

USP ADMINISTRATIVE MAXIMUM
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Inmate Name: SilversteinUnit: 2Reg. No. 14634-116Date: 2-27-06

NOTICE TO INMATE You are advised that normally prior to filing a Request for Administrative Remedy, (BP-DIR-13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the three steps listed below:

1. State your complaint: APPEAL BEING HELD IN SOLITARY CONFINEMENT SINCE 1983. DESPITE MY EXEMPLARY DISCIPLINARY FREE RECORD THE PAST 19 YEARS!

(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to BP-229(13) responses.))

2. State what actions you have made to informally resolve your complaint: SPOKE WITH THE REGIONAL DIRECTOR AT MY LAST REVIEW.

3. State what resolution you expect: TO BE RELEASED FROM ISOLATION AND PLACED IN GENERAL POPULATION.

Inmate's Signature: SilversteinDate: 2-27-06

Correctional Counselor's Comments (Steps to Resolve): A REVIEW OF YOUR COMPLAINT HAS BEEN CONDUCTED. YOU ARE CURRENTLY IN SEGREGATION BECAUSE YOUR PLACEMENT IN OTHER UNITS POSES A THREAT TO THE SECURITY AND GOOD ORDERLY RUNNING OF THE INSTITUTION AND BOP FACILITIES. THEREFORE, YOUR REQUEST TO BE PLACED IN GENERAL POPULATION IS DENIED.

Counselor's Signature: J. E. C.Date: 3-1-06Unit Manager's Review: [Signature]Date: 3/1/06Informally Resolved: [Signature]Date: [Signature]

	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED	EXECUTIVE STAFF
DATE	2-27-06	2-28-06	3-1-06	3-7-06	
TIME	0820	07:50	11:30	0859	
COUNSELOR	JEK	SEA	JEK	JEK	

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: SILVERSTEIN, THOMAS E 14634-116 7 FLORENCE
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST B.P.S. STATES I'M CURRENTLY IN SEGREGATION BECAUSE MY PLACEMENT IN OTHER UNITS POSES A THREAT TO SECURITY + GOOD ORDERLY RUNNING OF THE INSTITUTION + BOP FACILITIES, THEREFORE MY REQUEST TO BE PLACED IN GENERAL POPULATION IS DENIED. ON THE CONTRARY, I HAVE AN EXEMPLARY DISCIPLINARY RECORD FOR 19 YRS. TO IGNORE THIS INSTITUTIONAL ADJUSTMENT IS EVIDENT OF BOP VENDETTA AGAINST ME + REAL REASON FOR MY INDEFINITE ISOLATION STATUS + CLEAR VIOLATION OF BOP'S OWN POLICY 5270.07CN-05, SEPT. 29, 1994 CH. 106.3 (4) DISCIPLINARY ACTION MAY NOT BE CAPRICIOUS OR RETALIATORY. (5) STAFF MAY NOT IMPOSE OR ALLOW IMPOSITION OF CORPORAL PUNISHMENT OF ANY KIND, AND FLIES IN THE FACE OF NUMEROUS COURT RULINGS, IE. MORRIS V. TRAVIS NO. CITE AS 549 F. SUPP. 291 (1982) THE DISTRICT COURT, PETTINE, SENIOR JUDGE, HELD THAT THE SEGREGATED CONFINEMENT OF PRISONER FOR 8 1/2 YRS WITHOUT SUFFICIENT PENOLOGICAL JUSTIFICATION, + THUS RESULTED IN UNNECESSARY + WANTON INFLICTION OF PAIN IN VIOLATION OF THE 8TH AMENDMENT. SINCE NEITHER PRISONER'S CRIMINAL RECORD NOR HIS DISCIPLINARY RECORD DURING CONFINEMENT JUSTIFIED CONTINUED SOLITARY CONFINEMENT, + SINCE THE CLAIM THAT PRISONER WAS TOO DANGEROUS TO BE RETURNED TO THE G.P. APPEARED TO BE A MERE PRETEXT FOR UNDULY PUNISHING HIM FOR HIS CONVICTION OF THE MURDER OF A PRISON GUARD. 1. CRIMINAL LAW KEY 1213, PRISONS KEY 13 (5) SOLITARY CONFINEMENT IS NOT PER SE UNCONSTITUTIONAL UNDER CERTAIN CIRCUMSTANCES. HOWEVER SOLITARY CONFINEMENT MAY BE SO ONEROUS THAT IT CONSTITUTES CRUEL + UNUSUAL PUNISHMENT. U.S. CONST. AMEND. 8. PROFESSOR CONNOR TESTIFIED THAT HE WAS FAMILIAR W/ CARILL'S PRIOR CONVICTION + CRIMES OF VIOLENCE AGAINST CORRECTIONS OFFICERS. HIS RECENT DISCIPLINARY RECORD, AS WELL AS THE CURRENT CIRCUMSTANCES OF HIS CONFINEMENT (CTR. AT 14-22). ACCORDING TO PROF. C. "BECAUSE OF WHAT THIS MAN DID IN 1973, THERE IS A PLAN TO KEEP HIM IN THIS KIND OF SUBHUMAN STATE WHICH BORDERS ON DAILY TORTURE OF A HUMAN BEING." (CTR. AT 33). IN A PRISON BOOK BY P. EARLEY, THE HOT HOUSE PAGE 123-4, CRAIG TROUT, A BOP OFFICIAL SAID HE KNEW EXACTLY WHERE TO PUT ME AFTER I WAS MOVED FROM USP, ATLANTA TO USP, LEAVENWORTH. ASSOCIATE WARDEN SMITH AT LVN. HAD KNOWN OFFICER CLUTTS (THE PERSON I KILLED) PERSONALLY + HAD ATTENDED HIS FUNERAL. "AS FAR AS I AM CONCERNED, SILVERSTEIN IS A COLD-BLOODED, BLOODTHIRSTY, WORTHLESS KILLER." SMITH SAID. ON PAGE 226-7, I'M KEPT ON "NO HUMAN CONTACT" STATUS AS ONE BUREAU OFFICIAL EXPLAINED "WHEN AN INMATE KILLS A GUARD, HE MUST BE PUNISHED. WE CAN'T EXECUTE SILVERSTEIN, SO WE HAVE NO CHOICE BUT TO MAKE HIS LIFE A LIVING HELL. OTHERWISE OTHER INMATES WILL KILL GUARDS TOO. THERE HAS TO BE SOME SUPREME PUNISHMENT. EVERY CONVICT KNOWS WHAT SILVERSTEIN IS GOING THROUGH. WE WANT THEM TO REALIZE THAT IF THEY CROSS THE SAME LINE THAT HE DID, THEY WILL PAY A HEAVY PRICE." IN APPLYING TEMPORARY STANDARDS OF DECENCY TO CHALLENGE PRISON CONDITIONS, THE SUPREME COURT HAS HELD THAT

3/3/06 DATE THE EIGHTH AMENDMENT PRO - Thomas Silverstein SIGNATURE OF REQUESTER - HIBITS NOT ONLY

Part B- RESPONSE

ONE OF TWO PAGES

RECEIVED

MAR 13 2006

ADX Warden's Office

SEE ATTACHED RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 406406-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

WITHOUT PENOLOGICAL JUSTIFICATION. GREGG V. GEORGIA, 482 U.S. 153, 173, 183, 96 S. CT. 2909, 2925, 2929, 49 L. ED. 2D 839 (1976). SEE ALSO ESTELLE V. GAMBLE, 429 U.S. 97, 103, 97 S. CT. 285, 290, 50 L. ED. 2D 251 (1976). AS THE FIRST CIRCUIT HAS OBSERVED, WHERE SOLITARY CONFINEMENT IS "IMPOSED INAPPROPRIATELY OR FOR TOO LONG A PERIOD, EVEN THE PERMISSIBLE FORMS OF S.C. MIGHT VIOLATE THE EIGHTH AMENDMENT." O'BRIEN V. MORIARTY, 489 F. 2D 941, 944 (1ST CIR. 1974) (EMPHASIS ADDED). IT GOES WITHOUT SAYING THAT A PRISON WARDEN MAY NOT CONSTITUTIONALLY PUT AN INMATE IN ADMINISTRATIVE SEGREGATION, INVOLVING S.C. OR OTHER RIGOROUS CONDITIONS OF IMPRISONMENT, SIMPLY BECAUSE HE DISLIKES THE INMATE OR DESIRES TO PUNISH HIM FOR PAST MISCONDUCT. MOREOVER, IT SHOULD BE EMPHASIZED THAT THE REASON OR REASONS FOR THE SEGREGATION MUST NOT BE VALID AT THE OUTSET BUT MUST CONTINUE TO SUBSIST DURING THE PERIOD OF THE SEGREGATION. CONDITIONS IN PRISONS CHANGE AS THEY DO EVERYWHERE ELSE & A REASON FOR ADMINISTRATIVE SEGREGATION OF AN INMATE THAT IS VALID TODAY MAY NOT NECESSARILY BE VALID SIX MONTHS OR A YEAR IN THE FUTURE. 525 F. 2D AT 400. AS THIS COURT OBSERVED IN MORRIS V. TRAVISANO, "[E]VEN IF A PERSON IS CONFINED TO AN AIR-CONDITIONED SUITE AT THE WALDORF ASTORIA, DENIAL OF MEANINGFUL HUMAN CONTACT FOR SUCH AN EXTENDED PERIOD MAY VERY WELL CAUSE SEVERE PSYCHOLOGICAL INJURY." 499 F. 3D SUPP. AT 160. SEE ALSO O'BRIEN V. MORIARTY, 489 F. 2D AT 944 ("[F]OR A PERSON TO BE CUT OFF MARKEDLY FROM ALL OTHERS IS A PRIVILEGE NOT TO BE UNDERESTIMATED.") COURTS HAVE A RESPONSIBILITY TO ENSURE THAT CONDITIONS OF PRISONERS' CONFINEMENT ARE NOT CRUEL & UNUSUAL PUNISHMENT IN VIOLATION OF THE EIGHTH AMENDMENT. RHODES V. CHAPMAN, 101 S. CT. AT 2401 & THIS DETERMINATION NECESSARILY INVOLVES A REVIEW OF CORRECTIONAL OFFICIALS' DECISION - EVEN IF THEY PERTAIN TO PRISON SECURITY & DISCIPLINE. IT CANNOT BE SERIOUSLY CONTENDED THAT PRISON ADMINISTRATORS CAN WHOLLY EVADE JUDICIAL REVIEW BY MERELY RAISING INSTITUTIONAL SECURITY CONCERNS. SEE PROCVIER V. MARTINEZ, 416 U.S. 396, 405-06, 94 S. CT. 1800, 1808, 40 L. ED. 2D 224 (1977); JOHNSON V. AVERY, 393 U.S. 483, 486, 89 S. CT. 777, 749, 21 L. ED. 2D 718 (1964). [2] AFTER A THOROUGH EXAMINATION OF THE RECORD IN THIS CASE I FIND THAT THE DEFENDANTS' DECISION TO HOUSE CARILLO IN S.C. FOR THE PAST EIGHT & A HALF YRS IS WITHOUT SUFFICIENT PENOLOGICAL JUSTIFICATION, & AS A CONSEQUENCE HAS RESULTED IN THE "UNNECESSARY & WANTON INFLICTION OF PAIN" IN VIOLATION OF THE EIGHTH AMENDMENT. CT. ESTELLE V. GAMBLE, 429 U.S. AT 103, 97 S. CT. AT 290 CUTTING AN INDIVIDUAL OFF FROM ALL MEANINGFUL HUMAN CONTACT AFTER THE REASON FOR SUCH SEGREGATION NO LONGER EXISTS IN A FUNDAMENTAL WAY CONTEMPORARY STANDARDS OF DECENCY. THE DEFENDANTS CLAIM THAT CARILLO IS TO DANGEROUS TO BE RETURNED TO THE GENERAL POPULATION. APPEARS TO THIS COURT TO BE A MERE PRETEXT FOR UNDULY PUNISHING HIM FOR HIS 1973 MURDER CONVICTION. IN THE 8 YRS THAT HAVE ELAPSED SINCE THAT CONVICTION, THE DEFENDANTS HAVE NOT MEANINGFULLY REVIEWED CARILLO'S PROGRESS. HAVE THEY ATTEMPTED TO EVALUATE WHETHER HE COULD ADJUST TO THE G.P. INSTEAD, THEY HAVE ADVANCED A SERIES OF UNSATISFACTORY JUSTIFICATIONS FOR CARILLO'S CONTINUED SOLITARY CONFINEMENT (NOR AM I GIVEN A MEANINGFUL REVIEW) THE DEFENDANTS' REFUSAL TO EVEN ATTEMPT TO RETURN CARILLO TO THE PRISON G.P. ONCE IN THE PAST 8 1/2 YRS STRONGLY REINFORCE THIS COURT'S CONCLUSION THAT CARILLO HAS BEEN KEPT IN ISOLATION NOT FOR HIS DANGEROUS PROPENSITIES, BUT BECAUSE HE WAS CONVICTED OF THE MURDER OF A PRISON GUARD. THE FACT IS THAT CARILLO SEEKS ONLY TO BE RETURNED TO THE G.P. OF HIGH SECURITY FACILITY WHERE HIS ACTIVITIES CAN BE CLOSELY SUPERVISED. THERE IS SIMPLY NO EXPLANATION WHY AN INMATE WHOSE DISCIPLINARY RECORD FOR THE LAST SEVERAL YRS REVEALS NO VIOLENT BEHAVIOR WOULD BE ANY MORE DIFFICULT TO CONTROL THAN OTHER INMATES WHO ARE SUFFICIENTLY "DANGEROUS" THAT THEY MUST BE HOUSED IN A HIGH SECURITY FACILITY. IN SUM, THIS COURT HOLDS THAT THE CONDITIONS OF THE PLAINTIFFS' CONFINEMENT WHEN CONSIDERED IN LIGHT OF THE LACK OF A LEGITIMATE JUSTIFICATION SUPPORTING IT, ARE AS BARBAROUS AS THE FILTHY PHYSICAL CONDITIONS THAT HAVE BEEN CONSISTENTLY CONDEMNED IN OTHER PRISON CASES. SEE, E.G., PALMIGIANO V. GARRA, 443 F. SUPP. 956 (D.R.I. 1977); PUGH V. LOCKE, 406 F. SUPP. 318 (N.D. ALA. 1976). ACCORDINGLY, CARILLO'S TREATMENT VIOLATES THE 8TH AMENDMENT. CONFINING A MAN TO HIS CELL FOR 23 HRS A DAY & DENYING HIM ALL OPPORTUNITIES TO EXPRESS HIMSELF FOR 8 1/2 YRS CAN HAVE AT LEAST AS DEVASTATING AN EFFECT ON A PRISONER AS A COMPLETE LACK OF SANITATION. CONTEMPORARY STANDARDS OF DECENCY FORBID SUCH TREATMENT. (I'VE BEEN HELD IN TOTAL S.C. FOR 23 YRS. UNDER FAR WORSE CONDITIONS DESCRIBED IN THE CARILLO CASE, SHOWING AN OBVIOUS MALICIOUS INTENT TO MAKE MY LIFE THE "LIVING HELL" EXPRESSED EARLIER BY A BOP OFFICIAL & INDIFFERENCE TO MY SUBJUGATION. MY RESTRICTIONS HAVE GOTTEN MORE STRINGENT DESPITE 19 YRS CLEAN CONDUCT, NOT LESS. THERE ISN'T ONLY A LACK OF A REVIEW, AS B.R.B. CLEARLY STATES, MY FATE HAS BEEN PREDETERMINED AS THEY REGURGITATE THEIR 23 YR. (MEANINGFUL) MANTRA THAT I POSE A THREAT ETC. I'D LIKE TO KNOW WHO I POSE A "THREAT" TO SINCE I'VE NOT THREATENED ANYONE IN 23 YRS. BOP OFFICIALS REFUSE TO RETURN ME TO G.P. & TOTALLY IGNORE MY EXEMPLARY CONDUCT, & HAVE ARBITRARILY PUNISHED ME BY TAKING WHAT PRIVILEGES THAT TOOK ME 19 YRS TO EARN. I'M GOING BACKWARD, NOT FORWARD.) IN KOCK V. LEWIS, CITE AS 216 F. SUPP. 2D 994 (D. ARIZ. 2001) @ INMATE'S 5 1/2 YRS CONFINEMENT, WHO END IN SIGHT (AS IT IS IN MY CASE) GAVE RISE TO PROTECTED DUE PROCESS LIBERTY INTEREST. (3) INMATE COULD NOT BE INDEFINITELY DETAINED IN SPECIAL MANAGEMENT UNIT (SMU) BASED SOLELY ON HIS STATUS AS GANG MEMBER AND ADSENT EVIDENCE OF OVERT MISCONDUCT. AFTER SANDIN, A STATE-CREATED LIBERTY INTEREST ARISES WHEN THE PRISON'S CONDUCT TOWARD THE INMATE IMPOSES AN "ATYPICAL" & SIGNIFICANT HARDSHIP ON THE INMATE IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE. SANDIN, 515 U.S. AT 484, 115 S. CT. 2293. THE SANDIN TEST REDUCES A CASE BY CASE EXAMINATION OF BOTH THE CONDITIONS OF THE INMATE'S CONFINEMENT & THE DURATION OF THE DEPRIVATION AT ISSUE. SANDIN, 515 U.S. AT 486, 115 S. CT. 2293; KEENAN V. HALL, 83 F. 3D 1083, 1089 (9TH CIR. 1996), AMENDED BY 135 F. 3D 1318 (9TH CIR. 1998); SEE SEALEY V. GILTNER, 197 F. 3D 578, 586 (2D CIR. 1996). IN KOCK'S CASE, THE DEPRIVATION IS EXTREME IN BOTH DEGREE & DURATION. NOT SURPRISINGLY, THE SEVERE CONDITIONS OF SMU II (MINE ARE WORSE) HAVE ADVERSE PSYCHOLOGICAL CONSEQUENCES. SEE MILLER V. STEWART, 231 F. 3D 1248, 1252 (9TH CIR. 2000) IT IS WELL ACCEPTED THAT CONDITIONS SUCH AS THOSE PRESENTED IN THE SMU II CAN CAUSE PSYCHOLOGICAL DECOMPOSITION TO THE POINT THAT INDIVIDUALS MAY BECOME INCOMPETENT. COMER V. STEWART, 215 F. 3D 910, 915 (9TH CIR. 2000) ("WE & OTHER COURTS HAVE RECOGNIZED THAT PRISON CONDITIONS REMARKABLY SIMILAR TO (SMU II) CAN ADVERSELY EFFECT A PERSON'S MENTAL HEALTH"). MADRID, 889 F. SUPP. AT 1230 (DISCUSSING THE PSYCHOLOGICAL DETERIORATION THAT RESULTS FROM ISOLATION IN SMU-LIKE CONDITIONS). SEE ALSO MCCARY V. KELLY, 4 SUPP. 2D 195, 208 (W.D.N.Y. 1998) ("[T]HE NOTION THAT PROLONGED ISOLATION FROM SOCIAL & ENVIRONMENTAL STIMULATION INCREASES THE RISK OF DEVELOPING MENTAL ILLNESS DOES NOT STRIKE THIS COURT AS ROCKET SCIENCE.") THE EXPERT TESTIMONY SUBMITTED BY THE PARTIES SERVED TO CONFIRM THE OBVIOUS. AT TRIAL KOCK'S EXPERT TESTIMONY AFFIRMED THAT ISOLATION IN SMU II CAUSES A DETRIMENTAL PATHOLOGICAL EFFECT ON THE INMATE. KOCK HAS BEEN CONFINED TO SMU II FOR 5 1/2 YRS THIS CLEARLY IS LONG ENOUGH TO TRIGGER A LIBERTY INTEREST. SEE COLON V. HOWARD, 215 F. 3D 227, 230-32 (2D CIR. 2000) (DISCUSSING CASES & HOLDING THAT 30 DAY CONFINEMENT SATISFIED THE SANDIN STANDARD). SHOATS V. HORN, 213 F. 3D 140, 143-44 (3D CIR. 2000) (HOLDING THAT SEG. FOR 8 YRS TRIGGERED DUE PROCESS RIGHTS). FURTHERMORE, KOCK WILL REMAIN IN SMU II INDEFINITELY. SEE SEALEY, 197 F. 3D AT 586 ("ESPECIALLY HARSH CONDITIONS ENDURED FOR A BRIEF INTERVAL & SOMEWHAT HARSH CONDITIONS ENDURED FOR A PROLONGED INTERVAL MIGHT BOTH BE ATYPICAL"). SANDIN, 515 U.S. AT 484, 115 S. CT. 2293. SEE SHOATS, 213 F. 3D AT 144 ("WE HAVE NO DIFFICULTY CONCLUDING THAT 8 YRS IN ADMINISTRATIVE CUSTODY, WITH NO PROSPECT OF IMMEDIATE RELEASE IN THE NEAR FUTURE, IS 'ATYPICAL' IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE"). JUDGE GILMAN IN HIS CONCURRING OPINION IN A SIXTH CIRCUIT CASE, JONES V. BAKER, OBSERVED THAT CONFINEMENT IN ADM. LOCKDOWN FOR A PERIOD OF OVER TWO & A HALF YRS "IS CLEARLY A RARE OCCURRENCE." THE COURT IN MORRIS V. TRAVISANO REFERRED TO CONFINEMENT OF AN INMATE IN SEG. FOR A PERIOD OF 7 YRS WITHOUT ANY SYSTEMATIC PLAN FOR REHABILITATION AS "THE EPITOME OF WAREHOUSING." & THEREFORE SUFFICIENT TO GIVE RISE TO A LIBERTY INTEREST. IN A RECENT UNPUBLISHED DECISION, THE 5TH CIR. SUGGESTED THAT A 10-YR. CONFINEMENT IN EXTENDED LOCKDOWN GIVES RISE TO A LIBERTY INTEREST. AT LEAST ONE COURT WITHIN THE 5TH CIR. HAS GONE EVEN FURTHER THAN THE THIRD CIR. IN SHOATS & THE 5TH CIR. IN COLGROVE. IN BEENE V. HAMMER, 2003 WL 21673456, 4 (N.D. TEX. JULY 15, 2003). THE COURT HELD THAT EVEN A 6-MO. STAY IN LOCKDOWN COULD GIVE RISE TO A LIBERTY INTEREST. WILKERSON, SUPRA, 329 F.3D AT 435. SINCE PLAINTIFFS IN PRESENT MATTER ALLEGE THAT THE APPROXIMATELY 120 LOCKDOWN REVIEWS AFFORDED THEM BY LSA STAFF WERE SHAM PROCEEDINGS, IT IS WORTH NOTING THAT THE PLAINTIFF IN KELLY ALSO RECEIVED MONTHLY EVALUATIONS REGARDING HIS CONFINEMENT IN ADM. SEG. HOWEVER, THE APPEALS COURT AFFIRMED THE DISTRICT COURT'S HOLDING THAT THE MONTHLY EVALUATIONS WERE MERE SHAMS & WERE OF NO PRACTICAL VALUE TO THE INMATE INVOLVED. NOTABLY, KELLY WAS ONLY IN ADM. SEG. FOR APPROXIMATELY 3 YRS, VERSUS 28 TO 33 YRS FOR THE PRESENT PLAINTIFFS. PAGE 2 (3)

BP-229 RESPONSE

Case Number: 406466-F1

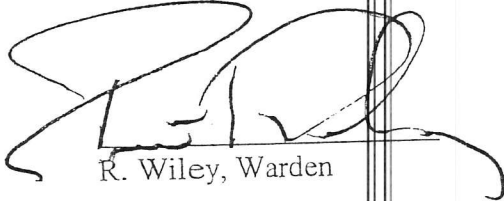
Name: SILVERSTEIN, Thomas

Register Number: 14634-116

Your Request for Administrative Remedy dated March 3, 2006, and received in this office March 13, 2006, has been reviewed. You claim you are unfairly housed in Segregation. You request to be placed in General Population.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed you are properly confined in the Special Housing Unit at ADX Florence. Specifically, given your violent history, you are not appropriate for placement in General Population. However, you are scheduled for a semi-annual review in June of this year. At the review, you may make your request for General Population if you so desire. You will not be released from the Special Housing Unit to General Population at this time.

Accordingly, your Request for Administrative Remedy is denied. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of this response by submitting a BP-230(13) 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.



R. Wiley, Warden

MAR 21 2006

Date

4

44

Federal Bureau of Prisons

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

From: SILVERSTEIN, THOMAS, E.14634-1162FLORENCE

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL AS TYPICAL FOR THE PAST 23 YRS. THIS ADMINISTRATION (BOP) CONTINUES TO JUSTIFY MY SEVER ISOLATION BASED ON MY HISTORY. BUT IGNORES THE COURT RULINGS I'VE CITED ALONG WITH MY 19 YR. CLEAN CONDUCT PAST. THE WARDEN DECIDED TO PASS THE WHIP OF PUNISHMENT / RESPONSIBILITY ONTO THE REGIONAL DIRECTOR, WHO WILL PREDICTABLY FOLLOW SUIT. SO THE QUESTION IS, WHEN EXACTLY WILL MY EXEMPLARY RECORD BE CONSIDERED & AT WHAT POINT IN TIME WILL I BE RELEASED FROM SOLITARY CONFINEMENT, OR IS IT A MUTE POINT SINCE IT DOESN'T MATTER TO PRISON OFFICIALS HOW GOOD MY BEHAVIOR IS, I'M NOT GETTING OUT OF ISOLATION & IF THIS BE THE CASE, IT'S RATHER INAPT & COUNTER PRODUCTIVE OF THIS ADMINISTRATION TO TORTURE ME FOR GOOD CONDUCT, RATHER THAN ENCOURAGE IT WITH MORE PRIVILEGES. ON THE CONTRARY, AS STATED EARLIER IN B.P. 9 MY TREATMENT SITUATION WENT FROM BAD TO WORST SINCE MY TRANSFER FROM U.S.P. LVN. TO FLORENCE MAX. WHAT ALL I EARNED THE PAST 23 YRS WAS IMMEDIATELY CONFISCATED. RECENTLY THEY WENT TO THE EXTREME OF ACTUALLY BUILDING A DOOR BETWEEN THE ONLY OTHER PRISONER ON THIS FOUR BOX CAR CELL TRIER THAT I AM CONFINED ON HE HAS BEEN THE ONLY PRISONER I'VE BEEN ABLE TO SPEAK WITH SINCE 1983 ALTHOUGH WE CAN'T SEE EACH OTHER THAT PREVENTS US FROM SHOUTING TO EACH OTHER. WHICH I SUSPECT IS THE DIABOLICAL INTENT! THIS ALL SHOWS THEY'RE SERIOUSLY NOT CONCERNED WITH ANY LEGITIMATE PENOLOGICAL INTEREST. THIS REFLECTS AN OBVIOUS ABUSE OF ADMINISTRATORS AUTHORITY / DISCRETION & A RETALIATORY VENDETTA THAT WAS BOOSTED ABOUT BY ONE BOP OFFICIAL PUBLICLY AS STATED IN MY BP 9.
AS FOR MY SO-CALLED "SEMI-ANNUAL 6 MO. REVIEWS" THEY'RE AN OBVIOUS SHAM. THERE AREN'T ANY MEANINGFUL STANDARDS TO DETERMINE WHETHER I CAN BE RELEASED INTO THE GENERAL POPULATION. IT'S JUST A FUTILE PROCESS EVIDENT BY MY CLEAN RECORD V. MY CURRENT TREATMENT-CONFINEMENT FOR PRISONCRATS TO USE-MISUSE IN ORDER TO DISGUISE THEIR MALTREATMENT. GIVING THE FALSE ILLUSION IT'S OK TO CONTINUE WHAT THEY ARE JUST CUZ THEY "REVIEW" TWICE YEARLY. WHAT DOES THESE "REVIEWS" CONSIST OF? WHO EXACTLY HAS THE POWER TO RELEASE & WHAT MORE CAN I DO THAT I'VE NOT ALREADY DEMONSTRATED WITH 18 LONG YRS GOOD BEHAVIOR. THE WARDENS AT OGRANTED ME MORE PRIVILEGES THROUGH THE YRS THAT I NEVER VIOLATED. YET THEY WERE ARBITRARILY MALICIOUSLY TAKEN FROM ME. I CHARGE "MALICIOUSNESS" DUE TO THE IRREFUTABLE FACT
4-1-06 DATE U.S.P. LEAVENWORTH Thomas E. Silverstein SIGNATURE OF REQUESTER ONE OF TWO

Part B - RESPONSE

PAGES

APR 10 2006

MAY 1 2006

DATE

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

SEE ATTACHED RESPONSE

CASE NUMBER: 406466-R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

USP LVN



PRINTED ON RECYCLED PAPER

BP-230(13)
JUNE 2002

INSTEAD OF MOVING ME TO WHERE I COULD MAINTAIN MY EARNED STATUS, WITH ~~GOOD~~ GOOD BE-
HAVIOR. HOWEVER, I WAS EXILED UNEXPECTEDLY TO ONE OF THE MOST SECURE / REPRESSIVE CELLS/
UNITS AT FLORENCE. IF NOT THE WORST IN THE BOP. AS MY "HISTORY" + THE BOP RHETORIC THAT AC-
COMPANIES IT, SPARE ME THE SENSATIONALIZED (PARASITIC) HYDE USED TO CREATE A MONSTER,
IN ORDER TO JUSTIFY ATROCIOUS ISOLATION. TRUTH BE TOLD, THIS COVERING BODY HAS RELE-
ASED FAR DANGEROUS + DESPICABLE PRISONERS TO THE STREET + LESS SECURE PRISONS WHO
HAVE INFORMED ON OTHERS FOR BOP + GOVT. AGENTS, PROSECUTORS, THAN ME. SO MY CRIMINAL HIST-
ORY SHOULD NOT BE THE SOLE DETERMINING FACTOR. NOR SHOULD BOP ADMINISTRATORS BE ABLE TO IN-
GLE ME OUT FOR PERSONAL RETRIBUTION SINCE THEY CAN'T KILL ME. CONTRARY TO INFORMERS WHO
GET WHAT THEY WANT SQUEALING. I EARNED WHAT I GOT THE OLD FASHION WAY... W/ GOOD BEHAVI-
OR. SO I APPRECIATE IT MORE. AFTER 23 YRS I THINK BOP OFFICIALS WOULD HAVE FOUND A NEW
BOOGIE - MAN TO FEAR + CRUCIFY BY NOW. IT'S RATHER PATHETIC THE WAY THEY STILL ACT LIKE
FETTERED SCHOOL GIRLS OF A 54 YR. OLD MAN. AS THOUGH THE SLIGHTEST INCH OF FREEDOM I
GET I'LL HARM SOMEONE. EVEN FURTHER FRUSTRATING, THIS IS DECIDED BY PEOPLE I DON'T
EVEN KNOW. + JUDGE ME BASED ON SOMETHING I DID 23 YRS AGO. I HAVE A CLUE WHO I AM
TODAY NOR SHOULD I BE HELD ACCOUNTABLE FOR OTHERS FEAR + PARANOIA. I'VE NOT THREA-
ENED ANYONE NOR WANT TO SINCE 1983. I SHOULD BE JUDGED ON MY CURRENT BEHAVIOR.
THE MAN I AM TODAY NOT WHO I WAS + DID A LIFE TIME AGO. ALTHOUGH I TAKE FULL RESPO-
NSIBILITY FOR MY ACTIONS. I JUST OBJECT TO THE TORTUOUS ISOLATION I'VE BEEN SUBJECTED
TO FOR 2 DECADES AS THOSE IN CHARGE CONTINUE TO FULFILL THEIR THREAT TO MAKE MY LIFE
A LIVING HELL. THE COURT HAS ALREADY SENTENCED ME TO "LIFE". IT'S NOT BOP'S DUTY TO
PUNISH ME. PRISON IS PUNISHMENT.
KELLY V. BREWER CITE AS 378 F. SUPP. 447 (1974) KELLY KILLED A PRISON GUARD PG. 455. IT IS
FURTHER DECLARED THAT THE PLAINTIFF CONTINUE CONFINEMENT IN "INDEFINITE"
TE A.D. SEC. ~~IS~~ IS IN VIOLATION OF HIS RIGHT TO "DUE PROCESS" UNDER THE 14 AMENDMENT
TO THE U.S. CONSTITUTION GIVEN THERE IS NO MEANINGFUL REVIEW UNDER APPROPRIATE
STANDARDS TO DETERMINE WHETHER THE PLAINTIFF REMAINS A THREAT TO THE SECURITY
OF THE INSTITUTION + THUS BE CONTINUED IN "INDEFINITE A.D. SEC."
PG. 455 IT IS ORDERED, ADJUDGED + DECREED THAT MEANINGFUL STANDARDS BE DEVELOP-
ED TO DETERMINE + REVIEW THE ISSUES RELATING TO PLAINTIFFS "INDEFINITE A.D. SEC." + THAT THE
PLAINTIFF BE GIVEN PROPER PERIODIC HEARINGS UNDER THESE STANDARDS TO DETERMINE WHEN
THEY CAN BE RELEASED INTO THE GENERAL POPULATION. 42 U.S. CA. 1983. U.S. CA. CONST. A
MEND. 14. 28 U.S. CA. 1343 (3). CASES ON CRUEL + UNUSUAL PUNISHMENT IS CONTAINED IN ST. A.
R. 3d 111. PG. 449. 2. THE COURT OF COURSE IS NOT INTERESTED IN A GAME OF SEMANTICS BUT ONLY
IN THE CONDITIONS OF CONFINEMENT NO MATTER WHAT IT IS LABELED BY PRISON ADMINISTRATION.
ORS. SINCE I KNOW HOW PRISONERS LIKE TO DISGUISE THEIR SADISTIC TORTURE (ISOLATION CELLS, PG.
449. 3. THIS WAS A FORM OF RETRIBUTION + PUNISHMENT BY THE PRISON STAFF AGAINST THIS INMATE BEFORE HIS TRIAL + CONVICT-
ION. JURISDICTION OF SECTION 1983 + TITLE 28 USC, SECTION 1343(3). THIS CAUSE OF ACTION IS CONFERRED UPON THIS
COURT BY TITLE 42 U.S.C. PG. 451. 12. DR. STEPHAN FOX, A PSYCHOLOGIST EMPLOYED BY THE UNIV. OF IOWA, HAS STUDIED THE EFFECTS
OF THIS TYPE OF CONFINEMENT UPON PRISONERS + HAS CONCLUDED THAT SOLITARY CONFINEMENT CAUSES + PHYSICAL EFFECTS
DEPRIVATION RESULTING FROM SUCH CONFINEMENT CAN HAVE EXTREMELY HARMFUL PSYCHOLOGICAL + PHYSICAL EFFECTS
UPON THE PERSON INVOLVED. POSSIBLE DELETERIOUS EFFECTS INCLUDE LOSS OF SELF CONCEPT, DISORIENTATION, DEPER-
SONALIZATION (UNREALISTIC INTERACTION W/ OTHERS), DEPRESSION, FRUSTRATION, DISTRUST OF OTHERS, LACK OF PRO-
DUCTIVITY, + RETARDED PERSONAL GROWTH. (PLAINTIFF, EX. 4) PG. 451. 13. THE PLAINTIFF IS BEING HELD INDEFINITELY
IN HIS PRESENT STATUS W/ NO HOPE OF ENTERING THE GENERAL POPULATION UNLESS HE MEETS CERTAIN UNDEFINED CRIT-
ERIA OF DEFENDANT WARDEN BREWER. THE TESTIMONY AT TRIAL IN THIS CAUSE SHOWED THIS REVIEW TO HAVE BEEN A
SHAM + A MEANINGLESS EXERCISE. THERE ARE NO STANDARDS OF REVIEW TO WHICH THE PRISONER CAN DIRECT
HIMSELF TO ATTEMPT TO SHOW HIS FITNESS FOR RELEASE INTO GENERAL POPULATION. PG. 454. 17. THERE IS NO DOUBT
THAT THE "CONCLUSIVE" OR "IRREBUTTABLE" PRESUMPTION IS DISAVOWED IN THE LAW. STANLEY V. ILLINOIS. 405 U.S.
645. 657. 925. CT. 1208. 31 L. ED 551 (1972). BELL V. BURSON. 402 U.S. 535. 915. CT. 1586. 29 L. ED. 2d 90 (1971). U.S. DEPT. OF
AGRICULTURE V. MURRY. 313 U.S. 308. 35 CT. 2832. 37 L. ED. 2d 767 (1973). VLANDIS V. KLINE. 412 U.S. 441. 93 S. CT. 2230. 37 L. ED. 2d 63.
(1973). CLEVELAND BOARD OF EDUCATION V. LE FLEUR. 414 U.S. 632. 94 S. CT. 791. 799. 39 L. ED 52 (1973). PG. 451. 17. THE QUESTION
OF WHAT CONSTITUTES CRUEL + UNUSUAL PUNISHMENT HAS BEEN BEFORE THE EIGHTH CIRCUIT MANY TIMES. ONE OF THE
LEADING CASE IS JACKSON V. BISHOP. 404 F. 2d 511 (8th CIR. 1968). ALSO SHARP V. SIBLER. 408 F. 2d 966 (8th CIR. 1969). BURNS V.
SWENSON. 430 F. 2d 772 (8th CIR. 1970). HARRIS V. SETTLE. 322 F. 2d 908 (8th CIR. 1963). KNECHT V. GILLMAN. 488 F. 2d 1136 (8th CIR.
1973). WRIGHT V. MC MAYN. 387 F. 2d 519 (2d CIR. 1967). O'BRIEN V. MORIARTY CITE AS 489 F. 2d 941 (9th CIR. 1974) PG. 944. 18. A PUNISH-
MENT NOT ALWAYS FORBIDDEN MAY VIOLATE THE EIGHTH AMENDMENT IF IN THE CIRCUMSTANCES, IT IS EXTREMELY DISPRO-
PORTIONATE, ARBITRARY OR UNNECESSARY. FURMAN V. GEORGIA. SUPRA. 408 U.S. AT 238. 239. 925. CT. 2726. BRENNAN
AN J. CONCURRING) IMPOSED IN APPROPRIATELY, OR FOR TOO LONG A PERIOD, EVEN THE PERMISSIBLE FORMS
OF SOLITARY CONFINEMENT MIGHT VIOLATE THE EIGHTH AMENDMENT. CASES UPHOLDING INSTANCES OF S.C. INVOLVE
MOST OFTEN ITS IMPOSITION AS A SHORT-TERM PUNISHMENT FOR DISCIPLINARY INFRACTIONS. PG. 944. 19. A PUNISHMENT
MAY BE SO BELOW CIVILIZED NORMS AS TO BE CRUEL + UNUSUAL NO MATTER WHAT ITS PROVOCATION, OR IT MAY BE CRUEL + UNUSUAL
BECAUSE EXTREMELY DISPROPORTIONATE TO THE OCCASION. SEE FURMAN V. GEORGIA. 944. 19. III. FACING "COMPLICATED + COMBUSTIBLE SITUATIONS EACH DAY," PRISON OFFICIAL MUST BE FREE TO
MAKE A WIDE RANGE OF DECISIONS. MUCH MUST BE LEFT TO THEIR GOOD FAITH DISCRETION. PALMIGIANO V. BAXTER. 487 F. 2d 1280. AT 1283 (1st CIR. 1973). MILLER RX REL JONES V. STEWART CITE AS 231 F. 3d 1248 (9th CIR. 2000) [3] PG. 12.
2. BOTH EXPERTS STATE THAT IT IS WELL ACCEPTED THAT CONDITIONS SUCH AS THOSE PRESENT IN THE SMUIZ WHERE MILLER IS HOUSED CAN CAUSE PSYCHOLOGICAL DECOMPENSATION TO THE POINT THAT INDIVIDUALS MAY BE
COME INCOMPETENT. THE DOCTORS WHO PREVIOUSLY FOUND HIM COMPETENT TO WAIVE COUNSEL NOW RAISE SE-
RIOUS QUESTIONS REGARDING HIS COMPETENCY TO MAKE THE DECISION TO DIE. IN ADDITION, JULIE HALL, COUN-
SEL FOR THE AZ. CAPITAL REPRESENTATION PROJECT, HAS SUBMITTED A DECLARATION STATING THAT MIL-
LER TOLD HER HE WAS WILLING TO PAY W/ HIS LIFE TO ESCAPE THE CONDITIONS OF SMUIZ. HALL HAS BEEN IN REGULAR
COMMUNICATIONS W/ MILLER. ATTESTS THAT MILLER'S MENTAL STATE HAS DECLINED. HE HAS BECOME INCREASINGLY DEPRESSED,
+ HE HAS RESIGNED HIMSELF TO DYING. IN JULY OF THIS YR. MILLER SUFFERED AUDITORY HALLUCINATIONS. FIN-
ALLY, THIS COURT IN COMER'S RECOGNIZED THE HARSH CONDITIONS OF DEATH ROW IN ARIZONA + ITS POSSIBLE EFFECTS
ON THOSE WHO LIVE THERE. + ON THAT BASIS ORDERED AN EVIDENTIARY HEARING. SEE COMER V. STEWART. 215 F. 3d
910. 916 (9th CIR. 2000) *WE + OTHER COURTS HAVE RECOGNIZED THAT PRISON CONDITIONS REMARKABLY SIMILAR
TO MR. COMER'S DESCRIPTIONS OF HIS CURRENT CONFINEMENT CAN ADVERSELY AFFECT A PERSON'S MENTAL HEALTH.
MR. COMER WAS ALSO CONFINED IN SMUIZ. PG. 1254. 41. DOCTORS MORENO + MORRIS ARE NOT STRANGERS TO MILLER.
KNOW HIS TROUBLED HISTORY + THEIR SPECULATION AS TO THE POTENTIAL FOR ADVERSE EFFECTS OF INCARCERA-
TION IN SMUIZ FINDS SUPPORT IN THIS COURT'S OWN ASSESSMENT OF THAT FACILITY IN COMER V. STEWART. 215 F.
3d 910. 917-18 (9th CIR. 2000). MOREOVER, HIS DECISION TO ABANDON HIS APPEALS ONCE HE ENTERED SMUIZ SUG-
GEST THE CONDITIONS OF CONFINEMENT MAY INDEED HAVE ADVERSELY AFFECTED HIS MENTAL STATE.

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional Administrative Remedy Appeal
Part B - Response

Admin Remedy Number: 406466-R1

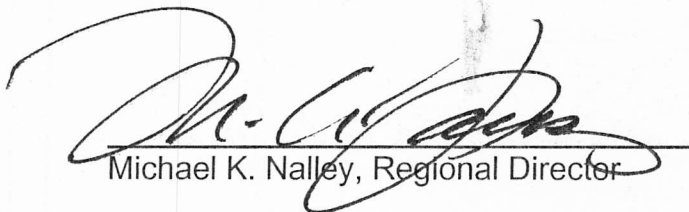
This is in response to your Regional Administrative Remedy Appeal dated April 1, 2006, in which you appeal your housing status. Specifically, you contend your indefinite status in solitary confinement is unfair. You request to be placed in General Population.

We have reviewed your appeal. Your confinement in the Special Housing Unit is deemed appropriate based on your repetitive history of institution violence and the need for extreme security conditions. Your housing conditions are not considered indefinite as your status is thoroughly reviewed every six months by institution and Regional Office staff, and annually by agency Executive Staff. Your extensive history of clear conduct is noted and is taken into consideration during your semi-annual reviews at the institution and annual review by executive staff.

Based on the above, your Regional Administrative Remedy Appeal is denied.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

4/17/06
Date


Michael K. Nalley, Regional Director

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional

Admin Remedy

R1

This is in response to your appeal of your housing status. Specifically, you contend your indefinite status in solitary confinement is unfair. You request to be placed in General Population.

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PLEASE NOTE:

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.

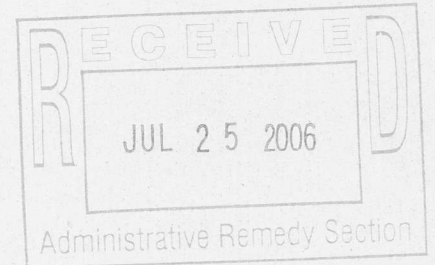
From: SILVERSTEIN THOMAS E 14634-116 7 FLORENCE
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL THE REJECTION NOTICE DATED JUNE 26TH 06 SAYS MY APPEAL #406466A-1 IS "UN-TIMELY" BECAUSE IT MUST BE RECEIVED WITHIN 30 DAYS OF THE REGIONAL DIRECTOR'S RESPONSE. I MAILED IT FIVE DAYS BEFORE THE TIME LIMIT EXPIRED, SO I SHOULD'NT BE HELD ACCOUNTABLE FOR HOW LONG MAIL TAKES TO REACH ITS DESTINATION. THIS SERVES AS IRREFUTABLE EVIDENCE, THAT IS USUALLY HARD TO PROVE. VIA MY CONSTANT COMPLAINTS, THAT MY MAIL TAKES 15 TO 30 DAYS TO BE PROCESSED, WHICH IS EVIDENT IN MY APPEAL'S FILE. #390753F-1, 357892-FI, 387892-FI, 390753-FI. THE ADMINISTRATIVE RESPONSE IS ALWAYS THE SAME. "DELAYS IN THE RECEIPT OF YOUR MAIL CANNOT BE ATTRIBUTED TO STAFF INTENTIONALLY DELAYING YOUR MAIL. ALSO, KEEP IN MIND THAT STAFF DO NOT HAVE CONTROL OVER THE POSTAL SERVICE PROCEDURES IN PROCESSING MAIL FROM ONE DESTINATION TO ANOTHER." KNOWING HOW SLOW MY MAIL PROCESS IS, I WOULD HAVE POSTED IT SOONER IF POSSIBLE, BUT THIS REVEALS ANOTHER PROBLEM I HAVE. I'M NOT ALLOWED TO GO TO THE LAW LIBRARY SO HAVE TO ORDER MY 3 BOOK LIMIT ONCE WEEKLY. I HAVE TO RETURN THEM IN 24 HRS, SOME TIMES THEY DON'T DELIVER THE BOOKS ON TIME & MISS A WEEK. THE ENVELOPE THAT I SENT MY APPEAL IN WAS'NT RETURNED W/ THE REJECT NOTICE SO EM UNABLE TO PROVE WHEN IT WAS POSTED. I NOTICE THE REJECTION NOTICE IS DATED JUNE 19TH 06. BUT WAS'NT RECEIVED AT ADX UNTIL JUNE 26TH 06. EVEN INSTITUTIONAL MAIL BETWEEN ADMINISTRATIONS IS SLOW. THE TIME LIMIT SHOULD START WHEN POSTED, NOT RECEIVED, SINCE WE HAVE NO CONTROL OVER THE POSTAL SERVICE PROCEDURES IN PROCESSING MAIL. FOR REASONS HEREIN, I REQUEST THAT MY APPEAL BE EXCEPTED & A FRUITFUL DISPOSITION BE GRANTED- THANKU!

7/10/06
DATE

Thomas E Silverstein
SIGNATURE OF REQUESTER

Part B - RESPONSE



DATE

GENERAL COUNSEL

FIRST COPY: WASHINGTON FILE COPY

CASE NUMBER: 406466

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

AUG 07 2006

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: AUGUST 1, 2006

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : THOMAS EDWARD SILVERSTEIN, 14634-116
FLORENCE ADMAK USP UNT: H QTR: Z13-030L
PO BOX 8500
FLORENCE, CO 81226

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 406466-A2 CENTRAL OFFICE APPEAL
DATE RECEIVED : JULY 25, 2006
SUBJECT 1 : HOUSING ASSIGNMENT (EXCEPT SPECIAL HOUSING UNITS)
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. CENTRAL OFFICE APPEALS
MUST BE RECEIVED WITHIN 30 DAYS OF THE REGIONAL
DIRECTOR'S RESPONSE. THIS TIME LIMIT INCLUDES MAIL TIME.

REJECT REASON 2: SEE REMARKS.

REMARKS : AS PREVIOUSLY STATED YOU NEED STAFF VERIFICATION ON
BOP LETTERHEAD DOCUMENTING THAT THE UNTIMELY FILING
OF THIS APPEAL WAS NOT YOUR FAULT.

9

PLEASE NOTE:
Federal Bureau of Prisons

THIS IS TO APPEAL THE REJECTION NOTICE FOR "UNTIMELY" #406466A-1

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: SILVERSTEIN THOMAS E 14634-116 Z FLORENCE
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

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7/10/06
DATEThomas E. Silverstein
SIGNATURE OF REQUESTER**Part B - RESPONSE**

DATE

GENERAL COUNSEL

SECOND COPY: REGIONAL FILE COPY

CASE NUMBER: 406466**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