



U.S. Department of Justice

Federal Bureau of Prisons

Southeast Regional Office

March 8, 1993

523 McDonough Boulevard S.E.
Atlanta, Georgia 30315

Joyce Zoldak, Attorney, Associate General Counsel
Federal Bureau of Prisons
Office of the General Counsel
320 First Street N.W. 20534

RE: Monthly Report-February

Dear Joyce:

The following is provided as the monthly report to the office of the General Counsel from the Southeast Regional Counsel.

Substantive Pleadings

None

Settlements

None

Adverse Decisions

None

Trials and Hearings

There is a pre-trial conference scheduled for April 1, 1993, in the case of Beard V. Britton, CV92-H-1397, (N.D.AL). In this case the inmate claims that he was transferred in retaliation to a civil action he had previously filed in the Northern District of Alabama and that the transfer, while officially medical in nature, was in fact to remove him from the jurisdiction of the court.

Trial is set for April 14, 1993 in the case of Fuentes V. Rutledge, 90-N-1197-S, (N.D.AL.). The plaintiff alleges that he created a disturbance in the segregation unit when salt was not provided on his food tray, and that unnecessary force was used to subdue him.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 2

To <u>Joyce Zoldak</u>	From <u>G. Dixon</u>
Dept./Agency	Phone #
Fax #	Fax #

Page Two
Monthly Report

Representation not Recommended

None

Travel/Leave

On March 22-26, 1993, Sherree Sturgis, Van Vandivier, and Earl Cotton will travel to Puerto Rico to provide Ethics training to all staff.

Earl L. Cotton, Assistant Regional Counsel will be on annual leave the week of March 15-19, 1993.

Significant FTCA Claims

None

Significant Administrative Remedies

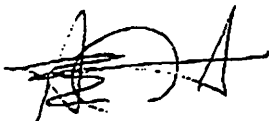
None

Situations of Interest

None

If additional information os needed, please feel free to contact me at 404-624-8127, or 700-248-1127.

Sincerely,



A. Eugene Dixon
Paralegal



**United States Government
Memorandum**

Date: March 19, 1993

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

Subject: February, 1993 SER Litigation

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

New Cases

1. HUGH M. PRINCE v. U.S. BUREAU OF PRISONS

Court: MIDDLE DISTRICT OF ALABAMA
Docket No.: 93-A-86-N
Institution: Southeast Region
Type of Case: Habeas Corpus
Subject: SENTENCING
Facts Alleged: Inmate in a state correctional facility feels that the BOP should designate the same correctional facility as his place of confinement for his federal sentence so that he may receive credit against his federal sentence for the state time.
Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring
Rec'd in Legal: February 3, 1993; *Due:* 02-16-1993
Assigned to: Kenneth E. Vines; Assistant U.S. Attorney Chief, Civil Division, Montgomery, AL ; Sharon Ragland, Paralegal Specialist, Southeast Regional Office

2. ROBERT SPAULDING v. MR. BEASLEY, et al

Court: NORTHERN DISTRICT OF GEORGIA
Docket No.: 1:92-CV-2019-JEC
Institution: USP, Atlanta
Type of Case: Personal Liability Action (Bivens)
Subject: WORK
Facts Alleged: ATL inmate in 1993 claims he was intentionally singled out due to his race and fired from his job in UNICOR.
Damages Req: 2,000,000.00; *Special Monitoring:* 0, Not assigned to special monitoring
Rec'd in Legal: February 3, 1993; *Due:* US Attorney Not Served
Assigned to: Curtis E. Anderson; Assistant U.S. Attorney, Chief, Civil Division, Atlanta, GA; Wanda Hunt, Staff Counsel, USP, Atlanta

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803

3. HATHEL C. BOWDEN v. CHARLIE BOYKIN, et al

Court: NORTHERN DISTRICT OF ALABAMA
Docket No.: CV 92-AR-2241-E
Institution: FCI, Talladega
Type of Case: Personal Liability Action (Bivens)
Subject: DISCRIMINATION - INMATE
Facts Alleged: Inmate at TDG in 1993 alleges that he was denied his promotion to grade 1 in UNICOR due to discrimination.
Damages Req: \$18,000.00; *Special Monitoring:* 0, Not assigned to special monitoring
Rec'd in Legal: February 4, 1993; *Due:* 01-21-1993
Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL ; Gerelene Gooden, Paralegal Specialist, FCI, Talladega

4. DANNY LOWE v. GRAIG TUBBS, et al

Court: SOUTHERN DISTRICT OF GEORGIA
Docket No.: 293-10
Institution: FCI, Jesup
Type of Case: Personal Liability Action (Bivens)
Subject: SAFETY
Facts Alleged: MNA Inmate in 1993 claims the recreation yard at JES was unsafe due to on-going construction in the area in 1991.
Damages Req: \$500,000.00; *Special Monitoring:* 0, Not assigned to special monitoring
Rec'd in Legal: February 4, 1993; *Due:* 03-26-1993
Assigned to: Paul G. Justice; Assistant U.S. Attorney, Savannah, GA; Wilson Moorer, Paralegal Specialist, FCI, Jesup

5. TODD E. REGAN v. DEPARTMENT OF JUSTICE, et al

Court: MIDDLE DISTRICT OF FLORIDA
Docket No.: 93-12-CIV-T-21B
Institution: FCI, Talladega
Type of Case: Federal Tort Claims Act
Subject: ASSAULTS
Facts Alleged: Inmate at JES in 1993 alleges that while an inmate in TDG in 1991 he was detained against his will by other inmates during the "Marielito Riot" due to the negligence of the staff. As a result, the inmate suffered an aggravation of a pre-existing mental condition and additional emotional and stress disorders.
Damages Req: \$100,000.00; *Special Monitoring:* IC9, Publicity / Impact on staff morale, 1991 TDG Riot
Rec'd in Legal: February 4, 1993; *Due:* 02-14-1993
Assigned to: James R. Hilbert; Assistant U.S. Attorney, Tampa, FL; Gerelene Gooden, Paralegal Specialist, FCI, Talladega



6. JEAN FILS THOMAS, et al v. WARDEN KNOWLES, et

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 92-2710-CIV-DAVIS

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: SENTENCING

Facts Alleged: MIA inmate in 1993 complains that he should be given credit for the time spent in the Community Treatment Center. He also complains that the judge ordered the BOP to grant such credit.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 4, 1993; *Due:* 01-17-1993

Assigned to: Maureen Donlan; Assistant U.S. Attorney, Miami, FL ; Darrin C. Scott, Attorney Advisor, SERO

7. UNITED STATES v. CHARLES PARRIS

Court: MIDDLE DISTRICT OF TENNESSEE

Docket No.: 92-1089

Institution: FCI, Tallahassee

Type of Case: Habeas Corpus

Subject: TRANSFERS

Facts Alleged: Inmate at TAL in 1993 alleges he is improperly denied placement in a Level 1 institution because of mental conditions. He is being punished more harshly because of his mental condition.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 4, 1993; *Due:* 02-15-1993

Assigned to: Robert C. Watson; Assistant U.S. Attorney, Nashville, TN; Dan Rouse, Paralegal Specialist, FCI, Tallahassee

8. ROWLAND LAMAR ALLEN v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:92-CV-941-RLV

Institution: Southeast Region

Type of Case: Habeas Corpus

Subject: TRANSFERS

Facts Alleged: Inmate in the U.S. Marshall's custody because of a bond revocation, has not been designated a place to serve the remainder of his sentence.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 4, 1993; *Due:* ASAP

Assigned to: Jane W. Swift; Assistant U.S. Attorney, Atlanta, GA ; Gene Dixon, Paralegal Specialist, SERO

9. WILLIE E. SHEPPARD v. U. S. BOP, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 93-CV-79-GET

Institution: USP, Atlanta

Type of Case: Mandamus

Subject: SENTENCING

Facts Alleged: Inmate at ATL in 1993 complains that he should be given credit for time served in the state of Florida while on federal parole.

Damages Req: 0; *Special Monitoring:* ID12, Case management may be a problem, Less than 48 hours response time.

Rec'd in Legal: February 4, 1993; *Due:* -1993

Assigned to: Sharon Douglas Stokes; Assistant U.S. Attorney, Atlanta, GA ; Darrin C. Scott, Attorney Advisor, SERO

10. RICHARD LEE SAVINA v. WANDA HUNT, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:92-CV-2689

Institution: USP, Atlanta

Type of Case: Mandamus

Subject: AD REMEDIES

Facts Alleged: Inmate at ATL in 1992 claims that his administrative remedies have not been investigated properly. Demands access to administrative remedy index.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 4, 1993; *Due:* 01-13-1993

Assigned to: Jane W. Swift; Assistant U.S. Attorney, Atlanta, GA ; Wanda Hunt, Staff Counsel, USP, Atlanta

11. PAUL KERSTEN v. BUREAU OF PRISONS, et al

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 93-0003-CIV-BENAGES

Institution: MCC, Miami

Type of Case: Injunction

Subject: WORK

Facts Alleged: Inmate at MIA in 1993 complains that his job detail was arbitrarily changed as a result of his filing this complaint. As a result of the change in job detail, his access to the courts has been hampered.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 4, 1993; *Due:* -1993

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney Deputy Chief, Civil Division, Miami, FL ; Earl L. Cotton, Assistant Regional Counsel, SERO



12. MYRON L. TILTON v. BUREAU OF PRISONS, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: CV 92-AR-2589-E

Institution: FCI, Talladega

Type of Case: Personal Liability Action (Bivens)

Subject: MEDICAL TREATMENT

Facts Alleged: Inmate at TDG in 1993 alleges that beginning in 1992, he has not received proper medical treatment for his heart condition. He alleges that his heart medicine has been arbitrarily cancelled and substituted for an inferior brand.

Damages Req: \$50,000; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: March 1, 1993; *Due:* 03-01-1993

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL ; Gerelene Gooden, Paralegal Specialist, FCI, Talladega

13. MARK STEPHEN PAYNE v. UNITED STATES, et al

Court: NORTHERN DISTRICT OF ALABAMA

Docket No.: 92-PT-2772-E

Institution: FCI, Talladega

Type of Case: Federal Tort Claims Act

Subject: ASSAULTS

Facts Alleged: Inmate at MCK in 1993 complains that while at TDG in 1991, he was held captive and detained during the Cuban Riot due to staff negligence. He lost property and was denied food. He has suffered emotional pain as a result.

Damages Req: \$125,381.20; *Special Monitoring:* IC9, Publicity / Impact on staff morale, 1991 TDG Riot

Rec'd in Legal: March 1, 1993; *Due:* 04-05-1993

Assigned to: Winfield J. Sinclair; Assistant U.S. Attorney, Birmingham, AL ; Van Vandivier, Deputy Regional Counsel, SERO

14. PAUL E. KERSTEN v. BUREAU OF PRISONS, et al

Court: DISTRICT OF COLUMBIA

Docket No.: 93-000

Institution: MCC, Miami

Type of Case: FOI

Subject: COMMUNITY TREATMENT CENTERS

Facts Alleged: Inmate at MIA in 1993 complains that he has been denied CTC placement in JES in 1992 as well as in MIA in 1993. He also alleges that information concerning his incarceration was released that was false.

Damages Req: \$100,000; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 26, 1993; *Due:* NONE, NO SUMMONS ISSUED.

Assigned to: Robyn J. Hermann; Assistant U.S. Attorney Deputy Chief, Civil Division, Miami, FL ; Sharon Ragland, Paralegal Specialist, Southeast Regional Office

15. SILVERIO JUAN LLERA v. BUREAU OF PRISONS

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: 93-000

Institution: FCI, Jesup

Type of Case: Personal Liability Action (Bivens)

Subject: PROPERTY

Facts Alleged: Inmate at JES in 1993 alleges that while in HOM in 1992, his personal property was destroyed as a result of Hurricane Andrew. He alleges that staff was aware of the natural disaster and did not nothing to protect his interests.

Damages Req: \$1357; *Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew

Rec'd in Legal: February 26, 1993; *Due:* -1993

Assigned to: Paul G. Justice; Assistant U.S. Attorney, Savannah, GA; Angie Grider, Legal Intern, SERO

16. DIEGO BEDOYA v. UNITED STATES

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: CV 93-142

Institution: USP, Atlanta

Type of Case: Habeas Corpus

Subject: TRANSFERS

Facts Alleged: Inmate at ATL in 1993 alleges that he is being considered for an institutional transfer. He alleges that this transfer will impede his access to courts.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 26, 1993; *Due:* 02-13-1993

Assigned to: Sandra Middlebrook; Assistant U.S. Attorney, Atlanta, GA ; Wanda Hunt, Staff Counsel, USP, Atlanta



17. JOSEPH ODUAYBON ABURIME v. J. D. LAMAR

Court: SOUTHERN DISTRICT OF GEORGIA

Docket No.: CV 293-26

Institution: FCI, Jesup

Type of Case: Habeas Corpus

Subject: SENTENCING

Facts Alleged: Inmate at JES in 1993 alleges that he is being detained beyond his release date because BOP failed to grant all jail credit ordered by court. INS detainer creates double jeopardy.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 26, 1993; *Due:* 03-09-1993

Assigned to: Paul G. Justice; Assistant U.S. Attorney, Savannah, GA; Wilson Moorner, Paralegal Specialist, FCI, Jesup

18. JUAN NUNEZ v. DENISE AASE, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: MCA 92-50185/WEA

Institution: FCI, Marianna

Type of Case: Personal Liability Action (Bivens)

Subject: TELEPHONES

Facts Alleged: Inmate at MNA in 1993 alleges that unlike the other inmates, he has not been allowed to phone his brother at another institution. She also refused to assist him with information about his request for transfer.

Damages Req: \$50,000; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 12, 1993; *Due:* 04-06-1993

Assigned to: Samuel A. Alter, Jr.; Supervising Assistant U.S. Attorney, Pensacola FL; Sterling Dawson, Paralegal Specialist, FCI, Marianna

19. JOSE JARAMILLO MONTOYA v. FRED STOCK, et al

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:93-CV-78-ODE

Institution: USP, Atlanta

Type of Case: Mandamus

Subject: FINES

Facts Alleged: Inmate at ATL in 1993 complains the BOP is pressuring him to pay a noncommitted fine which he claims does not have to be paid until he is released. He also alleges that he has not been allowed to review his BOP file before he submits a request to see the Parole Board.

Damages Req: 0; *Special Monitoring:* 0, Not assigned to special monitoring

Rec'd in Legal: February 8, 1993; *Due:* 02-22-1993

Assigned to: Russell G. Vineyard; Assistant U.S. Attorney, Atlanta, GA; Wanda Hunt, Staff Counsel, USP, Atlanta

20. UNITED STATES v. HAROLD ACKERMAN, et al

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 92-262-CR-GRAHAM

Institution: MCC, Miami

Type of Case: Habeas Corpus

Subject: CONDITIONS OF CONFINEMENT

Facts Alleged: Inmate returned to MIA in 1993 during reactivation after Hurricane Andrew alleges that conditions in in administrative detention preclude him from having adequate meals and sleep.

Damages Req: 0; *Special Monitoring:* IC8, Publicity / Impact on staff morale, Resulting from 08-92 Hurricane Andrew

Rec'd in Legal: February 26, 1993; *Due:* NA

Assigned to: Barbara Bisno; Assistant U.S. Attorney, Miami, FL; Sharon Ragland, Paralegal Specialist, Southeast Regional Office

21. C. ED STOVER, et al v. BALDWIN COUNTY, et al

Court: NORTHERN DISTRICT OF FLORIDA

Docket No.: 92-40329-MMP

Institution: FCI, Tallahassee

Type of Case: Other, Medical Expenses Recoupment

Subject: MEDICAL TREATMENT

Facts Alleged: A physician's assistant at TAL in 1993 has sued Baldwin County Jail Officials after he contracted tuberculosis from an inmate transferred from there to TAL without notifying TAL officials of his medical condition. We are evaluating the possibility of joining the United States as a party to recoup medical expenses workers compensation has paid on behalf of the employee.

Damages Req: ; *Special Monitoring:* IA1, Precedent may be important, May impact on nationwide policy,

Rec'd in Legal: February 26, 1993; *Due:* NONE

Assigned to: Bryan Wilson; Assistant U.S. Attorney, Tallahassee, FL; Angie Grider, Legal Intern, SERO



Significant Activity on Existing Cases

JAMES HENRY MORRELL v. UNITED STATES

Court: SOUTHERN DISTRICT OF FLORIDA

Docket No.: 91-1176-CIV-KEHOE; *Type of Case:* Federal Tort Claims Act; *Damages Req:* 0

Subject: SAFETY *Institution:* FPC, Homestead, Florida

Facts Alleged: HOM Inmate on work detail on base on 09-12-1988 was ordered to climb over fence. The fence broke causing injury to head, neck and shoulder.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 06-05-1991

Significant Activity: 12-21-1992 Order denied inmate's motion for reconsideration of the granting of the government's motion to dismiss.

MICHAEL BAY v. FRED STOCK

Court: NORTHERN DISTRICT OF GEORGIA

Docket No.: 1:92-CV-361-JOF; *Type of Case:* Habeas Corpus; *Damages Req:* 0

Subject: INMATE DISCIPLINE *Institution:* USP, Atlanta

Facts Alleged: Inmate not advised of his right to remain silent before interviewed relating disciplinary action at EGL in 1991. Presently at ATL.

Special Monitoring: 0, Not assigned to special monitoring

Date Case Filed: 02-14-1992

Significant Activity: 04-07-1992 Magistrate's report recommends dismissal. 09-11-1992 Order dismisses case. 09-21-992 Appeal to Eleventh Circuit, 92-8920.
