



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Regional Director

Dublin, California 94568

WRO

November 15, 1996

MEMORANDUM TO WALLACE H. CHENEY,
ASSISTANT DIRECTOR/GENERAL COUNSEL

FROM: Harlan W. Penn
Regional Counsel

SUBJECT: Monthly Report for October 1996

►► CASES OF INTEREST ◄◄

NINTH CIRCUIT MATTERS:

Downey v. Crabtree (October 25, 1996) Ninth Circuit upheld District Court determination that BOP Program Statement defining "Crimes of Violence" inappropriately determined some offenses as crimes of violence and as basis for ineligibility for reduction of sentence under 18 U.S.C. §3621(e). Downey was convicted of 21 U.S.C. §841 with a two-point enhancement. Circuit determined that judicial review of the agency's interpretation of 3621 was appropriate and then analyzed the agency's method of statutory interpretation, finding that if the agency adopted the definition "crime of violence" from 18 U.S.C. §924(c) in defining "non-violent offense" then it was required to follow existing case law, as to what are violent or non-violent crimes. Further, the Circuit held that only the instant offense may be examined in determining eligibility for the sentence reduction, not other information in the pre-sentence report or prior criminal acts.

Graham v. U.S., reversal of District Court's determination that

the Bureau properly sent an administrative tort claim denial letter to a DUB inmate/claimant rather than her attorney. Although Eighth Circuit caselaw supported both the Dissent and the District Court in Graham, the Civil Division and Solicitor General decided against appeal of the Ninth Circuit ruling.

Kalka v. Harrison, et al, dismissal of inmate's appeal of Bivens action alleging deliberate indifference to serious medical need at TCN for failure to comply with appellate procedure.

Sims v. BOP, et al., appeal denied for failure to state a claim. This was a Bivens action alleging 6th Amendment and due process issues, stemming from FBI search warrant executed during investigation into TCN inmate's attempted murder of another inmate. District Court had denied the inmate's motion for temporary restraining order and granted the government's Motion for Summary Judgment.

DISTRICT COURT MATTERS:

3621(e) Litigation

District of Arizona:

Spear v. Floyd, government's opposition to the Magistrate's Report and Recommendation withdrawn based on the decision in Downey.

District of Oregon:

Mark White v. Crabtree, 21 U.S.C. §841 conviction with two-point enhancement. Stipulated Order entered October 18, 1996.

Donald Henry v. Crabtree, 21 U.S.C. §841 conviction with two-point enhancement. Order pending.

Bruce Morse v. Crabtree, 18 U.S.C. §922(g) conviction. Stipulated Order entered October 18, 1996.

Simon Cort v. Crabtree

Sullenger v. Crabtree

Martin v. Crabtree

All above petitioners are convicted of unarmed bank robbery offenses. On October 21, 1996 Judge Haggerty held a hearing to

consider challenge to BOP determination denying eligibility for sentence reduction. Sullenger was ordered into halfway house for 30 days pending Court's decision. On October 24, 1996, Judge Haggarty issued orders upholding the Bureau's position in Sullenger and Martin. The parties have advised the Court of the Downey decision and a revised order is possible.

Central District of California:

Reddic v. U.S. (LOF), 18 U.S.C. §922(g) conviction with prior bank robbery. Filed as 28 U.S.C. §2255 motion attacking sentence.

Wofford v. Hayes (DUB), 21 U.S.C. §841 conviction with two-point enhancement. Order to Show Cause issued to justify denial of eligibility in light of Downey decision.

Other Litigation

Bailey et al. v. U.S., attempted class action by 21 inmates who claim they contracted hepatitis and/or tuberculosis at LOM. Administrative claims were denied, based partly on high-risk behavior of the inmates.

Bradix v. Hayes, DUB inmate claims she was marched across the compound wearing only a blanket. Settlement negotiations proceeding.

Freelove v. Aponte, LOM inmate claims he was placed in cell with drug user and was not protected by staff after he gave them information concerning an escape plot.

Lucas, Mercadel, and Douthit v. White, three former female DUB inmates allege they were sexually assaulted and harassed by male inmates and staff while housed in the FDC. U.S. Attorney's Office exploring mediation.

TRIALS/HEARINGS:

Ramirez-Pacheco v. Reno, EEO action transferred from District of Columbia filed by former physician who claims he was harassed at FPC Lompoc because of his nationality. Trial set for January 21, 1997.

U.S. v. Mugrage, trial for murder of fellow LOM inmate set for November 12, 1996. A staff member died of a heart attack while responding to this incident.

RELIGION:

Low v. Clarke-Cain, Religious Freedom Restoration Act case in which inmate sought injunctive relief for practice of Satmar sect of Hasidic Judaism at BRN. The District Court ruled on cross motions for summary judgment. Major issues regarding access to a Mikveh and a Minyan were resolved in favor of the Bureau of Prisons. The Court determined trial is necessary on one or more issues regarding requests for a Sefer Torah, access to other religious books, access to prayer space, access to an in-room sink, and Passover accommodations. Trial was reset for January 7, 1997. We also anticipate a motion for an order that Low be placed in a community corrections center for Hanukkah.

Gainey v. Reno, previously reported EEO case filed by staff at TCN alleging discrimination based upon Native American religion and heritage. Plaintiff has filed Request for Admissions.

MEDICAL MALPRACTICE TORT CLAIMS and LITIGATION REFERENCING GAO REPORT ON AGENCY MEDICAL CARE: None

SETTLEMENTS: None

MISCELLANEOUS MATTERS: None

ENVIRONMENTAL MATTERS:

LOM was assisted by Commercial Law Branch with response after receiving a Notice of Violation from the Santa Barbara County Air Pollution Control District for a missing gasket on a gasoline tank cap. The fine will be contested.

The Base Realignment and Closing Commission met at LOM October 17, 1996. Monitoring tests at Wood Dump site yielded no adverse findings.

PHX met with FBI regarding cleanup of the joint-operated firing range. Preliminary discussions concern extent of clean-up

required for area and apportionment of responsibility and cost between various user agencies.

CRIMINAL CASE TRACKING

1. TOTAL CRIMINAL CASES REFERRED THIS MONTH: 21
2. CRIMINAL CASES ACCEPTED FOR PROSECUTION AWAITING TRIAL/
DISPOSITION:

ASSAULT OF INMATE: None

ASSAULT OF STAFF: None

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE:

U.S. v. Carlos Miranda and Chris Anderson, trial date continued for 1993 inmate murder at LOM.

INTRODUCTION/POSSESSION OF CONTRABAND:

Former staff member Ron Smith sentenced October 21, 1996 to 57 months, 2 years supervised release for introducing drugs into LOM.

U.S. v. Henry Houston, LOM inmate found guilty of narcotics possession September 4, 1996. Sentencing November 18, 1996.

PROPERTY: None

WEAPONS: None

3. CRIMINAL MATTERS REFERRED (MATTERS DECLINED ARE NOTED)

ASSAULT OF INMATE:

Assault cases from LOM, all declined:

HAZZARD, Kevin
JOHNSON, Joseph
OAKLEY, Bruce
ESTRELLA, Joey
HELMS, John
HOWARD, Detrara
LEE, Thomas

Assault cases from PHX:

MCFARLAND, Roshawn
JAMMERSON, Ronnie
NGUYEN, Dung
AGUILAR, Jose

ASSAULT/THREAT OF STAFF:

GOMEZ-DIAZ, Jose (TCN)

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE: None

INTRODUCTION/POSSESSION OF CONTRABAND:

MAYFIELD, Michael (TRM) marijuana possession - declined
TEJEADA, SERGIO (SHE) possession of heroin
JAMES, Jeremy (PHX)
REED, Eddie (PHX)
MAESTAS, Ted (LOM) syringe - declined

PROPERTY: None

WEAPONS:

Possession of weapons cases from LOM, all declined:

BOUSQET, Eugene
SPRATT, Zachary
MOORE, William
BROOME, Dana
RODRIGUEZ, Tommy

NUNEZ, Marco
KINARD, Maurice

►► STATISTICS ◀◀

<u>Tort Claims:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	71	52	40	66	75	51	52	40	56	48		
Closed	107	69	59	39	90	54	65	36	65	39		
Reconsidered	2	2	1	0	1	0	0	1	0	3		
Pending	173	158	140	167	153	148	135	140	131	142		
Over 6 Mo.	0	3	0	0	0	3	7	4	0	5		

*Physical count confirmed with database

Investigations Pending Over 60 Days:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
0	3	11	0	15	0	3	0	1	0	1	0	34

<u>FOI/PA:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	25	37	34	48	33	33	24	34	28	25		
Closed	41	47	42	48	42	33	41	41	42	44		
Pending	138	128	120	120	111	111	94	87	73	54		
days	98	56	52	55	59	61	51	43	20	11		

FOI/PA Pending More than 30 Days 07/31/96:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
0	0	1	0	2	0	0	1	1	1	1	0	7

*Does not include inmates transferred out of Region or CCMs.

Administrative Remedies:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
89	87	84	75	89	96	78	113	87	76		

<u>Litigation:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Open Cases:	346	346	333	341	344	268	271	278	294	311		
New Cases:	24	12	11	12	11	24	19	16	21	23		
HC	8	6	5	10	8	16	13	12	15	9		
FTCA	5	2	2	2	1	1	2	1	1	4		
Bivens	10	4	4	8	2	5	3	3	5	3		
Other	1	0	0	1	0	1	1	0	0	0		
Closed	11	12	24	4	8	8	16	9	5	6		
Lit Reports		6	5	9	6	9	7	4	6	7		



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Dublin, California 94568

December 23, 1996

MEMORANDUM TO WALLACE H. CHENEY,
ASSISTANT DIRECTOR/GENERAL COUNSEL

FROM: Harlan W. Penn
Regional Counsel

SUBJECT: Monthly Report for November 1996

»» CASES OF INTEREST ««

NINTH CIRCUIT MATTERS:

U.S. v. Etherton (D. Or.) - BOP not a party. Court of Appeals upheld District Court for reducing a violator sentence because of the Sentencing Guideline reduction for marijuana cases. We are exploring whether there are inmates in the Region serving violator terms whose sentences might be affected/reduced under this decision.

DISTRICT COURT MATTERS:

3621(e) Litigation
District of Arizona:

Spears v. Floyd (PHX), habeas seeking year off for drug program participation. In light of the Downey decision, the U.S. Attorney's Office rescinded its Opposition to the R&R which cited to and held with Downey, and ordered the BOP to reconsider eligibility. However, one fact overlooked in earlier pleadings is

that inmate has never completed the DAP program, so he isn't eligible.

District of Oregon:

Wilson v. Crabtree (SHE), inmate ineligible for sentence reduction due to halfway house ineligibility. Motion to dismiss filed. Inmate has not completed residential drug abuse treatment program.

Peters v. Crabtree (SHE), inmate ineligible for sentence reduction due to prior conviction for robbery.

Cagle v. Crabtree (SHE), inmate ineligible for sentence reduction due to prior conviction for robbery.

Northern District of California:

Dorsey v. Hayes (DUB), violation of 18 U.S.C. §922(g), felon in possession of a firearm. Court ordered one-year reduction November 21, 1996. Litigation Branch notified.

Other Litigation

Lucas, Mercadel, and Douthit v. White (DUB), three former female inmates allege they were sexually assaulted and harassed by male inmates and staff while housed in the FDC at Dublin. Due to the conflict in the potential prosecution of former staff by the U.S. Attorney's Office in San Francisco, the case will be handled by DOJ. Both sides have agreed to mediation.

Nicolaysen and Parker v. United States (LOS), FTCA action filed in C.D. Cal. re assault of attorney by inmate client at MDC Los Angeles. General Counsel notified of our opposition to proposed settlement 11/27/96.

Shorty v. Crabtree (SHE), habeas petition alleging violation of rights during DHO hearing related to acts of rioting and

destruction of government property at FCI Greenville.

TRIALS/HEARINGS:

Cort and Parmalee v. Benov et al. (SDC), Bivens action re rejection of publication "How to Win Prison Disciplinary Cases." Defendants include Attorney General, Director, two Regional Directors, General Counsel, and nine Wardens. Hearing on Defendants' Motion to Dismiss December 16, 1996.

Ramirez-Pacheco v. Reno (LOM), EEO case filed by former physician who claims he was harassed at FPC Lompoc because of his nationality. Trial January 21, 1997.

U.S. v. Rodney Anderson (LOS), former MDC staff member found guilty of bribery, conspiracy to traffic in drugs and conspiracy to commit murder for hire following trial on November 5, 1996.

RELIGION:

Low v. Clarke-Cain (BRN), Religious Freedom Restoration Act case in which inmate sought injunctive relief for practice of Satmar sect of Hasidic Judaism. Trial rescheduled for January 7, 1997. No motion for an order that Low be placed in a community corrections center for Hanukkah has been received.

Gainey v. Reno (TCN), EEO case filed by staff member alleging discrimination based upon Native American religion and heritage. Discovery underway by plaintiff with January 18, 1997 cut-off date. Six depositions are scheduled for early December at Tucson, with more to follow, according to AUSA/plaintiff.

MEDICAL MALPRACTICE TORT CLAIMS and LITIGATION REFERENCING GAO REPORT ON AGENCY MEDICAL CARE: None

SETTLEMENTS: None

MISCELLANEOUS MATTERS: None

ENVIRONMENTAL MATTERS:

Santa Barbara County Air Pollution Control District inspected the new boiler at LOM on November 25, 1996.

CRIMINAL CASE TRACKING

1. TOTAL CRIMINAL CASES REFERRED THIS MONTH: 17
2. CRIMINAL CASES ACCEPTED FOR PROSECUTION AWAITING TRIAL/
DISPOSITION:

ASSAULT: None

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE:

U.S. v. Carlos Miranda and Chris Anderson, trial date continued indefinitely for 1993 inmate murder at LOM.

U.S. v. Larry Dean Mufrage, murder of LOM inmate in which staff member died of a heart attack responding. Trial January 6, 1997.

INTRODUCTION/POSSESSION OF CONTRABAND:

U.S. v. Henry Houston, LOM inmate found guilty of narcotics possession September 4, 1996. Sentenced to 24 months November 18, 1996.

PROPERTY: None

WEAPONS:

MARCHANT, Bruce, Reg. No. 01132-078 (LOM), possession of weapon.

3. CRIMINAL MATTERS REFERRED (MATTERS DECLINED ARE NOTED)

ASSAULT:

FISH, Bernard, Reg. No. 03746-089 (LOM), declined.
HESS, Stanley, Reg. No. 06621-097 (LOM), declined.
BEYER, Reg. No. 04506-027 (PHX), pending
CRISP, Reg. No. 05252-097 (PHX), pending
GARCES, Reg. No. 13229-016 (PHX), pending
RICARDS, Reg. No. 42685-053 (PHX), pending

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE: None

INTRODUCTION/POSSESSION OF CONTRABAND:

ESCALANTE, Francisco, Reg. No. 97730-012 (LOS), possession of heroin.
RODAS-ZAMBRANO, Victor, Reg. No. 07779-112 (LOS), possession of heroin.
DEARTH, Andrew, Reg. No. 22862-034 (LOM), hype kit, declined.
CASTANEDA, Frank, Reg. No. 34778-136 (LOM), amphetamines, declined.
DeANGELO, Don, Reg. No. 13701-047 (LOM), urinalysis, declined.

PROPERTY: None

WEAPONS:

Weapons possessions cases from LOM declined:
MARCHANT, Bruce, Reg. No. 01132-078
BOUSQUET, Eugene, 99836-011
FISH, Bernard, 03746-089
SCANDRETT, Darian, Reg. No. 03535-033
TURNER, William, Reg. No. 06929-097

»» STATISTICS ««

<u>Claims:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	71	52	40	66	75	51	52	40	56	48	36	
Closed	107	69	59	39	90	54	65	36	65	39	34	
Reconsidered	2	2	1	0	1	0	0	1	0	3	1	
Pending	173	158	140	167	153	148	135	140	131	142	145	
Over 6 Mo.	0	3	0	0	0	3	7	4	0	5	4	

Investigations Pending Over 60 Days:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
0	7	9	0	12	0	5	0	2	1	0	1	37

<u>FOI/PA:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Received	25	37	34	48	33	33	24	34	28	25	36	
Closed	41	47	42	48	42	33	41	41	42	44	36	
Pending	138	128	120	120	111	111	94	87	73	54	54	
30 days	98	56	52	55	59	61	51	43	20	11	15	

FOI/PA Pending More than 30 Days:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
0	0	0	0	3	1	0	1	1	2	1	0	9

*Does not include inmates transferred out of Region or CCMs.

Administrative Remedies:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
89	87	84	75	89	96	78	113	87	76	80	

<u>Litigation:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Open Cases:	346	346	333	341	344	268	271	278	294	311	322	
New Cases:	24	12	11	12	11	24	19	16	21	23	13	
HC	8	6	5	10	8	16	13	12	15	9	9	
FTCA	5	2	2	2	1	1	2	1	1	4	4	
Bivens	10	4	4	8	2	5	3	3	5	3	0	
Other	1	0	0	1	0	1	1	0	0	0	0	
Closed	11	12	24	4	8	8	16	9	5	6	2	
Lit Reports		6	5	9	6	9	7	4	6	7	2	



U.S. Department of Justice

Federal Bureau of Prisons

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Dublin, California 94568

January 9, 1997

MEMORANDUM TO WALLACE H. CHENEY,
ASSISTANT DIRECTOR/GENERAL COUNSEL

FROM: Harlan W. Penn
Regional Counsel

SUBJECT: Monthly Report for December 1996

»» CASES OF INTEREST ««

NINTH CIRCUIT MATTERS:

DISTRICT COURT MATTERS:

3621(e) Litigation

Davis-Rice v. Hayes (DUB), petition filed old-law inmate for denial of reduction by BOP and Parole Commission; Court dismissed action against BOP, citing Downey for proposition that BOP has discretion to reduce the sentence of 3621(e)-eligible inmates.

Lord, Richard v. Crabtree CV 96-1674-HA
3621(e) habeas petition by inmate with 841 conviction with
2D1.1 enhancement.

Siguenza, Edward v. Crabtree CV 96-1601-AS
3621(e) for year off. Litigation report reflects that
litigation should be ruled moot as inmate has been transferred
to Guam on home confinement.

Garcia, Gerado v. Crabtree CV 96-1506 HA
3621(e) challenging BOP determination re: non-eligibility for
sentence reduction due to inmates prior conviction for
robbery.

Hughes, Leroy v. Crabtree CV 96-1506-HA
3621(e) habeas petition by inmate with a 922(g) conviction.
Inmate may be an immediate release when Davis v. Crabtee
decision is rendered (released date with year reduction would
be 11/26/96).

Wright, Michael v. Crabtree CV 96-1621-HA
3621(e) habeas petition by inmate found ineligible for
sentence reduction due to prior conviction for murder.

Kalai v. Crabtree CV 97-10 HA
3621(e) habeas petition by inmate found ineligible for
sentence reduction because of 922(g) conviction.

Sifuentes, Oscar v. Crabtree CV 96-1699 HA
3621(e) habeas petition by inmate convicted of 841 violation
with a 2 point 2D1.1 enhancement for weapons.

Johnson, Jeffrey v. Crabtree CV
3621(e) habeas petition by inmate convicted of 841 violation
with a 2 point 2D1.1 enhancement for weapons.

Smith, Donald v. Crabtree CV
3621(e) habeas petition by inmate found ineligible for
sentence reduction because of 924^o conviction.

Putnam, John v. Crabtree CV
3621(e) habeas petition by inmate found ineligible for
sentence reduction because of 18 U.S.C. 2113(a) robbery
conviction.

Gruenwald, Greg v. Crabtree CV

3621(e) habeas petition by inmate found ineligible for sentence reduction because of 924[©] conviction.

Doyle v. Crabtree CV

3621(e) habeas petition by inmate found ineligible for sentence reduction because of 18 U.S.C. 2113(a) robbery conviction.

Voorhies, David v. Crabtree CV

3621(e) habeas petition by inmate found ineligible for sentence reduction because of 18 U.S.C. 2113(a) robbery conviction.

Other Litigation

Breen, Donald v. Crabtree CV 96-1361-CO (SHE)

Habeas petition challenging BOP's use of prior state conviction in classification.

Kolar v. Reno CIV 96-426-TUC-JMR (TCN)

EEO/Title VII complaint alleging discrimination and retaliation by management at FCI Tucson against female staff member based upon sex.

Bailey et al. v. U.S. (LOF), attempted class action by 21 inmates who claim they contracted hepatitis and/or tuberculosis at LOM. Administrative claims were denied, based partly on high-risk behavior of the inmates. Interrogatories submitted to all inmate plaintiffs January 6, 1997.

Lucas, Mercadel, and Douthit v. White (DUB), three former female inmates allege they were sexually assaulted and harassed by male inmates and staff while housed in the FDC at Dublin. Initial mediation session held December 16, 1996.

Nicolaysen and Parker v. United States (LOS), FTCA action in which the attorney plaintiff was assaulted with ballpoint pen by inmate client at MDC Los Angeles. General Counsel preparing memo for DOJ explaining our opposition to proposed

settlement.

Palmer v. Reno (SDC), Bivens/FTCA action concerning fire at Miramar (INS) Federal Detention Center. BOP defendants are Director Hawk and Warden Stratman.

TRIALS/HEARINGS:

Cort and Parmalee v. Benov et al. (SDC), Bivens action re rejection of publication "How to Win Prison Disciplinary Cases." Defendants include Attorney General, Director, two Regional Directors, General Counsel, and nine Wardens. Defendants' Motion to Dismiss under consideration.

Ramirez-Pacheco v. Reno (LOM), EEO case filed by former physician who claims he was harassed at FPC Lompoc because of his nationality. Trial January 21, 1997.

RELIGION:

Gainey v. Reno (TCN) Previously reported. Staff member alleges discrimination based on alleged status as Native American. Depositions of several TCN staff were noticed by plaintiff and took place December 10-13. Valerie Stewart and Tom Byron attended depositions for BOP. Parties are considering mediation and a motion is now before the Court.

Harvin v. BOP (LOF), action filed by inmate who alleges he is Native American and claims he is being denied religious practices. Issue is whether other Native American inmates requested his exclusion from the Sweat Lodge ceremony.

Low v. Clarke-Cain (BRN), Religious Freedom Restoration Act case in which inmate sought injunctive relief for practice of Satmar sect of Hasidic Judaism. Trial January 21, 1997.

MEDICAL MALPRACTICE TORT CLAIMS and LITIGATION REFERENCING GAO REPORT ON AGENCY MEDICAL CARE: None

SETTLEMENTS: None

MISCELLANEOUS MATTERS: None

ENVIRONMENTAL MATTERS: None

CRIMINAL CASE TRACKING

1. TOTAL CRIMINAL CASES REFERRED THIS MONTH: 12
2. CRIMINAL CASES ACCEPTED FOR PROSECUTION AWAITING TRIAL/
DISPOSITION:

ASSAULT: None

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE:

U.S. v. Carlos Miranda and Chris Anderson, trial date continued indefinitely for 1993 inmate murder at LOM.

U.S. v. Larry Dean Murgage, murder of LOM inmate in which staff member died of a heart attack responding. Trial January 6, 1997.

INTRODUCTION/POSSESSION OF CONTRABAND: None

PROPERTY: None

WEAPONS: None

3. CRIMINAL MATTERS REFERRED (MATTERS DECLINED ARE NOTED)

ASSAULT:

MAKLE, Joseph, Reg. No. 28274-037 (LOM), declined.
VILLEGAS, Carlos, Reg. No. 92397-012 (LOM), pending.

ESCAPE: None

FRAUD/FORGERY: None

HOMICIDE: None

INTRODUCTION/POSSESSION OF CONTRABAND:

WAGNER, John, Reg. No. 01968-025 (LOM), declined.

JOHNSON, Kenneth, Reg. No. 25342-013 (PHX)

BLANKENSHIP, Ernest, Reg. No. 36555-136 (SHE)

GILMORE, McCorl, Reg. No. 81351-011 (SHE)

NEWSOME, James, Reg. No. 78957-012 (SHE)

PROPERTY: None

WEAPONS:

Weapons possessions cases from LOM declined:

WAGNER, John, Reg. No. 01968-025

SYLVESTER, Lance, Reg. No. 03442-097

McMOARN, Curtis, Reg. No. 58848-065

SCOTT, Shane, Reg. No. Reg. No. 60551-065

SIMMONS, Robert, Reg. No. 62317-198

►► STATISTICS ◀◀

<u>Tort Claims:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	
DEC												
Received	71	52	40	66	75	51	52	40	56	48	36	54
Closed	107	69	59	39	90	54	65	36	65	39	34	58
Reconsidered	2	2	1	0	1	0	0	1	0	3	1	0
Pending	173	158	140	167	153	148	135	140	131	142	145	141
Over 6 Mo.	0	3	0	0	0	3	7	4	0	5	4	10

Investigations Pending Over 60 Days:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
0	8	14	0	13	0	8	0	2	2	0	1	48

<u>FOI/PA:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	
DEC												
Received	25	37	34	48	33	33	24	34	28	25	36	38
Closed	41	47	42	48	42	33	41	41	42	44	36	56
Pending	138	128	120	120	111	111	94	87	73	54	54	36
30 days	98	56	52	55	59	61	51	43	20	11	15	8

FOI/PA Pending More than 30 Days:

BRN	DUB	LOM	LOF	LOS	NEL	PHX	SAF	SDC	SHE	TRM	TCN	TOTAL
00	0	1	0	1	0	0	0	1	0	0	0	3

*Does not include inmates transferred out of Region or CCMs.

Administrative Remedies:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
89	87	84	75	89	96	78	113	87	76	80	

<u>Litigation:</u>	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	
DEC												
Open Cases:	346	346	333	341	344	268	271	278	294	311	322	
344												
New Cases:	24	12	11	12	11	24	19	16	21	23	13	25
HC	8	6	5	10	8	16	13	12	15	9	9	22
FTCA	5	2	2	2	1	1	2	1	1	4	4	0
Bivens	10	4	4	8	2	5	3	3	5	3	0	2
Other	1	0	0	1	0	1	1	0	0	0	0	1
Closed	11	12	24	4	8	8	16	9	5	6	2	3
Lit Reports		6	5	9	6	9	7	4	6	7	2	8