



**United States Government  
Memorandum**

**Date:** January 5, 1995  
**Reply to Attn. of:** Sherree L. Sturgis, Regional Counsel  
Southeast Region, Bureau of Prisons  
**Subject:** December, 1994 SER Litigation  
**To:** SER CEOs, Regional Administrators  
Institution Paralegals and Attorneys  
Wallace H. Cheney, General Counsel  
Joyce Zoldak, Associate General Counsel

**New Cases**

**1. BISHOP MONROE R. PARKER, JR. v. S. DANIELS, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-2211-GET  
*Institution:* USP, Atlanta  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* CORRESPONDENCE, ACCESS TO COURTS, PROPERTY  
*Facts Alleged:* Inmate at ATL in 1994 alleges that his legal mail was open and read. He also alleges that his legal materials were destroyed.  
*Damages Req:* \$1,750,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* December 9, 1994; *Due:* 01-13-1995  
*Assigned to:* Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**2. RONALD FISHER v. FRED STOCK, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-2877-RLV  
*Institution:* USP, Atlanta  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* ASSAULTS  
*Facts Alleged:* ATL inmate in 1994 alleges institution failed to protect him from an assault by another inmate who microwaved water and threw it on him. P alleges scarring of face and scalp.  
*Damages Req:* \$3,000,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* January 5, 1995; *Due:* NONE, NO SUMMONS ISSUED.  
*Assigned to:* Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**3. RONNIE LEE STEWART v. JAMES D. MORAN**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-2561-RHH  
*Institution:* USP, Atlanta  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* INMATE DISCIPLINE  
*Facts Alleged:* ATL inmate in 1994 alleges unfair disciplinary confinement/ punishment where contraband was found in his cell about which he knew nothing.  
*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* January 5, 1995; *Due:* unknown  
*Assigned to:* Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**4. CARLOS ALONZO GARCIA v. FRED STOCK, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-2874-JEC  
*Institution:* USP, Atlanta  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* ASSAULTS, CLASSIFICATION  
*Facts Alleged:* ATL inmate in 1994 alleges stabbing injury due to failure to maintain his separatee status.  
*Damages Req:* \$600,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* January 5, 1995; *Due:* 1995  
*Assigned to:* Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

LITIGATION BRANCH

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OFFICE OF GENERAL COUNSEL  
BUREAU OF PRISONS



**5. RAFAEL HERNANDEZ v. KATHELEEN HAWKS, et al**

*Court:* DISTRICT OF MINNESOTA

*Docket No.:* 5-94-145

*Institution:* FCI, Talladega

*Type of Case:* Federal Tort Claims Act (FTCA)

*Subject:* PROPERTY

*Facts Alleged:* Inmate at Talladega in 1994 alleges loss in property due to unorganized governmental transfer of Cubans on 9/28/1993.

*Damages Req:* \$1,418.75.; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 01-27-1994

*Assigned to:* Francis X. Hermann; U.S. Attorney, Minneapolis, MN; Kathleen Kenney, Attorney Advisor, FCI, Talladega

**6. IVAN DAWKINS v. JOHN FANELLO**

*Court:* DISTRICT OF SOUTH CAROLINA

*Docket No.:* 94-000

*Institution:* FCI, Estill

*Type of Case:* Injunction

*Subject:* VISITING, MARRIAGES

*Facts Alleged:* Inmate at EST in 1994 alleges that his visitation privileges with his wife were arbitrarily stopped.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* Jay Preston Strom; U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill

**7. UNITED STATES v. EDWARD LEWIS DUNBAR, JR.**

*Court:* SOUTHERN DISTRICT OF MISSISSIPPI

*Docket No.:* J89-00069-B

*Institution:* FCI, Tallahassee

*Type of Case:* Habeas Corpus

*Subject:* SENTENCING, MEDICAL TREATMENT

*Facts Alleged:* Inmate at TAL in 1994 seeks a humanitarian release due to his illness.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 01-05-1995

*Assigned to:* Ruth R. Morgan; Assistant U.S. Attorney, Biloxi, MS; Ken Hyle, Attorney/Advisor, SERO

**8. ROLAND DENSON v. GREGORY L PARKS**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-000

*Institution:* FPC, Pensacola

*Type of Case:* Habeas Corpus

*Subject:* CLASSIFICATION, CRIMINAL PROSECUTION

*Facts Alleged:* Inmate at PEN in 1994 alleges that information used in classification violates his immunity agreement. He also alleges that he was convicted in violation of his plea-bargaining agreement. See also FAU 94-A-672-N.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* -1994

*Assigned to:* Samuel A. Alter, Jr.; Supervising Assistant U Attorney, Pensacola FL; Gerelene Gooden, Paralegal Specialist, Southeast Regional Office

**9. VICKI GROLL v. UNITED STATES OF AMERICA**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-50242/RV

*Institution:* FCI, Marianna

*Type of Case:* Federal Tort Claims Act (FTCA)

*Subject:* PROPERTY

*Facts Alleged:* Inmate at MNA in 1994 alleges property destroyed by rats due to staff negligence.

*Damages Req:* \$615.35; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 01-31-1995

*Assigned to:* Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Gerelene Gooden, Paralegal Specialist, Southeast Regional Office

**10. RALPH SUTTLE v. DR. MIRARDELLA, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 93-50262/RV

*Institution:* FCI, Marianna

*Type of Case:* Personal Liability Action (Bivens)

*Subject:* MEDICAL TREATMENT

*Facts Alleged:* Inmate at MNA in 1994 alleges that he is not receiving adequate treatment for gout. He alleges that his condition was diagnosed at TAL, but the treatment was discontinued as a result of his transfer.

*Damages Req:* &100,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 02-03-1995

*Assigned to:* Samuel A. Alter, Jr.; Supervising Assistant U Attorney, Pensacola FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna



**11. MALCOM FRAZIER v. KATHLEEN HAWK, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-30338/RV

*Institution:* FPC, Pensacola

*Type of Case:* Habeas Corpus

*Subject:* SENTENCING

*Facts Alleged:* Inmate at PEN in 1994 alleges that he should receive credit for time spent in official detention prior to his incarceration.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 02-06-1995

*Assigned to:* Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Earl L. Cotton, Assistant Regional Counsel, SERO

**12. LIN E. DAVIS v. DEPARTMENT OF JUSTICE**

*Court:* DISTRICT OF COLUMBIA

*Docket No.:* 94-2631-JHG

*Institution:* FCI, Jesup

*Type of Case:* FOI-Privacy

*Subject:* FOI-PRIVACY

*Facts Alleged:* Inmate at PHX in 1994 alleges that records concerning JES incarceration were withheld illegally.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 01-31-1995

*Assigned to:* Lallis Cotton; Paralegal, Washington, D.C.; Ken Hyle, Attorney/Advisor, SERO



**13. EDWARD W. HOLIFIELD v. JANET RENO, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-50357/RV

*Institution:* FCI, Marianna

*Type of Case:* Equal Employment Claim

*Subject:* DISCRIMINATION

*Facts Alleged:* Chief of Health Programs at MNA in 1994 alleges discrimination based upon race. Further alleges retaliation resulting in demotion and ultimate discharge.

*Damages Req:* Excess of \$100,000; *Special Monitoring:* IC2, Publicity; Impact on staff morale, All employee suits.; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 02-03-1995

*Assigned to:* Michael Finney, Assistant U.S. Attorney, Pensacola, FL; Ken Hyle, Attorney/Advisor, SERO

**14. TODD SEARS v. MICHAEL FITZPATRICK, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-1685-CIV-KEHOE

*Institution:* MCC, Miami

*Type of Case:* Personal Liability Action (Bivens)

*Subject:* MEDICAL TREATMENT, AIDS

*Facts Alleged:* Pretrial detainee in 1995 alleges that he was not given medication for his illnesses upon his arrival at MIA. He further alleges that he was not given adequate medical treatment for his illnesses.

*Damages Req:* unspecified; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 02-14-1995

*Assigned to:* Vivian Rosado; Assistant U.S. Attorney, Miami FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



**15. WILLIAM BRIGHT, JR. v. KATHLEEN HAWK, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:94-CV-3427-RLV

*Institution:* USP, Atlanta

*Type of Case:* Federal Tort Claims Act (FTCA)

*Subject:* ASSAULTS

*Facts Alleged:* Family of former 1994 ATL inmate alleges wrongful death as a result of failure to protect.

*Damages Req:* \$4,000,000; *Special Monitoring:* IB1, May financial liability, All cases involving a death.; *SERO:* Regional office staff are not alleged to be involved in case.

*Rec'd in Legal:* January 5, 1995; *Due:* 02-21-1995

*Assigned to:* Curtis E. Anderson; Assistant U.S. Attorney Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**16. ELIAS PUGH v. MICHAEL GARRETT, et al**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 94-D-1620-N

*Institution:* FPC, Maxwell Air Force Base

*Type of Case:* Habeas Corpus

*Subject:* TRANSFERS, COMMUNITY TREATMENT CENTERS

*Facts Alleged:* Inmate at MON in 1995 alleges that he was arbitrarily transferred from a CCC.

*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* 01-18-1995

*Assigned to:* Kenneth E. Vines; Assistant U.S. Attorney, Chief, Civil Division, Montgomery, AL; Angle Grider, Attorney Advisor, SERO



**17. ALVARO GUTIERREZ v. UNITED STATES, et al**  
*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-40568

*Institution:* USP, Atlanta

*Type of Case:* Federal Tort Claims Act (FTCA)

*Subject:* PROPERTY

*Facts Alleged:* Inmate at TAL in 1994 alleges that his property was lost after he was transferred from ATL

*Damages Req:* \$658.95; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.

*Rec'd in Legal:* January 5, 1995; *Due:* NONE, NO SUMMONS ISSUED.

*Assigned to:* P. Michael Patterson; U.S. Attorney, Tallahassee, FL; Dan Rouse, Paralegal Specialist, FCI, Tallahassee

## Significant Activity on Existing Cases

**MICHAEL ADEDEJI v. R. INGRAM, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 90-50103/WS; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$12,300,000

*Subject:* INMATE DISCIPLINE, DISCRIMINATION - INMATE *Institution:* FCI, Marianna

*Facts Alleged:* Staff member lied when he issued an incident report to inmate for lying to staff member. Denied witnesses at DHO hearing in MNA in 03-1990.

*Special Monitoring:* 0, Not assigned to special monitoring

*Date Case Filed:* 09-12-1990

*Significant Activity:* Appeal to Eleventh Circuit, 94-2870

**PAUL BILZERIAN v. ATTORNEY GENERAL, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 92-30323WEA; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* 0

*Subject:* CENTRAL MONITORING *Institution:* FPC, Eglin Air Force Base

*Facts Alleged:* EGL inmate claims he was classified as a CIM with no supporting evidence. Denied community custody because of his offense severity rating being wrong. Administrative remedy process did not effectively deal with his complaint. Access to courts and legal mail has been hampered.

*Special Monitoring:* 0, Not assigned to special monitoring

*Date Case Filed:* 08-26-1992

*Significant Activity:* 11-16-1994 Dismissed via voluntary dismissal.



**VLADIMIR COLLAZO-LEON v. BUREAU OF PRISONS, et al**

*Court:* DISTRICT OF PUERTO RICO

*Docket No.:* 94-1616CC; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* PRETRIAL DETAINEES, AD DETENTION, INMATE DISCIPLINE *Institution:* MDC, Guaynabo

*Facts Alleged:* Pretrial detainee at GUA in 1994 alleges that he was placed in segregation based on charges that had been dismissed. He was not given a staff representative at his DHO hearing. Visitation, commissary and attorney privileges were withdrawn because he was in segregation.

*Special Monitoring:* 0, Not assigned to special monitoring

*Date Case Filed:* 05-03-1994

*Significant Activity:* Appeal by Bureau of Prisons to First Circuit, 94-2061

**WILLIAM T. IRWIN v. J. MICHAEL QUINLAN, et al**

*Court:* SOUTHERN DISTRICT OF GEORGIA

*Docket No.:* CV291-05; *Type of Case:* Mandamus; *Damages Req:* 0

*Subject:* ACCESS TO COURTS *Institution:* FCI, Jesup

*Facts Alleged:* Denied access to legal property and medical care at JES in 1991. Seeks transfer to Miami.

*Special Monitoring:* 0, Not assigned to special monitoring

*Date Case Filed:* 01-09-1991

*Significant Activity:* 12-15-1994 Dismissal affirmed for failure to exhaust administrative remedies.



**RICKY JACKSON v. U.S. BUREAU OF PRISONS**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-969-CIV-MARCUS; *Type of Case:* Federal Tort Claims Act; *Damages Req:* \$996

*Subject:* PROPERTY, TORT *Institution:* MCC, Miami

*Facts Alleged:* LEW inmate was at MIA in 08-1992, seeks reimbursement for property lost as result of Hurricane Andrew. Also seeks pay from work in UNICOR at MIA and balance of commissary account.

*Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew

*Date Case Filed:* 12-16-1993

*Significant Activity:* Moved via change of venue from FPAM, 4:CV-93-1938. 11-30-1994 Government's motion for summary judgement granted by default.



**NASSOS LASPOPOULOS v. BUREAU OF PRISONS, et al**  
*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 94-50190/LAC; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$3,250,000  
*Subject:* ASSAULTS, RELIGION *Institution:* FCI, Marianna  
*Facts Alleged:* Inmate at MNA in 1994 alleges that several BOP staff members have conspired against him due to his religious faith. As a result of this conspiracy, he is continuously assaulted.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 06-29-1994  
*Significant Activity:* Appeal to Eleventh Circuit by inmate. 94-3268



**KENNETH LINN v. SHIRLEY MINTER**  
*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 92-40214; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$300,000  
*Subject:* TRANSFERS *Institution:* FCI, Tallahassee  
*Facts Alleged:* Inmate at FTW alleges that while at TAL in 1991, he was transferred in retaliation for his Unit Manager's demotion. The inmate also alleges that he was job transfer without a written explanation as required by administrative regulations.  
*Special Monitoring:* ID8, Case management may be a problem, Other:  
*Date Case Filed:* 06-18-1992  
*Significant Activity:* Order adopts magistrate's 06-25-1993 report, dismisses most of the case. Bureau of Prisons rules create no constitutionally protected interest in an inmate's retention of his prison job. Remaining in the case, claims that the work assigned violated the 8th Amendment and FTCA claims.



**ORLANDO BENIGNO LORENZO v. MICHAEL W. GARRETT, et al**  
*Court:* NORTHERN DISTRICT OF ALABAMA  
*Docket No.:* CV 94-PT-2376-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* unspecified  
*Subject:* AD DETENTION, INMATE DISCIPLINE, VISITING, RECREATION, CONDITIONS OF CONFINEMENT *Institution:* FCI, Talladega  
*Facts Alleged:* TDG detainee in 1994 alleges he was arbitrarily placed in administrative detention. Conditions in administrative detention were severe; no heat, restrictions on hygiene, etc. Exercise period was very short and visitation was limited.  
*Special Monitoring:* IC5, Publicity / Impact on staff morale, Other.  
*Date Case Filed:* 09-29-1994  
*Significant Activity:* 12-12-1994 Action dismissed with prejudice by mutual consent.

**JUAN CAMILO MONTOYA v. FRED J. STOCK, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-1101-JRC; *Type of Case:* Habeas Corpus; *Damages Req:* 0  
*Subject:* SENTENCING *Institution:* USP, Atlanta  
*Facts Alleged:* Inmate at ATL in 1994 alleges that the BOP is using the wrong statute to compute his sentence. The BOP should use 18 U.S.C. 3568 instead of 18 U.S.C. 3585.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 04-22-1994  
*Significant Activity:* 08-26-1994 Order adopts magistrate's report, dismisses case. 06-29-1994 The magistrate's report recommends dismissal because the petition was successive. Appeal to Eleventh Circuit, 94-9109.



**RONALD SANJURO v. JOEL KNOWLES, et al**  
*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 93-1696-CIV-KING; *Type of Case:* Federal Tort Claims Act (FTCA); *Damages Req:* \$734.43  
*Subject:* PROPERTY *Institution:* MCC, Miami  
*Facts Alleged:* Inmate at TAL in 1994 alleges that his property was lost while at MIA in 1992 due to negligence of staff during Hurricane Andrew.  
*Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew  
*Date Case Filed:* 09-03-1993  
*Significant Activity:* 12-21-1994 Order grants government's motion to dismiss. The inmate has not shown any negligence in MCC, Miami's handling of personal property after the Hurricane Andrew evacuation.

**SIDNEY T. ZEMP, III v. ROGER SCOTT, et al**  
*Court:* NORTHERN DISTRICT OF ALABAMA  
*Docket No.:* CV-94-PT-1030-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$40,000  
*Subject:* INMATE DISCIPLINE, TRANSFERS, AD DETENTION *Institution:* FCI, Talladega  
*Facts Alleged:* Inmate at TDG in 1994 alleges that he was placed in SHU in violation of BOP procedures. He also alleges that he was transferred to ATL and placed in "punitive segregation."  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 04-28-1994  
*Significant Activity:* 12-08-1994 Order adopts magistrate's report, grants, government's motion for summary judgement, dismisses case. 11-18-1994 The magistrate's report recommends dismissal.