

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 20-cv-02516-RBJ-KMT
(To be supplied by the court)

Khalafan Khamis Mohamed, Plaintiff

v.

Jones, Nurse, Ind. and Off. capacities

Huddleston, Nurse, Ind. and Off. capacities

Osagie, Physc. Asst., Ind. and Off. capacities to delib. Ind. Off. claim.

Brush, Officer, Ind. and Off. capcs. as to 1st. Amend. Defendant(s). See attached

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 1 2021

JEFFREY P. COLWELL
CLERK

PRISONER COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Khalafan Khamis Mohamed, Reg. # 44623-054, U.S.P., MAX P O Box 8500,
(Name, prisoner identification number, and complete mailing address)

Florence, CO 81226-8500

(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☒ Convicted and sentenced federal prisoner
☐ Other: (Please explain) _____

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: Jones, Nurse, not known
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 1 is being sued in his/her ☒ individual and/or ☒ official capacity.

DEFENDANTS:

Espinoza, Officer, Ind. capacity.

Miller, Officer, Ind. Capacity.

Murton, Lieutenant, Ind. Capacity.

Armijo, Lieutenant, Ind. Capacity.

United States of America.

NOTE 1: Defendants and their capacities: In this Second Amended complaint, nine defendants are named: the three medical staff: Jones, Huddleston and Osagie in the three deliberate indifference claims, are each respectively, sued under both, official and individual capacities. However, Osagie in the "failure to intervene" claim is only sued on his individual capacity.

The rest of the individual staff-defendants, with exception to officer Brush, in the First Amendment claim, are each sued on individual capacity, respectively. However, Brush, is sued on both, official and individual capacities in the First Amendment claim.

As for relief: I am only seeking compensatory relief on individual defendants on their individual capacities. I'm not suing the U.S. states through Bivens, for damages based on alleged wrongs of its employees. However, I use Bivens in seeking injunctive reliefs, on the 3-medical claims, claims 8- through 10, and claim seven; first amendment claim.

The U.S. states is a defendant in the last five claims: tort claims...

Defendant 2: Huddleston, Nurse, not known
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

He was on duty and employed by the BOP at the
ADX in all relevant times.

Defendant 2 is being sued in his/her ☒ individual and/or ☒ official capacity.

Defendant 3: Osagie, Physician's Assistant, not known
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

He was on duty and employed by the BOP at the
ADX in all relevant times

Defendant 3 is being sued in his/her ☒ individual and/or ☒ official capacity.

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

☐ 42 U.S.C. § 1983 (state, county, and municipal defendants)

☒ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)
(federal defendants)

☐ Other: (please identify) 28 U.S.C. § 1346 (b); 1346 (d) (2); 1331.

Injunctive Relief: 28 U.S.C. § 2283 & 2284, and Rule 65 of F.R.C.P. Proc.
The U.S. waives Sovereign immunity under 28 § § 2671-2680.

B. DEFENDANTS' INFORMATION:

Defendant 4: Brush, officer, not known.

Ind. and Off. capacities as to the first Amendment claim.
He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 5: Espinoza, Officer, not known.

Ind. capacity.

He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 6: Miller, officer, not known.

Ind. capacity.

He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 7: Murton, Lieutenant, not known.

Ind. capacity.

He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 8: Armijo, Lieutenant, not known.

Ind. capacity.

He was on duty and employed by the BOP at the ADX
in all relevant times.

Defendant 9: the United States of America.

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: EXCESSIVE FORCE AGAINST OFFICER BRUSH**Supporting facts:**

1- The term "my cell" in all below mentioned allegations, unless stated otherwise shall refer to cell # 108, Range A-lower, in C-unit, here at the ADX. That is for all dates between 8.19.2018 and 8.23.2018, while the "my cell" shall refer to cell # 406, Range B-upper in the same unit for all dates from 8.25.2018 on wards. That is because, I was housed in cell 108 until the evening of 8.24.2018, when I was moved to cell 406.

2- In the morning of Monday of 8.20.2018 at the breakfast tray, I started and declared my peaceful protest in the way of Hunger strike ("H-St.") while I was housed in cell 108.

3- I sent several written requests to some senior staff members here at the ADX, declaring my H-St. This including, the unit manager, Mr. Pockor, the ADX's medical director, Dr. Oba, along with the Physician assistant ("PA"), who was also my longtime medical provider, Osagie, and to one of the ADX's high-level SIS official. I also verbally, told the C-unit officer of my H-St.

4- The main purpose of informing these staff of my H-St. was to give the ADX's notice, so I could be afforded all necessary medical attentions with accordance to the BOP's program statements.

5- H-St. does not violate any of the BOP's policies or regulations. Since early 2000's I have gone in more than 10-different H-Sts. However, I have never been disciplined for violating any policy as a result of my H-St.

6- It is my practice in all H-Sts, including that one, to refrain from eating and drinking any thing, apart from some water, even before I declares my H-St. In that H-St, my last meal I took, was at the dinner time in 8.19.2018.

D. STATEMENTS OF CLAIMS:

7- On evening of 8.22.2018, at the dinner tray, I had missed a total of 9-consecutive trays. The BOP's H-st. policy requires the medical staff to perform the initial H-st. medical assessment (M.A.S.) once a H-st. prisoner misses his 9th consecutive meal and in some cases, the assessment may be performed even earlier. No such assessment were performed on me in that H-st.

8- Also, in the same evening, the case manager, Carlson, came to me and said that the unit manager, Pockor, had received my request that I sent him declaring my H-st. and he said that the unit officers, Lieutenant (Lt.) ARMISTO, and the unit Team are informing the Warden's Office, the Captain, and the medical staff on my H-st. and that every one was aware of my H-st. ever since I started refusing trays on Monday Morning, 8.20.2018.

9- Next morning of 8.23.2018 I wake up feeling very weak, dizzy, tired and with heavy headache. I had missed 10-consecutive trays by that time, but there was no M.A.S. performed on me.

10- At the lunch time, after refusing the 11th consecutive tray, the three unit officers: MILLER, Baca and BRUSH wanted me to submit to handcuffing so they could remove my food-commissary items. BRUSH told me that since I had refused 11-consecutive trays, they had to remove my personal food items. I submitted to handcuffing.

11- The BOP's program statement requires the removal of food items and drinks from a Hunger striking prisoner's cell after he refuses the 9th consecutive tray. However, the policy does not authorize the removal of the non-food items, such as books, legal materials, cosmetics...etc.

12- The officers escorted me to the range-law library about 30-feet away from my cell. It was around 11:40 A.M.

13- Each of the three officers was physically much bigger than myself. They collectively would easily make 600+lbs. BRUSH and Baca each was over 200lbs; while MILLER was close to 200lbs. On 8.26.2018, three days later, I weighed at 138lbs.

14- Because I was too weak and dizzy, I couldn't put on my training shoes as I usually do when I go out of my cell. I was escorted to the law library wearing a pair of socks and shower sleepers.

15- The three officers noted my extreme and obvious physical weakness to the extent that Officer Baca, seeing me I could hardly walk and appearing dizzy and sick, asked me as they escort me to the law library "Mohamed, are you OK?", I said "No, I'm not OK." He said "yes, I can see that, you need to eat man!"

D. STATEMENT OF CLAIMS:

16- Even though I was physically weak, I was in full control of my feelings and emotions. I made sure that I stay calm, peaceful and respectful to the staff. This has been my behavior in all of my H-sts. I never behaved otherwise.

17- After I was placed in the law library, I could see BRUSH removing almost every thing from my cell as he was putting them in plastic bags.

18- About an hour later, since I was placed in the law library, the three officers came back and BRUSH told me that Lt. ARMIJO wanted me to take off my personal clothes and put on the BOP-provided khakis. I told BRUSH that the policy does not require a H-st. prisoner not to have personal clothes while he's in H-st. It does not. I asked to speak with Lt. ARMIJO, and BRUSH said OK, and the officers left.

19- About 10-minutes later, the three officers came back and BRUSH told me that Lt. ARMIJO wanted me to be taken to his office so we can talk there. However, because I had previously learned that the staff often beats up prisoners in Lt's office because there is no camera in it, I said "No, the Lt. can come here and speak with me, or, put me back in to my cell and the Lt. come there and speak with me."

20- At that point, BRUSH said "OK" we take you back to your cell. He then put handcuffs on me, doubled lock the cuffs, and then the three officers started to escort me through the hall-way towards my cell.

21- By that moment, my previous mentioned H-st. symptoms, supra, 9 were worsening rapidly, but I continued to stay calm.

22- As I was escorted, at no time I did become ever released from the restraints, nor did the officer lose their control of my hands. I never moved suddenly, became angry, combative, resistive, attempted to assault any officer, or even raised my voice.

23- When I arrived at my cell, I stopped, thinking that the officers have missed my cell, and looking towards it, I said calmly and without posing any threat, "here is my cell, you told me that you're going to put me back into my cell."

24- It is a normal practice for a prisoner who is escorted to his cell or to any other destination that he's aware of, to stop at that cell or destination when he and the escorting officers reaches there. It is not normal to do otherwise, nor it's normal or is a policy for a prisoner to ask officers' permission to stop at such known destination or to declare to the officers, that "now I am stopping".

25- At that moment, officer BRUSH immediately without any warning nor any need, threw me against the wall in the area between my cell, #108 and cell 107, while he aggressively, maliciously and sadistically

D-STATEMENT OF CLAIMS:

smashing my head multiple times against the wall, at the same time shouting "stop resisting, stop resisting", while in fact I was not resisting at all.

26-BLUSH's above statement was just a pretext that he chose to make up to justify his malicious and sadistic violence. I had previously learned that prison guards regularly uses such similar statements when they unprovokedly beats up prisoners.

27-I never resisted nor showed any sign of resistance, and had no energy in me even if I wanted to resist. I said as loudly as I could "I am not resisting... I never resisted anything... You told me that you're going to put me back into my cell. As the beating on me were going on that day, I repeated these and similar statements in attempt to show that I was being tortured maliciously and sadistically.

28-The smashing of my head against the wall brought me an excruciating and extreme pain that I never experienced in my life. I thought that my head was basting open. The smashing of my head and other beatings that follow also worsened my previously stated H.St. symptoms, Supra.

29-I then found myself being crushed on to the ground, face-down, while BLUSH and another officer most likely, MILLER, punching and kicking me, and also spitting on me.

30-As soon as I was put on the ground, officers also restrained my legs with the legcuffs, and from this moment to the end of the beatings in the Observation cell, I was fully restrained with the hand and leg cuffs.

31-Many officers, possibly 10- or more, now swarmed into the range like insects and all of them were taking part in punching and kicking me as well spitting on me. The officers carried out these malicious and sadistic attacks against all over my body.

32-As I was on the ground, now lying on my jaw, BLUSH placed his working boot on my neck to the jaw, and used it as a weapon by pressing it maliciously and sadistically, while moving it right and left as if he was trying to crush something solid, leaving me with another deadly pain.

33-At one moment as BLUSH's boot still on my neck and other officers were beating me, I found my self that I couldn't breath, and had to cry out that "I can't breath, I can't breath... you're trying to kill me."

34-As I was on the ground, also, BLUSH with help from other officers, made concerted attempts to break my arms, legs, feet and toes. BLUSH was twisting and manipulating them aggressively in order to break them. I cried out in excruciating pain again "he's breaking my legs and my hands, they're trying to kill me?"

D. STATEMENT OF CLAIMS:

35- When BRUSH, MILLER and their fellow officers were trying to break my bones and attacking me, my feet were vulnerable open, because those shower-sleepers I had when I was escorted to the law library, See Supra 14, had come or taken off by the officers once the attacks started.

36- BRUSH and his fellow officers made multiple threats and verbal abuse against me. For example, BRUSH said, shouting on me "we gonna fuckin kill you..." "no one's gonna believe you", "scream louder bitch, this's America, not an Iraq or Afghanistan", or similar statements.

37- The above death threats, also cursings, racial slurs, spittings and many other kinds of abuses apart from the physical attacks that were going on unstop, continued up to the end of those beatings that day.

38- I don't know for sure for how long I was being tortured in that particular area, see Supra 25, but I assume that, the beating went on for several minutes, subject to the discovery determination. I was truck at least 70-times at that spot, before I was truck more as I was escorted to observation cell, and then, in it.

39- When I was on the ground and then in the following beatings to the end of the beatings in the Observation cell ("O.C."), the officers always forced my upper body and head down, so I couldn't identify most of the officers who were torturing and abusing me.

40- I was then violently made to stand up and walk through the hallway toward the entrance of the range A-C-unit, while the officers continues to maliciously and sadistically beating me, as at the same time jacking me up by the handcuffs from behind, using the cuffs themselves as another tool and method to punish me with, and as a result, delivering me another excruciating pain.

41- I could not walk straight because of the worsening of my H.1st-Symptoms, See Supra 9, and because of the deadly pain all over my body, and especially, my right ankle, which I believed was already broken by BRUSH and his colleagues. I had to limp in the excruciating pain as the beatings, spittings and all other kinds of abuses and threats continue.

42- I had no doubt the the officers intended to murder me because they tortured me without no limit. I wished they had already murdered me due to the extreme pain I was forced to go through.

43- Because of the excruciating pain, the limping and the physical weakness... etc, all most all moves I made were the result of officers' physical assault on me... I couldn't control my moves. But at no time I ever tried to attack anyone.

44- Not long after I was assaulted, I heard that, BRUSH has been made a Lt. and he and Lt MURTON were transferred other prisons... AD's officers, fear no consequences...

D. STATEMENT OF CLAIMSCLAIM TWO: FAILURE TO INTERVENE AGAINST LIEUTENANT ARMISO

45- I hereby re-allege and incorporate by reference the above allegations, 1-44.

46- When we reached the entrance of the range -A, officers unintentionally and very briefly eased their grip off my head, and because of that I could raise my head and see Lt. ARMISO and Lt. MURTON standing next to each other above the stairs of the entrance as they were witnessing me limping in pain while the officers continued to maliciously and sadistically attack and abuse me.

47- When I saw the two Lts, I repeated my previous crying, see supra, 27, even more loudly because I was expecting them to stop the beatings and I wanted them to know that I was being tortured maliciously and sadistically. However, the two Lts, didn't stop the beatings even though each possessed realistic opportunity to do so.

48- Each of the two Lts, saw me being attacked, while I was limping in pain, fully restrained and each heard and saw me begging for their intervention...

49- On information and believe, Lt. ARMISO and Lt. MURTON had been present in the unit and witnessing the beatings previously; before I had seen them standing by, witnessing the beatings.

50- On information and believe, Lt. ARMISO was the unit's Lt, on 8-23-18, and therefore, was in charge of the unit's daily operations and its officers.

51- Later that day, after the beatings stopped, Lt. ARMISO along with some officers entered into the Observation Cell where I was put, and ARMISO lied to me: ARMISO asked me what happened?... And asked me to explain the events. But I told him that he had already knew everything... because of what officer BLUSH had told me earlier that day. See supra: 18-29, and I told him that I have seen him standing by with Lt. MURTON witnessing me being beaten... etc, supra 46-48. However, ARMISO denied all these statements and claimed that he didn't know any thing, and that, he had just came in that moment to report to his duty. ARMISO also told me that he was treating my above statements "as an insults to him".

52- Later on, in 9-12-2018, when I was housed in cell #406, Lt. ARMISO with another Lt, Alexander, came to my cell and both made even larger effort trying to convince me that Lt. ARMISO was not present at the time of the attack on me in 8-23-2018, and they suggested that I was confusing him (ARMISO) with another Lt, ⁽²⁾ Sukdeo, who might have been present in the unit at the time of the attack. I said, "no, I didn't confuse him with any one... He was there and I saw him."

(2) This may suggest or show that: Lt. Sukdeo was also present during the attack and possibly, played a role in it. He and others might qualify as additional defendants after discovery.

A. STATEMENT OF CLAIMS:

CLAIM THREE: EXCESSIVE FORCE AGAINST OFFICER MILLER

53- I hereby re-alleges and incorporate by reference the above allegations, 1-52.

54- Passing the entrance while the beatings continues, I was then pushed into the O.C. under Lt. MURTON's orders and supervision.

55- As I was being pushed through beatings into the O.C., officer MILLER with a huge effort maliciously and sadistically hit me on my face with his knee multiple times, delivering me another excruciating and deadly pain on my face.

56- Because my upper body and head were being constantly forced down, see supra 39, MILLER whom I believe was at that time one of the officers holding me from back through the handcuffs, has to sneak himself in order to hit my face... without such huge efforts, MILLER couldn't get into my face.

57- Officer MILLER was also one of the officers who initiated the beating on me that day, supra 29, MILLER was the officer #1 in the unit that day. Officer BLUSH could not have accomplished his initial attacks on me without MILLER's and very likely, Bac's full support and agreement.

CLAIM FOUR: FAILURE TO INTERVINE AGAINST LIEUTENANT MURTON

58- I hereby re-alleges and incorporates by reference the above allegations, 1-57.

59- Soon after I reached the entrance of the range, see supra 46-49, Lt. MURTON took full control of the ongoing tortures against. From that moment to the end of the beatings, MURTON was maliciously and sadistically giving orders to the officers on how to beat me.

60- MURTON started by ordering the officers to place me in the O.C., while at the same time abusing me verbally. For example, he told me "you wanna Hunger strike in the G.P. (that's general population units, i.e.: in oppose to H-unit where I first new him as an officer several year prior) this's what you gonna get motherfucker... etc.

61- MURTON also told me that I had to walk strait, not to limp and also stay silent not to cry out, otherwise I'll be beaten me. He told me that even after I had already said to him that I can't walk strait because I believed the officers have broken my leg.

62- Because I could not walk strait and couldn't be silent, under MURTON's orders and supervision I was beaten more.

63- The O.C. in C-unit, is located beyond the entrance to Range-A, at the opposite side to the unit officers' and Lt's offices. The O.C. has no camera in it, and for that reason officers often beats prisoners there.

64- Later that day I learned the officer BLUSH lied in the incident report that he fabricated against me. He claimed that I had committed

D. STATEMENT OF CLAIMS:

the prohibited act of "attempting to assault him" while I was being escorted to the D.C. In reality, BRUSH and his fellow officers, had told me that they were taking me back into my cell. See Supra 19-20

65- In the D.C. MURTON kept giving orders to the officers who were physically torturing, such as "put him against the wall... bend, bend him over... place him on the bed..." He also said to the officers "show this dirty Arab terrorist what's ADX". At another time he told me, in response to my crying out that I never resisted any thing, see supra 27, "Look at you an Arab for he said 'Arabic) bitch, you think there gonna be any one who gonna believe you, you must be crazy."

66- At another time, AS officer ESPANOZA was maliciously and sadistically hitting me on my face, MURTON told him "keep it to the body", which I allege that he was trying to avoid an incriminating evidence.

67- On information and believe, Lt. MURTON, officer BRUSH and ESPANOZA, all have long history and reputation in abusing prisoners at the ADX, including using of excessive force against them and then fabricating incident reports against those prisoners.

68- I personally heard prisoners who have been abused by BRUSH and ESPANOZA; In one specific case, ESPANOZA participated in torturing a prisoner, whose several ribs were fracture in the torture, about one year after I was tortured.

69- Several years prior to 8-23-2018's torture on me, MURTON had used excessive force against me when he was an officer, in one of my H-st; when I was housed in H-unit...

CLAIM FIVE: EXCESSIVE FORCE AGAINST OFFICER ESPANOZA:

70- hereby re-alleges and incorporate by reframe the above allegations, 1-69.

71- ESPANOZA worked in perfect coordination with Lt. MURTON in torturing me in the D.C. As MURTON, I knew ESPANOZA since H-unit.

72- ESPANOZA and other officers that I could not identify, maliciously and sadistically beat me, spate on me and verbally abused me, causing me to go through an excruciating pain and great deal of humiliation

73- At one moment, ESPANOZA was very aggressively pulling my beard and ears up and down, forcing me to follow his movements in order to reduce the deadly pain that was causing me, while the officers were holding me to stay put. Espanoza also maliciously and sadistically hit me on my face. Supra 66.

74- Among ESPANOZA's statements to me in the D.C. is "stupid little terrorist, you think this's Saudi Arabia, this's United States of America, ...son of a bitch..." "we got your leader, Bin Laden, we soon gonna send you where he is... hell", or some statement in that meaning. He also said "this's not H-unit".

D. STATEMENT OF CLAIMS:'CLAIM SIX: FAILURE TO INTERVENE AGAINST DSAGIE

75- I hereby re-alleges and incorporate by reference the above allegations, 1-74.

76- The P.A. DSAGIE was among the Senior ADX's staff who witnessed the beatings against me and chose not to stop them. As I was being maliciously and sadistically beaten and abused in the D.C., I heard DSAGIE from the Cell's door, very close to where I was being beaten, saying approvingly "is he still resisting," while, in fact, I was not resisting and I was in full restraints.

77- After hearing DSAGIE's above statement, I repeated my previously made statement, that I never resisted anything, and also said, "are you also DSAGIE witnessing this, see how they beat me?" DSAGIE never replied.

78- DSAGIE's voice was very close from where I was being beaten. At that moment I was already placed on the concrete bed inside the D.C. The bed is several feet high from the D.C. floor, and DSAGIE must have seen me and the beatings very easily and without any efforts. DSAGIE must also have heard my forever repeated statement that I never resisted anything before his above mentioned approving statement and after it when I repeated my statement.

79- I knew DSAGIE from at least early 2002, and his voice and accent are obviously identifiable to me and to any one who knew him.

80- DSAGIE was a top BOP's/ADX's official who had a realistic opportunity to stop the torture against me in that day, but he decided to be deliberate indifferent.

81- DSAGIE was at the time, a fully trained law enforcement, BOP's senior staff; with accordance to BOP's Program Statement: OPI; HRD/PDB No: 33000.3, of 5/8/2017 (Employment), section 11: all staff working "in correctional environment" "must be proficient in the knowledge, skills and abilities (KSAs) needed for correctional work". And "the attainment of proficiency in these areas..." is a condition of employment for all staff in correctional institutions". Id. All these staff must train "in three areas; firearms, physical abilities and a written test of job knowledge." Only "physicians and dentists may elect to waive, and chaplains and PHs staff do not participate in the firearms portion..." Id.

82- Further, all BOP's staff, or at least the ADX's, including DSAGIE himself, would in times work as regular prison guards. I have seen DSAGIE at different occasions, wearing the BOP's guards uniforms, and works as one of them.

83- The only meaningful difference between DSAGIE, and say, Lt. MURTON, and others, is that DSAGIE was both; a fully trained prison guard, as well, a medical professional, while MURTON was only a prison guard. DSAGIE could have used either of these two positions he held to stop the abuses, but he chose to use neither.

84- After DSAGIE's above statement, the tortures continued and even got worse. But eventually stopped. By that time I had been beaten for perhaps 15-minutes, unstop. The beatings stretched over possibly 50-meters or more from cell 108, see supra 25) to the D.C. during which I was tuck more than 150-times

D. STATEMENT OF CLAIMS:**CLAIM SEVEN: VIOLATION OF MY FREEDOM OF SPEECH/FIRST AMEND. AGAINST OFFICER BRUSH:**

85- I hereby re-allege and incorporate by reference allegations 1-44,:

86- BRUSH came to me at the D.C., where I was left for several hours after the beatings, and said to me behind the glass door "I am not finished (or he said "I am not done) with you, I'm gonna kill you, and I saw your journals, and manuscripts and other shits in your cell, trust me, every thing is gonna be in the trash", or some statements with similar meanings.

87- Few hours later when I was escorted back to my cell, it found it's virtually empty. BRUSH had removed from my cell almost every thing. He did that even before the above described beatings that he initiated. See supra, 17. Among the materials that BRUSH took from my cell, are include but not limited to:

88- MY DAILY JOURNAL or Diaries: In 12-note books, starts from late 2001 through August 2018 just a day or two before BRUSH took them. I spent between 5 to 45 minutes daily, depending on the quantity of materials to write and my health... I wrote about my daily life in prison and whatever important events that I heard or read from the media, with short comments or backgrounds.

89- MANUSCRIPTS: at the time, I was working on two large manuscripts. The larger one was already 900-pages long, yet, unfinished. This was about the concept of peace and tolerance between the three major Religions: Islam, Christianity and Judaism... through their respective scriptures and history.

90- Another manuscript, also unfinished, was Quran translation into "Swahili", my native language. The text was complete, about 550-pages, but when BRUSH took, I had just recently started the commentary, with 200-pages. I had started to work on the Quran translation about 10-year earlier. I revised the text twice.

91- The third manuscript was complete. This was about the "slavery" through the history. I revised the manuscript. It was about 450-pages.

92- These manuscripts along with shorter works that BRUSH took, were the result of many years of reading, studying and collecting. The manuscripts along with my above referenced journals that BRUSH took from me, were the most important and the only material achievement that I have worked so hard and so long to acquire in my entire life. They are irreplaceable.

93- Another valuable item BRUSH took were my notes; a summary of between 130-150 important books that I have read previously.

94- BRUSH also took number of books that survived with every thing he took from my cell, the shake-down of 8.19.2018, see infra, these include, but not limited to (1) Mausawatul-Hadiyih (2) N-Awtar, (3) Shakh-Muslim (4) Bid'ah-wannihayah (1-of 2-volumes) (5) Hamus Al-mukht (6) Al-mughniy (7) Tafsir Ibn Atiqah, Ibn Kalbiy and Fat-hul-Badiy...

D. STATEMENT OF CLAIMS:

95- Each of these books was in a single or double volumes, but originally was in several volumes, mostly religious, and each was important and expensive.

96- Each of these stolen materials was taken by BRUSH from my cell, each was clearly marked as belonged to me with my name and initials, and registration number...etc. Manuscripts, journals and notes, were in three different folders; each holding the above identification information, and each was in my hand-writing. The journals also had each the starting and ending dates. (In every H-st, I pack and mark my materials as such for easy identification by the staff who often enter my cell for the removal of food/drink items)

97- No officer or staff could ever mistaken my materials for trash or any thing else unimportant, because each was clearly packed and marked as described. BRUSH must have maliciously and intentionally targeted them.

98- Few days after the removal of materials I submitted written request to correctional counselor, insisting on my materials, especially, my journals, manuscripts and notes, stating that: they must be kept for me, and if I'm not allowed to keep them, I'll send them out of prison. The counselor responded by stating that: every thing will be kept in the storage until I come off my H-st.

99- After I was told that my material cannot be found after my H-st, in October, 2018, I sent several written requests asking any and all help to find my materials... The requests included, but not limited to: the Apx's warden, the unit team, the property officer, and Lt, and an SIS staff member.

100- I also filed an Administrative Remedy on the above materials. The warden's and subsequent responses carry false and incorrect findings, that: the effort were made for me to identify my materials... See Ex. 2. That is clear and intentional lie. The discovery will show my countless efforts to get my things back.

101- Before I ended my H-st, and right after it, few items were returned to me. These included: 2-volumes of Arabic-Bible, English Dictionary, bunch of old Admin. Remedies, 3 or 4-Religious books, photo album, prayer rug, pair of shoes, shower sleepers, a t-shirt, and some 17-or so, soups.

102- Besides the above expensive materials that BRUSH took from me; he also took other items include but not limited to: few shorter works/researches, personal clothes, legal and religious materials, cosmetic, all writing and postage materials, all dental materials, toiletries... and every thing. He even took the cup of water I used to drink with. He also stole all books and commissary receipts. I spent for almost a week with no toilet paper, tooth paste, tooth brush, soap... and a cup to drink water with. He only left in my cell a mattress, a pillow, and blanket.

103- The material officer BRUSH stole, including; journals, manuscripts and notes, had previously survived all H-st's, and shake-downs, including the large shake-down of 8-19-2018, 4-days earlier. That organized shake down confiscated majority of my books claiming to be "contraband", but never touched my above materials.

D. STATEMENT OF CLAIMS:

104- The BOP has no remedy for recovering damages arise from such materials related to the First Amendment, such as journals, manuscripts... and notes. The small claims program, (small Tort) only covers to \$1000.00 damages. As stated above, supra, 102. BRUSH even stole my books receipts. I managed to get few receipts, from the book store, and filed that with my claim, but even with receipt the BOP, refused to pay any thing... My journals, manuscripts and notes, are priceless. BOP don't have remedy for such First Amendment guaranteed rights.

105- BRUSH's confiscation of my materials, was motivated by evil intent, malicious and harassment against me. There was no single reasonable relation to any legitimate penological interest... with such confiscation. As stated, see supra, 103; all the materials BRUSH maliciously stole, were left untouched 4-days earlier. And several of ADX's senior staff told me that BRUSH lacked any rational reason in removing and apparent destroying of such materials. One of the staff who told me this, is the case manager who led the shake-down of my cell in 8.19.2018. The case manager and his officers, saw the materials but did not touch them, because posed no threat, and there was no reasonable penological interest in confiscating them.

106- In removing and apparent destroying my materials, BRUSH also knowingly and intentionally, violated a number of BOP's own policies. See infra, 138-9.

107- Later, in the evening of 8.23.2018 I was given an incident report for "attempting assault" against BRUSH. BRUSH fabricated the incident to justify the above described crimes against me. See supra 1-84.

108- I was later found "guilty" for attempted assault, by the ADX's disciplinary officers... The statements used to find me "guilty" were of the staff who themselves, may be found guilty in assaulting me... Subject to the discovery determination. BRUSH, MILLER and Baca, each fabricated report that was used to find me "guilty". BRUSH and MILLER, both initiated and advanced the tortures of 8.23.2018 against me. The discovery will reveal Baca's role in that attack. He was the third unit officers in that day, see supra, at 10. About a year since I was tortured, Baca apparently, based on prisoner's conversation with me, participated along with ESPANOSA to beat up that prisoner after tying him on 4-points... Several of his ribs were broken as result. Baca and the rest of the "witnesses" whose statements were used to "convict" me, through the discovery, they might be revealed as BRUSH's assistants in the crimes against me that day.

109- The disciplinary process that convicted me was rigged. The staff representative was bias, and fabricator, who fabricated my witnesses' statement. She was imposed on me after my own picked staff representative were both disqualified.

110- Before the fabricated incident report of 8.23.2018, I had more than 12-years of clear conducts. I've never been disciplined for assaulting any ADX's staff prior to that fabrication.

D. STATEMENTS OF CLAIMS:

111- When I was waiting for my trial at the MCC, N.York in 2001, I was maliciously and sadistically beaten by even larger group of correctional officers who were led by Captain Aponte, Lt. Carrino, and Counselor Santiago. I was tied on 4-points on a bed and beaten for several hours... Among the injuries I sustained, we included but not limited to fracture of my eye-socket and broken nose... I was hospitalized for 10 or 11-days.

112- After that event, as in this present case prison staff fabricated a case against me to justify their own crimes. I a separate case and without me being present or represented, the court concluded that I had committed two acts: grabbing a radio from an officer and covering a camera. See *U. states v. Salim*, 287 F. Supp.2d, 250, 294 (2nd Cir. 2005).

113- The court's conclusion was based on another prisoner's statement on my absent. I have denied those allegations and all others surrounding the case. I've similarly denied the BOP's disciplinary charges and findings arising from the same case.

PHYSICAL INJURIES:

114- The attack of 8.23.2018, left me with several serious and permanent injuries. The injuries I received includes but not limited to: during the assault and shortly after it, my body was full of lacerations, bruises and abrasions accompanied with deadly pain. My left wrist to this day, almost three years later carries scars that replace the painful injury caused by the officer's using of the handcuff as a device of punishment in manipulating my wrists and jacking me from back in the ground and as they violently escorted me to the IC. See *supra* 34, 40. These short time injuries some took up to two weeks or so to heal.

115- My ankle and wrists, all were swollen. I thought initially, all were broken, because Brust and his colleagues made a concerted attempt to break them. *supra* 34; my jaws also were badly targeted. In the first two months, the pain on my wrists and jaws was 8 out of 10. Few hours after the assault, my nose violently started to bleed. The bleeding came down after 2 or 3 days.

116- The permanent physical injuries continue to this day, include but not limited to, pain and swelling of my right ankle, pain on my wrists, jaws and periodically, but sometimes, heavy bleeding through my nose.

117- The medical staff disregarded my complaining of pain on my wrists and jaws and multiple requests for an X-Ray. The X-ray of my wrists and jaws were delayed until 10.18.2018, almost 2-months after the beating. I was told, the result were normal... However, the pains continues.

118- My right ankle was injured with an "acute fracture". The X-ray was only conducted on 8.31.2018, 8-days after the beatings. The medical staff's actions and inaction that followed, shows the high extent of their deliberate indiff.

D. STATEMENT OF CLAIMS:

119- On 9.3.2018, JONES told me: x-ray shows "twisted muscles; Next evening, 9.4.18, came with splint and a wheel chair... saying: my leg was fractured. He also said, in the coming few days a orthopedist will examine my ankle. On 9.12.18, Dr. Oba replaced the splint with hard cast. When I asked him about the orthopedist JONES had previously mentioned, Dr. Oba said: he looked into my x-ray and told Oba to put cast on me. He said that, the orthopedist said: the cast must stay on me for 3-weeks, then remove it, x-ray again, if not healed, put second cast for another 3-weeks, remove the cast, x-ray again, if not healed, the surgery must follow.

120- After the cast was put on me, I was then x-rayed on 9.25.2018 with the cast. On 9.26.18 JONES told me: the fracture was there, unhealed. On 9.30.18, I received DSAGIE's paperwork on the recent x-ray, stating "partial healing". On 10.23.18, second x-ray, again, with the cast taken, and the x-ray technician told me: the previous x-ray had missed some details... On 11.2.18, I received DSAGIE's another paperwork on the second x-ray, which I assumed was saying "continue to heal" (his handwriting wasn't that clearer to me).

121- After 3 or 4-weeks, the cast was not that effective; old, loose, stinks... etc. but was never changed. It stay on me till was removed for the first and last time on 11.16.2018. On this day, the wheel chair also was taken from me.

122- DSAGIE removed the cast on 11.16.2018. My ankle was very much swollen almost as it were the day the cast was put on me, 2+ months prior. The pain was also very high. I asked DSAGIE for any physical therapy follow up, or any other help, but he said: I didn't need any. On 11.18.2018, I submitted a sick call for the terrible pain on my ankle and wrists. On 11.20.18, my ankle was x-rayed again. On 12.6.2018, a medical staff came in response to my sick call. He issued me 14 Ibuprofen tablets, and said: he'll give me a steroid shot after two weeks. He never came back. Those 14 tablets were the first pain medication given to me since I was injured on 8.23.18.

123- On 12.23.18, I sent a cut-out/request to Dr. Oba, complaining about the ankle and wrists pains. On 1.9.19, P.A. Saroski sees my swollen and painful ankle and hears my complain of pain in ankle and wrists... She told me: I must learn to live on those pains, they might never goes away. She refused my request for pain medication and told me that: I must get from the Commissary... I told her, I've tried all Commissary medications didn't work. But she refused any medication for me.

124- The pain continued. And on 2.19.19, a nurse refused to give me a sick call request, stating, I must get when P.A. Saroski makes her rounds. Saroski, never made round in the next 2-weeks. She eventually made in 3.6.19, but she said: she didn't have sick call request, I must write in regular paper (previously said: I can't).

125- I finally was seen by Dr. Oba in 4.23.19. He finally prescribed me with sulindac 200 mg tab. for pain. He also issued me a compression garment/sock for the swelling. Sulindac was replaced by meloxicam 7.5 mg, in 4/2020. I'm now since 4/2021 on sulindac again.

D-STATEMENT OF CLAIMS:EMOTIONAL AND MENTAL INJURIES:

126-The assault of 8.23.18 against me and the loss of my materials left me with high level of depression that I never experienced before. The excessive ~~anx~~ anxiety, fear of prison guards, lack of concentration, poor memory, disappearance of desire to interact and associate with others, enjoyment of doing things that once I enjoyed... poor sleeping, almost daily night mares that depict the violent acts of 8.23.18 against me...etc, are only some of my new normal that I'm forced to live with.

127-My life is full of shame and humiliation and the feeling of failure to accomplish any thing after the humiliation of 8.23.18 and the huge loss of every thing that I have worked for almost 20-years. These feelings are so serious, that have forced me to seriously consider to end my own life. I have tried to contact some religious authority who may provide the necessary Islamic ruling that justify the ending of my life.

128-Since Oct. 2019, I have been prescribed with citalopram 20 mg. tab. for my depression. I'm on 40 mg, now. Also, in March 2021, Mirtazapine, has been added. I am now on the above Citalopram and Mirtazapine 45 mg. tab. I was also told that I am suffering from the PTSD.

CLAIM EIGHT: DELIBERATE INDIFFERENCE AGAINST JONES:

129-I hereby re-alleges and incorporates by reference the above allegations 114-128.

130-JONES, a nurse, came with the "force team" and a camera to perform the Medical assessment (M.A) related to the beatings, after the beatings stopped in D.C.

131-JONES's M.A, was superficial, not real. I complaint to him in front of the camera about the substantial and excruciating pain all over my body, and especially my right ankle that was already and obviously swollen to about $\frac{1}{2}$ of an orange size in either side. JONES noted the swelling and said he'll come back.

132-JONES came back about an hour later without the camera. I complaint to him again as I did previously and even more. I told JONES that I believed that my leg/ankle was broken, I couldn't walk due to the excruciating and substantial pain, and that I needed an x-ray to check my jaws, wrists... and especially my ankles. JONES refused all these and other requests. He said, the swelling will go away by themselves from my ankles. He refused my request to see the A.D's doctor or even the P.A, just as he refused me any pain medication or even a bag of ice.

133-JONES, even though my injuries and symptoms, including the swellings of my both ankles, my wrists, one side of my face, cuts by handcuffs on my left wrist, lacerations, bruises and abrasions on my whole body..., he refused to examine my injuries. Responding to my excruciating and substantial pain complaint, JONES told me "Mohamed, you must take your trays, this would be alot easier if you eat". He left. I never saw JONES taking any notes in neither visit.

D. STATEMENT OF CLAIMS:

134- I also asked JONES when he came back to me in the O.C. to assess me for my H-st. JONES said that, the medical staff are aware that I was in H-st, and have already missed 11-consecutive trays, but he was only asked to assess me for the use of force incident, not H-st. However, I did complained to JONES about my then, worsening H-st. symptoms. See supra, 9, but he equally, ignored my complaints.

135- The injuries sustained and their symptoms, along with my worsening H-st, were very obvious, serious and substantial, easy noticeable and recognizable by any one who saw them, see supra, 15, regardless whether he's a medical professional or not. Further, JONES, as HUDDLESTON, knew that the force ~~used~~ was used against me... and in the use of force, the injuries, often, substantial, are to be expected.

136- JONES' and the ADX's medical staff refusal to assess me for my H-st, that day despite them being required to do so by the BOP's Program Statement, was an attempt to avoid any medical record that would indicate that I was beaten when I was very substantially weak in H-st. Furthermore, JONES' that day and his, HUDDLESTON's and OSAGIE's subsequent refusal to examine my substantial and obvious injuries, denial of giving any pain medication, and ordering an earlier X-Ray, were motivated by, but not limited to their effort to avoid making any record of my substantial injuries I sustained from the 8-23-18 attack, and also, wanted to punish me for my being in H-st, and therefore, used my obvious, serious and substantial medical need as a tool to force me out of the H-st.

137- JONES also saw me in several more time for H-st. m.A. In each, he totally refused to assess my injuries, provide pain medication, refer me to the doctor, or even issue me with an ice bag to reduce my ankle's pain; On 8-27-18, JONES led HUDDLESTON on H-st. m.A. on me. JONES, saw me hobbling my way to cell door, cell # 40b, while my ankle was unsocked, obviously exposed to show them the seriousness and substantiality of my injury. My right ankle was swollen to about 75% of an orange size, while my 4-small toes were almost black and obviously and substantially swollen to about 3/4 of an inch. I complaint about the excruciating and substantial pains, and that I can't sleep, pray or walk, and that I wish I kill myself... I asked for pain medication or at least an ice bag, an X-Ray and to see the doctor. JONES however, refused each of my request and he even to look at my injuries, he only conducted H-st. assessment. He told me "Once you eat, we'll examine you".

138- JONES also led m.A. for H-st, on 9-3-18, 9-5-18, and participated several more. In each, he refused all my serious and substantial medical need.

139- Unrelated to JONES' inaction, I received X-ray on 8-31-18. On 9-3-18, JONES told me, X-ray shows "twisted muscles", no fracture. On 9-5-18, after assessing me for H-st. in the morning, came back in the evening with a wheelchair and applied a splint on my ankle saying X-Ray shows I sustained a fracture. But he denied me pain medication or ice.

D. STATEMENT OF CLAIMS:CLAIM NINE: DELIBERATE INDIFFERENCE OF HUDDLESTON

140- I hereby re-alleges and incorporates by reference the above allegations, 129-139.

141- HUDDLESTON, a nurse, conducted the first H-st. assessment in my cell on 8-26-18. He saw me rhabbling in excruciating pain, while my ankle was naked exposed with an obvious and substantial swellings, as I was telling him I can't walk, pray in regular position or sleep, due to the excruciating and substantial pains on my ankle and to a less extent, other areas of my body. I begged HUDDLESTON for an x-ray, pain pills or ice, or at least referral to the doctor, however, HUDDLESTON, even though acknowledge that he was aware that the force was used against me few days earlier, he absolutely refused even to look at my obvious, serious and substantial injuries. He told me "I'm here to do the H-st. assessment... Any treatment for your injuries that you want, that will come... after you come off your H-st. That's all we care about right now."

142- HUDDLESTON apart from hearing my complains about the substantial pains, and that I wished I kill myself due to the unbearable pains... etc, he witnessed the obvious, serious and substantial injuries on my body including swellings and other injuries and symptoms stated earlier, see supra, 133, 137, and he admitted that he knew that the force was used against me...

143- The injuries and the symptoms... that HUDDLESTON witnessed, all were so obvious, serious and substantiation and easily noticeable and recognizable by any one who saw them, regardless if was a medical professional as HUDDLESTON or a lay man.

144- HUDDLESTON saw me in other occasions often with JONES or OSAGIE. Each time they refused to treat my injuries. This includes 8-27-18, 8-31-18 and 9-3-18.

CLAIM TEN: DELIBERATE INDIFFERENCE AGAINST OSAGIE

145- I hereby incorporates by reference allegations 75- 84, and 114- 144.

146- OSAGIE ordered me to be escorted from cell 604 upper to medical room downstairs for H-st. m.a. OSAGIE witnessed my uncovered, obvious and substantially swollen right ankle, observed my crying-in-pain face, and heard my complains about the excruciating and substantial pains on my ankle, wrists, jaws and other areas of my body... I told him that because of the pain I couldn't walk, pray in regular way or sleep... and that I wish to die. However, OSAGIE only performed the H-st. assessments and absolutely declined to look at my injuries, which were obvious any way and to any one, order for an x-ray, issue pain medication, or even a bag of an ice. OSAGIE wanted me to come off H-st; in order to get treatments, including an xray... and said "everything will be alright if you eat".

147- After the m.a. under OSAGIE's order, I was tightly strapped and tied with leg cuffs right on broken ankle on the wheel chair, and then pushed to the medical unit for the force feeding. After the feeding, OSAGIE ordered me to walk back and forth with the heavy leg cuffs on my painful ankle. I told OSAGIE that I couldn't

D. STATEMENT OF CLAIMS:

walk, but OSAGIE insisted, even though he and everyone present could easily observe my crying face due to the pain I was in. For fear of being beaten again, I had to walk and obey OSAGIE.

148- After the walk, I was once again trapped in the same previous manner, and then I was left in the same fixed, excruciating position for about 2-hours.

149- On 8-31-18, OSSAGIE and HUDDLESTON assessed me for H'st., and then OSAGIE and his colleague again refused me all my previous requests, even though my ankle now was almost swollen to 90% of an orange size...

150- I was then strapped in the same previous manner, supra. 147, and pushed on the wheel chair to the medical unit for another force feeding. In this day, I repeated my injuries complains, especially my ankle... stating that was broken, I need x-ray... etc. OSAGIE, initially refused again, now claiming that I had been already assessed on the injuries, which I denied.

151- After that, OSAGIE forced me to take walk again, and rejected my statements that I couldn't walk, see supra. 147, ... and I had to obey him again. My face was clearly full of crying - in pain, OSAGIE and everyone else, observed that.

152- After the forced walk, OSAGIE very briefly, pretended to examine my right ankle... The whole process lasted in few second. He then ordered an x-ray.

153- My injuries, especially, my right ankle, were so obvious, serious and substantive, and any one, whether a medical professional or any one else, would easily notice and recognize my serious and substantial medical needs: I couldn't walk except with extraordinary hardship, the swelling was so obvious and extensive; my face, especially during walking express the excruciating pain; I complained; I was subjected to use of force... Each of these needed no special/medical training to be identified as a symptom or indication of a serious medical need.

154- OSAGIE did not in fact examine my ankle after I complained in front of the camera. He pretended as such for the later-camera reviewal. He nor any one, needed to examine my ankle; the injury were obvious, serious and substantive, noticeable to every one. He as with JONES and HUDDLESTON, knew all along that I faced substantial risk of serious harm. OSAGIE ordered an x-ray. He could have done it long time prior.

155- After OSAGIE ordered an x-ray, he again recklessly, ordered me to be trapped in the previous manner, supra, 148. After 2-hours of excruciating pain, I was x-rayed. After the x-ray, I was forced to walk back to c-unit, possibly 300-400 meters away, limping my way to the unit. I couldn't refuse, because I knew I could be beaten again.

156- After the above forced walking, my ankle pain and swelling got worsen in the next 2-days, forcing me to cry in excruciating pain as I never did before.

157- In 9-3-18, OSAGIE warned me in my cell, not to complain again on camera, or write to superior staff... He said, he didn't want to see me going through more problems... I didn't complaint again for fear of another beatings. OSAGIE saw me several more times, but refused to give me pain medication... Only once, ordered a bag of ice for my ankle.

D. STATEMENT OF CLAIMS³¹

CLAIM ELEVEN: BATTERY AGAINST THE UNITED STATES: Based on the Attack occurred outside my cell #108, and on the ground:

158- The defendant, the UNITED STATES OF AMERICA ("the 'U.S.'") is liable under the Colorado laws, because: its agents inflicted on me an intentional, wanton and willful harms: Officer BRUSH initiated these attacks in the area between cell #108 and 109, by aggressively smashing my head multiple times against the wall... supra, 25. The smashing was harmful, caused excruciating pain, at. 28. BRUSH and other, likely, MILLER, then punched and kicked me and also spate on me, at. 29. Thereafter, possibly 10-or more officers took part in wantonly and willfully punching and kicking me, and spitting on me. They attacked me all over my body, at. 31. BRUSH also willfully and wantonly, placed his working boot on my neck to my jaw... and then aggressively, pressed his boot... resulting to more harmful pains, at. 32. Due to the aggression of BRUSH act, he deprived of breath at one moment... I couldn't breathe, at. 33. BRUSH and others tried to break my limbs and toes... resulting to more harmful pains, at. 34. BRUSH and other officers also, verbally threaten and abused me. BRUSH told me "we gonna fuckin kill you..." "scream louder bitch, this's America, not an Iraq or Afghanistan", or similar statements, at. 36. I was possibly beaten in that place for several minutes, at. 38

CLAIM TWELVE: BATTERY AGAINST THE U.S: Based on the beating occurred After I was made To stand up, in the way Towards the D.C:

159- After the above beatings and abuses, supra, 158, I was violently made to stand up and walk... Now, officers willfully and wantonly and intentionally, continued to beat me.. They also, intentionally jacked me up by the handcuff from behind, using the cuffs as a tool and method to harm me with... They again harmed me through excruciating pain and cuts on my wrist. Supra, at. 40. I couldn't walk right, they forced me to walk as they beat me and spate on me, at. 41. As I was walking towards the D.C, Lt. MURTON, verbally abused me... He also ordered more beatings on the way because I couldn't walk straight and I refused to be silent, at. 60-62

CLAIM THIRTEEN: BATTERY AGAINST THE U.S: Based on the Beatings occurred inside the D.C:

160- As I was being pushed into the D.C, officer MILLER willfully and wantonly ~~beat~~ hit me on my face multiple time. He did it intentionally and with great effort. Supra, at. 55. Lt. MURTON gave orders on how to beat me in the D.C., as he verbally abused me, at. 65-66. In the observation cell, officer ESPANOLA also, willfully and wantonly hit me on my face, at. 66, 73. ESPANOLA and others also beat me, spate on me and verbally abused me in the D.C, at. 72, 74. ESPANOLA also willfully and wantonly pulled my beard and ears, causing more harms and humiliation, at. 73.

D. STATEMENT OF CLAIMS:CLAIM FOURTEEN: NEGLIGENCE SUPERVISION AGAINST THE U.S. Based on Lt's. Armijo's and Murtion's Actions and Omissions:

161- Each of the two Lt's, due to his official status has both, the duty to legally supervise the lower officers, and the legal duty towards me... Both Lt's, willfully and wantonly breached those duties. As a result, the tortures against me were much prolonged and harmful. Both Lt's, witnessed the tortures against me, Supra. 46. After I saw them, I made my crying louder, expecting them to stop the beatings, but they didn't. at 47. Each of the Lt's, saw me being attacked, while limping, fully restrained, and each heard and saw me begging for their intervention..., at 48. Lt. Armijo, was Lt. in charge of the unit operations on 8-23-18, at 50. Armijo, lied to me to avoid his legal duty. at 51-52. Lt. Murtion, supervised the tortures on me, at 59, 65, 66. He also verbally abused me, at 60, 65. Murtion, ordered me to be beaten more because I couldn't walk straight and I couldn't remain silent without crying out... at 61-62.

CLAIM FIFTEEN: NEGLIGENCE PERFORMANCE AGAINST THE U.S. Based on Actions and Omission of Jones, Huddleston, and Osagie:CLAIM 15-A: The Intentional Failure to diagnose my ankle injury for 2-weeks:

162- I was injured on 8-23-18. But the x-ray was ordered on, 8-31-18. Supra, 139, 152. The diagnose was made in 9-5-18, at 139. This 2-weeks delay was intentional. Each of the 3-medical staff could have ordered earlier x-ray, hence, produced earlier diagnose, but each willfully and wantonly declined to do that. JONES saw me minutes after the beating stopped, saw the obvious symptoms, heard my complains but refused to order an x-ray... or even look at the injuries, at 131-133. My injuries were so obvious, -noticeable to any one, medical or non-medical professional, at 135. Each, JONES, (at 133) HUDDLESTON (at 141), and OSAGIE (at 146) made statements that indicates the motive of the early treatment/diagnose was my H. st. HUDDLESTON also, witnessed my obvious and substantial injuries, and heard my complains, and he knew that forced was used against me..., but he refused to do anything to get the diagnose earlier, at 141. The injuries he saw on me were obvious to medical professional to a lay man, at 142-43. OSAGIE saw my injury and crying and heard my complains, but repeatedly acted with high level of reckless... at 145-51. OSAGIE didn't actually examine my ankle on 8-31-18, because the need of x-ray was obvious to any one he simply ordered for an x-ray. at 153-54. The delay of diagnosed caused huge injury through unnecessary pain and possibly, prolonged it.

CLAIM 15-B: Intentional deprivation of Pain medication, for almost 8-months:

163- Each of the 3-medical staff, willfully and wantonly refused me pain medication. Supra. 162. Each recognized and saw my serious injury, at 131-57. The only pain medic. given to me before April 2019, was 14 ibuprofen in 16-6-18. I made all efforts to get pain medic. before April 2019, but ADX's-medical staff refused or were unresponsive... at 121-25.

D. STATEMENT OF CLAIMS:ADDITIONAL FACTS:

164- When I was in H-st; and in need of pain medication, I put repeated commissary requests for pain medication and other stuff, but I never got the medication.

165- After the H-st; I got pain medication from the commissary, some times purchased by other prisoners for me. But none of these medication helped my pain. Among the medication that I got from commissary were: Ibuprofen, Aspirin, and Naproxen Sodium 220 mg. None helped, and I told medical staff but kept refusing prescribe me pain medication till April 2019, see supra 121-125.

166- In previous hunger strikes, and even in that one of 2018, I was allowed to use at least some medications. The medical wouldn't take my medications which I almost always happened to have in my cell. In that H-st; even though the medical staff refused to provide me any pain medication, they gave me "milk of magnesia", laxative for my constipation.

167- After the 2018 H-st; I have at twice gone on H-sts and in both, I continue to keep and used all of my medication, including the pain medication that was first prescribed for me in April 2019.

168- Right after I was injured in 8-23-18, I also complained about my substantial and obvious injuries to the unit staff. This include, but not limited to, Ms. Torre, the then c-unit correctional counsel. I spoke with her in the following morning of 8-24-18... I told her that I'm full of pain and I thought that my legs and hands are broken... and I need pain medication and be examined by medical staff. She saw me limping in pain toward the cell bars to show her the substantial and obvious swellings on my legs, hands and one side of my face... I also showed her the cuts on my left wrist, caused by officer's mis-used of the hand cuffs. supra 40. Noticing the obvious injuries, especially the substantial swellings, she asked me whether I was X-rayed, to which, I said no. She said she'll contact the medical because she think, as she put it "those swelling must show that something is really wrong". She said, she think I need an X-ray, and don't know why I haven't got one. Also, at the evening of that day I asked the unit officer to contact the medical for the same stated reasons. Later, the officers told me that I'll be moved to cell #406, see supra 1. When they opened my cell door, with them a female Lt, I told them I can't walk to upstairs of B-range due to the pain. When the officers observed my obvious injuries, especially the huge swellings on my legs, they asked whether I got any pain medication and X-ray. I said: No, they said, they'll call the medical, they said, because obviously I needed X-ray and pain medix. but insisted: I must walk to cell #406, because even though obviously I'm injured, medical didn't provide them any memo indicating that I can't walk.

169- To this day, due to not healed fracture on my ankle, I can't prolong my standing prayers, jog, seat in certain positions, jump with my right leg.. etc. without experiencing serious pain and risking to trigger a fresh fracture. I don't believe that my fracture was healed during the cast removal, and I know, the cast was too old to be effective. id. 119-121.

D. STATEMENT OF CLAIMSCAUSES OF ACTION: RIGHTS VIOLATED BY THE DEFENDANTS:

- EXCESSIVE FORCE CLAIMS: Claims: 1, 3 and 5, against Brush, Miller & Espinoza:
 170- Officers, BRUSH, MILLER and ESPINOZA, individually and collectively, violated my 8th Amendment right, by inflicting on me cruel and unusual punishment through maliciously and sadistically using physical excessive force. The force used was unnecessary and excessive; the officers knew that I was weak and in H.St., supra, 10-15. They attacked me without prior warning, nor need, at 25, I was not resisting, at 27, and at all times of the attacks, I was in full restraints, at 22, 30. Furthermore, they made huge efforts to heat me on face, at 55-57, pulling my beard and ears and attacked me in other means, at 72-74. These and the rest of the attacks left me with substantial physical and emotional injuries and pains, at 114-124.

171- The three officers along with others and Lt. MURTON, also knowingly violated several BOP's own regulations. These include but not limited to: Prog-Statement, No: P5566, 06, (of 11-3-2005) "USE OF FORCE", EX. 5, "the BOP authorize use of force as a last alternative..." and "staff must only use that amount of force necessary..." Id., at 1. And "force will... be used only when attempts to gain voluntary cooperation... have not been successful" Id., 2 a, b. The officers should have used "calculated use of force" because I was in secured area... Id., 4, b. Page, 6. But they violated this policy, because they premeditated the attacks on me. See also: other violations, Id., b, a, b, in (1), (3), also at 14 c, Pg: 23 (video taping me use of force). They also violated Pr-stat. No: 3420-11-C12-6-2013) "STANDARDS OF Employee conduct", by using physical violence, threats... and "profane... abusive language... and brutality... on me, EX. 7, at 5 c. (page 2)

- FAILURE TO INTERVINE CLAIMS: Claims: 2, 4 and 6, v. Armijo, Murton and Osagie:

172- ARMISO, MURTON and OSAGIE, violated my 8th Amendment rights: right to be free from cruel and unusual punishment, each had "a concomitant constitutional duty to protect me from such harm". Hudson v. McMillan. Each of these three, had "realistic opportunity" to stop further violations of my right, but failed to do so. Each watched the attacks on me and MURTON organized them. supra, at 46-51, 59-62, 65, 76-84. Each of the three was in a supervisory/senior position and could easily stop the abuses. Their choice to stand by and participate in the abuses, prolonged my suffering and injuries.

173- The two. Lt's also knowingly violated BOP's program stat, see EX. 5, at 15, a. Page, 24-25 (stating that Lt. must "display professional behavior..." and "ensure only the force necessary to control the inmate is used...")

174- OSAGIE was one the most influential ADX's staff in dealing with Muslim prisoners including myself. I have witnessed him in many occasions overriding others' judgments.

- DELIBERATE INDIFFERENCE CLAIMS: 8, 9 and 10, v. Jones, Huddleston and Osagie:

175- Each of these three defendants, violated my 8th Amendment right by acting with deliberate indifferent manner towards my substantial and serious medical needs. Each even refused to examine my injuries, even though they were obvious and I have complained to them about those injuries. supra at 131-37, 140-44, 146-57.

D. STATEMENT OF CLAIMS:

176- These defendants' deliberate indifference resulted to substantial harms and damages. This includes but not limited to: the delay of x-ray, resulted in to delay of diagnose. For two weeks, I was force to make long walks up stairs - down stairs, in med assessment, forced to walk to distance cell, at 168, forced to walk and trapped with chains for hours, forced to walk back from medical unit, limping perhaps 400-meters, forced to walk within my cell... for 2-weeks... without a wheel chair, splint or cast... All these unnecessarily increased the excruciating pain, and increased the undiagnosed fracture to be more deadly and to prolong the healing process... to this very day. See injuries, at 114-125.

177- When JONES came to my cell with the wheel chair and splint, at 139, he said that the Orthopedist, said the officer should no longer strap my ankle until the hard cast put on me, because the strapping increase the injuries. From now on, I was always moved through a wheel chair... But these only came after 2-weeks of intentional, unnecessary deadly pain... The 3-~~of~~ defendants also violated my 8th Amend. by refusing me pain medication for almost 8-months, supra, at 119-25. Also, they violate BOP's prog. statement.

- FREEDOM OF SPEECH CLAIM 1 CLAIM 7, Against BRUSH:

178- BRUSH violated my 1st Amendment right of the U.S. Constitution that forbid "abridging the freedom of speech, or of the press." Brush's actions were motivated by evil intent, at 86, 105. His action had no reasonable relation with any penological interest. BRUSH's actions against my materials left me with irreparable loss and damages and caused me to suffer a great deal of emotional and mental pain and damages.

179- BRUSH also knowingly violated BOP's pr. stat., see EX. 8 (inmate personal property) at 5(b) (2)(i) through (v) (stating the policy on "contraband... inmate must be provided with inventory list, given opportunity to identify his material, chance to send them home... and in case material destroyed, staff will document the materials and reasons for such destruction...") BRUSH never did any of these requirements. BRUSH also violated Prog. stat. of Hunger strike, see EX. 6 at 9. C. stating that staff only remove "any commissary food items..." during H. st. "Inmate may still purchase non food items...". BRUSH took my precious materials and everything else. at 102-103. BRUSH also violated Prog. stat. on "inmate manuscripts", EX. 9, at 6-8 stating that inmate is allowed to prepare... and, send out and publish manuscripts") BRUSH stole my ne. at 89-92.

- BATTERY CLAIMS: CLAIM 11-13, Against the United States of America:

180- The U.S. is liable under Colorado Law because its agents intentionally, willfully and wantonly attacked me... at 158-160 and caused long time and irreparable harms, damages and injuries. See the injuries, at 114-128. The officers, repeatedly, verbally expressed their evil intents... See example at 36, 60, 65, 72, and 74.

- NEGLIGENT SUPERVISION AND NEGLIGENT PERFORMANCE CLAIMS: 14-15, V. U.S.:

181- The U.S. is liable under Colorado Law because the 2-Lts (claim 14) and the 3-medical staff (claim 15) had legal duty of care and supervising others, respectively. The Lts' breach of the duty, prolonged the harm on me... supra at 161. The 3-medics' breach of the duty caused and prolonged the harms and injuries at 162-3. The injuries were foreseeable, and my conditions were obvious equally to medical professional and lay men; at 168, 135, 143, 153.

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ☒ Yes ☐ No (check one).

If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."

Name(s) of defendant(s): Erick Holder, et al.

Docket number and court: 07-cv-02697-MSK-GNR

Claims raised: Several constitutional claims

Disposition: (is the case still pending?
has it been dismissed?; was relief granted?) Trial, partially relief granted

Reasons for dismissal, if dismissed: _____

Result on appeal, if appealed: _____

F. ADMINISTRATIVE REMEDIES

WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.

Is there a formal grievance procedure at the institution in which you are confined?

☒ Yes ☐ No (check one)

Did you exhaust administrative remedies?

☒ Yes ☐ No (check one)

G. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF." wherefore, asking the court to grant me the followings:

- A- Issue injunction order to Jones, Huddleston and Osagie (claim 8-10, officer capacities) to arrange immediately for me to be examined by an expert in broken bones, and follow his recommendation on treatment, including surgery.
- B- Immediately arrange for psychiatrist to evaluate and treat me for the PTSD, etc.
- C- Issue an injunction, ordering Brush (claim 7, officer capacity) to immediately locate the material he confiscated from my cell, and submit them to me in their entirety.
- D- Award me compensatory damages jointly and severally against Jones, Huddleston, and Osagie for their deliberate indiff. (claims 8-10, individual capacities).
- E- Award me compensatory damages against Brush, Miller and Espanoza, for exco force. (13, 5).
- F- Award me compensatory damages against, Lts. Armijo, Murton and Osagie, for failure to intervene (claim 2, 4, and 6).
- G- Award me damage against Brush, for 1st Amend violation (claim 7, individual capacity).
- H- Award me punitive damage against each of individual defendant.
- I- J- Attorney & expert fees, if one will volunteer or appointe. Also my filing fee, postage, etc.
- K- Award me 2 million dollars, against the US, (for claims 11-15).

H. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Mohammed
(Plaintiff's signature)

May 19, 2021
(Date)

CERTIFICATE OF SERVICES:

I, Khalfan Kh. Mohamed, hereby certify that on May 19, 2021, have mailed out my Second Amended Complaint with the attached exhibits, addressed to:

Office of the clerk
United States District Court
901-19th Street, Room A105
Denver, CO 80294-3589.

Dated, May 19, 2021

Khalfan Kh. Mohamed
U.S.P, Florence, PO BOX 8500
Florence, CO 81226-8500

Khalfan Kh. Mohamed, #44623-054
May 19, 2021
s/mohammed.

DECLARATION OF MAILING:

I, Khalfan Kh. Mohamed, declare under penalty of perjury, under 28 U.S.C. § 1746, that on May 19, 2021, have submitted my above referenced document with attached exhibits, as a legal mail, with all necessary legal mail requirement at AIX and sufficient postage. Addressed to:

Office of the clerk
United States District Court
901-19th Street, Room A105
Denver, CO 80294-3589.

Dated: May 19, 2021

Khalfan Kh. Mohamed
U.S.P, Florence, PO BOX 8500
Florence, CO 81226-8500

Khalfan Kh. Mohamed, 44623-054
May 19, 2021
s/mohammed.

EX: 1 - Through: 91 Are exh. with the 2nd Amended Complaint

Attachment: 1

EX: 1: EXCESSIVE FORCE ADMIN. REMEDY + RESPONSE.

U.S. Department of Justice

Received A-29-19

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mohammed KHAN K 44623-054 D ADX
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL I'm asking the expunge of Inc. report # 224 issued by C.O. BRUSH on 8/23/18. Also asking that C.O. BRUSH and his associates be held criminally responsible for the crimes against me. The Aox-authority also responsible. The Reg. Director failed to respond. C.O. BRUSH lied in the Inc. report, claiming that he asked me to be moved to the holding cell. In fact, all what he said was to move me to my cell # 108, C-unit, after I declined to go to see Lt. Murphy, as he first asked me to. This claim was then rejected by the Lt. him self, who said to me: he didn't know anything about that.

- C.O. BRUSH also lied when he claimed that I turned from him, and became combative. The Reg. Director wrote that I must appeal to the warden the OHO finding, but I'm forced not to.
- I'm asking also that BRUSH and his colleagues including Lt. MURTON, C.O. ESPANOLA and C.O. MILLER, among other, be held responsible along with the top Aox-authority.
- On 8/23/18 C.O. BRUSH, Lt. MURTON, C.O. ESPANOLA, C.O. MILLER etc, committed a serious crime against me without any provocation. C.O. BRUSH, possibly with help from others, broke my right ankle intentionally and without any provocation. I also received many other injuries.
- Lt. MURTON, supervised and led the assault and beating on me. He was there to give orders in these crimes, especially in the holding cell.
- I have never assaulted or harmed no one that day. Only I refused to go to Lt. office.
- The Aox and BDP in general, can't be an investigative authority in these crimes.
- The Aox is fully responsible for the crime and their fore accountable for all these crimes. I was made to receive 4 provocation.

12/19/18
DATE

Mohammed
SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

JAN 28 2019

ADJ. GEN. SECTION
FEDERAL BUREAU OF PRISONS

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

955144-A1

Part C - RECEIPT

CASE NUMBER:

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

UPN LVN



PRINTED ON RECYCLED PAPER

BP-231(13)
JUNE 2002

Administrative Remedy No. 955144-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal where you allege on August 23, 2018, staff members at the ADX physically assaulted you without provocation. You also claim a false incident report was prepared to cover staff's actions. You request the incident report be expunged and the responsible staff members held criminally responsible for their alleged actions.

As indicated by the Warden and Regional Director, your allegation of physical assault by staff members at the ADX was forwarded to the appropriate authority for review. A thorough review will be conducted and proper action will be taken as deemed necessary. However, a decision to personally press criminal charges is one which is yours to make. You may contact whichever prosecutorial entity or legal advisor you believe is appropriate to assist you with this matter.

In addition, you have the ability to file a remedy appealing any sustained disciplinary action. Therefore, the incident report you received on August 23, 2018, will not be addressed in this response.

This response is provided for informational purposes.

3/29/19
Date

IS
Ian Connors, Administrator
National Inmate Appeals (2146)

RECEIVED

APR 24 2019

ADX Warden's Office

Attachment : 2

EX: 2: DESTRUCTION/CONFISC. OF MY MATERIAL ADMN. REMEDY+RESPONSE

U.S. Department of Justice

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Mohamed Khattar K. 44623-254 A ADX
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL The Reg. Director and the warden failed to address my complaint. I'm asking the full return of my personal property or complete payment of its cost if those property are lost/destroyed.
- The staff/gov./BOP can't steal/destroy my property without full due process afforded to me.
- Removal of my personal property and stealing them, is a complete violation of my Const. rights under 5th Amendment vs Constitution.
- On 8/23/19, C.O. BEUSH and others, took my personal property that includes (1) my invoices (2) 3-large and other manuscripts. (3) my journals. (4) my notes, from 100+ diff. books (5) my books, 9-10 of them. (6) 15-20 personal letters. (7) N. papers. (8) Differ. Commissary items including my personal clothing, religious items, cosmetics, writing materials, medical items. (9) C.O. BEUSH also has stolen my legal materials and (10) 2 photo tickets. He also stole many other materials.
- REPEATS LIES NO Lt ever worked with me to prove my ownership of stolen items. I said a lie that never complaint about my missing property. I have done so even during my H-strike before I knew that my property not to be returned. I spoke/wrote to unit staff, Lt, and even the warden him self.
- I'm asking for my property or complete payment of them.
- THE BOP/STAFF CRIMINALS THE AOX - planned the crimes and now the whole BOP defend it. No good. Mohamed.
DATE _____ SIGNATURE OF REQUESTER _____

Part B - RESPONSE

proper 1-

RECEIVED

APR 16 2019

Administrative Review Unit
Federal Bureau of Prisons

EX-2

DATE _____ GENERAL COUNSEL _____
ORIGINAL: RETURN TO INMATE CASE NUMBER: 960784-A1
Part C - RECEIPT CASE NUMBER: _____
Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION
SUBJECT: _____

DATE _____ SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL _____



Administrative Remedy Number 960784-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal, in which you claim your staff members have not returned all of your property. For relief, you request the return of your property or compensation.

We have reviewed documentation relevant to your appeal and, based on the information gathered, concur with the manner in which the Warden and Regional Director addressed your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Your property was taken while you were on a hunger strike. Once you declared your hunger strike was over, authorized property was returned. Staff members have made attempts for you to show proof of ownership for some items and have provided you with a confiscation form. You provide no additional information to support your claim of staff members acting contrary to established policy and procedures or outside the scope of their duties.

Lastly, regarding your request for compensation, Program Statement 1330.18, Administrative Remedy Program, does not provide such relief. There is a statutorily-mandated procedure in place for addressing such a request. Therefore, your request will not be considered in this response.

Accordingly, your appeal is denied.

6/25/19
Date

JS
Ian Connors, Administrator
National Inmate Appeals *PC*

RECEIVED

JUL 16 2019

ADX AW Office

Attachment 13

EX: 3: DEPRIVATION OF MEDICAL TREAT. ADMN. REMEDY + RESPONSE

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: MYHAMED KHATFAN K 44623-084 D ADX
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL The Reg. director failed to respond. I'm asking that my const. /prisoned rights including adequate medical needs be respected and holding the ADX for all respons. for all damages.
 - ADX medical intentionally neglected and ignores my medical needs. Examples:
 1- The medical ignored my being in H. stroke even though I informed them and other staff. I started H. stroke in 8/21/18, but I was assessed only in 8/28/18. A C.O. broke my right ankle, but medical refused to assess my ankle and got me an x-ray till 8/31/18.
 2- While my ankle was broke and in H. stroke, medical staff forced me to work with leggy cuffs chains and black box and I was chained on a solid black chair at least twice... causing deadly pain and possibly increased the fracture. Only in 9/5/18 I was given a wheel chair.
 3- Since 8/26/18 up to 10/2/18, I have been complaining about the pain on my legs, wrists, jaws, backs at least 3-time per week during the H. stroke assessment. And my first complaint was in the day I was brutally assaulted by a group of officers in C-unit in 8/23/18.
 4- I didn't have to put a sick call req, but I put it multiple times, incl. 9/25/18, 10/14/18, etc.
 5- Only on 10/30/18 I got x-ray on my wrist and jaws, almost 70-days after I was assaulted.
 6- Today, as of 1.3.19, my ankle, wrist, etc still full of pain. For in recent weeks I put 2-sick call C.O. 11/8, and another one after that but no medical treatment I receive but few tablets.
 * I'm asking that my Const. and prison rights be kept. All above violates my rights...
 And I am holding the ADX/BP responsible for all and each damages I'm receiving.
 11/3/19
 DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

JAN 28 2019

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 958295A1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-231(13)

Administrative Remedy No. 958295-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege your medical negligence with regard to various injuries. For relief, you request to receive adequate medical treatment.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Most recently, you were evaluated by the physician on December 6, 2018, at which time the ankle fracture was noted to be healed and x-rays of your right wrist were noted to be normal. You were prescribed Ibuprofen and counseled on safety/accident prevention. There is no evidence to suggest medical negligence.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, this response is provided for informational purposes only.

2/11/19
Date

IC
Ian Connors, Administrator
National Inmate Appeals (16)

Attachment: A

EX: 4, ADMN. TORT CLAIM + RESPONSE

Ex 4

page 1

1- Submit to Appropriate Agency To: The Regional
Director, Federal Bureau of Prisons
North Central Regional Office
Gateway Complex, Tower II, 8th Floor
400 State Avenue, Kansas City, Kansas
66101-2492.

2- Name, Address of claimant, and...

Khayen Khomish Mohamed Reg # 44623-
054
U.S. Prison Anthony Max, P.O. Box 8500
Florence, CO 81226-8500

3- TYPE OF EMPLOY. 4- DATE OF BIRTH 5- MARITAL STATUS 6- DATE AND DAY OF ACCIDENT 7- TIME
N/A 7-25-1973 8-23-2018, 1-Unit A-Dx floor 12:30 PM.

8- BASIS FOR CLAIM...

I was severely beaten, punched, kicked
by large number of officers/prison guards in retaliation for my hunger strike.
The beatings took place when I was already restrained and handcuffed and
while I was weak in hunger strike.
Over the course of his beating my ankle was fractured and my other limbs
were aggressively twisted in attempt to break them and I received bruises in
my torso upper body. My face, head, hands and legs all were swollen. Eventually
I had to be put in leg cast and on wheelchair for more than 2 months.
Over the next several months I was given negligent medical treatments.
This includes the delay examination on my injuries and delay of diagnoses.

CONTINUE

9.

PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER...
N/A

BRIEFLY DESCRIBE THE PROPERTY...

N/A

PERSONAL INJURY/WRONGFUL DEATH

STATE NATURE AND EXTENT OF EACH INJURY...

Severely fractured ankle and in several places on
my right leg especially when standing and walking, also inability to walk
normally and total inability of exercising.
The pain on my ankle and my right wrist prevents me up to this day
to pray normally while my wrist is putting pain while working. CONTINUE

11.

WITNESSES

NAME

ADDRESS

Mt. X. D. Sagic

N/A

12-a Property Damage

12-b PERSONAL INJURY

12-c WRONGFUL DEATH

12-d TOTAL

N/A

2,000,000

N/A

2,000,000

Two million dollars

Two million dollars

13a. SIGNATURE OF CLAIMANT

M. Khamei

13b. Phone number of

N/A

14. DATE OF CLAIM

April 8, 2019

Page 2.

8. BASIS OF CLAM (CONTINUES)

diagnoses, refusal to provide treatment, pain medication and even an ice bag, except on one occasion.

I still cant walk normally today, 7+ months after I was attacked and I may never walk properly again. At the same time, I still have regular pain on my ankle, wrists, back and on my Jaws.

The staff intentionally broke my bones and then refused me proper medical treatment.

10.

PERSONAL INJURY - CONTINUES

Writing and I cant write continuously at a single sitting as I used to do before I was attacked. I have to stop in every few minutes.

Also I still have pains in other parts of my body including on my Jaws, back and my left wrist.

Also till this day I have emotional and mental distress including the fear of being beaten again and being killed, as the officers had told me that they will kill me. I have dreamed strange night mers of being attacked etc.



**U.S. Department of Justice
Federal Bureau of Prisons**

North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

January 26, 2021

Khalfan Khamis Mohamed, #44623-054
United States Penitentiary Administrative Maximum - ADX
P.O. Box 8500
Florence, CO 81226

RE: Tort Claim TRT-NCR-2019-04561
Amount of Claim: \$2,000,000.00

Certified Mail Receipt No: 7018 0360 0002 2080 7585

Dear Claimant:

Your above referenced tort claim has been considered for administrative review pursuant to 28 C.F.R. § 0.172, Authority: Federal Tort Claims and 28 C.F.R. Part 14, Administrative Claims under Federal Tort Claims Act. Investigation of your claim did not reveal that you suffered any personal injury as a result of the negligent acts or omissions of Bureau of Prisons employees acting within the scope of their employment.

As a result of this investigation, your claim is denied. This memorandum serves as a notification of final denial under 28 C.F.R. § 14.9, Final Denial of Claim. If you are dissatisfied with our agency's action, you may file suit in an appropriate U.S. District Court no later than 6 months after the date of mailing of this notification.

Sincerely,

Richard M. Winter
Regional Counsel

Attachment: 5

EX# 5: PROGRAM STAT: USE OF FORCE AND APPL OF RESTRAINTS.



OPI: CPD/CPB
NUMBER: 5566.06, CN-1
DATE: 8/29/14
SUBJECT: Use of Force and Application of Restraints



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CPD/CPB
NUMBER: 5566.06, CN-1
DATE: August 29, 2014

Use of Force and Application of Restraints

/s/

Approved: Charles E. Samuels, Jr.

Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following change to Program Statement 5566.06, Use of Force and Application of Restraints, dated November 30, 2005:

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Section 6d.

An inmate who is pregnant should not be placed in restraints unless there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff, or others, or that she presents an immediate credible risk of escape that cannot be reasonably contained through other methods. For additional guidance refer to Section 13.



Program Statement

U.S. Department of Justice

Federal Bureau of Prisons

OPI: CPD/CSB

NUMBER: P5566.06

DATE: 11/30/2005

SUBJECT: Use of Force and Application of Restraints

1. **[PURPOSE AND SCOPE §552.20.** The Bureau of Prisons authorizes staff to use force only as a last alternative after all other reasonable efforts to resolve a situation have failed. When authorized, staff must use only that amount of force necessary to gain control of the inmate, to protect and ensure the safety of inmates, staff and others, to prevent serious property damage,

and to ensure institution security and good order. Staff are

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authorized to apply physical restraints necessary to gain control of an inmate who appears to be dangerous because the inmate:

- a. Assaults another individual; b. Destroys government property; c. Attempts suicide;
- d. Inflicts injury upon self; or
- e. Becomes violent or displays signs of imminent violence.

This rule on application of restraints does not restrict the use of restraints in situations requiring precautionary restraints, particularly in the movement or transfer of inmates (e.g., the use of handcuffs in moving inmates to and from a cell in detention, escorting an inmate to a Special Housing Unit pending investigation, etc.).]

Under this rule precautionary restraints may also be used as prescribed by medical staff for medical purposes in accordance with procedures set forth in the Health Services Manual.

The use of restraints on inmates due to mental illness (e.g., to prevent suicide or infliction of self-injury) is subject to this Program Statement's provisions and the Program Statement on

[Bracketed Bold - Rules]

Regular Type - Implementing Information

Suicide Prevention Program. This includes the placement, reviews, and release of inmates from restraints at all Bureau facilities, including medical referral centers.

This policy's purpose is not to discourage employees from using the amount of force necessary to protect themselves from assault, bodily harm, and/or loss of life. This policy will provide guidance and instruction on appropriate procedures when

confronted with situations that may require the use of force to gain control of an inmate.

An employee may not use brutality, physical violence, or intimidation toward inmates, or use any force beyond that which is reasonably necessary to subdue an inmate.

2. **PROGRAM OBJECTIVES.** The expected results of this program

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are:

a. Force will ordinarily be used only when attempts to gain voluntary cooperation from the inmate have not been successful.

b. When force is used, it will be only the amount of force required to subdue an inmate, or preserve or restore institution security and good order.

c. Confrontation avoidance techniques will be used when feasible to avoid calculated use of force situations.

d. When an inmate must be subdued, the use-of-force team technique will be used when feasible.

e. Any inmate restrained to a bed will be checked every 15 minutes.

f. Chemical agents will be used as specified and, to the extent practicable, only after a review of the inmate's medical file, unless such a delay would endanger the safety of the inmate, other inmates, staff and the community, result in severe property damage, or effectuate an escape.

g. Restraints will be applied only for purposes outlined in policy and in authorized methods.

h. Staff will be trained in confrontation avoidance, use of force team technique, use of chemical agents, and application of restraints.

i. Each use of force incident will be documented, reported, and reviewed.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

P5566.05 Use of Force and Application of Restraints on
Inmates (12/31/96)

b. Directives Referenced

P1380.05 Special Investigative Supervisors Manual (8/1/95)
P3420.09 Standards of Employee Conduct (2/5/99)

P5214.04 HIV, Handling of Inmates Testing Positive (2/4/98)
P5324.03 Suicide Prevention Program (5/3/95)
P5500.11 Correctional Services Manual (10/10/03)
P5500.12 Correctional Services Procedures Manual (10/10/03)
P6031.01 Patient Care (1/15/05)
P6190.03 Infectious Disease Management (6/28/05)

c. Rules cited in this Program Statement are contained in
28 CFR 552.20-27 and 29 CFR 1910.

4. **STANDARDS REFERENCED**

a. American Correctional Association 4th Edition Standards for
Adult Correctional Institutions: 4-4190, 4-4191, 4-4202,
4-4203, 4-4206, 4-4281 (M), and 4-4405

b. American Correctional Association 3rd Edition Standards for
Adult Local Detention Facilities: 3-ALDF-3A-17, 3-ALDF-3A-17-1,
3-ALDF-3A-28, 3-ALDF-3A-29, 3-ALDF-3A-31, and 3-ALDF-4E-32

c. American Correctional Association 2nd Edition Standards
for the Administration of Correctional Agencies: 2-CO-3A-01

5. **[TYPES OF FORCE §552.21.]** Since inmates occasionally
become violent or display signs of imminent violence, it is
sometimes necessary for staff to use force and restraints to
prevent them from hurting themselves, staff, or others, and/or
from destroying property.

[a. Immediate Use of Force. Staff may immediately use force
and/or apply restraints when the behavior described in §552.20
constitutes an immediate, serious threat to the inmate, staff,
others, property, or to institution security and good order.]

Section 552.20 refers to Section 1 of this Program Statement.

In an immediate **use of force** situation, staff may respond with
or without the presence or direction of a supervisor.

[b. Calculated Use of Force and/or Application of Restraints. This occurs in situations where an inmate is in an area that can be isolated (e.g., a locked cell, a range) and where there is no immediate, direct threat to the inmate or others. When there is time for the calculated use of force or application of restraints, staff must first determine if the situation can be resolved without resorting to force (see §552.23).]

Section 552.23 refers to Section 7 of this Program Statement. (1) **Circumstances.** Calculated rather than immediate use of force is desirable in all instances corrections workers encounter. Although this is not always possible, staff must use common sense and good correctional judgment in each incident to determine whether the situation allows for the implementation of calculated or immediate use of force procedures.

The safety of all persons is a major concern and Bureau of Prisons staff are required by laws, rules, and regulations, related to the Bureau of Prisons, to protect others from the hostile actions of inmates. Immediate or unplanned use of force by staff is required when an inmate is trying to self-inflict injuries which may be life-threatening or is assaulting any other person to include other inmates. The destruction of government property may require the immediate use of force by staff in some circumstances. If the above circumstances are not present, staff should, if possible, employ the principles of calculated use of force.

Calculated use of force is appropriate, for example, if the inmate is in a secure area or in an area where doors/grills may be secured, including cases when the inmate is making verbal threats or brandishing a weapon, provided staff believe there is no immediate danger of the inmate inflicting injury or harm to himself or herself or others. Calculated use of force permits the use of other staff (e.g., psychologists, counselors, etc.) to attempt to resolve the situation non-confrontationally.

(2) **Documentation.** The entire interaction must be documented in writing and placed in the FOI Exempt section of the

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documented in writing.

The Warden or Acting Warden, Associate Warden (Correctional Services), Captain, and Health Services Administrator or designee will comprise the After-Action Review Team. Each review must be conducted on the next work day following the incident (see

no H. Review

Section 15). A representative of the Council of Prison Locals at the appropriate level will be provided a copy of the After-Action report in accordance with appropriate laws, rules, and regulations.

The Warden must provide documentation to the Regional Director within two work days after the inmate has been released from

restraints (if applicable). The report will confirm the review was conducted and the use of force was either appropriate or inappropriate. This requirement applies to all instances involving the use of force, excluding the use of firearms (see the Program Statements on the Correctional Services Manual and the Correctional Services Procedures Manual for additional information on Use of Force Team Techniques).

6. [PRINCIPLES GOVERNING THE USE OF FORCE AND APPLICATION OF RESTRAINTS §552.22]

a. Staff ordinarily shall first attempt to gain the inmate's voluntary cooperation before using force.]

See Section 7 of this Program Statement for confrontation avoidance procedures prior to any calculated use of force.

4 [b. Force may not be used to punish an inmate.

c. Staff shall use only that amount of force necessary to gain control of the inmate. Situations when an appropriate

amount of force may be warranted include, but are not limited to:

(1) Defense or protection of self or others;

(2) Enforcement of institutional regulations; and

(3) The prevention of a crime or apprehension of one who has committed a crime.

d. When immediate use of restraints is indicated, staff may

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approval of the Warden or designee.

h. Restraint equipment or devices (e.g., handcuffs) may not be used in any of the following ways:

(1) As a method of punishing an inmate;

(2) About an inmate's neck or face, or in any manner which restricts blood circulation or obstructs the inmate's airways;]

Tape shall not be placed around an inmate's mouth, nose, or neck. Staff protective equipment must be sufficient to insulate staff from an inmate's spitting or biting, and conform with

29 CFR 1910.1030 and the Program Statement on Infectious Disease Management. Staff will not use any item or device (e.g., towels, sheets, blankets, hosiery, masks) in use of force situations.

[(3) In a manner that causes unnecessary physical pain or extreme discomfort;]

In general, when applying restraints, staff will use sound correctional judgement to ensure unnecessary pressure is not applied to the inmate.

Although the proper application of restraints may result in some discomfort, prohibited uses of restraints include, but are not limited to: "hogtying", unnecessarily tightness, or improperly applied restraints. All inmates placed in restraints should be closely monitored.

When it is necessary to use continued restraints after any use of force incident, hard restraints (i.e., steel handcuffs and leg irons) are to be used only after soft restraints have proven ineffective, or a past history of ineffectiveness exists.

[(4) To secure an inmate to a fixed object, such as a cell door or cell grill, except as provided in §552.24.]

Section 552.24 refers to Section 10 of this Program Statement.

[i. Medication may not be used as a restraint solely for security purposes.

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11. [USE OF CHEMICAL AGENTS OR NON-LETHAL WEAPONS §552.25.
The Warden may authorize the use of chemical agents or non-lethal weapons only when the situation is such that the inmate:

- a. Is armed and/or barricaded; or,
- b. Cannot be approached without danger to self or others; and,
- c. It is determined that a delay in bringing the situation

under control would constitute a serious hazard to the inmate or others, or would result in a major disturbance or serious property damage.]

Qualified health personnel (Physician, Physician's Assistant, or nurse) shall be consulted prior to staff using chemical agents unless the circumstances require an immediate response.

Ordinarily, in a calculated use of force situation, the inmate's medical file must be reviewed by these personnel to determine whether the inmate has any diseases or conditions which would be dangerously affected if chemical agents or non-lethal weapons are used. This includes, but is not limited to: asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy, or congestive heart failure. Local procedures will be developed where 24 hour medical coverage is unavailable.

12. [MEDICAL ATTENTION IN USE OF FORCE AND APPLICATION OF RESTRAINTS INCIDENTS §552.26

a. In immediate use of force situations, staff shall seek the assistance of mental health or qualified health personnel upon gaining physical control of the inmate. When possible, staff shall seek such assistance at the onset of the violent behavior. In calculated use of force situations, the use of force team leader shall seek the guidance of qualified health personnel (based on a review of the inmate's medical record) to

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identify physical or mental problems. When mental health staff or qualified health personnel determine that an inmate requires continuing care, and particularly when the inmate to be restrained is pregnant, the deciding staff shall assume responsibility for the inmate's care, to include possible admission to the institution hospital, or, in the case of a pregnant inmate, restraining her in other than face down

four-point restraints.

b. After any use of force or forcible application of restraints, the inmate shall be examined by qualified health personnel, and any injuries noted, immediately treated.]

If any staff involved in a use of force reports an injury, Health Services personnel should provide an immediate examination and initial emergency treatment as required. Staff may also seek treatment from their personal physician.

13. **USE OF FORCE IN SPECIAL CIRCUMSTANCES.** In certain extenuating circumstances, and after confrontation avoidance has failed or has proven to be impractical, staff may be forced to make a decision, such as whether to use force on a pregnant

inmate or an aggressive inmate with open cuts, sores, or lesions.

Special cases such as mentally ill, disabled, or pregnant inmates, after consultation with the Clinical Director, must be assessed carefully to determine whether the situation is grave enough to require the use of physical force.

a. **Pregnant Inmates.** When pregnant inmates have to be restrained, necessary precautions must be taken to ensure the fetus is unharmed. Health Services personnel must prescribe the necessary precautions, including decisions about the manner in which the inmate is to be restrained, i.e., whether medical personnel should be present during the application of restraints, whether the inmate should be restrained at the institutional hospital or a local medical facility, etc.

b. **Inmates with Wounds or Cuts.** Aggressive inmates with open cuts or wounds who have attempted to harm themselves or others should be carefully approached by staff in the prescribed protective clothing/gear. A full body shield should also be

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used during these encounters to protect staff. Aggressive inmates, after placement in restraints, should be placed in administrative detention and separated from other inmates.

Ordinarily, inmates of this status must remain in administrative detention until cleared to return to the general population by the Captain, Chief Psychologist, and the Clinical Director with the Warden's approval.

14. [DOCUMENTATION OF USE OF FORCE AND APPLICATION OF RESTRAINTS INCIDENTS §552.27. Staff shall appropriately document all incidents involving the use of force, chemical agents, or

non-lethal weapons. Staff shall also document, in writing, the use of restraints on an inmate who becomes violent or displays signs of imminent violence. A copy of the report shall be placed in the inmate's central file.]

a. **Report of Incident.** A Use of Force Report (BP-E583) will be prepared on the use of force, chemical agents/pepper mace, progressive restraints, and non-lethal weapons. This reporting requirement includes the application of progressive restraints on an inmate who complies with the placement of the restraints.

The report must establish the identity of all involved in the incident; inmates, staff, and others. It must provide a vivid, detailed description of the incident. The report, including mental health/medical reports must be submitted to the Warden or designee no later than the end of the tour of duty. A copy of the report is to be placed in the inmate's central file. Copies are also to be sent within two work days to:

- (1) Assistant Director, Correctional Programs Division; (2) Assistant Director, Health Services Division;
- (3) Central Office Correctional Services Administrator; (4) Regional Director; and,
- (5) Regional Correctional Services Administrator.

A report is not necessary for the general use of restraints (for example, the routine movement or transfer of inmates).

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b. **Use of Restraints Reporting Requirements**

Documented Reviews. The following reviews will be documented as indicated:

(a) Fifteen-minute check - **fifteen-Minute Restraints**

Check Form (24 Hours) (BP-S0717.055);

(b) Two-hour Lieutenant check - **Two-Hour Lieutenant**

Restraints Check Form (24 Hours) (BP-S0718.055);

(c) Health Services Staff Review - **Health Services**

Restraint Review Form (24 Hours) (BP-S0719.055); and

(d) Psychology Staff Check - **Psychology Services**

Restraint Review Form (24 Hours) (BP-S0720.055).

Staff must complete all forms until the inmate is released from restraints. The forms will be submitted to the Warden as required for periodic reviews of an inmate's placement in restraints. After release from restraints, these forms must be compiled and maintained in the Inmate's Central File and Special Investigative Supervisor's file.

c. **Videotape of Use of Force Incidents.** Staff must obtain a video camera immediately and record any use of force incident, unless it is determined that a delay in resolving the situation would endanger the inmate, staff, or others, or would result in a major disturbance or serious property damage.

The video recording will also include any medical examination conducted after:

the application of restraints,

use of chemical agents,

use of pepper mace, and/or

use of non-lethal weapons.

Calculated use of force shall be videotaped following the sequential guidelines presented in the Correctional Services

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Manual. The original videotape must be maintained and secured as evidence in the SIS Office. A copy of every videotape, after review by the Warden (within four work days of the incident), unless requested sooner by the Regional Director, will be provided immediately to the Regional Director for review.

The Regional Director shall forward videotapes of questionable or inappropriate cases immediately to the Assistant Director, Correctional Programs Division, Central Office, for review.

When a threat to the safety of the inmate, staff or others, or property, requires an immediate response, staff are obligated to obtain a camera and begin recording the event as soon as feasible. As soon as control of the situation has been obtained staff must record information on:

injuries;

circumstances that required the need for immediate use of force; and

identifications of the inmates, staff, and others involved.

d. **Documentation Maintenance.** The Captain must maintain all documentation, including the videotape and the original BP-E583, for a minimum of 2½ years. A separate file must be established on each use of force incident.

15. **AFTER-ACTION REVIEW OF USE OF FORCE AND APPLICATION OF RESTRAINTS INCIDENTS.** Following any incident involving the use of force (calculated or immediate) and the application of restraints, the Warden, Associate Warden (responsible for Correctional Services), Health Services Administrator, and Captain must meet and review the incident. The review is conducted to assess the rationale of the actions taken (e.g., if the force was appropriate and in proportion to the inmate's actions).

The review team should gather relevant information to determine if policy was adhered, and complete the standard After-Action Report (BP-E586), indicating the nature of the review and findings. The BP-E586 should be submitted within two working days after the inmate is released from restraints.

a. **Videotape Review.** The After-Action Review Team should

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review the actions of the staff for compliance with the Correctional Services Manual and this policy. At a minimum, this review should include the following:

The Lieutenant displayed professional behavior during the Forced Cell Team technique.

The Lieutenant ensured only the force necessary to control the inmate is used, based on the nature of the incident.

The Lieutenant monitored the actions of the inmate and team members; and was not involved in subduing the inmate unless it is deemed necessary to prevent staff or inmate injury.

The Use of Force Team members were wearing the proper protective gear.

Unauthorized items such as towels, tape, surgical mask, hosiery, etc., was not being used.

Introductions were made by the Lieutenant, Use of Force Team members, medical staff, and staff involved in the confrontation avoidance technique as well as

identifying all staff present, including those observing.

Use of Force Team members used sound correctional judgment to ensure unnecessary pressure is not applied to the inmate.

Use of Force Team members used only the amount of force necessary to gain control of the inmate.

Inabilities to effectively gain control of the inmate are assessed and may indicate that additional training is necessary.

There was continuous operation of the video and breaks were documented and appropriately justified.

Prompt examination of the inmate followed the move and findings were noted on the video tape.

The method of chemical agents used was predetermined and use of devices was in accordance with the Correctional Services Manual.

The inmate was given the opportunity to voluntarily submit to

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the placement of restraints.

Conversations were appropriate and necessary between team members and individuals during the use of force.

b. **Report Completion.** When this review is completed, an After-Action Review Report (BP-E586) must be completed, as soon as possible, not later than two working days after the inmate has been removed from restraints. This will ensure that staff with relevant information will be available and any necessary medical follow-up can be immediately provided to ascertain the nature of any injuries involved.

The Warden or designee will attest by his or her signature that the review was conducted and the use of force was appropriate or inappropriate.

c. **Further Investigation.** The reviewers should also decide if the matter requires further investigation. If deemed appropriate, the Warden will refer the matter for further investigation to the Office of Inspector General, Office of Internal Affairs, or Federal Bureau of Investigation. Copies of the report must be forwarded to the Regional Director and Assistant Director, Correctional Programs Division, Central Office.

d. **Report on Restraints Use.** A report is not necessary for the general use of restraints. For example, a report is not required in the routine movement or transfer of inmates.

16. **TRAINING IN THE CONFRONTATION AVOIDANCE/USE OF FORCE TECHNIQUE.** In order to control any potential situation involving aggressive inmates, all staff must be made aware of their responsibilities through ongoing training. At a minimum,

training must cover:

communication techniques,

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Attachment: 6

EX: 6: PROGRAM STATEMENT: HUNGER STRIKES.

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to it. report



OPI: HSD/HSS
NUMBER: P5562.05
DATE: 7/29/2005
SUBJECT: Hunger Strikes



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: HSD/HSS
NUMBER: P5562.05
DATE: 7/29/2005
SUBJECT: Hunger Strikes

1. **[PURPOSE AND SCOPE §549.60.** The Bureau of Prisons provides guidelines for the medical and administrative management of inmates who engage in hunger strikes. It is the responsibility of the Bureau of Prisons to monitor the health and welfare of individual inmates, and to ensure that procedures are pursued to preserve life.]

2. **SUMMARY OF CHANGES.** Section 6 has been expanded to include

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pretrial and holdover inmates and ICE detainees.

Section 9 identifies Health Services staff and Food Service staff as those who may offer alternative beverages and nutritional supplements, if authorized by the physician. This section also indicates food and toothpaste may be left in the inmate's cell.

Section 10 describes procedures for notifying the Regional Counsel when an inmate refuses treatment and the initiation of involuntary treatment.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. The health and welfare of any inmate on a **hunger strike** will be monitored.

b. Food and beverages will be offered to inmates regularly.

c. When an inmate's life or health is threatened, involuntary medical treatment will be administered.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

d. Every incident of an inmate on a **hunger strike** will be properly reviewed, documented, and reported.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

P5562.04 Hunger Strikes, Inmate (6/20/94)

b. **Directives Referenced**

P5566.05 Use of Force and Application of Restraints on
Inmates (7/25/96)

P6031.01 Patient Care (1/15/05)

P6090.01 Health Information Management (1/15/05)

c. Rules cited in this Program Statement are contained in

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28 CFR § 549.60-66.

5. **STANDARDS REFERENCED**

a. American Correctional Association 4th
Edition Standards for
Adult Correctional Institutions: 4-4257 and 4-4397 (M)

b. American Correctional Association 4th
Edition Standards for
Adult Local Detention Facilities: 4-ALDF-4D-15 (M) and
4-ALDF-2A-52

6. **[DEFINITION §549.61. As defined in this rule, an inmate is on a hunger strike:**

a. When he or she communicates that fact to staff and is observed by staff to be refraining from eating for a period of time, ordinarily in excess of 72 hours; or

b. When staff observe the inmate to be refraining from eating for a period in excess of 72 hours. When staff consider it prudent to do so, a referral for medical evaluation may be made without waiting 72 hours.]

A hunger strike may be announced by the inmate, or observed by staff, even though the inmate may be taking liquids.

At times, an inmate may not actually engage in a hunger strike, but merely make a bid to gain attention.

Other types of inmates (not on inpatient status in a Bureau of Prisons Medical Referral Center or hospitalized in the community) who should be monitored according to this policy include:

Inmates who are observed to be unable to eat or drink by virtue of mental illness or acute medical conditions. Although not intentionally on a hunger

strike, these inmates are either unwilling or unable to eat or drink sufficiently to prevent complications.

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Inmates with metabolic disorders or certain other illnesses, who deviate from normal eating habits or intake of fluid, could experience an immediate, significant hazard to their health and well-being.

In any case, it is also recognized that after long-term deprivation of food and shorter term deprivation of fluid, serious irreversible changes can occur, and sudden death can occur.

Procedures required in this Program Statement apply to pretrial and holdover inmates and ICE detainees.

7. INITIAL REFERRAL §549.62

a. Staff shall refer an inmate who is observed to be on a hunger strike to medical or mental health staff for evaluation and, when appropriate, for treatment.]

Each Warden shall establish referral arrangements for the institution. In addition, staff may consult Health Services anytime they observe an inmate refraining from consuming food and/or liquids prior to 72 hours.

[b. Medical staff ordinarily shall place the inmate in a medically appropriate locked room for close monitoring.]

Ordinarily, placement in the medically appropriate room is a determination the institution physician makes. This room will be a single cell observation room (i.e., dry cell or cell with water shut-off capabilities), where no other inmate contact is possible (i.e., other inmates can't pass food or liquid items to the

inmate on hunger strike status).

Inmates in Administrative Detention or Disciplinary Segregation may be retained in this status and remain in the SHU unless the physician determines movement to other quarters is medically necessary.

The Warden is to determine the type of observation for hunger strike inmates (e.g. continuous, 15 minute checks, routine).

Under no circumstances will inmate companions be used to

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monitor hunger strike inmates.

8. [INITIAL MEDICAL EVALUATION AND MANAGEMENT §549.63

a. Medical staff shall ordinarily perform the following procedures upon initial referral of an inmate on a hunger strike:

- (1) Measure and record height and weight; (2) Take and record vital signs;
- (3) Urinalysis;
- (4) Psychological and/or psychiatric evaluation; (5) General medical evaluation;
- (6) Radiographs as clinically indicated;
- (7) Laboratory studies as clinically indicated.]

If an inmate refuses the initial medical evaluation, a signed Refusal of Treatment form (BP-A358) must be obtained and also documented in the Progress Notes (SF-600) of the Inmate's Health Record. (Refer to the Program Statement on Patient Care)

[b. Medical staff shall take and record weight and vital signs at least once every 24 hours while the inmate is on a hunger strike. Other procedures identified in paragraph (a) of this section shall be repeated as medically indicated.

c. When valid medical reasons exist, the physician may modify, discontinue, or expand any of the medical procedures described in paragraphs (a) and (b) of this section.

d. When medical staff consider it medically mandatory, an inmate on a hunger strike will be transferred to a Medical Referral Center or to another Bureau institution considered medically appropriate, or to a community hospital.]

The decision to transfer an inmate on a hunger strike for medical reasons should only be made after consultation with a physician.

The inmate should be admitted to a community hospital if his medical condition warrants continuous enteral (oral) or intravenous support.

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Local institutions need not transfer an inmate on a hunger strike to a Medical Referral Center (MRC) unless an MRC's specific services are required.

Mentally ill inmates who do not eat or drink for more than 30 days, regardless of the apparent reason, should be referred to an MRC for evaluation and treatment of the underlying mental illness.

e. Medical staff shall record in the appropriate section of the inmate's Health Record, entries for all the medical procedures described in this section. (Refer to the Program Statement on Health Information Management.)

9. [FOOD/LIQUID INTAKE/OUTPUT §549.64

a. Staff shall prepare and deliver to the inmate's room three meals per day or as otherwise authorized by the physician.]

A verbal offer of a meal will not suffice. Food from the food tray may be left in the inmate's cell. Ordinarily, when the food tray is left in the inmate's cell, perishable food items will not be left for more than two hours.

[b. Staff shall provide the inmate an adequate supply of drinking water. Other beverages shall also be offered.

c. Staff shall remove any commissary food items and private food supplies of the inmate while the inmate is on a hunger strike. An inmate may not make commissary food purchases while under hunger strike management.]

An inmate under hunger strike management may still purchase non-food items, such as stamps, from the commissary. The inmate is allowed to have toothpaste in the dry cell.

d. All food and water intake and output will be monitored and recorded as needed or to the extent possible. The Warden shall make this determination after consultation with the physician. This procedure is to continue until ended by a physician.

This means a dry cell must be available for housing hunger strike inmates.

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Health Services and Food Service staff may offer alternative beverages, including liquid nutritional supplements, if authorized by the physicians. Any beverages other than drinking water must be documented (e.g. BP-S292) and that information relayed to Health Services staff. Acceptance of liquids alone should not be documented as accepting a meal.

10. [REFUSAL TO ACCEPT TREATMENT] \$549.65

a. When, as a result of inadequate intake or abnormal output, a physician determines that the inmate's life or health will be threatened if treatment is not initiated immediately, the physician shall give consideration to involuntary medical treatment of the inmate.]

The decision to force treatment upon the inmate is a medical decision, preferably by a written physician's order, with potential legal implications.

When it appears to medical staff that the inmate's condition is deteriorating to the extent that intervention may soon be required, the Regional Counsel must be notified so any legal issues may be addressed. Although legal counsel has been notified, medical staff should not suspend or delay involuntary treatment if the physician is convinced to a reasonable medical certainty that there is an immediate threat to the inmate's life, or permanent damage to the inmate's health.

Regional Counsel will determine whether it is appropriate to contact the local U.S. Attorney's Office.

In the case of potential involuntary treatment of a pretrial inmate, institution legal staff or the

Regional Counsel must be notified that intervention may be required, in order to determine whether the court should be notified.

In all such situations, the Regional Counsel will inform the Regional Director.

[b. Prior to medical treatment being administered against the inmate's will, staff shall make reasonable efforts to convince the inmate to voluntarily accept treatment. Medical risks faced by the inmate if treatment is not accepted shall also be

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Attachment: 7:

EX: 7: PROGRAM STATEMENT: STANDARDS OF EMPLOYEE CONDUCT.

OPI: OGC/ELE
NUMBER: 3420.11
DATE: 12/6/2013
SUBJECT: Standards of Employee Conduct



U.S. Department of Justice

Federal Bureau of Prisons

Program Statement

OPI: OGC/ELE
NUMBER: 3420.11
DATE: 12/6/2013
SUBJECT: Standards of Employee Conduct

/s/

Approved: Charles E. Samuels, Jr.

Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To provide policies and procedures, referred to as the "Standards of Conduct," to complement those issued by the Office of Government Ethics on:

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Attachment : 8

EX: 8: PROGRAM STATEMENT: INMATE PERSONAL PROPERTY.



U.S. Department of Justice

Federal Bureau of Prisons

Program Statement

Program Statement

OPI: CPD/CSB

NUMBER: 5580.08

DATE: August 22, 2011

Inmate Personal Property

/s/

Approved: Thomas R. Kane

Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

§ 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess ordinarily only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate. These rules contribute to the

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Ammunition or explosives.

Combustible or flammable liquids.

Knives or tools not provided in accordance with the Program Statement **Correctional Services Manual**.

Hazardous or poisonous chemicals and gases.

Narcotics or other controlled substances not dispensed or approved by the institution HSU are also hard contraband.

Medicine the HSU dispensed or approved is hard contraband if not possessed by the inmate for whom it was prescribed or if not consumed or used in the manner prescribed.

Staff must consult the institution pharmacist or other health services staff member in any case involving questions whether a prescribed medication represents contraband.

Medicines the inmate carries into the institution at the time of commitment (e.g., voluntary commitment) will be forwarded to the institution medical staff for disposition. If appropriate, this medicine will be returned to the inmate.

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to security or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

The Warden may set limits locally, based on available storage space, on the amount of commissary items, newspapers, magazines, etc., each inmate may retain.

5. PROCEDURES FOR HANDLING CONTRABAND

§ 553.13 Procedures for handling contraband.

(a) Staff shall seize any item in the institution which has been identified as

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contraband whether the item is found in the physical possession of an inmate, in an inmate's living quarters, or in common areas of the institution.

(b) Staff shall dispose of items seized as contraband in accordance with the following procedures.

Exceptions to these procedures may occur only upon written authorization of the Warden or designee.

The procedures described in this section apply to and include property found in the inmates physical possession, in an inmates living quarters, or in common areas of the institution.

These procedures also encompass the property of inmates processed through Receiving and Discharge (R&D), such as new commitments and inmates received through transfer.

When religious items are confiscated the chaplain must be consulted as to the validity of the items.

(1) Staff shall return to the institution's issuing authority any item of government property seized as contraband, except where the item is needed as evidence for disciplinary action or criminal prosecution. In such cases, staff may retain the seized property as evidence.

Seized government property, if not altered, may be placed in normal stock for reissue.

Altered government property, including items an inmate made from government property without staff authorization, will be destroyed at the Warden's discretion.

The Warden may delegate the authority to determine if altered government property is to be destroyed.

The chaplain must be consulted regarding the disposition of religious items confiscated.

(2) Items of personal property confiscated by staff as contraband are to be inventoried and stored pending identification of the true owner (if in question) and possible disciplinary action. Following an inventory of the confiscated items, staff shall employ the following procedures.

(i) Staff shall provide the inmate with a copy of the inventory as soon as practicable. A copy of this inventory shall also be placed in the inmate's central file.

Placing a copy of the inventory in the Inmate Central File will assist staff in the investigation of possible tort claims.

(ii) The inmate shall have seven days following receipt of the inventory to provide staff with evidence of ownership of the listed items. A claim of ownership may not be accepted for an item made from the unauthorized use of

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government property. Items obtained from another inmate (for example, through purchase, or as a gift) without staff authorization may be considered nuisance contraband for which a claim of ownership is ordinarily not accepted.

(iii) If the inmate establishes ownership, but the item is identified as contraband, staff shall mail such items (other than hard contraband), at the inmate's expense, to a destination of the inmate's choice. The Warden or designee may authorize the institution to pay the cost of such mailings when the item had not been altered and originally had been permitted for admission to the institution or had been purchased from the commissary, or where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage as required, or refuses to provide a mailing address for

return of the property, the property is to be disposed of through approved methods, including destruction of the property.

The Confiscation and Disposition of Contraband form (BP-A0402) will be completed.

Ordinarily, the Correctional Systems Manager (CSM) is responsible for authorizing the institution to pay mailing costs.

(iv) If the inmate is unable to establish ownership, staff shall make reasonable efforts to identify the owner of the property before any decision to destroy the property is made.

(v) Staff shall prepare and retain written documentation describing any items destroyed and the reasons for such action.

Destroying contraband will be accomplished as follows:

Ordinarily, the CSM (for R&D only) or Captain or designee receives the inmate's proof of ownership and determines if an item is contraband.

When it is determined that the item is to be destroyed, the CSM (for R&D only) or Captain or designee will prepare the written documentation describing the item(s) destroyed and the reasons for this action.

Ordinarily, property is held for 120 days before it is destroyed. This delay allows an inmate the opportunity to obtain proof of ownership and/or appeal the decision through the Administrative

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Remedy Procedure.

The employee who actually destroys the property, and at least one staff witness to the disposal, will state in writing that they have witnessed the destruction.

Records of disposal of property will remain on file for at least two years to ensure the availability of information necessary to an investigation of a subsequent tort claim.

(vi) Where disciplinary action is appropriate, staff shall delay disposition of property until completion of such action (including appeals).

(c) Staff shall retain items of hard contraband for disciplinary action or prosecution or both. The contraband items may be delivered to law enforcement personnel for official use. When it is determined that the item is not needed for criminal prosecution, the hard contraband shall be destroyed as provided in paragraph (b)(2)(v) of this section. Written documentation of the destruction shall be maintained for at least two years.

(d) Staff may not allow an inmate to possess funds in excess of established institutional limits. Staff shall deliver to the cashier any cash or negotiable instruments found in an inmate's possession which exceed the institution's

allowable limits. Funds determined to be contraband shall be confiscated for crediting to the U.S. Treasury.

All cash and negotiable instruments in the possession of inmates is unauthorized.

Cash and negotiable instruments that were inadvertently delivered to the inmate via the mail and are immediately turned over to staff shall be returned to the mail room to be processed in accordance with the Program Statement **Correspondence**.

All other cash and negotiable instruments found in the inmates possession shall be processed as contraband. The cash and negotiable instruments shall be turned over to the cashier.

(1) Where disciplinary action against the inmate is appropriate, staff shall delay final disposition of the funds until such action (including appeals) is completed.

(2) Prior to a decision on the disposition of funds, staff shall allow the inmate a reasonable amount of time to prove ownership.

6. INMATE TRANSFER BETWEEN INSTITUTIONS AND INMATE RELEASE

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(2) The inmate's property may be sent with the inmate to the medical facility when the inmate is not expected to return to the sending institution, will be at the medical facility over 120 days, or for any other justified reason. The Warden at the sending institution shall prepare and place in the inmate's central file written documentation for forwarding the inmate's personal property.

(d) The Warden of the medical facility shall return an inmate's personal property ordinarily in the same or equivalent size container as originally used by the sending institution. Property accumulated over that amount, at the option of the inmate, will either be sent to a destination selected by the inmate, at the inmate's expense, donated, or destroyed. If the inmate is financially able but refuses to pay for the mailing, or if the inmate refuses to provide a mailing address for forwarding of the property, the property is to be disposed of through approved methods, including destruction of the property.

On occasion, staff may allow an inmate to retain more property than he or she brought to the institution. Situations when this might be permitted include when the inmate has been at the institution over three months or when a transfer is unexpectedly effected immediately after the inmate has made significant commissary purchases.

If the inmate is re-designated after completing medical treatment to an institution other than the sending institution, the medical facility is to notify the sending institution of this fact via GroupWise.

The medical institution will send this message when treatment has been completed and the inmate is ready for transfer.

Upon receiving the GroupWise message, the institution retaining the inmates property will arrange for the property to be forwarded to the institution to which the inmate was transferred.

Ordinarily, once every 30 days, staff will inspect the stored property to guard against tampering or pilferage.

9. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINEES

ICE has placed limitations on the amount of personal property for detainees who will be deported. Consequently, detainees who transfer to other facilities should have their property limited to the following items:

- Wedding Band (plain, no stones).
- Prescribed Medication.
- Legal Materials (ongoing case).

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Attachment: 9

EX: 9: PROGRAM STATEMENT: INMATE MANUSCRIPTS.

Federal Bureau of Prisons

Program Statement

OPI: FPI

NUMBER: 5350.27

DATE: 7/27/99

SUBJECT: Inmate Manuscripts

1. **PURPOSE and SCOPE.** To encourage inmates to use their leisure time for creative writing and to permit the direct mailing of all manuscripts as ordinary correspondence.

2. **SUMMARY OF CHANGES.** This revision updates the Directives Referenced, adds a Program Objective and a Standards Referenced section, and makes other editorial and format changes consistent with current Bureau policy. The requirement for an Institution Supplement has been eliminated.

3. **PROGRAM OBJECTIVE.** The expected result of this program is: Inmates will be afforded the opportunity to write and mail manuscripts for publication.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5350.07 Inmate Manuscripts (7/16/79)

b. **Directives Referenced**

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P 5265.10 Correspondence (12/18/97)
S

P 5270.07 Inmate Discipline and Special Housing Units
S
(12/29/87)

P 5580.05 Personal Property, Inmate (9/30/96)
S

P 5800.10 Mail Management Manual (11/3/95)
S

c. Rules cited in this Program Statement are contained in
28 CFR 551.80 through 551.83.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

PS 5350.27

7/27/99

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5. **STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for
Adult Correctional Institutions: 3-4428 and 3-4429

b. American Correctional Association 3rd Edition Standards
for Adult Local Detention Facilities: 3-ALDF-5D-01

c. American Correctional Association 2nd Edition Standards
for Administration of Correctional Agencies: None

d. American Correctional Association Standards for Adult
Correctional Boot Camp Programs: 1-ABC-5C-06 and 1-ABC-5D-01

6. [DEFINITION. §551.80. As used in this rule, "manuscript" means fiction, nonfiction, poetry, music and lyrics, drawings and cartoons, and other writings of a similar nature.

7. [MANUSCRIPT PREPARATION §551.81. An inmate may prepare a manuscript for private use or for publication while in custody without staff approval. The inmate may use only non-work time to prepare a manuscript.]

8. [MAILING INMATE MANUSCRIPTS §551.82. An inmate may mail a manuscript as general correspondence, in accordance with Part 540, Subpart B of this chapter. An inmate may not circulate his manuscript within the institution.]

Part 540, Subpart B refers to the Program Statement on Correspondence.

9. [LIMITATIONS ON AN INMATE'S ACCUMULATION OF MANUSCRIPT MATERIAL §551.83. The Warden may limit, for housekeeping, fire-prevention, or security reasons, the amount of accumulated inmate manuscript material.]

The Warden may choose to address the issue of accumulation of inmate manuscripts in the Institution Supplement on Inmate Personal Property.

/s/

Kathleen Hawk Sawyer

Director