

United States Government
memorandum

Date: June 10, 1997

Reply to
Attn Of: Sherree L. Sturgis, Regional Counsel
Southeast Region

Subject: May, 1997 SER Litigation

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

New Cases - Civil

1. **DONALD P. CHAPPELL v. VINCENT DISANTO**

Court: Northern District of Georgia

Docket No.: 1:96 CV-1725

Institution: USP Atlanta

Type of Case: Personal Liability

Subject: **MEDICAL TREATMENTS**

Facts alleged: ATL inmate in 1996 claims that he has chronic pain from a foot injury from the Vietnam war. Staff have refused pain medication, change in job, and special shoes.

Damages Requested: 400,000.00; Not assigned to special monitoring

Assigned to: Jane Swift, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

2. **AUGUSTO G. FALCON v. PATRICK WHALEN**

Court: Southern District of Florida

Docket No.: 97-1488

Institution: FDC Miami

Type of Case: Habeas Corpus

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: MIM inmate in 1997 claims confinement in SHU since 1991 is not justified by security concerns and therefore is punishment without due process. He suffers mental and medical problems as a result.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robyn Hermann, Assistant U.S. Attorney, Chief, Civil Division, Miami, Florida; Michael Pybas, Attorney Advisor, MIM

3. **SALVADOR MAGLUTA v. PATRICK WHALEN**

Court: Southern District of Florida

Docket No.: 97-1490

Institution: FDC Miami

Type of Case: Habeas Corpus

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: MIM inmate in 1997 claims confinement in SHU since 1991 is not justified by security concerns and therefore is punishment without due process. He suffers mental and medical problems as a result.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robyn Hermann Assistant U.S. Attorney, Chief, Civil Division, Miami, Florida; Michael Pybas, Attorney Advisor, MIM

4. **RICHARD FRESON v. US**

Court: Southern District of Florida

Docket No.: 97-1373-CV-GRAHAM

Type of Case: Personal Liability and Tort

Subject: **ASSAULTS**

Facts alleged: Civilian working as a private courier in 1994 was assaulted by staff while attempting to deliver a package to an employee at MIA. A staff member punched him in the head, broke his glasses, and caused his head to strike a flagpole, resulting in extensive bleeding.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Vivian Rosado, Assistant U.S. Attorney, Miami Florida; Michael Pybas, Attorney Advisor, MIM

5. **GILLERMO GIL v. WARDEN WILLIE J. SCOTT**

Court: Northern District of Georgia

Docket No.: 1:96-CV-03071

Type of Case: Personal Liability and Tort

Subjects: **MEDICAL TREATMENT, CONDITIONS OF CONFINEMENT**

Facts alleged: Inmate claims in 1994 in ATL he injured his ankle playing soccer. Staff ignored a prison hospital determination that he could eat in his unit. He was required to go down steps in housing unit and to dining hall on crutches. Elevator did not work. He fell down the stairs injuring his neck and spine.

Access to medical care was delayed. Staff would not permit food to be brought to him in his cell.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Curtis Anderson, Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Terry Collins, Attorney Advisor, ATL

6. **CHARLES EDWARD HUNTER v. DANNY HOBBS**

Court: Middle District of Florida

Docket No.: 97-422-CV-J-20A

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts alleged: COL inmate in 1997 claims his PSI Report is incorrect.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Ralph Lee Assistant U.S. Attorney, Jacksonville, Florida; Darrin Scott, Attorney Advisor, COL

7. **DOROTHY JEAN JONES v. L. R. GREER**

Court: Northern District of Florida

Docket No.: 497-CV-098

Type of Case: Habeas Corpus

Subject: **SENTENCING**

Facts alleged: TAL inmate in 1997 seeks a one year credit for completing DAP. Credit was denied because of two level enhancement on her sentence for possession of dangerous weapon.

Damages Requested: 400,000.00; Not assigned to special monitoring

Assigned to: Jane Swift, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

8. **JESSIE LEE MYLES v. UNITED STATES**

Court: Northern District of Florida

Docket No.: 5:97-CV-76/RH-2/MD

Type of Case: Habeas Corpus

Subject: **SENTENCING**

Facts alleged: MNA inmate in 1997 claims that he should be eligible for a one year credit on his sentence for the completion of DAP because he is currently serving a sentence as a not based on a crime of violence. He claims discrimination against current non-violent offender.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Michael Finney, Assistant U.S. Attorney, Pensacola, Florida; Sterling Dawson, Paralegal Special, MNA

9. **ISHMAEL VALLADE v. BUREAU OF PRISONS et. al**

Court: Northern District of Georgia

Docket No.: 1:96 CV-1332-RLV

Institution: USP, Atlanta

Type of Case: Federal Tort Claims Act

Subject: **PROPERTY**

Facts alleged: Inmate claims his property was lost when he was transferred from JES to GUA in 1994.

Damages Requested: 10,000.00; Not assigned to special monitoring

Assigned to: Curtis Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Terry Collins, Attorney Advisor, ATL

Significant Activity On Existing Cases - Civil

1. **NICHOLAS LASORSA V. SALVATORE SEANEZ**

Court: Northern District of Georgia

Institution: FCI, Marianna

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts: MNA inmate in 1996, claims should receive 12 month sentence reduction for completing (DAP). He should not have been classified as "violent criminal" for use of weapon, as per BAILEY.

Significant Activity: 03-28-1997 Magistrate's report recommends dismissal based on inmate's request. 04-25-1997 Order dismisses case.

2. **GEORGE JOHN LAURENTI V. STEVE MORTON, et al**

Court: Southern District of Florida

Docket No.: CIV-96-2382

Type of Case: Personal Liability

Subject: **ASSAULTS, MEDICAL TREATMENT**

Facts Alleged: Hermann MIA inmate claims SORT used excessive force while quelling disturbance during Hurricane Andrew in 1992. Evacuated to Duval County, no medical care for a rash.

Significant Activity: 05-07-1997 Order dismisses case for inmate's failure to appear at status conference. Inmate is a fugitive.

3. **CHARLES RELIFORD v. U.S.**

Court: Northern District of Georgia

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

Type of Case: Federal Tort Claims Act

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.

Significant Activity: 12-29-1996 Order dismisses case for inmate's failure to correct defects in service on defendants. Appeal to Eleventh Circuit, 96-2347. 01-29-1997 Appeal dismissed.

4. **WILLIAM VASQUEZ V. U.S. BUREAU OF PRISONS, et al**

Court: Southern District of Florida

Docket No.: 92-2201-CIV-MARCUS

Type of Case:

Subject: Personal Liability

Facts Alleged: Inmate presently at SPG claims MIA staff members failed to secure his property when placing him in administrative detention.

Significant Activity: 05-28-1997 Order dismisses case with prejudice.

5. **ELENA RIVERA V. U.S.**

Court: Southern District of Florida

Docket No.: 93-1380-CIV-KING

Type of Case: Federal Tort Claims Act

Subject: TORT

Facts Alleged: Civilian alleges that in 1990, a MIA staff member was negligently operating a car which collided with hers, causing her injury. Offered \$37,000 in settlement of administrative claim.

Significant Activity: 05-17-1994 Dismissed based on settlement.

Criminal Cases

1. **GERRARDO RODRIGUEZ-RAMOS, 09407-069**

Institution Tracking No.: ATL:95-7006

Name of Case: U.S. v. Rodriguez-Ramos

Court: FGAN, Docket No.: 1:97-CR-128

Institution: ATL

Date of Offense: 03-11-1996

Description: Inmate set fire to cell.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: 03-19-1997 Indicted for arson. Trial scheduled for 06-22-1997

Assigned to: AUSA: Dave Nahamias

2. **JOHN HUMMANSTI, 57495-065**

Institution Tracking No.: ATL-96-0069

Name of Case: U.S. v. Hummansti

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 12-13-1996

Description: Inmate assault on staff member, C.O. Christine Scott.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: 03-19-1997 Indicted for Assaulting C.O.

Assigned to: AUSA: Joe Plummer

3. **DESMOND MORRIS, 83529-022**

Institution Tracking No.: ATL-96-0243

Name of Case: U.S. v. Desmond Morris

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 09-12-1996

Description: Inmate assaulted staff, Judi Parks, Robert Willis, Melvin Adams

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: Indicted, 05-29-1997 Pretrial Conference.

Assigned to: AUSA: Katherine Monahan

4. **JACK QUARLES, 42883-019**

RICHARD ELIFF, 20244-001

Institution Tracking No.: ATL-96-0277

Name of Case: U.S. v. Quarles

Court: FGAN, Docket No.:

Institution: ATL

Date of Offense: 10-10-1996

Description: Escape - Inmates observed crossing street to convenience store.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Accepted

Update: Pending indictment

Assigned to: AUSA: Beverly Mitchell

5. **ANTHONY BATTLE**

Institution Tracking No.: ATL-94-4170

Name of Case: U.S. v. Battle

Court: FGAN, Docket No.: 1:95-CR-528

Institution: ATL

Date of Offense: 12-21-1994

Description: Inmate killed correctional officer, D'Antonio Washington with hammer.

Special Monitoring: Death of Staff

Status of Referral: Accepted

Update: Convicted, sentenced to death. 04-03-1997 Motion for New Trial, Sentencing Hearing and

Correction or Reduction of Sentence.
Assigned to: AUSA: McKinnon, Jenkins

6. RICKY JONES, 10724-018

Institution Tracking No.:
Name of Case:
Court: , Docket No.:
Institution: JES
Date of Offense: 05-06-1997
Description: Inmate Michael Graham beaten on head. 24 sutures to close laceration.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Will indict for Assault with intent to kill.
Assigned to: AUSA:

7. LARRY COWARD, 12989-056

TRAVIS JEFFERSON, 91086-071

Institution Tracking No.: 7034
Name of Case:
Court: , Docket No.:
Institution: EST
Date of Offense: 05-04-1997
Description: Inmate Coward approached staff for film to take photos in visiting room. Film given. When camera bag searched later, found unopened can of film. Can contained marijuana.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Awaiting indictment.
Assigned to: AUSA:

8. STEVEN HOLLOWAY, 01839-112

Institution Tracking No.:
Name of Case:
Court: , Docket No.:
Institution: COM
Date of Offense: 05-22-1997
Description: Inmate in SHU for assaulting inmate destroyed cell. Broke window, pulled bolted in desk from wall. Threw carton of milk, striking staff member. When staff entered cell for forced move, soap on floor caused staff to slip. Injured two staff by striking with heavy object in sock.
Special Monitoring: Not assigned to special monitoring
Status of Referral: Accepted
Update: Indictment pending
Assigned to: AUSA:

June Travel Plans

Sturgis - AL 6-13, 6-16, 6-23

Vandivier - AL 6-16 to 6-30

Cotton - ML 6-2 to 6-13, AL 6-19 to 6-20



United States Government
memorandum

Date: July 8, 1997

Reply to

Attn of: Sherree L. Sturgis, Regional Counsel
Southeast Region (SERLO)

Subject: Monthly Report (JUNE)

To: R. L. Matthews, Regional Director
Wallace H. Cheney, General Counsel
SER CEOs, Regional Administrators
Associate General Counsel
Regional Counsel
Institution Attorneys and Paralegals

New Cases

1. DEAN ALLEN CRAWFORD v. GREGORY PARKS

Court: Middle District of Florida

Docket No.: 97-53-CIV-Oc-10B

Institution: **FCC Coleman**

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts alleged: COL inmate claims in 1993 he was denied one year credit after completing DAP program. His offense was classified as a crime of violence.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Reginald Luster, Assistant U.S. Attorney; Cindy Tureaud, Paralegal Specialist

2. RAY DAVIS et. al. v. R. D. HUDSON et. al.

Court: Northern District of Georgia

Docket No.: 1:97-CV-50-JTC

Institution: **USP Atlanta**

Type of Case: Personal Liability

Subject: **ASSAULTS**

Facts alleged: ATL inmate claims in 1996 he and other inmates were assaulted by the defendants while in holdover at ATL.

Attack was racially motivated. Seeks class action certification. Supervisory personnel failed to discipline the assailant. Damages Requested: 1,485,000; Not assigned to special monitoring Assigned to: Curtis Anderson, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

3. DESMOND LAWRENCE v. THOMAS KEOHANE

Court: Northern District of Georgia
Docket No.: 1:97-CIV-36-GET
Institution: **USP Atlanta**
Type of Case: Personal Liability
Subject: **ASSAULTS, RESTRAINTS**
Facts alleged: ATL inmate in 1996 claims that staff assaulted him with a broomstick and a walkie talkie causing injuries to his anus and to his face.
Damages Requested: 110,000.00; Not assigned to special monitoring
Assigned to: Terry Collins, Attorney Advisor, ATL

4. JOHN E. MILLER v. WILLIE SCOTT et al.

Court: Northern District of Georgia
Docket No.: 1:96-CV-3380-GET
Institution: **USP Atlanta**
Type of Case: EEO
Subject: **DISCRIMINATION**
Facts alleged: ATL inmate claims in 1994 UNICOR fired him because of physical handicap. Stated reason for the firing was the inmate's refusal to make payments on fine.
Damages Requested: 5,000,000.00; Not assigned to special monitoring
Assigned to: David Wright, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

5. PAULINUS CHIDI NJOKU v. JOHN FANELLO et al.

Court: District of South Carolina
Docket No.: 9:96-0300-32JC
Institution: **FCI Estill**
Type of Case: Personal Liability
Subject: **ASSAULTS**
Facts alleged: EST inmate claims in 1995 he was assaulted by inmate gang members, resulting in his placement in SHU for protection. Contrary to orders, while in SHU he was forced to recreate with other inmates. Staff left him handcuffed in the recreation yard. An unrestrained inmate who was a friend of the prior assailant assaulted him.
Damages Requested: 2,275,000.00; Not assigned to special monitoring
Assigned to: Barbara Bowen, Assistant U.S. Attorney, South

Carolina; Roy Lathrop, Paralegal, EST

6. WILLIAM R. OMASTA v. GREGORY L. PARKS

Court: Middle District of Florida

Docket No.: 97-156 CV-OC 10b

Institution: **FCC Coleman**

Type of Case: Habeas Corpus

Subject: **SENTENCING**

Facts alleged: COL inmate in 1997 seeks credit for time served in state confinement. He claims that his federal sentence was ordered to run concurrent with his state sentence.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Charles R. Wilson, US Attorney, Tampa, Fl; Darrin Scott, Attorney Advisor, COL

7. WILLIAM MARTELL ROSADO v. GREGORY PARKS

Court: Middle District of Florida

Docket No.: 97-134-CV-OC-10b

Institution: **FCC Coleman**

Type of Case: Habeas Corpus

Subject: **CLASSIFICATION**

Facts alleged: COL inmate in 1997 claims he was denied the twelve month credit after completing DAP. Credit was denied because the inmate was sentenced under "old law" and because his sentence was non-parolable.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Charles R. Wilson, US Attorney, Tampa, Fl; Darrin Scott, Attorney Advisor, COL

8. DONALD ROY v. FPC MONTGOMERY WARDEN, et al.

Court: Middle District of Alabama

Docket No.: 97-D-778-N

Institution: **FPC Montgomery**

Type of Case: Habeas Corpus

Subject: **TRANSFERS, ACCESS TO COURTS**

Facts alleged: Former MON inmate in 1997 seeks to be transferred back to MON from a county jail. He claims the county jail has no law library, no legal materials nor certified mail.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: John Harmon, Assistant U.S. Attorney, Montgomery, Al; Van Vandivier, Deputy Regional Counsel, SER

9. THOMAS LEE RUSH v. TOM L. WOOTEN

Court: Southern District of Georgia

Docket No.: CV-297-082

Institution: **FCI Jesup**

Type of Case: Habeas Corpus

Subject: **DUE PROCESS**

Facts alleged: JES inmate in 1997 claims he was denied early release for meal privileges that is usually given for compliance

with safety and sanitation guidelines.

Damages Requested: 0; Not assigned to special monitoring
Assigned to: Melissa Mundell, Assistant U.S. Attorney, Savanna, Ga; Mike Dedman, Paralegal Specialist, JES

10. PABLO NELSON SARDINA v. WILLIAM PATRICK, et al.

Court: District of South Carolina

Docket No.: 96-1564

Institution: **FCI Miami**

Type of Case: Injunction and Personal Liability

Subject: **CLASSIFICATION, INMATE DISCIPLINE**

Facts alleged: MIA inmate in 1996 claims that he did not agree with an initial program review. When he asked to file a BP 9, BOP staff retaliate against him by placing him in Administrative Detention charge with presence in an unauthorized area.

Damages Requested: 5,650,000.00; Not assigned to special monitoring

Assigned to: Barbara Bowen, Assistant U.S. Attorney, South Carolina; Roy Lathrop, Paralegal, EST

11. ANTONIO SMITH v. JANET RENO, et al.

Court: Northern District of Alabama

Docket No.: 96-B-3128-S

Institution: **FCI Talladega**

Type of Case: Personal Liability

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: TDG inmate claims in 1995 while he was not placed in a nonsmoking environment.

Damages Requested: 665,500.00; Not assigned to special monitoring

Assigned to: Winfield Sinclair, Assistant U.S. Attorney, Birmingham, Al; Craig Simmons, Attorney Advisor, TDG

12. JEROME SPIEGEL v. U.S.

Court: Southern District of Florida

Docket No.: 97-1480-CIV-Moore

Institution: **FCI Miami**

Type of Case: FTCA

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: MIA inmate in 1994 claims staff instructed him to walk up a flight of stairs in the prison. He fell on a broken step. The inmate seeks compensation for alleged pain, medical expenses and a physical handicap. He claims that he is no longer able to work.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robin Hermann, Chief of Civil Division, Miami, Fl; Kelly Tirik, Attorney Advisor, MIM

FCI, Mariana 1995 Disturbance Cases

ERIC L. CUE v. SAL SEANEZ, et al.

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 96-cv-43/LAC *Type of Case:* PL;

Damages Req: \$7,070,00.00

Subject: **CONDITIONS OF CONFINEMENT, ASSAULTS**

Institution: **FCI, MARIANA**

Facts Alleged: Inmate claims staff failed to prevent the 10-95 riot to revamp security. The lockdown caused 14 days of no showers, recreation, clean clothing, access to legal materials, visits, phones, fresh air, hot water, and adequate food.

Significant Activity: 06-27-97 Action dismissed with prejudice as to plaintiff's allegations of failure to protect, excessive force, and conspiracy. Dismissal without prejudice plaintiff's allegations of unconstitutional conditions of confinement, denial of access to courts, invasion of privacy, deprivation of privacy without due process, and denial of medical care. The inmate may file an amended complaint on these issues, naming as defendants only those individuals who are answerable to those claims.

ANGEL VAZQUEZ v. SAL SEANEZ

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 5:96cv196/RH-1/SMN; *Type of Case:* Personal Liability

Damages Req: \$7,070,000

Subject: **CONDITIONS OF CONFINEMENT, ASSAULTS, TELEPHONES, MEDICAL TREATMENT**

Institution: **FCI, MARIANNA**

Facts Alleged: Inmate claims staff failed to prevent the 10-95 riot to revamp security. The lockdown caused 14 days of no showers, recreation, clean clothing, access to legal materials, visits, phones, fresh air, hot water, and adequate food. Racial discrimination, non-compliance with ITS. Chronic back problems, personal property confiscated and no ventilation.

Significant Activity: 06-10-97 Order adopts magistrate's report, dismisses without prejudice for failure to respond to court's 01-21-1997 order to show cause.

Significant Activity on Other Cases

JOHNNY L. BUTLER v. WILLIE C. SCOTT

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:97-cv-638-RLV; *Type of Case:* Habeas Corpus; *Damages Req:* \$

Subject: **HABEAS CORPUS**

Institution: **USP, ATLANTA**

Facts Alleged: Inmate filed habeas corpus action, challenging placement in disciplinary segregation.

Significant Activity: 06-11-1997 Order adopts magistrate's report, dismisses action. 05-18-1997 Magistrate's report

recommends dismissal without prejudice for failure to exhaust administrative remedies.

DAVID GREENBERG v. DENNIS JOHNSON, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-30639/RV; *Type of Case:* Personal Liability;

Damages Req: \$2,000,000

Subject: **MEDICAL TREATMENT, WORK**

Institution: **FPC, EGLIN**

Facts Alleged: Inmate in 1994 alleges he was ordered to discontinue his cardiovascular exercises and ordered to wear boots in violation of doctors orders. He was prohibited from work in Food Service. These restrictions prevented him from participation in his Jewish religion.

Significant Activity: 06-10-97 Order adopts magistrate's report, grants summary judgement, dismisses action. 05-08-1997

Magistrate's report finds the inmate failed to allege facts sufficient to constitute cruel and unusual punishment. The inmate also failed to show that the denial of kosher foods for two weeks substantially burdened the exercise of his religion. Nor did an order to remove trash from tables on the Sabbath on one occasion constitute a substantial burden.

DAVID ANDREW MONEY v. TOM WOOTEN

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV296-85; *Type of Case:* Personal Liability;

Damages Req: \$500

Subject: **MISCELLANEOUS**

Institution: **FCI, JESUP**

Facts Alleged: JES inmate seeks \$500 release gratuity to buy clothing and get a place to live.

Special Monitoring: Not assigned to special monitoring

Significant Activity: 06-20-97 Order adopts 02-13-1997 magistrate's report, grants government's motion to dismiss.

JESSIE LEE MYLES v. SAL SEANEZ

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 5:97cv76/RH2/MD; *Type of Case:* Habeas Corpus

Subject: **CLASSIFICATION**

Institution: **FCI, MARIANNA**

Facts Alleged: Petitioner seeks habeas relief to receive a one year reduction in sentence following his completion of a substance abuse program.

Significant Activity: 06-05-97 Order adopts magistrate's report, dismisses case. 05-20-1997 Magistrate's report recommends dismissal for failure to exhaust administrative remedies.

MICHAEL HENRY SMITH v. THE BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 96-AR-0384-E; Type of Case: Personal Liability;
Damages Req: \$250,000

Subject: **INMATE FUNDS, INMATE DISCIPLINE**

Institution: **FCI, TALLADEGA**

Facts Alleged: Inmate in 1993 alleges that staff have put false information in his file for which he was ultimately punished. He also alleges that his funds are being taken from his account without his approval.

Significant Activity: 06-18-97 Order denies certification as a class. The government's motion for summary judgment is granted. The complaint is dismissed.

DONACIANO CANATE TEJEDOR, et al v. UNITED STATES OF AMERICA

Court: DISTRICT OF PUERTO RICO

Docket No.: 96-2655(SEC); Type of Case: FTCA; Damages

Req: \$18,000

Subject: **PROPERTY**

Institution: **MDC, GUAYNABO**

Facts Alleged: Plaintiffs contend that during in-processing, two gold Rolex Presidential wrist watches were taken from them, and that they were not mailed to their family home in Columbia as they were told they would be.

Significant Activity: 06-24-97 Order dismisses case because it falls within FTCA exception for property detained by law enforcement officials.

JAMES LEE WHITT v. WARDEN J. L. SIVLEY

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 96-TMP-3073-E; Type of Case: Habeas Corpus;

Subject: **CLASSIFICATION**

Institution: **FCI, TALLADEGA**

Facts Alleged: An action for habeas corpus relief in which the petitioner alleges that he has been unconstitutionally denied the benefits of an early release program established by Section 32001 of the 1994 Violent Crime Control and Law Enforcement Act because he was convicted of a crime of violence.

Significant Activity: 06-12-97 Order adopts magistrate's report, dismisses case with prejudice. The BOP's definition of crime of violence was not arbitrary or irrational. An agency's interpretation of its own regulation is entitled to deference.

WELTON ZOLICOFFER v. BUREAU OF PRISONS

Court: ELEVENTH CIRCUIT

Docket No.: 96-2954; Type of Case: Habeas Corpus;

Subject: **CLASSIFICATION, VISITING, ACCESS TO COURTS**

Institution: **FDC, MIAMI**

Facts Alleged: Inmate in 1996 seeks to compel the BOP to classify him according to policy. He was denied a special visit granted another inmate in retaliation for his assistance to another

inmate in litigation.

Significant Activity: 06-3-97 Eleventh Circuit Court of Appeals denied the inmate's appeal because it is frivolous. 96-2954

Criminal Cases

1. **DEFENDANTS: Billy Ned Ashley #25088-004**

Institution Tracking No.: ATL-0086

Name of Case: U. S. v. Ashley

Court: FGAN

Docket No.: 1:97-CR-194

Institution: **ATL**

Date Of Offense: 03/11/96

Description: Inmate Ashley stabbed inmate William Coiner #11077-056 several times with a shank.

Special Monitoring: Not assigned.

Status of Referral: Accepted.

Update: Defendant was indicted on assault charges on 5/7/97.

Assigned to: AUSA: Candy Howard FBI: Darren Cheney

2. **DEFENDANTS: Anthony Battle #11451-056**

Institution Tracking No. ATL-94-4170

Name of Case: U.S. v. Battle

Court: FGAN

Docket No.: 1:95-CR-528

Institution: **ATL**

Date of Offense: 12/21/94

Description: Inmate charged with homicide Officer D'Antonio Washington.

Special Monitoring: Assigned due to death of staff member.

Status of Referral: Accepted.

Update: Motion For New trial and Sentencing Hearing and Correction Or Reduction of Sentence filed on April 3, 1997

Assigned to: AUSA: Bill McKinnon, Jan Jenkins, FBI: Tyrone Smith, USP: Terry Collins, Angie Wiesman

3. **DEFENDANTS: Johnnie Carter, Thomas Stevens**

Institution Tracking No.: ATL-96-0273

Name of Case: U.S. v. Carter et al.,

Court: FGAN (Judge Tidwell)

Docket No.: 1:97-CR-257

Institution: **ATL**

Date of Offense: 11/96

Description: Staff involved in introducing bringing drugs into institution.

Special Monitoring: Yes, defendants are ATL staff.

Status of Referral: Accepted.

Update: Carter and Stevens were indicted on 6/10/97 on Traffic in

Contraband Articles, and Conspiracy to Distribute a controlled substance. Arraignment held on 6/18/97. Pleas of Not Guilty entered.

4. DEFENDANTS: Albert Trent, 35432-019

Name of Case: U.S. v. Trent

Institution: **MIM**

Institution Tracking Number: ASS-9601

Date of event: March 2, 1996

Court: Southern District of Florida

Court docket number: 96-2361-CV

Facts: Inmate Albert Trent, 35430-019, committed an assault (with serious injuries) on Inmate Alcindor Dark, 30633-004.

Inmate Trent hit inmate Dark with a lock in a sock. Inmate Dark sustained a broken jaw, and consequently had to have his mouth wired shut and was hospitalized for an extended period of time.

Names and register numbers of victims: Alcindor Dark, 30633-004

Date referred for prosecution: March 2, 1996

Status of referral: Prosecution brought.

Date of decision on referral (date of indictment): March 2, 1996.

Reason for decline: N/A

Does the warden wish to challenge the decline: N/A

Status of prosecution: Pending.

5. DEFENDANTS: Desmond Lawrence #83529-022

Institution Tracking No.: ATL-96-0243

Name of Case: U.S. v. Lawrence

Court: FGAN

Docket No. 1:96-CR-424

Institution: **ATL**

Date of Offense: 9/12/96

Description: Inmate assaulted Judi Parks, Robert Willis and Melvin Adams.

Special Monitoring: Not assigned.

Status of Referral: Accepted.

Update: Status hearing held on May 7, 1997. Pretrial status set for May 29, 1997. AUSA has requested that no further action be taken in disciplinary process.

Assigned to: AUSA: Katherine Monahan FBI: Tyrone Smith USP: Terry Collins

Travel Plans

Sturgis: Acting RD 7/16-18, 7/31-8/1

Vandivier: DHO Training 7/28-8/6

Cotton: AL 8/4-12

Rick De Aguiar is expected at MIM on 7/28

Honors Attorney Patricia DeJuneas is expected in SERO during the week of 8/3.



United States Government
memorandum

Date: July 8, 1997

Reply to

Attn of: Sherree L. Sturgis, Regional Counsel
Southeast Region

Subject: Monthly Report

To: R. L. Matthews, Regional Director
Wallace H. Cheney, General Counsel
SER CEOs, Regional Administrators
Associate General Counsel
Regional Counsel
Institution Attorneys and Paralegals

New Cases

1. DEAN ALLEN CRAWFORD v. GREGORY PARKS

Court: Middle District of Florida

Docket No.: 97-53-CIV-Oc-10B

Institution: FCC Coleman

Type of Case: Habeas Corpus

Subject: CLASSIFICATION

Facts alleged: COL inmate claims in 1993 he was denied one year credit after completing DAP program. His offense was classified as a crime of violence.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Reginald Luster, Assistant U.S. Attorney; Cindy Tureaud, Paralegal Specialist

2. RAY DAVIS et. al. v. R. D. HUDSON et. al.

Court: Northern District of Georgia

Docket No.: 1:97-CV-50-JTC

Institution: USP Atlanta

Type of Case: Personal Liability

Subject: ASSAULTS

Facts alleged: ATL inmate claims in 1996 he and other inmates were assaulted by the defendants while in holdover at ATL. Attack was racially motivated. Seeks class action certification. Supervisory personnel failed to discipline the assailant.

Damages Requested: 1,485,000;

Not assigned to special monitoring

Assigned to: Curtis Anderson, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

3. **DESMOND LAWRENCE v. THOMAS KEOHANE**

Court: Northern District of Georgia

Docket No.: 1:97-CIV-36-GET

Institution: USP Atlanta

Type of Case: Personal Liability

Subject: ASSAULTS, RESTRAINTS

Facts alleged: ATL inmate in 1996 claims that staff assaulted him with a broomstick and a walkie talkie causing injuries to his anus and to his face.

Damages Requested: 110,000.00; Not assigned to special monitoring

Assigned to: Terry Collins, Attorney Advisor, ATL

4. **JOHN E. MILLER v. WILLIE SCOTT et al.**

Court: Northern District of Georgia

Docket No.: 1:96-CV-3380-GET

Institution: USP Atlanta

Type of Case: EEO

Subject: DISCRIMINATION

Facts alleged: ATL inmate claims in 1994 UNICOR fired him because of physical handicap. Stated reason for the firing was the inmate's refusal to make payments on fine.

Damages Requested: 5,000,000.00; Not assigned to special monitoring

Assigned to: David Wright, Assistant U.S. Attorney, Atlanta, Ga; Terry Collins, Attorney Advisor, ATL

5. **PAULINUS CHIDI NJOKU v. JOHN FANELLO et al.**

Court: District of South Carolina

Docket No.: 9:96-0300-32JC

Institution: FCI Estill

Type of Case: Personal Liability

Subject: ASSAULTS

Facts alleged: EST inmate claims in 1995 he was assaulted by inmate gang members, resulting in his placement in SHU for protection. Contrary to orders, while in SHU he was forced to recreate with other inmates. Staff left him handcuffed in the recreation yard. An unrestrained inmate who was a friend of the prior assailant assaulted him.

Damages Requested: 2,275,000.00; Not assigned to special monitoring

Assigned to: Barbara Bowen, Assistant U.S. Attorney, South Carolina; Roy Lathrop, Paralegal, EST

6. WILLIAM R. OMASTA v. GREGORY L. PARKS

Court: Middle District of Florida

Docket No.: 97-156 CV-OC 10b

Institution: FCC Coleman

Type of Case: Habeas Corpus

Subject: SENTENCING

Facts alleged: COL inmate in 1997 seeks credit for time served in state confinement. He claims that his federal sentence was ordered to run concurrent with his state sentence.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Charles R. Wilson, US Attorney, Tampa, Fl; Darrin Scott, Attorney Advisor, COL

7. WILLIAM MARTELL ROSADO v. GREGORY PARKS

Court: Middle District of Florida

Docket No.: 97-134-CV-OC-10b

Institution: FCC Coleman

Type of Case: Habeas Corpus

Subject: CLASSIFICATION

Facts alleged: COL inmate in 1997 claims he was denied the twelve month credit after completing DAP. Credit was denied because the inmate was sentenced under "old law" and because his sentence was non-parolable.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Charles R. Wilson, US Attorney, Tampa, Fl; Darrin Scott, Attorney Advisor, COL

8. DONALD ROY v. FPC MONTGOMERY WARDEN, et al.

Court: Middle District of Alabama

Docket No.: 97-D-778-N

Institution: FPC Montgomery

Type of Case: Habeas Corpus

Subject: TRANSFERS, ACCESS TO COURTS

Facts alleged: Former MON inmate in 1997 seeks to be transferred back to MON from a county jail. He claims the county jail has no law library, no legal materials nor certified mail.
Damages Requested: 0; Not assigned to special monitoring
Assigned to: John Harmon, Assistant U.S. Attorney, Montgomery, Al; Van Vandivier, Deputy Regional Counsel, SER

9. **THOMAS LEE RUSH v. TOM L. WOOTEN**

Court: Southern District of Georgia

Docket No.: CV-297-082

Institution: **FCI Jesup**

Type of Case: Habeas Corpus

Subject: **DUE PROCESS**

Facts alleged: JES inmate in 1997 claims he was denied early release for meal privileges that is usually given for compliance with safety and sanitation guidelines.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Melissa Mundell, Assistant U.S. Attorney, Savanna, Ga; Mike Dedman, Paralegal Specialist, JES

10. **PABLO NELSON SARDINA v. WILLIAM PATRICK, et al.**

Court: District of South Carolina

Docket No.: 96-1564

Institution: **FCI Miami**

Type of Case: Injunction and Personal Liability

Subject: **CLASSIFICATION, INMATE DISCIPLINE**

Facts alleged: MIA inmate in 1996 claims that he did not agree with an initial program review. When he asked to file a BP 9, BOP staff retaliate against him by placing him in Administrative Detention charge with presence in an unauthorized area.

Damages Requested: 5,650,000.00; Not assigned to special monitoring

Assigned to: Barbara Bowen, Assistant U.S. Attorney, South Carolina; Roy Lathrop, Paralegal, EST

11. **ANTONIO SMITH v. JANET RENO, et al.**

Court: Northern District of Alabama

Docket No.: 96-B-3128-S

Institution: **FCI Talladega**

Type of Case: Personal Liability

Subject: **CONDITIONS OF CONFINEMENT**

Facts alleged: TDG inmate claims in 1995 while he was not placed in a nonsmoking environment.

Damages Requested: 665,500.00; Not assigned to special monitoring

Assigned to: Winfield Sinclair, Assistant U.S. Attorney,
Birmingham, Al; Craig Simmons, Attorney Advisor, TDG

12. JEROME SPIEGEL v. U.S.

Court: Southern District of Florida

Docket No.: 97-1480-CIV-Moore

Institution: FCI Miami

Type of Case: FTCA

Subject: CONDITIONS OF CONFINEMENT

Facts alleged: MIA inmate in 1994 claims staff instructed him to walk up a flight of stairs in the prison. He fell on a broken step. The inmate seeks compensation for alleged pain, medical expenses and a physical handicap. He claims that he is no longer able to work.

Damages Requested: 0; Not assigned to special monitoring

Assigned to: Robin Hermann, Chief of Civil Division, Miami, Fl;

Kelly Tirik, Attorney Advisor, MIM

FCI, Mariana 1995 Disturbance Cases

ERIC L. CUE v. SAL SEANEZ, et al.

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 96-cv-43/LAC Type of Case: PL;

Damages Req: \$7,070,00.00

Subject: CONDITIONS OF CONFINEMENT, ASSAULTS

Institution: FCI, MARIANA

Facts Alleged: Inmate claims staff failed to prevent the 10-95 riot to revamp security. The lockdown caused 14 days of no showers, recreation, clean clothing, access to legal materials, visits, phones, fresh air, hot water, and adequate food.

Significant Activity: 06-27-97 Action dismissed with prejudice as to plaintiff's allegations of failure to protect, excessive force, and conspiracy. Dismissal without prejudice plaintiff's allegations of unconstitutional conditions of confinement, denial of access to courts, invasion of privacy, deprivation of privacy without due process, and denial of medical care. The inmate may file an amended complaint on these issues, naming as defendants only those individuals who are answerable to those claims.

ANGEL VAZQUEZ v. SAL SEANEZ

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 5:96cv196/RH-1/SMN; Type of Case: Personal Liability

Damages Req: \$7,070,000

Subject: CONDITIONS OF CONFINEMENT, ASSAULTS, TELEPHONES, MEDICAL

TREATMENT

Institution: FCI, MARIANNA

Facts Alleged: Inmate claims staff failed to prevent the 10-95 riot to revamp security. The lockdown caused 14 days of no showers, recreation, clean clothing, access to legal materials, visits, phones, fresh air, hot water, and adequate food. Racial discrimination, non-compliance with ITS. Chronic back problems, personal property confiscated and no ventilation.

Significant Activity: 06-10-97 Order adopts magistrate's report, dismisses without prejudice for failure to respond to court's 01-21-1997 order to show cause.

Significant Activity on Other Cases

JOHNNY L. BUTLER v. WILLIE C. SCOTT

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:97-cv-638-RLV; **Type of Case:** Habeas Corpus; **Damages**

Req: \$

Subject: HABEAS CORPUS

Institution: USP, ATLANTA

Facts Alleged: Inmate filed habeas corpus action, challenging placement in disciplinary segregation.

Significant Activity: 06-11-1997 Order adopts magistrate's report, dismisses action. 05-18-1997 Magistrate's report recommends dismissal without prejudice for failure to exhaust administrative remedies.

DAVID GREENBERG v. DENNIS JOHNSON, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 93-30639/RV; **Type of Case:** Personal Liability;

Damages Req: \$2,000,000

Subject: MEDICAL TREATMENT, WORK

Institution: FPC, EGLIN

Facts Alleged: Inmate in 1994 alleges he was ordered to discontinue his cardiovascular exercises and ordered to wear boots in violation of doctors orders. He was prohibited from work in Food Service. These restrictions prevented him from participation in his Jewish religion.

Significant Activity: 06-10-97 Order adopts magistrate's report, grants summary judgement, dismisses action. 05-08-1997 Magistrate's report finds the inmate failed to allege facts sufficient to constitution cruel and unusual punishment. The inmate also failed to show that the denial of kosher foods for two weeks substantially burdened the exercise of his religion.

Nor did an order to remove trash from tables on the Sabbath on one occasion constitute a substantial burden.

DAVID ANDREW MONEY v. TOM WOOTEN

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV296-85; *Type of Case:* Personal Liability;

Damages Req: \$500

Subject: MISCELLANEOUS

Institution: FCI, JESUP

Facts Alleged: JES inmate seeks \$500 release gratuity to buy clothing and get a place to live.

Special Monitoring: Not assigned to special monitoring

Significant Activity: 06-20-97 Order adopts 02-13-1997 magistrate's report, grants government's motion to dismiss.

JESSIE LEE MYLES v. SAL SEANEZ

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 5:97cv76/RH2/MD; *Type of Case:* Habeas Corpus

Subject: CLASSIFICATION

Institution: FCI, MARIANNA

Facts Alleged: Petitioner seeks habeas relief to receive a one year reduction in sentence following his completion of a substance abuse program.

Significant Activity: 06-05-97 Order adopts magistrate's report, dismisses case. 05-20-1997 Magistrate's report recommends dismissal for failure to exhaust administrative remedies.

MICHAEL HENRY SMITH v. THE BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 96-AR-0384-E; *Type of Case:* Personal Liability;

Damages Req: \$250,000

Subject: INMATE FUNDS, INMATE DISCIPLINE

Institution: FCI, TALLADEGA

Facts Alleged: Inmate in 1993 alleges that staff have put false information in his file for which he was ultimately punished. He also alleges that his funds are being taken from his account without his approval.

Significant Activity: 06-18-97 Order denies certification as a class. The government's motion for summary judgment is granted. The complaint is dismissed.

DONACIANO CANATE TEJEDOR, et al v. UNITED STATES OF AMERICA

Court: DISTRICT OF PUERTO RICO

Docket No.: 96-2655 (SEC); *Type of Case:* FTCA; *Damages*

Req: \$18,000

Subject: PROPERTY

Institution: MDC, GUAYNABO

Facts Alleged: Plaintiffs contend that during in-processing, two gold Rolex Presidential wrist watches were taken from them, and that they were not mailed to their family home in Columbia as they were told they would be.

Significant Activity: 06-24-97 Order dismisses case because it falls within FTCA exception for property detained by law enforcement officials.

JAMES LEE WHITT v. WARDEN J. L. SIVLEY

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 96-TMP-3073-E; Type of Case: Habeas Corpus;

Subject: CLASSIFICATION

Institution: FCI, TALLADEGA

Facts Alleged: An action for habeas corpus relief in which the petitioner alleges that he has been unconstitutionally denied the benefits of an early release program established by Section 32001 of the 1994 Violent Crime Control and Law Enforcement Act because he was convicted of a crime of violence.

Significant Activity: 06-12-97 Order adopts magistrate's report, dismisses case with prejudice. The BOP's definition of crime of violence was not arbitrary or irrational. An agency's interpretation of its own regulation is entitled to deference.

WELTON ZOLICOFFER v. BUREAU OF PRISONS

Court: ELEVENTH CIRCUIT

Docket No.: 96-2954; Type of Case: Habeas Corpus;

Subject: CLASSIFICATION, VISITING, ACCESS TO COURTS

Institution: FDC, MIAMI

Facts Alleged: Inmate in 1996 seeks to compel the BOP to classify him according to policy. He was denied a special visit granted another inmate in retaliation for his assistance to another inmate in litigation.

Significant Activity: 06-3-97 Eleventh Circuit Court of Appeals denied the inmate's appeal because it is frivolous. 96-2954

Criminal Cases

1. **DEFENDANTS: Billy Ned Ashley #25088-004**

Institution Tracking No.: ATL-0086

Name of Case: U. S. v. Ashley

Court: FGAN

Docket No.: 1:97-CR-194

Institution: ATL
Date Of Offense: 03/11/96
Description: Inmate Ashley stabbed inmate William Coiner #11077-056 several times with a shank.
Special Monitoring: Not assigned.
Status of Referral: Accepted.
Update: Defendant was indicted on assault charges on 5/7/97.
Assigned to: AUSA: Candy Howard FBI: Darren Cheney
2. DEFENDANTS: Anthony Battle #11451-056
Institution Tracking No. ATL-94-4170
Name of Case: U.S. v. Battle
Court: FGAN
Docket No.: 1:95-CR-528
Institution: ATL
Date of Offense: 12/21/94
Description: Inmate charged with homicide Officer D'Antonio Washington.
Special Monitoring: Assigned due to death of staff member.
Status of Referral: Accepted.
Update: Motion For New trial and Sentencing Hearing and Correction Or Reduction of Sentence filed on April 3, 1997
Assigned to: AUSA: Bill McKinnon, Jan Jenkins, FBI: Tyrone Smith, USP: Terry Collins, Angie Wiesman

3. DEFENDANTS: Johnnie Carter, Thomas Stevens
Institution Tracking No.: ATL-96-0273
Name of Case: U.S. v. Carter et al.,
Court: FGAN (Judge Tidwell)
Docket No.: 1:97-CR-257
Institution: ATL
Date of Offense: 11/96
Description: Staff involved in introducing bringing drugs into institution.
Special Monitoring: Yes, defendants are ATL staff.
Status of Referral: Accepted.
Update: Carter and Stevens were indicted on 6/10/97 on Traffic in Contraband Articles, and Conspiracy to Distribute a controlled substance. Arraignment held on 6/18/97. Pleas of Not Guilty entered.

4. DEFENDANTS: Albert Trent, 35432-019
Name of Case: U.S. v. Trent

Institution: MIM
Institution Tracking Number: ASS-9601
Date of event: March 2, 1996
Court: Southern District of Florida
Court docket number: 96-2361-CV
Facts: Inmate Albert Trent, 35430-019, committed an assault (with serious injuries) on Inmate Alcindor Dark, 30633-004. Inmate Trent hit inmate Dark with a lock in a sock. Inmate Dark sustained a broken jaw, and consequently had to have his mouth wired shut and was hospitalized for an extended period of time. Names and register numbers of victims: Alcindor Dark, 30633-004
Date referred for prosecution: March 2, 1996
Status of referral: Prosecution brought.
Date of decision on referral (date of indictment): March 2, 1996.
Reason for decline: N/A
Does the warden wish to challenge the decline: N/A
Status of prosecution: Pending.

5. DEFENDANTS: Desmond Lawrence #83529-022
Institution Tracking No.: ATL-96-0243
Name of Case: U.S. v. Lawrence
Court: FGAN
Docket No. 1:96-CR-424
Institution: ATL
Date of Offense: 9/12/96
Description: Inmate assaulted Judi Parks, Robert Willis and Melvin Adams.
Special Monitoring: Not assigned.
Status of Referral: Accepted.
Update: Status hearing held on May 7, 1997. Pretrial status set for May 29, 1997. AUSA has requested that no further action be taken in disciplinary process.
Assigned to: AUSA: Katherine Monahan FBI: Tyrone Smith USP: Terry Collins

Travel Plans

Sturgis: Acting RD 7/16-18, 7/31-8/1

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Cotton: AL 8/4-12

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