



**United States Government
Memorandum**

File

Date: February 10, 1995

**Reply to
Attn. of:** Sherree L. Sturgis, Regional Counsel
Southeast Region, Bureau of Prisons

Subject: January, 1995 SER Litigation

To: SER CEOs, Regional Administrators
Institution Paralegals and Attorneys
Wallace H. Cheney, General Counsel
Joyce Zoldak, Associate General Counsel

1. U.S. v. TIMOTHY HUME

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CR-370
Institution: USP, Atlanta
Type of Case: Criminal Prosecution
Subject: CRIMINAL PROSECUTION, ASSAULTS
Facts Alleged: Assault by Inmate with knife on physician's assistant at ATL in 1994. Trial on 01-24-1995. Staff Counsel Mike Bredenberg attended the first day.
Damages Req: 0; *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 26, 1995; *Due:* NA
Assigned to: Kent Alexander, U.S. Attorney, Atlanta, GA; Mike Bredenburg, Staff Counsel, USP, Atlanta

2. U.S. v. CLIFFORD GENE BLACK, et al

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CR-387
Institution: USP, Atlanta
Type of Case: Criminal Prosecution
Subject: CRIMINAL PROSECUTION
Facts Alleged: Three ATL sentenced inmates charged with murder Inmate, Eduardo Wong in July, 1994. BOP plans to move to different institutions for security reasons. Court appointed defense counsel objected for access to counsel reasons. At hearing held on 01-25-1995 judge asked parties to work out an arrangement. We agreed to wait until trial date is set before moving. If trial will commence soon, we will keep them here.
Damages Req: ; *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 26, 1995; *Due:* NA
Assigned to: Kent Alexander, U.S. Attorney, Atlanta, GA; Mike Bredenburg, Staff Counsel, USP, Atlanta

3. CARLOS VELEZ v. MURRAY J. RIGGENS, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: 95-000
Institution: FCI, Talladega
Type of Case: Personal Liability Action (Bivens)
Subject: MEDICAL TREATMENT
Facts Alleged: TDG Inmate in 1994 alleges BOP failed to provide proper medical care for broken leg. The leg did not heal correctly, became infected, and impeding normal use.
Damages Req: \$41,000,000; *Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: February 7, 1995; *Due:* NONE, NO SUMMONS ISSUED.
Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega

4. VINCENT COOLEY v. FEDERAL PRISON INDUSTRIES, et al

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-40090/MMP
Institution: FCI, Tallahassee
Type of Case: Personal Liability (Bivens) and Tort Action
Subject: WORK, SAFETY
Facts Alleged: TAL inmate in 1994 alleges his finger was partially amputated because safety equipment was missing from UNICOR equipment.
Damages Req: \$1,050,000; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: February 7, 1995; *Due:* 02-15-1995
Assigned to: Roy F. Blondeau, Jr.; Assistant U.S. Attorney, Tallahassee, FL; Ken Hyle, Attorney/Advisor, SERO

5. KENNETH HOLT KRAUSE, JR. v. DR. PETREA

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV294-174
Institution: FCI, Jesup
Type of Case: Personal Liability Action (Bivens)
Subject: MEDICAL TREATMENT
Facts Alleged: Inmate at JES in 1995 alleges that his seizure medicine was reduced intentionally.
Damages Req: \$40,000; *Special Monitoring:* ID15, Case management may be a problem, Representation difficulties.; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: February 7, 1995; *Due:* 03-03-1995
Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup



6. ALBERT LEE GRAHAM, SR. v. MICHAEL GARRETT, et al

Court: MIDDLE DISTRICT OF ALABAMA

Docket No.: 94-T-1590-N

Institution: FPC, Maxwell Air Force Base

Type of Case: Habeas Corpus

Subject: SENTENCING, FURLOUGHS

Facts Alleged: Inmate at MON in 1994 alleges that he should receive credit towards his second sentence so that he would be eligible for a furlough.

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: February 7, 1995; *Due:* 01-25-1995

Assigned to: Artur G. Davis; Assistant U.S. Attorney, Montgomery, AL; Earl L. Cotton, Assistant Regional Counsel, SERO

7. PEDRO SANCHEZ-PAZ v. KATHERINE HAWK, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50284/RV

Institution: FCI, Marianna

Type of Case: Injunction

Subject: TRANSFERS

Facts Alleged: Inmate at MNA in 1995 alleges that he has been the subject of transfers in retaliation for litigation activities. Also beaten by staff at TAL.

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: February 7, 1995; *Due:* 02-06-1995

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

8. WALTER JOHNSON v. LIEUTENANT DAVIS, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 95-000

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS

Facts Alleged: Inmate at LVN in 1995 alleges that he was assaulted by staff while at ATL in 1994 during an interrogation in SHU.

Damages Req: \$1,500,000; *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: February 7, 1995; *Due:* -1995

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

9. JOSEPH WITCHARD v. J. D. LAMER, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV-295-09

Institution: FCI, Jesup

Type of Case: Personal Liability Action (Bivens)

Subject: ACCESS TO COURTS, PROTECTIVE CUSTODY, SENTENCING, INMATE DISCIPLINE

Facts Alleged: JES Inmate in 1995 alleges prison officials took his legal materials and tax information. Claims conspiracy among staff to deprive him of pre-trial jail time credit, to force him into protective custody and to sign documents relating to a disciplinary action.

Damages Req: \$2,500,000; *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: February 7, 1995; *Due:* 03-06-1995

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Ken Hyle, Attorney/Advisor, SERO

10. ROBERT ERRA v. JOHN CANNON, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-50006RV

Institution: FCI, Marianna

Type of Case: Mandamus

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at MNA alleges he fell from upper bunk in 1994 injuring knee and has not received adequate treatment.

Damages Req: unspecified; *Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice; *SERO:* Regional office staff are alleged to be involved in this case.

Rec'd In Legal: February 7, 1995; *Due:* -1995

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

11. UNITED STATES v. LUIS PINILLOS

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 88-498-CR-DAVIS-3

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: SENTENCING, PAROLE

Facts Alleged: Inmate at MIA in 1995 alleges that his sentence has been computed under the new law instead of the old law making him ineligible for parole.

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: February 7, 1995; *Due:* 01-26-1995

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



12. MILTON C. INCIARTE v. BOP OFFICER WITHINGTON, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-40087-MP

Institution: FCI, Tallahassee

Type of Case: Personal Liability Action (Bivens)

Subject: RELIGION, INMATE DISCIPLINE, MEDICAL TREATMENT

Facts Alleged: Inmate at FTD in 1995 alleges that while at TAL in 1994, he was continually harassed because of he is Jewish. Given disciplinary actions because he doesn't speak English. Placed in second floor housing in spite of medical restrictions.

Damages Req: \$1,000,000; *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: February 7, 1995; *Due:* -1995

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

13. JAMES G. BUSH v. MIKE BUSH, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 295-0007

Institution: FCI, Jesup

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at JES in 1995 alleges that he did not receive adequate medical treatment for back pain which was misdiagnosed as allergy.

Damages Req: \$750,000; *Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: February 7, 1995; *Due:* 03-10-1995

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

14. RICHARD ADAM SMITH v. WARDEN BUREAU OF PRISONS

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50317

Institution: FCI, Marianna

Type of Case: Habeas Corpus

Subject: SENTENCING

Facts Alleged: MNA Inmate in 1995 alleges concurrent federal sentence should be computed to commence when imposed instead of when received in federal custody after completion of state sentence.

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: February 7, 1995; *Due:* 03-20-1995

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

15. ROBERT JAMES FERRARI v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 95-000

Institution: FCI, Marianna

Type of Case: Personal Liability Action (Bivens)

Subject: PROPERTY

Facts Alleged: ATL Inmate in 1995 seeks payment for depreciated value of stolen property unit officer secured with property officer while inmate received emergency medical treatment.

Damages Req: \$330.60; *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: February 7, 1995; *Due:* 03-13-1995

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



16. DONALD L. MONROE v. SHERREE L. STURGIS, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-2773-FMH

Institution: USP, Atlanta

Type of Case: Personal Liability (Bivens) and Tort Action

Subject: PROPERTY

Facts Alleged: ATL staff lost his property in the mail in 1992. Deliberate concealment of loss.

Damages Req: \$166; *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: February 9, 1995; *Due:* 03-22-1995

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

17. DAVID J. BREWER v. VIC LOY, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 95-000

Institution: FCI, Jesup

Type of Case: Personal Liability Action (Bivens)

Subject: PRIVACY, MENTAL HEALTH, AD REMEDIES

Facts Alleged: JES Inmate alleges disclosure of psychologist interview and contents of his administrative remedy in 1994 violated his privacy.

Damages Req: \$350,000; *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: February 9, 1995; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

18. WILLIAM COHEN v. UNITED STATES

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV-294-179

Institution: FCI, Jesup

Type of Case: Federal Tort Claims Act

Subject: ASSAULTS

Facts Alleged: JES Inmate in 1992 alleges failure to protect him from assault by an inmate with known violent tendencies who should not have been assigned to a camp. The inmate attacked with a folding chair resulting in coma and brain surgery.

Damages Req: \$5,000,000; *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: February 9, 1995; *Due:* 03-20-1995

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Earl L. Cotton, Assistant Regional Counsel,

19. TERRY CONNER v. DR. E. RUCKER, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50225

Institution: FCI, Marianna

Type of Case: Personal Liability Action (Bivens)

Subject: MENTAL HEALTH, MEDICAL TREATMENT

Facts Alleged: MNA Inmate alleges improper mental health care in 1994, permitting self mutilation by failing to comply with suicide prevention guidelines.

Damages Req: \$7,500,000; *Special Monitoring:* 1B6, May be financial liability, Other.; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd In Legal: February 9, 1995; *Due:* 03-24-1995

Assigned to: Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Ken Hyle, Attorney/Advisor, SERO

20. JOHN IBARRA v. KATHY HAWKS, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 1:90-190-20JC

Institution: FCI, Estill

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT, CONDITIONS OF CONFINEMENT

Facts Alleged: EST Inmate in 1993 alleges refusal of medical treatment and placement in smoking unit in spite of allergy. He was forced to work in spite of medical restrictions.

Damages Req: \$500,000; *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: February 9, 1995; *Due:* 03-27-1995

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

21. UNITED STATES v. DAVID RONALD CHANDLER

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CR-90-H-266-E

Institution: Southeast Region

Type of Case: CRIMINAL PROSECUTION

Subject: CRIMINAL PROSECUTION

Facts Alleged: Inmate with federal death sentence from FALN, presently in state custody.

Damages Req: 0; *Special Monitoring:* IC11, Publicity / Impact on staff morale, Federal Death Penalty; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd In Legal: February 9, 1995; *Due:* -1995

Assigned to: Walter E. Braswell; United States Attorney, Birmingham, AL; US Atty, Regional Counsel, SERO



22. ALEXANDER FITZWILSON FACEY v. PAT DAVIS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-40346

Institution: FCI, Tallahassee

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS, SAFETY, CONDITIONS OF CONFINEMENT

Facts Alleged: TAL Inmate alleges in 1993 his hand was injured and he was beaten in a riot caused by unrest between hispanic and black inmates.

Damages Req: \$6,000,000; *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: February 9, 1995; *Due:* 03-15-1995

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

23. RICHARD E. SMITH, M.D. v. UNITED STATES, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 95-000

Institution: FCI, Estill

Type of Case: Other, Contract

Subject: EMPLOYEES CLAIMS

Facts Alleged: Employee doctor at EST in 1994 alleges he involuntarily terminated his employment for health reasons after facility failed to provide him with adequate staffing. Relocation expenses taken out of remaining pay. Initially filed in SC state court, 95-CP-07-68.

Damages Req: \$32,000; *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: February 9, 1995; *Due:* 03-14-1995

Assigned to: Barbara Bowens; Assistant U.S. Attorney, Columbia, SC; Ken Hyle, Attorney/Advisor, SERO

24. PETER REED v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-5287

Institution: FCI, Tallahassee

Type of Case: Personal Liability Action (Bivens)

Subject: DISCRIMINATION

Facts Alleged: TAL Inmate in 1994 alleges discrimination where guard allegedly made racist and homosexual remarks.

Damages Req: \$8,750,000; *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: February 9, 1995; *Due:* -1995

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

U.S. v. CLIFFORD GENE BLACK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CR-387; *Type of Case:* Criminal Prosecution; *Damages Req:*

Subject: CRIMINAL PROSECUTION, TRANSFER

Institution: USP, Atlanta

Facts Alleged: Three ATL sentenced inmates charged with murder of Eduardo Wong in July, 1994. BOP plans to move to different institutions for security reasons. Court appointed defense counsel objected for access to counsel reasons.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 1994

Significant Activity: At 01-25-1995 hearing, the judge asked the parties to work out an arrangement. We agreed to wait until trial date is set before moving. If trial will commence soon, we will keep them here.

WILLIAM ROGER BOONE v. FEDERAL BUREAU OF PRISONS

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 94-2182-CIV-WDF; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* MCC, Miami

Facts Alleged: Inmate at MIA in 1994 alleges that the Bureau is not computing his sentence correctly after his parole was revoked.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 10-24-1994

Significant Activity: 01-03-1995 Dismissed for failure to exhaust administrative remedies.

JAMES ROLAND CLARK v. FRED J. STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-cv-743-CAM; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: MEDICAL TREATMENT *Institution:* USP, Atlanta

Facts Alleged: Inmate at ATL in 1994 alleges that he has not received proper diagnostic procedures for spots on his lungs that was found in April, 1992.

Special Monitoring: IC7, Publicity / Impact on staff morale, Medical Malpractice

Date Case Filed:

Significant Activity: 01-31-1995 Dismissed.



HERBERT LEE, et al v. RICHARD THORNBURGH

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:90-CV-1350-JOF; *Type of Case:* Employment Discrimination; *Damages Req:* unspecified wages and earnings

Subject: DISCRIMINATION *Institution:* USP, Atlanta

Facts Alleged: Black Employees at ATL allege discrimination based on race because denied promotions. 05-24-1993 Three day trial was attended by Earl Cotton.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 06-22-1990

Significant Activity: 01-17-1995 Eleventh Circuit affirms. 09-14-1994 Appeal to Eleventh Circuit, 94-8637. Magistrate Judge Dougherty, sitting as Special Master entered a report after the trial finding that Lee had not proved a prima facie case of discrimination. The plaintiff filed objections. 03-30-1994 Order adopts report, dismisses case.

UNITED STATES v. EDWARD LEWIS DUNBAR, JR.

Court: SOUTHERN DISTRICT OF MISSISSIPPI

Docket No.: J89-00069-B; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING, MEDICAL TREATMENT

Institution: FCI, Tallahassee

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

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 12-13-1994

Significant Activity: 01-06-1995 Order dismisses motion for early release. The cancer treatment provided to the prisoner meets and exceeds Constitutional mandates. The court has no authority to grant early release for humanitarian reasons except on a motion from the director of the Bureau of Prisons.

GEORGE EVANS v. VIC LOY, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: cv 294-98; *Type of Case:* Mandamus; *Damages Req:* 0

Subject: SERVICE OF PROCESS *Institution:* FCI, Jesup

Facts Alleged: Inmate at JES in 1994 alleges that several employees at JES refuse to accept service concerning the underlying case. He seeks a writ of mandamus from Warden Loy to instruct the employees to accept service.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 09-11-1994

Significant Activity: 01-09-1995 Order dismisses case for failure to make service within 120 days of the issuance of the summons.

MICHAEL W. GILTNER v. UNITED STATES

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-50095/WV; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* FPC, Tyndall Air Force Base

Facts Alleged: Inmate at TYN in 1993 alleges that he should receive credit for time spent on bond.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 04-23-1993

Significant Activity: 01-06-1995 Order dismisses case with prejudice. The inmate is not entitled to jail credit for time on bond.

U.S. v. TIMOTHY HUME

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CR-370; *Type of Case:* Criminal Prosecution; *Damages Req:* 0

Subject: CRIMINAL PROSECUTION, ASSAULTS

Institution: USP, Atlanta

Facts Alleged: Assault by inmate with knife on physician's assistant at ATL in 1994.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 1994

Significant Activity: 01-24-1995 Trial. Staff Counsel Mike Bredenberg attended the first day. Inmate's defense is that he was not mentally responsible because BOP refused to supply prescription drugs he had been previously taking. Trial on going.

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 Eleventh Circuit affirms. 12-15-1994 Dismissal affirmed for failure to exhaust administrative remedies. 07-11-1994 Appealed to 11th Circuit, 92-8665. 11-15-1991 Dismissed for failure to exhaust administrative remedies. Appealed to 11th Circuit. Appeal dismissed 03-26-1992. 05-14-1992 Order dismisses case in chief without prejudice for failure to exhaust administrative remedies.



RALPH JONES v. WILLIE THOMPSON, et al

Court: MIDDLE DISTRICT OF ALABAMA

Docket No.: 94-A-606-N; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$6,000,000

Subject: FURLOUGHS **Institution:** FPC, Maxwell Air Force Base

Facts Alleged: Inmate at MON in 1994 alleges that he was not granted a furlough to attend his father's funeral because of racial discrimination.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 05-20-1994

Significant Activity: 01-23-1995 Order adopts 01-05-1995 magistrate's report, grants summary judgement, dismisses case.

CHARLES LEQUIRE, et al v. ATTORNEY GENERAL OF U.S., et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:92-CV-1208-RLV; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$125,000.00

Subject: MEDICAL TREATMENT, ASSAULTS
Institution: USP, Atlanta

Facts Alleged: Inmate at ATL alleges that the defendants harrassed him and used excessive force resulting in bruises and abrasions on wrists, waist and ankles. He was refused medical attention by staff.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 05-22-1992

Significant Activity: 12-22-1994 Order dismisses case. Inmates have no right to correspond with inmates in other institutions. To prove a Constitutional violation for the use of force, an inmate must prove an objective component, which inquires whether the alleged wrongdoing was objectively harmful enough, and a subjective component which inquires whether the officials acted with a sufficiently culpable state of mind. In this case, the officers were faced with a situation in which they were trying to control an intoxicated, unruly, disruptive inmate. The inmate has not shown that his bruises were not the result of his own actions. He cannot show that the force used was not used for the purpose of restoring discipline. Bruises are not always a serious medical need.

KEITH MALING v. JANET RENO, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: TCA 93-40174-WS; **Type of Case:** Habeas Corpus; **Damages Req:** 0

Subject: SENTENCING **Institution:** FCI, Tallahassee

Facts Alleged: Inmate at TAL in 1993 alleges that he should receive credit for time served under house arrest.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 06-25-1993

Significant Activity: 08-17-1994 Dismissed. An Inmate is not entitled to jail credit for time spent on bond, even if there are restrictive conditions.

ROBERT MCCOVERY v. W.J. THOMPSON

Court: MIDDLE DISTRICT OF ALABAMA

Docket No.: 94-T-256-N; **Type of Case:** Habeas Corpus; **Damages Req:** 0

Subject: SENTENCING **Institution:** FPC, Maxwell Air Force Base

Facts Alleged: Inmate at MON in 1994 alleges that he should receive credit for the time spent on house arrest.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 03-02-1994

Significant Activity: 01-24-1995 Appeal to Eleventh Circuit, 94-6489. Inmate asks permission to file appellate brief late. 05-18-1994 Order adopts magistrate's report, dismisses case. Costs taxed to inmate.

HERBERT LOUIS MILLER v. DARLEEN MCCLUNG, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV-93-HM-0431-NE; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$5000

Subject: INMATE DISCIPLINE, ACCESS TO COURTS
Institution: Southeast Region

Facts Alleged: Inmate presently detained in local jail was housed at a half-way house in 1993 and states he was disciplined based on false information. He also alleges that his legal materials were confiscated which hampers his pursuit of a pending action, CV 92-7107.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 03-05-1993

Significant Activity: 11-17-1994 Notice of appeal to Eleventh Circuit. 09-23-1994 Order adopts magistrate's report, dismisses case. 09-01-1994 The magistrate's report recommends dismissal for failure to state constitutional claims.



RICHARD DAVID PARKER v. K. W. READ, et al
Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV294-37; *Type of Case:* Habeas Corpus;
Damages Req: 0
Subject: INMATE DISCIPLINE, ACCESS TO COURTS
Institution: FCI, Jesup
Facts Alleged: Inmate at SAF alleges that while at JES in 1992, he was disciplined for possession of contraband documents, some of which were received as part of discover in his criminal case. Claims denial of access to courts because of the confiscation of the documents.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 03-24-1994
Significant Activity: 01-04-1995 Order adopts magistrate's report, grants government's motion for summary judgement, dismisses case. 12-02-1994 The magistrate's report recommends dismissal.

WILLIAM L. PATCH v. UNITED STATES
Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CV-1109-FMH; *Type of Case:* Federal Tort Claims Act (FTCA); *Damages Req:* \$70.00
Subject: PROPERTY *Institution:* USP, Atlanta
Facts Alleged: Inmate alleges his legal documents were lost when transferred to PET from ATL in 1993.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 04-22-1994
Significant Activity: 11-29-1994 order grants the government's motion to dismiss.

WILLIAM L. PATCH v. UNITED STATES BUREAU OF PRISONS, et al
Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV293-173; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$2025.20
Subject: PROTECTIVE CUSTODY *Institution:* FCI, Jesup
Facts Alleged: Inmate at JES in 1993 alleges that he was placed in protective custody in violation of his due process rights.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 12-01-1993
Significant Activity: 05-19-1994 Order adopts magistrate's report, dismisses case. 05-27-1994 Inmate files notice of appeal to Eleventh Circuit, 94-8639. 01-04-1995 Appeal dismissed for failure to pay filing fee.

STAN PHILLIPS v. U.S. BUREAU OF PRISONS
Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:93-CV-2566-JOF; *Type of Case:* Tort;
Damages Req: \$1,412.00
Subject: PROPERTY *Institution:* USP, Atlanta
Facts Alleged: Inmate at ATL in 1994 alleges that the BOP has failed to return property that was taken from him when he was transferred from FTW in 1992.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 11-08-1993
Significant Activity: 01-31-1995 Order dismisses case. The court does not have subject matter jurisdiction of this case because it involves the detention of property by a law enforcement official. The case falls within the 28 U.S.C. 2680(c) exception to the Federal Tort Claims Act.

SOUTH CAROLINA, THE STATE OF v. DAVID JEPSEN
Court: DISTRICT OF SOUTH CAROLINA
Docket No.: 94GS25-0486; *Type of Case:* Other, Criminal Prosecution; *Damages Req:* 0
Subject: CRIMINAL PROSECUTION *Institution:* FCI, Estill
Facts Alleged: SC is prosecuting inmate for the murder of inmate Solomon Gilbert at EST on 07-10-1994. Crime will be prosecuted by the state because federal jurisdiction of EST property has not yet been obtained.
Special Monitoring: IB1, May be financial liability, All cases involving a death.
Date Case Filed: 08-29-1994
Significant Activity: 01-30-1995 Trial scheduled in county court. Earl Cotton traveled to Estill on 01-23 to assist in witness preparation. He will attend and assist with trial.

CLYDE TURNER v. BUREAU OF PRISONS, et al
Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: 91-H-0812-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$1,000,000
Subject: ASSAULTS *Institution:* FCI, Talladega
Facts Alleged: Claims officer at MNA told inmates that PL was a snitch in 1989. Transferred to TDG with a group of MNA inmates so that problem followed. Forced to house with an inmate with whom he had prior problems. Assaulted by the inmate on 10-04-1990. Other assaults by inmates as a result of being labeled a snitch.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 04-12-1991
Significant Activity: 01-17-1995 Dismissed because of the inmate's failure to prosecute the claim.



ANNIE WHITE v. JANET RENO, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-1823-RLV; **Type of Case:** Equal Employment Claim; **Damages Req:** \$100,000

Subject: DISCRIMINATION **Institution:** USP, Atlanta

Facts Alleged: Former employee of ATL alleges that he was terminated from his job as a result of racial discrimination.

After several discussions, a settlement offer was contemplated which was later rejected. The plaintiff also alleges that this settlement offer was rejected.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 07-20-1994

Significant Activity: 11-04-1994 Dismissed without prejudice via voluntary stipulation.



United States Government
Memorandum
 MAR 13 95

VCH

File

Date: March 6, 1995

Reply to Attn. of: Sherree L. Sturgis, Regional Counsel
 Southeast Region, Bureau of Prisons

Subject: February, 1995 SER Litigation

To: SER CEOs, Regional Administrators
 Institution Paralegals and Attorneys
 Wallace H. Cheney, General Counsel
 Joyce Zoldak, Associate General Counsel

New Cases

1. JONATHON DANIEL KELTON v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: 94-2601
Institution: FCI, Talladega
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at TDG in 1995 seeks designation of federal institution for service of state sentence.
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: March 1, 1995; *Due:* NONE, NO SHOW CAUSE
Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega

2. U.S. v. ANDRE MILTON, et al

Court: MIDDLE DISTRICT OF ALABAMA
Docket No.: 95-000
Institution: Southeast Region
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at a state facility alleges that his state and federal sentences should run concurrent.
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: March 1, 1995; *Due:* NONE, NO SHOW CAUSE
Assigned to: Kenneth E. Vines; Assistant U.S. Attorney, Chief, Civil Division, Montgomery, AL; Ken Hyle, Attorney Advisor, SERO

3. UNITED STATES v. FRANCISCO CASTILLO-CHAVEZ

Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 94-0663-CR-GRAHAM
Institution: MCC, Miami
Type of Case: Habeas Corpus
Subject: CRIMINAL PROSECUTION VISITING
Facts Alleged: Inmate at MIA in 1995 seeks permission to confer with a codefendant who is not incarcerated.
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: March 1, 1995; *Due:* -1995
Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

4. WAYNE CHARLES v. UNITED STATES BUREAU OF PRISONS, et al

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV 295-29
Institution: FCI, Jesup
Type of Case: Personal Liability Action (Bivens)
Subject: VISITING
Facts Alleged: Inmate at JES in 1995 alleges that he was denied visitation rights with an approved visitor.

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: March 1, 1995; *Due:* 04-10-1995
Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

5. JOHN WILLIAM MUNSON v. JANET RENO

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-50267-LAC
Institution: Southeast Region
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate alleges that he has an indeterminate sentence as he is on a conditional release under a prescribed regimen of treatment.
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: March 1, 1995; *Due:* 02-28-1995
Assigned to: Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Van Vandivier, Deputy Regional Counsel, SERO



6. ROBERT WILSON LAMB v. JANET RENO, et al

Court: U.S. SUPREME COURT

Docket No.: 95-000

Institution: FCI, Tallahassee

Type of Case: Mandamus

Subject: MANDAMUS

Facts Alleged: TAL inmate in 1995 alleges Bureau of Prisons failed to follow procedures which unfairly prevented him from being transferred to Eglin. He seeks information about the decision not to transfer him and the sealing of his records.

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: March 1, 1995; *Due:* -1995

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

7. UNITED STATES v. PAUL JENNINGS HILL

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-03118-01/RV

Institution: Southeast Region

Type of Case: Mandamus

Subject: CRIMINAL PROSECUTION

Facts Alleged: Inmate with concurrent state (death sentence) and federal sentences for killing doctor at abortion clinic filed motion on 1-26-95 for order to show cause as to why the Director should not be held in criminal contempt of court for failing to take inmate into federal custody.

Damages Req: 0; *Special Monitoring:* IC11, Publicity / Impact on staff morale, Death Penalty; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: March 1, 1995; *Due:* -1995

Assigned to: David McGee; Assistant U.S. Attorney, Tallahassee, FL; Van Vandivier, Deputy Regional Counsel, SERO

Significant Activity on Existing Cases

MALCOLM FRAZIER v. SABRINA JOHNS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-30125/RV; *Type of Case:* Mandamus;

Damages Req: 0

Subject: CENTRAL MONITORING AD REMEDIES

Institution: FCI, Tallahassee

Facts Alleged: Inmate at PEN in 1993 alleges that he was given a CIM's classification in violation of federal regulations. He also alleges that he was not allowed to seek his administrative remedies concerning the issue.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 10-06-1993

Significant Activity: 02-06-1994 Dismissed with prejudice.

UNITED STATES v. PAUL JENNINGS HILL

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-03118-01/RV; *Type of Case:* Mandamus;

Damages Req: 0

Subject: CRIMINAL PROSECUTION

Institution: Southeast Region

Facts Alleged: Inmate with concurrent state (death sentence) and federal sentences for killing doctor at abortion clinic filed motion on 1-26-95 for order to show cause as to why the Director should not be held in criminal contempt of court for failing to take inmate into federal custody.

Special Monitoring: IC11, Publicity / Impact on staff morale, Death Penalty

Date Case Filed:

Significant Activity: 02-21-1995 Advised that inmate has withdrawn suit.

HOWARD OTTO MASTERS v. GEORGE ELLEN HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50169/LAC; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$100,000

Subject: VISITING MARRIAGES *Institution:* FCI, Marianna

Facts Alleged: Inmate at MNA in 1994 alleges that he is being denied his visitation rights with his wife.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 04-15-1994

Significant Activity: 02-02-1995 Dismissed with prejudice because of inmate's failure to provide updated address after release.



LEONARD WALTERS v. J.D. LAMER, et al

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 93-40215-MMP; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$800,000
Subject: SENTENCING *Institution:* FCI, Tallahassee
Facts Alleged: Former inmate from TAL seeks monetary compensation for allegedly not being released on the appropriate date due to a miscalculation of his credits.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 09-27-1993
Significant Activity: 01-19-1995 Order adopts 09-27-1994 magistrate's report, grants summary judgment, dismisses case.

ROBERT DALE KELLER v. W. J. THOMPSON, et al

Court: MIDDLE DISTRICT OF ALABAMA
Docket No.: 93-D677-N; *Type of Case:* Habeas Corpus; *Damages Req:* 0
Subject: SENTENCING *Institution:* FPC, Maxwell Air Force Base
Facts Alleged: Inmate at MON in 1993 alleges that he should not be incarcerated as it was the USM's fault in not executing the court's sentencing order, not his.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 05-28-1993
Significant Activity: 02-14-1995 Eleventh Circuit affirms for failure to exhaust administrative remedies, 94-6520.

ELIAS PUGH v. MICHAEL GARRETT, et al

Court: MIDDLE DISTRICT OF ALABAMA
Docket No.: 94-D-1620-N; *Type of Case:* Habeas Corpus; *Damages Req:* 0
Subject: TRANSFERS COMMUNITY TREATMENT CENTERS *Institution:* FPC, Maxwell Air Force Base
Facts Alleged: Inmate at MON in 1995 alleges that he was arbitrarily transferred from a CCC.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 12-20-1994
Significant Activity: 02-21-1995 Dismissed without prejudice to allow inmate to exhaust administrative remedies.

ROBERT H. BURNS v. C. LAWATHER, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: CV-90-H-0475-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$2,500,000
Subject: MEDICAL TREATMENT *Institution:* FCI, Talladega
Facts Alleged: Refused treatment at TDG in 1988 for intestinal track problem. Later tests showed gall bladder had burst. 03-05-1992 Interlocutory appeal by Inmate dismissed by Eleventh Circuit, 91-7814. 06-16-1993 Trial on the merits was attended by Van Vandivler and Gere Gooden. 07-19-1993 The court found there was no negligence. The government's expert witnesses testified that the health care was at the level of such reasonable care, skill and diligence as other similarly situated health care providers in the same line of practice ordinarily have exercised in like cases. The inmate presented no evidence to the contrary. Alabama law is clear that a plaintiff has the obligation to counter defendant's expert testimony with expert testimony in support of his claim.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 03-14-1990
Significant Activity: 02-14-1995 Inmate was entitled to jury trial. A special report is not a pleading, so the demand for jury trial was not untimely.

Joyce



**United States Government
Memorandum**

Date: April 11, 1995
Reply to Attn. of: Sherree L. Sturgis, Regional Counsel
Southeast Region, Bureau of Prisons
Subject: March, 1995 SER Litigation
To: SER CEOs, Regional Administrators
Institution Paralegals and Attorneys
Wallace H. Cheney, General Counsel
Joyce Zoldak, Associate General Counsel

3. PAUL WENDELL CALHOUN, JR. v. VIC LOY
Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 295-44
Institution: FCI, Jesup
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at JES in 1995 alleges that he should receive credit for time served while in state custody.
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: March 17, 1995; *Due:* 04-04-1995
Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

New Cases

1. HENRY WYNN v. U.S. BUREAU OF PRISONS

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: 95-000
Institution: Southeast Region
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: State inmate seeks designation of state facility for place of confinement for federal sentence.
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: March 17, 1995; *Due:* NONE, NO SHOW CAUSE
Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Denise Miles, Paralegal Specialist Trainee, Southeast Regional Office

2. CLAUDIO PEREZ-CALO v. THOMAS WOOTEN

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: 295-51
Institution: FCI, Jesup
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at JES in 1995 alleges that his federal sentence and state sentence should run concurrently.
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: March 17, 1995; *Due:* 04-05-1995
Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

4. DONALD H. GRODSKY v. UNITED STATES, et al

Court: EASTERN DISTRICT OF LOUISIANA
Docket No.: 95-0785
Institution: FPC, Maxwell Air Force Base
Type of Case: Federal Tort Claims Act (FTCA)
Subject: MEDICAL TREATMENT
Facts Alleged: Former inmate at MON and EGL alleges that he did not receive adequate medical treatment for an eye problem in 1992 which has resulted in permanent damage.
Damages Req: \$375,000; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; **SERO: Regional office staff are not alleged to be involved in this case.**
Rec'd in Legal: March 17, 1995; *Due:* 05-12-1995
Assigned to: Robert J. Boitman; U.S. Attorney, New Orleans, LA; Earl L. Cotton, Assistant Regional Counsel, SERO

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5. PAUL B. ALLEN v. MICHAEL W. GARRETT

Court: MIDDLE DISTRICT OF ALABAMA

Docket No.: 95-A-328-N

Institution: FPC, Maxwell Air Force Base

Type of Case: Habeas Corpus

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at MON alleges he injured his knee in 1994 on trash detail and did not receive adequate medical treatment. He was given a medical furlough to have surgery at his own expense. Insurance paperwork problems delayed the procedure. The furlough was terminated. He was arrested and fell while in restraints, further injuring the knee. Amputation was recommended as an option. Forced to perform work inconsistent with medical condition.

Damages Req: 0; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; **SERO: Regional office staff are not alleged to be involved in this case.**

Rec'd in Legal: March 20, 1995; *Due:* 04-03-1995

Assigned to: Ashton Holmes; Assistant U.S. Attorney, Montgomery, AL; Earl L. Cotton, Assistant Regional Counsel, SERO

6. REGINALD LAMAR REINHARDT v. JANET NO, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: CV 94-40228-WS

Institution: FCI, Tallahassee

Type of Case: Federal Tort Claims Act (FTCA)

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at JES in 1995 alleges that he did not receive adequate medical care for a fracture to his wrist that occurred as a result of a fall at FDC-TAL in 1992. He alleges that he has suffered permanent damage.

Damages Req: \$500,000; *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: March 20, 1995; *Due:* 03-03-1995

Assigned to: Robert D. Stinson; Assistant U.S. Attorney, Tallahassee, FL; Earl L. Cotton, Assistant Regional Counsel, SERO

7. EUGENIO ALAVARDO v. JANET RENO, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: TCA 94-40548

Institution: FCI, Tallahassee

Type of Case: Habeas Corpus

Subject: INMATE DISCIPLINE

Facts Alleged: Inmate at TAL in 1995 alleges that the inmate discipline procedures were not followed concerning an incident report that he received at EGL in 1994.

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: March 20, 1995; *Due:* 02-21-1995

Assigned to: Bruce E. Lowe; Assistant U.S. Attorney, Tallahassee, FL; Dan Rouse, Paralegal Specialist, FCI, Tallahassee

8. CARLOS AVILEZ v. JANET RENO, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-000

Institution: FCI, Tallahassee

Type of Case: Habeas Corpus

Subject: SENTENCING

Facts Alleged: Inmate at TAL in 1995 seeks credit for time spent on bond.

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: March 20, 1995; *Due:* NONE, NO SHOW CAUSE

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

9. LIN EDWARD DAVIS v. DEAN WESTBERRY, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 295-23

Institution: FCI, Jesup

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS

Facts Alleged: Inmate at PHX in 1995 alleges there was a conspiracy at JES in 1993-94 to distribute drugs.

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: March 20, 1995; *Due:* 06-05-1995

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup



10. ROBERT W. LAMB v. KENNETH P. BRITSUGU, et al

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: CIV-94-40486 WS
Institution: FCI, Tallahassee
Type of Case: Federal Tort Claims Act (FTCA)
Subject: CONDITIONS OF CONFINEMENT
Facts Alleged: Inmate at TAL in 1995 alleges that he is exposed to an unreasonable health risk due to second-hand smoke. Claims to have developed emphysema as a result.
Damages Req: \$15,000,000; *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: March 20, 1995; *Due:* -1995
Assigned to: P. Michael Patterson; U.S. Attorney, Tallahassee, FL; Earl L. Cotton, Assistant Regional Counsel, SERO

11. JAMES CAREY v. FRED J. STOCK

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CV-1875-JOF
Institution: USP, Atlanta
Type of Case: Personal Liability Action (Bivens)
Subject: RELIGIOUS DIETS, RELIGION, FOOD SERVICE
Facts Alleged: Inmate at ATL in 1995 alleges he is assigned to the Common Fare Program, but on occasion he does not receive the Common Fare diet. Common Fare is not always in compliance with the prescribed menu.
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: March 20, 1995; *Due:* -1995
Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

12. CHARLES WATSON v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 95-000
Institution: FCI, Marianna
Type of Case: Personal Liability Action (Bivens)
Subject: WORK, MEDICAL TREATMENT, INMATE ACCIDENT COMPENSATION
Facts Alleged: Inmate at MNA in 1995 alleges that while working in UNICOR in 1994, he injured his hand because there was no safeguard on his machine. He lost fingers. A guard was installed after the incident. He was denied medical treatment for this injury.
Damages Req: \$3,000,000; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: March 20, 1995; *Due:* NONE, NO SUMMONS ISSUED.
Assigned to: Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

13. UNITED STATES v. CARLOS ERAZO

Court: MIDDLE DISTRICT OF FLORIDA
Docket No.: 89-90-CR-FTM-17
Institution: FCI, Tallahassee
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at TAL in 1995 alleges that he should receive credit towards his sentence for time served in state custody.
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: March 20, 1995; *Due:* 03-06-1995
Assigned to: Susan M. Daltuva; Assistant U.S. Attorney, Fort Myers, FL; Sherree L. Sturgis, Regional Counsel, SERO



**14. D'ANTONIO WASHINGTON v. KATHLEEN
IAWK, et al**

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:95-CV-0467-CC

Institution: USP, Atlanta

Type of Case: Federal Tort Claims Act

Subject: ASSAULTS

Facts Alleged: Wrongful death suit filed by parents of correctional officer that was killed by inmate in 1994 at ATL.
Damages Req: \$12,689,605; *Special Monitoring:* IB1, May be financial liability, All cases involving a death.; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: March 20, 1995; *Due:* 04-26-1995

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

**15. JAMES ARTHUR NESBITT, et al v. BUREAU OF
PRISONS, et al**

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV295-43

Institution: FCI, Jesup

Type of Case: Habeas Corpus

Subject: FOI-PRIVACY, CLASSIFICATION

Facts Alleged: Inmate at JES in 1995 alleges that there was incorrect information in his PSI which staff refused to correct.
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: March 20, 1995; *Due:* 03-26-1995

Assigned to: Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

16. CHARLES HUNTER v. J. SAXMAN, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV 95-PT-113-E

Institution: FCI, Talladega

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at TDG in 1995 alleges that he suffered a heart attack as a result of misdiagnosis.
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: March 20, 1995; *Due:* 04-13-1995

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega

17. TOMAS JESUS PEREZ v. FRED J. STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-2713-RHH

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: CLASSIFICATION, ADMINISTRATIVE DETENTION, PROPERTY

Facts Alleged: Inmate at TAL in 1995 alleges that he was misclassified as a "Mariel Cuban." As a result of this classification, he was placed in administrative detention for four days in 1994. Personal property was lost.

Damages Req: \$500,00; *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: March 20, 1995; *Due:* 04-24-1995

Assigned to: Jane W. Swift; Assistant U.S. Attorney, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

18. JOE N. MAFFETT v. ROGER F. SCOTT, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV-95-H-0217-E

Institution: FCI, Talladega

Type of Case: Personal Liability Action (Bivens)

Subject: INMATE DISCIPLINE

Facts Alleged: TDG inmate alleges that he was given a false incident report in 1992 which was not served 24 hours in advance of the hearing.

Damages Req: \$150,000; *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: March 20, 1995; *Due:* 05-02-1995

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega

19. SHERRIE LYNN WEBB v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: MCA 95-50023/RV

Institution: FCI, Marianna

Type of Case: Federal Tort Claims Act (FTCA)

Subject: ASSAULTS

Facts Alleged: Inmate alleges that she was sexually assaulted by a staff member six times while at MNA in 1991. Staff failed to take protective action when she reported it. Officer was convicted.

Damages Req: \$6,000,000; *Special Monitoring:* IB7, May be financial liability, Staff Criminal Misconduct Involved.; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: March 20, 1995; *Due:* 04-22-1995

Assigned to: Pamela A. Moine; Assistant U.S. Attorney, Pensacola FL; Ken Hyle, Attorney/Advisor, SERO



20. CARLOS J. ACOSTA v. U.S. DEPARTMENT OF JUSTICE, et al

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 95-322-CIV-DAVIS

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: CLASSIFICATION

Facts Alleged: Inmate at MIA in 1995 alleges that there is inaccurate information in his PSI report.

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: March 20, 1995; *Due:* 04-24-1995

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

21. UNITED STATES v. CARLOS ARISTIZABAL

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 87-823-CR-MARCUS

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: SENTENCING, PAROLE

Facts Alleged: Inmate at MIA in 1995 alleges that his sentence should be modified to allow the possibility of parole and the fact that he is not serving a mandatory minimum.

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: March 20, 1995; *Due:* 03-17-1995

Assigned to: Cris Castillo; Paralegal, Miami, FL; Charles Davidson, Attorney Advisor, FDC, MCC, Miami

22. MARY K. HUDSON v. GEORGE ELLEN HURST

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-50024/LAC

Institution: FCI, Marianna

Type of Case: Habeas Corpus

Subject: SENTENCING, PAROLE

Facts Alleged: Inmate at MNA in 1995 alleges that her sentence is eligible for parole and the BOP refuses to do so.

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: March 20, 1995; *Due:* 05-09-1995

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

23. LEMUEL KINNEY v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-30110/LAC

Institution: FPC, Eglin

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT, WORK

Facts Alleged: Inmate at EGL in 1994 alleges that he did not receive adequate medical treatment for shoulder injury. he also alleges that he was required to work while injured.

Damages Req: \$4,000,000; *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: March 20, 1995; *Due:* NONE, NO SUMMONS ISSUED.

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

24. DONALD H. GRODSKY v. UNITED STATES, et al

Court: EASTERN DISTRICT OF LOUISIANA

Docket No.: 95-0785

Institution: FPC, Maxwell Air Force Base

Type of Case: Federal Tort Claims Act (FTCA)

Subject: MEDICAL TREATMENT

Facts Alleged: Former inmate at MON and EGL alleges that he did not receive adequate medical treatment for an eye problem in 1992 which has resulted in permanent damage.

Damages Req: \$375,000; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; *SERO:* Regional office staff are alleged to be involved in this case.

Rec'd in Legal: March 20, 1995; *Due:* 05-12-1995

Assigned to: Robert J. Boitman; United States Attorney, New Orleans, LA; Earl L. Cotton, Assistant Regional Counsel, SERO



25. JORGE VALDES v. MICHAEL FITZPATRICK

Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 95-0272-CIV-KEHOE
Institution: MCC, Miami
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate at MIA in 1995 alleges that he should receive credit for time served in state custody.
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: March 31, 1995; *Due:* NONE, NO SHOW CAUSE
Assigned to: Robyn J. Hermann; Assistant U.S. Attorney; Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

26. DARRELL L. THOMPSON v. FRED STOCK

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:94-CV-3430-RLV
Institution: USP, Atlanta
Type of Case: Habeas Corpus
Subject: INMATE DISCIPLINE
Facts Alleged: Inmate at ATL alleges he was wrongfully found guilty by the DHO of possessing contraband which was found in the common area of his cell. His cellmate admits ownership of the property.
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: March 28, 1995; *Due:* -1995
Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

Significant Activity on Existing Cases

JAMES ROBERT BAILEY v. BUREAU OF PRISONS, et al

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV 293-159; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$3,000,000
Subject: MEDICAL TREATMENT *Institution:* FCI, Jesup
Facts Alleged: Inmate at JES in 1993 alleges that he did not receive adequate medical treatment for a finger injury. As a result, he has lost the use and mobility of the finger.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 10-18-1993
Significant Activity: 08-17-1994 Order grants summary judgement, dismisses Defendant Smith leaving two other defendants in the case. 03-14-1995 Additional defendant dismissed, Diaz.

ROBERT H. BURNS v. C. LAWTHOR, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: CV-90-H-0475-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$2,500,000
Subject: MEDICAL TREATMENT *Institution:* FCI, Talladega
Facts Alleged: Refused treatment at TDG in 1988 for intestinal track problem. Later tests showed gall bladder had burst. 03-05-1992 Interlocutory appeal by inmate dismissed by Eleventh Circuit, 91-7814. 06-16-1993 Trial on the merits was attended by Van Vandivier and Gere Gooden. 07-19-1993 The court found there was no negligence. The government's expert witnesses testified that the health care was at the level of such reasonable care, skill and diligence as other similarly situated health care providers in the same line of practice ordinarily have exercised in like cases. The inmate presented no evidence to the contrary. Alabama law is clear that a plaintiff has the obligation to counter defendant's expert testimony with expert testimony in support of his claim.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 03-14-1990
Significant Activity: 02-14-1995 Inmate was entitled to jury trial. A special report is not a pleading, so the demand for jury trial was not untimely.

MARGARITA SOTO CANINO v. DR. PHILLIP LEE, et al

Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 94-1512-CIV-MORENO; *Type of Case:* Equal Employment Claim; *Damages Req:* \$300,000
Subject: DISCRIMINATION *Institution:* MCC, Miami
Facts Alleged: Public Health Service employee alleges that she was subjected to sexual harassment while at MIA in 1992 in retaliation because of her testimony in another EEO lawsuit.
Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.
Date Case Filed: 07-25-1994
Significant Activity: 03-03-1995 Court grants summary judgement. The only appropriate defendant in this Title VII action brought by a PHS employee is the Secretary of Health and Human Services. The court lacked jurisdiction because commissioned officers are exempted from Title VII.



AUDIOUS CHANNER v. ANA WANGA, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:93-CV-1425-RHH; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$380,000

Subject: ACCESS TO COURTS, CORRESPONDENCE
Institution: USP, Atlanta

Facts Alleged: Inmate at ATL in 1993 alleges that his legal mail was held and illegally opened. Order from magistrate was not delivered causing dismissal of case.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 06-23-1993

Significant Activity: 03-17-1995 Order grants the government's motion to dismiss. Isolated instances of negligent opening of constitutionally protected legal mail, do not give rise to a constitutional violation, absent factual allegations or evidence of improper motive or resulting interference with an inmate's right to counsel or access to the courts.

HENRY CARABALLO-SANDOVAL v. RON E. HONSTED, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 292-20; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$140,000

Subject: VISITING, ADMINISTRATIVE DETENTION
Institution: FCI, Jesup

Facts Alleged: Inmate and civilian sue for visiting privileges. Civilian was a former contract employee at MNA in 1989. She visited inmate at MNA after resigning from contract position. She claims to have relationship with inmate prior to his incarceration. Visiting not permitted at JES in 1991.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 01-09-1992

Significant Activity: 10-14-1994 Eleventh Circuit, 93-8004, holds that the decision to terminate visitation privileges between the prisoner and his wife was within prison officials discretionary authority. Prison officials had legitimate penological reason for denying the visitation privileges. The prisoner had exhausted his administrative remedies with regard to his placement in administrative detention because he was seeking only money damages. The administrative detention issue was remanded to the district court for a determination on the merits. 11-23-1992 Order grants summary judgement, dismisses case without prejudice pending resolution of administrative remedies.

PAUL FAZZINI v. WARDEN OF ATLANTA USP, et al
Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:91-CV-2196-RCF; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* unspecified

Subject: INMATE DISCIPLINE *Institution:* USP, Atlanta
Facts Alleged: Disciplined for the exercise of 1st Amendment rights at ATL in 1991.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 12-04-1991

Significant Activity: 02-27-1995 Order grants government's motion for judgement on the pleadings or, in the alternative, summary judgement. The inmate's FTCA claims must be denied because he failed to file suit within six months of the denial of his administrative claim. The Privacy Act claim must be denied because it can be brought only against a government agency and the inmate has sued only individuals. Federal civil RICO claims cannot be brought against the federal government. On the Bivens claims, the defendants are entitled to qualified immunity.

EDDIE GAMBLE, SR. v. WAYNE HOFFMAN, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 94-H-0942-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$15,000,000

Subject: ASSAULTS, MEDICAL TREATMENT, MENTAL HEALTH *Institution:* FCI, Talladega

Facts Alleged: Inmate alleges that during the Cuban uprising at TDG in 1991, he was physically and mentally injured. He alleges that he has received adequate medical treatment.

Special Monitoring: IC9, Publicity / Impact on staff morale, 1991 TDG Riot

Date Case Filed: 04-19-1994

Significant Activity: 02-27-1995 Order adopts magistrate's report, grants summary judgement dismisses case.
01-17-1995 The magistrate's report recommends dismissal

MICHAEL W. GILTNER v. UNITED STATES

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-50095/WV; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* FPC, Tyndall Air Force Base

Facts Alleged: Inmate at TYN in 1993 alleges that he should receive credit for time spent on bond.

Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 04-23-1993

Significant Activity: 01-06-1995 Order dismisses case with prejudice. The inmate is not entitled to jail credit for time on bond. Appeal to Eleventh Circuit, 95-2107. 03-28-1995 Dismissed for failure to prosecute.



BERT LEE GRAHAM, SR. v. MICHAEL GARRETT, et al

Court: MIDDLE DISTRICT OF ALABAMA

Docket No.: 94-T-1590-N; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING, FURLOUGHS *Institution:* FPC, Maxwell Air Force Base

Facts Alleged: Inmate at MON in 1994 alleges that he should receive credit towards his second sentence so that he would be eligible for a furlough.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 12-14-1994

Significant Activity: 03-16-1995 Order adopts magistrate's report, dismisses case. 03-09-1995 The magistrate's report recommends dismissal. Under either 18 U.S.C. 3568 or 3585, it is the responsibility of the Attorney General, acting through the Bureau of Prisons, to compute sentences and determine eligibility for jail time credit. Administrative remedies must be exhausted.

KEVIN HARVEY v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV 92-AR-2592-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$7500.00

Subject: INMATE DISCIPLINE, ADMINISTRATIVE RETENTION *Institution:* FCI, Talladega

Facts Alleged: Inmate at TDG in 1992 was charged with possession of weapon. Claims his rights were violated as a result of not having a UDC hearing prior to DHO proceeding. 12-29-1993 Order adopts magistrate's report, dismisses case. 12-01-1993 Magistrate's report recommends dismissal. Defendant's special report is treated as a motion for summary judgement. Violation of the Bureau's rule that a prisoner should receive a disciplinary hearing within 3 days of the delivery of the incident report does not constitute a constitutional violation.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 11-25-1992

Significant Activity: 03-07-1994 Appeal to Eleventh Circuit, 94-6068. 03-22-1995 The decision below is affirmed. There was some evidence to support the DHO's decision that the inmate possessed contraband.

U.S. v. TIMOTHY HUME

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CR-370; *Type of Case:* Criminal Prosecution; *Damages Req:* 0

Subject: CRIMINAL PROSECUTION, ASSAULTS *Institution:* USP, Atlanta

Facts Alleged: Assault by inmate with knife on physician's assistant at ATL in 1994.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 1994

Significant Activity: 01-24-1995 Trial. Staff Counsel Mike Bredenberg attended the first day. Inmate's defense is that he was not mentally responsible because BOP refused to supply prescription drugs he had been previously taking. Jury brought back guilty verdict after 30 minutes.

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 Eleventh Circuit affirms. 12-15-1994 Dismissal affirmed for failure to exhaust administrative remedies. 07-11-1994 Appealed to 11th Circuit, 92-8665. 11-15-1991 Dismissed for failure to exhaust administrative remedies. Appealed to 11th Circuit. Appeal dismissed 03-26-1992. 05-14-1992 Order dismisses case in chief without prejudice for failure to exhaust administrative remedies.

DAVID LAMBERT v. J. STRICKLAND, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 294-7; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* 0

Subject: TRANSFERS, VISITING *Institution:* FCI, Jesup

Facts Alleged: Inmate at JES in 1994 alleges that he was arbitrarily transferred because of his frequent filing. He alleges that his visitation rights have been infringed upon. He also alleges that he has purchased food items from the commissary beyond their expiration dates.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 01-10-1994

Significant Activity: 12-07-1994 Appeal to Eleventh Circuit dismissed for want of prosecution, 94-9000.



KENN WAYNE MITCHELL v. U.S. DEPARTMENT OF JUSTICE, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:90-CV-915-JTC; *Type of Case:* Employment Discrimination; *Damages Req:* unspecified

Subject: DISCRIMINATION *Institution:* USP, Atlanta

Facts Alleged: Dismissed from CO position at ATL because of race, threatened co-worker. 08-30-1993 Trial before Magistrate Allen L. Chancey. 10-15-1993 Magistrate's report recommends dismissal because the employee failed to carry his burden of proving the adverse personnel actions were a result of intentional race discrimination.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 04-24-1990

Significant Activity: 02-28-1994 Order adopts magistrate's report, dismisses case. The employee met his initial burden by establishing a *prima facie* case. The Bureau offered non-discriminatory reasons for its actions by referring to the employee's questionable state of mind which resulted from being held hostage by prisoners in 1987. The Bureau based its concerns on a threat made by the employee to a co-worker and evaluations by the employee's psychologist which indicated that he should not have direct contact with inmates, he could lose control and become physically aggressive and would never be able to return to work. Appeal to Eleventh Circuit, 94-8431. 03-28-1995 Affirmed.

DOMINICK T. MONGELLI v. UNITED STATES BUREAU OF PRISONS

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:93-CV-2954-JTC; *Type of Case:* Federal Tort Claims Act (FTCA); *Damages Req:* \$250,000

Subject: TORT, SAFETY *Institution:* USP, Atlanta

Facts Alleged: Inmate at EST in 1994 alleges that his eyes were injured in a fire at ATL in 1992.

Special Monitoring: IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.

Date Case Filed: 12-07-1993

Significant Activity: 03-24-1995 Order grants government's motion for summary judgement. The inmate failed to present sufficient evidence to show that his symptoms, spots before eyes which appeared 2 weeks after the accident, were caused by ashes from the fire. The alleged injury, which could not be confirmed by physical evidence, was sufficiently remote from the accident to require the of expert medical testimony to establish the injury and causation. The inmate did not offer any expert evidence.

IRA CRAWFORD MUSE, JR. v. JANET RENO, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-40136-WS; *Type of Case:* Mandamus; *Damages Req:* 0

Subject: EMPLOYEES CLAIMS *Institution:* FCI, Tallahassee

Facts Alleged: TAL Employee in 1994 alleges that FCI, TAL refuses to implement a program for the advancement of disabled veterans.

Special Monitoring: IC2, Publicity / Impact on staff morale, All employee suits.

Date Case Filed: 04-05-1994

Significant Activity: 12-22-1994 Order grants government's motion to dismiss. Jurisdiction under 28 U.S.C. 1331 is not appropriate. An action does not "arise under" a federal law that does not create a private cause of action or a federal judicial remedy for violations thereof. There is nothing in the federal veteran's preference laws, 38 U.S.C. 4214 (employment within federal government) or 5 U.S.C. 3112 (noncompetitive appointments of disabled veterans) to indicate that Congress intended to create a right of action in federal court. Absent such an indication, federal question jurisdiction is lacking. Additionally, 28 U.S.C. 1361, does not provide an independent basis of federal jurisdiction, but rather supplies a permissible remedy.

DUANE OLSON, et al v. FEDERAL PRISON INDUSTRIES (UNICOR), et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 294-011; *Type of Case:* Mandamus; *Damages Req:* 0

Subject: TRANSFERS, PRETRIAL DETAINEES, WORK *Institution:* FCI, Jesup

Facts Alleged: JES inmates in 1994 allege that the UNICOR BOD received unauthorized gifts, UNICOR employees illegal aliens and pre-trial detainees, UNICOR sells goods to private companies, UNICOR threatened and coerced inmates to work in UNICOR for less than minimum wages, and that inmates are transferred repeatedly to prevent a raise in pay.

Special Monitoring: IC5, Publicity / Impact on staff morale, Other.

Date Case Filed: 01-31-1994

Significant Activity: Evidentiary hearing scheduled for 06-09-1994. 03-30-1995 Order adopts magistrate's report, dismisses case. 10-13-1994 Magistrate's report recommends grant in part and denial in part of the government's initial motion to dismiss or in the alternative for summary judgement. The report was vacated. 03-06-1995 The magistrate's report recommends dismissal because no special grand jury has been impanelled in this district. Therefore, the inmates have no basis for their mandamus action.



EDON L. PAGE v. ROY L. WARD, et al

Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: TCA 92-40022/WS; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$20,000
Subject: RELIGION **Institution:** FCI, Tallahassee
Facts Alleged: Denied participation in Muslim Ramadan meal at TAL in 1992 because he was late to one meal.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 02-12-1992
Significant Activity: 02-19-1995 Order adopts magistrate's report, dismisses case. 02-03-1995 The magistrate's report recommends dismissal because of inmate's failure to apprise court of new address after release.

GERALD SIMMONS v. BUREAU OF PRISONS, et al

Court: MIDDLE DISTRICT OF ALABAMA
Docket No.: 91-A-1363-N; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** ?1,000,000
Subject: INMATE DISCIPLINE, LAW LIBRARIES, ADMINISTRATIVE DETENTION **Institution:** FPC, Maxwell Air Force Base
Facts Alleged: Disciplined for taking food from cafeteria and lying to staff member at MON in 01-1989. Not allowed to call witnesses at DHO hearing. Cell used for confinement was unsanitary. Improper delay in seeing parole board.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 11-06-1991
Significant Activity: 12-16-1991 Order dismissed BOP from case. 03-10-1995 Order adopts magistrate's report, grants summary judgement dismisses case. 02-15-1995 The magistrate's report recommends dismissal. The inmate received the due process to which he was entitled in the disciplinary action. It is not the province of the court to retry *de novo* prison disciplinary actions. The inmate has no constitutionally protected interest in remaining in general population, therefore, his claims concerning administrative detention should be dismissed. The inmate did not meet his burden to establish that the law library was inadequate.

JAMES GARY SMITH v. UNITED STATES, et al

Court: DISTRICT OF MARYLAND
Docket No.: S-94-482- ; **Type of Case:** Federal Tort Claims Act (FTCA); **Damages Req:** \$1,000,000.00
Subject: MEDICAL TREATMENT, WORK **Institution:** FPC, Eglin
Facts Alleged: Former inmate at FPC, EGL in 1889 alleges that he did not receive adequate medical treatment for a cyst on his back. He alleges that he was made to perform work duties that violated medical orders.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 03-07-1994
Significant Activity: 07-06-1994 Order dismisses case for lack of subject matter jurisdiction because the claimant failed to file a timely motion for reconsideration. 09-01-1994 Appeal to Fourth Circuit, 94-2128. 03-02-1994 Affirmed.

JAMES H. TIMBERLAKE v. BUREAU OF PRISONS, et al

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: CV 294-5; **Type of Case:** Personal Liability (Bivens) and Tort Action; **Damages Req:** 50,000
Subject: MEDICAL TREATMENT **Institution:** FCI, Jesup
Facts Alleged: Inmate at JES in 1994 alleges that he did not receive adequate medical treatment as a result of an injury he received after a chair collapsed.
Special Monitoring: 0, Not assigned to special monitoring
Date Case Filed: 01-24-1994
Significant Activity: 06-16-1994 Magistrate's report denies the government's motion to dismiss or in the alternative for summary judgement, denying qualified immunity. 07-01-1994 Government files objections. 07-18-1994 Evidentiary hearing. Summary judgement denied. Government takes an interlocutory appeal to the Eleventh Circuit, 94-8799, on the question of qualified immunity. 02-07-1995 Eleventh Circuit reverses and remands. The Court did not reach the question of qualified immunity because it determined the underlying claim must fail on the merits. The prison's response to the inmate's medical complaints was anything but deliberately indifferent. He had been seen sixty times in the past two years and prescribed numerous medications. He was seen by two specialist and given psychiatric counseling. He was supplied with back braces, a bed board, soft shoes and support hose.



ORGE VALDES v. MICHAEL FITZPATRICK

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 95-0272-CIV-KEHOE; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* MCC, Miami

Facts Alleged: Inmate at MIA in 1995 alleges that he should receive credit for time served in state custody.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 02-10-1995

Significant Activity: 03-21-1995 Dismissed because of inmate's motion for voluntary dismissal.

JESSIE H. VAUGHN v. JOHN E. HAHN

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: PCA 94-30027/RV; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* FPC, Eglin

Facts Alleged: Inmate at EGL in 1994 alleges that he should be given credit for time spent in restrictive bond.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 07-07-1994

Significant Activity: 03-29-1995 Order adopts magistrate's report, dismisses case. 03-06-1995 The magistrate's report recommends dismissal because restrictive bond does not constitute official detention for the purposes of eligibility for jail credit.

JOSEPH WITCHARD v. J.D. LAMER

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 294-036; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING *Institution:* FCI, Jesup

Facts Alleged: Inmate at JES in 1994 alleges that he should be given credit for time spent in a federal custody on writ from a state facility.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 03-10-1994

Significant Activity: 09-18-1994 Hearing scheduled.

12-23-1994 Dismissed for failure to exhaust administrative remedies and because he is not entitled to the jail credit demanded. A federal sentence does not begin to run when a defendant is produced in court pursuant to a federal writ of habeas corpus ad prosequendum. The inmate produced a document to show he had not received credit against his state sentence. Evidence strongly suggests the document was a forgery.



**United States Government
Memorandum**

Date: May 1, 1995

Reply to Attn. of: Sherree L. Sturgis, Regional Counsel
Southeast Region, Bureau of Prisons

Subject: April, 1995 SER Litigation

To: SER CEOs, Regional Administrators
Institution Paralegals and Attorneys
Wallace H. Cheney, General Counsel
Joyce Zoldak, Associate General Counsel

New Cases

1. DAVID TAYLOR v. KEITH OLSON, et al
Court: NORTHERN DISTRICT OF FLORIDA
Docket No.: 94-01118/WS
Institution: FCI, Tallahassee
Type of Case: Personal Liability Action (Bivens)
Subject: FINES, TELEPHONES, WORK
Facts Alleged: TAL inmate in 1995 claims he staff would not take him off IFRP "Refuse" status until he made a payment, which led to loss of wages and privileges and harassment. There was an unrelated problem with ITS.
Damages Req: \$20,200; *Special Monitoring:* ID8, Case management may be a problem, *Other:* Inmate Telephone issue; *SERO:* Regional office staff are not alleged to be involved in this case.
Rec'd in Legal: April 25, 1995; *Due:* 05-05-1995
Assigned to: Roy F. Blondeau, Jr.; Assistant U.S. Attorney, Tallahassee, FL; Dan Rouse, Paralegal Specialist, FCI, Tallahassee

2. JAMES P. MASTRONARDI v. R. D. SWOPE, et al
Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 94-CV-3239
Institution: USP, Atlanta
Type of Case: Personal Liability Action (Bivens)
Subject: MEDICAL TREATMENT
Facts Alleged: ATL inmate in 1994 alleges failure to provide medical treatment for shoulder injury, bone spurs, tumors, and hormone deficiency. Also refused dental work and replacement of contact lenses. Illegal taking of blood samples for drug tests. Denial of access to courts, and failure to obey segregated housing regulations.
Damages Req: \$110,000; *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: April 25, 1995; *Due:* -1995
Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

3. RONALD L. JACOBY v. DEPT OF JUSTICE, et al
Court: SOUTHERN DISTRICT OF FLORIDA
Docket No.: 95-0252-CIV-MOORE
Institution: FPC, Eglin
Type of Case: Personal Liability Action (Bivens)
Subject: SENTENCE
Facts Alleged: 1995 EGL inmate alleges court ordered correction in amount of restitution proves IFRP payment should be lower.
Damages Req: ; *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: April 27, 1995; *Due:* 05-22-1995
Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Earl L. Cotton, Assistant Regional Counsel, SERO

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4. CARL E. BALONEY v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 95-CV-252-JEC

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: ACCESS TO COURTS

Facts Alleged: ATL inmate in 1995 alleges he was removed from the camp and improperly housed in the high security area of the USP. His personal property and legal materials were delayed.

Damages Req: \$47,000; *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: April 27, 1995; *Due:* -1995

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

5. SAMUEL BROWNI v. UNITED STATES, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 2-95-1015-18

Institution: FCI, Estill

Type of Case: Personal Liability (Bivens) and Tort Action

Subject: TORT, GOVERNMENT VEHICLES

Facts Alleged: Civilian in 1994 alleges BOP van driver drove recklessly and failed to yield which caused wreck. Claims serious and permanent injuries and loss of enjoyment of life.

Damages Req: \$15,000; *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: April 27, 1995; *Due:* 06-02-1995

Assigned to: Jay Preston Strom; U.S. Attorney, Columbia, SC; Earl L. Cotton, Assistant Regional Counsel, SERO

6. EDUARDO ULLOA v. DR. E. HILLINGSWORTH, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-50097

Institution: FCI, Marianna

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT

Facts Alleged: MNA inmate in 1993 claims he injured his arm playing handball. Refused x-ray until 55 days later where it was discovered he had a broken arm. Claims loss of use of arm.

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: April 27, 1995; *Due:* 05-09-1995

Assigned to: Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

7. FRANCISCO CABRERA v. EDWARD F. REILLY

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 95-713-CIV-GRAHAM

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: TRANSFERS, SENTENCING

Facts Alleged: MIA inmate in 1995 alleges BOP failed to acknowledge 15.5 months of house arrest as time served as part of main claim against the USPC. Moves to stop transfer under F.R.App.P. 23.

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: April 27, 1995; *Due:* 06-02-1995

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

8. RAFAEL CRESPO-HERRERA v. BUREAU OF PRISONS, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 9-95-789-22JC

Institution: FCI, Estill

Type of Case: Habeas Corpus

Subject: SENTENCING, DISCRIMINATION - INMATE

Facts Alleged: EST inmate in 1995 claims he has not been credited with good time and extra good time that other inmates similarly situated have been given.

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: April 27, 1995; *Due:* 05-28-1995

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

9. PHILIP DOZIER v. KEITH OLSON, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 94-40635

Institution: FCI, Tallahassee

Type of Case: Habeas Corpus

Subject: PAROLE

Facts Alleged: TAL inmate in 1994 alleges he is held beyond the length of sentence because his special parole term has expired.

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: April 27, 1995; *Due:* unknown

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



10. FERNANDO HERRERA-RIVERA v. UNITED STATES, et al

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 94-2518

Institution: MCC, Miami

Type of Case: Personal Liability (Bivens) and Tort Action

Subject: PROPERTY

Facts Alleged: FTD inmate alleges while at MIA in 1992 he lost \$1,751.70 in property after Hurricane Andrew.

Damages Req: \$1,751.70; *Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: April 27, 1995; *Due:* 05-25-1995

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney, Deputy Chief, Civil Division, Miami, FL; Michael Pybas, Senior Staff Attorney, FDC, Miami, MCC, Miami

11. ANTONIO MARTIN v. JOHN W. CUMMING, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 94-3314

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: ASSAULTS

Facts Alleged: ATL inmate in 1994 alleges that he was attacked by other inmates and BOP personnel watched without assisting.

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: April 27, 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

12. WILLIAM MOLINA v. WILLIAM BUCHANON, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 95-72-CC

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT

Facts Alleged: ATL inmate in 1994 alleges failure to provide medical treatment caused gangrene in his feet to result in amputation of his toes and his left leg just below the knee.

Damages Req: \$5,050,000; *Special Monitoring:* IB2, May be financial liability, All cases involving injury which caused loss of limb or body function.; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: April 27, 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

13. ABDULLAH H MUHAMMAD v. BUREAU OF PRISONS, et al

Court: DISTRICT OF SOUTH CAROLINA

Docket No.: 95-187-6JC

Institution: FCI, Estill

Type of Case: Mandamus

Subject: NAME CHANGES, RELIGION

Facts Alleged: EST inmate in 1995 seeks recognition of name change from Jones to Muhammad. He alleges that he legally changed his name for religious purposes.

Damages Req: \$3.45; *Special Monitoring:* IC5, Publicity / Impact on staff morale, Other: Religious Issue; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: April 27, 1995; *Due:* -1995

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

14. TOMMIE MURRY v. FED. PRISON INDUSTRIES, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV95-AR-0348-E

Institution: FCI, Talladega

Type of Case: Personal Liability (Bivens) and Tort Action

Subject: INMATE ACCIDENT COMPENSATION, WORK

Facts Alleged: TDG inmate in 1992 alleges he suffered major UNICOR injury and was awarded inadequate sum by Inmate Accident Compensation System. He appealed.

Damages Req: \$150,000; *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: April 27, 1995; *Due:* 05-08-1995

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega



15. JEFFREY ROJAS, et al v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:94-CV-3199

Institution: USP, Atlanta

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT, TRANSFERS, AD
REMEDIES

Facts Alleged: Two ATL inmates, Rojas and Friedman, allege refusal to provide medical treatment - one for broken bones and one for urological problems. Threats of transfers because of complaints.

Damages Req: \$22,000; *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: April 27, 1995; *Due:* -1995

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

16. MANUEL ROMERO, et al v. UNITED STATES

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 95-0664

Institution: MCC, Miami

Type of Case: Federal Tort Claims Act (FTCA)

Subject: TORT, TRANSFERS, GOVERNMENT VEHICLES

Facts Alleged: Fifteen MIA inmates allege BOP us accident near TAL on 4-1-93 caused them injury. Text identical to Ruiz, 95-604.

Damages Req: \$1,500,000; *Special Monitoring:* IC12, Publicity / Impact on staff morale, 4-1-93 Miami bus accident; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: April 27, 1995; *Due:* 06-06-1995

Assigned to: Carla Barrow, Assistant U.S. Attorney, Miami, FL; Ken Hyle, Attorney/Advisor, SERO

17. LIONEL RUIZ v. UNITED STATES

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 95-604

Institution: MCC, Miami

Type of Case: Federal Tort Claims Act (FTCA)

Subject: TORT, TRANSFERS, GOVERNMENT VEHICLES

Facts Alleged: MIA inmate alleges BOP accident near TAL on 4-1-93 caused him injury. Text identical to Romero, 95-0664.

Damages Req: \$100,000; *Special Monitoring:* IC12, Publicity / Impact on staff morale, 4-1-93 Miami bus accident; *SERO:* Regional office staff are not alleged to be involved in this case.

Rec'd in Legal: April 27, 1995; *Due:* 05-30-1995

Assigned to: Carla Barrow; Assistant U.S. Attorney, Miami, FL; Ken Hyle, Attorney/Advisor, SERO

18. JACK STANCELLI v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:95-CV-815-RCF

Institution: USP, Atlanta

Type of Case: Habeas Corpus

Subject: INMATE DISCIPLINE, CONDITIONS OF
CONFINEMENT, ADMINISTRATIVE DETENTION

Facts Alleged: ATL inmate in 1995 challenges DHO action because he was not granted a staff assistant and because he could not present a defense while criminal charges are pending. Also claims 5 month delay in delivery of detention order. Challenges conditions in SHU.

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: April 27, 1995; *Due:*

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

19. ANDREW WALKER v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:95-CV-278-ODE

Institution: USP, Atlanta

Type of Case: Personal Liability (Bivens) and Tort Action

Subject: PROPERTY

Facts Alleged: ATL inmate in 1993 claims he surrendered radio to staff to be returned to the manufacturer for the repair of a defect but never received the radio back.

Damages Req: \$1,068.75; *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: April 27, 1995; *Due:* 05-26-1995

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



20. **L. COOPER v. ROBERT J. STIGLER**

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-000

Institution: FCI, Marianna

Type of Case: Other, inmate sues inmate

Subject: RELIGION, WORK

Facts Alleged: MNA inmate in 1995 sues other inmate for applying undue influence upon UNICOR foreman, for religious slander, for negligently performing his work in UNICOR, and for creating an unsafe working environment. BOP will not take an active role in this case.

Damages Req: \$200,000; *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: April 27, 1995; *Due:* -1995

Assigned to: P. Michael Patterson; U.S. Attorney, Tallahassee, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

21. **KENNETH W. BARFIELD v. ARNETTE FLOWERS**

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 95-40038-MMP

Institution: FCI, Tallahassee

Type of Case: HABEAS CORPUS

Subject: PAROLE TRANSFERS, ACCESS TO COURTS

Facts Alleged: TAL inmate in 1995 alleges that access to the Parole Commission and the courts has been denied because of transfers. Parole hearing was delayed because BOP staff had not prepared necessary documents.

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: April 27, 1995; *Due:* -1995

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

Significant Activity on Existing Cases

JOHN DAWSON v. ROGER SCOTT

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV-92-AR-1168-E; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: SENTENCING, COMMUNITY TREATMENT CENTERS *Institution:* FCI, Talladega

Facts Alleged: Inmate at TDG alleges that he has been denied credit to his sentence for the time spent in the half-way house and safe house, may have been in state custody at the time.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 5-20-1992

Significant Activity: 04-06-1995 Eleventh Circuit affirms district court dismissal. The inmate is not entitled to jail credit for time spent in a half-way house or safe house as a condition of bond before sentencing or after sentencing prior to surrender to the custody of the Attorney General. The BOP's interpretation of 18 U.S.C. 3585 is entitled to judicial deference. The fact that the conditions of confinement for pre and post sentence prisoners in half-way houses are identical does not create an equal protection violation. They are not similarly situated because their residence serves a fundamentally and functionally different purpose. The presentence detainee is there to protect the public and assure his presence at trial and sentencing. The post-sentence inmate is there for transitional and rehabilitative purposes.



DAVID ŁUCKIÉ COCHRAN v. KATHLEEN HAWK, et al
Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV294-46; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$1039.00

Subject: WORK, ADMINISTRATIVE DETENTION
Institution: FCI, Jesup

Facts Alleged: Inmate at JES in 1994 alleges that he was subjected to continual harassment at his job which resulted in his health deteriorating.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 11-01-1993

Significant Activity: 03-08-1995 Magistrate's report recommends dismissal. 03-30-1995 Order grants summary judgement, dismisses case. As to the telephone issue, the claim is factually baseless and moot. To the extent that the inmate has stated a factual claim, the defendants are protected from damages by qualified immunity because the inmate failed to carry his burden of establishing violation of clearly established law. The inmate's factual averments concerning medical care do not rise to the level of a constitutional deprivation. The allegations concerning his psychological care are conclusory at best. Additionally, here as well, the defendants would be entitled to qualified immunity.

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, ADMINISTRATIVE 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: Magistrate's report finds procedural due process was afforded, recommends dismissal. District court decides that discipline of pretrial detainee for attempted escape is punishment prohibited by the Fifth Amendment. Appeal by Bureau of Prisons to First Circuit, 94-2061. 04-07-1995 Circuit court decides pretrial prisoners can be disciplined for violations of institution rules. The circuit court finds the district court's conclusion to the contrary, "curious".

ELDER JAMES GARRETT-EL v. VIC LOY

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 294-127; *Type of Case:* Habeas Corpus;
Damages Req: 0

Subject: TRANSFERS, DISCRIMINATION *Institution:* FCI, Jesup

Facts Alleged: Inmate at JES in 1994 alleges he was refused a transfer as a result of discrimination.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 08-26-1994

Significant Activity: 04-06-1995 Dismissed without prejudice. 03-09-1995 Magistrate's report recommends dismissal for failure to exhaust administrative remedies.

ELLIS LORENZO MILLS v. E. RISCHI

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 294-115; *Type of Case:* Personal Liability (Bivens) and Tort Action; *Damages Req:* 0

Subject: MEDICAL TREATMENT *Institution:* FCI, Jesup

Facts Alleged: JES inmate in 1994 believes he has syphilis and not received the results from the blood test or any treatment for his condition.

Special Monitoring: IC7, Publicity / Impact on staff morale, Medical Malpractice

Date Case Filed: 08-16-1994

Significant Activity: 04-06-1995 Order grants summary judgment, dismisses case. 03-08-1995 Magistrate's report recommends granting of the government's unopposed motion for summary judgement for failure to exhaust administrative remedies regarding the injunctive relief claim. Additionally, the injunctive claim is moot because the inmate has been transferred to another institution. Finally, a difference of opinion as to the proper course of medical treatment is not grounds for a constitutional violation.



WILLIAM T. IRWIN v. CAROL PAVILACK GETTY, et al

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 293-18; **Type of Case:** Habeas Corpus;

Damages Req: 0

Subject: PAROLE, SENTENCING **Institution:** FCI, Jesup

Facts Alleged: Inmate at JES in 1992 alleges that he should have been paroled and the BOP knowingly withheld that information.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 01-12-1993

Significant Activity: 03-23-1995 Circuit affirms. Appeal to Eleventh Circuit, 93-9453. 10-21-1993 Order adopts magistrate's report, dismisses case. 06-11-1993 The magistrate's report recommends dismissal. Because this case challenges the imposition of a sentence, this 28 U.S.C. 2241 action must be dismissed. This issue can be litigated only in a 2255 action in the district where he was sentenced. He has failed to exhaust administrative remedies. He is not entitled to parole.

GLORIA STEELE v. UNITED STATES

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-50331-LAC; **Type of Case:** Tort; **Damages**

Req: \$2,298.00

Subject: PROPERTY **Institution:** FCI, Marianna

Facts Alleged: Inmate at MNA in 1994 alleges that her personal property was lost because staff refused to accept the parcel without a return address.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 03-08-1994

Significant Activity: 04-18-1995 Order adopts magistrate's report, grants summary judgment, dismisses case. The magistrate's report recommends dismissal. It was not negligence under Florida law for prison officials to refuse to accept a mail package for an inmate when the inmate had not secured an appropriate package authorization. Additionally, 28 U.S.C. 2680(c), a FTCA exemption concerning property detained by law enforcement officials, may deprive the court of jurisdiction of this case.