

EXHIBIT 72

Attachment 1
Page 2 (front)
THA 1330.13E

COMMUNICATION MANAGEMENT UNIT
FEDERAL CORRECTIONAL INSTITUTION
TERRE HAUTE, INDIANA

INFORMAL RESOLUTION FORM

Bureau of Prisons Program Statement 1330.13, Administrative Remedy Procedure for Inmates, states "Inmates shall informally present their complaints to staff, and staff attempt to informally resolve any issue before an inmate files a request for Administrative Remedy."

In keeping with the spirit and intent of Bureau of Prisons Program Statement 1330.13, the following form shall be utilized by staff in attempting to informally resolve an inmate's complaint.

ONLY ONE (1) COMPLAINT SHALL BE PLACED ON EACH FORM

INMATE'S NAME: AVON TWITTY REG. NO.: 00281-000 UNIT: CMU-D

DATE/TIME COMPLAINT RECEIVED FROM INMATE: 12/17/07 12:15pm

NATURE OF COMPLAINT: On 5-30-07, Ms. L. Fortune, Case Manager, for the Communication Management Unit, (see attached page)

ACTION TAKEN TO INFORMALLY RESOLVE COMPLAINT: Pursuant to Program Statement 1330-13 you have exceeded the time frame to file an administrative remedy. See attached.

THE APPLICABLE PROGRAM STATEMENT USED IN THIS INFORMAL RESOLUTION ATTEMPT: _____

INFORMAL RESOLUTION WAS ACCOMPLISHED: _____ DATE

INMATE'S SIGNATURE: _____
SIGNATURE INDICATES INMATE'S ACCEPTANCE OF RESOLUTION

Attachment 1
Page 2 (back)
THA 1330.13E

SECTION III. (UNIT TEAM REVIEW)

INFORMAL RESOLUTION WAS NOT ACCOMPLISHED: () CHECK BOX

EXPLANATION FOR NON-RESOLUTION: TO BE COMPLETED BY COUNSELOR

EXTENSION GRANTED

ON: _____

EXTENSION GRANTED BY: _____
NAME AND TITLE

CORRECTIONAL COUNSELOR'S SIGNATURE: M. Fortune DATE: 12/18/07

UNIT MANAGER'S COMMENTS, ASSISTANCE, AND REVIEW: _____

UNIT MANAGER'S SIGNATURE: M. Fortune DATE: 12/18/07

DATE ADMINISTRATIVE REMEDY ISSUED: 12/18/07

DATE ADMINISTRATIVE REMEDY RECEIVED BACK FROM INMATE: _____

DISTRIBUTION:

1. IF THE COMPLAINT IS INFORMALLY RESOLVED BEFORE BEING RECEIPTED, CORRECTIONAL COUNSELORS SHALL MAINTAIN THE INFORMAL RESOLUTION FORM FOR FUTURE REFERENCE.

2. IF THE COMPLAINT IS NOT INFORMALLY RESOLVED, FORWARD THE ORIGINAL INFORMAL RESOLUTION FORM, ATTACHED TO THE ADMINISTRATIVE REMEDY, TO THE ADMINISTRATIVE REMEDY CLERK (LEGAL ASSISTANTS.)

Informal Resolution Form Attached Page (1.)

informed me that I had been transferred to the Communication Management Unit because of the following:

"... involvement in recruitment and radicalization efforts of other inmates through extremist, violence oriented indoctrination methods to intimidate or coerce others."

SEE EXHIBIT (A)

I am requesting a response to the following questions:

- 1.) Who was I accused of recruiting for, and who did I recruit?
- 2.) What specific evidence demonstrated my guilt of recruitment?
- 3.) Why was I not afforded my constitutional due process rights to a proper hearing to defend myself?
- 4.) And most important what U.S. Government agency, and specifically who had me transferred to the Communication Management Unit?

Mr. Avon Quitty

EX. (A)

NOTICE TO INMATE OF TRANSFER TO COMMUNICATION MANAGEMENT UNIT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle): Twitty, Avon	Register Number: 00281-000
Warden (print and signature): <i>B. R. Jett</i> B. R. Jett, Warden	Institution: FCI Terre Haute, Indiana

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.

Your transfer to this facility under these conditions is based on the following specific information:

Your current offense of conviction is Murder While Armed, 22 USC section 2101. Reliable evidence indicates your incarceration conduct has included involvement in recruitment and radicalization efforts of other inmates through extremist, violence oriented indoctrination methods to intimidate or coerce others.

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed): L Fortune	Staff Member (signature): <i>L Fortune</i>	Date Issued: 5/30/07
--	---	-----------------------------



UNITED STATES GOVERNMENT
MEMORANDUM
Federal Correctional Complex
Terre Haute, Indiana

DATE: December 18, 2007

REPLY TO
ATTN OF: *L. Fortune*
L. Fortune, Case Manager (CMU)

SUBJECT: BP-8 Response

TO: Avon Twitty, Reg. #00281-000

This is in response to your Information Resolution Form request, wherein you request to know what who you were accused of recruiting for and who you recruited, what evidence demonstrated your guilt, why you were not afforded a constitutional due process rights to a hearing, and what U.S. Government agency transferred you to the Communication Management Unit.

As stated in Attachment A form: "Reliable evidence indicates your incarceration conduct has included involvement in recruitment and radicalization efforts of other inmates through extremist, violence, oriented indoctrination methods to intimidate or coerce others." Such information is protected under the Freedom of Information Act. You must file an FOIA request for this information. You are not entitled to a due process hearing, or any other type of hearing, for the administrative assignment of Security Threat Group category. The Bureau of Prisons is responsible for transferring you to the Communication Management Unit.

EXHIBIT 73

EMS-409.051 REQUEST FOR TRANSFER/APPLICATION OF MANAGEMENT VARIABLE CDFRM
SEP 2006
U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

From: Warden/Superintendent) <i>[Signature]</i> Martinez, Warden	Facility USP Hazelton, West Virginia	Date <i>5/21/07</i>
Inmate's Name Twitty, Avon	Register No. 00291-000	REVIEWED, EXCISED AND

JUN 04 2008

To: (Designations and Sentence Computation Center Administrator)
DSCC Administrator / ATTN: DSCC Designator

Transfer to: FCI Terre Haute CMU, Indiana Code 323, Close Supervision
 Apply Management Variable(s)
 Update Management Variable Expiration Date. (New Date): _____

RELEASED BY NCR0 LEGAL OFFICE

1. Inmate's Medical Status
 Inmate Twitty is assigned to regular duty status with medical restrictions: Orthopedic Shoes, and No Weight Lifting Over 15 lbs. He is cleared to work in food service. There is no medical or psychological information to preclude this inmate from transfer.

2. Institution Adjustment (Include a brief description of the inmate's adjustment during this period of incarceration with emphasis on recent adjustment.)
 Inmate Twitty arrived at this facility on August 31, 2005. He has received two incident reports since his arrival at USP Hazelton and is considered to be a management problem due to his involvement in the recruitment and radicalization of other inmates. He has established an average rapport with both inmates and staff since his arrival at USP Hazelton.

3. Rationale for Referral. (For Mariel Cuban Detainees, include availability of community resources and status of INS review process in this section.)
 Inmate Twitty arrived at USP Hazelton on August 31, 2005. (b)(2)High
 Twitty is to be designated and transferred to the Communications Management Unit (CMU) located at FCI Terre Haute, IN. Reliable evidence indicates his incarceration conduct has included association with recruitment and radicalization of other inmates (b)(2)High to intimidate or coerce others. Based on the aforementioned information, the unit team is requesting a Close Supervision (Code 323) to FCI Terre Haute CMU, Indiana.

4a. Parole Hearing Scheduled: Yes No b. If yes, when February 2009

5. Note any past or present behavior and/or management/inmate concerns.
 Inmate Twitty has established an average rapport with both staff and inmates. He is considered to be a management problem at USP Hazelton due to his involvement in the recruitment and radicalization of other inmates. He has received two, three hundred level incident report since his arrival at USP Hazelton.

6. BP337/BP338 Discrepancies.
 After a careful review of SENTRY data, one discrepancy was found between the Security Designation Data Form and the Custody Classification Form. On inmate Twitty's Security Designation Data Form, he is scored with a no history of Violence. His Custody Classification Form has been updated to reflect a Violence level of more than fifteen years serious due to him seriously assaulting another inmate at USP Lewisburg in 1986. There are no other discrepancies between the two forms.

Staff have checked the following SENTRY Programs to ensure that they are correct and current:

Inmate Profile	CIM Clearance and Separatee Data
Inmate Load Data	Custody Classification Form
Sentence Computation	Chronological Disciplinary Record

Prepared by: (Case Manager)
J. Davis/ *[Signature]*

Unit Manager Signature
Christopher A. Greiner/ *[Signature]*

If the transfer is approved, a Progress Report will be completed prior to transfer.
 *For Mariel Cuban Detainees - Staff have entered the CMA Assignment of "CRP RV DT" to indicate the need for a Cuban Review Panel Hearing. Staff must enter the date of the hearing on the Transfer Date.

FOI EXEMPT

EXHIBIT 74

25) What is the average cost, including personnel costs, of a hearing associated with:

b. designation to a Control Unit

ADX Control Unit work up and hearing:

- | | |
|----------------------------------|------------------|
| 1) 15 hours (GS-12 step 5) | Approx- \$560 |
| 2) Review 2 hours (GS-14 step 5) | Approx- \$105 |
| | Sub-total: \$665 |

Staff travel to ADX and conduct 7 or 8 hearings in a 24 hour period:

- | | |
|---|---|
| 3) Control Unit Panel Hearings | |
| Average travel cost | Approx- \$1000 |
| Hearings 8 hours SES GS-15 (\$73.33/hour) | Approx- \$587 |
| | Sub-total: \$1587 / 7.5 inmates in 24 hrs = \$212 |

Total=\$212+\$655=\$867

NOT INCLUDED in the Control Unit designation is the cost of the Regional Director attending the designations four times a year. As a SES employee, the RD's salary is between 119,554 to 179,700 per year.

d. Designation to ADX

ADX general population designation:

- | | |
|----------------------------------|---------------------|
| 1) Packet work up and hearing: | |
| 10 hours (GS-12 step 5) | Approx- \$373 |
| 2) Review 2 hours (GS-14 step 5) | Approx- \$105 |
| | Total: \$478 |

Cost analysis for DS Placement

<u>Employee*</u>	<u>Action</u>	<u>Time</u>	<u>Cost</u>
Unit Team Member (GS-11)	conduct hearing and prepare packet	2 hours	\$66.52
Disciplinary Hearing Officer (GS-12)	conduct hearing, load into SENTRY, distribute findings paperwork, type report and scan packet	2 hours	\$79.72
TOTAL:			\$146.24

* All salaries are based on step 5 of the respective pay scale.

Cost Analysis for SMU Referral

<u>Employee*</u>	<u>Action</u>	<u>Time</u>	<u>Cost</u>
Case Manager (GS-11)	prepares packet	2 hours	\$66.52
Unit Manager (GS-12)	review	30 min	\$19.93
CMC (GS-12)	review	30 min	\$19.93
AW(GS-14	review	30 min	\$28.01
Warden (GS-15/SES)	review	30 min	\$32.95
Correctional Programs Specialist (GS-12)	review	1 hour	\$39.86
Correctional Programs Admin (GS-14)	review	30 min	\$19.93
Correctional Service Admin (GS-14)	review	30 min	\$19.93
Deputy RD (GS-15)	review	30 min	\$32.95
RD (SES)	review	30 min	\$36.67
DHA (GS-13)	review and track	1 hour	\$47.40
DHO (GS-12)	receive packet and review	1 hour	\$39.86
Unit Team (GS-11)	issue notice and rights	30 min	\$16.63
DHO (GS-12)	conduct hearing, type report, scan and send to DHA	2 hours	\$79.72
DHA (GS-13)	review, track and prepare packet for executive review	30 min	\$23.70
Deputy RD (GS-15)	review	30 min	\$32.95
RD (SES)	review	30 min	\$36.67
DHA (GS-13)	review, track, scan to DSCC and load CMA in SENTRY	1 hour	\$47.40
TOTAL:			641.31

*All salaries are based on step 5 of the respective pay scale.

EXHIBIT 75

1 A None.
2 Q So your testimony would be then that you
3 have no idea what this sentence refers to?
4 A I have no idea as to why they would say
5 this. And can I comment on it?
6 Q Certainly.
7 A Okay. Whoever wrote this either should
8 lose their job if they seen this happen or they should
9 be penalized for not doing their job. Number one, all
10 of this information here is 300 -- what, 500, that's
11 the highest disciplinary action in the Bureau of
12 Prisons, 500 series, right? That's when staff members
13 have to take action, all right? You cannot see
14 somebody, what, involvement in recruitment and
15 radicalization of other inmates through extremist,
16 violent orientated, indoctrinated methods, and to
17 coerce others in intimidation, that's 500 series
18 action.
19 If a staff member witness something like
20 that and didn't write a disciplinary report on me for
21 this type of conduct then all of his paychecks should
22 be taken back from him or her because they were not
23 doing their job.
24 See, this is not something that can be
25 viewed by staff members and no action being taken. So

1 efforts of other inmates through extremely violent,
2 orientated, indoctrinated -- indoctrination methods to
3 intimidate or coerce others.
4 Q Now, that first portion, just the sentence
5 regarding the offense of conviction; is that correct?
6 A No.
7 Q What is incorrect about that?
8 A I wasn't convicted of that.
9 Q What were you convicted of?
10 A Murder two, murder one while armed under
11 the D.C. co-defense, this is a federal co-defense. I
12 wasn't convicted in US district court, this appears
13 that I have been convicted for murder, while armed, in
14 US district court.
15 Q How about the second sentence, just the --
16 A Reliable evidence indicate your
17 incarceration conduct, all of that's -- that's not
18 true.
19 Q Was there any part of that that's true?
20 A None of it.
21 Q Could you speculate as to what they were
22 referring --
23 MS. CITRON: Objection.
24 BY MR. JOHNSON:
25 Q -- in that sentence?

1 the -- the proof of the fact that there's no
2 disciplinary reports ever written, there's no
3 memorandums that were ever produced, so this, right
4 here, is somebody's playing games, here.
5 Q So what did you do when you received this
6 notice?
7 A I stayed at the CMU.
8 Q Did you bring your concerns to Ms. Fortune?
9 A I wrote several -- I wrote several
10 grievances on it, several, to the point where I became
11 a nuisance to the -- to the staff, at least that's
12 what I was informed, that if you continue to write
13 grievances we'll -- you can be labeled as a nuisance
14 filing frivolous stuff. And, you know, we don't have
15 to respond to your stuff.
16 Q So were you officially labeled a nuisance
17 and they stopped responding?
18 A No. They just wouldn't respond to anything
19 in what -- they wouldn't respond. And if they did it
20 was so vague it was no response.
21 Q Aside from the written grievances,
22 themselves, do you remember any discussions that you
23 had, with Ms. Fortune or anyone else, about your
24 concerns regarding this language?
25 A Me and Coleman, Coleman and Fortune, we

EXHIBIT 76



U.S. Department of Justice
Federal Bureau of Prisons
Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

March 12, 2007

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: Communication Management Unit (CMU) Referral
[REDACTED], Reg. No. [REDACTED]

- 1. Rationale for Re-designation:** Inmate [REDACTED] current offense of conviction is for Bank Robbery, 18 US § 2113(A). Reliable evidence indicates that his incarceration conduct has included association with recruitment and radicalization of other inmates. Inmate [REDACTED] is considered **G (LE)** [REDACTED]
- 2. Proposed Transfer Code:** 323 / Close Supervision Case
- 3. CIM Assignment:** Separation
- 4. STG Assignment:** **G** [REDACTED]
[REDACTED]
- 5. Release Destination:** District of Columbia, District Court
- 6. Medical Status:** A medical evaluation was completed. The report indicates there are no medical or dental concerns that would preclude his placement in the CMU.
- 7. Does Inmate Concur With Transfer:** The inmate's opinion was not solicited.
- 8. Additional Pertinent Information:** Inmate [REDACTED] is a 39 year old black, male. His security level is HIGH; his custody level is IN. Inmate [REDACTED] is a Care Level 2 inmate. Inmate [REDACTED] arrived at CLP in March 2007 via 309 transfer from GIL. He is scheduled for release on 12-10-2022 via Good Conduct Time Release. His disciplinary history includes sanctioned reports for code 307, Refusing to Obey an Order (5x); code 203,

Sensitive but Unclassified
FOIA Exempt

Communication Management Unit (CMU) Referral

Reg. No. [REDACTED]

Threatening Bodily Harm (2x); code 321, Interfering with the Taking of Count; code 499, Disruptive Conduct; code 330, Being Unsanitary; code 311, Failing to Work as Instructed; code 310, Being Absent from an Assignment (2x); code 305, Possessing an Unauthorized Item (3x); code 312, Being Insolent to a Staff Member (3x); code 201, Fighting with Another Person; code 206, Making a Sexual Proposal or Threat; code 306, Refusing a Work or Program Assignment; code 316, Being in an Unauthorized Area; code 313, Lying or Falsifying a Statement.

**Sensitive but Unclassified
FOIA Exempt**

CMU REVIEW

DATE: April 16, 2007

CURRENT FACILITY: CLP

CUSTODY: IN

NAME: (P-1)

REG NO: (P-1)

S/L: HIGH

TELEPHONE OR MAIL ABUSE I. R.(S): NONE

CIM ASSIGN: (O)2

COMMENTS

CORRECTIONAL PROGRAMS: (P-1)

sentence. During his incarceration, he has associated himself with the recruitment and radicalization of other inmates. He is a care level 1 with a projected release date of 12-10-2022, and he maintains STG assignments

(O-1)

J. George 4/16/07

CORRECTIONAL PROGRAMS ADMINISTRATOR Relevant info (G), (I)

is not in this packet. IT has been reviewed by CTU and OGC. Recommended placement in CMU. No CMU issues. J. George 4/16/07

CORRECTIONAL SERVICES ADMINISTRATOR: Concur with

EXECUTIVE ASSISTANT: Concur w/CMU. NO SEPARATION ISSUES on CMU.

Jim Z 4-21-07

DEPUTY REGIONAL DIRECTOR: No objections to the recommendation for CMU placement in view of need to closely monitor actions communication with others. 4/21/07 (Ch)

REGIONAL DIRECTOR: Approved for CMU.
John J. [Signature] 4/21/07

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle): (P-1)	Register Number: (P-1)
Warden (print and signature): <i>B. R. Jett</i> B. R. Jett, Warden	Institution: FCI Terre Haute, Indiana

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.

Your transfer to this facility under these conditions is based on the following specific information:

Your current offense of conviction is Bank Robbery, 18 USC section 2113(a). Reliable evidence indicates your incarceration conduct has included involvement in efforts to recruit and radicalize other inmates.

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed): <i>V. Fortune</i>	Staff Member (signature): <i>V. Fortune</i>	Date Issued: <i>7/11/07</i>
--	--	------------------------------------



U.S. Department of Justice
Federal Bureau of Prisons

Correctional Programs Division

Counter Terrorism Unit

LE [REDACTED]

August 12, 2011

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGION

FROM: //s//
Les Smith, Chief

SUBJECT: P [REDACTED], Reg. No. P [REDACTED]

The Warden at FCI Terre Haute has submitted a recommendation to redesignate inmate P [REDACTED] from the Communications Management Unit program.

The CTU concurs with this recommendation.

Inmate P [REDACTED] was recommended and approved for placement in a CMU based on reliable evidence which indicated his incarceration conduct had included association with recruitment and radicalization of other inmates.

There is no information to indicate inmate P [REDACTED] has continued this behavior during the past 18 months.

Inmate P [REDACTED] is a HIGH security inmate with IN custody. He is a LE [REDACTED] inmate. He has the CMC assignments of LE [REDACTED] and the STG assignments of: LE [REDACTED].

While in the CMU program at THA CMU, since July 11, 2007, inmate P [REDACTED] incurred two (2) incidents reports for Assault without Serious Injury and Insolence. Both of these incidents occurred in November 2009. No further information has been discovered which would indicate attempts to circumvent communication monitoring procedures.

- FOIA Exempt -

Sensitive But Unclassified

BOP CMU 076119

PROTECTED – ATTORNEYS' EYES ONLY

A check with outside law enforcement agencies through BOP representatives on the NJTTF has indicated **LE, DP** [REDACTED]

The CTU concurs with the Warden's recommendation to transfer inmate **P** [REDACTED] from the CMU program.

- FOIA Exempt -

Sensitive But Unclassified

CMU REFERRAL

DATE: August 15, 2011	FACILITY: THA	CUSTODY: IN
NAME: (P-1)	REG NO. (P-1)	S/L: HIGH
PHONE OR MAIL ABUSE I.R.: N/A		
CIM ASSIGN	(O)2	

---COMMENTS---

CORRECTIONAL PROGRAMS: (P-1) was transferred to THA CMU on July 11, 2007. He was approved for transfer to CMU based on his recruitment and radicalization of other inmates. There is no indication he has continued his behavior while at THA CMU. During his confinement at THA CMU he has not attempted to circumvent the approved communication methods. He is currently serving a (P-1) and has a projected release date of January 15, 2023, via GCT. While in the CMU, he has received two incident reports, both in 2009, for acts of Assault w/o Serious Injury and Insolence. He has completed nine education and wellness related courses. THA in concurrence with CTU have recommended (P-1) be transferred out of the CMU program to any facility commensurate with his security and programming needs. P. Pottios

CORRECTIONAL PROGRAMS ADMINISTRATOR: *Based on his overall positive institutional adjustment, I concur with his release from CMU to an open USP. He has demonstrated his ability to program and abide by the rules of the institution.*

PSYCHOLOGY SERVICES ADMINISTRATOR: *No MH issues which to suggest the IM is mentally ill. Psych staff have no evidence the cognitive processes were sufficiently disorder to be considered a psychological disorder. IM risk to radicalize is negatively presented in available domain - avoidance of misconduct is not necessarily a risk factor. IM has been very vocal about his beliefs and concerns about religious practices. He is willing to share his beliefs openly. Unknown are his role in the religious community, his role in the unit, past training and radicalization efforts.*

CORRECTIONAL SERVICES ADMINISTRATOR: *No concerns with transfer to an open population.* *R. Myers, CSA 8/18/11*

EXECUTIVE ASSISTANT: *I concur based on the inmate good behavior and the ability to complete numerous education courses.*
Alex Baker 8-30-11

SENIOR DEPUTY REGIONAL DIRECTOR: *Concur with recommendation based on time in unit and no evidence of on-going problems.*
Rubert 8/30/11

REGIONAL DIRECTOR: *Concur w/ recommendation based on noted comments.*
[Signature] 8/2/11

COMMUNICATION MANAGEMENT UNIT
FEDERAL CORRECTIONAL INSTITUTION
TERRE HAUTE, INDIANA

INFORMAL RESOLUTION FORM

Bureau of Prisons Program Statement 1330.13, Administrative Remedy Procedure for Inmates, states "Inmates shall informally present their complaints to staff, and staff attempt to informally resolve any issue before an inmate files a request for Administrative Remedy."

In keeping with the spirit and intent of Bureau of Prisons Program Statement 1330.13, the following form shall be utilized by staff in attempting to informally resolve an inmate's complaint.

ONLY ONE (1) COMPLAINT SHALL BE PLACED ON EACH FORM

INMATE'S [REDACTED] NO.: [REDACTED] UNIT: CMU

DATE/TIME COMPLAINT RECEIVED FROM INMATE: 12/20/07 1230pm

NATURE OF COMPLAINT: I need to know the specific reason(s) for the finding of my guilt, for the following questions and I need a response to all of the included questions.

- See attached page -

ACTION TAKEN TO INFORMALLY RESOLVE COMPLAINT: See attached response

THE APPLICABLE PROGRAM STATEMENT USED IN THIS INFORMAL RESOLUTION ATTEMPT: _____

INFORMAL RESOLUTION WAS ACCOMPLISHED: _____

DATE

INMATE'S SIGNATURE: _____

SIGNATURE INDICATES INMATE'S ACCEPTANCE OF RESOLUTION

SECTION III. (UNIT TEAM REVIEW)

INFORMAL RESOLUTION WAS NOT ACCOMPLISHED: () CHECK BOX

EXPLANATION FOR NON-RESOLUTION: TO BE COMPLETED BY COUNSELOR

_____ EXTENSION GRANTED

ON: _____

EXTENSION GRANTED BY: _____
NAME AND TITLE

CORRECTIONAL COUNSELOR'S SIGNATURE: *D. Autune* DATE: 12/26/07

UNIT MANAGER'S COMMENTS, ASSISTANCE, AND REVIEW: _____

UNIT MANAGER'S SIGNATURE: *D. Autune* DATE: 12/26/07

DATE ADMINISTRATIVE REMEDY ISSUED: 12/27/07

DATE ADMINISTRATIVE REMEDY RECEIVED BACK FROM INMATE: _____

DISTRIBUTION:

1. IF THE COMPLAINT IS INFORMALLY RESOLVED BEFORE BEING RECEIPTED, CORRECTIONAL COUNSELORS SHALL MAINTAIN THE INFORMAL RESOLUTION FORM FOR FUTURE REFERENCE.
2. IF THE COMPLAINT IS NOT INFORMALLY RESOLVED, FORWARD THE ORIGINAL INFORMAL RESOLUTION FORM, ATTACHED TO THE ADMINISTRATIVE REMEDY, TO THE ADMINISTRATIVE REMEDY CLERK (LEGAL ASSISTANTS.)

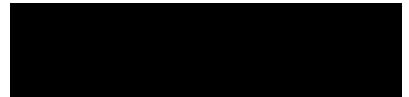
NOTE

This is my second attempt to find out these answers to this issue, see attached Inmate Request form dated 7/17/07, (attachment A).

- 1) Who am I specifically accused of recruiting for, and who specifically did I recruit?
- 2) What evidence has been and is being used to make these determinations?
- 3) Why was I not afforded, given my right to a due process hearing from the outset?

SPECIAL NOTE

"No citizen regardless his transgressions, is ever to be legally consigned to the total and unreviewed power of any single branch of government!"



Attachment A

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Mr. White, Unit Manager, CMU	DATE: 7/17/07
[Redacted]	[Redacted]
[Redacted]	UNIT: CMU

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I arrived here at CMU 7/11/07 and give a (Notice to inmate of Transfer to Communication Management Unit) is based on the following Specific information: Your current offense of Conviction is Bank Robbery, 18 USC Section 2113(a). Reliable evidence indicates your Incarceration conduct has included involvement in efforts to recruit and radicalize other inmates. I am confused because these reasons are vague and unclear. Who was I trying to recruit and how? How was I ~~try~~ trying to radicalize other inmates. Recruit for what? Whats meant by Radicalize? Please help me understand. Thank you!

(Do not write below this line)

DISPOSITION:

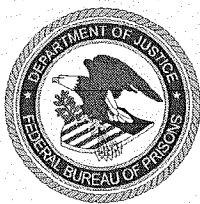
The information on the notice of Transfer is ok I have. You may appeal the decision to transfer you to this unit through the Administrative Remedy Process.

Signature Staff Member <i>R. White, Unit Manager</i>	Date 7-24-07
---	-----------------

Record Copy - File, Copy - Inmate (This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94





UNITED STATES GOVERNMENT

MEMORANDUM

Federal Correctional Complex
Terre Haute, Indiana

DATE: December 18, 2007

REPLY TO

ATTN OF:

L. Fortune
L. Fortune, Case Manager (CMU)

SUBJECT: BP-8 Response

TO: [REDACTED]

This is in response to your Information Resolution Form request, wherein you request to know what who you were accused of recruiting for and who you recruited, what evidence demonstrated your guilt, and why you were not afforded a constitutional due process rights to a hearing.

As stated in Attachment A form: "Your current offense of conviction is Bank Robbery, 18 USC section 2113(a). Reliable evidence indicates your incarceration conduct has included involvement in efforts to recruit and radicalize other inmates." Such information is protected under the Freedom of Information Act. You must file an FOIA request for this information. You are not entitled to a duc process hearing, or any other type of hearing, for the administrative assignment of Security Threat Group category.

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

From:

[Redacted]

[Redacted]

CMU Terre Haute, FCI

UNIT

INSTITUTION

Part A- INMATE REQUEST

The guarantee of due process found in the Fifth Amendment of the Federal Constitution declares that no person shall "be deprived of Life, Liberty, or property without due process of Law. Under Constitutional Law I had a right to some type of hearing that has been violated.

January 7th 2008

DATE

[Redacted Signature]

SIGNATURE OF REQUESTER

Part B- RESPONSE

see attached

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.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 479787-51

CASE NUMBER:

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

JAN 23 2008 REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Remedy No.: 479787-F1

FCC Terre Haute, IN

PART B - RESPONSE

This is in response to your Administrative Remedy receipted on January 23, 2008, in which you state your Fifth Amendment Rights have been violated as you were not afforded constitutional due process rights to a hearing.

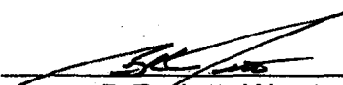
You are not entitled to a due process hearing, or any other type of hearing, for the administrative assignment of Security Threat Group.

Therefore, your request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Federal Bureau of Prisons, Gateway Complex, Tower II, 8th Floor, 4th & State Ave., Kansas City, Kansas 66101. Your appeal must be received within 20 calendar days of the date of this response.

2.1.08

Date


B.R. Jett, Warden

Submullah

U.S. Department of Justice

Regional Administrative Remedy Appeal

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:

[Redacted]

CMU Terre Haute, IN
UNIT INSTITUTE

Part A - REASON FOR APPEAL

Appealing all previous responses, and denial for Administrative Remedy Request pertaining ~~and~~ relating to case No: 479787-FI. For closely held and ~~un~~specified reasons as to: Who am I specifically accused of recruiting for, and who specifically did I recruit? What evidence has been and is being used to make these determinations? Why was I not afforded, given my right to a 'due process' hearing from the outset? Federal Bureau of Prison (referred to hereafter as FBOP) officials have placed on me an administrative assignment of security Threat Group, thus officially designating me as a Terrorist in order to place Sanctions, and severe restrictions upon me. cont on next page.
February 13, 2008 (see attachment page)
and all exhibits

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

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: _____

Part C - RECEIPT

CASE NUMBER: _____

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

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-10 Case No: 479787-F1

Hosing me in Communications management unit. Without real actionable reasons or Just Cause FBOP/officials has singled me out as a muslim. and labled me a terrorist on the one hand and as a means to achieve (certain ends). Being labled as terrorist has caused in the instant ~~case~~ ^{Case} immediate Severe deprivation of property and liberty, etc. The guarantee of due Process found in the fifth Amendment of the Federal Constitution declares that no person shall "be deprived of Life, Liberty, or property with out due process of Law. Under Constitutional Law I had a right to some type of hearing that has been violated. I therefore legally and constitutionally challenge the entire method and means employed by FBOP\officials responsible, for assigning me to a Security Threat Group; Officially thereby labeling and fully handling as a terrorist. All actions & subsequently taken against me in these regards has been without any form of due process hearing; Procedural due Process, etc, thus far to date! In essence the FBOP has charged; tried; convicted and punished/sentenced via STG assignment with no form of due process at any point. * Don't Confuse or miscon- stue the issues at hand; which is a lillegal deprivation the FBOP hereinat has done against me; Pre-Security Threat Group assignment to all of my Constitutionally protected\ and civil rights which you FBOP have violated thereafter since the BOP chose to designate me a terrorist. Unchecked the Consequential Ramifications transcend far beyond prison to effect/harm me in a variety of ways in post 9/11 Society, because When you (FBOP) labled as Terrorist as you have, you've now labled/branded me as an (enemy of the state) possibly for life, at least for Law enforcement purpose(s). Now the FBOP\officials expect me to believe that I have absolutely no Constitutional rights at any point in this matter? "The touchstone of due process is protection of the individual against arbitrary action of government."

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

**Regional Administrative Remedy Appeal
Part B - Response**

Admin Remedy Number: 479787-R1

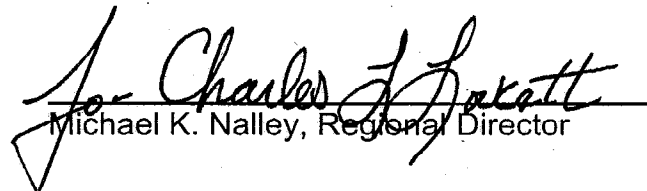
This is in response to your Regional Administrative Remedy Appeal dated February 13, 2008, in which you allege you were placed in the Communication Management Unit (CMU), Federal Correctional Complex (FCC), Terre Haute, Indiana, illegally and without any type of a hearing. You allege you were placed at the CMU due to your Security Threat Group (STG) assignment. For relief, you request a due process hearing.

We have reviewed your appeal and the Warden's response dated February 1, 2008. The CMU is a self-contained general population housing unit established to house inmates who, due to their current offense of conviction, offense conduct, or other verified information, require increased monitoring of communication between inmates and persons in the community in order to protect the safety, security, and orderly operation of Bureau facilities, and protect the public. You are not being housed in a Control Unit, and Control Unit standards have not been imposed in your case. You are, therefore, not entitled to a due process hearing. Your current STG assignment is commensurate with your safety and security needs at this time. You have provided insufficient evidence to substantiate your allegation that staff have violated your constitutional rights, or that staff have acted contrary to agency policy. Accordingly, the institution's decision is supported.

Based on the above information, 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.

3/20/08
Date


Michael K. Nalley, Regional Director

DELIVERED 4/8/08
IC

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.

[Redacted] communication management unit Terre Haute-FCI
UNIT INSTITUTE

Part A - REASON FOR APPEAL

In accordance with and pursuant to all applicable CFR parts and sections; Federal Bureau of Prisons, Statements and all relevant laws and the fifth Amendment of the U.S. Constitution. I am appealing all previous responses/ denials for Administrative Remedy Request pertaining to case no. 479787-F1. Every response given to me thus far in this process has been nothing short of deception and deliberate diversion away from the truth. Especially as to : Who am I specifically accused of recruiting for, and who specifically did I recruit? What evidence has been and is being used to make these determinations? Why was I not afforded, given my right to a due process hearing from the outset? These questions still have been merely only 'danced around' and 'skillfully evaded but to date left unanswered by Federal Bureau of Prisons officials. This Fraudulent and fabricated information is the core basis, central point of this entire matter because it is the main premise fed. Bureau of Prisons officials are using to justify the Security Threat Group Assignment and designating me to the unofficial and illegal Communication Management Unit Control Unit, that you pretend doesn't exist. (See Attached Continuation Page)

April 15th 2008
DATE

[Redacted Signature]
SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

APR 22 2008

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 479787-A7

Part C - RECEIPT

CASE NUMBER: _____

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

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



Central Office Administrative
 Remedy Appeal, case no. 479787-F1
 Continuation page 4/15/08

Clearly put, other than for unlawful reasons and ulterior motives on the part of Fed. BOP officials responsible in these matters for having had and still substantially violating my rights to due process; procedural due process and civil rights and liberty interests. Especially given the fact that I have never been charged with, convicted of, or detained for nor participated in any offense under title 18 U.S.C. chapter 113B or 115; or any other similar legal statutes or code; nor have I ever engaged in any terrorist related activity; nor any real and actual identifiable links to such in the past or present. Thus, the definitions in 28 CFR part 540 subpart J Limited Communication of Terrorist Inmates Sections 540.200, 540.201 do not describe me nor apply to me in any legal or realistic way or context. I have never committed any actions outlined therein. Thus, to apply these and any other similar rules, regulations and procedures specifically to me and to subject me to these severe due process, and liberty interests deprivations is substantially violative of my rights to due process. The Director of the Fed. Bureau of Prisons and his subordinates do not have the mandated vested legal authority to so designate me Brian E. Carr as a Terrorist or label me as such, and then treat and deprive me accordingly. In compliance with the response to the BP-8 Informal Resolution in this matter, I filed a FOIA request (see attached copies) and a follow-up request letter for total cost estimate. This further proves the utter absurdity, illegality, deliberate stonewalling I am being subjected to by the Federal Bureau of Prisons Officials. Federal BOP officials are forcing me to pay to find out what information is being used against me and why they Fed. BOP has violated my rights, which I've complained of. For the record, contrary to the intentional false portrayal on the part of Federal BOP this is not a classification issue, but one of due process violations. The Regional Appeal Response I received was dated 3/20/08 on part B attachment; but also stamped from the Region on the actual BP-10 form March 25, 2008; and as verified by staff signature here at CMU on part B I didn't actually receive it until April 8th, 2008 (4/8/08). These are the sort of tactics which serve to deny and obstruct my access to the courts thru deliberate delays. Contrary to the misleading assertions in the Regional Response BP-10, the Communications Management Unit is in fact for all intents and purposes is in every way operated and managed comparably similar to and just like a control unit. I and the other inmates here were extracted out of and now kept from real general populations of all other Fed. BOP institutions. It is the exact same concept design and policy/management considerations of a typical control unit. In this one, one of the main themes communication monitoring and management, as oppose to the traditional concern and theme being to contain and control extremely violent; highly assaultive; and predatory inmates. The only slight difference is that we are not locked down all the time, but that doesn't change what this is. Inmates in CMU being permitted to mingle outside the cells amongst each other does not make this general population in the true sense. You just want to redefine all of the pertinent rules and policies to avoid and deny giving me the appropriate safeguards normally afforded and available like due process. The damage has already been committed, especially by those of you specifically at the Fed. BOP Central Office who orchestrated and manipulated all of these affairs from the very beginning, when you knew or should have known that I was innocent and that you would be violating my rights to due process and liberty interests.

Administrative Remedy No. 479787-A1

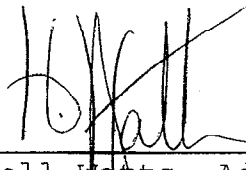
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you object to your designation to the Communication Management Unit (CMU) at your current location. Although you contend this action violated your due process rights, you did not make a specific request.

Our review of this matter reveals both the Warden and the Regional Director comprehensively addressed your concerns. We reviewed relevant information and the rationale provided explaining your assignment to the CMU. We concur with the decision, finding no reason to reverse the decision made. We remind you the Bureau retains the discretion and authority to determine appropriate housing unit accommodations and assignments to institutions. Considering your July 2007 transfer to the CMU was not a punitive action, a due process hearing was not required. We find you have been appropriately designated and also advise you the continued necessity of your current designation will be reviewed at regular intervals. Records show your next scheduled program review is slated for July 2008.

Accordingly, we concur with the responses provided. This response is for informational purposes only.

May 14, 2008
Date




Harrell Watts, Administrator
National Inmate Appeals 

EXHIBIT 77

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

YASSIN MUHIDDIN AREF, ET AL.,

Plaintiffs,

vs.

Case Number: 1:10-CV-00539-BJR

ERIC HOLDER, ET AL.,

Defendants.

Deposition of **CHARLES L. LOCKETT**, held on
Friday, September 13, 2013, taken at the Best Western
Lakes Inn, 1321 North 14th Street, Leesburg, Florida,
34748, commencing at 8:30 a.m., before Tina M. Bussiere,
a Florida Professional Reporter and Notary Public in and
for the State of Florida.



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C. LOCKETT

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A. I'm not absolutely sure on the month, ma'am. I'm sorry. I just don't have it all right in front of me. It's been a long --

Q. That's okay..

Do you recall the month in 2009 when you left employment?

A. It was real close to July as well.

Q. Okay. And back to -- you mentioned that you were a warden at Terre Haute. What was the period of your -- what were the dates of your employment as warden at Terre Haute?

A. From 2009 until 2010 I was the warden at the medium-security component. And then in 2010 I took over as the acting complex warden and the warden of the USP, Terre Haute, to high-security component.

Q. Do you recall the date in 2010 when you ended your employment?

A. October of 2010 until -- from October of 2010 I was the acting complex warden at USP, Terre Haute. I was confirmed as the complex warden in February of 2011.



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MR. AGATHOCLEOUS: I actually would not mind a bathroom break.

(Whereupon, a brief recess was held.)

BY-MS.YOUNG:

Q. So drawing your attention back to Bates Number -- the Bates numbered document, P001926, in Exhibit-107, if you read in the second paragraph, does it indicate why this inmate was sent to the CMU?

A. (Perusing document.) Yes, it does.

Q. And what is the reason given?

A. "You were designated to CMU at the USP in Marion, Illinois, to allow additional monitoring of your communications. This is due, in part, of your conviction, conspiracy to provide material support.".

Q. And so how would this inmate be become eligible for redesignation?

MR. JOHNSON: Objection, asked and answered.

You can answer.

THE WITNESS: It's stated in the document, Program Statement 5100, Inmate Security Designation and Custody



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Classification.

Q. And it says "Must ordinarily serve 18 months at a facility with clear conduct;" correct?

A. Yes, ma'am.

Q. And what would "clear conduct" mean in this situation?

A. Inmates are free of incident reports.

Q. Anything else?

A. In terms of clear conduct, that's it.

Q. And so does that mean that someone who served 18 months at a CMU with clear conduct would be designated out of the CMU?

A. That's what you said, ma'am. I didn't say that.

Q. Well, I'm guess I'm asking your opinion. In this instance, after the inmate serves 18 months at the CMU with clear conduct, would he be designated out of the CMU?

A. As I said before, the CMU is not different from any other aspect of redesignation. The inmate would have a unit



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C. LOCKETT

1
2 team. That unit team would set short- and
3 long-term goals. And based on the inmate
4 conduct and programming aspects, then it
5 would be reviewed at team as well he
6 achieved that.

7 Q. And when the -- and so is it your
8 testimony that it's not just clear conduct
9 that would permit the inmate to be
10 redesignated out of the CMU, that it's also
11 unit team goals?

12 A. No, ma'am.

13 Q. But what is your testimony? I guess
14 I'm trying to get at --

15 A. They have a process of procedures
16 that individuals have to achieve in order to
17 move from one area to the next or one
18 facility to the next and that is defined by
19 his programming goals in addition to conduct.

20 Q. Okay. And is the inmate informed
21 that the programming goals and the conduct
22 will enable them to secure release from the
23 CMU?

24 A. Yes.

25 Q. And what information specifically is



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Q. So when an inmate is considered for transfer, what standards, if any, does the unit team use to evaluate their eligibility?

A. As I stated before, in the initial designation we receive them into any given unit, a CMU is nothing different. The unit team would sit down with the inmate and talk about short- and long-term goals, programming objectives, and with expectations for those objectives to be achieved. And when those objectives have been achieved, the individual then could look at a span of about 18 months at (sic) possible transfer if it's a drop in security and that's generally the way the process works.

Q. Do you know if there are specific criteria that's generally applicable to the unit team's evaluation of the inmate's eligibility for transfer?

A. What I have before me here now -- Exhibit-40 I think you said --

Q. Uh-huh.

A. -- which identifies the process.

Q. Okay. And Exhibit-40, is it your



C. LOCKETT

A. (Perusing document.)

(Whereupon, Plaintiffs' Exhibit-108 was marked for purposes of identification.)

BY-MS.YOUNG:

Q. Okay. So we were previously discussing what the phrase means -- what the phrase "recruitment and radicalization" means. And here an inmate receives information -- the notice of transfer says that "Reliable evidence indicates your incarceration conduct has included involvement in efforts to recruit and radicalize other inmates." And my question is, if the information in this notice is all that's given when the inmate comes to the CMU, is this sufficient to explain to them what they've done?

MR. JOHNSON: Objection, vague. Objection, foundation.

You can answer.

THE WITNESS: I'm not quite sure that this is all that's given to them.

Q. But if this was all that was given to the prison, would this be sufficient to explain to them what they had done to earn



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placement in CMU?

A. Without the specifics -- this is not all that was given to them.

Q. What if it were?

A. I can't deal with the if. I know the reality is this is not all that's given to them.

Q. And is the prisoner entitled to information about what this means? And what I say "this" I mean the efforts to recruit and radicalize other inmates?

A. On this given document, it's from Warden Jett. And you're going to have to ask Warden Jett whether that was sufficient.

Q. So is it your testimony that different wardens provide prisoners with differing information -- or access to different information about what the terms in their notice of transfer means?

A. No, ma'am. I submit that this is probably not a complete document.

Q. And my question to you, though, is whether or not the inmate is provided -- is entitled to more information other than



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C. LOCKETT

1 additional -- other than this notice?

2 MR. JOHNSON: Objection, vague.

3 You can answer.

4 THE WITNESS: I'd probably hesitate
5 to use the terminology "entitle." What I
6 will answer to is that the information that
7 is given to inmates in terms of his transfer
8 is much more -- this document is not
9 complete.
10

11 Q. So I'd like to direct your attention
12 back to Exhibit-40. And I'd like to direct
13 your attention to Paragraph 3 on Bates
14 Number-P001919.

15 A. Ma'am, a point of qualification, if
16 I can.

17 Q. Sure.

18 A. This is a transfer document that is
19 used for management to transfer the inmate.
20 This is not necessarily a document to
21 articulate the inmate, why he's transferring
22 to CMU.

23 Q. Is the inmate provided this document?

24 A. He may have a copy of it, but this
25 is a management tool to give a brief



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C. LOCKETT

1 explanation of the transfer. So the inmate
2 would have gotten again more than this to
3 explain the reason he was placed in CMU.
4 This is a management tool in order to
5 execute the transfer.
6

7 Q. Thank you.

8 Now, if you would -- I'd like to
9 direct your attention back to Exhibit-40.

10 A. Okay.

11 Q. Bates Number-P001919, the first page.
12 And I'm going to look specifically at
13 Paragraph 3.

14 A. (Perusing document.)

15 Q. Okay. And you'll see in the second
16 line where the document refers to sound
17 correctional judgment.

18 A. Yes, ma'am.

19 Q. So in the context of a unit team's
20 review for CMU designation, how do you
21 determine whether sound correctional judgment
22 was used?

23 A. Say it again, please.

24 MR. JOHNSON: Can you read that
25 back, please?



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A. Of course, inconsistencies or issues that has to be -- these things are factual. Either you did the program or you didn't. You've got a certificate or you don't. And if they are able to produce a certificate, then they're able to produce it. They're able to -- in most instances this would be a certificate that is -- if it's an education, then the inmate would have had a copy of it. Then the education folks through our SENTRY process would have loaded a completion of a program. So it would be right at the fingertips of the staff member when they pull up the Inmate Skills Development Report.

Q. And you talked about this previously, but I want to know more about the -- must an inmate serve a certain amount of time with clear conduct before being eligible for transfer?

A. Typically we like to see about 18 months of clear conduct on observation of the inmate.

Q. And is this established policy?

A. It's much less policy and more or



C. LOCKETT

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less guidelines for observation. It's accepted -- that is the accepted rule.

Q. And when did these guidelines begin?

A. I can't tell you, ma'am, exactly.

Q. Was it previous to your finding your way to the Terre Haute CMU?

A. Those guidelines, I can't tell you exactly, ma'am. It's been in place for a number of years and it's what is -- it's normally what is articulated to the inmate.

Q. So were any prisoners transferred out of the CMU prior to January 21st (sic), 2010, for nonmedical or nondisciplinary reasons?

MR. JOHNSON: Objection, foundation. You can answer.

THE WITNESS: Again, ma'am, please.

(Whereupon, the last question was read back.)

THE WITNESS: I can't recall.

BY-MS. YOUNG:

Q. So I'm going to rephrase a bit. Are you aware of any prisoners being transferred out of the CMU prior to January



EXHIBIT 78



U.S. Department of Justice
Federal Bureau of Prisons

Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

March 20, 2007

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: Communication Management Unit (CMU) Referral
[REDACTED] Reg. No. [REDACTED]

1. Rationale for Re-designation: Inmate [REDACTED] institution disciplinary history indicates phone and mail abuse. Specifically, contacts with the public through other inmates. Reliable evidence indicates that inmate [REDACTED] incarceration conduct has included association with militant recruitment and radicalization of other inmates. Accordingly, his contact with persons in the community requires heightened controls and review.

On December 27, 2005, inmate [REDACTED] was assigned the STG category of **STG** [REDACTED], after [REDACTED] information indicated he was engaged in militant recruiting of inmates while incarcerated.

The following sp [REDACTED] information details inmate [REDACTED] abuse of phone and mail communications.

- ▶ On October 24, 2006, inmate [REDACTED] was sanctioned by the DHO for code 397, Phone Abuse, non-criminal. Inmate [REDACTED] admitted to the DHO that he used the telephone to contact a person for inmate [REDACTED] [REDACTED] pertinent information to pass on to the called party such as his name and register number. The inmates attempted during the call to have the person contacted send money to inmate [REDACTED]. Inmate [REDACTED] was also similarly sanctioned by the DHO.
- ▶ [REDACTED] SIS staff monitored inmate [REDACTED] communications due to his

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FOIA Exempt

Communication Management Unit (CMU) Referral

Reg. No. [REDACTED]

assignment as **STG** [REDACTED]. During monitoring on several occasions, both [REDACTED] and [REDACTED] staff reviewed letters being sent between inmate [REDACTED] and inmate [REDACTED], Reg. No. [REDACTED] through inmate [REDACTED] brother, [REDACTED]. Inmates [REDACTED] and [REDACTED] had previously been incarcerated at [REDACTED] together.

- ▶ On February 23, 2007, an Arabic language phone call made by inmate [REDACTED] was translated. During the call, inmate [REDACTED] and the called party discuss politics and their support of Hamas. During the call, inmate [REDACTED] tells the party called to be careful which websites he visits, to which the called party indicates his uncle has been incarcerated for the last six months.
- ▶ On March 13, 2007, an officer monitoring mail during the morning watch in a housing unit at [REDACTED] discovered a letter with the return address for inmate [REDACTED]s [REDACTED]. Both inmates [REDACTED] and [REDACTED] were housed in the same unit; this is the same inmate simultaneous sanctioned by the DHO for phone abuse along with inmate [REDACTED]. The letter inside the envelope is clearly from inmate [REDACTED] and bears his signature, Arabic writing, his name written in the body of the letter, as well as a group picture including inmate [REDACTED]. In the letter, inmate [REDACTED] writes, "I hate that feeling I have a lot of pride but it's hard doing time without money. After all I did for "You-know-who" I should never need to be broke up in this bitch." Inmates [REDACTED] and [REDACTED]z were issued incident reports for code 328A, Giving or Accepting Money without Authorization, code 397, Phone Abuse, non-criminal and code 410, Using the Mail without Authorization. The reports are currently pending DHO.

2. Proposed Transfer Code: 323 / Close Supervision Case

3. CIM Assignment: None

4. STG Assignment: **STG** [REDACTED]
[REDACTED]

5. Release Destination: Nebraska

6. Medical Status: A medical evaluation was completed. The report indicates there are no medical or dental concerns that would preclude his placement in the CMU.

7. Does Inmate Concur With Transfer: The inmate's opinion was not solicited.

8. Additional Pertinent Information: Inmate [REDACTED] is a 29 year old, white, male. He is a United States citizen with residence in [REDACTED]. His security level is MEDIUM; his custody level is IN. He is a Care Level 1 inmate. He is scheduled for release on 01-07-2011 via Good Conduct Time Release. Inmate [REDACTED] arrived at [REDACTED] on [REDACTED] as a 318 transfer from [REDACTED]. Inmate [REDACTED] disciplinary history includes a

PROTECTED - ATTORNEYS' EYES ONLY

Communication Management Unit (CMU) Referral

██████████ Ali, Reg. No. ██████████

sanctioned incident report for code 397, Phone Abuse, non-criminal.

CIMU REVIEW

DATE: March 27, 2007 CURRENT FACL: THA CUSTODY: IN
NAME: (P-1) REG NO: (P-1) S/L: MEDIUM

TELEPHONE OR MAIL ABUSE I. R.(S): 10/06 PHONE ABUSE-NON CRIMINAL (397); PENDING-GIVING ACCEPTING MONEY W/OUT AUTH (328a); PHONE ABUSE-NON CRIMINAL (397); USING MAIL W/OUT AUTH (410)

CIM ASSIGN: (O)2

COMMENTS

CORRECTIONAL PROGRAMS: (P-1) current offense includes Possession of Ephedrine and Pseudoephedrine. He was originally designated to GIL on 4/6/04 and subsequently transferred to THA on 6/16/05 to build population. His disciplinary history contains phone and mail abuse, during which he has made contact with another inmate through a member of the public (through his brother), and also requested money be sent in to another inmate. His conduct includes the militant recruitment and radicalization of other inmates and he was recently given a (O)1. Additionally, he has been heard discussing politics and Hamas on the phone. (P-1) is a care level 1 inmate, with a projected release date of 01-07-2011. In addition to the (O)1 (O-1) J. George 3/27/07

CORRECTIONAL PROGRAMS ADMINISTRATOR Recommended placement in the comms. 4/15/07

CORRECTIONAL SERVICES ADMINISTRATOR: Concur w/ CMU ill

EXECUTIVE ASSISTANT: _____

DEPUTY REGIONAL DIRECTOR: Concur w/ CMU Placement 3-29-07

REGIONAL DIRECTOR: Approved for CMU 3/29/07

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle): [REDACTED]	Register Number: [REDACTED]
Warden (print and signature): B. R. Jett, Warden	Institution: FCI Terre Haute, Indiana

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.

Your transfer to this facility under these conditions is based on the following specific information:

Your institution history indicates substantial phone and mail abuse. Specifically, you have passed information to members of the public on behalf of other inmates, and you have attempted, on a number of occasions, to communicate with another federal inmate by sending letters to that inmate through an intermediary in the community. Additionally, you were recently charged with attempting to mail out a letter using another inmate's name as the return address on the envelope. Your contact with persons in the community requires heightened controls and review.

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed):	Staff Member (signature):	Date Issued:
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EXHIBIT 79



U.S. Department of Justice
Federal Bureau of Prisons
Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

March 27, 2008

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: MAR - Communication Management Unit (CMU) Referral
[REDACTED] Reg. No. [REDACTED]

1. Rationale for Re-designation:

NOTE: Due to inmate [REDACTED] continued involvement in the eco-environmental movements and known distrust of cooperators in the movements, he is being recommended for MAR CMU to be kept separated from inmate [REDACTED],

L.E./SEP
[REDACTED]

Inmate [REDACTED] is a member of a group called themselves, "Stop Huntington Animal Cruelty," or SHAC for short. This group of is associated with the Animal Liberation Front (ALF), a group considered a domestic terrorist organization. The SHAC was formed as a conspiracy with the known purpose and goal of unlawfully disrupting the business of Huntington Life Sciences, a leading pharmaceutical testing company.

As part of its drug testing procedures, many of which are mandated by law, HLS uses animals for, among other things, testing the safety of drugs and chemicals that various manufacturers seek to bring to market. HLS is an "animal enterprise" as that term is defined by Title 18, United States Code, Section 43(d)(1), in that it is a commercial enterprise that uses animals for research and testing.

Inmate [REDACTED] was convicted of Conspiracy to Disrupt an Animal Testing Enterprise,

Sensitive but Unclassified
FOIA Exempt

and sentenced to 36 months incarceration with 1 year supervised release.

Stop Huntingdon Animal Cruelty, USA ("SHAC") was a not-for-profit corporation incorporated under the laws of the State of Delaware, with its principal place of business located in New Jersey. SHAC is an organization first started in the United Kingdom and then incorporated in the United States. SHAC was formed to interrupt the business of HLS and ultimately to force it to cease operations altogether due to its use of animals for research and testing. SHAC has used a multi-pronged attack against HLS targeting its workers and shareholders as well as companies (and their employees) which received services from, or provided them to, HLS. SHAC distributed a newsletter and operated a series of websites that disseminated its animal rights ideology and furthered its mission by, among other things, posting information relating to individuals and organizations that SHAC targeted for action. This information included the names, addresses and other personal information about individuals who were employed by HLS and other targeted companies.

SHAC embarked on a campaign to enlist animal rights activists to engage in activity meant to harm the business of HLS in any manner available. The defendants used e-mail and web-based communications to disseminate information and coordinate the campaign to shut down HLS. The defendants espoused and encouraged others to engage in "direct action," which as described by SHAC involved activities that "operate outside the confines of the legal system." For instance, the SHAC Website posted what it termed the "top 20 terror tactics," which described "direct actions" that could be taken against companies or individuals such as: demonstrations at one's home using a loudspeaker; abusive graffiti, posters and stickers on one's car and house; invading offices and, damaging property and stealing documents; chaining gates shut, and blocking gates; physical assault including spraying cleaning fluid into one's eyes; smashing the windows of one's house while the individual's family was at home; flooding one's home while the individual was away; vandalizing one's car; firebombing one's car; bomb hoaxes; threatening telephone calls and letters including threats to kill or injure one's partner or children; e-mail bombs in an attempt to crash computers; sending continuous black faxes causing fax machines to burn out; telephone blockades by repeated dialing to prevent the use of the telephone; and arranging for an undertaker to call to collect one's body.

SHAC conducted telephone and e-mail blitzes, fax blitzes and computer blockades against HLS in order to divert HLS employees from their regular work. Information would be disseminated through the SHAC Website to coordinate computer attacks on HLS with the intent of causing damage to, or shutting down, HLS' computer systems. SHAC posted the names, addresses, home telephone numbers and other personal information of HLS employees on the SHAC Website and encourage people to engage in acts of harassment and intimidation against those HLS employees at their homes, through mailings, telephone calls, home demonstrations, vandalism of their real and personal property and other "direct action," in an attempt to place them in reasonable

fear of serious bodily injury and/or death and cause targets to resign from HLS and thereby further disrupt HLS' business activities.

Inmate [REDACTED] communications warrant heightened controls and review due to the fact that he has espoused his anti-government beliefs verbally and in written communications; demonstrated the ability to plan, organize and carry out his plans without detection; used communications methods (internet, e-mail, telephone, fax) to conduct his crimes; maintains contact with other eco-terrorist persons in this country and others. While incarcerated and through social correspondence and articles written for radical publications, inmate [REDACTED] has continue to espouse anti-government views, demonstrated his support for "direct action" to be used against the government and corporations and has indicated he was writing, for publication, a book or books regarding tactics and means to achieve goals toward direct action.

In December 2007, inmate [REDACTED] received an incident report for Using Unauthorized Equipment / Machinery. The institution had precluded inmate [REDACTED] from utilizing any inmate use computer and had issued the inmate an incident report for using the personal access code of another inmate to access a computer. Inmate [REDACTED] admitted to fraudulently using the computer to type personal letters and a manuscript. All of the material was deleted prior to staff gaining access to the account, though some was later obtained when the inmate attempted to mail the items from the institution through general correspondence. Inmate [REDACTED] was sanctioned to nine months loss of telephone privilege.

One of the letters typed on the computer described tactics, methodology and organizations associated with environmental movements. The document was presented to SIS staff for review prior to being mailed. Inmate [REDACTED] presented the intended recipient was a web site entitled the Abolitionist-Online, <http://www.abolitionist-online.com>. The web site indicates the group is, "A Voice for Animal Rights," and a disclaimer reads: "DISCLAIMER: The information on this website is for the purpose of legal protest and information only. It should not be used to commit any criminal acts or harassment. The Abolitionist-Online does not encourage any illegal activities."

In the letter, inmate [REDACTED] answered questions reportedly provided by the publication. Questions included descriptions of the inmate's daily routine, information on a book he is writing, his ideas on the future of animal liberation, inmates he associates with, underground music, prisoner support, the future of the movement and his politics.

In descriptions of a book he is writing to be entitled, "The Blueprint," inmate [REDACTED] stated the book was, "part memoir and part tactical manual," written for, "catharsis and partly as revenge," and detailed, "a surgical map of the Achilles' heel to capitalism."

MAR Communication Management Unit (CMU) Referral

[REDACTED], Reg. No. [REDACTED]

Inmate [REDACTED] stated, "animal liberation to me is part of a totality of liberation," and he hoped, "all animal liberationists see their fight for animal liberation as a fight against capitalism." Describing the future of the movement, inmate [REDACTED] made the following statements: "I hope people will start acting more and talking less. We spend so much time critiquing tactics or methodology or organizations. The animals don't care about our tactics, our organizations or our dialectics; they are in cages or having their throats slit, or being taken apart on necropsy tables as we debate in forums. They need to get free. We should morally support every one from litigants, to H.S.U.S, to the most radical factions; anyone who is doing anything has my love, because the animals need to get free." "Prisoners need to see that the cause did not come to prison with them, that it is out there alive and kicking with steel toed boots." "We need to stay creative, and we need not be scared, we don't need to be as radical as we sometimes are, but we need to be active and vigilant all of the time, because ultimately the animals have no one else."

On March 13, 2007, inmate [REDACTED] was also sanctioned for incident codes 327, Contacting Public without Authorization, and 397, Phone Abuse, non-Criminal. He was sanctioned to six months loss of phone privilege.

2. Proposed Transfer Code: 324 / Program Participation

3. CIM Assignment: None

4. STG Assignment: STG [REDACTED]

5. Release Destination: New Jersey

6. Medical Status: Inmate [REDACTED] is a Care Level 1 inmate. There are no medical concerns which would preclude his placement in MAR CMU.

7. Does Inmate Concur With Transfer: The inmate's opinion was not solicited.

8. Additional Pertinent Information: Inmate [REDACTED] is a 29 year old, white, male. He is scheduled for release on 05-06-2009 via Good Conduct Time Release. He is an IN custody inmate with MEDIUM security level. His disciplinary history includes sanctioned incident reports for codes 318, Using Unauthorized Equipment / Machinery, 327, Contacting Public without Authorization, and 397, Phone Abuse, non-Criminal.

DATE: April 9, 2008

CURRENT FACILITY: BTF

CUSTODY: IN

NAME: [redacted] (P-1)

REG NO: [redacted] (P-1)

S/L: MEDIUM

TELEPHONE OR MAIL ABUSE I. R.(S): 11/07 - CONTACTING PUBLIC W/O AUTH & PHONE ABUSE, NON-CRIMINAL

CIM ASSIGN:

[redacted] (O)2

[redacted] (O)2

COMMENTS

CORRECTIONAL PROGRAMS: [redacted] (P-1) current offense includes Conspiracy to Disrupt an Animal Testing Enterprise. This involved his threatening communication via the internet, e-mail, fax, and telephone used to target employers, shareholders, and companies which receive or provide services for animal research and testing. [redacted] (P-1) is a member of a group called, "Stop Huntington Animal Cruelty," or SHAC. This group is associated with a domestic terrorist group known as the Animal Liberation Front (ALF). The SHAC's goal is to unlawfully disrupt the Hunting Life Sciences, a leading pharmaceutical testing company. He is a care level 1 with a projected release date of 05-06-2009 and maintains STG assignments [redacted] (O)1

[redacted] (O)1

B. Potts

B. Potts 4/09/08

CORRECTIONAL PROGRAMS ADMINISTRATOR: *I don't recommend the transfer of this I/M to the CMU. I further believe he can be managed at a facility close to his release residence (cost effective) of NY as his release date is less than 13 months away. While his instant offense is appropriate the bed space can be better utilized.*

CORRECTIONAL SERVICES ADMINISTRATOR: *Based on past history and affiliations recommend MAR CMU. CUEs*

EXECUTIVE ASSISTANT: *Concur with recommendations of CPA [redacted]*

DEPUTY REGIONAL DIRECTOR: *Nothing has occurred between the two inmates that would directly link a separation [redacted] (O)2 [redacted] (O-2) is given based on the favorableness of don't think CMU is necessary at this juncture. C. [redacted]*

REGIONAL DIRECTOR: *Approved for Marion Call*
[Signature]
4/21/08

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle): [REDACTED]	Register Number: [REDACTED]
Warden (print and signature): Lisa J. W. Hollingsworth, Warden	Institution: WSP Marion, Illinois

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.


Your transfer to this facility under these conditions is based on the following specific information:

Your offense conduct included Conspiracy to Disrupt an Animal Testing Enterprise. You have been identified as a member of the Animal Liberation Front (ALF) and Stop Huntington Animal Cruelty (SHAC), groups considered domestic terrorist organizations. Your offense conduct included using communication devices to commit your offenses including internet, e-mail, fax, and telephones. Your incarceration conduct has included mis-use of telephone communications and inmate access computers. Your contact with persons in the community requires heightened controls and review.

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed): J.S. Wilson, CSW	Staff Member (signature): 	Date Issued: 7/2/08
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Received 7/1/08
JW