

REC

FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Inmate Name: SILVERSTEIN
Unit: D

Reg. No. 14634-116
Date: 4-27-11

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, BP-229(13), you must attempt to informally resolve your complaint through your Correctional Counselor. Please follow the three steps listed below:

1. State your complaint: MAKING ME REC. ALONE FOR INDOOR + OUTDOOR REC.

(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: I SPOKE W/ 3 UNIT CO'S, + MS. SUDLOW, WHO SAID THEY'RE JUST FOLLOWING ORDERS THEY GOT IN A MEMO. SINCE THEY LACK THE AUTHORITY TO DO ANYTHING, IT'S MEANINGLESS TO TRY + RESOLVE ANYTHING W/ THESE I'M SUPPOSED TO CONTACT REGARDING SAID ISSUES.
3. State what resolution you expect: TO REC. W/ OTHERS, + BE ABLE TO TALK + CARRY ON CONVERSATIONS W/ OTHERS ON MY RANGE + IN THE UNIT.

Inmate's Signature: Thomas E. Silverstein Date: 4-27-11

Correctional Counselor's Comments (Steps to Resolve): A REVIEW OF YOUR COMPLAINT HAS BEEN CONDUCTED. YOU ARE CURRENTLY BEING AFFORDED RECREATION APPROPRIATELY WITH THE SAFETY AND SECURITY NEEDS OF BOTH INMATES AND STAFF BEING FULLY MET.

Counselor's Signature: [Signature] Date: 5-5-11
Unit Manager's Review: [Signature] Date: 5-6-11
Informally Resolved: _____ Date: _____

| | BP-8 ISSUED | BP-8 RETURNED | BP-9 ISSUED | BP-9 RETURNED | REMEDY CLERK |
|-----------|-------------|---------------|-------------|---------------|--------------|
| DATE | 4-27-11 | 4-28-11 | 5-9-11 | 5-10-11 | ① |
| TIME | 7:08 | 7:01 | 8:15 | 12:28 | |
| COUNSELOR | 8 | 8 | 8 | 8 | |

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

From: SILVERSTEIN, THOMAS, E.
LAST NAME, FIRST, MIDDLE INITIAL

14634-116
REG. NO.

D
UNIT

FLORECE
INSTITUTION

Part A- INMATE REQUEST

BPB STATES "YOU ARE CURRENTLY BEING AFFORDED REC. APPROPRIATELY W/ THE SAFETY & SECURITY NEEDS OF BOTH INMATES & STAFF BEING FULLY MET." IT'S INAPPROPRIATE TO FORCE ME TO REC. ALONE. I WAS SUPPOSEDLY MOVED FROM A ISOLATION CELL ON RANGE 13 TO C.P. TO INTERGRADE W/ OTHERS. WHICH I'VE DONE, SUCH AS ITB FOR 2 YRS WITHOUT INCIDENT SO WHY AM I SUDDENLY PUNISHED W/ ISOLATION? IF I'M SUPPOSED TO BE SEPARATED FROM SOME ONE(S) WHY WAS I ABLE TO REC. W/ THEM BEFORE THIS. SINCE THESE SAME PEOPLE ARE HERE, I REALIZE ADX ADMINISTRATORS NEVER SPENT A DAY IN A CELL, MUCH LESS 36 YRS AS ME, SO GIVEN THEIR UNEMPATHIC REPLY, THEY'RE EITHER TOO INCOMPETENT TO REALIZE THE PSYCHOLOGICAL-EMOTIONAL EFFECTS OF BEING ISOLATED & ADMINISTRATIVELY OSTRACIZED & TREATED AS A LEPER OR IT'S DELIBERATE INDIFFERENCE / INTENTIONAL WHICH HARDLY CONSTITUTES SOUND CORRECTIONAL JUDGMENT, NOR SEVERS A LEGIT PENAL INTEREST. I WASN'T GIVEN NOTICE, NOR AFFORDED A HEARING TO ADEQUATELY CONTEST THIS PUNITIVE ACTION. UPON SEEKING TO RESOLVE THIS THROUGH THE ADM. REMEDY PROCESS, I'M GIVEN THE USUAL AMBIGUOUS THAT IT'S "APPROPRIATE" REPLY. WHAT SAFETY & SECURITY OF BOTH PRISONERS & STAFF ARE IN DANGER NOW, THAT WASN'T BEFORE? THIS PROVES NO MATTER HOW WELL I DO, I'M SUBJECTED TO THE WHIMS OF UNPROFESSIONAL ADX STAFF WHO PUNISH ME W/OUT EVIDENCE OF WRONG DOING, WHICH I PERCEIVE AS AN ACT OF MALICIOUS, SADISTIC, & REVENGERFULNESS. IF NOT, WHY AM I THE ONE ISOLATED & NOT THEM? I DIDN'T ASK TO BE SEPARATED, NOR HAVE A CONFLICT W/ ANYONE, SO SHOULD'NT THOSE ON A.C. STATUS BE THE ONE ISOLATED. WHY WAS I PUT ON A RANGE & IN A UNIT WHERE THE ADM. KNEW I HAD TO BE KEPT AWAY FROM CERTAIN PEOPLE? WHY IS MY 22 YR. CLEAN CONDUCT CONTINUALLY IGNORED WHILE THIS FABRICATED ADM. HOGWASH IS INSTIGATED? THIS UNSUBSTANTIATED ADM. REPLY REVEALS A RETALIATORY CAUSATION & THE UNSOUND CORRECTIONAL JUDGMENT OF THOSE IN CHARGE WHOSE MESSAGE IS LOUD & CLEAR. IT DOESN'T MATTER HOW WELL I DO, IT'S ALL FOR NOWT. SINCE THEY'VE RAN OUT OF LEGIT REASONS TO CONTINUE PUNISHING ME, THEY'VE RESORTED TO THIS RIDICULOUS & TRANSPARENT "APPROPRIATE" PLOY. I REQUEST THAT EACH OF MY QUESTION'S BE ANSWERED. BUT DOWDT THEY WILL BE SINCE THERE'S NO LEGIT FACTS - EVIDENCE TO JUSTIFY THE "APPROPRIATENESS" FOR PUNISHING ME & THOSE DOING IT IS EITHER TOO INCOMPETENT OR, & SADISTIC TO REALIZE, CARE THAT ISOLATION IS PUNISH. & HARMFUL, ESPECIALLY WHEN I'VE DONE NOTHING TO DESERVE IT. WHICH DOESN'T MATTER DOES IT'S

Thomas E. Silverstein

SIGNATURE OF REQUESTER

DATE

Part B- RESPONSE

RECEIVED

MAY 12 2011

ADX AW Office

REC ALONE
complete

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: 639210-FI

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



BP-229 RESPONSE**Case Number: 639210-F1**

Your Request for Administrative Remedy dated May 9, 2011, and received in this office May 12, 2011, has been reviewed. Your request to be removed from "recreation alone" status.

A review of the issues raised in your Request for Administrative Remedy has been conducted. The results revealed you are not on "recreation alone" status and are provided recreation in accordance with all policies and procedures.

Accordingly, your Request for Administrative Remedy is for informational purposes only. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date 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.



Blake R. Davis, Warden

Date

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. 14634-116 D FLORENCE
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL *I REITERATE MY B.P.9 COMPLAINT. PLEASE NOTE THAT MY QUESTIONS WERE NOT ANSWERED AS EXPECTED. THE WARDEN LIED SAYING "YOU ARE NOT ON REC. ALONE" STATUS. IT MAY NOT BE OFFICIALLY CALLED THAT, BUT IT'S A FACT, WHICH LOG RECORDS & THE NOTICE ISSUED TO STAFF TO KEEP ME AWAY FROM CERTAIN PROTECTIVE CUSTODY INMATES PROVES. I GAVE A "COPY" TO THE UNIT MGR. REQUESTING A COPY OF SAID NOTICE TO INCLUDE WITH THIS, BUT SHE SAID I HAD TO GO THROUGH THE CHARGE COMMAND. I KNOW OF NO SUCH POLICY. I ALSO SENT A "COPY" TO MY CASE MGR. & SHE SAID I HAVE TO WRITE THE FREEDOM OF INFORMATION OFFICE. RECORDS & D-UNIT STAFF SHOULD SHOW I'M NOT ALLOWED IN DOOR REC. & PUT IN THE "BUBBLE" & RARELY ALLOWED IN THE REGULAR YARD. SO PUT IN THE "BUBBLE" ALONE WHEN PROTECTIVE CUSTODY INMATES REL.*

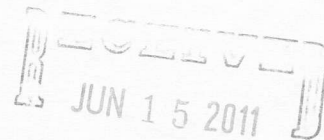
6-10-11

DATE

Thomas E. Silverstein
SIGNATURE OF REQUESTER

Part B - RESPONSE

SEE ATTACHED RESPONSE



BY: _____

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

CASE NUMBER: 639210-R1

Part C - RECEIPT

CASE NUMBER: _____

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

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



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

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 639210-R1

This is in response to your Regional Administrative Remedy Appeal received in this office on June 15, 2011, in which you claim you are being denied outside recreation privileges and are on a "rec alone" status. For relief, you request the "rec alone" status be removed and you be allowed to receive recreation on the schedule as everyone else.

We have reviewed your appeal and the Warden's response dated May 31, 2011. We concur with the manner in which the Warden addressed your concerns. Further review by this office found you are being afforded the opportunity to participate in out of cell recreation in accordance with Institutional Supplement 5321.06, General Population and Step-Down Unit Operations, and the current rotation schedule. No evidence was found to support your allegations of being denied the appropriate amount of out of cell recreation time.

Based on the above information, this response to your Regional Administrative Remedy Appeal is for informational purposes only.

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.

6/27/11
Date

Michael K. Nalley
Michael K. Nalley, Regional Director

4

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 D FLORENCE
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL *I'M NOT SURPRISED MR. NALLEY CONCURS W/ THE WARDEN IN HIS B.P.10 RESPONSE WHEN DOES HE NOT? HE STATES "YOU ARE BEING OFFERED THE OPPORTUNITY TO PARTICIPATE IN OUT OF CELL RECREATION...." AND "NO EVIDENCE WAS FOUND TO SUPPORT YOUR ALLEGATIONS OF BEING DENIED THE APPROPRIATE AMOUNT OF OUT OF CELL REC. TIME." THAT'S PROBABLY BECAUSE I DIDN'T ALLEGE OTHER WISE. PLEASE SEE MY B.P.10 + ADDRESS THE ISSUE RAISED INSTEAD OF WHAT WASN'T. THANK U!*

7/23/11

DATE

Thomas E. Silverstein

SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

AUG 03 2011

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 639210-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 No. 639210-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you complain you have been forced to have recreation alone. You contend your isolation does not serve a sound correctional purpose. You request an explanation.

A review of this matter revealed the Warden and the Regional Director adequately addressed your concerns. All inmates housed in general population at the ADX have recreation alone. You are allowed to engage in recreation in a manner consistent with the security of the institution.

Accordingly, your appeal is denied.

February 6, 2012
Date


Harrell Watts, Administrator
National Inmate Appeals

dlc