - Personal Injury claims  
 PPPI - Both PP & PI claims  
 WD - Wrongful death claims  
 Med - Medical claims  
 Set - Settled/Approved claims  
 Amt - Amount paid  
 Pen - Pending/open claims  
 Den - Number of claims Denied  
 OD - Number of claims Overdue  
 A/O - Avg number of days Overdue  
 A/P - Avg number of days to Process

(Med = PIM + WDM + PPPIM + PPWDM)

(WD = WD + PPWD)

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