



United States Government  
Memorandum

OFFICE OF

**Date:** July 11, 1995

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

**Subject:** June, 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. UNITED STATES v. BERNARD ALBURY**

*Court:* MIDDLE DISTRICT OF FLORIDA  
*Docket No.:* 89-154-CR-T-17  
*Institution:* FPC, Eglin  
*Type of Case:* Habeas Corpus  
*Subject:* TRANSFERS

*Facts Alleged:* EGL Inmate in 1995 seeks transfer to Ocala, to be closer to his ailing parent. Judge considering order recommending transfer.

*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:* July 6, 1995; *Due:* 06-12-1995

*Assigned to:* Chris Griffiths; Paralegal Specialist, Tampa, FL; Van Vandivier, Deputy Regional Counsel, SERO

**2. RUBIN ALZAMORA v. BILL PATRICK, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-000  
*Institution:* MCC, Miami  
*Type of Case:* Habeas Corpus  
*Subject:* Jail Time Credit

*Facts Alleged:* MIA inmate in 1995 seeks jail time credit for time 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:* July 6, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* Jeffrey F. Michelland; Assistant U.S. Attorney, Fort Myers, FL; Michael Pybas, Senior Attorney Advisor, MCC, Miami

**3. THOMAS ANDREWS, SR. v. BUREAU OF PRISONS, et al**

*Court:* MIDDLE DISTRICT OF ALABAMA  
*Docket No.:* 95-A-714-N  
*Institution:* FPC, Maxwell Air Force Base  
*Type of Case:* Habeas Corpus  
*Subject:* SENTENCING

*Facts Alleged:* MON inmate in 1995 seeks 325 days credit for time spent in state custody because his state sentence was to run concurrently with the 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:* July 6, 1995; *Due:* 07-03-1995

*Assigned to:* Laura J. Garrett; Assistant U.S. Attorney, Chief, Civil Division, Montgomery, AL; Gerelene Gooden, Paralegal Specialist, Southeast Regional Office

**4. UNITED STATES v. DANIEL BOYD**

*Court:* MIDDLE DISTRICT OF ALABAMA  
*Docket No.:* 92-00105-N  
*Institution:* FPC, Pensacola  
*Type of Case:* Habeas Corpus  
*Subject:* SENTENCING

*Facts Alleged:* PEN inmate in 1995 seeks modification of his sentence to home confinement because of his medical condition.

*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:* July 6, 1995; *Due:* 08-04-1995

*Assigned to:* Terry F. Moorer; Assistant U.S. Attorney, Montgomery, AL; Van Vandivier, Deputy Regional Counsel, SERO

**5. UNITED STATES v. ANDRES CAMPILLO**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 92-571-CR-FERGUSON  
*Institution:* FDC, Miami  
*Type of Case:* Habeas Corpus  
*Subject:* ACCESS TO COURTS, MEDICAL TREATMENT

*Facts Alleged:* 1995 MIA inmate alleges pretrial confinement and phone restrictions are preventing his adequate preparation for trial and that he is receiving inadequate medical attention for a chemical imbalance.

*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:* July 6, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* Karen E. Rochlin; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



**UNITED STATES v. MICHAEL P. CHANG**

*Court:* MIDDLE DISTRICT OF FLORIDA  
*Docket No.:* 93-111-CR-ORL-19  
*Institution:* FPC, Pensacola  
*Type of Case:* Habeas Corpus  
*Subject:* FURLOUGHS  
*Facts Alleged:* PEN inmate in 1995 seeks furlough authorization and compelled response to FOIA request concerning the evaluation of his application for 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:* July 6, 1995; *Due:* 06-14-1995  
*Assigned to:* Cynthia Hawkins; Assistant U.S. Attorney, Orlando, FL; Van Vandivier, Deputy Regional Counsel, SERO

**7. SAMUEL COLLINS v. UNITED STATES, et al**

*Court:* MIDDLE DISTRICT OF PENNSYLVANIA  
*Docket No.:* 3:95-cv-00826  
*Institution:* USP, Atlanta  
*Type of Case:* Federal Tort Claims Act (FTCA)  
*Subject:* MEDICAL TREATMENT  
*Facts Alleged:* ATL holdover inmate in 1993 alleges failure to provide medical treatment for abdominal pain. Appendix captured after his flight to LEW.  
*Damages Req:* \$100,000; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* July 6, 1995; *Due:* 08-04-1995  
*Assigned to:* Wayne P. Samuelson; U.S. Attorney, Scranton, PA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**8. THOMAS R. FARESE v. TERRY M. LEVIX, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-6294  
*Institution:* FDC, Miami  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* PAROLE COMMUNITY TREATMENT CENTERS  
*Facts Alleged:* Former MIA inmate seeks damages for illegal exercise of jurisdiction over him by parole comm'n. BOP employee named because she oversees halfway house where inmate spent time.  
*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:* July 6, 1995; *Due:* 06-11-1995  
*Assigned to:* Robert Lehner; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

**9. CLIFFORD GAMEL v. BUREAU OF PRISONS**

*Court:* DISTRICT OF SOUTH CAROLINA  
*Docket No.:* 9:95-1520-18jc  
*Institution:* FCI, Estill  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* MEDICAL TREATMENT  
*Facts Alleged:* EST inmate 1995 alleges failure of medical treatment where officials denied eye surgery. Inmate continues to suffer swelling and contagious symptoms due to non-treatment.  
*Damages Req:* \$700,000; *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:* July 6, 1995; *Due:* 07-14-1995  
*Assigned to:* Barbara Bowens; Assistant U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill

**10. JOSEPH HALL v. TRACY PETROPOULOS**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 94-50340  
*Institution:* FCI, Marianna  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* MEDICAL TREATMENT  
*Facts Alleged:* MNA inmate 1994 alleges dentist failed to use anesthesia when making one inch incision in inmates infected palate and applying suction to abscess.  
*Damages Req:* \$13,000; *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:* July 6, 1995; *Due:* NONE, NO SUMMONS ISSUED.  
*Assigned to:* Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

**11. UNITED STATES v. PETER HENRY**

*Court:* DISTRICT OF PUERTO RICO  
*Docket No.:* 91-342  
*Institution:* MDC, Guaynabo  
*Type of Case:* Habeas Corpus  
*Subject:* FOREIGN PRISONERS INS  
*Facts Alleged:* 1995 GUA inmate seeks to benefit from programs not available to deportable aliens and a modification of his 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:* July 6, 1995; *Due:* NONE, NO SHOW CAUSE  
*Assigned to:* Osvaldo Carlo Linares; Assistant U.S. Attorney, Chief, Civil Division, Hato Rey, PR; Zoe Laboy, Attorney Advisor, MDC, GUAYNABO



**12. INMATES OF FCI, MARIANNA, et al v. JANET RENO, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-000

*Institution:* FCI, Marianna

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

*Subject:* RELIGION

*Facts Alleged:* Male inmates at MNA in 1995 allege religious discrimination against the Muslim religion. Library books and other interests not protected as much other religions. No mention of RFRA. Seeks class certification.

*Damages Req:* \$230,000; *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:* July 7, 1995; *Due:* NONE, NO SUMMONS ISSUED.

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

**13. CORNELIUS JOHNSON v. WARDEN HURST**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 94-d-607-n

*Institution:* FCI, Marianna

*Type of Case:* Habeas Corpus

*Subject:* SENTENCING

*Facts Alleged:* 1995 MNA inmate seeks credit for time spent in state custody where he was sentenced to serve a concurrent term.

*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:* July 6, 1995; *Due:* 06-21-1995

*Assigned to:* Laura J. Garrett; Assistant U.S. Attorney, Chief, Civil Division, Montgomery, AL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

**14. CARLOS REMO MANRIQUE-CARRENO v. DANIEL HORGAN, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-1237

*Institution:* FDC, Miami

*Type of Case:* Habeas Corpus

*Subject:* EXTRADITION, FOREIGN PRISONERS, INS

*Facts Alleged:* 1995 MIA inmate seeks to vacate extradition order on the grounds that he is claiming political asylum and will be persecuted or killed if he is returned to Peru.

*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:* July 7, 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

**15. UNITED STATES v. FLOR INEZ MATOS**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-6004-CR-GONZALEZ

*Institution:* FDC, Miami

*Type of Case:* Habeas Corpus

*Subject:* MEDICAL TREATMENT

*Facts Alleged:* 1995 MIA female inmate seeks surgery to remove two inch wide vaginal cyst that bleeds and protrudes when she urinates.

*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:* July 6, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* Laurence M. Bardfeld; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami



**WILLIAM METALLO v. JAMES L. MEGATHLIN, et al**

**Court:** DISTRICT OF COLUMBIA  
**Docket No.:** 1:95-CV-1138  
**Institution:** FCI, Tallahassee  
**Type of Case:** Personal Liability Action (Bivens)  
**Subject:** INMATE DISCIPLINE, FINES, ADMINISTRATIVE REMEDIES  
**Facts Alleged:** TAL inmate in 1995 alleges violations inmate discipline procedures for escape charge and improper denial of restoration of forfeited good time because of refusal to participate in IFRP. Denied administrative remedy forms.  
**Damages Req:** \$21,600,000; **Special Monitoring:** 0, Not assigned to special monitoring; **SERO:** Regional office staff are not alleged to be involved in this case.  
**Rec'd in Legal:** July 6, 1995; **Due:** 08-22-1995  
**Assigned to:** P. Michael Patterson; U.S. Attorney, Tallahassee, FL; Dan Rouse, Paralegal Specialist, FCI, Tallahassee

**17. PAUL MIDGETT v. TOM WOOTEN, et al**

**Court:** SOUTHERN DISTRICT OF GEORGIA  
**Docket No.:** 295-92  
**Institution:** FCI, Jesup  
**Type of Case:** Personal Liability Action (Bivens)  
**Subject:** MEDICAL TREATMENT  
**Facts Alleged:** JES inmate in 1995 alleges lack of care for his acute and chronic Hepatitis B and C. Seeks private care, a TRO to remain in this court's jurisdiction, and damages in an unspecified amount. Has also filed for Rule NISI on these issues.  
**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:** July 6, 1995; **Due:** 08-21-1995  
**Assigned to:** Dolora L. Kennebrew; Assistant U.S. Attorney, Savannah, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

**18. UNITED STATES v. DOROTHY MILLER, et al**

**Court:** MIDDLE DISTRICT OF FLORIDA  
**Docket No.:** 95-2734  
**Institution:** FPC, Butner  
**Type of Case:** Habeas Corpus  
**Subject:** SENTENCING TRANSFERS, COMMUNITY TREATMENT CENTERS  
**Facts Alleged:** Female inmates at Butner in 1995 write to Judge in FFLM and ask for sentence modification to change to home confinement.  
**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:** July 6, 1995; **Due:**  
**Assigned to:** Ralph E. Hopkins; Assistant U.S. Attorney, Orlando, FL; Van Vandivier, Deputy Regional Counsel, SERO

**19. LEWIS MORRISON v. OFFICER HINTON, et al**

**Court:** NORTHERN DISTRICT OF GEORGIA  
**Docket No.:** 1:94-CV-0894-MHS  
**Institution:** USP, Atlanta  
**Type of Case:** Personal Liability (Bivens) and Tort Action  
**Subject:** PROPERTY  
**Facts Alleged:** 1993 ATL inmate alleges his property was stolen after he was placed in special housing unit. Alleges failure of officers to properly secure his belongings resulted in the theft.  
**Damages Req:** \$838.95; **Special Monitoring:** 0, Not assigned to special monitoring; **SERO:** Regional office staff are not alleged to be involved in this case.  
**Rec'd in Legal:** July 7, 1995; **Due:** 08-11-1995  
**Assigned to:** Amy Berne Kaminshine; Assistant U.S. Attorney, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**20. OTHMAR PAYRLEITNER v. JOEL H. KNOWLES**

**Court:** SOUTHERN DISTRICT OF FLORIDA  
**Docket No.:** 95-000  
**Institution:** FDC, Miami  
**Type of Case:** Habeas Corpus  
**Subject:** EXTRADITION, FOREIGN PRISONERS  
**Facts Alleged:** MIA inmate in 1995 alleges Statute of Limitation defense to his extradition to Austria and that his extradition would violate the treaty.  
**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:** July 7, 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



**JOHN POWERS v. UNITED STATES**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:95-CV-728

*Institution:* USP, Atlanta

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

*Subject:* PROPERTY

*Facts Alleged:* ATL inmate in 1994 seeks \$750 payment for books not secured when inmate was placed in segregation unit after saving another inmate's life.

*Damages Req:* \$750; *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:* July 7, 1995; *Due:* 08-04-1995

*Assigned to:* David Wright; Assistant U.S. Attorney, Atlanta, GA; Mike Bredenberg, Staff Counsel, USP, Atlanta

**22. EUGENE REEVES v. ARNETT FLOWERS, et. al.**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-40070-mmp

*Institution:* FCI, Tallahassee

*Type of Case:* Habeas Corpus

*Subject:* Jail Time Credit

*Facts Alleged:* TAL inmate in 1995 seeks credit toward federal sentence for time in state custody. Also seeks credit time in federal custody on a writ of habeas corpus ad prosequendum.

*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:* July 6, 1995; *Due:* 05-05-1995

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

**23. CHARLES RELIFORD v. UNITED STATES**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:95-CV-1002-JTC

*Institution:* USP, Atlanta

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

*Subject:* PROPERTY

*Facts Alleged:* ATL inmate in 1994 seeks \$100 for property lost in the mail where officer allegedly refused to allow inmate to insure the package before sending it to TDG.

*Damages Req:* \$100; *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:* July 7, 1995; *Due:* 07-03-1995

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

**24. MICHAEL SAMMONS v. J. L. SIVLEY**

*Court:* NORTHERN DISTRICT OF ALABAMA

*Docket No.:* CV-95-PT-0309

*Institution:* FCI, Talladega

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

*Subject:* MARRIAGES

*Facts Alleged:* TDG inmate in 1994 alleges warden approved his marriage then cancelled the ceremony without cause on two occasions.

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

*Rec'd in Legal:* July 7, 1995; *Due:* 07-31-1995

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

**25. UNITED STATES v. WALTER SEARCY**

*Court:* MIDDLE DISTRICT OF GEORGIA

*Docket No.:* CR-93-00020

*Institution:* FCI, Jesup

*Type of Case:* Habeas Corpus

*Subject:* FINES

*Facts Alleged:* 1995 JES inmate appeals order by trial court (criminal proceeding) that the inmate pay restitution, asks for delay of payment of restitution until after incarceration.

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

*Rec'd in Legal:* July 7, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* James L. Wiggins; United States Attorney, Macon, GA; Michael Dedman, Paralegal Specialist, FCI, Jesup

**26. DAWN SUTTON v. BUREAU OF PRISONS, et al**

*Court:* DISTRICT OF SOUTH CAROLINA

*Docket No.:* 9:95-1516-OJC

*Institution:* FCI, Estill

*Type of Case:* Injunction

*Subject:* MEDICAL TREATMENT

*Facts Alleged:* EST inmate in 1995 seeks TRO so that facility will return medication prescribed to inmate. Inmate claims BOP personnel changed or misdiagnosed his needs contrary to the opinions of three of the inmate's doctors.

*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:* July 7, 1995; *Due:* 07-14-1995

*Assigned to:* Barbara Bowens; Assistant U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill



**EUGENE WEINRAUB v. UNITED STATES**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-01002

*Institution:* MCC, Miami

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

*Subject:* CONDITIONS OF CONFINEMENT, MEDICAL TREATMENT

*Facts Alleged:* MIA inmate in 1992 alleges injuries he sustained as a result of hurricane Andrew were foreseeable and that he should have received medical attention for his injuries sooner than he did.

*Damages Req:* \$250,000; *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:* July 7, 1995; *Due:* 08-10-1995

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

## Significant Activity on Existing Cases

**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:* 06-07-1995 Eleventh Circuit reverses and remands finding that there was a timely request for a jury trial.

**DEXTER CONROD v. JAMES MOSELY, et al**

*Court:* NORTHERN DISTRICT OF ALABAMA

*Docket No.:* 94-H-0788-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$50,000

*Subject:* VISITING *Institution:* FCI, Talladega

*Facts Alleged:* Inmate at TDG in 1994 alleges that his wife and children were denied visitation rights.

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

*Date Case Filed:* 04-04-1994

*Significant Activity:* 05-30-1995 Order adopts magistrate's report. 0-04-1995 The magistrate's report recommends dismissal. Visiting privileges with this inmate were not denied.

**CHARLES DOZIER v. FRED J. STOCK**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:94-CV-823-CAM; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* SENTENCING *Institution:* USP, Atlanta

*Facts Alleged:* Inmate at ATL in 1994 alleges that he has completed his sentence, but it still incarcerated.

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

*Date Case Filed:* 03-28-1994

*Significant Activity:* 06-24-1994 Order adopts magistrate's report, dismisses case. 05-26-1994 Magistrate's report recommends dismissal for failure to exhaust administrative remedies.



**ALBERT GRAHAM v. FRED STOCK, et al**

**Court:** NORTHERN DISTRICT OF GEORGIA

**Docket No.:** 1:92-CV-1784-JTC; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** 45,000,000

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

**Facts Alleged:** Inmate at ATL alleges that he was discriminated against because of his race when he was not allowed to work for the Plumbing Shop in 1991. Due to the negligence of his foreman in the Steam Shop, he was severely burned. Denied access to courts and the U.S. mail.

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

**Date Case Filed:** 07-05-1992

**Significant Activity:** Appeal to Eleventh Circuit, 94-9011. 05-15-1995 Appeal dismissed because Inmate Accident Compensation provides exclusive remedy. 08-19-1994 Order denied inmate's motion for summary judgement as premature. The government's motion to dismiss is granted. Claims against the warden in his official capacity are barred by the doctrine of sovereign immunity. Because the inmate was injured while working, his only remedy is under 18 U.S.C. 4126. This is the case regardless of any negligence by prison officials. Therefore, his FTCA claim fails. The court avoids ruling on the issue of whether an inmate is an employee. A claim for denial of access to the courts is invalid unless the inmate demonstrates a prejudice in his legal position. The inmate has an adequate law library at his disposal, which precludes his claim for constitutional violation simply because of the institution's alleged error in returning a law book he ordered to the publisher.

**NORMAN W. GRIFFIN v. U.S. BUREAU OF PRISONS**

**Court:** MIDDLE DISTRICT OF ALABAMA

**Docket No.:** 93-8475-CIV-UNGARO-BENAGES; **Type of Case:** Habeas Corpus; **Damages Req:** 0

**Subject:** SENTENCING, DETAINERS

**Institution:** Southeast Region

**Facts Alleged:** State prisoner seeks a state facility to be designated for his federal sentence. The state sentence has been ordered to run concurrently. He also seeks removal of a detainer.

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

**Date Case Filed:** 09-30-1993

**Significant Activity:** 06-21-1995 Order adopts magistrate's report, dismisses case. 05-31-1995 The magistrate's report recommends dismissal. The state and federal sentences can be served concurrently.

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

**Court:** NORTHERN DISTRICT OF FLORIDA

**Docket No.:** 94-50242/RV; **Type of Case:** Federal Tort Claims Act (FTCA); **Damages Req:** \$615,350

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

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

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

**Date Case Filed:** 12-02-1994

**Significant Activity:** 06-12-1995 Dismissed with prejudice.

**GEORGE GUNN v. UNITED STATES, et al**

**Court:** NORTHERN DISTRICT OF FLORIDA

**Docket No.:** 94-40085/WS; **Type of Case:** Federal Tort Claims Act (FTCA); **Damages Req:** \$4,000,000

**Subject:** SAFETY **Institution:** FCI, Tallahassee

**Facts Alleged:** TAL Inmate alleges he slipped and fell in the shower on Feb. 27, 1994. The safety hand rail broke loose as he grabbed it, causing him to fall back on some mop buckets stored in the shower stall. He injured his back, neck, arms and legs.

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

**Date Case Filed:** 02-23-1994

**Significant Activity:** 05-04-1995 Order adopts magistrate's report, dismisses case. 02-37-1995 The magistrate's report recommends dismissal.

**STEVIE JENNINGS v. KENNETH JOHNSON, et al**

**Court:** NORTHERN DISTRICT OF ALABAMA

**Docket No.:** 94-PT-0332-E; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$300,000

**Subject:** ASSAULTS, ADMINISTRATIVE DETENTION, MEDICAL TREATMENT **Institution:** FCI, Talladega

**Facts Alleged:** TDG Inmate in 1994 alleges he was the subject of an inmate assault while staff watched. He alleges inadequate medical care for his wounds. He alleges confinement in SHU for an excessive amount of time.

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

**Date Case Filed:** 02-11-1994

**Significant Activity:** 05-08-1995 Appeal to Eleventh Circuit. 05-10-1995 District court denies request for in forma pauperis on appeal.



**WALTER JOHNSON v. LIEUTENANT DAVIS, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:94-cv-2764-RCF; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$1,500,000

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

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

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

*Date Case Filed:* 10-19-1994

*Significant Activity:* 05-24-1995 Dismissed. Officers involved in the use of force at issue in this case submitted declarations showing there was justification for the force used. The inmate did not contradict the information with further declarations of his own. The marshals were directed to make further efforts to find the address of one defendant officer who had not been served because he was no longer employed at ATL.

**MICHAL DION MACK v. U.S. PUBLIC HEALTH SERVICE, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 95CV-952-RLV; *Type of Case:* Mandamus; *Damages Req:* 0

*Subject:* MEDICAL TREATMENT *Institution:* USP, Atlanta

*Facts Alleged:* ATL inmate in 1995 alleges facility continues to lose his medical records and provide inadequate health care by not properly diagnosing his condition or providing outside treatment.

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

*Date Case Filed:* 04-11-1995

*Significant Activity:* 04-27-1997 Inmate moves to voluntarily dismiss case.

**JOHN WILLIAM MUNSON v. JANET RENO**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-50125-RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* 0

*Subject:* OVERCROWDING *Institution:* Southeast Region

*Facts Alleged:* Inmate at FL state institution in 1994 alleges the BOP is overcrowded.

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

*Date Case Filed:* 05-02-1994

*Significant Activity:* 05-08-1995 Eleventh Circuit dismisses appeal for failure to pay docketing fee.

**CHARLIE WADE POWELL v. RICHARD C. ERWIN, et al**

*Court:* MIDDLE DISTRICT OF NORTH CAROLINA

*Docket No.:* 6:90CV00171; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$150,000,000

*Subject:* MEDICAL TREATMENT *Institution:* FCI, Talladega

*Facts Alleged:* Assaulted by police during arrest in 1988. Criminal trial judge was prejudiced. Transferred from county jail to BUT in 1989 for evaluation. Unidentified staff at BUT administered involuntary injection which caused infectious disease. USM transported him to TDG in 1989 where he was housed in segregation and refused medication. He was returned to BUT in 1989.

*Special Monitoring:* ID11, Case management may be a problem, Numerous institutions involved

*Date Case Filed:* 04-02-1990

*Significant Activity:* 05-22-1995 Fourth Circuit (94-7398) affirms. Appeal is prohibited because the inmate failed to file timely objections to a magistrate's report.

**ROBERT ROBINSON v. COUNSELOR JONES, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 93-40330-WS; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$2,000,000

*Subject:* CONDITIONS OF CONFINEMENT, ADMINISTRATIVE DETENTION *Institution:* FCI, Tallahassee

*Facts Alleged:* Inmate at TAL in 1993 alleges that he is being housed with a homosexual inmate against his wishes. He was placed in segregation as a result of him being vocal concerning these objections.

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

*Date Case Filed:* 10-01-1993

*Significant Activity:* 04-24-1995 Order adopts magistrate's report, dismisses case. 03-28-1995 The magistrate's report recommends dismissal. The inmate fails to allege any facts which establish that there was an obvious risk of harm to the inmate plaintiff or that prison officials were aware or should have been aware of any risk of harm. The inmate alleges psychological distress from having to share a room with a homosexual. This does not state an Eighth Amendment violation. The Constitution is not violated when psychological distress is generated by a prisoner's unfounded prejudice against another person.





**CHARLES SALERNO v. JOHN E. HAHN**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* PCA 94-30069/LAC; *Type of Case:* Habeas Corpus; *Damages Req:* 0  
*Subject:* SENTENCING *Institution:* FPC, Eglin  
*Facts Alleged:* Inmate at EGL alleges that he should receive credit for time spent on restrictive bond.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 05-31-1994  
*Significant Activity:* 05-11-1995 Order adopts magistrate's report, dismisses case. 04-12-1995 The magistrate's report recommends dismissal. The inmate is not entitled to receive credit for time on pretrial bond, nor has the denial of this credit violated his right to equal protection.

**MICHAEL STUTEVOSS v. JANET RENO, et al**

*Court:* MIDDLE DISTRICT OF ALABAMA  
*Docket No.:* 94-A-633-N; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* unspecified  
*Subject:* SAFETY, INMATE DISCIPLINE, DISCRIMINATION, PROPERTY *Institution:* FPC, Maxwell Air Force Base  
*Facts Alleged:* MON inmate in 1994 alleges he was required to work in violation of OSHA regulations on a diesel truck with exhaust problems. After he complained of the problem, he was given a false incident report and his property was arbitrarily seized.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 06-25-1994  
*Significant Activity:* 06-22-1995 Dismissed for failure to comply with the court's orders concerning objections to the magistrate's report.

**LUIS TAMAYO v. J.B. THOMPSON, et al**

*Court:* MIDDLE DISTRICT OF ALABAMA  
*Docket No.:* 94-D-1414-N; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$100,000  
*Subject:* MEDICAL TREATMENT *Institution:* FPC, Maxwell Air Force Base  
*Facts Alleged:* Inmate at LOR in 1994 alleges that while at MON in 1993, he contracted syphilis due to the institution's failure to isolate an infected inmate.  
*Special Monitoring:* IC7, Publicity / Impact on staff morale, Medical Malpractice  
*Date Case Filed:* 09-06-1994  
*Significant Activity:* 06-08-1995 Court denies motion for in forma pauperis on appeal. 06-05-1995 Notice of Appeal. 05-22-1995 Order adopts magistrate's report, dismisses case. 05-01-1995 The magistrate's report recommends dismissal. The system used for screening for communicable diseases meets constitutional requirements.

**MIGUEL M. TAPIA v. UNITED STATES BUREAU OF PRISONS, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 93-452-CIV-ATKINS; *Type of Case:* Federal Tort Claims Act (FTCA); *Damages Req:* \$147.00  
*Subject:* PROPERTY *Institution:* MCC, Miami  
*Facts Alleged:* Inmate at ROC in 1993 alleges that while an inmate at MCC, Miami during Hurricane Andrew, his property was misplaced during the transfer to JES.  
*Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew  
*Date Case Filed:* 05-20-1993  
*Significant Activity:* 06-19-1995 Dismissed because decisions made by prison officials in dealing with emergency situations such as Hurricane Andrew are entitled to protection under the discretionary function exception to FTCA.

**BERNARD J. THOMAS v. KEITH OLSON**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* TCA 93-40321-MMP; *Type of Case:* Habeas Corpus; *Damages Req:* 0  
*Subject:* INMATE DISCIPLINE *Institution:* FCI, Tallahassee  
*Facts Alleged:* Inmate at TAL in 1993 alleges that he was subjected to a disciplinary proceeding in which his due process rights were violated because he was not given adequate notice of the charges against him.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 12-10-1993  
*Significant Activity:* 03-27-1995 Magistrate's report recommends dismissal. The inmate was provided all due process protections required by *Wolff*. The fact that BOP procedures were not strictly followed does not result in a constitutional violation.

**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:* 06-06-1995 Appeal to Eleventh Circuit.



**DUARDO U'LLOA v. DR. E. HILLINGSWORTH, et al**  
*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 94-50097; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$3,000,000  
*Subject:* MEDICAL TREATMENT *Institution:* FCI, Marianna  
*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.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 03-10-95  
*Significant Activity:* 06-07-1995 Order adopts magistrate's report, dismisses case. 05-16-1995 The magistrate's report recommends dismissal based on the inmate's motion for voluntary dismissal.

**FERNANDO VARELA v. FRED J. STOCK, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:94-CV-1119-JTC; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$3,000,000  
*Subject:* ADMINISTRATIVE DETENTION, CLASSIFICATION *Institution:* USP, Atlanta  
*Facts Alleged:* Inmate at ATL in 1994 alleges that he was improperly classified as a Mariel Cuban. As a result, he as locked up in SHU for several days.  
*Special Monitoring:* 0, Not assigned to special monitoring  
*Date Case Filed:* 04-25-1994  
*Significant Activity:* 06-15-1995 Order grants government's motion for summary judgement, dismisses case. The due process clause does not provide a prisoner with a liberty interest in remaining out of temporary lockup. Neither do BOP regulations create such a liberty interest. Even if they did create an interest, the process afforded him was sufficient. Using the fact that the inmate was born in Cuba as the justification for placing him in administrative detention was not illegal discrimination based on national origin. The clear purpose of the segregations was maintenance of security.

**D'ANTONIO WASHINGTON v. KATHLEEN HAWK, et al**  
*Court:* NORTHERN DISTRICT OF GEORGIA  
*Docket No.:* 1:95-CV-0467-CC; *Type of Case:* Federal Tort Claims Act; *Damages Req:* \$12,689,605  
*Subject:* ASSAULTS *Institution:* USP, Atlanta  
*Facts Alleged:* Wrongful death suit filed by parents of correctional officer that was killed by inmate in 1994 at ATL.  
*Special Monitoring:* IB1, May be financial liability, All cases involving a death.  
*Date Case Filed:* 02-25-1995  
*Significant Activity:* 05-15-1995 Plaintiff's Motion for voluntary dismissal.



United States Government  
Memorandum

**Date:** August 2, 1995

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

**Subject:** July, 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. JIMMY BANKS v. FEDERAL BUREAU OF PRISONS, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:95-CV-844-JTC

*Institution:* USP, Atlanta

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

*Subject:* ASSAULTS, MEDICAL TREATMENT

*Facts Alleged:* Inmate at ATL in 1995 alleges that he was stabbed while in SHU because of inadequate security. Insufficient medical care for the injuries.

*Damages Req:* \$10,000,000; *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:* July 31, 1995; *Due:* 09-05-1995

*Assigned to:* Sharon Douglas Stokes; Assistant U.S. Attorney, Atlanta, GA; Angie Grider, Attorney Advisor, USP-Atlanta

**2. HECTOR GUZMAN RIVERA v. METROPOLITAN DETENTION CENTER**

*Court:* DISTRICT OF PUERTO RICO

*Docket No.:* 95-1434(JAF)

*Institution:* MDC, Guaynabo

*Type of Case:* Tort

*Subject:* PROPERTY, MEDICAL TREATMENT, AD DETENTION, ACCESS TO COURTS

*Facts Alleged:* Inmate at JES in 1995 alleges that while at GUA, he was not allowed legal calls, access to his legal materials, or allowed to take a shower while in administrative detention.

*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:* ; *Due:* 07-25-1995

*Assigned to:* Maria Hortensia Rios; Assistant U.S. Attorney, Chief, Civil Division, Hato Rey, PR; Zoe Laboy, Attorney Advisor, MDC, GUAYNABO

**3. JIMMY LEE SMITH v. JOSE ACEBAL, et al**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 95-A-906-N

*Institution:* FPC, Maxwell Air Force Base

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

*Subject:* FURLOUGHS MEDICAL TREATMENT

*Facts Alleged:* Inmate at MON in 1995 alleges that he was denied a furlough and medical treatment for leg and toe injuries.

*Damages Req:* \$10,500,000; *Special Monitoring:* ; **SERO: Regional office staff are not alleged to be involved in this case.**

*Rec'd in Legal:* July 31, 1995; *Due:* 09-11-1995

*Assigned to:* Ashton Holmes; Assistant U.S. Attorney, Montgomery, AL; Denise Miles, Paralegal Specialist Trainee, Southeast Regional Office

**4. ZENaida MORENO v. JOEL H. KNOWLES**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-13894-CIV-MORENO

*Institution:* FDC, Miami

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

*Subject:* MEDICAL TREATMENT

*Facts Alleged:* Inmate at MIM in 1995 alleges that she has not received adequate medical treatment for injuries received while working in the law library.

*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:* July 31, 1995; *Due:* 09-12-1995

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



**5. PEDRO REYES NIEVES v. C.R. NICKLIN, et al**

*Court:* DISTRICT OF PUERTO RICO

*Docket No.:* 95-1057(PG)

*Institution:* MDC, Guaynabo

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

*Subject:* INMATE DISCIPLINE

*Facts Alleged:* Inmate at MIL alleges that while at GUA in 1993, he was given a false incident report for inciting a work stoppage and placed in SHU.

*Damages Req:* \$1,400,000; *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:* July 31, 1995; *Due:* 09-12-1995

*Assigned to:* Osvaldo Carlo Linares; Assistant U.S. Attorney, Chief, Civil Division, Hato Rey, PR; Zoe Laboy, Attorney Advisor, MDC, GUAYNABO

**6. PETER REED v. FEDERAL 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:* Inmate at TAL in 1994 alleges that he was subjected to discriminatory actions because of his race and sexual orientation.

*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:* July 31, 1995; *Due:* 02-14-1995

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

**7. BRENDAN REILLY v. UNITED STATES, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-1402-CIV-GRAHAM

*Institution:* MCC, Miami

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

*Subject:* ASSAULTS

*Facts Alleged:* Inmate at MIA alleges he was assaulted in SHU in 1993 as a result of inadequate security.

*Damages Req:* \$400,000; *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:* July 31, 1995; *Due:* 08-28-1995

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

**8. JACK FORER v. WARDEN KNOWLES**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-1139-CIV-UUB

*Institution:* FDC, Miami

*Type of Case:* Habeas Corpus

*Subject:* LAW LIBRARIES, ACCESS TO COURTS

*Facts Alleged:* Inmate at MIM in 1995 alleges that he has been denied meaningful access to courts because of an insufficient law library.

*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:* July 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

**9. KIRK YOUNGBLOOD v. F.P. SAM SAMPLES**

*Court:* MIDDLE DISTRICT OF FLORIDA

*Docket No.:* 95-000

*Institution:* FL State Institution

*Type of Case:* Habeas Corpus

*Subject:* SENTENCING

*Facts Alleged:* Inmate now in FL state institution in 1995 is seeking credit for time served while in federal custody on writ from the state.

*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:* July 31, 1995; *Due:* NONE, NO SHOW CAUSE

*Assigned to:* Charles R. Wilson; United States Attorney, Tampa, FL; Earl L. Cotton, Assistant Regional Counsel, SERO

**10. GEORGE REYNOLD JONES, v. KEITH OLSON, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-40628-WS

*Institution:* FCI, Tallahassee

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

*Subject:* DETAINERS

*Facts Alleged:* Inmate at TAL in 1995 alleges his constitutional rights were violated due to his transfer under the IAD.

*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:* July 31, 1995; *Due:* 07-15-1995

*Assigned to:* Robert D. Stinson; Assistant U.S. Attorney, Tallahassee, FL; Dan Rouse, Paralegal Specialist, FCI, Tallahassee



**11. RICHARD MANDILE v. UNITED STATES  
PENITENTIARY, ATLANTA, GA**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:95-CV-739-MHS

*Institution:* USP, Atlanta

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

*Subject:* PROPERTY

*Facts Alleged:* Inmate at ATL in 1995 alleges that his property was lost while he was in SHU. Property was not promptly inventoried and cell door was left open.

*Damages Req:* \$300.00; *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:* July 31, 1995; *Due:* 07-13-1995

*Assigned to:* Amy Berne Kaminshine; Assistant U.S. Attorney, Atlanta, GA ; Angie Grider, Attorney Advisor, USP-Atlanta

**12. LEROY WISSER v. LARRY COX**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-30173

*Institution:* FPC, Eglin

*Type of Case:* Habeas Corpus

*Subject:* CLASSIFICATION

*Facts Alleged:* Inmate at EGL in 1995 alleges that he was given an inapplicable Public Safety Factor based on a misinterpretation of information in his PSI.

*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:* July 31, 1995; *Due:* 08-28-1995

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

**13. DAVID LUCKIE COCHRAN v. JOSEPH CLASS, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 91-50170

*Institution:* FCI, Marianna

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

*Subject:* MEDICAL TREATMENT, ACCESS TO COURTS

*Facts Alleged:* Inmate at SHE in 1995 alleges that while at MNA prior to 1992, inadequate medical treatment caused a heart attack. Denied access to courts and the administrative remedy process. Third amended complaint.

*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:* July 31, 1995; *Due:* 09-15-1995

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

**14. LARRY CORNELIUS RUSSELL v. M. CIOLLI, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:95-CV-1295-WBH

*Institution:* USP, Atlanta

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

*Subject:* PROPERTY

*Facts Alleged:* Inmate at THA in 1995 alleges that while in ATL in 1993, a box of his property was lost while in mail to EST.

*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:* July 31, 1995; *Due:* 08-25-1995

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



**15. JOSE FERNANDEZ-FIGUEROA v. RUDY FRANCO, et al**

*Court:* DISTRICT OF PUERTO RICO  
*Docket No.:* 95-1791-WRD  
*Institution:* MDC, Guaynabo  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* INMATE DISCIPLINE, URINE SURVEILLANCE, COMMUNITY TREATMENT CENTERS  
*Facts Alleged:* Inmate at GUA in 1995 alleges he was illegally charged with an incident report based on urinalysis which resulted in removal from a CCC.  
*Damages Req:* 0; *Special Monitoring:* 0, Not assigned to special monitoring; *SERO:* Regional office staff are not alleged to be involved in this case.  
*Rec'd in Legal:* July 31, 1995; *Due:* 09-21-1995  
*Assigned to:* Osvaldo Carlo Linares; Assistant U.S. Attorney, Chief, Civil Division, Hato Rey, PR; Earl L. Cotton, Assistant Regional Counsel, SERO

**16. PAUL SILVERS v. JOEL KNOWLES**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-6619-CIV-GONZALEZ  
*Institution:* FDC, Miami  
*Type of Case:* Habeas Corpus  
*Subject:* DETAINERS, CLASSIFICATION  
*Facts Alleged:* Inmate at MIM in 1995 alleges that a state detainer should be removed and he should be reclassified.  
*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:* July 31, 1995; *Due:* 08-07-1995  
*Assigned to:* Susan J. Johansen; Paralegal Specialist, U.S. Attorney's Office, Ft. Lauderdale, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

**17. SELBIE MCNAIR-BEY v. M. CARROLL**

*Court:* SOUTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-1171-CIV-FERGUSON  
*Institution:* MCC, Miami  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* INMATE DISCIPLINE, PROPERTY  
*Facts Alleged:* Inmate at MIA in 1995 alleges that he was given a false incident report for conducting a business when he received a money order from another inmate's girlfriend. The money order was not placed in his account.  
*Damages Req:* \$2,000,000; *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:* July 31, 1995; *Due:* 09-09-1995  
*Assigned to:* Peter Outerbridge; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

**18. DAYLON W. RUSHING v. DR. E. RUCKER, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 94-50285-LAC  
*Institution:* FCI, Marianna  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* MEDICAL TREATMENT, MENTAL HEALTH  
*Facts Alleged:* Inmate at MNA in 1995 alleges that he is not receiving adequate medical treatment for his mental condition. All medications for depression were cancelled. Lower bunk order rescinded.  
*Damages Req:* &1,500,001; *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:* July 31, 1995; *Due:* 09-18-1995  
*Assigned to:* Michael Finney; Assistant U.S. Attorney, Pensacola, FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

**19. MICHAEL FISHMAN v. GEORGE ELLEN HURST, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-50185-RV  
*Institution:* FCI, Marianna  
*Type of Case:* Habeas Corpus  
*Subject:* CLASSIFICATION  
*Facts Alleged:* Inmate at MNA in 1995 alleges that he has been given to many severity points.  
*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:* July 31, 1995; *Due:* 09-22-1995  
*Assigned to:* Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

**20. RONALD J. BIVINS v. J.L. SILVEY**

*Court:* NORTHERN DISTRICT OF ALABAMA  
*Docket No.:* 95-H-1732-E  
*Institution:* FCI, Talladega  
*Type of Case:* Habeas Corpus  
*Subject:* SENTENCING  
*Facts Alleged:* Inmate at TDG in 1995 alleges that he has been denied early release because he had been involved in a crime of violence even though he participated in the drug abuse program.  
*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:* July 31, 1995; *Due:* 08-03-1995  
*Assigned to:* Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL; Kathleen Kenney, Attorney Advisor, FCI, Talladega



**21. GLENN E. LOVETT v. KATHY HAWK, et al**

*Court:* DISTRICT OF MINNESOTA

*Docket No.:* 4-95-397

*Institution:* Southeast Region

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

*Subject:* TRANSFERS

*Facts Alleged:* Former employee who was convicted of sexual assault and incarcerated in a state facility seeks to be transferred to an institution in the SER.

*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:* July 31, 1995; *Due:* 07-31-1995

*Assigned to:* Mary Madigan; Assistant U.S. Attorney, Minneapolis, MN; Van Vandivier, Deputy Regional Counsel, SERO

**22. MITCHELL LEEFAR v. WILLIAM PATRICK**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-1253-CIV-NESBIT

*Institution:* MCC, Miami

*Type of Case:* Habeas Corpus

*Subject:* INMATE DISCIPLINE, COMMUNITY TREATMENT CENTERS, MEDICAL TREATMENT

*Facts Alleged:* Inmate at MIA in 1995 alleges that he was given an incident report for taking a prescribed medication and taken out of a halfway house as a result.

*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:* July 31, 1995; *Due:* 08-14-1995

*Assigned to:* Susan J. Johansen; Paralegal Specialist, U.S. Attorney's Office, Ft. Lauderdale, FL; Michael Pybas, Senior Attorney Advisor, FDC, MCC, Miami

**23. LEROY CHARLES HOGUE v. MICHAEL W. GARRETT**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 95-T-847-N

*Institution:* FPC, Maxwell Air Force Base

*Type of Case:* Habeas Corpus

*Subject:* SENTENCING

*Facts Alleged:* Inmate at MON in 1995 alleges his sentences should be old law since it was not appealed after Mistretta and should be eligible for SGT.

*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:* July 31, 1995; *Due:* 07-18-1995

*Assigned to:* Patricia A. Snyder; Assistant U.S. Attorney, Montgomery, AL; Earl L. Cotton, Assistant Regional Counsel, SERO

## Significant Activity on Existing Cases

**REGINALD BOOKER v. F. SAM SAMPLES, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:94-cv-2480-RHH; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* unspecified

*Subject:* MEDICAL TREATMENT *Institution:* USP, Atlanta

*Facts Alleged:* ATL Inmate in 1994 alleges he has not received adequate medical care for foot problems since 1992. The defendants have all but ignored his requests for treatment.

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

*Date Case Filed:* 08-09-1994

*Significant Activity:* 07-17-1995 Order grants government's motion to dismiss. Mild bunion problem was not a serious medical need. Inmate had received extensive treatment other than surgery so there was not deliberate indifference.

**PAUL WENDELL CALHOUN, JR. v. VIC LOY**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 295-44; *Type of Case:* Habeas Corpus;

*Damages Req:* 0

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

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

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

*Date Case Filed:* 02-28-1995

*Significant Activity:* 07-17-1995 Order adopts magistrate's report, dismisses case. 06-23-1995 The magistrate's report recommends dismissal. The inmate is not entitled to credit for the time he spent in a hospital as a condition of bail prior to trial.



**ANIEL J. FEDERLE v. VIC LOY, et al**

**Court:** SOUTHERN DISTRICT OF GEORGIA

**Docket No.:** CV295-10; **Type of Case:** Injunction; **Damages Req:** 0

**Subject:** MEDICAL TREATMENT **Institution:** FCI, Jesup

**Facts Alleged:** Inmate at JES in 1994 alleges that he is not receiving adequate medical care, including physical therapy, for several conditions that stem from a birth defect which resulted in his being a paraplegic.

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

**Date Case Filed:** 09-15-1994

**Significant Activity:** 07-17-1995 Order adopts magistrate's report, dismisses case. 06-22-1995 The magistrate's report recommends dismissal because after release the inmate failed to respond to the government's motion to dismiss or in the alternative for summary judgement.

**DAVID GREENBERG v. MR. PIERCE, et al**

**Court:** NORTHERN DISTRICT OF FLORIDA

**Docket No.:** 94-30025-RV; **Type of Case:** Per. Action (Bivens); **Damages Req:** \$2,000,000

**Subject:** INMATE DISCIPLINE **Institution:** FFC, JAIL

**Facts Alleged:** Inmate at EGL in 1994 alleges that he received an incident report for exercising when on medical restriction. The incident report was written as a result of purposeful harassment.

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

**Date Case Filed:** 04-25-1994

**Significant Activity:** 06-30-1995 Order adopts magistrate's report, dismisses case. 06-08-1995 The magistrate's report recommends dismissal. Mere conclusory allegations of conspiracy and retaliation are insufficient.

**JOSEPH R. GUAGNO v. ROBERT MATTHEWS, et al**

**Court:** NORTHERN DISTRICT OF GEORGIA

**Docket No.:** 1:93-CV-00880-RLV; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$15,000

**Subject:** MEDICAL TREATMENT **Institution:** USP, Atlanta

**Facts Alleged:** EGL inmate in 1993 alleges he was incarcerated at ATL in violation of his J&C. He should have been at EGL so that he receive adequate medical attention. Instead he was incarcerated at ATL and did not receive adequate medical care for his injuries.

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

**Date Case Filed:** 04-20-1993

**Significant Activity:** 07-11-1995 Order dismisses case because of inmate's failure to prosecute.

**FERNANDO HERRERRA-RIVERA v. UNITED STATES, et al**

**Court:** SOUTHERN DISTRICT OF FLORIDA

**Docket No.:** 94-2518; **Type of Case:** Personal Liability (Bivens) and Tort Action; **Damages Req:** \$1,751.70

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

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

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

**Date Case Filed:** 12-13-1994

**Significant Activity:** 07-18-1995 Order dismisses case as barred by statute of limitations.

**WILLIAM HEWLETT, et al v. KATHLEEN HAWK, et al**

**Court:** NORTHERN DISTRICT OF GEORGIA

**Docket No.:** 1:93-CV-1196-JOP; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$30,000,000

**Subject:** AD REMEDIES, MEDICAL TREATMENT **Institution:** USP, Atlanta

**Facts Alleged:** Inmate at ATL in 1993 alleges that the defendants are attempting to subvert the administrative remedy process by delaying the response times. He also alleges he is not receiving adequate medical and mental health care.

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

**Date Case Filed:** 05-28-1993

**Significant Activity:** 07-06-1995 Order dismisses without prejudice because of inmate's failure to keep the court advised of his current address.

**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:** 05-24-1995 Eleventh Circuit denies motion for rehearing en banc.





**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, AD REMEDIES

*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:* 07-31-1995 Motion for In Forma Pauperis before the U.S. Supreme Court.

**CORNELIUS JOHNSON v. WARDEN HURST**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 94-d-607-n; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* SENTENCING *Institution:* FCI, Marianna

*Facts Alleged:* 1995 MNA inmate seeks credit for time spent in state custody where he was sentenced to serve a concurrent term.

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

*Date Case Filed:* 06-01-1995

*Significant Activity:* 07-13-1995 The magistrate's report recommends dismissal. Sentences imposed at different times run consecutive unless the court orders differently.

**WALTER JOHNSON v. LIEUTENANT DAVIS, et al**

*Court:* NORTHERN DISTRICT OF GEORGIA

*Docket No.:* 1:94-cv-2764-RCF; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$1,500,000

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

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

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

*Date Case Filed:* 10-19-1994

*Significant Activity:* 07-17-1995 Remaining defendant dismissed for failure of service.

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

*Court:* SOUTHERN DISTRICT OF GEORGIA

*Docket No.:* CV295-43; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* FOI-PRIVACY, CLASSIFICATION *Institution:* FCI, Jesup

*Facts Alleged:* Inmate at JES in 1995 alleges that there was incorrect information in his PSI which staff refused to correct.

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

*Date Case Filed:* 02-23-1995

*Significant Activity:* 07-17-1995 Order adopts magistrate's report, dismisses case. 06-14-1995 The magistrate's report recommends dismissal. The Bureau's decision to award points on an inmate's security designation and classification form is an administrative determination designed to assist prison officials in maintaining security and does not invoke due process protections.

**IRA ANTHONY WALTERS v. J.D. SOUTHERLAND, et al**

*Court:* NORTHERN DISTRICT OF ALABAMA

*Docket No.:* CV 90-H-1322-E; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$500,000

*Subject:* AD DETENTION *Institution:* FCI, Talladega

*Facts Alleged:* Denied routine reviews in Administrative Detention. Complains about conditions in Detention at TDG in 1990. 08-23-1991 Petition dismissed. Appeal to Eleventh Circuit, 91-7811. 04-07-1993 Both briefs filed. Remanded back to district court. 08-06-1993 Order schedules trial for 09-20-1993. 09-21-1993 dismisses case. Three reviews provided to the inmate substantially complied with BOP regulations and substantive due process under the Constitution.

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

*Date Case Filed:* 10-03-1990

*Significant Activity:* 02-28-1995 Eleventh Circuit affirms. 02-28-1994 Appealed to Eleventh Circuit for second time, 93-6841.



**ARVIN YIZAR v. WARDEN R. HONSTED, et al**

**Court:** SOUTHERN DISTRICT OF GEORGIA

**Docket No.:** CV 292-166; **Type of Case:** Personal Liability Action (Bivens); **Damages Req:** \$4,000,212.25

**Subject:** MEDICAL TREATMENT **Institution:** FCI, Jesup

**Facts Alleged:** Inmate formerly at JES complains about housing conditions in ATL in 1990. He also complains about the medical treatment at ASH in 1990 for injury from a fall. Medical condition was not properly treated at JES. He claims a staff member at JES stole money from him and his good time credit was cancelled at JES. He also complains that JES staff has interfered with his mail. Lastly he alleges that the U. S. Marshalls stole some of property during transport to ATL in 1990.

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

**Date Case Filed:** 10-14-1992

**Significant Activity:** Second appeal to Eleventh Circuit, 94-9177. 10-17-1994 Order denies motion to supplement record, dismisses case.



**United States Government  
Memorandum**

**Date:** September 7, 1995

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

**Subject:** August, 1995 SER Litigation

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

**Comments**

The Southeast Regional Office welcomes Rod Walton, Legal Intern and Craig Simmons, this year's DOJ Honor's Program attorney to our staff.

**New Cases**

1. **ROBERT VANCE WALTON, et al v. JANET RENO, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-50165-CV  
*Institution:* FCI, Marianna  
*Type of Case:* Personal Liability Action (Bivens)  
*Subject:* RELIGION  
*Facts Alleged:* Inmates at MNA allege that they have been discriminated against in their right to practice the Sunni Muslim faith. Restrictions placed on types of Kufees permitted and celebration of holidays. No full-time or contract Imam provided. Failed to provide reading materials and supplies similar to those provided to Christian faiths. Mishandling of religious materials. Seeks class certification.  
*Damages Req:* \$6,900,000.00; *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:* September 5, 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

2. **JOHN GASTON v. KATHRYN HAWK, et al**  
*Court:* NORTHERN DISTRICT OF FLORIDA  
*Docket No.:* 95-000  
*Institution:* FCI, Marianna  
*Type of Case:* Personal Liability (Bivens) and Tort Action  
*Subject:* WORK SAFETY  
*Facts Alleged:* MNA inmate in 1994 alleges while working in UNICOR furniture factory his finger was cut off by a machine without a safety guard.  
*Damages Req:* \$259,016,982.00; *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:* September 5, 1995; *Due:* NONE, NO SUMMONS ISSUED.  
*Assigned to:* Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Craig Simmons, Law Clerk, SERO

3. **RENE VALDEZ v. UNITED STATES, et. al.**  
*Court:* WESTERN DISTRICT OF OKLAHOMA  
*Docket No.:* CIV-94-2109-A  
*Institution:* USP, Atlanta  
*Type of Case:* Federal Tort Claims Act (FTCA)  
*Subject:* ASSAULTS WORK  
*Facts Alleged:* ATL Inmate in 1993 alleges he was assaulted while on lunch break from his UNICOR job assignment by another inmate who should not have been in that area.  
*Damages Req:* \$200,000.00; *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:* September 5, 1995; *Due:* 09-30-1995  
*Assigned to:* Roger Griffin; Assistant U.S. Attorney, Oklahoma City, OK; Mike Bredenberg, Staff Counsel, USP, Atlanta

4. **KENNETH EDWARD FRANKS v. JOHN FANELLO**  
*Court:* DISTRICT OF SOUTH CAROLINA  
*Docket No.:* 94-1613-O-JC  
*Institution:* FCI, Estill  
*Type of Case:* Habeas Corpus  
*Subject:* SENTENCING  
*Facts Alleged:* EST Inmate in 1994 alleges he should receive credit for time in state custody because a federal detainer prevented bail. Inmate was released to supervised release.  
*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:* September 5, 1995; *Due:* 04-17-1994  
*Assigned to:* Barbara M. Bowens; Assistant U.S. Attorney, Columbia, SC; Jon M. Adduci, Paralegal Specialist, FCI, Estill


**UNITED STATES v. FRANK VELASCO, et al**

*Court:* SOUTHERN DISTRICT OF NEW YORK

*Docket No.:*

*Institution:* **MCC, Miami**

*Type of Case:* Habeas Corpus

*Subject:* **SENTENCING**

*Facts Alleged:* FFLS judge seeks to reaffirm and implement an order for bail issued by FNYS and then stayed.

*Damages Req:* 0; *Special Monitoring:* ID12, Case management may be a problem, Less than 48 hours response time.; **SERO: Regional office staff are not alleged to be involved in this case.**

*Rec'd in Legal:* September 7, 1995; *Due:* NS

*Assigned to:* Michael E. Gertzman; Assistant U.S. Attorney, New York, NY; Michael Pybas, Senior Staff Attorney, FDC, Miami, MCC, Miami

**6. DAVID J. VOGT v. ANTONIO LANZA, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-1723-CIV-NESBITT

*Institution:* **MCC, Miami**

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

*Subject:* **FURLOUGHS ACCESS TO COURTS**

*Facts Alleged:* Inmate at FPC, Miami in 1994 alleges that he was denied furloughs because he gave an affidavit against a staff member in Bent v. Hollis, FFLS, 94-2689.

*Damages Req:* \$11,000,000.00; *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:* September 7, 1995; *Due:* 10-09-1995

*Assigned to:* Lisette Reid; Assistant U.S. Attorney, Miami, FL; Michael Pybas, Senior Staff Attorney, FDC, Miami, MCC, Miami

## Significant Activity on Existing Cases

**DONALD LEE ANDERSON v. ELSY RUCKER, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 94-50216-RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$1,800,000

*Subject:* **MEDICAL TREATMENT INMATE DISCIPLINE, FINES** *Institution:* **FCI, Marianna**

*Facts Alleged:* Inmate at MNA in 1994 alleges he was not given adequate medical treatment for his emphysema. He should have supplemental oxygen. He had made arrangements to pay his court fine, he was moved from his assigned room to temporary housing for an alleged failure to make the payments.

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

*Date Case Filed:* 07-26-1994

*Significant Activity:* 08-18-1995 Order adopts magistrate's report, dismisses case. 07-26-1995 The magistrate's report recommends dismissal because of inmate's failure to respond to court's show cause order.

**ANTHONY EUGENE CASH v. JOSEPH P. CLASS, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* MCA 92-50199/RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$200,000

*Subject:* **RELIGION** *Institution:* **FCI, Marianna**

*Facts Alleged:* Hebrew Israelite inmate at MNA in 1992 alleges that he has not been allowed to use the institution chapel for his religious worship.

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

*Date Case Filed:* 04-27-1993

*Significant Activity:* 08-18-1995 Appeal dismissed for nonpayment of filing fees. 11-30-1994 Appeal to Eleventh Circuit, 94-3296.



**JOHN F. DAWSON v. ROGER F. SCOTT, et al**

*Court:* NORTHERN DISTRICT OF ALABAMA

*Docket No.:* CV 93-H-0128-E; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* SENTENCING *Institution:* FCI, Talladega

*Facts Alleged:* Inmate at TDG in 1993 alleges that he should receive credit for the time that he spent at the half-way house in 1991. Complains that the BOP refused to follow controlling precedent when it defended his previous suit on this subject, Dawson v. Scott, FALN, 92-1168.

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

*Date Case Filed:* 01-15-1993

*Significant Activity:* Appeal to CA11, 94-6310. 03-23-1994 Order adopts 03-08-1994 magistrate's report, dismisses case.

**WILLIS DEAN v. BOP, et al**

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 92-30267/RV; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$250,000

*Subject:* MEDICAL TREATMENT, WORK *Institution:* FPC, Pensacola

*Facts Alleged:* EGL inmate claims Navy officer at Whiting Field deliberately injured his knee on May 18, 1990. Claims same officer had injured Inmate Craevling the previous day. Officer was advised that both inmates had been convicted of drug offenses. Officer refused to take Dean for medical care. Camp PA refused to allow hospital attention for six months.

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

*Date Case Filed:* 07-10-1992

*Significant Activity:* 08-28-1995 Order adopts magistrate's report, dismisses case. 08-08-1995 The magistrate's report recommends dismissal without prejudice because 18 U.S.C. 4126 provides the exclusive remedy for work-related inmate injuries. This applies even though the work in question in this case occurred off the grounds of the correctional facility, at Eglin AFB. The inmate had not complied with the administrative process established for Inmate Accident Compensation.

**UNITED STATES v. AUGUSTO GUILLERMO FALCON, et al**

*Court:* SOUTHERN DISTRICT OF FLORIDA

*Docket No.:* 91-6060-CR-MORENO; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* ACCESS TO COURTS *Institution:* MCC, Miami

*Facts Alleged:* Inmates at ATL, MIA and a county jail alleges that their access to the courts and their counsel has been hampered by conditions of custody imposed by BOP. This challenge was made via motion filed in their criminal case.

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

*Date Case Filed:* 07-07-1993

*Significant Activity:* Falcon and Magluta found competent to stand trial in spite of allegations of sensory deprivation from four years in administrative detention. Trial scheduled for 10-14-1995.

**CORNELIUS JOHNSON v. WARDEN HURST**

*Court:* MIDDLE DISTRICT OF ALABAMA

*Docket No.:* 94-d-607-n; *Type of Case:* Habeas Corpus; *Damages Req:* 0

*Subject:* SENTENCING *Institution:* FCI, Marianna

*Facts Alleged:* 1995 MNA inmate seeks credit for time spent in state custody where he was sentenced to serve a concurrent term.

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

*Date Case Filed:* 06-01-1995

*Significant Activity:* 08-08-1995 Order adopts magistrate report, dismisses case. 07-13-1995 The magistrate's report recommends dismissal. Sentences imposed at different times run consecutive unless the court orders differently.

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

*Court:* NORTHERN DISTRICT OF FLORIDA

*Docket No.:* 95-30110/LAC; *Type of Case:* Personal Liability Action (Bivens); *Damages Req:* \$4,000,000

*Subject:* MEDICAL TREATMENT WORK *Institution:* FPC, Eglin

*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.

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

*Date Case Filed:* 03-16-1995

*Significant Activity:* 08-14-1995 Order grants inmate's motion for voluntary dismissal without prejudice.



**LEWIS MORRISON v. FEDERAL BUREAU OF PRISONS,  
et al**

**Court:** NORTHERN DISTRICT OF GEORGIA

**Docket No.:** 1:94-CV-894-MHS; **Type of Case:** Federal Tort  
Claims Act; **Damages Req:** \$1038.95

**Subject:** PROPERTY **Institution:** USP, Atlanta

**Facts Alleged:** TDG Inmate alleges when in SHU in ATL in  
1993, his property was lost.

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

**Date Case Filed:** 04-01-1994

**Significant Activity:** 08-03-1995 Settled for \$400. Review of  
facts revealed that property was lost while in BOP custody.