

UNITED STATES GOVERNMENT
memorandum

Date: February 10, 2002

Reply to: Sherree L. Sturgis, Regional Counsel, Southeast Region
Attn of: Federal Bureau of Prisons, Atlanta, GA 30331

Subject: Monthly Report - January 2002

To: Christopher Erlewine, Assistant Director/General Counsel
Federal Bureau of Prisons
Washington, D.C. 20534

I. ADMINISTRATIVE LEGAL ACTIVITIES - SUMMARY REPORT

A. Administrative Tort Claims - 2002

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	112											
Rec'd in month	70											
Recons. rec'd	0											
Ans'd in month	36											
Pending at end	131											
Over 180 days	16*											

* OIA Referrals -4

Pending Settlement, Settlement Authority, OQM and/or AFIP Referral-7

Pending
Info from
Inst.-5

B. Tort Claim Investigation Status: As of February 7, 2002

	ATL	COL	EDG	EG L	EST	GUA	JES	MIA	MIM	MNA	MO N	PE N	TA L	TDG	YAZ	SEO
PENDING	53	13	9	1	5	2	0	5	4	1	2	1	7	4	9	15
>60 DAYS	13	0	0	0	1	0	0	2	0	1	0	1	0	0	0	13

SER Monthly Report -January 2002
Page 2

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*Pending settlement authority, OQM and AFIPReferral-7.
*Pending additional information from claimant and/or representative-6.

C. FOI/Privacy Act Requests - 2002

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Pending on 1 st	22											
Rec'd in month	41											
Ans'd in month	41											
Pending at end	17											
Over 30 days	0											

D. FOIA Requests for records: As of January 2002

	ATL	COL	EGL	EST	GUA	JES	MIA	MIM	MNA	MON	FEN	TAL	TDG	YAZ	EDG
PENDING	3	2	1	1	0	1	0	0	0	0	0	2	1	0	6
>30 DAYS	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0

E. Administrative Remedies 2002

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
150											

II. LITIGATION ACTIVITY - 2002 SOUTHEAST REGION

A. Summary Report

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Tot
Cases Open	250	283											
New Cases	15												15
Habeas Corpus	9												
FTCA	1												
Bivens	3												
Other	2												
Bivens/FTCA	0												
Lit Reports	15												
Cases Closed	6												

B. Settlements and Awards: None reported

C. Significant Cases, Trials, Hearings, Other:

1. NEW CASES:

- a. Cecil Simon v. Willie Scott, 1:01-cv-2179-RWS (FGAN)
Bivens Case. USP Atlanta and USP Lewisburg. Plaintiff alleges he was not given adequate medical treatment for Glaucoma by staff at USP Lewisburg and USP Atlanta. Plaintiff alleges he was deniee access to outside medical treatment in time to save his left eye. AUSA not yet assigned.
- b. Joe Jefferson v. D.L. Hobbs, CV 201-217 (FGAS)
Habeas Corpus Petition. FCI Jesup. Inmate challenges the Sex Offender Public Safety Factor. AUSA Melissa Mundell.
- c. Bondary McCall v. D.L. Hobbs, CV 201-219 (FGAS)
Habeas Corpus Petition. FCI Jesup. Petitioner challenges his required participation in the Inmate Financial Responsibility Program. AUSA Larry Lee.
- d. Eulee Scott v. D.L. Hobbs, CV 201-178 (FGAS)

- Habeas Corpus Petitioner. FCI Jesup. Inmate challenges the Sex Offender Public Safety Factor. AUSA Delora Grantham.
- e. David L. Carter v. Kathleen Sawyer, No Number (FGAS)
Habeas Corpus Petition. FCI Yazoo City. Petitioner alleges a severe public safety hazard exists at FCI Yazoo City. AUSA Delora Grantham.
- f. Anthony Posada v. Khurshid, 5:01-cv-365RG (FMSS)
Habeas Corpus Petition. FCI Yazoo City. Petitioner alleges his sentences should run concurrently.
- g. Gabriel Scaff-Martinez v. U.S., 5:01-cv-0254 (FMSS)
FTCA Case. FCI Yazoo City. Plaintiff filed three separate tort claims alleging some of his personal property and legal documents had been lost by staff after he was placed in SHU in retaliation for filing another lawsuit. AUSA David Usry.
- h. William L. Ferreira v. Dan Dove, no number (FSC)
Habeas Corpus Petition. FCI Edgefield. Petitioner alleges he is not receiving adequate medical care for his degenerative disease and staff are covering this lack of medical care by classifying him as suffering from generalized anxiety. AUSA Barbara Bowens.
- i. Patrick Anthony Menillo v. Dan Dove, 3:01-4444-23BC (FSC)
Habeas Corpus Petition. FCI Edgefield. Petitioner alleges he has not received all jail credit. AUSA Barbara Bowens.
- j. John Albritton v. FBOP, 01-704-CIV-MOORE (FFLS)
Bivens Case. FCI Miami. Plaintiff alleges staff have violated his Eighth Amendment rights to be free from cruel and unusual punishment by providing him with inadequate living space, inadequate vertical space between bunk-beds, unit overcrowding, and fire hazardous conditions. AUSA Robert Bondi.
- k. Jose Fernandez-Toledo v. (FNU) Mercado, 01-3545-civ-king (FFLS)
Habeas Corpus Petition. FCI Miami. Petitioner alleges he is not receiving adequate medical treatment for an injury he received as a result of lifting a mail cart. AUSA not yet assigned.
- l. J.K. v. Mark Henry, 5:01-cv288/MP/SMN (FFLN)

Habeas Corpus Petition. FCI Marianna. Petitioner alleges he has not received all good time credit available. AUSA Mike Finney.

- m. Luis Martinez v. Mark Henry, 5:01-cv-276/MMP/SMN (FFLN)
Habeas Corpus Petition. FCI Marianna. Petitioner alleges he has not received jail credit for time spent in pre-trial status. Petitioner, also alleges the USMS and State of Florida have placed illegal detainers against him, which prohibits his ability to receive numerous BOP benefits. AUSA Mike Finney.

2. HEARINGS: No significant hearing reported this period.

3. TRIALS: No significant trials reported this period

4. OTHER: None

5. CLOSED CASES

- a. Smith v. Ray (FCI Edgefield)
2:01-239-18AJ (FSC)
Dismissed Without Prejudice
December 14, 2001
- b. Smith v. Vazquez (FPC Eglin)
3:01-CV-169/RV/MD
Petition Denied
January 2, 2002
- c. Van Riper v. Swope, (FCI Estill)
5:01-CV-238-OC-10 GRJ
Dismissed Without Prejudice
December 13, 2001
- d. Coiner v. U.S. (USP Atlanta)
99-cv-294 OC-10GRJ
Dismissed
January 24, 2002
- e. Philmore v. Dove, (FCI Edgefield)
9:01-1938-17RB

Summary Judgement
Januar 18, 2002

- f. Royster v. Dove, wt al., (FCI Edgefield)
2:01-0576-23
S.J. in part/dismiss without prejudice
January 10, 2001

D. RELIGIOUS CASES: None Reported

E. ENSIGN AMENDMENT CASES: None Reported.

F. PLRA 1915 DISMISSALS: None Reported.

III CRIMINAL CASES: No significant reporting.

IV TRAVEL FOR DECEMBER 2001


 b2

V MISCELLANEOUS: None