

UNITED STATES GOVERNMENT
memorandum

DATE: June 4, 1997

REPLY TO

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

SUBJECT: Second Quarter Report FY 97 (1/1/97 through 3/31/97)

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

The following information is provided for the second quarter (Jan., Feb., Mar.) 1997.

Litigation

NUMBER OF ACTIONS FILED	67
HABEAS CORPUS ACTIONS	31
FTCA ACTIONS	7
BIVENS ACTIONS	16
OTHER (Mandamus, etc)	12
NUMBER OF LITIGATION REPORTS	60
NUMBER PENDING	722
NUMBER CLOSED	44
NUMBER OF HEARINGS/TRIALS	?
NUMBER OF SETTLEMENTS	?
AMOUNT OF AWARD	\$?.00
NUMBER OF CRIMINAL REFERRALS	?

Significant Case Activity

Civil Matters

Federal Tort Claims Act/Employee Claims

NUMBER FILED	115
PERSONAL PROPERTY	97
PERSONAL INJURY	15
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	2
NUMBER PAID	28
AMOUNT PAID	\$3363.00
NUMBER DENIED	119
NUMBER PENDING	98
NUMBER OVERDUE	07
AVERAGE PROCESSING TIME	43

FOI/PA

NUMBER RECEIVED	87
NUMBER CLOSED	71
NUMBER PENDING	17
TOTAL NUMBER OVERDUE	17
NUMBER OVERDUE 30 DAYS	2
NUMBER OF CIVIL ACTIONS	?

Quarterly Comparison

TORT CLAIMS/EMPLOYEE CLAIMS

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	159	32	22	44	3287	91	169	20	35	79
2ND QTR	115	97	15	28	3363	119	98	7	104	43
3RD QTR										
4TH QTR										

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	36	11	5	10	10	36	699	37			
2ND QTR	67	31	7	16	12	60	722	44			
3RD QTR											
4TH QTR											

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	86	123	01	01	02	30	?
2ND QTR	87	71	17	17	02	30	?
3RD QTR							
4TH QTR							

UNITED STATES GOVERNMENT
memorandum

DATE: October 3, 1997

REPLY TO

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

SUBJECT: Third Quarter Report FY 97 (4/1/97 - 6/30/97)

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

The following information is provided for the third quarter (APR, MAY, JUN) 1997.

Litigation

NUMBER OF ACTIONS FILED	43
HABEAS CORPUS ACTIONS	23
FTCA ACTIONS	4
BIVENS ACTIONS	10
OTHER (Mandamus, etc)	6
NUMBER OF LITIGATION REPORTS	30
NUMBER PENDING	726
NUMBER CLOSED	39
NUMBER OF HEARINGS/TRIALS	?
NUMBER OF SETTLEMENTS	?
AMOUNT OF AWARD	\$?.00
NUMBER OF CRIMINAL REFERRALS	?

Significant Case Activity

Civil Matters

ROMERO, et al. v UNITED STATES; 95-10151MMP - NORTHERN DISTRICT OF FLORIDA - this is a voluminous case involving approximately seventeen (17) inmates who allegedly sustained serious injuries due to a Bureau of

Prisons bus accident in April, 1993. The case is moving forward with an anticipated trial date of sometime in October, 1997. We are working on strategies to minimize the damages the plaintiffs win at trial.

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.

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.

Criminal Referrals

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

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.

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

3rd Qtr.

UNITED STATES GOVERNMENT
memorandum

DATE: October 3, 1997

REPLY TO

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

SUBJECT: Third Quarter Report FY 97

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

The following information is provided for the third quarter (APR, MAY, JUN) 1997.

Litigation

NUMBER OF ACTIONS FILED	43
HABEAS CORPUS ACTIONS	23
FTCA ACTIONS	4
BIVENS ACTIONS	10
OTHER (Mandamus, etc)	6
NUMBER OF LITIGATION REPORTS	30
NUMBER PENDING	726
NUMBER CLOSED	39
NUMBER OF HEARINGS/TRIALS	?
NUMBER OF SETTLEMENTS	?
AMOUNT OF AWARD	\$? .00
NUMBER OF CRIMINAL REFERRALS	?

Significant Case Activity

Civil Matters

ROMERO, et al. v UNITED STATES; 95-10151MMP - NORTHERN DISTRICT OF FLORIDA - this is a voluminous case involving approximately seventeen (17) inmates who allegedly sustained serious injuries due to a Bureau of Prisons bus accident in April, 1993. The case is moving forward with an anticipated trial date of sometime in October, 1997. We are working on strategies to minimize the damages the plaintiffs win at trial.

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.

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.

Criminal Referrals

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

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.

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

Federal Tort Claims Act/Employee Claims

NUMBER FILED	127
PERSONAL PROPERTY	99
PERSONAL INJURY	26
MEDICAL	0
WRONGFUL DEATH	1
PERSONAL INJURY AND PERSONAL PROPERTY	1
NUMBER PAID	22
AMOUNT PAID	\$3081.00
NUMBER DENIED	82
NUMBER PENDING	87
NUMBER OVERDUE	0
AVERAGE PROCESSING TIME	20

FOI/PA

NUMBER RECEIVED	87
NUMBER CLOSED	71
NUMBER PENDING	17
TOTAL NUMBER OVERDUE	17
NUMBER OVERDUE 30 DAYS	2
NUMBER OF CIVIL ACTIONS	1

Quarterly Comparison

TORT CLAIMS/EMPLOYEE CLAIMS

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	159	32	22	44	3287	91	169	20	35	79
2ND QTR	115	97	15	28	3363	119	98	7	104	43
3RD QTR	127	99	26	22	3081	82	87	0	----	20
4TH QTR										

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
-----	-----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----

1ST QTR	36	11	5	10	10	36	699	37			
2ND QTR	67	31	7	16	12	60	722	44			
3RD QTR	43	23	4	10	6	30	726	39			
4TH QTR											

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	86	123	01	01	02	30	?
2ND QTR	87	71	17	17	02	30	?
3RD QTR	61	69	02	02	02	30	1
4TH QTR	87	83	04	04	02	30	?

Other Activities

Miscellaneous Activities

Travel:

Sherree Sturgis - April 7 - 11; New York City, New York to participate in Legal Management review at MCC New York. Cost \$1,376.12

Sherree Sturgis - May 12 - 15; Staff Assistance at MDC, Guaynabo, Puerto, Rico.. Cost \$1,155.32.

Sherree Sturgis - May 1 - 2; Staff Assistance at MCC, Miami, Florida. Cost \$464.92.

Sherree Sturgis - June 29 - July 3; EEO Trial in Jesup, Georgia. Cost \$490.00.

Van Vandivier - May 19 - 23; Training, Washington, D.C., Tort Claim course for Counsel. Cost \$951.51.

Earl Cotton - April 27 - May 9; Glynco, Georgia to attend trial of Cohen v. United States. Cost \$488.97.

Mildred Perryman - April 27 - May 9; to Denver, Colorado to attend Paralegal training. Cost \$1,366.47.

Marty Parker - April 27 - May 9; to Denver, Colorado to attend Paralegal training. Cost \$1,313.95.

Personnel Moves

Ajay Gohil - selected as the summer intern for the Southeast Regional Counsel's Office. Starting date: June 23, 1997.

UNITED STATES GOVERNMENT
memorandum

DATE: October 21, 1997

REPLY TO

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

SUBJECT: Fourth Quarter Report FY 97

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

The following information is provided for the fourth quarter (JUL, AUG, SEP) 1997.

		<u>Litigation</u>
NUMBER OF ACTIONS FILED		46
HABEAS CORPUS ACTIONS		29
FTCA ACTIONS	5	
BIVENS ACTIONS		8
OTHER (Mandamus, etc)		4
NUMBER OF LITIGATION REPORTS		43
NUMBER PENDING		726
NUMBER CLOSED		39
NUMBER OF HEARINGS/TRIALS		0
NUMBER OF SETTLEMENTS		1
AMOUNT OF AWARD		\$ 2,500.00
NUMBER OF CRIMINAL REFERRALS		24

SER	NUM	PROP	PI	APPR	AMT	DEN	PEND	OD	A/O	A/P
1ST QTR	159	32	22	44	3287	91	169	20	35	79
2ND QTR	115	97	15	28	3363	119	98	7	104	43
3RD QTR	127	99	26	22	3081	82	87	0	----	20
4TH QTR	122	102	20	13	2855	49	108	2	----	23

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	36	11	5	10	10	36	699	37			
2ND QTR	67	31	7	16	12	60	722	44			
3RD QTR	43	23	4	10	6	30	726	39			
4TH QTR	46	29	5	8	4	43			0	1	2,501.00

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	86	123	01	01	02	30	?
2ND QTR	87	71	17	17	02	30	?
3RD QTR	61	69	02	02	02	30	1
4TH QTR	87	83	06	04	02	30	?

Other Activities

Miscellaneous Activities

Travel:

Sherree Sturgis -August 2 - 3; Tallahassee, Florida to discuss MIA bus accident case with AUSA and plaintiffs' attorney. Cost \$494.12.

Van Vandivier - August 2 - 3; Tallahassee, Florida to discuss MIA bus accident case with AUSA and plaintiffs' attorney. Cost \$558.00.

Van Vandivier - August 6; Denver, Colorado; Resource staff for DHO Training.

Cost \$1066.80.

Earl Cotton - September 12 - 27; Alexandria, Virginia to attend Leadership Forum Training course. Cost \$1526.33.

Personnel Moves

Djuana Ashford - selected as the secretary for Correctional Services in the SERO. Starting date: September 12, 1997.

Patricia DeJuneas - Honors Attorney starting date 8/3/97.

Jennifer Merkel - Honors Attorney starting date 8/31/97.

cc: Regional Director

UNITED STATES GOVERNMENT
memorandum

DATE: October 21, 1997

REPLY TO

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

SUBJECT: Fourth Quarter Report FY 97 (7/1/97 - 9/30/97)

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

The following information is provided for the fourth quarter (JUL, AUG, SEP) 1997.

Litigation

NUMBER OF ACTIONS FILED	46
HABEAS CORPUS ACTIONS	29
FTCA ACTIONS	5
BIVENS ACTIONS	8
OTHER (Mandamus, etc)	4
NUMBER OF LITIGATION REPORTS	43
NUMBER PENDING	726
NUMBER CLOSED	39
NUMBER OF HEARINGS/TRIALS	0
NUMBER OF SETTLEMENTS	1
AMOUNT OF AWARD	\$ 2,500.00
NUMBER OF CRIMINAL REFERRALS	24

Significant Case Activity

Civil Matters

Criminal Referrals

Federal Tort Claims Act/Employee Claims

NUMBER FILED	122
PERSONAL PROPERTY	102
PERSONAL INJURY	20
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	0
NUMBER PAID	13
AMOUNT PAID	\$2855.00
NUMBER DENIED	49
NUMBER PENDING	108
NUMBER OVERDUE	2
AVERAGE PROCESSING TIME	23

FOI/PA

NUMBER RECEIVED	87
NUMBER CLOSED	83
NUMBER PENDING	6
TOTAL NUMBER OVERDUE	04
NUMBER OVERDUE 30 DAYS	01
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	159	32	22	44	3287	91	169	20	35	79
2ND QTR	115	97	15	28	3363	119	98	7	104	43
3RD QTR	127	99	26	22	3081	82	87	0	----	20
4TH QTR	122	102	20	13	2855	49	108	2	----	23

LITIGATION

SER	NUM	HC	FTC	BIV	OTH	ANS	PEN	CLD	H/T	SET	AWD
1ST QTR	36	11	5	10	10	36	699	37			
2ND QTR	67	31	7	16	12	60	722	44			
3RD QTR	43	23	4	10	6	30	726	39			
4TH QTR	46	29	5	8	4	43			0	1	2,501.00

FOI/PA

SER	NUM	PROC	PEND	OD	A/OD	A/P	CA
1ST QTR	86	123	01	01	02	30	?
2ND QTR	87	71	17	17	02	30	?
3RD QTR	61	69	02	02	02	30	1
4TH QTR	87	83	06	04	02	30	?

Other Activities

Miscellaneous Activities

Travel:

Sherree Sturgis - August 2 - 3; Tallahassee, Florida to discuss MIA bus accident case with AUSA and plaintiffs' attorney. Cost \$494.12.

Van Vandivier - August 2 - 3; Tallahassee, Florida to discuss MIA bus accident case with AUSA and plaintiffs' attorney. Cost \$558.00.

Van Vandivier - August 6; Denver, Colorado; Resource staff for DHO Training. Cost \$1066.80.

Earl Cotton - September 12 - 27; Alexandria, Virginia to attend Leadership Forum Training course. Cost \$1526.33.

Personnel Moves

Djuana Ashford - selected as the secretary for Correctional Services in the SERO. Starting date: September 12, 1997.

Patricia DeJuneas - Honors Attorney starting date 8/3/97.

Jennifer Merkel - Honors Attorney starting date 8/31/97.

cc: Regional Director

UNITED STATES GOVERNMENT

memorandum

DATE: February 24, 1998

REPLY TO

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

SUBJECT: First Quarter Report FY 98

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

The following information is provided for the first quarter (OCT, NOV, DEC) ¹⁹⁹⁷ FY 1998.

Litigation

NUMBER OF ACTIONS FILED	54
HABEAS CORPUS ACTIONS	31
FTCA ACTIONS	5
BIVENS ACTIONS	13
OTHER (Mandamus, etc)	5
NUMBER OF LITIGATION REPORTS	46
NUMBER PENDING	@726
NUMBER CLOSED	?
NUMBER OF HEARINGS/TRIALS	?
NUMBER OF SETTLEMENTS	?
AMOUNT OF AWARD	?
NUMBER OF CRIMINAL REFERRALS	?

Significant Case Activity

Civil Matters

Manuel Romero, et al. v. U.S., 1:95cv151-MP (N.D.Fla.) ("The Bus Case") A mediation meeting was held in Tallahassee on November 20, 1997, with plaintiffs' counsel, the AUSA, BOP counsel and a retained mediator. Agreement was reached as to proposed settlement figures for seven of the seventeen claims. Since then, plaintiffs' counsel have proved unresponsive and have failed to return any signed payment vouchers to date. They did advise the AUSA that one of the plaintiffs declined the proposed settlement. In the second mediation on January 21, 1998 we arrived at proposed settlements for all plaintiffs. A settlement memorandum is pending in your office since January 26.

Jose Fernandez-Figueroa v. Franco, et al., Case No. 95-1791 (DRD)(D. Puerto Rico) (Appeal No. 97-2081)(1st Cir.) The solicitor general declined to authorize DOJ appeal of this case. One of the defendants against whom the \$1.00 judgment was entered has requested that DOJ pay for private counsel to pursue the appeal. We have recommended this and a decision is pending. The Rule 60 Motion for Relief from Judgment is still before the district court.

Teddy Leon Ayala v. United States of America, 97-2554 (RLA). Habeas Corpus Petition filed pursuant to 18 U.S.C. § 2241. Petitioner claims that denial of his placement in Hogar Crea (Halfway House) was not warranted and that he should be transferred immediately. The Unit Team had explained to petitioner that the Director of the Hogar Crea Halfway House had informed his Case Manager of several calls threatening his life and that of his co-defendant. As a result, the Community Programs Manager (CPM) in Miami, Florida canceled halfway house placement until further notice.

Rosado-Rosario, Jaime v. Garcia, 97-049 (JAF); 96-023 (PG). Habeas Corpus Petition requesting that petitioner be released from highly restrictive confinement (administrative detention). Petitioner (who at the time was potentially a death penalty case) claimed that his due process rights under the Fifth Amendment had been violated and that he was subjected to cruel and unusual punishment in violation of the Eighth Amendment. Petitioner claimed that he had no meaningful access to his attorneys as a result of his placement in AD. On December 18, 1997, the court entered an Opinion and Order deferring to the judgment of the prison officials in regards to his placement in AD, however, ordering the Bureau to grant access to counsel equal to that of inmates held in general population.

Criminal Referrals

DEFENDANT(S): ELLIOT, Ronald, Reg. No. 03238-018

Institution: FCC Coleman -Medium

Date of Offense: 7/29/97

Type of Case: Criminal Prosecution

Description: On July 29, 1997, the FBI contacted SIS staff and indicated that they had received word through one of their confidential informants that inmate Elliot may be planning an escape by landing an aircraft on the FCC Coleman -Medium compound. According to SIS, inmate Elliot had previously been involved in planning a helicopter escape at TAL.

Special Monitoring: Not assigned to special monitoring

Status of Referral: Referred on 7/29/97. FBI investigation pending.

Update: FBI investigation continues. No new information since 11/97 report.

Assigned to: AUSA: N/A

DEFENDANT(S): Bridgette Bradford, Reg. No. 86495-012

Month/Year: November 7, 1997

Institution: MDC Guaynabo

Staff Reporting: SIA Efrain Rivera

Date of Offense: November 7, 1997

Description: On November 7, 1997, as a staff member (Warden Garcia) was making his rounds in the holding cell block in Unit 3C, a Correctional Officer opened the door in the cell block and inmate Bradford quickly pursued the Warden and struck him with an object that was inside a sock. She struck staff three times before being restrained by the Officer.

Status of Referral: Pending.

DEFENDANTS(S): 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

Type of Case: Criminal Prosecution

Description: Inmate murdered Officer D'Antonio Washington.

Special Monitoring: Assigned due to death of staff member.

Status of Referral: Accepted.

Update: Motion For New trial denied on September 11, 1997.

Assigned to AUSA: Bill McKinnon

DEFENDANTS(S): Steven Beamer

Institution Tracking No.: None

Name of Case: U. S. v. Beamer

Court: FGAN

Docket No.: 1:97-CR-342

Institution: ATL

Date of Offense: From 5/30/96 to 10/16/96 and 10/16/96.

Type of Case: Criminal Prosecution

Description: Mr. Beamer is charged with 2 counts of -Causing a person to engage in a sexual act by using force & threats.

Special Monitoring: Yes; case made local news for two days.

Status of Referral: Accepted.

Update: Defendant was arraigned on 1/29/97.

Assigned to AUSA: Janice Jenkins

Federal Tort Claims Act/Employee Claims

NUMBER FILED	128
PERSONAL PROPERTY	104
PERSONAL INJURY	24
MEDICAL	0
WRONGFUL DEATH	0
PERSONAL INJURY AND PERSONAL PROPERTY	0
NUMBER PAID	15
AMOUNT PAID	\$1,703.00
NUMBER DENIED	58
NUMBER PENDING	120
NUMBER OVERDUE	3
AVERAGE PROCESSING TIME	27

FOI/PA

NUMBER RECEIVED	66
NUMBER CLOSED	44
NUMBER PENDING	22
TOTAL NUMBER OVERDUE	03
NUMBER OVERDUE 30 DAYS	01
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	128	104	24	15	1703	58	120	3	98	27
2ND QTR										
3RD QTR										
4TH QTR										

LITIGATION

SER	NU M	H C	FT C	BI V	OT H	ANS	PEN	CL D	H/ T	SE T	AWD
1ST QTR	54	31	5	13	5	46	?	?	?	?	?
2ND QTR											
3RD QTR											
4TH QTR											

FOI/PA

SER	NU M	PRO C	PEN D	OD	A/O D	A/P	CA
1ST QTR	66	110	22	3	1	27	0
2ND QTR							
3RD QTR							
4TH QTR							

Other Activities

Miscellaneous Activities

10-201-16-98 Law School Intern Rodd Walton's last day (Graduates 2-6)

2-3 Sturgis out for Jury Duty

2-17 to 2-20 SERO Annual Refresher Training

5-1-98 Anticipated date for move to commercial office space

Personnel Moves

Departures: Jennifer Merkle, from SERO to USP ATL (10/12/97)

New Staff: Ann Witherspoon, Secretary, SERO (12/7/97)

Travel

Sturgis

10-20 to 10-23-97 New Attorney Training/OGC Meeting

10-24 to 11-6-97 Annual Leave

11-21-97 Mediation, MIA Bus Accident Case, Tallahassee

4-14 to 4-17 Substitute for Dave Essig at GLY

SERO 1st Quarterly Report 1998

Page 7

Vandivier

11-21-97 Mediation, MIA Bus Accident Case, Tallahassee

12-1 to 12-10-97 DHO training, MSTC

Gooden

1-19-98 to 1-22-98 DC for FOI/PA course at LEI

Dejuneas

10-20 to 10-24-97 New Attorney Training

11-3 to 11-21 GLYNCO

Parker & Perryman

12-1 to 12-13 Paralegal Training MSTC