

INTERMEDIATE (J) UNIT REFERRAL

May 18, 2009

DATE

Silverstein, T. #14634-116

INMATE NAME AND REGISTER NUMBER

D
UNIT

- ☐ You have been approved for placement in the Intermediate (J) Unit. Your Unit Manager will provide you with more details regarding this placement.

- ☒ You have been denied placement in the Intermediate (J) Unit at this time because it is believed that the factors which led to your placement at ADX Florence have not been sufficiently mitigated to indicate you can function successfully in a less restrictive unit without posing a threat to the security or orderly running of the facility. We encourage you to continue participating in programming opportunities and develop a favorable rapport with staff. You will be reviewed for the Intermediate Unit again in six months providing you meet the requirements listed in Institution Supplement 5321.06G, General Population and Step-Down Unit Operations. You may appeal this decision by utilizing the Administrative Remedy Process.

J. Fox
J. Fox, Associate Warden (Programs)

Jerry Jones
Jerry Jones, Associate Warden (Operations)

Administrative Remedy Program
Attachment 1FEDERAL CORRECTIONAL COMPLEX
FLORENCE, COLORADO
INFORMAL RESOLUTION FORM

Inmate Name: Silverstein Reg. No. 14634-116
Unit: D Date: 5-28-09

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: DENIED PLACEMENT INTO J UNIT, DUE TO THE SO-CALLED BELIEF THAT THE FACTORS WHICH LED TO MY PLACEMENT AT ADX HAVE NOT BEEN SUFFICIENTLY MITIGATED ETC. I WAS TOLD THAT I WAS SENT HERE DUE TO A CUSTODY LEVEL CHANGE AT MSLUN. I WASN'T SENT HERE FOR ANY DISCIPLINARY INFRACTION. WHAT IS EXACTLY IS MEANT BY "MITIGATED"? IT'S AMBIGUOUS, SO I'D APPRECIATE CLARIFICATION + THE CRITERIA USED TO SATISFY IT SUFFICIENTLY.

(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: NONE

3. State what resolution you expect: MOVED TO J-UNIT. OR G.P. IN ANOTHER PRISON OR, + TOLD EXACTLY WHAT SPECIFICALLY IT TAKES TO BE ACCEPTED FOR TRANSFER + IF NOTHING I DO MATTERS AFTER 12 YRS CLEAN CONDUCT, THEN BE TOLD IT'S NEVER GOING TO HAPPEN, INSTEAD OF STRINGING ME ALONG FOR NOTHING.

Inmate's Signature: Thomas E. Silverstein Date: 5-28-09

Correctional Counselor's Comments (Steps to Resolve): You were denied advancement to J unit on May 18, 2009, because it is believed the factors which led to your placement at ADX Florence have not been sufficiently mitigated to indicate you can function successfully in a less restrictive unit without posing a threat to the security or orderly running of the facility.

Counselor's Signature: [Signature]
Unit Manager's Review: [Signature]
Informally Resolved: [Signature]

Date: 6-2-09
Date: 6-2-09
Date:

	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED	REMEDY CLERK
DATE	5-28-09	5-29-09	6-3-09	6-4-09	
TIME	1:34P	9:25A	630	11:12A	
COUNSELOR	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	

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

FLORENCE
INSTITUTION

Part A- INMATE REQUEST B.P.8 FAILS TO ANSWER MY QUESTION + JUST REPEATS THE STATEMENT THAT I'D LIKE CLARIFICATION ON. 12. WHAT HAVEN'T I "MITIGATED"? IT'S AMBIGUOUS. I READ THE POLICY QUOTED IN THE "INTERMEDIATE (J) UNIT REFERRAL" COPY THAT I RECEIVED + IT SAYS "AN INMATE MUST HAVE A MINIMUM OF 12 MO'S CLEAN CONDUCT" POSITIVE OVER ALL INSTITUTION ADJUSTMENT, PERSONAL HYGIENE, CELL SANITATION + APPROPRIATE INTERACTION W/ STAFF, WHICH I'VE DONE + HAVE 21 YRS CLEAN CONDUCT, FAR EXCEEDING THE MINIMUM. SINCE THE ONLY DIFFERENCE BETWEEN D-UNIT + J IS THAT I'D REC. W/ PRISONERS ON THE RANGE 1 1/2 HRS DAILY + SHOWER OUT OF THE CELL, WH- AT SECURITY CONCERN IS THERE? I'M 37 YRS OLD, HAVE LEARNED TO READ, WRITE, DRAW SINCE IMPRISONED IN 1975, WHICH CHANGED ONE'S LIFE PROSPECT THAN THOSE I HAD PREVIOUSLY. I'VE ALSO EMBRACED SPIRITUAL BELIEFS, THAT'S BASED ON NONVIOLENCE + REFRAMES FROM CRIMINALITY. AS MY 21 YRS CLEAN CONDUCT UNDERSCORES, YET MY POSITIVE CHANGES IS IGNORED WHEN I TOLD THE FACTORS WHICH LED TO MY PLACEMENT AT ADX HAVE NOT BEEN SUFFICIENTLY MITIGATED TO INDICATE I CAN FUNCTION SUCCESSFULLY IN A LESS RESTRICTIVE UNIT WITHOUT POSING A THREAT TO THE SECURITY. THIS IS NONSENSE SENSICAL GIVEN MY EXEMPLARY RECORD THE PAST 21 YRS. IT'S EQUALLY SO, FOR THEM TO CREDIT MY RESTRICTIONS UPON HOW I CONDUCT MYSELF, DENYING ~~THE~~ MORE PRIVILEGES + OPPORTUNITIES TO SOME ONE WHO'S SHOWN A CHANGE FOR THE BETTER + A DESIRE TO SUCCEED, FLIES IN THE FACE OF SOUND CORRECTIONAL JUDGEMENT, ESPECIALLY BASED ON ACTS I DID 25 YRS AGO. IT SHOWS AN INABILITY TO CONSIDER THE CIRCUMSTANCES AT THE TIME SAID ACTS WERE COMMITTED. INSTEAD OF ENCOURAGING MY CHANGE W/ ADDED INCENTIVES, I'M DENIED FURTHER OPPORTUNITIES, I.E. TRANSFERRING OUT OF ADX + ESCAPING THE STIGMATIZATION THAT ADX PRISONERS BEAR OF BEING "THE WORST OF THE WORST." THAT CONSEQUENTLY EFFECTS MY PAROLE CHANCES + DOESN'T ALLOW ME TO EXCELL. I HAVE A LIBERTY INTEREST NOT TO BE LABELED "WORST OF THE WORST" A LABEL REplete W/ INCHOATE STIGMATIZATION, BASED ON BARE ALLEGATION WHICH ARE VIGOROUSLY DENIED NOW + DEPENDS ON ACTS THAT OCCURRED 25 YRS AGO W/OUT CONSIDERATION FOR MY CLEAN CONDUCT SINCE THEN, WHICH REQUIRES SOME PROCEDURE SCRUTINY WHEN THOSE IN CHARGE OF MAKING DECISIONS CAN'T TELL ME WHAT CRITERIA THEY USE TO DECIDE WHETHER OR NOT I'VE "MITIGATED" THE FACTORS THAT LED TO MY ADX PLACEMENT. + DISMISS THE FACTORS THAT HAVE BEEN "MITIGATED" AS EXPRESSED ABOVE. IN THE CASE ~~OF MEACHUM V. FAN 427 US 215, 49~~ MEACHUM V. FAN 427 US 215, 49 LED 20451, 963 CT 2532 PRISON OFFICIALS DENIED 2 PRISONERS TRANSFER TO A MEDIUM PRISON FROM MAXIMUM SECURITY SINCE MR. DUSSAULT + MR. HATHWAY" HAS NOT MADE SIGNIFICANT USE OF PROGRAM FACILITIES AT MCI NORTH FOLK, HE HAS IN EFFECT ONLY BEEN DOING TIME" 456. YET W/ MR. ROYCE THEY SAID "APPEARS TO BE MAKING AN EFFORT TO GET HIMSELF TOGETHER W/ HELP HIS GOOD RELATIONSHIP W/ MRS. LOWENST-

6-5-09 DATE

THOMAS E. SILVERSTEIN

SIGNATURE OF REQUESTER

Part B- 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: 543420-F1

CASE NUMBER: _____

Part C- RECEIPT

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

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



RECEIVED

JUN 11 2009

ADX AW-Office

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EIN & MA. JACKSON HAS BEEN SUPPORTIVE OF THOSE EFFORTS. HIS INDILATED INTEREST IN POETRY, A VOCATION, & SCHOOL WOULD ALSO REAFFIRM HIS INTENT FOR SELF IMPROVEMENT. "WHERE AS I'M STUCK IN A CATCH 22. IF I DON'T PROGRAM & ACT UP, ITS THE EXLUSE USED TO DENY MY TRANSFER. WHEN I DO ALL THAT'S REQUIRED (FOR 21 YRS) I'M STILL PUNISHED AS A NON-COMPLIANT. FORCING ME TO JUST DO TIME. ESPECIALLY AFTER EXHAUSTING WHAT LIMITED "PROGRAMS" ADX OFFERS, W/ OVER 30 EDUCATIONAL CERTIFICATES. I'M DENIED AVOCAION: & A HOST OF OTHER REHABILITATIVE OPPORTUNITIES THAT ARE OFFERED IN OTHER REGULAR GENERAL POPULATION'S. ADX STIFES MY PROGRESS. IT DOESNT FOSTER IT. CONTRARIILY, IT CREATES SERIOUS EMOTIONAL / PSYCHOLOGICAL INSTABILITY & A SENSE OF HOPELESSNESS, WHEN THEY CONTINUE TO JUSTIFY MY STATUS BASED UPON 25 YR. OLD ACTS THAT I NO LONGER CAN EVER CHANGE OR HAVE CONTROL OVER!

SINCE PRISON OFFICIALS FAIL TO RECOGNIZE MY READINESS FOR A REPALVE FROM THE DRACONIAN CONFINEMENT IN G.P. (WHICH IS REALLY THE HOLE UNDER ANOTHER NAME) IT INDICATES THAT THEIR MOTIVE IS QUESTIONABLE & NOT PROPERLY A PART OF THE DUE PROCESS CALCULUS. 60-MES V. TRAVIS NO. 510 F2d 531, 541 (1ST CIR. 1974). WHETHER THE TRANSFER IS THOUGHT OF AS PUNISHMENT OR AS A WAY OF PRESERVING INSTITUTIONAL ORDER, THE EFFECTS ON THE INMATE ARE THE SAME & THE APPROPRIATENESS OF THE ACTION DEPENDS UPON THE ACCURACY OF THE OFFICIAL ALLEGATION OF MISCONDUCT. 520 F2d. AT 376 & 2. 460 "[A] PERSON'S LIBERTY IS EQUALLY PROTECTED, EVEN WHEN THE LIBERTY ITSELF IS A STATUTORY CREATION OF THE STATE. THE TOUCHSTONE OF DUE PROCESS IS PROTECTION OF THE INDIVIDUAL AGAINST ARBITRARY ACTION OF GOVERNMENT. DENT V. VIRGINIA, 129 US 114, 123. [32 LED 623, 95 CT 231] (1889). 461 P. 1421 US 228) "PRISON OFFICIALS TO TRANSFER HIM IS TO BE EXPECTED UNLESS IT BE ASSUMED THAT TRANSFERS ARE MUNDANE EVENTS." AS ARE NONE TRANSFERS WHEN THEY'VE BEEN EARNED.

MORALES V. SCHMIDT, 489 F2d 1335, 1338 (CA7 1973), MODIFIED ON REHEARING EN BANC, 494 F2 485 (1974). U.S. EX REL. MILLER V. TWO MEY. 479 F.2d 701, 712-713 (1973). IT DEMEANS THE HOLDING IN MORRISSEY. MORE IMPORTANTLY IT DEMEANS THE CONCEPT OF LIBERTY ITSELF- TO ASCRIBE TO THAT HOLDING NOTHING MORE THAN A PROTECTION OF AN INTEREST THAT THE STATE HAS CREATED THROUGH ITS OWN PRISON REGULATIONS. FOR IF THE INMATE'S PROTECTED LIBERTY INTERESTS ARE NO GREATER THAN THE STATE CHOOSES TO ALLOW, HE IS REALLY LITTLE MORE THAN THE SLAVE DESCRIBED IN THE 19TH CENTURY CASES. I THINK IT CLEAR THAT EVEN THE INMATE RETAINS AN UNALIENABLE INTEREST IN LIBERTY- AT THE VERY MINIMUM THE RIGHT TO BE TREATED W/ DIGNITY (NOT AS AN UNRESTRAINED MONSTER) VOID OF ALL HUMAN CONTACT) WHICH THE CONSTITUTION MAY NEVER IGNORE.

PAGE 464 "[6] A SUBSTANTIAL PORTION OF OUR POPULATION IS AFFECTED BY THE LAW IN THIS AREA. APPROXIMATELY 1.3 MILLION PEOPLE ARE AT ANY TIME SUBJECT TO CORRECTIONAL AUTHORITY (A MISNOMER FOR ADX OFFICIALS WHO FAIL TO "CORRECT" ANYONE & PREFER TO MINDLESSLY WAREHOUSE IT'S CHARGES INDEFINITELY!); UNTOLD MILLIONS HAVE CRIMINAL RECORDS.

THERE IS INCREASING DOUBT AS TO THE PROPRIETY OF TREATING THIS LARGE GROUP OF PERSONS AS, IN VARYING DEGREES, OUTCASTS FROM SOCIETY. AND THERE IS INCREASING RECOGNITION THAT SUCH TREATMENT IS NOT IN THE ULTIMATE INTERESTS OF SOCIETY. DENYING OFFENDERS ANY CHANCE TO CHALLENGE ARBITRARY ASSERTIONS OF POWER BY CORRECTIONAL OFFICIALS, & BARRING THEM FROM LEGITIMATE OPPORTUNITIES SUCH AS EMPLOYMENT, ARE INCONSISTENT W/ THE CORRECTIONAL GOAL OF REHABILITATION, WHICH EMPHASIZES THE

NEED TO INSTILL RESPECT FOR & WILLINGNESS TO COOPERATE W/ SOCIETY & TO HELP OFFENDERS ASSUME THE ROLE OF A NORMAL CITIZEN. TASK FORCE REPORT AT 82. ID. AT 713 N 23. PAGE 465 427 US 2347 IMPRISONMENT IS INTENDED TO ACCOMPLISH MORE THAN TEMPORARY REMOVAL OF THE OFFENDER FROM SOCIETY IN ORDER TO PREVENT HIM FROM COMMITTING LIKE OFFENSES DURING THE PERIOD OF HIS INCARCERATION WHILE CUSTODY DENIES THE INMATE THE OPPORTUNITY TO OFFEND. IT ALSO GIVES HIM AN OPPORTUNITY TO IMPROVE HIMSELF & TO ACQUIRE SKILLS & HABITS THAT WILL HELP HIM ~~RE~~ TO PARTICIPATE IN AN OPEN SOCIETY AFTER HIS RELEASE. WITHIN THE PRISON COMMUNITY, IF MY BASIC HYPOTHESIS IS CORRECT, HE HAS A PROTECTED RIGHT TO PURSUE HIS LIMITED REHABILITATIVE GOALS. OR AT THE MINIMUM, TO MAINTAIN WHATEVER ATTRIBUTES OF DIGNITY ARE ASSOCIATED W/ HIS STATUS IN A TIGHTLY CONTROLLED SOCIETY. IT IS UNQUESTIONABLY WITHIN THE POWER OF THE STATE TO CHANGE THAT STATUS. ABRUPTLY & ADVERSELY. BUT IF THE CHANGE IS SUFFICIENTLY GRIEVOUS, IT MAY NOT BE IMPOSED ARBITRARILY. IN SUCH CASE DUE PROCESS MUST BE AFFORDED. HOW CAN I BE AFFORDED A MEANINGFUL- LEGIT DUE PROCESS HEARING WHEN I'M NOT GIVEN A HEARING. JUST A PREPARED REVIEW FORM TO SIGN EVERY 6 MOS & THE RESULTS OF MY REQUEST FOR THE STEP DOWN PROGRAM ARE SENT VIA MAIL, AND THE DECISION MAKER'S REFUSE TO CONSIDER ANYTHING PAST 1983.

I REQUEST AN INDEPENDANT ARBITRATOR THATS UNBIASED, NOT ON BOP'S PAY ROLL & CAN RENDER A OBJECTIVE OPINION, BASED UPON MY INTIRE RECORD, NOT JUST THE UNFORTUNATE ACTS THAT OCCURRED 25 YRS AGO, AND LESS INCLINED TO REURGITATE THE MANTRA THAT I'VE HEARD FOR THE PAST TWO DECADES. WHICH IS, NO ONE HAS A CLUE WHEN THEY'LL CHANGE MY CURRENT STATUS. BUT UNTIL THEY ARBITRARILY DECIDE WHEN THAT TIME IS, I SHOULD CONTINUE TO BEHAVE, UNTIL I DIE OF OLD AGE I SUSPECT.

THANK U FOR YOUR TIME & CONSIDERATION

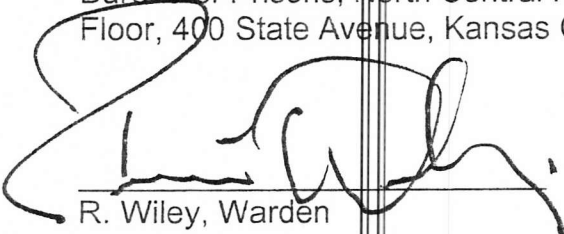
Your Request for Administrative Remedy dated June 5, 2009, and received in this office June 11, 2009, has been reviewed. Specifically, you request to be placed in the Step-Down program.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed you are appropriately housed at the Administrative Maximum (ADX) based on the factors of your initial designation indicating you require the security and controls afforded by ADX Florence. Institution Supplement 5321.06H(1), General Population and Step-Down Unit Operations, states an inmate must ordinarily have a minimum of 12 months clear conduct while housed in a General Population Unit before being considered for placement in the Step-Down Program. In addition, the most critical factors in determining an inmate's readiness to progress to and through the Step-Down Unit Program will be whether the factors, which originally led to the inmate's placement at ADX, have been sufficiently mitigated to indicate the inmate can function successfully in a less-restricted unit without posing a threat to the security or orderly running of the institution.

You were considered for advancement to J-unit in May 2009. Although you have clear conduct, good program participation, and positive rapport with staff, you were denied advancement based on the severity of your instant offenses. Specifically, you were found guilty of Armed Bank Robbery, Conspiracy to Murder, Murder of a Correctional Officer, Conveying a Homemade Knife in a United States Penitentiary, and Did with Premeditation and Malice Unlawfully Kill and Murder an Inmate at a United States Correctional Facility. Subsequently, you are currently serving a federal life sentence.

You are encouraged to continue demonstrating positive institutional adjustment by participating in available programming opportunities, and maintaining a favorable rapport with staff, as well as other inmates. You will be reconsidered for placement in November 2009.

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

JUN 29 2009

Date

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

Part A - REASON FOR APPEAL
WARDEN WILEY STATES "THE RESULTS OF THE REVIEW REVEALED YOU ARE APPROPRIATELY HOUSED AT THE ADMINISTRATIVE MAXIMUM (ADX) BASED ON THE FACTORS OF YOUR INITIAL DESIGNATION INDICATING YOU REQUIRE THE SECURITY & CONTROLS AFFORDED BY ADX FLORENCE." ACCORDING TO THIS RABID LOGIC, NO ONE SENT TO ADX SHOULD EXIT SINCE WHAT OFFENSE THEY WERE SENT HERE FOR, DOES NOT CHANGE, WHICH IS CONTRARY TO THE POLICY THAT THE WARDEN QUOTED HIMSELF, INSTITUTION SUPPLEMENT 5321.06H(1). HE FAILED TO ANSWER MY QUESTION, SO WILL YOU PLEASE DO IT. HOW EXACTLY DO I SUFFICIENTLY MITIGATE THE FACTORS WHICH ORIGINALLY LED TO MY PLACEMENT AT ADX TO INDICATE I CAN FUNCTION SUCCESSFULLY IN A LESS - RESTRICTED UNIT WITHOUT POSING A THREAT TO THE SECURITY & RUNNING OF THE INSTITUTION? WHAT CAN I DO, THAT I'VE NOT DONE IN THE PAST 25 YEARS. PLEASE ADVISE.
THE WARDEN CLAIMS THAT I WAS "CONSIDERED" FOR J-UNIT IN MAY '09. ACTUALLY IT WAS APRIL. THEN PROCEEDS TO ACKNOWLEDGE MY GOOD CONDUCT ETC. YET, SAYS I WAS DENIED DO TO THE SEVERITY OF MY PAST OFFENSES, WHICH WILL NEVER CHANGE & WAS OBVIOUS WHEN I WAS RECOMMENDED FOR IT. SO IF MY PAST OFFENSES TRUMBED MY 21 YEARS EXEMPLARY CONDUCT, DOES THIS MEAN IT WILL ALWAYS BE THE DECIDING FACTOR OR WILL 21 1/2 OR 22 PLUS YEARS BE THE MAGICAL NUMBER THAT THEY DECIDE HAS BEEN LONG ENOUGH? IF NOTHING I DO MATTERS, WHY AM I ENCOURAGED TO CONTINUE MY GOOD CONDUCT, INSTEAD OF SAYING IT'S MEANINGLESS SINCE THEY HAVE NO INTENTION OF RELEASING ME FROM GENERAL POPULATION.
AS FAR AS MY LIFE SENTENCE, I'VE BEEN ELIGIBLE FOR PAROLE SINCE 1994. IT'S MISLEADING & MISINFORMATIVE TO USE THAT AS JUSTIFICATION FOR DENYING ME. IT SHOWS HIS FLAWED SOUND CORRECT-JUDGMENT TO DENY MY J-UNIT REQUEST. WHEN THE PAROLE BOARD CAN RELEASE ME TO THE STREETS IMMEDIATELY, BUT HE WON'T LET ME INTO J-UNIT. ONE REASON I WANT OUT OF ADX, IS BECAUSE BEING HERE RUINS MY CHANCE FOR PAROLE. PLEASE EXPLAIN, HOW DO I POSE A THREAT TO SECURITY, SINCE I HAVE 21 YRS KLEAN CONDUCT, I COMPLIED W/ALL THATS ASKED OF ME. WHY AM I PUNISHED FOR GOOD BEHAVIOR SINCE THEY USE MY PAST TO JUSTIFY DENYING ME, WHEN, IF EVER, WILL MY GOOD CONDUCT EXCEED MY PRIOR OFFENSES, OR IS THERE NO CRITERION, & ARBITRARILY DECIDED BASED UPON THE WHIM OF ADMINISTRATORS?
Thomas E. Silverstein
7-3-09 DATE PLEASE SEE PAGE 2 SIGNATURE OF REQUESTER

Part B - RESPONSE

SEE ATTACHED RESPONSE

RECEIVED
JUL 20 2009

BY:

DATE _____ REGIONAL DIRECTOR _____
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: 543420-B1

Part C - RECEIPT

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

DATE _____ SIGNATURE, RECIPIENT OF REGIONAL APPEAL _____

DO THEY JUST PUT NUMBER'S IN [^] THEN RANDOMLY DRAW THE YEARS NEEDED BEFORE DETERMINING WHETHER OR NOT I'VE MITIGATED THE FACTORS WHICH ORIGINALLY LED TO MY PLACEMENT AT ADX, OR DO I JUST WAIT, LIKE I HAVE FOR THE PAST 25 YEARS, ^{FOR THEM} TO SUDDENLY WAKE UP ONE DAY TO GRANT ME A REPRIEVE FROM THE REPRESSIVE, PSYCHOLOGICAL VEXING OF MY CURRENT STATUS & CONFINEMENT.

I SINCERELY DON'T MEAN TO SOUND FLIPPANT. I SERIOUSLY WOULD LIKE SOMEONE TO TELL ME, BECAUSE EVERY TIME I ASK THE POWERS THAT BE DIRECTLY, I USUALLY GET THE OBSCURE RESPONSE AS REFLECTIVE IN THE WARDEN'S B.P.9 REPLY.

"YOU ARE ENCOURAGED TO CONTINUE DEMONSTRATING POSITIVE INSTITUTIONAL ADJUSTMENT BY PARTICIPATING IN AVAILABLE PROGRAMING OPPORTUNITIES, & MAINTAINING A FAVORABLE RAPPORT W/ STAFF, AS WELL AS OTHER INMATES. YOU WILL BE RE-CONSIDERED FOR PLACEMENT IN NOV. 2009."

SINCE I'VE DONE THIS FOR THE PAST 25 YEAR'S, & MY PAST RECORD WON'T CHANGE, WHAT WILL BE "RECONSIDERED" SINCE THE GROUND'S THEY USED TO DENIE ME IN APRIL, WILL REMAIN IN NOV. & HERE ON.

I REQUEST A TIME LINE (AS POLICY ALREADY DICTATES, BUT IS BEING IGNORED) WHICH IS THE REAL MITIGATING FACTOR, THAT STATES IF I DO X, Y, & Z, IT'LL FIT THE CRITERION FOR THE STEP DOWN PROGRAM. OTHERWISE, HOW ELSE CAN I PROVE THAT I CAN FUNCTION SUCCESSFULLY IN A LESS-RESTRICTED UNIT WITHOUT POSING A THREAT? THE FACT THAT I'M UNABLE TO CHANGE MY PAST RECORD, I SHOULD BE JUDGED ACCORDING TO MY CURRENT RECORD. OTHERWISE, WHAT'S THE POINT OF THE "REVIEWS", & CONTINUING TO PROGRAM IF IT'S JUST A SHAM & MEANINGLESS.

I FIND IT ODD, THAT MS. SUDLOW, (WHO SAID SHE'S THE ONE THAT HANDLED MY B.P.9 RESPONSE) INITIALLY APPROVED MY J-UNIT TRANSFER, SINCE I FIT THE CRITERIA. BUT AFTER HER SUPERIOR'S OVER RULED HER, SHE THEN ACQUIESCED & REGURGITATED THE SAME ANTIQUATED ANTIL PARTY LINE- PLOY THAT ADMINISTRATORS HAVE SPEWED THE PAST 25 YEARS!

DESPITE THEIR FABRICATED THREAT JUSTIFICATION FOR DENYING MY ENTRY INTO J-UNIT, THEY MOVED ME FROM 2-UNIT, RANGE-13, THE MOST RESTRICTIVE RANGE IN ADX, TO GENERAL POPULATION. WHICH BEGS THE QUESTION, IF I'M STILL CONSIDERED A THREAT, WHY MOVE ME? THIS PLOY THAT I'M A "THREAT," BASED ON MY PAST RECORD, APPEARS TO BE ONE OF CONVENIENCE, MORE THAN SOUND CORRECTIONAL JUDGEMENT, BECAUSE I SHOULDN'T BE IN G.P. IF THEY CONSIDER ME THAT THREATENING. OTHERWISE, IT REVEALS THEIR WHIMSICAL DISCERNMENT. WHEN THEY WANT TO DENY ME, THEY EXPLOIT MY PAST RECORD. WHEN THEY WANT TO MOVE ME TO LESS RESTRICTIVE CONFINEMENT, THEY IGNORE IT. THEY HAVE THE SAME PERSON THAT ORIGINALLY APPROVED MY J-UNIT TRANSFER, RESPOND TO MY B.P.9. MS. SUDLOW (MY CASE MGR.) HAS KNOWN ME & HAS MORE CONTACT W/ ME THAN HER SUPERIOR'S, SO HER RECOMMENDATION COUNTS FAR MORE THAN ADMINISTRATOR'S WHO DRIVE-BY MY CELL A FEW TIMES YEARLY, EVEN THOUGH THEY'RE SUPPOSED TO WEEKLY. YET, SINCE THEY OUTFRANK HER, THEY CAN ARBITRARILY OVER RULE HER, BASED ONLY UPON MY PAST, NOT WHO I AM NOW. PLEASE ANSWER MY QUESTION'S. THANK U!

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

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 543420-R1

This is in response to your Regional Administrative Remedy Appeal received in this office on July 20, 2009, in which you request to know the specific criteria for placement in the Step-Down Program and how you can mitigate the factors which led to your placement at the Administrative Maximum Penitentiary (ADX).

We have reviewed your appeal and the Warden's response dated June 29, 2009. As indicated in that response, local policy (Institution Supplement 5321.06H1 - General Population and Step-Down Unit Operations), sets forth factors to be considered for placement in the Step-Down Program. These factors include twelve months' clear conduct toward staff and other inmates; active participation in and completion of all programs recommended by the inmate's unit team; the inmate's overall institutional adjustment; and personal hygiene and cell sanitation. These are minimum eligibility requirements for consideration for the Step-Down Program. In addition, the Unit Team, Associate Warden and Warden are entitled to consider any other factors that are relevant in evaluating whether placement in the Step-Down Program is appropriate for a particular inmate, including but not limited to the reasons why the inmate was initially designated to the ADX and the need to ensure the safety of staff and other inmates. Determinations concerning placement in the Step-Down Program are made on a case-by-case basis by Bureau of Prisons (BOP) personnel who are familiar with the inmate and whose experience allows them to evaluate whether the inmate can function successfully in a less-restricted unit without posing a threat to the security or orderly running of the institution. This evaluation is different for every inmate because no inmate's criminal history and institutional conduct are exactly like that of any other inmate. This review process is thorough and correctionally sound. *BS*

The Unit Team has considered the appropriateness of placement for you and determined that you are not appropriate for placement in the Step-Down Program at this time. There is no way to say definitively when or if you will be approved for the Step-Down Program, as eligibility does not equate to appropriateness for the Program. However, the fact that you were not accepted for the Step-Down Program at this time does not preclude BOP personnel from exercising their discretion to reach a different conclusion at a future review. Provided you meet the eligibility requirements, you will continue to be reviewed for placement in the Step-Down Program.

Based on the above, 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.

8/19/09

Date


Michael K. Nalley, Regional Director

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