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UNITED STATES GOVERNMENT
MEMORANDUM

DATE: July 31, 1993
TO: Wallace Cheney, General Counsel
Bureau of Prisons, Central Office
320 First Street, N.W.
Washington, D.C. 20534

ATTN: Nancy P. Redding, Executive Assistant

FROM: Sherree L. Sturgis, Regional Counsel
Bureau of Prisons, Southeast Region
523 McDonough Blvd., S.E.
Atlanta, GA 30315



RE: Third Quarter Report FY 93

The following information is provided for the third quarter (April, May, June) 1993.

Litigation

NUMBER OF ACTIONS FILED	73
HABEAS CORPUS ACTIONS	41
FTCA ACTIONS	3
BIVENS ACTIONS	19
OTHER (Mandamus, etc)	10
NUMBER OF LITIGATION REPORTS	73
NUMBER CLOSED	29
NUMBER OF HEARINGS/TRIALS	3
NUMBER OF SETTLEMENTS	0
AMOUNT OF AWARD	0

Significant Case Activity

Jesse W. Green v. Department of Justice, et al., CV 92-H-1728-E, Northern District of Alabama. An inmate at Talladega claims a violation of his Eighth Amendment because of housing with Cuban detainees. He was taken hostage in the 08-1991 disturbance. On May 11, 1993, the court issued an order granting summary judgment on behalf of the government. FCI, Talladega staff were not wantonly or callously indifferent to potential danger when they placed an American inmate in administrative detention with Cuban Detainees in Alpha Unit just prior to the 1991 hostage incident.

Joseph Sun v. Harold Delashmit, et al., 90-AR-0051-S, Northern District of Alabama. An inmate at Talladega claims that he was denied medical care and bathroom privileges on a plane that was in transport between Petersburg and Talladega in 1989. The inmate also alleges that he was subject to an excessive use of force. The trial was scheduled for June 1, 1993 and was continued until June 4, 1993. The two day trial was attended by Van Vandivier, Deputy Regional Counsel. On June 8, 1993, a verdict for the defendants was handed down. On June 14, 1993, the inmate appealed to the Eleventh Circuit.

Herbert Lee, et al. v. Richard Thornburgh, 1:90-CV-1350-JOF, Northern District of Georgia. Black employees at Atlanta allege discrimination based on race because they were denied promotions. The trial was scheduled for May 24, 1993 and continued for three days. The trial was attended by Earl L. Cotton, Assistant Regional Counsel. The presentation of testimony was not completed at this time. On July 1, 1993, the trial resumed and was completed the same day. On July 23, 1993, the magistrate's report and recommendation recommended that judgment be entered in favor of the defendants, dismissing all claims, and that the plaintiff's bear all costs.

Federal Tort Claims Act/Employee Claims

NUMBER FILED	114
PERSONAL PROPERTY	101
PERSONAL INJURY	13
NUMBER PAID	0
AMOUNT PAID	0
NUMBER DENIED	43
NUMBER PENDING	216
NUMBER OVERDUE	19
AVERAGE PROCESSING TIME	121.00 DAYS

FOI/PA

NUMBER RECEIVED	136
NUMBER CLOSED	122
NUMBER PENDING	37
NUMBER OVERDUE	13
OVERDUE 30 DAYS	17
NUMBER OF CIVIL ACTIONS	0

Quarterly Comparison

TORT CLAIMS/EMPLOYEE CLAIMS

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	193	190	3	0	\$1441.70	46	144	0	-----	161.19
2ND QTR	160	156	4	18	\$3421.58	150	255	45	-----	108.55
3RD QTR	114	101	13	0	\$0	43	216	19	-----	121.00
4TH QTR										

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	58	21	3	27	7	58	--	64	0	1	\$35,000
2ND QTR	45	20	2	15	8	45	--	41	0	0	0
3RD QTR	73	41	3	19	10	73	--	29	3	0	0
4TH QTR											

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	95	74	19	22	30	0	0
2ND QTR	110	18	6	30	00	1	0
3RD QTR	136	122	37	13	00	0	0
4TH QTR							

Travel

Sherree L. Sturgis, Regional Counsel

April 19-23, 1993, Travel to Herndon, Virginia for a Management Assessment Meeting. The cost was \$958.50.

June 6-10, 1993, Travel to Denver, Colorado for the Prisoner Litigation Seminar. The cost was \$599.00

June 13-5, 1993, Travel to Glynco, Georgia to Host a Training Seminar for Lawyers at FLETC. The cost was \$302.60.

June 29 through July 3, 1993, Travel to Miami, Florida to provide Technical Support for MCC, Miami staff. The cost was \$720.98.

Van Vandivier, Deputy Regional Counsel

April 1, 1993, Travel to Birmingham, Alabama to assist AUSA in the case of Beard v. Britton. The cost was \$101.25.

April 26, 1993, Travel to Talladega, Alabama to assist AUSA in case of Beard v. Britton. The cost was \$80.00.

May 20, 1993, Travel to Talladega, Alabama to assist AUSA in the case of Beard v. Britton. The cost was \$75.75.

June 1-4, 1993, Travel to Birmingham, Alabama to assist AUSA in the case of Sun v. Delashmit. The cost was \$99.75.

June 4-5, 1993, Travel to Birmingham, Alabama to assist AUSA in the case of Sun v. Delashmit. The cost was \$173.88.

June 6-10, 1993, Travel to Denver, Colorado for the Prisoner Litigation Seminar. The cost was \$558.50.

June 14-15, 1993, Travel to Montgomery, Alabama for a meeting with the Warden of FPC, Maxwell and the Base Commander of the Maxwell Air Force Base. The cost was \$107.00.

June 15-17, 1993, Travel to Birmingham, Alabama to assist AUSA in the case of Burns v. Lawther. The cost was \$234.20.

Michelle Coulombe, Paralegal Trainee

March 21-10, 1993, travel to Aurora, Colorado to attend the Paralegal Training courses held in Aurora, Colorado. The cost was \$1,945.00.

The total cost of travel during this reporting period was \$5956.41.

Other Activities

On June 15, 1993, Van Vandivier, Deputy Regional Counsel, met with the Warden of FPC, Maxwell and the Base Commander for Maxwell Air Force Base to renegotiate the provision for providing medical services to inmates.

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On May 12, 1993, Van Vandivier, Deputy Regional Counsel, and Earl L. Cotton, Assistant Regional Counsel conducted a training session with the CCM Contract Personnel at USP, Atlanta on Integrity and Ethics issues.

On June 20, 1993, Sherree L. Sturgis conducted a training session with the CCM Contract Personnel at MCC, Miami on Integrity and Ethics issues.

Finally, enclosed you will find copies of the Southeast Regional Counsel's report for the months of this reporting period.

Enclosures

cc: Regional Director