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August 18, 2024

Office of Information Policy

U.S. Department of Justice

441 G Street N.W.

6th Floor

Washington, D.C. 20530-0001

Sent Via: <https://doj-foia.entellitrak.com/etk-doj-foia-prod/login.request.do>

Re: Appeal – Denial of Expedited Request 2024-04492

Dear Appeals Officer:

This letter constitutes an administrative appeal under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and 28 C.F.R. § 16.8(a)¹ regarding the Bureau of Prisons (BOP) and Department of Justice's (DOJ) denial of expedited FOIA request number 2024-04492. Disclosure of the records was urgently requested and benefits Requester Victoria Law and the public because it is likely to contribute significantly to the court, public, news media, litigant, and congressional understanding of the activities or operations related to the BOP's handling of the Dublin prison and camp conditions, medical and mental health treatment, abuse, retaliation, and prison closure, and transfer matters. The lack of expedited **determination** poses an imminent threat to life and physical safety per 5 U.S.C. § 552(a)(6)(E)(v)(i) and 28 C.F.R. § 16.5(e)(1)(i). An urgency exists to inform the public about an actual or alleged government activity of the BOP and DOJ per 5 U.S.C. § 552(a)(6)(E)(v)(ii) and 28 C.F.R. § 16.5(e)(1)(ii). Failure to expedite the **determination** is causing the loss of substantial due process rights per 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iii). The request concerns questions about government integrity and documenting the widespread and exceptional domestic and international media coverage as per 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iv).

¹ 28 C.F.R. § 16.8(a) states: "A requester may appeal any adverse determinations to OIP." "The requester must make the appeal in writing and to be considered timely it must be postmarked, or in the case of electronic submissions, transmitted, within 90 calendar days after the date of the response."

I. Constructive Denial: Factual and Procedural History

- On July 5, 2024 Requester transmitted the request. *See* Exhibit 7. BOP acknowledges this the date received as July 5, 2024. *See* Exhibit 6. BOP **acknowledged**² the request, assigned **tracking number** 2024-04492, and granted **expedited**³ status on 7/10/2024. *Id.*
- On August 4, 2024 counsel emailed the Ms. Kara Christenson, FOIA/Privacy Act Liaison and the general BOP FOIA email asking for a status and timeline update. *See* Exhibit 5.
- On August 4, 2024 counsel called the BOP FOIA hotline and left a message inquiring about a timeline for a substantive response and release of records.
- On August 12, 2024 counsel emailed the Western Regional Office FOIA/Privacy Act Liaison email asking for a status and timeline update. *See* Exhibit 3.
- On August 12, 2024 counsel emailed P. Willcott and the general BOP FOIA email asking for a status and timeline update. *See* Exhibit 4.
- On August 13, 2024 P. Willcott emailed stating “A search is still being conducted for records responsive to your request. As we have yet to receive responsive records from the records custodian, our anticipated date of completion is January 10, 2025. Until then please feel free to check the status of your request at <https://www.bop.gov/foia/index.jsp#tabs-6> by entering the number of your request and clicking the “search button”.” *See* Exhibit 2.
- As of August 16, 2024 the FOIA tracking portal is the BOP’s only action other than the acknowledgement letter. The portal provides only the following "Document Search: We are in the process of searching for your records" and provides no details as to response, determination, timeline for release of records, argued exemptions/exclusions, or fee waiver. *See* Exhibit 1. Per 5 U.S.C. § 552(a)(6)(B)(i) the BOP’s “**determination**” regarding **any** request is due no later than twenty business days from receipt of request plus ten additional working days if the agency had invoked the exceptional circumstances provisions. BOP has not invoked the exceptional circumstances provisions, and waived its right to an extension. Had it requested an extension, August 16, 2024 would have been the statutory and regulatory deadline.

² 28 C.F.R. § 16.6(e)(4) states that “A component shall **acknowledge** the request and assign it an individualized **tracking number** if it will take longer than 10 **working** days to process.” Ten working days from July 5, 2024 was July 19, 2024.

³ The BOP’s **response** to an **expedited** request is due no later than 10 **calendar** days after the request was received by BOP’s department designated to receive FOIA requests for agency records. For expedited requests 28 C.F.R. § 16.5(e)(4) states: “A component shall notify the requester within **10 calendar days** of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request shall be given priority, placed in the processing track for expedited requests, and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously.” Ten calendar days from July 5, 2024 was July 15, 2024.

II. Argument

When an agency fails to respond to a FOIA request within the statutory timeframe, it has constructively denied the request. *See Oglesby v. U.S. Dep't of Army*, 920 F.2d 57 (D.C. Cir. 1990) (“Congress adopted the time limit provision in the FOIA in order to ‘contribute to the fuller and faster release of information, which is the basic objective of the Act.’” (quoting H.R. Rep. No. 93-876, 93d Cong., 2d Sess., reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271) “The constructive exhaustion provision was a spur to the agencies to respond within the ten-day deadline.”).

A. **Constructive Denial: Failure to Make a Determination**

BOP’s failure to make a determination by the statutory and regulatory deadline constitutes constructive denial. On August 12, 2024, P. Willcott emailed counsel stating “A search is still being conducted for records responsive to your request. As we have yet to receive responsive records from the records custodian, our **anticipated** (emphasis added) date of **completion** (emphasis added) is January 10, 2025. 5 U.S.C. § 552(a)(7)(B) states that each agency shall ...establish a system to...provide to each person making a request the tracking number assigned to the request and “an estimated date on which the agency will complete action on the request.” However, the agency has not provided an estimated date of **determination** that meets within the statutory or regulatory deadline.

The BOP is required to make “**determination**” whether to comply with a FOIA request—and communicate “the reasons therefor” within twenty business days of its receipt. 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(B)(i). A “**determination**” “must be more than just an initial statement that the agency will generally comply with a FOIA request and will produce non-exempt documents and claim exemptions in the future. *Citizens for Responsibility & Ethics in Wash. v. FEC*, 711 F.3d 180, 188 (D.C. Cir. 2013) (“CREW”). To satisfy its statutory obligations the BOP “must at least: (i) gather and review the documents; (ii) determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents; and (iii) inform the requester that it can appeal whatever portion of the 'determination' is adverse.” *Id.* The August 13, 2024 email indicates the BOP has not gathered and reviewed the documents; as it has “yet to receive responsive records from the records custodian.” The August 13, 2024 email indicates BOP has not determined and communicated the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents, as it has “yet to receive responsive records from the records custodian.” As no **determination** has been made, BOP has not informed Requester that she can appeal whatever portion of the 'determination' is adverse.

5 U.S.C. § 552(a)(6)(B)(i) allows an agency to extend the date by which it may make a determination by no more than “ten working days” in “unusual circumstances.” BOP has not asserted “unusual circumstances” and waived its right to an extension. Had BOP requested an extension, August 16, 2024 would have been the thirty day statutory and regulatory deadline, yet

BOP failed to make a **determination** within thirty business days as defined by FOIA. *See* 5 U.S.C. § 552(a)(6)(A)(i); *Id.* § 552(a)(6)(B)(i); *Id.* § 552(a)(6)(B)(iii)(III). Therefore, BOP violated FOIA's statutory deadline.

B. Constructive Denial: Failure to Determine Production Scope and Reasoning

BOP's failure to determine a production scope and reasoning by the statutory and regulatory deadline constitutes a constructive denial. The BOP has not produced any documents in response to the Request and has not communicated: 1. the scope of the records it intends to produce; 2. the scope of the records it intends to withhold; 3. reasoning and exceptions/exemptions argued for the withholding of any documents; or 4. A Vaughn Index. Therefore, the BOP is in violation of its statutory duties under FOIA. *See* 5 U.S.C. § 552(a)(6)(A)(i); *Id.* § 552(a)(6)(B)(i); *Id.* § 552(a)(6)(B)(iii)(III); CREW, 711 F.3d at 188.

C. Constructive Denial: Failure to Grant Fee Waiver

BOP's failure to grant a fee waiver by the statutory and regulatory deadline constitutes constructive denial. As detailed in the initial request and exhibits, the immediate release of the information sought is in the public interest and made by a representative of the news media, Requester Victoria Law, *See* Exhibit 7. Requester Law is entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) because disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." *Id.*

III. Conclusion

The BOP's failure to provide a **determination** within the statutory deadline violates the FOIA statute and Department of Justice's implementing regulations, 28 C.F.R. § 16 et seq..

IV. Relief Requested

Here, the Requester is not required to appeal before filing suit, but does so out of courtesy. A requester is only required to administratively appeal a "**determination**" before bringing suit if agency has made and communicated its "**determination**" in a timely manner. *See* CREW, 711 F.3d at 182. However, as occurred here, "if the agency has not issued its "**determination**" within the required time period, the requester may bring suit directly in federal district court without exhausting administrative appeal remedies." *Id.*

Despite not being required to appeal, Requester appeals for a decision directing the BOP to, within statute's twenty business day deadline (5 U.S.C. § 552(a)(6)(A)(ii)), September 13, 2024:

1. Declare the Requester is entitled to records;
2. Make a determination as soon as possible;
3. Release all non-exempt records;

4. Provide reasoning and exemptions/exclusions argued for the withholding of any documents;
5. Provide a Vaughn Index for argued exemptions/exclusions;
6. Provide a timeline for release;
7. Release records on a rolling basis as records are processed, rather than waiting for all the processing to be complete before releasing any records;
8. Declare that Requester qualifies as a representative of the news media;
9. Grant fee waiver and order BOP to refrain from charging search, review or duplication fees;
10. Order such other relief as the OIP may deem just and proper.

Sincerely,

/s/

Caitlin Kelly Henry, Esq.

Enclosures:

Exhibit 1: 2024.08.18 BOP FOIA Portal Status Check 2024-04492

Exhibit 2: 2024.08.13 BOP Response to CKH 2024-04492

Exhibit 3: 2024.08.12 Request for Response, Determination, and Timeline Expedited Request Number 2024-04492 Western Regional

Exhibit 4: 2024.08.12 Request for Response, Determination, and Timeline Expedited Request Number 2024-04492 HQ

Exhibit 5: 2024.08.04 Request for Response, Determination, and Timeline Expedited Request Number 2024-04492

Exhibit 6: 2024.07.10 BOP to CKH Assigning Expedited

Exhibit 7: 2024.07.05 Victoria Law Initial FOIA Request to BOP DOJ

Home (/)	<input type="text" value="Search bop.gov"/>	<input type="button" value=""/>
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Freedom Of Information Act

A powerful resource for gaining access to our public records and information.

Overview	Records	Exemptions & Exclusions	FAQs	Privacy	Request Information	Pending Requests
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Track your FOIA request

You can learn the status of your request by entering your FOIA request number in the box below. The database is updated daily. Please note, if you call BOP's FOIA office for a status update, we will have the same information generated by this page. Staff are generally unable to provide a date when BOP will issue a final response to a particular FOIA request.

The different statuses are:

- Document Search: We are in the process of searching for your records.
- DAddRvwLog: We received at least one responsive records.
- Fee Related Hold: No action is being taken pending a requester's agreement to pay or actual payment of fees.
- Clarification Hold: No action is being taken pending a requester clarifying his/her FOIA request.
- Closed: We processed and closed the FOIA request.

The database is updated on a daily basis. The BOP's FOIA Service Center (FSC) is also available to requestors seeking additional information about the BOP's FOIA program: (202) 616-7750; however, the Service Center will not be able to provide any more information than is available via this status page. Specific questions or concerns should be addressed with the office assigned to process your request.

Request Number:

Request: 2024-04492
Status: Document Search
Office Assigned: Western Regional Office
Date Received: 07/05/2024

Questions about your request.

If you have questions about your request, please go to the [Overview tab](#) for information about contacting the FOIA Office processing your request.





Note: documents in Portable Document Format (PDF) require Adobe Acrobat Reader 5.0 or higher to view, [download Adobe Acrobat Reader \(http://get.adobe.com/reader/\)](http://get.adobe.com/reader/).

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Historical Information (/about/history/)	Communications (/inmates/communications/)	Search for a Facility (/locations/search.jsp)	Current Openings (https://careers.bop.gov/s/jobs/?utm_medium=footer&utm_source=bopgov&utm_campaign=ed_nm_bopgov_20240305_both_bopgov_all_au0013_both_bc0014_na_na_footer_lp0018)	Reentry Contracting (/business/rrc_contracting.jsp)	Press Releases (/resources/press_releases.jsp)	Volunteers (/resources/volunteer.jsp)
Statistics (/about/statistics/)	Custody & Care (/inmates/custody_and_care/)		Application Process (/jobs/application_process.jsp)		Publications (/resources/publications.jsp)	Former Inmates (/resources/former_inmate_resources.jsp)
	Visiting (/inmates/visiting.jsp)		Our Hiring Process (/jobs/hiring_process.jsp)		Research & Reports (/resources/research_and_reports.jsp)	Media Reps (/resources/media_resources.jsp)
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EDC of 2024-04492

From: BOP-OGC-EFOIA-S (BOP)
To: ckh@caitlinkellyhenry.com
Cc:
Sent: 8/13/2024 4:44:06 AM

Attachments:  [2024.08.04 Request For Response, Determination, and Timeline Expedited Request Number 2024-04492.pdf](#)
 [2024.08.04 BOP FOIA Portal Status Check 2024-04492.pdf](#)  [2024.07.10 BOP to CKH Assigning Expedited.pdf](#)
 [2024.08.12 FOIA Request For Response, Determination, and Timeline Expedited Request Number 2024-04492.pdf](#)

Good morning:

A search is still being conducted for records responsive to your request. As we have yet to receive responsive records from the records custodian, our anticipated date of completion is January 10, 2025.

Until then please feel free to check the status of your request at <https://www.bop.gov/foia/index.jsp#tabs-6> by entering the number of your request and clicking the “search button”.

Sincerely,
P. Willcott, for
Eugene Baime
Supervisory Attorney

From: ckh@caitlinkellyhenry.com
To: PWillcott@bop.gov
Subject: [EXTERNAL] Request For Response, Determination, and Timeline - Expedited Request Number 2024-04492
Date: Mon, 12 Aug 2024 10:33:42 -0700

Dear P. Willcott,

I hope this email finds you well. I write regarding expedited request number 2024-04492.

Please find a letter enclosed seeking a timeline for a substantive response, determination, and release of records.

Thank you,

Caitlin Kelly Henry, Esq.

CAITLIN KELLY HENRY, ESQ.
ATTORNEY AT LAW, CASBN #287949
1423 Broadway # 215 Oakland, CA 94612
TEL:(510)277-2025 ckh@caitlinkellyhenry.com

August 12, 2024

FOIA/Privacy Act Liaison
Federal Bureau of Prisons, Department of Justice
Western Regional Office

Sent Via Email WXRO-FOIA-S@BOP.GOV

**Re: Request For Response, Determination, and Timeline for Release on Expedited Request
2024-04492**

Dear Western Regional Office:

I write to seek a timeline for a substantive **response**,¹ **determination**, and release of records for expedited request number 2024-04492. The BOP acknowledges the date received as 7/5/2024 (See enclosed 2024.07.10 BOP to CKH Assigning Expedited). This was approximately 30 calendar days, and 20 business days ago. BOP **acknowledged**² the request, assigned **tracking number** 2024-04492, and granted **expedited**³ status on 7/10/2024. The FOIA tracking portal indicates "Document Search: We are in the process of searching for your records" but provides no details as to response, determination, and release of records (See enclosed 2024.08.04 BOP FOIA Portal Status Check 2024-04492).

¹ 5 U.S.C. 552(a)(6)(C)(i) states that the BOP's **response** to any request is due no later than twenty business days from receipt of request. Per 5 U.S.C. § 552(a)(6)(A) the twenty day determination begins "on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency" designated in regulations to receive FOIA requests. 28 C.F.R. § 16.5(c) states: "Whenever the statutory time limit for processing a request cannot be met because of "unusual circumstances," as defined in the FOIA, and the component extends the time limit on that basis, the component shall, **before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which processing of the request can be expected to be completed.** Where the extension exceeds 10 working days, the component shall, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing."

² 28 C.F.R. § 16.6(e)(4) states that "A component shall **acknowledge** the request and assign it an individualized **tracking number** if it will take longer than 10 working days to process."

³ The BOP's **response** to an **expedited** request is due no later than 10 **calendar** days after the request was received by BOP's department designated to receive FOIA requests for agency records. For expedited requests 28 C.F.R. § 16.5(e)(4) states: "A component shall notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request shall be given priority, placed in the processing track for expedited requests, and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously."

August 16, 2024 will be approximately twenty business days from transmission plus ten business days for potential agency extension. Per 5 U.S.C. § 552(a)(6)(B)(i) the BOP's "**determination**" regarding **any** request is due no later than twenty business days from receipt of request plus 10 additional working days if the agency invokes the exceptional circumstances provisions. Please provide me with a timeline for a substantive **response, determination,** and release of records.

Sincerely,

/s/

Caitlin Kelly Henry, Esq.

Enclosures:

2024.08.04 Letter to BOP

2024.08.04 BOP FOIA Portal Status Check 2024-04492

2024.07.10 BOP to CKH Assigning Expedited

CAITLIN KELLY HENRY, ESQ.
ATTORNEY AT LAW, CASBN #287949
1423 Broadway # 215 Oakland, CA 94612
TEL:(510)277-2025 ckh@caitlinkellyhenry.com

August 12, 2024

P. Willcott
FOIA/Privacy Act Liaison
Federal Bureau of Prisons, Department of Justice
320 First Street NW, Room 924
Washington, DC 20534

Sent Via Email BOP-OGC-EFOIA-S@BOP.GOV, PWillcott@bop.gov

Re: Request For Response, Determination, and Timeline for Release on Expedited Request 2024-04492

Dear P. Willcott

I write to seek a timeline for a substantive **response**,¹ **determination**, and release of records for expedited request number 2024-04492. The BOP acknowledges the date received as 7/5/2024 (See enclosed 2024.07.10 BOP to CKH Assigning Expedited). This was approximately 30 calendar days, and 20 business days ago. BOP **acknowledged**² the request, assigned **tracking number** 2024-04492, and granted **expedited**³ status on 7/10/2024. This was approximately 25 calendar days, and 17 business days ago. The FOIA tracking portal indicates "Document Search: We are in the process of searching for your records" but provides no details as to response,

¹ 5 U.S.C. 552(a)(6)(C)(i) states that the BOP's **response** to any request is due no later than twenty business days from receipt of request. Per 5 U.S.C. § 552(a)(6)(A) the twenty day determination begins "on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency" designated in regulations to receive FOIA requests. 28 C.F.R. § 16.5(c) states: "Whenever the statutory time limit for processing a request cannot be met because of "unusual circumstances," as defined in the FOIA, and the component extends the time limit on that basis, the component shall, **before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which processing of the request can be expected to be completed.** Where the extension exceeds 10 working days, the component shall, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing."

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Sincerely,

/s/

Caitlin Kelly Henry, Esq.

Enclosures:

2024.08.04 Letter to BOP

2024.08.04 BOP FOIA Portal Status Check 2024-04492

2024.07.10 BOP to CKH Assigning Expedited

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ATTORNEY AT LAW, CASBN #287949
1423 Broadway # 215 Oakland, CA 94612
TEL:(510)277-2025 ckh@caitlinkellyhenry.com

August 4, 2024

FOIA/Privacy Act Liaison
Federal Bureau of Prisons, Department of Justice
Ms. Kara Christenson
320 First Street NW, Room 924
Washington, DC 20534

Sent Via Email BOP-OGC-EFOIA-S@BOP.GOV, KChristenson@bop.gov

Re: Request For Response, Determination, and Timeline for Release on Expedited Request 2024-04492

Dear Ms. Christenson

I write to seek a timeline for a substantive **response**,¹ **determination**, and release of records for expedited request number 2024-04492. The BOP acknowledges the date received as 7/5/2024 (See enclosed 2024.07.10 BOP to CKH Assigning Expedited). This was approximately 30 calendar days, and 20 business days ago. BOP **acknowledged**² the request, assigned **tracking number** 2024-04492, and granted **expedited**³ status on 7/10/2024. This was approximately 25 calendar days, and 17 business days ago. The FOIA tracking portal indicates "Document Search: We are in the process of searching for your records" but provides no details as to response,

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² 28 C.F.R. § 16.6(e)(4) states that "A component shall **acknowledge** the request and assign it an individualized **tracking number** if it will take longer than 10 working days to process."

³ The BOP's **response** to an **expedited** request is due no later than 10 **calendar** days after the request was received by BOP's department designated to receive FOIA requests for agency records. For expedited requests 28 C.F.R. § 16.5(e)(4) states: "A component shall notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request shall be given priority, placed in the processing track for expedited requests, and shall be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously."

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Sincerely,

/s/

Caitlin Kelly Henry, Esq.

Enclosures:

2024.08.04 BOP FOIA Portal Status Check 2024-04492

2024.07.10 BOP to CKH Assigning Expedited



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

*Central Office
320 First St., NW
Washington, DC 20534*

July 10, 2024

Caitlin Henry
1423 Broadway #215
Oakland, CA 94612

Request Number: 2024-04492

Dear Caitlin Henry:

The Federal Bureau of Prisons (BOP) received the above-referenced Freedom of Information Act (FOIA) request wherein you seek expedited processing. A copy of the first page of your request is attached.

The Department of Justice requires all requests for records be processed on a first-in, first-out basis. The four exceptions to this requirement are: "(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; (iii) The loss of substantial due process rights; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e).

Your request meets the requirement to be processed on an expedited basis and will be expedited to the best of our ability. This request will be placed on the processing track ahead of other requests and processed as soon as practicable.

If you have any questions, please contact the undersigned or BOP's FOIA Public Liaison, Ms. Kara Christenson, at 320 First Street NW, Room 924, Washington, DC 20534; bop-ogc-efoia-s@bop.gov; or 202-616-7750 (phone). You can also check the status of your request online at <http://www.bop.gov/PublicInfo/execute/foia>.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Willcott", is written over a horizontal line.

P. Willcott, for
Eugene E. Baime, Supervisory Attorney

[EXTERNAL] Expedited Freedom of Information Act Request - Dublin Prison

Caitlin Henry <ckh@caitlinkellyhenry.com>

Fri 7/5/2024 9:36 PM

To: BOP-OGC-EFOIA-S (BOP) <BOP-OGC-EFOIA-S@bop.gov>

 1 attachments (1 MB)

2024.07.05 Victoria Law Initial FOIA Request to BOP DOJ.pdf;

Re: Expedited Freedom of Information Act Request - Dublin Prison

This is a request for **expedited** records release pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., and the Department of Justice's implementing regulations, 28 C.F.R. § 16 et seq. Per 28 C.F.R. § 16.5(e)(2) please immediately direct or forward this request electronically to the component that maintains records and to the Director of Public Affairs at the Office of Public Affairs, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530-0001 regarding the request for expediting under §16.5(e)(1)(iv).

Please find attached an enumerated list of requested records related to the BOP's handling of the Dublin prison and camp conditions, medical and mental health treatment, abuse, retaliation, and prison closure and transfer matters. Please send this request to all appropriate officials, agencies, offices, components and/or departments within the Department of Justice and Bureau of Prisons. Please provide a Vaughn index enumerating any claimed exclusions or exemptions. Please provide a schedule in which record disclosure is anticipated.

Sincerely,

/s/

Caitlin Kelly Henry, Esq.

Enclosures:

Enumerated List of Requested Records

Declaration of Victoria Law

Declaration of Caitlin Kelly Henry with enclosed exhibits:

Exhibit 1: Imminent Threat to the Physical Safety and Life

Exhibit 2: Urgency to Inform the Public

Exhibit 3: Substantial Due Process Rights

Exhibit 4: Exceptional Media Interest

CAITLIN KELLY HENRY, ESQ.
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July 5, 2024

Eugene Baime
Supervisory Attorney
FOIA/Privacy Act Requests
Federal Bureau of Prisons, Department of Justice
Room 924, HOLC Building
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Washington, DC 20534

Director of Public Affairs
Office of Public Affairs,
Department of Justice,
950 Pennsylvania Avenue NW.
Washington, DC 20530-0001

Sent Via Email ogc_efoia@bop.gov
CC EBaime@bop.gov

Re: Expedited Freedom of Information Act Request - Dublin Prison

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¹This request is sent via email because no method was found that enabled electronic transmission of file attachments to the components that maintain records or for the Director of Public Affairs on the DOJ contact information page <https://www.justice.gov/opa/contact-office>, or BOP <https://www.bop.gov/foia/#tabs-5> website, or DOJ FOIA portal <https://www.foia.gov/request/agency-component/8564f456-24c2-473a-b5a1-689870c6b67a/>, or in the eCFR regulations.

Sincerely,

/s/

Caitlin Kelly Henry, Esq.

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Table of Contents

The Requester	5
Fee Waiver and Expedited Processing Category: Representative of the News Media Primarily Engaged in Disseminating Information	5
No Commercial Benefit to Requester	6
Benefit Derived by Promptly Disclosing Records	6
Prison Conditions Are Per Se A Matter of Public Interest and Transparency Facilitates Humane Conditions	6
Public Benefit in Knowledge of Whether and How BOP Continues to Violate The Constitution, Statutes, Regulations, and Court Orders	7
Public Benefit in Knowledge of Whether and How BOP Continues to Engage in Fraud, Waste, and Abuse	7
Public Benefit From Immediate Disclosure	8
Requester's Exigent Interest in the Records Sought is to Benefit the Public By Sharing Information to Prevent Further Irreparable Harm	10
Request for Expedited Treatment	10
Expedition Factor 1: Failure to Expedite Poses an Imminent Threat to Life and Physical Safety	10
Threats to Safety and Life BOP Caused After Court Orders In <i>CCWP</i>	11
Threats to Safety and Life BOP Caused In Abrupt Poorly Planned Closure	11
Threats to Safety and Life BOP Caused In Transfer	12
Threats to Safety and Life BOP Caused At New Facilities	12
Threats to Safety and Life from Removal	12
Expedition Factor 2: An Urgent Need Exists to Inform The Public About the BOP's Activity	13
Imminent Need To Provide Records In Scheduled Proceedings Litigators, Parties, Court, and Special Master	13
Time Sensitive Need to Provide to Elected Officials: Investigations and Hearing	14
Pressing Need to Provide to Elected Officials: Contributing to Legislative Record in Pending Legislation	15
Expedition Factor 3: Failure to Expedite Will Cause The Loss of Substantial Due Process Rights	15
Incarcerated Peoples' Interest in Due Process Before Deprivation of Life, Liberty, and Property	15
BOP's Ongoing Violations of Substantial Due Process Rights	16
BOP Violated Substantive Due Process Interest In Personal Security	16
BOP Violated Due Process Right to Access to Courts and Counsel	16
BOP Violated Due Process Right to Be Free From Retaliation	17

BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Placement of People In Solitary Confinement	18
BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Strip Searches	18
BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Mishandling of Grievances	18
BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Failure to Investigate	19
BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Witness Transfers In Violation of Court Order	19
BOP Violated Due Process Right to By Engaging In Unlawful Retaliatory Deprivation of Legal, Religious, and Personal Property	19
Due Process Liberty Interest: Release Immediately Upon Criminal Sentence Completion	20
Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Administrative Remedy Process	21
Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Discipline	21
Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Case Records	22
Due Process Liberty Interest: Compassionate Release Cases	22
Due Process Life and Liberty Interest: Immigration Cases	23
Expedition Factor 4: The Criminal Convictions of Seven BOP Employees For Sexually Abusing Incarcerated People, Special Master Appointment, Prison Closure, and Transfers of Incarcerated People Raise Questions About The Department of Justice and BOP Integrity That Are A Matter of Widespread and Exceptional Media Interest	24

The Requester

Requester Victoria Law is a freelance journalist, book author,² and editor with a decades-long track-record of compiling and disseminating information about the intersection of mass incarceration and gender, and the effect of prison policies and actions on incarcerated people, formerly incarcerated people, and immigrant communities. *See* Declaration of Victoria Law, herein Law Decl. As evidenced by publishing with high-profile outlets including The New York Times, The Nation, The Guardian, The Appeal, and Al-Jazeera America, Requester is an expert in evaluating law enforcement and carceral agency actions and their potential detrimental effects. *Id.* Requester's work currently focuses on the legal proceedings related to Federal Correctional Institution, Dublin (FCI Dublin) and the stories of people who survived and are surviving abuses perpetrated by BOP staff.³ On June 11, 2024 Requester filed a Motion to Intervene for the Limited Purpose of Unsealing Court Records and Protecting Access to Court Proceedings in *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, ECF No. 316 and a Motion to Unseal Court Records and Protect Access to Public Proceedings. ECF No. 317. Intervenor's "seek to intervene for the limited purposes of moving to unseal certain court records and to ensure continued public access to hearings." ECF No. 316 at 5.

Requester will continue to report on the FCI Dublin scandal, including the Federal Bureau of Prison's (BOP) decision to hastily close the facility and transfer people and plans to summarize the government's actions, and further the public's understanding of BOP's functions and activities. *See* Law Decl. Requester's methodology weaves primary source materials together with an analysis informed by a deep understanding of government operations in order to publish articles and books about incarceration. Requester needs expedited access to primary source records to conduct through investigations on these matters of pressing public concern.

Fee Waiver and Expedited Processing Category: Representative of the News Media Primarily Engaged in Disseminating Information

For the purposes of the fee waiver category, Requester is a representative of the news media. Requester is entitled to a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(ii), and the Department of Justice's implementing regulations. Under FOIA, a "representative[] of the news media," is defined as "any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Id.* This request details how Requester will share information with the

² Resistance Behind Bars: The Struggles of Incarcerated Women (PM Press 2009), Prison by Any Other Name (New Press 2020), and Corridors of Contagion (Haymarket Books 2024).

³ Victoria Law, *Prison Notorious for Rape Is Slated for Closure But Not Releasing Survivors*, Truthout, Apr. 16, 2024, <https://truthout.org/articles/prison-notorious-for-rape-is-slated-for-closure-but-not-releasing-survivors/> (last visited May 20, 2024); Victoria Law, *Survivors of Prison Staff Abuse Say Transfer to New Facilities Hasn't Ended Harm*, Truthout, May 24, 2024, <https://truthout.org/articles/survivors-of-prison-staff-abuse-say-transfer-to-new-facilities-hasnt-ended-harm/> (last visited May 24, 2024); Victoria Law, *Women Speaking Up About Sexual Abuse Behind Bars Face Retaliation in California*, Truthout, Feb. 22, 2024, <https://truthout.org/articles/women-speaking-up-about-sexual-abuse-behind-bars-face-retaliation-in-california/> (last visited May 24, 2024); Victoria Law, *FBI Raids California Prison Facing 63 Lawsuits Over Systemic Sexual Abuse*, Truthout, Mar. 14, 2024, <https://truthout.org/articles/fbi-raids-california-prison-facing-63-lawsuits-over-systemic-sexual-abuse/> (last visited May 28, 2024); Victoria Law, *These Survivors Rooted Out Sexual Abuse in Federal Prison. Now They Face Deportation.*, The Appeal, Jun. 2, 2023, <https://theappeal.org/fci-dublin-u-visas-sexual-abuse-deportation/> (last visited May 30, 2024).

public, elected officials, incarcerated people, and their attorneys and advocates in order to prevent more unlawful activity and injuries caused by BOP staff. A fee waiver would fulfill Congress's legislative intent in drafting and amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (quotation marks omitted)).

For the purposes of expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) Requester is a representative of the news media. Requester adds to the fund of information that citizens may use in making vital political choices by utilizing primary source BOP records to assist the public in evaluating BOP policies and actions. Requester’s articles will turn the BOP’s raw materials into a distinct work that includes narratives from incarcerated people to paint a fuller picture. Requester will distribute this work to an audience through the news outlets previously listed, or outlets similar in profile and audience-reach. This scope of activities qualifies for expedited treatment. *See ACLU v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”). *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

No Commercial Benefit to Requester

Requester seeks no commercial benefit from the records. Requester will make information that it receives request available to the public, counsel, litigants, elected officials, journalists, and others at no cost.

Benefit Derived by Promptly Disclosing Records

Disclosure of the records urgently requested herein benefits the Requester and the public because it is likely to contribute significantly to the court, public, news media, litigant, and congressional understanding of the activities or operations of the BOP and its integrity. The FOIA legislation recognized “the value in hastening release of certain information.” *Edmonds v. FBI*, 417 F.3d 1319, 1324 (D.C. Cir. 2005)). The public would lose the value of release in this matter if release is not expedited. In this case, delay in complying with this expedited FOIA request is, as Congress recognized, “tantamount to denial.” H.R.Rep. No. 93–876, at 6 (1974), 1974 U.S.Code Cong. & Admin. News, pp. 6267, 6271.

Prison Conditions Are Per Se A Matter of Public Interest and Transparency Facilitates Humane Conditions

Courts find carceral conditions to epitomize a *per se* matter of public interest, and transparency about them to constitute a public benefit: “conditions in jails and prisons are clearly matters ‘of great public importance.’” *Houchins v. KQED, Inc.*, 438 U.S. 1, 8 (1978) (quoting *Pell v. Procunier*, 417 U.S. 817, 830 n.7 (1974)). As society places incarcerated people into a trust or ward relationship with the state, society then assumes responsibility for their conditions and care, and accordingly, the public “always” retains an interest in preventing the violation of their

constitutional rights. *See Porretti v. Dzurenda*, 11 F.4th 1037, 1050 (9th Cir. 2021); *See also Storm v. Twitchell*, No. 1:12-CV-00179-CWD, 2014 WL 4926119, at *14 (D. Idaho Sept. 29, 2014)(Noting an interest in transparency to facilitate humane conditions “Whether conditions at the county jails violate the Eighth Amendment of the United States Constitution is important information for the general public to know, so that our country can continue to maintain humane incarceration facilities.”); *See also Rosas v. Baca*, No. CV 12-00428 DDP (SHx), 2023 WL 7429105, at *2 (C.D. Cal. Nov. 8, 2023) (acknowledging the public interest in transparency and “the important public need for fuller information about conditions within the jails”).

Public Benefit in Knowledge of Whether and How BOP Continues to Violate the Constitution, Statutes, Regulations, and Court Orders

The US Code, including Chapter 18 U.S.C. § 4042, Duties of Bureau of Prisons⁴, and 18 U.S.C. § 3621(b)⁵, determining Place of Imprisonment, obligates the BOP to meet certain minimum standards in the treatment of people in its care. During a time in which there is intense public scrutiny about the integrity of government functions due to the unlawful actions of BOP employees, it is vital for the public to know whether the BOP follows its own statutory mandates and regulations. Courts have held “there is an overriding public interest ... in the general importance of an agency's faithful adherence to its statutory mandate.” *Jacksonville Port Auth. v. Adams.*, 556 F.2d 52, 59 (D.C.Cir.1977). That interest is served by the expedited release of the requested records because release furthers FOIA's core purpose of “shed[ding] light on an agency's performance of its statutory duties.” *Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773, 109 S.Ct. 1468, 103 L.Ed.2d 774 (1989); *See also Ctr. to Prevent Handgun Violence v. Dep't of Treasury*, 49 F.Supp.2d 3, 5 (D.D.C.1999) (“There is public benefit in the release of information that adds to citizens' knowledge”).

Public Benefit in Knowledge of Whether and How BOP Continues to Engage in Fraud, Waste, and Abuse

FOIA courts recognize “a public interest in determining whether government programs . . . involve fraud, waste, or abuse.” *WP Co. LLC v. SBA*, 502 F. Supp. 3d 1, 23 (D.D.C. 2020) (collecting cases). Release of records related to government fraud, waste, and abuse “add[s] to the fund of information that citizens may use in making vital political choices.” *Fenster v. Brown*, 617 F.2d 740, 744 (D.C. Cir. 1979) (cleaned up). Beyond the FOIA context, courts find that there is, *per se*, a public interest government integrity and transparency in carceral facilities, which the public funds at a base-line, and in the event of a settlement or damage award: “[p]enal

⁴18 U.S.C. § 4042(a)(2), “BOP shall provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise.”

⁵ Chapter 18 U.S.C. § 3621(b) Place of Imprisonment. “The Bureau of Prisons shall designate the place of the prisoner’s imprisonment, and shall, subject to bed availability, the prisoner’s security designation, the prisoner’s programmatic needs, the prisoner’s mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner’s primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. . . . The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted. . . . The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another.”

facilities are public institutions which require large amounts of public funds, and their mission is crucial in our criminal justice system. Each person placed in prison becomes, in effect, a ward of the state for whom society assumes broad responsibility.” *Houchins v. KQED, Inc.*, 438 U.S. 1, 9 (1978) (the media fills the role of providing information concerning conditions in penal facilities); *See also KQED, Inc. v. Houchins*, 546 F.2d 284, 285, 296 (9th Cir. 1976) (Hufstedler, J., concurring) (“The newsmen's function is to gather, to collate, and to transmit to a wide public audience all of the information which the public is entitled to know about prison conditions.”), *rev'd on other grounds*, 438 U.S. 1 (1978); *See also Seattle-Tacoma Newspaper Guild, Local No. 82 v. Parker*, 480 F.2d 1062, 1066 (9th Cir. 1973) (“The importance of the media in providing public information about the conduct of [prisons] is undisputed.”) (“Decisions recognizing ‘the paramount public interest in a free flow of information to the people concerning public officials, their servants,’ are equally applicable in the realm of prison administration.”) (quoting *Garrison v. Louisiana*, 379 U.S. 64, 77 (1964)).

Public Benefit from Immediate Disclosure

The public would benefit from viewing the primary source documentary evidence related to the BOP’s handling of the medical and mental health treatment, abuse, retaliation, and prison closure and transfer process that, without more evidence, appears BOP orchestrated to evade Court and Special Master oversight, and which plaintiffs’ counsel labeled as “shambolic.” Attached in the Declaration of Caitlin Kelly Henry, Esq. (Henry Decl.) is a rough timeline of publicly known BOP actions, which have resulted in congressional investigations, calls for hearings, discovery disputes, and potential further litigation. This scandal has generated significant public and legislator interest, as evidenced by the extensive media coverage and other reports and matters summarized in the attached declaration and exhibits. *See* Henry Decl. Ex 1, Ex 2, Ex 3, and Ex 4. A list of pending civil, criminal, and compassionate release cases that are likely to tangibly benefit from this request only in the event of immediate release of records is enclosed as Henry Decl. Ex 3.

In granting a preliminary injunction in *California Coalition for Women Prisoners v. United States of America Federal Bureau of Prisons*, (herein “CCWP”), the Court found a pattern of BOP’s disregarding the welfare of people in its custody and the Court’s orders. *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *1 (N.D. Cal. Mar. 15, 2024). It concluded that “Dublin is a dysfunctional mess. The situation can no longer be tolerated... (“BOP”) has proceeded sluggishly with intentional disregard of ...constitutional rights despite being fully apprised of the situation for years. The repeated installation of BOP leadership who fail to grasp and address the situation strains credulity.” *Id.* at 5. The Court further found that “because of its inability to promptly investigate the allegations that remain, and the ongoing retaliation against incarcerated persons who report misconduct, BOP has lost the ability to manage with integrity and trust.” *Id.* The Court reiterated its distrust with BOP moving forward: “Defendants’ response does not persuade. The remedial measures taken are too little, and too late. It should not have taken a Court order to prompt action....” *Id.* at 20. The Court admonished the BOP for its inaction “the Court lacks confidence that defendants will act differently. BOP's own Dublin Task Force detailed many of the exact same concerns the Court witnessed in its unannounced visit two years ago. Yet the situation remains relatively the same. ... BOP has knowingly, and therefore deliberately, failed to address that risk.” *Id.*

In its May 8, 2024 Order, the Court summarized the public interest in understanding the actions of the BOP as an institution, particularly now that the Dublin facility is closed and the BOP cannot assert the security interest in secrecy it previously used as a sword and a shield. The Court opined: “Institutions matter. When successful, they provide the structure needed to promote and implement important policies. When they fail, the collapse not only harms those they were created to serve but also those who operated within them, whether or not they contributed to the demise.” *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 1, May 8, 2024. The Court stated “Shortly after the Court issued a preliminary injunction to protect the constitutional rights...and appointed a Special Master to assist therewith, the BOP announced its decision to shutter FCI Dublin and relocate the population.” *Id.* It implied that BOP was not transparent with the Court “BOP had advised the Court that it was considering closure, although no certainty existed, and noted that if it occurred, for security reasons, it would have to be conducted quickly.” *Id.* The Court recognized previous interest in security BOP asserted related to the closure and transfer process. The Court now found a reduced security interest in secrecy “Given the closure, issues of security no longer predominate” and accordingly “the Court publicly summarizes the events which transpired.” *Id.*

The Order critiqued the harm caused by the BOP’s haphazard approach to closure and transfers: “Although it had as much time as needed to prepare, BOP’s operational plan for closure of FCI Dublin was ill-conceived and, like Swiss cheese, full of holes. BOP regional staff worked the prior weekend hastily reviewing AIC [Adults in Custody] case files to recommend placements.” *Id.* The Court suggested that in its closure and transfer process “BOP ignored other operational issues including the proper movement of the AICs’ property and the appropriate communication and messaging to the AICs and staff who were not advised of the closure until the last minute.” *Id.* at 2. The Court highlighted some of BOP’s misrepresentations to the Court and parties: “despite regular and direct email communications with the Court, through counsel, BOP “announced” the closure to the Court by burying it in an administrative filing on Friday, April 12, 2024.” *Id.* The Court described the harm caused by BOP’s hiding information from the Court and its lawfully appointed Special Master, “on that Friday, April 12, the BOP filed a notice (in the body of a sealed attachment to an administrative motion) wherein it “informed” the Court of its intention to close the facility over the following week, without specifying when such closure would begin.” *Id.* at 3. The Court named BOP’s untruths “The BOP’s obfuscation is obvious. Its lack of transparency with the Court resulted in negative consequences.” *Id.* at 3. The Court highlighted one particular direct intentional misrepresentation as particularly distressing: “BOP Regional Director, Western Region Melissa Rios-Marques refused to advise Special Master Still of the impending closure, which would begin the next day, even when asked directly on Sunday, April 14.” *Id.*

The Court’s admonishment is persuasive in the FOIA context: “the BOP cannot hide from or escape its obligations by merely closing FCI Dublin. The class members have been denied medical and mental health treatment for years in some cases, and months in others. The Court will not tolerate continued delay.” *Id.* at 13. It is in the public interest, and particularly the interest of incarcerated people and their loved ones, to bring BOP’s obscurity into the daylight.

This is particularly so because the BOP director said the closure of Dublin is temporary,⁶ but has not explained what this means. Unless records release is immediate, it will not adequately prevent BOP's infliction of irreversible suffering.

Requester's Exigent Interest in the Records Sought is to Benefit the Public by Sharing Information to Prevent Further Irreparable Harm

The information requested has a particular value to incarcerated people, legislators, and judges that will be lost if not disseminated quickly, and well in advance of any congressional hearings and the June, 2025 trial in *CCWP*. Immediate access to this information is crucial for Requester and the readers she serves. Requester is an expert in the subject area of the rights of incarcerated people and intends to analyze, interpret, and digest records to create secondary source material in the form of a news article. Requester is additionally interested in expediting access to litigants, public officials, the court, and other media.

Request for Expedited Treatment

Requester demonstrates a compelling need that entitles her to expedited processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E)(i)(I), and the Department of Justice's implementing regulations, and provides proof to meet the standard for all four factors, though only one is required.

Expedition Factor 1: Failure to Expedite Poses an Imminent Threat to Life and Physical Safety

Lack of expedited treatment poses an imminent threat to life and physical safety as contemplated under 5 U.S.C. § 552(a)(6)(E)(v)(i) and 28 C.F.R. § 16.5(e)(1)(i). Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual are described herein and enumerated in the Henry Decl. and Ex 1. The harms both individually and on the aggregate pose threats to health, safety, and life.

Threats to Safety and Life BOP Caused Before *CCWP* Filing

In its Order granting a Preliminary Injunction the Court summarized ongoing threats to physical safety and medical and mental health damage resulting from BOP's abuse and retaliation.

Plaintiffs proffer evidence of serious medical and mental health care needs...90% of FCI Dublin's incarcerated population have a history of trauma. Many are survivors of sexual abuse that both predated and occurred during their incarceration at FCI Dublin. These survivors suffer from anxiety, depression, panic attacks, post-traumatic stress disorder, and paranoia. Their trauma, at times, manifests itself physically, with incarcerated women reporting that they have lost their menstrual cycle and suffered from hair and significant weight loss, and partial vision loss. Some have attempted to commit suicide. One incarcerated woman testified that, due to a botched surgery that occurred while she was incarcerated, she must self-administer an enema, a painful and protracted process

⁶ Lisa Fernandez, *BOP Director Commends FCI Dublin Staff, despite Accounts of Abusive Behavior*, KTVU FOX 2, Apr. 24, 2024, <https://www.ktvu.com/news/bop-director-commends-fci-dublin-staff-despite-accounts-of-abusive-behavior> (last visited May 28, 2024).

that requires her to completely undress. Another reported suffering from fibromyalgia which causes her to experience partial paralysis and, at times, leaves her in “excruciating pain.” During her incarceration, one of the declarants testified that she lost her hearing to the point that she could not work. Another developed seizures while at FCI Dublin. Many women incarcerated at FCI Dublin have a history of cancer, including breast cancer and leukemia.

CCWP, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *17 (N.D. Cal. Mar. 15, 2024).

Threats to Safety and Life BOP Caused After Court Orders In *CCWP*

In its March 15, 2024 Order granting a Preliminary Injunction the Court held the BOP behaved unconstitutionally and with “*Deliberate indifference*.” Importantly, the Court finds that BOP’s response to the crisis unfolding at FCI Dublin demonstrates that it has been, and is, deliberately indifferent to plaintiffs’ risk of abuse.” *Id.* It held that “plaintiffs are likely to succeed in their Eighth Amendment claims for the risk of sexual abuse and serious medical neglect, along with their First Amendment claim that they face an ongoing risk of retaliation.” *Id.* It found that “Despite the criminal indictment of various FCI Dublin officers...allegations of ongoing sexual misconduct continued. Some of these allegations were not only relayed by inmates but corroborated by FCI Dublin staff.” *Id.* at 4. The Court conveyed that “prison officials at FCI Dublin acknowledged its incarcerated population was suffering ongoing and untreated trauma from the sexual abuse inflicted on them...” *Id.* at 24. The Court highlighted some of the injuries and harm the BOP continued to inflict “plaintiffs will face ongoing retaliation, including internal transfer to the SHU or external transfer to an outside facility, for filing allegations of sexual abuse...plaintiffs risk imminent and serious medical injury, including lack of treatment for serious medical ailments, psychological distress, and risk of suicide.” *Id.* The Court observes that “medical and mental health services are understaffed, leaving those incarcerated at FCI Dublin without access to urgently needed care.” *Id.* at 25.

In its May 8, 2024 Order the Court declared that Dublin “repeatedly failed to follow BOP departmental policy related to completing timely health intakes; sick call access was delayed for extended periods; medical needs...went untreated or lacked any follow up; and specialty appointments were not timely scheduled...drug treatment programs were not available for the majority...” *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 5, May 8, 2024. It outlined extant malfunctions “Mental health services were also inadequate...access to psychiatry services was blocked ...” *Id.* at 10. It stated that as of May, 2024 “The cumulative impact of FCI Dublin’s insufficient staffing and related medical and mental health care inadequacies is still being felt by the AICs in need of treatment.” *Id.*

Threats to Safety and Life BOP Caused in Abrupt Poorly Planned Closure

In its May 8, 2024 Order Re Closure the Court impugned “medical and mental health care and administrative remedies, which the BOP had effectively ignored in its operational plans for the closure.” *Id.* at 13. The Court explicitly named the injuries caused during and since the closure, wherein BOP “jeopardized the AICs’ health and safety, due process, access to programming and basic rights.” *Id.* at 5. It articulated some of the many threats to life and safety BOP caused in its disastrous closure of Dublin: “The effect of these shortcomings was felt acutely by the AICs during the 16-day period leading to the closure...” *Id.* It pronounced that people had not been properly cleared “To the extent clearances had been obtained...they were nothing more than

rubber-stamps...[and] did not meaningfully engage with the fact that many AICs had waited so long for care that even otherwise routine matters may have become more serious given lack of timely treatment in the first instance.” *Id.* The Court also highlighted harms to family bonds “The closure was particularly difficult on those who were being transported farther away from families.” *Id.* at 4.

Threats to Safety and Life BOP Caused in Transfer

The Court conveyed that “Class counsel also alleged that the buses lacked sufficient feminine hygiene products, toilet paper/bathroom facilities, food, and heat, with one particularly egregious case for an AIC on her monthly cycle.” *Id.* at 7. The Court responded to complaints concerning the conditions during transit, including injuries, and revealed that it ordered “cataloguing [sic] of their complaints, immediate medical examinations upon arrival at new facilities, as well as photographic documentation of any injuries. The BOP has since produced to the Court, Special Master, and plaintiffs’ counsel a range of records and photographs for most of those AICs.” *Id.* at 8.

Threats to Safety and Life BOP Caused at New Facilities

The Court asserted that threats to safety and life are ongoing “The BOP’s closure of FCI Dublin, especially coming so soon after issuance of this Court’s preliminary injunction, created serious concerns relative to the AICs’ welfare, some of which persist.” *Id.* at 8. Class counsel represents that “Plaintiffs continued to suffer daily retaliation, lack of access to basic human needs, and risk of sexual abuse in the facilities to which the Defendant officials hurriedly transferred them, in a rush to escape monitoring by the Special Master that began work just days earlier.” *CCWP*, Joint Case Management Statement, ECF No. 303 at 11, May 9, 2024.

Threats to Safety and Life from Removal

People have the right to access their criminal, immigration, and other legal records. For people in removal proceedings, denying them this access can result in serious and even life-ending consequences. People facing removal often face a high likelihood⁷ of persecution, extreme danger, imminent injury,⁸ torture, and/or death⁹ in their home countries. Therefore, releasing records quickly can mean preventing death, torture and other serious harms. Submitting legal records during removal proceedings often improves people’s likelihood of receiving relief from removal. Therefore, without access to their records, people cannot fully present their asylum; U-visa;¹⁰ Trafficking Victims Protection Act (TVPA); 22 U.S. Code § 7101; and other claims for

⁷ Sarah Stillman, *When Deportation Is a Death Sentence*, *The New Yorker*, Jan. 2018, <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence> (last visited May 30, 2024).

⁸ Eileen Sullivan, *Asylum in America, by the Numbers*, Nov. 21, 2023, <https://www.nytimes.com/2023/11/21/us/politics/migrant-crisis-border-asylum.html> (last visited May 30, 2024).

⁹ Alison Leal Parker, *Deported to Danger*, (2020), <https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and> (last visited May 30, 2024).

¹⁰ Under 8 CFR § 214.14 an applicant is entitled to a U-visa if they are a victim of a qualifying crime (including sexual assault), have suffered physical or emotional harm as a result, have information about the crime, and have been helpful to law enforcement.

relief. Indeed, whether someone qualifies for legal relief from removal and its potentially deadly consequences can hinge on the contents of their records.

Expedition Factor 2: An Urgent Need Exists to Inform the Public About the BOP's Activity

An urgency exists to inform the public about an actual or alleged government activity of the Department of Justice and Federal Bureau of Prisons as contemplated under 5 U.S.C. § 552(a)(6)(E)(v)(ii) and 28 C.F.R. § 16.5(e)(1)(ii). Facts related to the BOP's action, and pressing need for information are described herein and enumerated in the Henry Decl. and Ex 2. Time is of the essence in preserving and distributing these records necessary to advocate for the fair and just administration of laws, and protect the rights of vulnerable incarcerated people and survivors of BOP staff perpetrated sexual violence. In the May 9, 2024 Joint Case Management Statement plaintiffs raised concerns that BOP may not be preserving documents it is obligated to preserve despite being in active litigation. The statement notes the reports of shredding that plaintiffs state led to the Court's (sealed) Orders at ECF Nos. 264-1 (April 22, 2024), 275-1 (April 23, 2024), and 287-1 (April 23, 2024). *CCWP*, Joint Case Management Statement, ECF No. 303 at 11, May 9, 2024. Plaintiffs claim that "Defendants filings at ECF No. 292 only addressed document destruction after the commencement of Dublin's closure" and failed to issue a litigation hold to preserve documents until BOP stated in sealed filing "[o]n April 26, 2024, the BOP issued litigation hold notices to capture evidence related to this litigation that might not be otherwise protected by RIDS [Records Inventory and Disposition Schedules]." *Id.* However, the referenced declaration of Lindsey George, the Chief of the Records and Information Management Office in BOP's Central Office was filed under seal and is unavailable to the public. Exigency is necessary because concern exists that BOP may be destroying some evidence, and depriving quick access to it might constitute total deprivation of that evidence.

Imminent Need to Provide Records in Scheduled Proceedings Litigators, Parties, Court, and Special Master

A list of pending civil, criminal, and compassionate release cases that may benefit from release of records is enclosed as Henry Decl. Ex 3. Approximately seventy-seven individual civil cases and one class action case are pending.

Public interest in immediate access is also evident from a Motion to Unseal Court Records and Protect Access to Public Proceedings filed by the ACLU and Public Justice on behalf of the Appeal, Inc, reporter Victoria Law, and the First Amendment Coalition on June 11, 2024. ECF No. 317. Noting that the Court has granted motions to seal without decisions articulating why, the interveners seek "information that sheds additional light on Defendants' conduct and its legal consequences, both in regard to Defendants' treatment of incarcerated people and in relation to Defendants' possible evasion of federal court oversight." *Id.* at 7-8.

The May 9, 2024 Joint Case Management Statement raises a number of evidentiary questions¹¹ related to discovery and trial in the class action case, that could benefit the other cases. *CCWP*,

¹¹Questions plaintiffs enumerated as related to the scope of factual discovery: "1. Do BOP policies, practices, and customs regarding put class members at risk of sexual abuse? Does BOP properly document and investigate claims of sexual abuse and are officers with substantiated claims properly disciplined? Has BOP put in place necessary

Joint Case Management Statement, ECF No. 303 at 5, May 9, 2024. The questions are potentially answerable with the records herein requested. There is a great public interest in obtaining records that may assist file in advance of the *CCWP* June, 2025 trial.

Time Sensitive Need to Provide to Elected Officials: Investigations and Hearing

Henry Decl. Ex 2. details various government investigations, hearings, and audits regarding the BOP and its Dublin facilities. On May 24, 2024 ten US Congress members requested the House Judiciary Committee and the House Committee on Oversight and Accountability hold a hearing on the recent closure and transfer and on “the facility’s past pervasive culture of abuse, and BOP facilities and their treatment of inmates more broadly.”¹² The letter reveals that “Following the closure of the facility, several U.S. Senators and Members of Congress have sent letters to BOP Director Colette Peters and Attorney General Merrick Garland demanding accountability for past crimes and answers to outstanding questions.” *Id.* Timely release of records could result in provision of records for these proceedings and impact the outcome, which could be to prevent more physical, emotional, sexual, and financial harm as well as delayed release dates for people who should no longer be in custody. Requester and incarcerated people would suffer irreparable harm if records are not released in time for legislative consideration in investigations and hearings as the records may be outcome determinative to the proceedings and material changes to the conditions of incarceration, or effectuation of release.

protective measures including confidential reporting mechanisms, access to counsel, independent investigation, ensuring officers with substantial claims of sexual assault and harassment are not left in positions of power over AICs, proper use of cameras, processes to provide documentation necessary for non-citizen AICs to get U-Visas, and processes to assist survivors with compassionate release petitions? 2. Do BOP policies, practices and customs allow retaliation in the BOP system? Does the agency still categorically refuse to investigate claims of retaliation on the national level? Does BOP continue to allow retaliation against people who report staff misconduct, in particular, sexual misconduct? Is the BOP retaliating against the people who transferred from Dublin, including in the rushed evacuation process? Such retaliation includes post-Dublin SHU placements, “purging” First Step Act packets during and after the transfers to disrupt and delay community placement, manipulating post-transfer job assignments to disrupt credit earning, verbal threats targeting people for speaking up and “causing” Dublin to close, strip searches and other tactics to impede access to counsel at new facilities. 3. Is the BOP treating people transferred from Dublin differently than similarly situated AICs? Disparate treatment to be proved at trial includes placement far from family support, out-of-custody-level placements, placement of long-term AICs in pretrial detention facilities. 4. Is BOP medical and mental care staffing deficient? Are receiving facilities adequately able to absorb the needs of all those they rapidly transferred from Dublin? Are deficiencies in care endemic to the BOP system as a whole? Is the BOP meeting the trauma-related medical and mental health needs of the persons transferred from Dublin? 5. Has BOP addressed the dire conditions, including medical and financial, that contribute to ongoing sexual exploitation of incarcerated people? 6. Does BOP continue to miscalculate good time credits of those in its custody and therefore hold them inside long beyond what the law envisions? 7. Has BOP changed its policies, practices and procedures in any substantive way to correct the glaring deficiencies highlighted at FCI Dublin? 8. Did BOP and its officials know of the extent of unconstitutional activity at FCI Dublin (assaults, medical care, retaliation) and continue to operate as usual, including by representing to this Court that all was well before closing FCI Dublin?”

¹² Mark DeSaulnier, Sydney Kamlager-Dove & Robert Scott, *Letter From Senators to House Judiciary and Oversight on FCI Dublin*, (2024), <https://desaulnier.house.gov/sites/evo-subsites/desaulnier.house.gov/files/evo-media-document/FINAL%20LETTER%20-%20House%20Judiciary%20and%20Oversight%20on%20FCI%20Dublin.pdf> (last visited May 29, 2024).

Pressing Need to Provide to Elected Officials: Contributing to Legislative Record in Pending Legislation

On May 22, 2024 the US House of Representatives passed the Federal Prison Oversight Act (HR 3019).¹³ The Senate is considering its companion, the Federal Prison Oversight Act (S 1401).¹⁴ Released records could be provided to the Senate in its consideration of this legislation, motivated in part by the BOP's conduct at Dublin. Release of records would enable meaningful public participation in ongoing Congressional debate over pending legislation. The legislation may effectuate release or change to prison conditions. Failure to release it would cause irreparable harm to Requesters and incarcerated individuals' ability to participate in and influence the debate.

Expedition Factor 3: Failure to Expedite Will Cause the Loss of Substantial Due Process Rights

Failure to expedite will cause the loss of substantial due process rights as contemplated under 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iii). The information sought is not otherwise available to the requester, even if she were to prevail on her Motion to Intervene for the Limited Purpose of Unsealing Court Records and Protecting Access to Court Proceedings in the *CCWP* case, as the universe of records sought in the motion is much smaller. Facts related to pending civil, criminal, and compassionate release cases, as well as prison-based due process rights are described herein and enumerated in the Henry Decl. and Ex 3. Approximately seventy-seven individual cases and one class action case (*CCWP*) are pending against the BOP related to its treatment of people at Dublin. *See* Henry Decl. Ex 3. Requester's rights would be impaired if she is not able to report in a timely fashion, before deadlines in upcoming legal proceedings. In addition to reporting, Requester intends to share records with the public. Civil Case counsel could use records to preserve due process rights, and prevent further physical, emotional, and psychological injury. Records released on an expedited schedule could be used in proceedings before the June 23, 2025 *CCWP* trial.¹⁵ Obtaining records for use by counsel in cases related to people formerly incarcerated in Dublin can preserve due process rights. Public records not subject to an order to seal, a protective order, or not disclosed in discovery could assist with factual development of the record and vindication of litigants' rights and provision for more fully informed and appropriate remedies for ongoing rights violations. The information sought is not otherwise available to the Requester.

Incarcerated Peoples' Interest in Due Process Before Deprivation of Life, Liberty, and Property

The Fifth and Fourteenth Amendments, federal statutes, BOP regulations, and court orders in

¹³ Rep. Lucy McBath [D-GA-7], *H.R.3019 - 118th Congress (2023-2024): Federal Prison Oversight Act*, (2024), <https://www.congress.gov/bill/118th-congress/house-bill/3019> (last visited May 29, 2024).

¹⁴ Jon [D-GA Sen. Ossoff, *S.1401 - 118th Congress (2023-2024): Federal Prison Oversight Act*, (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1401> (last visited May 29, 2024).

¹⁵ *CCWP*, Case Management and Pretrial Order, ECF No. 310, May 24 2024, scheduled: Initial Disclosures 6/21/2024, Close of Fact Discovery 10/31/2024, Disclosure of Experts Opening 11/22/2024, Rebuttal Reports 12/20/2024, Close of Expert Discovery 1/31/2025, Dispositive/Daubert Motions 2/28/2025, Dispositive/Daubert Motion Hearing 4/8/2025, Pretrial Conference Statement 5/23/2025, Pretrial Conference 6/6/2025, and Jury Selection/Jury Trial 6/23/2025.

CCWP prohibit the BOP from depriving an incarcerated person of life, liberty, or property without due process of law. *See* U.S. CONST. amends. V, XIV; *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974). The BOP violates due process if it: (1) interferes with a person's protected liberty or property interest; and (2) fails to provide procedural safeguards that are constitutionally sufficient to protect against unjustified deprivations. *See* *Wilkinson v. Austin*, 545 U.S. 209, 222-23 (2005); *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460 (1989), overruled on other grounds by *Sandin v. Conner*, 515 U.S. 472 (1995); *See, e.g., Skinner v. Cunningham*, 430 F.3d 483, 486 (1st Cir. 2005) (the court considers a due process claim by (1) defining the potential liberty interest and (2) determining the process it was due); *Shakur v. Selsky*, 391 F.3d 106, 118 (2d Cir. 2004) (to state a claim of denial of due process, an incarcerated person must show both that the state has interfered with a liberty interest and that the deprivation procedures were constitutionally insufficient). Additionally, retaliation for exercising constitutionally protected rights, such as litigating meritorious claims about BOP's rights violations, is unlawful and violates due process.

BOP's Ongoing Violations of Substantial Due Process Rights

The BOP is engaged in ongoing violations of substantial due process rights that immediate records release could remedy.

BOP Violated Substantive Due Process Interest in Personal Security

Incarcerated people possess a substantive due process right to personal security under the Fifth Amendment. *See* U.S. CONST. amend. V. As detailed above in the "Factor 1" section, and Henry Decl. Exhibits 1, 2, and 3. BOP staff unnecessarily and wantonly inflicted serious pain and injury and continues to pose a significant risk of serious harm in a manner that violated and continues to violate substantive due process rights.

BOP Violated Due Process Right to Access to Courts and Counsel

The Constitution, including the First Amendment right to free speech, the Sixth Amendment right to a confidential attorney-client relationship, and the Fourteenth Amendment due process guarantee of access to the courts, guarantees incarcerated people the right of meaningful access to the courts. *See* U.S. CONST. amends. I, VI, XIV; *See* *Bounds v. Smith*, 430 U.S. 817, 824, 828 (1977) (incarcerated people have fundamental constitutional right to adequate, effective, and meaningful access to courts to challenge violations of constitutional rights), overruled in part by *Lewis v. Casey*, 518 U.S. 343 (1996); *See also* *Johnson v. Avery*, 393 U.S. 483, 485 (1969) (incarcerated peoples' right of access to courts may not be denied or obstructed). Critically, ready access to the courts has been described as "one of, perhaps the fundamental constitutional right." *Cruz v. Hauck* (1973, CA5 Tex) 475 F2d 475. Related to that is the right to readily and confidentially access counsel. *See* *Procurier v. Martinez* (1974) 416 U.S. 396, 419-421 (Fourteenth Amendment due process right of access to courts); *In re Poe* (1966) 65 Cal.2d 25, 32, fn. 5 (confidential communication essential to Sixth Amendment right to counsel); *People v. Torres* (1990) 218 Cal.App.3d 700; *see also* Cal. Penal Code § 636 (eavesdropping on conversation between attorney and client in prison is felony). The BOP prevented, and continues to prevent incarcerated people from meeting with, calling, and emailing with their attorneys and the court, and by moving them away from counsel and court despite a court order prohibiting this, exacerbates injury caused by BOP's due process violations.

BOP Violated Due Process Right to Be Free from Retaliation

The First Amendment guarantees an incarcerated person “a right to seek redress of grievances from prison authorities and as well as a right of meaningful access to the courts.” *Jones v. Williams*, 791 F.3d 1023, 1035 (9th Cir. 2015); *see also Entler v. Gregoire*, 872 F.3d 1031, 1039 (9th Cir. 2017) (“The most fundamental of the constitutional protections that prisoners retain are the First Amendment rights to file prison grievances.”); *Brodheim v. Cry*, 584 F.3d 1262, 1269 (9th Cir. 2009) (“[P]risoners have a First Amendment right to file prison grievances.”); *Rhodes v. Robinson*, 408 F.3d 559, 567 (9th Cir. 2005). “Retaliation against prisoners for their exercise of this right is itself a constitutional violation, and prohibited as a matter of ‘clearly established law.’” *Brodheim*, 584 F.3d at 1269 (citing *Rhodes*, 408 F.3d at 567 and *Pratt v. Rowland*, 65 F.3d 802, 806 & n.4 (9th Cir. 1995)); *see also Shepard v. Quillen*, 840 F.3d 686, 688 (9th Cir. 2016) (recognizing that “a corrections officer may not retaliate against a prisoner for exercising his First Amendment right to report staff misconduct”).

The *CCWP* Court expressed concern for ongoing violation of liberty and property and dignitary interests posed by BOP’s unlawful retaliation for exercising constitutionally protected rights to litigate. On January 2, 2024 the Court held a hearing reviewing evidence of BOP’s due process violations and retaliatory activities, including strip searches of witnesses but not other incarcerated people, transfers of witnesses to solitary confinement (which delays release dates, deprives people of property, further restricts liberty, and is degrading to dignitary interests) and geographically farther from the Court and counsel (BOP restricts communication to counsel and property during transit and immediately after arrival), and denial of access to legal counsel. *CCWP*, ECF No. 97. By March 15, 2024,

[u]ltimately, the Court concludes, FCI Dublin's long history of using the SHU to inappropriately quell inmates’ First Amendment rights can no longer be countenanced. *See Gomez v. Vernon*, 255 F.3d 1118, 1127 (9th Cir. 2001) (threats of transfer because of inmates’ complaints are retaliatory); *Hines v. Gomez*, 108 F.3d 265, 269 (9th Cir. 1997) (additional confinement that chilled protected speech considered retaliatory); *Wolff v. McDonnell*, 418 U.S. 539, 557, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) (loss of good time credits implicated a liberty, due process interest that cannot be “arbitrarily abrogated”); *Watison v. Carter*, 668 F.3d 1108, 1115 (9th Cir. 2012) (placing an inmate in administrative segregation constitutes an adverse action); *Shepard v. Quillen*, 840 F.3d 686, 690 (9th Cir. 2016) (placing someone in administrative segregation for reporting staff misconduct is an adverse action)...

CCWP, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *23 (N.D. Cal. Mar. 15, 2024). By May 8, 2024 the Court found additional violations, noting BOP “jeopardized the AICs’ health and safety, due process, access to programming [noting in a footnote that lack of programming makes significant amounts of the facility’s population unable to earn credits that could impact their release dates and rehabilitative recovery] and basic rights.” *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 5, May 8, 2024.

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Placement of People in Solitary Confinement

It is unlawful for BOP to retaliate against litigants by further restricting their liberty and property by placing them in solitary confinement. The Court summarized hearing testimony that incarcerated people “are often threatened with the SHU for making any kind of report, whether for malfeasance like sexual abuse or the enforcement of their rights, such as filing a medical complaint.” *CCWP*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *5 (N.D. Cal. Mar. 15, 2024). The Court found: “that because of the pervasive lack of communication, and the fact that over 90% of the inmates suffer from mental distress, the ways in which the New Leadership was communicating with inmates, even if reasonable, was viewed as “retaliation” or punishment.” *Id.* The Court found people faced retaliation for reporting “for complaining about things that staff interpreted as a sexual abuse complaint. One common form of retaliation is placement in the ...SHU...officials contended that they were simply applying BOP nationwide policies ...neutrally, and that they needed...the SHU to deter false allegations... The Court rejected these contentions.” *Id.* at 23.

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Strip Searches

It is unlawful for BOP to retaliate against litigants by singling them out for strip searches. Searches that involve unreasonable touching of sexual areas by guards of the opposite sex may violate the Fourth or the Eighth Amendment. *See Jordan v. Gardner* (9th Cir. 1993) 986 F.2d 1521 (requiring male guards to conduct random non-emergency clothed body searches on people in women’s prisons, including squeezing genitals and pushing on breasts, was cruel and unusual punishment); *Byrd v. Maricopa County Sherriff’s Department* (9th Cir. 2011) 629 F.3d 1135, 1142 (search of person in men’s prison by female officer violated Fourth Amendment where officer touched buttocks and genitals with search watched by multiple officers). The *CCWP* Court found that plaintiffs “credibly testified that staff would single them out after testifying.” *CCWP*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *6 (N.D. Cal. Mar. 15, 2024). The Court summarized the impact upon a witness who agreed to meet with plaintiffs’ counsel and testify, but later refused to testify so after notice they would be strip searched when those who were not participating in the litigation were not subject to strip search. *Id.* at 2. The Court found this was “consistent with the New Leadership’s own testimony that staff were hostile even to them...Resorting to correctional “policies” that are not evidence-based—such as a visual, or strip, search—*only after* incarcerated persons started engaging in constitutionally-protected activities, such as meeting with their attorneys...viewed as retaliatory by the incarcerated population.” *Id.* at 6. The Court opined on the incredulity of BOP’s “Then-acting warden Dulgov’s in-court explanation for these operational changes was delivered in a defiant and entitled manner. The Court finds he was effectively deaf to the inmates’ BOP-inflicted trauma, concerns, and needs.” *Id.*

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Mishandling of Grievances

“The most fundamental of the constitutional protections that prisoners retain are the First Amendment rights to file prison grievances.” *Brodheim v. Cry*, 584 F.3d 1262, 1269 (9th Cir. 2009). Retaliation against incarcerated people “for their exercise of this right is itself a constitutional violation, and prohibited as a matter of ‘clearly established law.’” *Brodheim*, 584

F.3d at 1269 (citing *Rhodes*, 408 F.3d at 567 and *Pratt v. Rowland*, 65 F.3d 802, 806 & n.4 (9th Cir. 1995)). The *CCWP v. US* Court highlighted evidence of ongoing due process violations: “probative evidence exists that FCI Dublin continues to deter inmates from filing administrative grievances by threatening its incarcerated population with citations on their record, the loss of good time credits and better paying jobs, and placement in the SHU for doing so.” *CCWP*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *5 (N.D. Cal. Mar. 15, 2024). The Court also expressed that “FCI Dublin did not appropriately track and process PREA claims” and that it continues to oversee BOP’s noncompliance. *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 9, May 8, 2024.

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Failure to Investigate

Failure to follow a court order to investigate is a due process violation. In its March 15, 2024 Preliminary Injunction Order the Court found that: “[B]ecause of its inability to promptly investigate the allegations that remain, and the ongoing retaliation against incarcerated persons who report misconduct, BOP has lost the ability to manage with integrity and trust.” *CCWP*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *5 (N.D. Cal. Mar. 15, 2024).

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Witness Transfers in Violation of Court Order

The BOP is prohibited from transferring people in retaliation for exercising their First Amendment rights, including accessing the courts. *See Pratt v. Rowland*, 65 F.3d 802, 806 (9th Cir. 1995); *Rizzo v. Dawson*, 778 F.2d 527, 531 (9th Cir. 1985); cf. *Gomez v. Vernon*, 255 F.3d 1118, 1127–28 (9th Cir. 2001). The *CCWP* Court was concerned that the BOP planned to transfer some of the witnesses in past and pending proceedings to facilities far away from counsel and courts. *CCWP*, 2024 WL 1290766, at *5 (N.D. Cal. Mar. 15, 2024). The Court imparted that BOP retaliation continues despite its own Task Force administering BOP that “[r]etaliatory in the face of staff threats is reprehensible and the Bureau has and must take ongoing steps to ensure inmate safety.” *Id.* at 2. The Court ordered defendants not to transfer “any person on the witness lists filed in this action until further order of th[e] Court.” *Id.* The Court pronounced: “At the end of its site visit, the Court told...staff that it had found out...that FCI Dublin had transferred an incarcerated woman who testified at the evidentiary hearing, first to the SHU and then to another facility...without prior authorization in violation of the Court’s December 30, 2023, Order.” *Id.* at 8. The BOP transferred people in violation of the Court’s Order that unambiguously indicated: “Defendants are **Ordered Not to Transfer** any person on the witness lists filed in this action until further order of this Court.” (Dkt. No. 88 (emphasis in original).) [then] issued an Order to Show Cause why the government should not be held in contempt or sanctioned. (Dkt. No. 155.)” *Id.* Despite this Court’s Order to not transfer people without Court pre-approval, four days after the Special Master started work, the BOP began transferring people without following statutorily required due process proceedings, and without court approval.

BOP Violated Due Process Right to By Engaging in Unlawful Retaliatory Deprivation of Legal, Religious, and Personal Property

The Due Process Clause of the Fourteenth Amendment prohibits the BOP from intentionally depriving people of property without holding proceedings established to effectuate due process.

See Shinault v. Hawks (9th Cir. 2015) 782 F.3d 1053, 1057-1059; *Quick v. Jones* (9th Cir.1985) 754 F.2d 1521, 1523. Repeated unjustified cell searches might violate the Fourth Amendment or the Eighth Amendment. *See Hudson v. Palmer* (1984) 468 U.S. 517, 530. Depending on the property taken by BOP, property deprivation may trigger First Amendment rights to practice religion, or Fourteenth Amendment rights to access to legal materials. Incarcerated people report that in the Closure and transfer process BOP confiscated and at times destroyed hundreds or thousands of dollars' worth of property. The BOP deprived people, either in the short term or permanently (the Court and Special Master investigations are ongoing) of their personal, medical, and legal property.

The *CCWP* Court declared that before the closure and transfer BOP “conspicuously and inexplicably targeted by strip searches, cell searches and confiscation of legal papers.” *CCWP*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *2 (N.D. Cal. Mar. 15, 2024). The Court admonished that “The early sets of AICs were provided only one duffle bag to pack all of their items, or one duffle bag was packed for them by BOP staff. Some individuals were forced to leave the facility before receiving commissary items they had already purchased.” *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 8, May 8, 2024. The Court mentioned its intervention in this harm and BOP’s actions after the Court raised these issues. After April 18, 2024, BOP provided “three boxes per person in which to pack their belongings, the rest of which would be abandoned. Two of the boxes would be shipped to the AIC’s final destination. One box would be shipped to the AIC’s home address.” *Id.* The Court revealed its efforts to assist incarcerated individuals obtain compensation for the property BOP took from them, and that it takes “property seriously, especially where, as here, funds to replenish lost items are limited ...” *Id.* at 9. The Court ordered the BOP to “distribute claim forms to class members for lost and/or destroyed property. The Court is awaiting a response from the BOP regarding making whole those AICs who paid for, but did not receive, commissary items.” *Id.* The Court BOP’s staff appear to have engaged in adulterating records, the effects of which would continue to be felt by AIC’s in their new facilities: “FCI Dublin staff may have written on various claims forms that the AICs left certain of their remaining items at the facility unsecured when they were transferred.” *Id.* The Court admonished BOP for its further misrepresentations “If true, this represents an affirmative attempt by staff to flout the administrative process by which the AICs incarcerated at BOP facilities are able to seek redress for lost property.” *Id.*

Due Process Liberty Interest: Release Immediately Upon Criminal Sentence Completion

The Fifth, Eighth, and Fourteenth Amendments and the US code establish the right to be free from wrongful, prolonged incarceration. 18 U.S.C.A. § 3624 “Release of a prisoner” states that: “(a) Date of release.--A prisoner shall be released by the Bureau of Prisons on the date of the expiration of the prisoner's term of imprisonment, less any time credited toward the service of the prisoner's sentence as provided in subsection.” It constitutes a due process violation for BOP to incarcerate people beyond the termination of their sentence. In its May 8, 2024 Order Re Closure of FCI Dublin and Preliminary Injunction, the Court commented on the need to make public the harm caused by BOP’s due process violations continue to unnecessarily elongate sentences, and which the Court states are ongoing: “some AICs were not released to community placements like half-way houses or home confinement on time.” *Id.* at 6.

Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Administrative Remedy Process

BOP violates the due process liberty interest when it holds people beyond their release dates. In its May 8, 2024 Order Re Closure of FCI Dublin and Preliminary Injunction, the Court cataloged and responded to BOP's ongoing due process violations, including delayed release dates with more time in custody that caused physical, emotional, and financial harm "The administrative remedy process...was also effectively non-functional...Legitimate issues and complaints raised by the AICs routinely went unaddressed for months, if not years." *Id.* at 6. The Court entered this in the record "For public transparency" because "the effect of this administrative debacle meant some AICs were not released to community placements like half-way houses or home confinement on time." *Id.*

Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Discipline

It is a violation of the due process liberty interest for the BOP to unlawfully prolong incarceration. The Court iterated that "The AIC's are entitled to due process for disciplinary infractions." *Id.* at 10. The Court suggested that the ongoing violation of liberty interests posed by BOP's mishandling of disciplinary records, which, if handled improperly, can amount to the illegal due process violation of denial of liberty by prolonging a release date: "FCI Dublin's disciplinary records have been the subject of gross neglect by leadership." *Id.* at 9. In a sample reviewed by the Court "each incident record was riddled with errors, including due process issues...AICs had not been notified of the disciplinary charge for which they were found guilty, sanctions were incommensurate with the infractions charged and were inconsistently applied, and timeliness issues abounded." *Id.* at 6. The Court voiced the effects that are likely to continue for months or years: "The outcomes of disciplinary reviews such as these impact...classification designations. Such designations may have meaningful impacts on the eligibility of the AICs for community placement or release." *Id.* at 10. The Court intimated that it had no confidence that release dates were not impacted by these due process violations: "Given each incident randomly selected merited expungement, the Court has no confidence that the disciplinary infractions of class members were appropriately processed." *Id.*

On July 3, 2024, the Court issued an Order Re Continued Guidance Concerning FCI Dublin AICS, No. 6 (ECF No. 341 at 2-3) concerning, in part, due process violations:

Based on the serious errors and due process violations of the ten disciplinaries, the WRHA [Western Regional Hearing Administrator] reviewed all disciplinary actions taken by FCI Dublin during the period of January 1, 2024, though the facility's closure on May 1, 2024. There were 552 disciplinary actions written by FCI Dublin staff during that period. A total of 120 disciplinary actions or 22% were expunged by the WRHA. AICs' classification levels, time credits earnings, and release dates now must be reviewed and re-calculated. Given the evidence of disfunction and violation of the FCI Dublin AIC's rights, the Court ORDERS review of the disciplinary actions for the period of 2020-23 of FCI Dublin AICs. The Court expects any disciplinary report that is found to contain due process, evidentiary or other procedural violations and is expunged, will require a classification review, credit earning computation review and release date review.

Violation of Liberty Interest in Timely Release Due to BOP's Illegal Handling of Case Records

It is a violation of the due process liberty interest for the BOP to deny people timely release. The Court declared that BOP did not follow the Court's previous directive "to conduct casework reviews for every AIC before transferring them in order to ensure that the AICs were properly classified and their casework not subjected to additional administrative delays in connection with their transfer to new facilities." May 8, 2024 Order Re Closure of FCI Dublin and Preliminary Injunction ECF No. 300 at 6. The Court described how BOP's ongoing due process violations incarcerate people eligible for release in custody longer than required: "irregularities in existing AIC casework impacted AIC time credits and eligibility for community placement or release, among others. The Court intervened to ensure AIC casework was appropriately updated prior to transfer by requiring a casework review for each individual." *Id.* at 7. The Court found BOP's handling of non-disciplinary case work violated people's entitlement to liberty and violated their due process rights, the effects of which are ongoing and will last for the foreseeable future: "For public transparency, the effect of this administrative debacle meant some AICs were not released to community placements like half-way houses or home confinement on time." *Id.* at 6.

Due Process Liberty Interest: Compassionate Release Cases

People that BOP abuses in its custody are entitled for consideration for compassionate release. It is a violation of the due process liberty interest for the BOP to obstruct compassionate release proceedings. A court may reduce a sentence based on "extraordinary and compelling reasons." 18 U.S.C. § 3582(c)(1)(A)(i). The First Step Act of 2018 (FSA)¹⁶, expanded the use of compassionate release, as did the Federal Sentencing Commission's 2023 amendments. U.S.S.G. 1B1.13 (2023). Two of the "extraordinary and compelling reasons" for reduction in sentence and release are particularly relevant to people BOP staff abused at Dublin. The "Medical Circumstances" category recognizes serious medical conditions requiring long-term care that BOP is not providing constitutes reasons for release. U.S.S.G. 1B1.13(b)(1). The "Victim of Abuse" category entitles someone to release "where an individual in BOP custody has been determined to have been the victim of sexual assault perpetrated by BOP personnel." U.S.S.G. 1B1.13(b)(4). The DOJ itself recommended that the BOP consider moving for compassionate release for victims of BOP staff sexual abuse.¹⁷

Due to BOP's actions, potential compassionate release recipients are being denied the opportunity to present the full slate of extraordinary and compelling reasons for sentence reduction before courts in motions for compassionate release. In its May 8, 2024 Order Re Closure of FCI Dublin and Preliminary Injunction, the Court revealed the BOP's ongoing due process violations in the compassionate release arena: "The administrative deficiencies were particularly egregious in the context of the AICs' requests for compassionate release, a responsibility of the facility's warden." *CCWP*, Order Re Closure of FCI Dublin and Preliminary

¹⁶ Dan Sullivan Sen., *S.756 - 115th Congress (2017-2018): First Step Act of 2018*, (2018), <https://www.congress.gov/bill/115th-congress/senate-bill/756> (last visited May 29, 2024).

¹⁷ The Principal Associate Deputy Attorney General Working Group of DOJ Components, *Report and Recommendations Concerning the Department of Justice's Response to Sexual Misconduct by Employees of the Federal Bureau of Prisons*, (2022).

Injunction, ECF No. 300 at 6, May 8, 2024. The Court made it publicly known that “The Special Master, based on extensive interviews and review of documents, determined that FCI Dublin’s processing of such requests was woefully inadequate. Many requests were lost (despite having been properly submitted) or not tracked, let alone adjudicated.” *Id.* On May 8, 2024 Judge Gonzalez Rogers entered a letter into the docket entitled “To: United States District Court Sentencing Judge Re: Compassionate Release Applications from the AICs Previously Incarcerated at FCI Dublin” in which she noted the ongoing and meritorious nature of these cases: “I anticipate that, after reaching their new destinations, some may submit requests for compassionate release to their sentencing judges, asking for leniency given the abuses they may have endured. The information herein is provided in the event that you find it useful to your decision-making process.” *CCWP*, ECF No. 301-3. People with pending compassionate release motions (*See Henry Decl. Ex 3.*) would benefit from access to records that could contribute to their release from prison environments that have and continue to pose physical and mental harm to them.

Due Process Life and Liberty Interest: Immigration Cases

“A full and fair hearing is one of the due process rights afforded to aliens in deportation proceedings. . . . A court will grant a petition on due process grounds only if. . . the alien was prevented from reasonably presenting his case.” *Gutierrez v. Holder*, 662 F.3d 1083, 1091 (9th Cir. 2011) (citations and quotation marks omitted). It is a violation of the due process liberty interest for the BOP to deny people access to potential relief from negative immigration outcomes, including removal proceedings. *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (“[A]n alien who faces deportation is entitled to a full and fair hearing of his claims and a reasonable opportunity to present evidence on his behalf.”). People facing removal can face a high likelihood¹⁸ of imminent injury¹⁹ and death²⁰ in their home countries, thus releasing records quickly may prevent death. A March, 2023 article states that “[n]early three dozen women at FCI Dublin have either been deported or are facing possible deportation, even though their attorneys say that as sexual assault survivors or witnesses of this abuse they are eligible for law enforcement to certify their U-visas, which can provide a pathway to citizenship.”²¹ A June, 2023 article, asserted “At least 26 women face the threat of deportation after reporting sexual abuse by prison employees. At least 11 have already been deported.”²² Plaintiffs’ August, 2023 complaint details that BOP staff targeted immigrants for rape and other forms of physical violence, abuse, and retaliation, staff: “targeted abuse towards immigrants under threat of deportation.” *CCWP*, ECF No. 1 at 1. In an interview, class counsel revealed “We’ve heard from a lot of survivors that staff intentionally targeted noncitizen women for abuse because of their added vulnerability...”²³ I’ve heard so many stories about staff saying to people, ‘I’ve looked in your file. I know you have an immigration hold. I know that once your sentence is up, you’re

¹⁸ Stillman, *supra* note 5.

¹⁹ Sullivan, *supra* note 6.

²⁰ Parker, *supra* note 7.

²¹ Lisa Fernandez, *Dozens of Dublin Prison Sex Survivors Face Deportation*, KTVU FOX 2, Mar. 15, 2023, <https://www.ktvu.com/news/dozens-of-dublin-prison-sex-survivors-face-deportation> (last visited May 30, 2024).

²² Law, *supra* note 1.

²³ Carrie Johnson, *Advocates Seek Compassionate Release for Women Sexually Abused While Incarcerated*, NPR, Oct. 28, 2022, <https://www.npr.org/2022/10/28/1132163791/advocates-seek-compassionate-release-for-women-sexually-abused-while-incarcerate> (last visited May 30, 2024).

going to be deported, and you're not going to be a problem for me.”²⁴ The New York Times published that “plaintiffs were harassed over their immigration status...One woman who was undocumented was told that she would be deported if she did not engage in sex acts with a correctional officer...Others...were compelled to perform sexual acts in front of officers and have sex with other inmates.”²⁵

People abused by Dublin staff may be entitled to relief from immigration because of the abuse and potential U-visas²⁶ or Trafficking Victims Protection Act (TVPA) 22 U.S. Code § 7101 relief because they cooperated and testified in criminal proceedings against BOP staff. Other people abused by Dublin staff are in removal proceedings. Releasing records in a timely manner can lead to counsel having a more developed record for potential meritorious claims related to their surviving government abuse, and prevent potential death from removal.

Expedition Factor 4: The Criminal Convictions of Seven BOP Employees for Sexually Abusing Incarcerated People, Special Master Appointment, Prison Closure, and Transfers of Incarcerated People Raise Questions About the Department of Justice and BOP Integrity That Are a Matter of Widespread and Exceptional Media Interest

Facts related to questions about government integrity and documenting the widespread and exceptional domestic and international media coverage as contemplated by 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iv) are described herein and enumerated in the Henry Decl. and Ex 4, which provides citations to over 100 articles as a sampling of the multitudinous and ongoing coverage.

In the FOIA context courts opine that “[p]ublic awareness of and ability to analyze government actions is “a structural necessity in a real democracy.” *Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004).

The BOP’s Dublin prison staff sex abuse conspiracy deemed by media outlets as a prison staff “rape club”, as well as BOP’s seemingly retaliatory closure of Dublin prison in response to the *CCWP* suit and judge Yvonne Gonzalez Rodgers’s appointment of the Special Master raises questions about the government's integrity that affect public confidence. In the August 16, 2023 complaint, Plaintiffs summarize issues of BOP integrity currently receiving widespread media coverage and congressional debate, including:

 failing to prevent, sexual assaults, intimidation, physical, sexual and verbal abuse, threats of violence, sexual harassment, retaliation, and other violations of law against Plaintiffs, and by failing to investigate such violations...subjected Plaintiff to unnecessary and wanton infliction of pain and physical injury and continue to

²⁴ *Id.*

²⁵ Tim Arango, *Warden Ousted From Federal Women’s Prison Plagued by Sex Abuse*, Mar. 12, 2024, <https://www.nytimes.com/2024/03/12/us/warden-ousted-sex-abuse-womens-prison.html> (last visited May 30, 2024).

²⁶ Under 8 CFR § 214.14 an applicant is entitled to a U-visa if they are a victim of a qualifying crime (including sexual assault), have suffered physical or emotional harm as a result, have information about the crime, and have been helpful to law enforcement.

subject Plaintiffs to a significant risk of serious harm by failing to properly evaluate, train, discipline, and supervise custody personnel to prevent physical harm to, and/or sexual harassment of, incarcerated persons; by failing to investigate allegations of physical harm to and/or sexual harassment of incarcerated persons; and by failing to prevent retaliation against incarcerated persons for complaints of such Abuse.

CCWP, ECF No. 1 at 1.

In its March 15, 2024 Order Granting Preliminary Injunction the Court summarize how BOP actions affect the public confidence “because of its inability to promptly investigate the allegations that remain, and the ongoing retaliation against incarcerated persons who report misconduct, BOP has lost the ability to manage with integrity and trust.” *CCWP*, 2024 WL 1290766, at *5 (N.D. Cal. Mar. 15, 2024). In its May 8, 2024 Order, the Court said its decisions were based on a “record, which evinced BOP’s repeated and intentional disregard of the AICs’ constitutional rights.” *CCWP*, Order Re Closure of FCI Dublin and Preliminary Injunction, ECF No. 300 at 2. It excoriated misrepresentations the BOP made to the Court and Special Master, which are relevant to the public’s confidence: “The BOP’s obfuscation is obvious. Its lack of transparency with the Court resulted in negative consequences.” *Id.* It communicated the clear and present need for investigating how the BOP uses public funds, protects people in its care, and engages with Article III courts that are constitutionally assigned to oversee it: “Although it had as much time as needed to prepare, BOP’s operational plan for closure of FCI Dublin was ill-conceived and, like Swiss cheese, full of holes.” *Id.* at 1. The Court reiterated the continued and more imminent issues of integrity and the problems with the BOP’s arguments that the Court and Special Master had no jurisdiction, and that the case should be moot due to its closure. The Court said that “closure is not synonymous with escape” and “outlines the necessary and continued monitoring of the Bureau of Prisons (“BOP”)” due to its ongoing rights violations. *Id.* The Order closed with strong language related to the integrity of the BOP and public and court confidence in it:

It strains credulity for the BOP to assert that the Court’s guidance to the BOP was unlinked to any source of legitimate authority. Context is important. The Court determined the ACIs at FCI Dublin were not receiving constitutionally required care and took steps to address such deficiencies, such as entering a preliminary injunction. . . .the BOP cannot hide from or escape its obligations by merely closing FCI Dublin. The class members have been denied medical and mental health treatment for years in some cases, and months in others. The Court will not tolerate continued delay.

Id. at 13. Time is of the essence to obtain records vital to current and ongoing debate surrounding legality of the BOP’s treatment of incarcerated individuals, and flouting of mandates by the Article I legislative and Article III judicial entities tasked with overseeing it and checking its use and abuse of power.

Enumerated List of Requested Records

Scope and Definition: As used in this request, the term “records” includes all records or communications preserved in the native format with metadata in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, or studies. For email communications, this request includes items that were sent directly to BOP individuals and items on which an individual was “copied” using the “cc” or “bcc” fields.

Order of Processing: This request is explicitly intended to include other forms of correspondence, including paper notes, letters, and memoranda. Records are requested to be handled in chronological order, from the most pressing for remedying harm to life and liberty interests, to the least pressing.

Legend: Italics represent a BOP Systems of Record to search within. Quotation marks represent a record name that is reflected in the BOP Systems of Records Notice, Program Statement, or Retention Schedule.

Compassionate Release Case Related

1. All communications and documents between or among employees, including executive staff, supervisors, and staff and records containing or regarding guidance on decision to release or transfer people and indicating how the DOJ or BOP determined, quantified, or measured decision to transfer or release based on these criteria.
2. Creation of and changes to the criteria used to determine which people were or will be cleared for transfer or release. How DOJ or BOP determined, quantified, or measured transfer or release eligibility based on these criteria.
3. Guidance provided to Warden and United States Attorneys in granting or opposing compassionate release and other motions for reduced sentences.
4. Compassionate release: Individual records and lists related to who Warden, BOP, and Courts considered for compassionate release, i.e. “Warden letter” requests and records indicating status of cases.
5. Case reviews: Lists of who was reviewed before transfers, on what days and times, outcomes of case reviews. Including *JUSTICE/BOP-005, Inmate Central Records System* records. E.G.
 - a. “BP-A0765 Early Release Review”
 - b. “BP-389 Statutory Good Time Action Notice form,”
 - c. “BP-448 Good Conduct Time Action Notice form”
 - d. “Redesignation Approval – SENTRY-generated Clearance Data”
 - e. “Furlough Evaluation.”

- f. “Request for Transfer/Application of Management Variable” forms
 - g. Central File records: Sentence Data//IFRP (SENTRY Sentence Computation Record.); Classification/ Disciplinary, “Executive Clemency Report”; Release Processing “Release Certificates”
6. Medical Reviews: Lists of who was reviewed before transfers, on what days and times, outcomes of medical reviews. Records in *JUSTICE/BOP–007, Inmate Physical and Mental Health Record System* E.g
- a. “BP-354 Intake Screening (Medical).”
 - b. “BP-A0360 Health Intake Assessment/History”
7. All communications and documents regarding all Grievances related to compassionate release, including *JUSTICE/BOP–004, Inmate Administrative Remedy Record System*.

Immigration Case Related

8. All communications and documents with immigration authorities, employees, including executive staff, supervisors, and staff.
9. Documents indicating asylum, or U-visa, or TVPA eligibility or claim, *JUSTICE/BOP–005, Inmate Central Records System* records - Central File records, E.g.
- a. “Deportation Notice (Parole form 55)”
 - b. “Release of Immigration Detainee with Supervision to follow (BP-325)”
 - c. Detainers (SENTRY Sentence Computation Record)
10. All communications and documents regarding all Grievances related to immigration, including *JUSTICE/BOP–004, Inmate Administrative Remedy Record System*.

Property

11. Tort Claims Forms related to deprivation of property
12. Forms and administrative appeals related to BOP deprivation of property, and in *JUSTICE/BOP–006, Inmate Trust Fund Accounts and Commissary Record System* E.g.
- a. “BP-A0383 Personal Property Record Form”
 - b. “BP-402 Confiscation & Disposition of Contraband forms”
 - c. “BP-331 Authorization to Receive Packages or Property”
 - d. “BP383 Inmate Personal Property Record”
 - e. “BP-AO515 Abandoned Inmate Property Form”
 - f. “BP-199 Request for Withdrawal of Inmate’s Personal Funds”
 - g. “BP201 Account Withdrawal Record”
 - h. “BP329 Request to Mail Package”
 - i. “BOP 402 BOP Confiscation and Disposition of Contraband Form”
 - j. “BP-329 Request/Authorization to Mail Inmate Packages”
 - k. “BP 200 Special Purchase Order Form”

Administrative Documentation and Appeals

13. Records contained in *JUSTICE/DOJ-008, Department of Justice Grievance Records, JUSTICE/BOP-004, Inmate Administrative Remedy Record System* all grievances related to transfer and closure. E.g. BP8/COP OUT, BP9, BP10, BP-11, BP148 Inmate to Staff Request, “BP229 Admin Remedy Request”, “BP230 Regional Remedy Appeals”, “BP231 CO Admin Remedy Appeal” and the log of administrative remedy filings.
14. All tort claims forms related to transfer and closure and status and outcome of cases. Records in *JUSTICE/BOP-009, Administrative Claims Record System* E.g. “Tort Claim Response”
15. “BP362 Injury Assessment and Follow up”

Personnel, Staffing, Use of Force in of Closure and Transfer

16. Daily staff roster for dates of prison closure and transfers.
17. Records indicating how many staff and of what job description were moved to Dublin when, and what location they came from. E.g.
 - a. “OpsPlanner Notification System”
 - b. “CPD Roster Program Data”
 - c. “Dally/Quarterly Staff Roster #1”
 - d. “Emergency Plan Signature Sheet”
 - e. “Equipment Sign-Out Form”
 - f. “Inventories #36”
18. Records indicating when people were transported and where they were transported. E.g.
 - a. “BP-A0502 Escorted Trip Authorization”
 - b. “BP-A0821 Transfer Receipt”
 - c. “BP-A0938 Conditions of Escorted Trip”
 - d. “BP-A0939 Escort Instructions”
 - e. “BP-A0513” Bus Trip Log Form”
 - f. “Bus Trip log #8”
 - g. “Bus Trip Reports”
 - h. “BP A0509 Bus Inspection”
 - i. “BP A0511 Bus Route”
 - j. “BP A0510 Bus Searches”
 - k. “Rear Gate Detail Log”
 - l. “Rear Gate Vehicle Log”
 - m. “Escort Instructions #”
 - n. “Front Entrance Visitor Logs”
 - o. “Marshal's Receipt”
 - p. “Official Visitors Forms”
 - q. “BP-A0175 In-Transit Data Form”

19. Use of force, e.g.
 - a. "SIS Non-Prohibited Act Use of Force"
 - b. "SIS Cleared Videotapes Without Use of Force"
 - c. "BP-A0583 Report of Incident"
 - d. "BP-A0586 After-Action Review Report – Use of Force/Restraints/Chemical Agents/Non- Lethal Weapons"
 - e. "BP-A0599 Electronic Custody Control Belt Documentation"
 - f. "BP-A0600 Inmate Notification of Electronic Custody Control Belt Use"
20. Communications and records noting who was and is working where and when. E.g. records noting which staff came out of voluntary or involuntary leave or retirement to staff the closure and transfers and other facilities. E.g. Contracts for staffing the closure and transfer, including records that note where people under investigation or leave or retired staffed the transfer and other facilities. E.g. Records indicating which staff who were or are under investigation worked where when.

Investigations & Discipline of Incarcerated People

21. Investigation and discipline issued, e.g.
 - a. "BP377 Prisoner Remand"
 - b. "Shakedown Logs"
 - c. "SIS Investigation - CAT 100"
 - d. "SIS Investigation • CAT 200"
 - e. "SIS Investigation - CAT 300 and 400"
 - f. "SIS Non-Prohibited Act Use of Force"
 - g. "SIS Cleared Videotapes Without Use of Force"

BOP Staff Communications

22. Records describing or including any guidance or training provided to BOP concerning the closure and transfer.
23. All records explaining or discussing the Bureau's rationale for closure and transfer. E.g. records in JUSTICE/DOJ-003, Correspondence Management Systems (CMS),
24. All presentations, publications, training materials, pamphlets, press releases, or other documents explaining or providing guidance on closure and transfer.
25. BP A0577 Department of Justice Document Removal Certification

Expenditures

26. Expenditures related to closure and transfer as logged in *JUSTICE/DOJ-001, Accounting Systems for the Department of Justice*
27. Number of flight tickets booked, when flights booked, cost of flights, whether on government or private transport.

28. Number of buses booked, when booked, cost, whether on government or private transport.
29. Number of private cars, taxis, Ubers, Lyfts etc. booked, when booked, cost.
30. Records that pertain to any budget and reimbursement agreements related to closure and transfer including policies, procedures, memoranda, or guidance.
31. "BP A0125 Daily Expenses"
32. "BOP 109 Stock Record"
33. "Outside Contractor's Inventories"
34. "BP-A0826 DOJ Application for Transit Subsidy"

Reports, Reviews, Audits

35. Communications sent to and received from federal and California elected officials regarding closure and transfer.
36. Special master report about conditions at Dublin, transfer, closure, conditions at new facilities.
37. Audits
 - a. Dublin Task Force Report
 - b. Moss Group Report
 - c. PREA Related Audits and Reports
38. "BP-A0367 Employee Performance Appraisal"
39. "Program Reviews/Audit Responses"
40. "Agents Inspections"

New Facilities

41. Lists of jobs and corresponding pay rate incarcerated people were working before transfer, and after transfer.
42. Conditions related to release at facilities people were transferred to.
 - a. Programs available at facilities people were transferred to.
 - b. Work available at facilities people were transferred to.
 - c. Restitution rates at facilities people were transferred to.
43. Which former Dublin staff are working at new facilities.

Retention Schedule

44. Records retention schedule - All records concerning the retention of electronic copies of mail, or data derived

Submissions to Court in noted *CCWP v. US*, ECF No. 300

45. Records and photographs provided to the Court regarding transfer in *CCWP v. US*, ECF No. 300 at 8 “Class counsel have relayed myriad complaints from various class members concerning the conditions of their transports. Among those are complaints that individual AICs sustained injuries during transit. The Court responded by ordering the identification of such AICs, cataloguing [SIC] of their complaints, immediate medical examinations upon arrival at new facilities, as well as photographic documentation of any injuries. The BOP has since produced to the Court, Special Master, and plaintiffs’ counsel a range of records and photographs for most of those AICs. “ ...“Class counsel will be provided with those pictures and are ordered to transmit the same to any attorney who may represent an AIC individually for review of the AIC, if appropriate, by their own physicians.”
46. Records and photographs provided to the Court regarding transfer in *CCWP v. US*, ECF No. 300 at 11 “the BOP shall include with the above-referenced roster updates descriptions of actions taken to resolve the AICs’ concerns relative to transportation-related concerns, including lost property.”
47. Records and photographs provided to the Court in *CCWP v. US*, No. 300 at 11 “the Court requires the BOP to provide a staffing report on each transferee institution with details on the number of budgeted, authorized positions and associated vacancies, broken down by department. The staffing report shall be provided in the first instance for the period since January 1, 2024 and shall be updated through the trial on this action unless otherwise ordered. Such monthly reports shall also address staffing augmentations.”
48. Records and provided to the Court in *CCWP v. US*, in response to ECF No. 300 order “The BOP’s roster updates will also include information related to the existence of property and transportation related claims/issues as well as their resolution.”
49. Records and provided to the Court in *CCWP v. US*, in response to ECF No. 300 at 15 order “The BOP Western Regional Disciplinary Hearing Administrator shall audit FCI Dublin’s Unit Disciplinary Actions and Disciplinary Hearing Officer’s actions between April 25, and May 1, 2024. Necessary corrective actions shall be taken on incidents and associated disciplinary actions where due process and other errors occurred. To the extent such issues are identified, they shall be tracked via the above-mentioned roster.”

Videos

50. Of transfer, particularly the bus videos mentioned in Court Order in *CCWP v. US* ECF No. 300 at 8 (“Special Master and Warden arranged for video surveillance cameras, with audio enabled, to be deployed on the remaining buses.”).

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DECLARATION OF VICTORIA LAW

I, Victoria Law, declare under penalty of perjury:

1. The following statements are made of my own personal knowledge except as to those matters stated to be based on information or belief. If I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

3. I am a freelance journalist. I primarily write about the intersection of mass incarceration and gender, and have published with outlets including The New York Times, The Nation, The Guardian, The Appeal, and Al-Jazeera America.

4. I have also written and edited books on these subjects, including Resistance Behind Bars: The Struggles of Incarcerated Women (PM Press 2009), Prison By Any Other Name (New Press 2020), and Corridors of Contagion (Haymarket Books 2024).

5. I have also worked with incarcerated women as an editor. From 2003 to 2020, I edited Tenacious: Art and Writings by Women in Prison, a print periodical. Collections of Tenacious are available in over a dozen public and academic libraries and archives.

6. I have a BA from Brooklyn College at the City University of New York, and I have received many honors and awards for my reporting. For example, I was a finalist for the New York Public Library Helen Bernstein Award for Excellence in Journalism (2020), I received the bronze medal for current events from the Independent Publishers Book Award (2020), I was an honoree for adult nonfiction by the Society of Midland Authors Annual Literary Award (2020), and I received the PASS (Prevention for a Safer Society) Award from the National Council on Crime and Delinquency, National Council on Crime and Delinquency (2009). I have received multiple fellowships to support my reporting, including the Justice and the Pandemic Fellowship from the Center on Media, Crime and Justice at John Jay College (2020), the John Jay/Langeloth Foundation Fellowship for reporting on solitary confinement (2018), a fellowship from the Leonard C. Goodman Institute for Investigative Reporting to investigate pregnancy behind bars for In These Times magazine (2015), and the “Health Behind Bars” Fellowship (Langeloth Health Journalism Fellow) from the Center on Media Crime and Justice, John Jay College of Criminal Justice (2013).

7. From my years of experience reporting on jails and prisons, I know that open access to records is essential for public understanding of how these institutions function, which in turn encourages political

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DECLARATION OF CAITLIN KELLY HENRY

I, Caitlin Kelly Henry, declare under penalty of perjury:

1. The following statements are made of my own personal knowledge except as to those matters stated to be based on information or belief. If I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

3. The document attached as Exhibit 1 is a true and correct copy of citations relevant to 5 U.S.C. § 552(a)(6)(E)(v)(i) and 28 C.F.R. § 16.5(e)(1)(i) that evidence a “Threat to Life or Safety” exists that merits BOP expediting its FOIA processing.

4. The document attached as Exhibit 2 is a true and correct copy of citations relevant to U.S.C. § 552(a)(6)(E)(v)(ii) and 28 C.F.R. § 16.5(e)(1)(ii), evidencing the "urgency to inform the public concerning actual or alleged Federal Government activity.”

5. The document attached as Exhibit 3 is a true and correct copy of citations relevant to U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iii) evidence that “delay will cause loss of substantial due process rights” and “substantive due process rights of the requester would be impaired” by the failure to expedite, and that the information sought is not otherwise available to the requester.

6. The document attached as Exhibit 4 is a true and correct copy of citations relevant to 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iv) evidencing “A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.”

7. What follows is a summary of the timeline of publicly known events related to *California Coal for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, (N.D. Cal.) (Herein “CCWP”) filed August 16, 2023, the April 2024 closure of the Dublin facility, and the transfer of incarcerated people, which the Court refers to as “Adults in Custody” (AICs), to facilities including but not limited to the following BOP facilities: Aliceville FCI (Alabama), Carswell Federal Medical Center (Fort Worth, Texas), Hazelton FCI (West Virginia), Miami Federal Detention Center (“FDC”) (Florida), Pekin FCI (Illinois), Philadelphia FDC (Pennsylvania), SeaTac FDC (Washington), Tallahassee FCI (Florida), Victorville Medium I FCI (California), and Waseca FCI (Minnesota).

8. On January 2, 2024 the Court held a hearing related to BOP’s retaliatory activities, including transfers of witnesses to solitary confinement or away from counsel and courts, denial of access to legal

1 counsel, and strip searches.¹ The court ordered defendants not to transfer “any person on the witness lists
2 filed in this action until further order of th[e] Court.”²

3 9. March 13, 2024 is the date BOP claims in April 16, 2024 filing³ that it “made ex parte contact
4 with the Court to inform it of the impending facility closure, omitting any logistical details...”⁴

5 10. On March 15, 2024, Court issued an Order Granting the Motion for Class Certification, and
6 Granting and Denying in Part the Motion for Preliminary Injunction⁵ finding that: “because of its
7 inability to promptly investigate the allegations that remain, and the ongoing retaliation against
8 incarcerated persons who report misconduct, BOP has lost the ability to manage with integrity and
9 trust.” Incarcerated people faced retaliation “for making any kind of report, whether for malfeasance like
10 sexual abuse or the enforcement of their rights, such as filing a medical complaint” and reporting sexual
11 abuse, or even for complaining about things that staff interpreted as a sexual abuse complaint. One
12 common form of retaliation is placement in the Special Housing Unit (SHU). Defendant officials
13 contended that they were simply applying BOP nationwide policies on SHU placement neutrally, and
14 that they needed to use the SHU to deter false allegations against staff.”

15 11. On April 5, 2024, the Court appointed a Special Master, Wendy Still.⁶

16 12. On April 8, 2024 Special Master, Wendy Still began work at Dublin.⁷

17 13. April 12, 2024, is the day the BOP states it informed the Court in a sealed filing that it would
18 close FCI Dublin. Plaintiffs state in a May 9, 2024 joint case management statement: “Despite having
19 presented a parade of officials testifying under penalty of perjury at the January 2024 evidentiary
20 hearing...that conditions at Dublin were constitutional and improving, the BOP now turned 180 degrees,
21 and told the Court that Dublin must be closed within days to prevent unconstitutional conditions from
22 continuing there.”⁸

23 14. April 15, 2024 the court issued a sealed in part Order⁹ re: Transfer of Inmates at FCI Dublin
24 stating:

25 ¹ ECF No 97.

26 ² *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *2 (N.D. Cal. Mar.
27 15, 2024) herein ECF No 222.

28 ³ ECF No 257 at 2.

⁴ ECF No 303 at 8.

⁵ ECF No 222.

⁶ ECF No 248.

⁷ ECF No 303 at 5.

⁸ ECF No 303 at 5.

⁹ ECF No 252 at 1.

1 The Court is aware that the Bureau of Prisons (“BOP”) has announced its intended
2 closure of FCI Dublin.... [G]iven some of BOP’s significant inadequacies previously
3 referenced, BOP SHALL UPDATE CASEWORK for all inmates... This updated
4 casework is required, in part, to ensure inmates are transferred to the correct location.
5 This includes whether an inmate should be released to a BOP facility, home confinement,
6 or halfway house, or granted a compassionate release. The result of these case reviews
7 and transfer designations SHALL be reviewed with the Special Master prior to transfer.

8 15. April 15, 2024 the court issued a sealed in part Order re: Continued Guidance Concerning the
9 Transfer of Inmates at FCI Dublin stating: “Given the Bureau of Prisons (“BOP”) publicly announced
10 only this morning its intended closure of FCI Dublin and the fact that Special Master Still was only
11 recently appointed to her position, the Court shall provide additional guidance to BOP relative to the
12 transfer.”¹⁰

13 16. April 16, 2024¹¹ the BOP files a rule 60 motion for relief from the April 15 order with many
14 redactions stating (the Court later denies this motion). It argues the Order “exceed[s] the Court’s
15 authority, extend[s] the role of the Special Master beyond that envisioned by the Prison Litigation
16 Reform Act (PLRA), and violate[s] the separation of powers.”¹² BOP argues “The Provision of Medical
17 Care is Within the Exclusive Authority of BOP” and the Special Master should not be involved.¹³ BOP
18 argues “Closure of FCI Dublin is Within the Exclusive Authority of BOP” and the Court and Special
19 Master should not be involved.¹⁴ It states “Extensive resources and employee hours have already been
20 invested in the move [redactions].”¹⁵ It states the Special Master indicated she required BOP, before
21 transferring someone, to conduct a patient interview, an in-person doctor patient encounter, and a
22 medical file review before the Special Master would approve transfer.¹⁶ It states “BOP must dedicate an
23 adequate number of trained staff, dedicate sufficient transport busses [sic], and coordinate adequate
24 airlift resources.”¹⁷ It states “The classification and redesignation of AICs were done quickly, but not
25 arbitrarily, and BOP has gone through an exhaustive process to ensure redesignations have occurred in
26 accordance with all applicable requirements.”¹⁸ It states BOP “considered and reviewed whether inmates
27 should be transferred to the same or lesser security institutions, to home confinement, to residential re-

24 ¹⁰ ECF No 254 at 1.

25 ¹¹ ECF No 257.

26 ¹² ECF 257 at 2.

27 ¹³ ECF No 257 at 9.

28 ¹⁴ ECF No 257 at 10.

¹⁵ ECF No 257 at 3-4.

¹⁶ ECF No 257 at 5.

¹⁷ ECF No 257 at 6.

¹⁸ ECF No 257 at 12.

1 entry centers, or whether they had an imminent release date.”¹⁹ It states “The Designation and Sentence
2 Computation Center (DSCC) undertook a massive effort to ensure all placements were appropriate and
3 individually considered.”²⁰ BOP argues “[T]ransfer of inmates falls within the exclusive authority of the
4 BOP, and it is not subject to judicial review.”²¹

5 17. April 17, 2024 the Court issued a sealed in part Order re: Continued Guidance Concerning the
6 Transfer of Inmates at FCI Dublin No 2. ECF 260.

7 18. April 22, 2024 the Court issued a sealed in part Order re: Continued Guidance Concerning the
8 Transfer of Inmates at FCI Dublin No 3. ECF 264.

9 19. April 23, 2024 the Court issued a sealed in part Order re: Continued Guidance Concerning the
10 Transfer of Inmates at FCI Dublin No 4. ECF 275.

11 20. April 24, 2024 the Court issued a sealed in part Order re: Continued Guidance Concerning the
12 Transfer of Inmates at FCI Dublin No 5. ECF 287.

13 21. May 7, 2024, the Court issued an Order re Closure of FCI Dublin & Preliminary Injunction²²
14 stating that: “the BOP cannot hide from or escape its obligations merely by closing FCI Dublin.”

15 22. May 8, 2024 the Court issued an Order²³ re Closure of FCI Dublin & Preliminary Injunction²⁴
16 stating that:

17 Friday, April 12, the BOP filed a notice (in the body of a sealed attachment to an
18 administrative motion) wherein it “informed” the Court of its intention to close the facility
19 over the following week, without specifying when such closure would begin. The BOP’s
20 obfuscation is obvious. Its lack of transparency with the Court resulted in negative
21 consequences. In fact, BOP Regional Director, Western Region Melissa Rios-Marques
22 refused to advise Special Master Still of the impending closure, which would begin the next
23 day, even when asked directly on Sunday, April 14.

24 The May 8, Order²⁵ also stated:

25 It strains credulity for the BOP to assert that the Court’s guidance to the BOP was unlinked
26 to any source of legitimate authority. Context is important. The Court determined the ACIs at
27 FCI Dublin were not receiving constitutionally required care and took steps to address such
28 deficiencies, such as entering a preliminary injunction. Once closure was announced, the
Court took steps to adapt the preliminary injunction to changing circumstances. Further, the
BOP cannot hide from or escape its obligations by merely closing FCI Dublin. The class

25 ¹⁹ ECF No 257 at 12.

26 ²⁰ ECF No 257 at 12.

27 ²¹ ECF No 257 at 8.

28 ²² ECF No 300.

²³ ECF No 300 at 1.

²⁴ ECF No 300 at 1.

²⁵ ECF No 300 at 13.

1 members have been denied medical and mental health treatment for years in some cases, and
2 months in others. The Court will not tolerate continued delay.

3 23. In the May 9, 2024 Joint Case Management Statement, BOP states that it had planned the closure
4 of Dublin, and the court should consider the case moot because BOP closed the prison. BOP asked
5 “Whether Plaintiffs’ claims for injunctive relief...are moot in light of the closure of FCI Dublin.
6 Whether Plaintiffs can maintain any claims...in light of its closure.”²⁶

7 BOP represented that “BOP leadership had been considering the closure of FCI Dublin for many years,
8 and determined that closure was compelled post haste “due to FCI Dublin’s perpetual short-staffing,
9 aging infrastructure, and ongoing allegations of staff misconduct.”²⁷

10 BOP stated:²⁸

11 After news of the closure became public, the government explained that “[d]etails regarding
12 the closure of a federal prison are highly sensitive and cannot become public in advance of
13 the closure due to serious safety and security risks to all involved...As such, the information
14 can be shared only on a need-to-know basis. Once the timeline for closure of FCI Dublin was
15 solidified, it became apparent that the Court had a need to know given the Order requiring
16 advance notice of the transfer of any AIC listed on either party’s witness list. Accordingly,
17 BOP made ex parte contact with the Court [(about a month prior to the announcement of the
18 closure – on or about March 13, 2024)] to inform it of the impending facility closure,
19 omitting any logistical details....

20 24. May 20, 2024 the Court issued an Order expanding the Special Master’s authority to ensure that
21 the 605 transferred people received “appropriate follow up care and support in their new facilities.”²⁹

22 25. June 11, 2024 Putative intervenors, including Victoria Law, filed a Motion to Intervene for the
23 Limited Purpose of Unsealing Court Records and Protecting Access to Court Proceedings and a Motion
24 to Unseal Court Records and Protect Access to Public Proceedings.³⁰

25 26. June 18, 2024 the Bureau of Prisons filed a motion to “to dismiss with prejudice Plaintiffs’
26 injunctive and class claims as moot in light of the closure of FCI Dublin and for a stay of discovery”³¹
27 and to “terminate all prospective relief.”³²

28 27. July 1, 2024, the Court issued an Order Extending Injunctive Relief and Requiring a Meet and
Confer³³ extending preliminary injunctive relief to October 2, 2024; and holding that “[t]he fact that the
BOP may have closed FCI Dublin does not relieve them of their obligations.”

²⁶ ECF No 303 at 10.

²⁷ ECF No 303 at 8.

²⁸ ECF No 303 at 8.

²⁹ ECF No 308.

³⁰ ECF No. 316 and 317.

³¹ ECF No 326 at 10.

³² ECF No 326 at 27.

³³ ECF No. 336 at 1, 7.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
2 correct. Executed on July 5, 2024 at Oakland CA.

3
4 _____/S/
5 Signature

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7 Caitlin Kelly Henry, Esq.
8 Attorney at Law
9 1423 Broadway #215
10 Oakland, CA 94612

11 **Exhibit List**

Exhibit #	Description
1	Imminent Threat to the Physical Safety and Life
2	Urgency to Inform the Public
3	Substantial Due Process Rights
4	Exceptional Media Interest

Exhibit 1: Imminent Threat to the Physical Safety and Life

Pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(i) and 28 C.F.R. § 16.5(e)(1)(i) what follows are citations that evidence a “Threat to Life or Safety” exists that merits BOP expediting its FOIA processing.

Threat to Physical Safety and Life Ongoing from Transfer Process	1
Staff Pointing Rifles at People	2
Injuries from Shackles	3
Verbal Abuse from BOP Staff	3
Subject to Extreme Temperatures	4
Medication and Bathroom Deprivation	4
Food Deprivation	4
Threat to the Physical Safety and Life at New Facility	4
Threat to Physical Safety and Life from Medical Neglect	4
BOP Staff Encouraging Violence	5
BOP Staff Verbal Abuse	5
Retaliatory Placement in Solitary Confinement	6
Retaliatory Placement in More Restrictive or Dangerous Settings	6
Deprivation of Medical, Legal, Religious, and Personal Property	6
Retaliatory Delay of Release	6
Denial of Jobs that Could Expedite Release to Safety	7
Denial of Hygiene	7
Retaliatory Food Access and Denial	7
Staff Retaliation	7

BOP Director Peters described the closure of Dublin as “temporary” - leaving the possibility open that people would continue to move, possibly back to Dublin, and experience these harms again and again. What follows is a summary of some of the facts, and quotes about facts.

Threat to Physical Safety and Life Ongoing from Transfer Process

On March 15, 2024 Lisa Fernandez, KTVU reported that: “[BOP Director] Peters said that the transfer involved "careful planning and coordination to ensure the safe transfer of women to other facilities, with special attention given to their unique programming, medical, and mental

health requirements."... "That statement also is completely the opposite of what dozens of women have reported to KTVU and attorneys over the last week."¹

On April 25, 2024 Lisa Fernandez, KTVU reported that "The senators said they have heard from constituents about inadequate medical attention, improper medical clearance for transport, lack of food and water, confiscation of property, mistreatment, harassment, neglect and abuse in transit. "This reporting is appalling and even more concerning in light of the well-documented abuses that have taken place previously at FCI Dublin," the letter states. "Individuals in custody at FCI Dublin have long endured a toxic carceral culture marked by sexual assault, harassment, and medical neglect at the hands of BOP staff. "And now, while subjected to the deprivations and indignities of a flawed and rushed closure and transfer protocol, women in custody are reporting hostility and retaliation from BOP employees who blame them for the facility's closure. This is unacceptable."²

In a letter to the House Judiciary Committee and the House Committee on Oversight and Accountability, the 10 lawmakers stated "“We have heard from former inmates who were recently released, family of inmates who have since been transferred from FCI Dublin, and advocates — all of whom have told us about shocking abuses that took place during the mass inmate transfers,” the letter reads. “This level of disregard for human dignity cannot be tolerated.”³

Staff Pointing Rifles at People

- “[H]ad rifles pointed at them to scare them.”...“The same woman reported that on her bus trip from the Philadelphia airport to West Virginia, a woman was accused of slipping out of her handcuffs. She said one of the guards said, "We don't need Dublin problems here, let's shoot 'em now." She said some of the officers got their rifles out of the luggage bin and cocked them to scare the women on the bus. That experience was "terrifying to the women," Sevchenko said, "who really believed that they were about to die."⁴
- ““B” reported that, during the bus ride from the Philadelphia airport to the federal prison in Hazelton, West Virginia, an officer stated, “We should just shoot all these Dublin

¹ Lisa Fernandez, *BOP Director Commends FCI Dublin Staff, despite Accounts of Abusive Behavior*, KTVU FOX 2, Apr. 24, 2024, <https://www.ktvu.com/news/bop-director-commends-fci-dublin-staff-despite-accounts-of-abusive-behavior> (last visited May 28, 2024).

² Lisa Fernandez, *U.S. Senators Call FCI Dublin Transfer of Women “Appalling,”* KTVU FOX 2, Apr. 25, 2024, <https://www.ktvu.com/news/u-s-senators-call-fci-dublin-transfer-of-women-appalling> (last visited May 24, 2024).

³ Sydney Johnson, *US Representatives Call for Investigation into Abrupt East Bay Prison Shutdown | KQED*, May 24, 2024, <https://www.kqed.org/news/11987663/us-representatives-call-for-investigation-into-abrupt-east-bay-prison-shutdown> (last visited May 24, 2024).

⁴ Lisa Fernandez, *More FCI Dublin Women Complain of Retaliation, Including Having Rifles Pointed at Them*, KTVU FOX 2, May 15, 2024, <https://www.ktvu.com/news/more-fci-dublin-transfer-complaints-of-retaliation-including-having-rifles-pointed-at-them> (last visited May 23, 2024).

inmates.” “At this point they got off the bus and pulled out the guns and acted like they were getting ready to shoot us,” B recalled. The officers did not shoot anyone, but when they resumed driving, they blasted the air conditioning while swerving and stopping short throughout the four-hour drive.”⁵

Injuries from Shackles

- “Several women have reported to their families that they were bruised on the journey from the chains they were told to wear around their ankles and bellies.”...“At the Federal Correctional Institute Waseca in Minnesota, one woman wrote that it's been 19 days since she took a bus ride from FCI Dublin in handcuffs and shackles and she is just now getting pictures taken of her wrists and ankles where she and others said they were bruised.”⁶
- “[B]arraging the women with insults and driving erratically — often causing women, who were handcuffed and shackled, to fall from their seats and fear for their lives.”⁷
- “A” described spending three days in transit from California to the federal detention center in Miami, Florida, “in chains and in freezing cold conditions, with no opportunity to sleep... We experienced more than 29 hours in chains. All inmates arrived to FDC Miami exhausted, with terrible bruises and cuts around their wrists and ankles from having been tightly handcuffed and legs tightly shackled, and with bruises around their waists from overly tight belly chains worn for such an extremely long time.”⁸

Verbal Abuse from BOP Staff

- “[B]eing screamed at and told they were "whining bitches.”⁹
- “A mother named Esther said her daughter was put on a bus last week from FCI Dublin, where she drove all night to Nevada, where the driver was driving "crazy" and "erratically." When they asked where they were going, Esther wrote: "They were told none of your business, or SFTU, see, this is why Dublin is closing, you all need to learn to keep your mouths shut. I gave up my Saturday off to move you girls. The other CO said, ‘I came out of retirement to help move you bitches.’" Esther then said the bus driver played a children’s recording of *The Wheels on the Bus* over and over again at full volume, and then played loud rap music with sexually explicit language about sex acts. "He told them the more they fussed, the louder it was going to be," Esther wrote. "All thru the 12 hours they were called bitches. They were told they were the reason for the

⁵ Victoria Law, *Survivors of Prison Staff Abuse Say Transfer to New Facilities Hasn’t Ended Harm*, TRUTHOUT, May 24, 2024, <https://truthout.org/articles/survivors-of-prison-staff-abuse-say-transfer-to-new-facilities-hasnt-ended-harm/> (last visited May 24, 2024).

⁶ Fernandez, *supra* note 1.

⁷ Law, *supra* note 5.

⁸ *Id.*

⁹ Fernandez, *supra* note 1.

closing of Dublin. They should have kept their mouths shut." Her daughter's group ended up being taken to the Miami Detention Center, a high-rise prison with no video visits."¹⁰

Subject to Extreme Temperatures

- "[K]ept in the extreme cold and heat as bus drivers and officers blamed them for the prison shutdown".¹¹

Medication and Bathroom Deprivation

- "Since then, several women have alleged rampant mistreatment throughout the transfer process, including lack of access to bathrooms and medications, as well as hostile and abusive behavior from guards at their new facility."¹²
- "We were denied medications, pads and toilet paper."¹³

Food Deprivation

- "Steven, a husband of one of the women, described how tightly his wife was bound when she was taken across the country, how she wasn't fed."¹⁴

Threat to the Physical Safety and Life at New Facility

Erin Neff, advocate at California Coalition for Women Prisoners, said, "We are hearing egregious reports of abuse and neglect, housing that is dangerous and inhumane and overcrowded and people not getting prior needs addressed."¹⁵

Threat to Physical Safety and Life from Medical Neglect

- "[S]he had suffered skin rashes for months, likely from the asbestos and mold at the prison, and when she arrived at her new location, was given a top bunk despite having multiple sclerosis."¹⁶
- "She said she has tried three times to be seen by the psychological unit and her walk-in attempts have been refused, though walk-in appointments are indeed an option. Again, she said she was told that "Dublin shit won't work here."¹⁷

¹⁰ Fernandez, *supra* note 2.

¹¹ Fernandez, *supra* note 1.

¹² Johnson, *supra* note 3.

¹³ Law, *supra* note 5.

¹⁴ Fernandez, *supra* note 1.

¹⁵ Feds headed to trial on abuse claims from shuttered Bay Area prison | Courthouse News Service, <https://www.courthousenews.com/feds-headed-to-trial-on-abuse-claims-from-shuttered-bay-area-prison> (last visited May 24, 2024).

¹⁶ *Id.*

¹⁷ Fernandez, *supra* note 1.

- “At the federal prison in Waseca, Minnesota, the arrivals from Dublin have exacerbated the prison’s already inadequate and delayed medical treatment. “D,” who had been at Waseca for over a year, reported that staff have pitted the two groups against each other. Fearful of the outside scrutiny of press, lawyers and the special master, she wrote that the prison has prioritized those from Dublin over those who have long been waiting for medical care, including outside specialist appointments. Meanwhile, she said, depression, suicide attempts, drug use and overdoses remain a constant, yet unaddressed, reality.”¹⁸
- “Tension is really high here,” D wrote. “Psych [psychiatric counseling] is simply unavailable. If we weren’t victims, we are now. We are exposed to heavy toxins, depressions, fights, bizarre episodes, staff retaliations and just angry inmates that were moved here away from families.”¹⁹
- ““Women sent to the federal medical prison in Carswell, Texas, reported being denied medications.”²⁰
- “[D]enied the use of a CPAP machine despite having been authorized to use one during her years at Dublin.”²¹
- “[M]any women still haven't received medical care.”²²

BOP Staff Encouraging Violence

- “[S]he had heard correctional officers keep a hands-off attitude if there are fights between women prisoners – if the women were transferred from FCI Dublin.”²³
- ““Inmates and officers have made it very clear they don't want us here," the woman wrote. "Inmates have said the [BOP] unit team [staff] told inmates to make us uncomfortable.””²⁴

BOP Staff Verbal Abuse

- ““E,” who was transferred, said that staff constantly referred to the new arrivals as “ho’s from Dublin,” “bitches,” “rats” and “snitches.””²⁵

¹⁸ Law, *supra* note 5.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Lisa Fernandez, *FCI Dublin Transfers Complain of Poor Treatment, Retaliation at Other Prisons*, KTVU FOX 2 (2024), <https://www.ktvu.com/news/fci-dublin-transfers-complain-of-poor-treatment-retaliation-at-other-prisons> (last visited May 28, 2024).

²³ Fernandez, *supra* note 4.

²⁴ *Id.*

²⁵ Law, *supra* note 5.

Retaliatory Placement in Solitary Confinement

- “So far, she said, two FCI Dublin women have been sent to the SHU, or Special Housing Unit, which is like solitary confinement, but it is unclear why.”²⁶

Retaliatory Placement in More Restrictive or Dangerous Settings

- “[S]ome have been sent to men's facilities or higher-security prisons.”²⁷
- “[T]he prison gets locked down often ... this is the fifth lockdown in eight days.”²⁸

Deprivation of Medical, Legal, Religious, and Personal Property

- “Montes said government officials have not given definitive answers to complaints submitted about where people or their property may be, despite Rogers [ordering the bureau](#) in April to update records of all inmates being transferred to ensure they're sent to the correct location. She said that her clients report ongoing transportation and property issues, and that she thinks some inmates' property may have been lost or destroyed.”²⁹

Retaliatory Cell Searches

- “She said officers have also told her that “they can search us 50 times in an hour and it is not retaliation, so don't pull that ‘Dublin shit.’”³⁰
- “In another case at the same prison, a woman said that officers are “constantly asking all of us if we are from Dublin. Who is from Dublin? And then we get searched.””³¹
- “They have also been subjected to repeated drug tests, cell searches and incident reports. “They are constantly asking all of us if we are from Dublin, who is from Dublin and then we get searched,” “F” stated. Women who were transferred to other prisons have reported similar targeting.”³²

Retaliatory Delay of Release

- “[P]rison staff raised their monthly payments for restitution. Although the court orders restitution as part of a person's sentence, federal district courts have differed in interpreting the latitude of prison staff in calculating payments. At the new prison, some were ordered to pay double or triple the previous monthly amount despite either having no job or jobs that paid pennies per hour. At least one woman has been ordered to pay 10 times more than her monthly payments at Dublin. Failure to meet these payments can

²⁶ Fernandez, *supra* note 4.

²⁷ Law, *supra* note 5.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Fernandez, *supra* note 4.

³¹ *Id.*

³² Law, *supra* note 5.

result in losing time credits off their prison sentence and becoming ineligible for early release under the First Step Act.”³³

Denial of Jobs that Could Expedite Release to Safety

- “[T]hey say they are not being given jobs that could reduce their sentences.”³⁴
- “And at FCI Hazelton in Bruceton Mills, West Virginia, an FCI Dublin transfer said she was told “not to expect a callback” when she applied for a job because she was from Dublin. Having a job in prison is one of the ways prisoners can earn good time credits and shave months or years off their sentences.”³⁵

Denial of Hygiene

- “[S]aid they were fed inferior meals and denied soap, pillows and clean laundry.”³⁶
- “Tyra Deja Mabon wrote KTVU from Federal Detention Center SeaTac in Seattle, where she said that women from FCI Dublin haven’t been given soap, pillows, clean laundry or cleaning supplies. The beds are soiled.”³⁷

Retaliatory Food Access and Denial

- “[T]reatment at prisons in SeaTac in Seattle and Kentucky, where women said they were fed inferior meals.”³⁸
- “She said that FCI Dublin women were given rice and beans for dinner, while the other 900 incarcerated people were served chicken patties. “Staff said that they ran out of food for us Dublin inmates,” she wrote. “The entire SeaTac staff has been very hostile and aggressive and mean.”³⁹

Staff Retaliation

- “Women ...are continuing to complain they're being retaliated against at their new facilities in Texas, Minnesota, Miami and Philadelphia.”⁴⁰
- ““Rules have been instated [sic] now because ‘Dublin’ is here,” described “C” who was transferred to Hazelton. She said that memos were posted throughout the prison about the class action lawsuit. “This has caused tension between Dublin girls and the population so staff hate us and so do the inmates. The staff here treat us with disrespect, they cuss at

³³ *Id.*

³⁴ Fernandez, *supra* note 4.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Fernandez, *supra* note 22.

³⁸ Fernandez, *supra* note 4.

³⁹ Fernandez, *supra* note 22.

⁴⁰ Fernandez, *supra* note 4.

us. If we ask a staff member's name we are told it is none of our business, or they act like they don't know their own name."⁴¹

- "This prison is run just like FCI Dublin. Women here are crying about the lack of medical care, mold/asbestos related illnesses, sexual abuse, etc. From what I see, the climate of this prison is the same as FCI Dublin ... the first time I was sexually harassed, in my life, was right here at FPC Bryan. This place is as corrupt as any other federal women's prison."⁴²
- "She said the women get looks if they want to make phone calls to their lawyers."⁴³
- "They keep locking us in all the time like we are a threat," Mabon wrote from prison, allowing KTVU to use her name."⁴⁴
- "Mabon said it all stems from the women at FCI Dublin speaking out against sexual abuse. "They are giving us mass retaliation and bullying us," Mabon wrote. "The whole Dublin FCI population is receiving backlash. They're making mockery, saying if us women would have shut our mouths about the PREA, etc., that we wouldn't be getting shipped and the FCI Dublin was closed down because of us." Mabon said "they treat us like we did something wrong and the staff is unapproachable." ⁴⁵

⁴¹ Law, *supra* note 5.

⁴² *Id.*

⁴³ Fernandez, *supra* note 22.

⁴⁴ *Id.*

⁴⁵ Fernandez, *supra* note 22.

Exhibit 2: Urgency to Inform the Public

Pursuant to U.S.C. § 552(a)(6)(E)(v)(ii) and 28 C.F.R. § 16.5(e)(1)(ii), what follows are citations evidencing the "urgency to inform the public concerning actual or alleged Federal Government activity."

Table of Contents

Legislation	1
Government Investigation and Hearings	2
Senate Permanent Subcommittee on Investigations	2
U.S. Senate Judiciary Committee Investigations	3
Senator Letters to the BOP	5
US Department of Justice Memoranda	5
US Department of Justice Attorney General Working Group	6
DOJ Report	7
Dublin Task Force	7
Hearings on Compassionate Release Related to BOP Abuse	7
US Office of the Inspector General (OIG)	8
Independent Oversight Entities	9
Moss Group Report	9
Prison Rape Investigation Act (PREA) Investigations	9
Advocate Calls for Oversight and Reform	10
Advocate Change.org Petition	10
Advocate Letters	10
Court Created Webpage for CCWP v. US	10

Legislation

On May 22, 2024 the US House of Representatives passed the Federal Prison Oversight Act (HR 3019). Rep. Lucy McBath [D-GA-7], *H.R.3019 - 118th Congress (2023-2024): Federal Prison Oversight Act*, (2024), <https://www.congress.gov/bill/118th-congress/house-bill/3019> (last visited May 29, 2024).

The Senate is considering its companion, the Federal Prison Oversight Act (S 1401). Sen. Jon Ossoff [D-GA], *S.1401 - 118th Congress (2023-2024): Federal Prison Oversight Act*, (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1401> (last visited May 29, 2024).

Government Investigation and Hearings

Senate Permanent Subcommittee on Investigations

Staff Of Permanent S. Subcomm. On Investigations, 117th Cong., Rep. On Sexual Abuse Of Female Inmates In Federal Prisons 15–18 (Comm. Print 2022)

<https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-12-13%20PSI%20Staff%20Report%20-%20Sexual%20Abuse%20of%20Female%20Inmates%20in%20Federal%20Prisons.pdf>

On December 13, 2022, the bipartisan Permanent Subcommittee on Investigations launched an investigation into the sexual abuse of female prisoners in BOP custody. It concluded that in at least two-thirds of federal prisons there were substantiated allegations of sexual abuse over the past decade. “BOP has failed to successfully implement the Prison Rape Elimination Act (“PREA”). It failed to prevent, detect, and stop recurring sexual abuse in at least four federal prisons, including abuse by senior prison officials. At FCI Dublin, for example, the former Warden and Chaplain both sexually abused female prisoners.” “The Subcommittee found that the mechanisms that BOP employs to identify and prevent sexual abuse of female prisoners by BOP employees are ineffective. Audits intended to assess sexual abuse in prisons (known as “PREA audits”) found that FCC Coleman and FCI Dublin were compliant with every PREA standard during the time when senior BOP officials admitted to the Subcommittee that there was a “culture of abuse.” “Further, BOP failed to systematically analyze PREA data, missing a key opportunity to identify problematic facilities or employees.” “At FCI Dublin, the former PREA compliance officer, responsible for training supervisors on the PREA requirements and coordinating the PREA audit, was convicted of sexually abusing female prisoners on December 8, 2022.” “As of May 2022, OIG and/or BOP were investigating at least 17 additional current or former employees at FCI Dublin for sexual misconduct” “But Regional Director Rios and Warden Jenkins viewed abuse at these four facilities as individual misconduct, even when there were multiple employees abusing multiple female prisoners in the same facility over the same period of time. When asked in an interview with the Subcommittee whether there was a culture of abuse at FCI Dublin evidenced by the five criminal prosecutions of BOP employees there, all within a two-year period, Warden Jenkins replied, “no.” In his view, sex abuse by BOP employees at FCI Dublin did not reflect broader issues at the prison. His remedy for BOP employee sexual abuse of female prisoners at the scale of FCI Dublin would be the same as his remedy to a one-off cases of sexual abuse. “It goes back to individual choices of people making poor decisions,” he said.”

Sexual Abuse of Female Inmates in Federal Prisons: Hearing Before Subcomm. on Investigations of the Homeland Sec. and Governmental Affs. Comm. 117th Cong. 1–2 (December 13, 2022) (opening statement of Sen. Jon Ossoff, Chair)

<https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-12-13%20Chair%20Ossoff%20Opening%20Statement.pdf>

Sexual Abuse of Female Inmates in Federal Prisons: Hearing Before Subcomm. on Investigations of the Homeland Sec. and Governmental Affs. Comm. 117th Cong. 1–2 (December 13, 2022) (Opening Statement of Ranking Member Ron Johnson) <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-12-13%20Ranking%20Member%20Johnson%20Opening%20Statement.pdf>

Sexual Abuse of Female Inmates in Federal Prisons: Hearing Before Subcomm. on Investigations of the Homeland Sec. and Governmental Affs. Comm. 117th Cong. 1–2 (December 13, 2022)(Statement of Michael E. Horowitz Inspector General, U.S. Department of Justice) <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Horowitz%20Testimony.pdf>

U.S. Senate Judiciary Committee Investigations

United States Senate Judiciary Committee, Hearing On "Oversight Of The Federal Bureau Of Prisons", September 13, 2023 <https://www.judiciary.senate.gov/committee-activity/hearings/09/13/2023/oversight-of-the-federal-bureau-of-prisons>

United States Senate Judiciary Committee, Hearing On "Oversight Of The Federal Bureau Of Prisons", September 13, 2023 (Statement Of Colette S. Peters, Director, Federal Bureau Of Prisons) https://www.bop.gov/resources/news/pdfs/dir_statement_20220929_hearing.pdf

United States Senate Judiciary Committee, Hearing On "Oversight Of The Federal Bureau Of Prisons", September 29, 2022 <https://www.judiciary.senate.gov/committee-activity/hearings/09/29/2022/oversight-of-the-federal-bureau-of-prisons>

United States Senate Judiciary Committee, Hearing On "Oversight Of The Federal Bureau Of Prisons", September 29, 2022 (Statement Of Colette S. Peters, Director, Federal Bureau Of Prisons) <https://www.judiciary.senate.gov/imo/media/doc/Testimony%20-%20Peters%20-%202022-09-29.pdf>

United States Senate Judiciary Committee, Hearing On "Oversight Of The Federal Bureau Of Prisons", September 29, 2022 (Statement by U.S. Senator Chuck Grassley of Iowa, Ranking Member, Senate Judiciary Committee) https://www.judiciary.senate.gov/imo/media/doc/hearing_on_oversight_of_the_federal_bureau_of_prisons.pdf

Senate Judiciary Letter to Attorney General Garland and Deputy Attorney General Monaco, February 23, 2022, https://www.grassley.senate.gov/imo/media/doc/senators_to_justice_dept.misconductwithinthebureauofprisons.pdf “We write to urge you to take immediate action to address serious failures by the Federal Bureau of Prisons (BOP) to operate federal prisons safely, securely, and effectively.”

Senate Judiciary Letter to Attorney General Garland and Deputy Attorney General Monaco, December 12 2022, https://www.grassley.senate.gov/imo/media/doc/durbin_grassley_to_justice_deptbopsexualmisconduct.pdf

Letter from Congresspeople to Collette Peters Re Dublin Closure June 13, 2024

<https://desaulnier.house.gov/sites/evo-subsites/desaulnier.house.gov/files/evo-media-document/Letter%20to%20BOP%20Director%20Peters%2024.6.13.pdf> Letter from Mark DeSaulnier (CA-10), Senator Laphonza Butler (D-CA), and Chair of Senate Judiciary Committee Dick Durbin (D-IL) joined by Senator Peter Welch (D-VT) and Representatives Cori Bush (MO-01), Judy Chu (CA-28), Anna Eshoo (CA-16), John Garamendi (CA-08), Jared Huffman (CA-02), Sheila Jackson Lee (TX-18), Sydney Kamlager-Dove (CA-37), Barbara Lee (CA-12), Ted Lieu (CA-36), Zoe Lofgren (CA-18), Doris Matsui (CA-07), Eleanor Holmes Norton (DC-AL), Ayanna Pressley (MA-07), Adam Schiff (CA-30), Robert C. “Bobby” Scott (VA-03), Melanie Stansbury (NM-01), and Eric Swalwell (CA-14), “requesting information about the botched closure of FCI Dublin, mistreatment of inmates while they were being transferred to other facilities, and BOP’s management of investigations into the staff-on-inmate abuse at FCI Dublin and other federal BOP facilities.”

Congressman Mark Desaulnier, *Congressman DeSaulnier, Senator Butler, and Chair of Senate Judiciary Committee Durbin Lead Members in Demanding Answers from Bureau of Prisons about Abuse at FCI Dublin* |, (2024), <http://desaulnier.house.gov/media-center/press-releases/congressman-desaulnier-senator-butler-and-chair-senate-judiciary> (last visited Jun 13, 2024).

Mark DeSaulnier, Sydney Kamlager-Dove & Robert Scott, *Letter From Senators to House Judiciary and Oversight on FCI Dublin*, (2024), <https://desaulnier.house.gov/sites/evo-subsites/desaulnier.house.gov/files/evo-media-document/FINAL%20LETTER%20-%20House%20Judiciary%20and%20Oversight%20on%20FCI%20Dublin.pdf> (last visited May 29, 2024). Eight members of Congress are demanding an investigation into allegations of abuse and misconduct at an all-women federal prison in Dublin. The leaders including Reps. Eric Swalwell (D-Livermore), Jackie Speier (D-San Mateo), Karen Bass (D-Los Angeles), Lois Frankel (D-Florida), Brenda Lawrence (D-Michigan), Veronica Escobar (D-Texas), Sylvia Garcia (D-Texas) and Sheila Jackson Lee (D-Texas), have asked for an inspection of Federal Correctional Institution Dublin and access to a 2021 audit of it.

Sydney Johnson, *US Representatives Call for Investigation into Abrupt East Bay Prison Shutdown* | *KQED*, May 24, 2024, <https://www.kqed.org/news/11987663/us-representatives-call-for-investigation-into-abrupt-east-bay-prison-shutdown> (last visited May 24, 2024). This article reports that legislators say “We have heard from former inmates who were recently released, family of inmates who have since been transferred from FCI Dublin, and advocates — all of whom have told us about shocking abuses that took place during the mass inmate transfers,” the letter reads. “This level of disregard for human dignity cannot be tolerated.” “Committee investigations and hearings would allow Congress to address past and current issues and hear directly from decision makers in BOP and the Department of Justice about their plans for this facility, including how the closure was planned and executed and their efforts to ensure this sinister culture of abuse is not replicated in other BOP facilities,” the letter reads.” “The fact that (BOP) would basically blow off a judge and the court system and have such disrespect tells me that this is a much larger problem,” DeSaulnier said.”

Weber, Christopher, *Senators Demand Accounting of Rapid Closure Plan for California Prison Where Women Were Abused*, AP, Apr. 24, 2024, <https://apnews.com/article/fci-dublin-california-prison-shutdown-86b7284ca597d89269a1af301c02eed3> (last visited May 20, 2024).

Senator Letters to the BOP

Letter to BOP Director Colette Peters Related to the Closure of FCI Dublin, Senators Cory A. Booker, Richard J. Durbin, Alex Padilla, Laphonza Butler, Jon Ossoff, April 24, 2024
https://www.booker.senate.gov/imo/media/doc/letter_to_bop_fci_dublin.pdf

Booker, Colleagues Demand Immediate Action from Bureau of Prisons to Ensure Proper Care and Safe Transfer of Individuals in Custody Amid FCI Dublin Closure Chaos | U.S. Senator Cory Booker of New Jersey, <https://www.booker.senate.gov/news/press/booker-colleagues-demand-immediate-action-from-bureau-of-prisons-to-ensure-proper-care-and-safe-transfer-of-individuals-in-custody-amid-fci-dublin-closure-chaos> (last visited Jun 19, 2024).

US Department of Justice Memoranda

Memorandum, Review of the Department's Approach to Instances of Sexual Misconduct by Federal Bureau of Prisons Employees, Deputy Attorney General Lisa Monaco, July 14, 2022
<https://www.durbin.senate.gov/imo/media/doc/ENCLOSURE-DAG%20Memo%20-%2014%20July%202022.pdf>

Memorandum, Immediate Actions Following the Review of the Department of Justice's Handling of Sexual Misconduct Allegations Concerning Federal Bureau of Prisons Employees, Deputy Attorney General Lisa Monaco, November 2, 2022
https://www.justice.gov/d9/pages/attachments/2022/11/03/2022.11.02_memo_re_bop_sexual_misconduct.pdf

Memorandum, Review of the Department's Approach to Instances of Sexual Misconduct by Federal Bureau of Prisons Employees, Deputy Attorney General Lisa Monaco, July 14, 2022
https://www.justice.gov/d9/pages/attachments/2022/07/25/2022.07.14_bop_memo.pdf

US Department of Justice Letters to Congress

Letter to The Honorable Charles E. Grassley, Ranking Member, Committee on the Judiciary United States Senate, Peter S. Hyun Acting Assistant Attorney General, June 13, 2022
https://www.grassley.senate.gov/imo/media/doc/bureau_of_prisons_to_grassley_-_bop_sexual_misconduct.pdf See also Letter to The Honorable Richard J. Durbin, Chair the Judiciary United States Senate, Peter S. Hyun Acting Assistant Attorney General, June 13, 2022
<https://www.durbin.senate.gov/imo/media/doc/2022-06-13%20DOJ%20response%20to%20RJD%202022-02-23%20re%20BOP%20misconduct.pdf>

Letter to The Honorable Charles E. Grassley, Ranking Member, Committee on the Judiciary

United States Senate, Peter S. Hyun Acting Assistant Attorney General, March 9, 2022
https://www.grassley.senate.gov/imo/media/doc/justice_depttodurbinggrassleybopsexualmisconduct1.pdf

Letter to The Honorable Charles E. Grassley, Ranking Member, Committee on the Judiciary
United States Senate, Peter S. Hyun Acting Assistant Attorney General, July, 2022 (URL
unavailable)

US Department of Justice Attorney General Working Group

Report And Recommendations Concerning The Department Of Justice's Response To Sexual
Misconduct By Employees Of The Federal Bureau Of Prisons, The Principal Assoc. Dep. Att'y
Gen. Working Group of DOJ Components, November 2 (2022).

https://www.justice.gov/d9/pages/attachments/2022/11/03/2022.11.02_bop_sexual_misconduct_working_group_report.pdf In addition to the PADAG, the Working Group included
representatives from the following components: Access to Justice, BOP, CRT, EOUSA, FBI,
Justice Management Division, Office of Legal Policy, Office of Public Affairs, Office on
Violence Against Women, U.S. Attorney's Office ("USAO") for the District of Colorado, Office
of the Associate Attorney General, Office of the Deputy Attorney General ("ODAG"), and
Office of the Attorney General. This written report memorializes the findings and
recommendations from the Working Group's review, which were previously briefed to the
Deputy Attorney General at a meeting on October 12, 2022

US Department of Justice Press Releases

U.S. Attorney's Office Northern District of California: Bureau Of Prisons Correctional Officer
Charged With Sexual Abuse Of A Ward (June 30, 2021) (www.justice.gov/usao-ndca/pr/bureau-prisons-correctional-officercharged-sexual-abuse-ward).

Office of Public Affairs, Department of Justice: Jury Convicts Former Federal Prison Warden for
Sexual Abuse of Three Female Inmates (Dec. 8, 2022) (<https://www.justice.gov/opa/pr/jury-convicts-former-federal-prison-warden-sexual-abuse-three-female-inmates>)

U.S. Attorney's Office, Northern District of California: Federal Correctional Officer Charged
With Sexual Abuse Of An Inmate (Dec. 3, 2021) (<https://www.justice.gov/usao-ndca/pr/federal-correctional-officer-charged-sexualabuse-inmate>)

4 Department of Justice, Former Bureau of Prisons Chaplain Pleads Guilty to Sexual Assault and
Lying to Federal Agents (Feb. 23, 2022) (<https://www.justice.gov/opa/pr/former-bureau-prisons-chaplain-pleads-guilty-sexualassault-and-lying-federal-agents>).

Department of Justice, Correctional Officer at FCI Dublin Charged for Abusive Sexual Contact
with Female Inmate (Mar. 23, 2022) (<https://www.justice.gov/opa/pr/correctional-officer-fci-dublin-charged-abusive-sexualcontact-female-inmate>).

U.S. Attorney’s Office Northern District of California: Former Correctional Officer Admits To Abusive Sexual Contact With Inmate (Oct. 27, 2022) (<https://www.justice.gov/usao-ndca/pr/former-correctional-officer-admitsabusive-sexual-contact-inmate>).

DOJ Report

Office of Public Affairs | Readout of the Justice Department’s Sexual Abuse Facility Enhancement and Review | United States Department of Justice, (2023), <https://www.justice.gov/opa/pr/readout-justice-departments-sexual-abuse-facility-enhancement-and-review> (last visited Jun 19, 2024).

Dublin Task Force

The government commissioned a “Dublin Task Force” to write a report. Judge Gonzalez Rodgers notes a Dublin Task Force Report exists but notes the Court will at “times reference evidence submitted under seal.” This report does not appear to be publicly available yet. *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *7, *11 (N.D. Cal. Mar. 15, 2024)

Hearings on Compassionate Release Related to BOP Abuse

Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines Thursday, February 23, 2023 and Friday, February 24, 2023
<https://www.ussc.gov/policymaking/meetings-hearings/public-hearing-february-23-24-2023>

Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines February 23, 2023 (Testimony of Hon. Randolph D. Moss on Behalf of the Committee on Criminal Law of the Judicial Conference of the United States)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/CLC.pdf>

United States Sentencing Commission Public Hearing on Compassionate Release. Feb. 23, 2023. (Statement of Erica Zunkel Clinical Professor of Law and Associate Director, University of Chicago Law School’s Federal Criminal Justice Clinic)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/Zunkel.pdf>

United States Sentencing Commission Public Hearing on Compassionate Release. Feb. 23, 2023 (Statement of Kelly Barrett, First Assistant Federal Public Defender for the District of Connecticut, on Behalf of the Federal Public and Community Defenders)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/FPD1.pdf>

United States Sentencing Commission Public Hearing on Compassionate Release. Feb. 23, 2023 (Statement of Heather E. Williams, Federal Public Defender for the Eastern District of California, on Behalf of the Federal Public and Community Defenders)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/FPD2.pdf>

United States Sentencing Commission Public Hearing on Compassionate Release. Feb. 23, 2023. (Statement of Mary Price, General Counsel of Families Against Mandatory Minimums, FAMM)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/FAMM.pdf> This testimony noted “After learning about the rampant sexual abuse of incarcerated women at Dublin FCI, FAMM took several steps. First, we wrote to the Deputy Attorney General, urging the Department to identify and direct the Bureau of Prisons to bring compassionate release motions for victims of the so-called “Dublin Rape Club” and others like them. Then, we helped launch the Compassionate Release Clearinghouse Dublin Project to seek the release of people victimized in BOP facilities. We have recruited and support teams of pro bono lawyers who are representing Dublin survivors in compassionate release proceedings.³⁹ From this collaboration, we have learned a great deal about what victims have had to endure, the challenges their legal counsel routinely confront, and the lack of government action to support release. This informs our request that the Commission identify sexual abuse as an extraordinary and compelling reason warranting reduction of sentence.”

Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines February 23, 2023 (Testimony of Andrea Harris, Adjunct Professor, Federal Criminal Sentence Reduction Clinic University of Virginia School of Law)
<https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20230223-24/Harris.pdf>

US Office of the Inspector General (OIG)

Management Advisory Memorandum 23 -00, Notification of Concerns Regarding the Federal Bureau of Prisons’ (BOP) Treatment of Inmate Statements in Investigations of Alleged Misconduct by BOP Employees, Michael E. Horowitz, Inspector General, October 12, 2022
<https://oig.justice.gov/sites/default/files/reports/23-001.pdf>

Semiannual Report to Congress October 1, 2022 – March 31, 2023 U.S. Department of Justice Office of the Inspector General, May 30, 2023 <https://oig.justice.gov/semiannual-report-congress-october-1-2022-march-31-2023>

“On March 22, 2023, the former BOP Warden assigned to the Federal Correctional Institution in Dublin, California, was sentenced to 70 months of imprisonment, 15 years of supervised release, and ordered to pay \$15,000 in restitution for sexual abuse of a ward, abusive sexual contact, and making false statements to a government agency. According to the evidence presented at trial, from in or about December 2019 through in or about July 2021, the Warden engaged in multiple sexual acts with three inmates who were at the time in official detention and under his custodial, supervisory, and disciplinary authority and then made false statements to the OIG and the FBI by

stating that he had never asked inmates to be undressed for him and he had never touched an inmate inappropriately. The investigation was conducted by the OIG and the FBI.”

Independent Oversight Entities

Moss Group Report

Judge Gonzalez Rodgers notes that “FCI Dublin hired a private organization, the Moss Group, to address staff morale and institutional culture. This report was provided to the Court during the evidentiary hearing.” The court also notes the Court will at “times reference evidence submitted under seal.” This report does not appear to be publicly available yet. *California Coal. for Women Prisoners v. United States*, No. 4:23-CV-4155-YGR, 2024 WL 1290766, at *7, *11 (N.D. Cal. Mar. 15, 2024).

Prison Rape Investigation Act (PREA) Investigations

Federal Bureau of Prisons Annual PREA Report Calendar Year 2022, Colette Peters, Director, June 29, 2023

https://www.bop.gov/inmates/custody_and_care/docs/prea_report_2022.pdf

Federal Bureau of Prisons Annual PREA Report Calendar Year 2022, Michael Carvajal, Director, June 30, 2022

https://www.bop.gov/inmates/custody_and_care/docs/prea_report_2021.pdf

Prison Rape Elimination Act (PREA) Audit Report, Federal Correctional Institution (FCI) Dublin, Kristin Winges-Yanez, PREA Auditors of America, March 12, 2022

https://www.bop.gov/locations/institutions/dub/dub_prea.pdf?v=1.0.0 PREA standards

“Exceeded: 0, Met: 45, Not Met: 0”

Prison Rape Elimination Act (PREA) Audit Report, Federal Correctional Institution (FCI) Dublin, James Roland Jr., June 14, 2017,

https://web.archive.org/web/20210512175802/https://www.bop.gov/locations/institutions/dub/pr ea_dub.pdf PREA standards “Exceeded: 0, Met: 41, Not Met: 0, Not Applicable: 2.”

Prison Rape Elimination Act (PREA) Audit Report, Federal Correctional Institution (FCI) Dublin, Jo Glazier, May 16, 2014,

https://web.archive.org/web/20150901233834/http://www.bop.gov/locations/institutions/dub/DU B_prea.pdf PREA standards “Exceeded: 2, Met: 40, Not Met: 0, Not Applicable: 1.”

Advocate Calls for Oversight and Reform

Advocate Change.org Petition

As of July 19, 2024 the California Coalition For Women Prisoners' Petition to Joseph R. Biden, President of the United States, Merrick Garland, U.S. Attorney General, Lisa Monaco, Deputy Attorney General, Department of Justice to "Hold BOP Accountable for FCI Dublin Human Rights Violations" garnered 1,244 signatures.

<https://www.change.org/BOPAccountability>

Advocate Letters

Letter from 108 organizations to Vanita Gupta, Associate Attorney General, Kristen Clark, Assistant Attorney General, Civil Rights Division, Myesha Braden, Associate Deputy Attorney General, Civil Rights Division, Michael Horowitz, Inspector General, Office of the Inspector General, Sarah E. Lake, Assistant Inspector General, Office of the Inspector General, February 25, 2022.

Asking the DOJ to "take swift, sweeping action to address the institutional culture that allowed staff to perpetrate this abuse, and to prevent further harm to incarcerated people."

<https://www.centrolegal.org/wp-content/uploads/2022/03/FCI-Dublin-Sexual-Abuse-Advocacy-Letter-2.25.22-.pdf>

Letter to Regional Director Rios and Warden Jusino, Re: Unconstitutional Conditions and Rampant Sexual Assault at FCI Dublin, Centro Legal De La Raza, Rights Behind Bars, Rosen Bien Galvan & Grunfeld LLP, February 23, 2023

<https://static1.squarespace.com/static/629e677355290e6e981fdaa6/t/63f7b767c5eec9767bc34e22/1677178727937/Unconstitutional+Conditions+and+Rampant+Sexual+Assault+at+FCI+Dublin.pdf>

The Closing of FCI Dublin Will Cause More Harm Unless The Bop Sends Women Home, The National Council for Incarcerated and Formerly Incarcerated Women and Girls, May 2024

<https://www.nationalcouncil.us/tnc-fci-dublin-closing-statement>

Letter from Mary Price & Shanna Rifkin to the Hon. Carlton W. Reeves at 3-4 (Oct. 17, 2022), <https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-comment/20221017/famm2.pdf>.

Court Created Webpage for CCWP v. US

The Court created a webpage for the interested public to follow *CCWP v. US*.

<https://www.uscourts.gov/cameras-courts/california-coalition-women-prisoners-et-al-v-united-states-america-federal-bureau>

Exhibit 3: Substantial Due Process Rights

Pursuant to U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iii) what follows are citations that evidence a that “delay will cause loss of substantial due process rights” and “substantive due process rights of the requester would be impaired” by the failure to expedite, and that the information sought is not otherwise available to the requester.

Civil Cases: Filed and Docket Available

The following narrative portion of individual plaintiff’s claims were provided to judge Yvonne Gonzalez Rogers on May 1, 2024 in a [filing](#) by plaintiffs’ counsel in M.R. v. Federal Correctional Institution "FCI" Dublin (4:22-cv-05137). Some excerpts are cleaned up grammatically.

1. California Coalition for Women Prisoners v. United States of America Federal Bureau of Prisons, 4:23-cv-04155, (N.D. Cal.)
<https://www.courtlistener.com/docket/67696587/california-coalition-for-women-prisoners-v-united-states-of-america>
 - a. R.B. 4:23-cv-04155 Cortez, O'Connor Was watched by Cortez as she was disrobed administering an enema; physically threatened by O'Connor after she witnessed him sexually harassing other incarcerated women.
 - b. A.H.R. 4:23-cv-04155 Vazquez, Jones, Bellhouse, Serrano Forced to act as lookout for officers, sexually harassed and kissed by Officer Vazquez; harassed by Serrano
 - c. S.L. 4:23-cv-04155 Gacad, Putnum, Vazquez, Serrano, Lt. Jones Gacad groped and kissed her, touched her genitals. After he quit he moved to where her family is and became friends with them and continued to harass her; also harassed by Serrano and Vazquez.
 - d. J.L. 4:23-cv-04155 Jones, Pool, Putnum Raped, assaulted, and harassed by Officer Jones; harassed by Pool.
 - e. J.M. 4:23-cv-04155 Jones, Pool, Nurse Cohen. Cohen N/A witnessed Jones and Pool abusing people; Was groped by Nurse Cohen during medical exam.
 - f. G.M. 4:23-cv-04155 Nunley, Smith, Putnum, Shirley, Lt. Jones Putnum and Shirley have been served Nunley, Smith, and Lt. Jones are Nunley sent notes and tried to get her to have sex with him, would rub on her at work; Smith regularly watched her shower, witnessed Smith force others to perform sexual acts.
 - g. A.S. 4:23-cv-04155 Smith, Lt. Jones, Lewis Smith harassed, watched her shower, forced her to strip, masturbated in front of her.
 - h. L.T. 4:23-cv-04155 Smith P Smith had her dance and strip for him, groped her.

2. M.R. v. Federal Correctional Institution "FCI" Dublin, 4:22-cv-05137, (N.D. Cal.)
<https://www.courtlistener.com/docket/65275804/mr-v-federal-correctional-institution-fci-dublin/>
 - a. Ray J. Garcia, Ross Klinger CO Klinger initiated and continued a verbal and physical sexual relationship with MR. This relationship lasted from April through October of 2020. CO Klinger manipulated MR into performing oral sex and engaging in forced sexual intercourse in the conex box. He eventually used money to silence MR's family from reporting his conduct.
3. M.S. v. Federal Correctional Institution - Dublin, 4:22-cv-08924, (N.D. Cal.)
<https://www.courtlistener.com/docket/66660769/ms-v-federal-correctional-institution-dublin/>
 - a. Ray J. Garcia, Officer Maven (John Doe 1), John Bellhouse, Jeffrey Wilson, Guido Abellera, MDCO Maven began forcing her to have sexual intercourse with him. Dr. Abellera stuck his fingers inside her vagina during pap smear and asked "how does that feel?" in a sexual manner. CO Bellhouse digitally penetrated her which was unwelcomed and continued to sexually assault her while she was in the recycling program.
4. D V v. United States of America (Federal Bureau of Prisons), 4:23-cv-02135, (N.D. Cal.)
<https://www.courtlistener.com/docket/67313081/d-v-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Enrique Chavez Had an ongoing relationship with CO Enrique Chavez. Would meet in his office. She showed him her breasts and he grabbed them. He kissed her and touched her private areas.
5. J v. United States of America (Federal Bureau of Prisons), 4:23-cv-02201, (N.D. Cal.)
<https://www.courtlistener.com/docket/67333235/j-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Fraser Cohen, Jeffrey Wilson When she arrived, Paramedic Fraser Cohen grabbed her breasts with no chaperone. CO Ramos consistently watched her shower. CO Ramos and CO Phillips made her strip, cough, squat for cavity search 2 times in front of group of men.
6. C v. United States of America (Federal Bureau of Prisons), 4:23-cv-02206, (N.D. Cal.)
<https://www.courtlistener.com/docket/67333753/c-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Sergio Saucedo CO Sergio Saucedo made her undress in front of him multiple times. He watched her shower and ripped the shower curtain open on her multiple times.
7. A v. United States of America (Federal Bureau of Prisons), 4:23-cv-02342, (N.D. Cal.)
<https://www.courtlistener.com/docket/67376610/a-v-united-states-of-america-federal-bureau-of-prisons/>

- a. Ray J. Garcia, Darrell Smith, Isaac Venegas When she was leaning over ice chest, Officer Venegas rubbed against her back and butt with his penis/body. He would meet with her in his office where there were no cameras. Officer Smith watched her shower.
8. R v. United States of America (Federal Bureau of Prisons), 4:23-cv-02405, (N.D. Cal.) <https://www.courtlistener.com/docket/67396995/r-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Ross Klinger, Jaime Perez CO Klinger would bribe her with food and flirt with her sexually. She witnessed him have sex with MR in conex box multiple times. CO Perez spoke nasty to her too. He bumped up against her, grabbed her boobs and took photos of her.
9. DS v. United States of America (Federal Bureau of Prisons), 4:23-cv-02668, (N.D. Cal.) <https://www.courtlistener.com/docket/67451311/ds-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, John Bellhouse, Jeffrey Wilson CO Bellhouse sexually assaulted her. Specifically, he digitally penetrated her while attempting to remove her towel in her cell after she showered. Wilson forced her to kiss him, touch his penis and he pinched her nipples in the medical room.
10. A v. United States of America (Federal Bureau of Prisons), 4:23-cv-03475, (N.D. Cal.) <https://www.courtlistener.com/docket/67603810/a-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Sergio Saucedo, Jeffrey Wilson CO Saucedo attempted to form a romantic relationship while she worked with him during quarantine. Forced to show her breasts to CO Wilson with no chaperone present. CO Saucedo had her bend over and sexually harassed her.
11. S v. United States of America, 4:23-cv-03538, (N.D. Cal.) <https://www.courtlistener.com/docket/67613999/s-v-united-states-of-america/>
 - a. Ray J. Garcia, Sergio Saucedo, Jeffrey Wilson CO Saucedo watched her in the showers/pulled curtain back and while she was changing. Verbally harassed her during quarantine.
12. L.C v. United States of America (Federal Bureau of Prisons), 4:23-cv-03558, (N.D. Cal.) <https://www.courtlistener.com/docket/67616041/lc-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Sergio Saucedo CO Saucedo ripped open the shower curtain while she was showering, causing her to fall over so he could see her naked body.
13. S. M. v. United States of America (Federal Bureau of Prisons), 4:23-cv-03562, (N.D. Cal.) <https://www.courtlistener.com/docket/67617324/s-m-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, David Perez She was in a "relationship" with CO Perez for 4 years. He made out with her, touched her breasts, and she touched his penis. She has

"David" tattooed on her arm. Perez brought her into the office approximately every other week to engage in sexual misconduct.

14. J.O. v. United States of America (Federal Bureau of Prisons), 4:23-cv-03700, (N.D. Cal.)
<https://www.courtlistener.com/docket/67637344/jo-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Jay Alexander Hurt her tailbone. She saw Alexander and he pulled her underwear down, touched her inner thighs and butt in front of CO Valtierra - he was standing there guarding the door.
15. J.C. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04698, (N.D. Cal.)
<https://www.courtlistener.com/docket/67792132/jc-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Andrew Jones Ray J. Garcia, Enrique Chavez, Andrew Jones Inappropriate comments from CO Chavez about "sucking his dick" in return for a bonus. She did not comply. Would show her inappropriate pictures and brush up against her with erect penis. CO Jones would make similar comments and grab himself and show her.
16. P v. United States of America (Federal Bureau of Prisons), 4:23-cv-05356, (N.D. Cal.)
<https://www.courtlistener.com/docket/67899592/p-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, John Bellhouse, Michael S. O'Connor CO Bellhouse touched her a lot and put his hand down her pants, shoving his fingers into her vagina. He snuck her a cell phone in the conex box. CO O'Connor cupped her butt and brushed over her chest.
17. R.R. v. United States of America (Federal Bureau of Prisons), 4:24-cv-01980, (N.D. Cal.)
<https://www.courtlistener.com/docket/68398030/rr-v-united-states-of-america-federal-bureau-of-prisons/>
 - a. Ray J. Garcia, Darrell Smith, John Bellhouse, David Perez Smith would stick his hands down her underwear and over her butt cheeks. He would try to penetrate her. He would touch her breasts over the clothes. Bellhouse would make inappropriate comments and grope and spank her butt while working in Safety. He would grab his erect penis over his clothes in front of her. Perez asked her for pics. He forcefully kissed her and squeezed her breasts over her shirt.
18. Preciado v. Bellhouse, 4:22-cv-09096, (N.D. Cal.)
<https://www.courtlistener.com/docket/66681650/preciado-v-bellhouse/>
 - a. John Russell Bellhouse, Ray J. Garcia, United States of America Om multiple occasions CO Bellhouse touched breasts, buttocks, inner thigh near vagina, and rubbed his penis against her buttocks; Garcia failed to train, supervise and discipline although aware of Dublin "rape club" and participated in it with other victim inmates; and United States failed to train, supervise and discipline Garcia.

19. Chaney v. United States of America, 4:23-cv-02986, (N.D. Cal.)
<https://www.courtlistener.com/docket/67509496/chaney-v-united-states-of-america/>
- a. M.W. Espinosa, Jones, Kershaw, O'Connor and Darrell Smith Kershaw/Smith forced M.W. to have sex with her roommate while they watched on separate occasions. Espinosa intentionally opened M.W.'s door to watch her take a shower and undress on multiple occasions.
 - b. P.G. Espinosa, Jones, Kershaw, O'Connor and Darrell Smith Smith forcibly touched, fondled, groping and sucking on P.G. breasts and slid his bare penis between P.G.'s legs.
 - c. L.C. Espinosa, Jones, Kershaw, O'Connor and Darrell Smith O'Connor forced L.C. to undress and he would rub his bare penis over her body. Jones threatened and verbally abused L.C. not to report his behavior
20. Hill v. Federal Bureau of Prisons, 4:23-cv-05374, (N.D. Cal.)
<https://www.courtlistener.com/docket/67901800/hill-v-federal-bureau-of-prisons/>
- a. G.H. Espinosa, Ramos, Salcido and Smith. Espinosa harassed G.H. on a daily basis to take down a screen she used when she was changing/using toilet so he can see her naked body.
 - b. N.R. Espinosa, Ramos, Salcido and Smith. Ramos/Salcido targeted N.R. constantly for sexual advances, comments and unwanted physical contact of a sexual nature. N.R. was harassed several times a week for sexual favors and put in the SHU for complaining of Ramos/Salcido.
 - c. C.A. Espinosa, Ramos, Salcido and Smith C.A. was sexually assaulted/abused by officers repeatedly while she slept. C.A. was fondled, molested and sexually abused and targeted for sexual favors. C.A. was retaliated against when she complained and put in the SHU.
21. T.G. v. United States of America, 4:23-cv-06285, (N.D. Cal.)
<https://www.courtlistener.com/docket/68063945/tg-v-united-states-of-america/>
- a. T.G. Ray J. Garcia Garcia sexually harassed and assaulted her on numerous occasions, including two incidents of forced groping and digital penetration.
 - b. S.R.V. Ray J. Garcia Garcia sexually harassed and assaulted her on numerous occasions, including two incidents of forced oral sex.
22. R. R. v. Garcia, 4:23-cv-05294, (N.D. Cal.)
<https://www.courtlistener.com/docket/67890430/r-r-v-garcia/>
- a. Ray J. Garcia CO Garcia specifically sexually abused RR, had sexual contact with her, kissed her, violated her constitutional rights, made derogatory sexual comments to her, took sexually related photos of her, and intimidated her into performing sexual acts and produced photos of her.
23. R.R. v. United States of America, 4:23-cv-05392, (N.D. Cal.)
<https://www.courtlistener.com/docket/67902916/rr-v-united-states-of-america/>

- a. Garcia sexually assaulted RR and threatened RR, took pictures of her unclad both at FCI Dublin and while she was in a half way house in AK
24. Reyes v. United States of America (Federal Bureau of Prisons), 4:22-cv-07704, (N.D. Cal.) <https://www.courtlistener.com/docket/66616255/reyes-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Klinger CO Klinger initiated and continued a verbal and physical sexual relationship with Andrea while supervising her as part of the Recycling team she was on and he supervised. Starting in 2018, Klinger used his position to sequester her and make advances, kissing her at one point. He accessed her personal file to perpetuate psychological, emotional and manipulate her. he made it clear he knew a lot about her and her kids staying with her mother. Used favors, gifts to her kids and money to develop a non-consensual sexual relationship. Relationship was initiated in 2018, developed further in 2019 and oral sex and vaginal penetration began from April 2020 to October 2020. Klinger used supervisorial status as Recycling technician to sequester her and engage in sexual acts. She went public with her case.
25. A.C. v. United States of America, 4:24-cv-01385, (N.D. Cal.) <https://www.courtlistener.com/docket/68320762/ac-v-united-states-of-america/>
- a. Ray J. Garcia; Darrell Smith, Nicholas Ramos (not named), Dines (not named), Blanca (not named) Ramos: Sexually harassed A.C. for months (made sexual comments, whispered in her ear, came into her cell). Ramos directed CO DeLuca to subject A. C. to an invasive strip search (forced her to insert her fingers in her vagina). // Smith: Sexually harassed A.C. for months. Came to her cell and watched her on the toilet multiple times. About 10 times, he locked her in the cell and refused to let her out until she lifted up her shirt or pulled down her pants, or touched herself while he watched. One time he fondled her breast. // Blanca: Watched A.C. while she was changing. // Dines: Rubbed his testicles on Plaintiff's property and retaliated against her by throwing her mattress over the balcony.
26. A.L.R. v. United States of America, 4:24-cv-01360, (N.D. Cal.) <https://www.courtlistener.com/docket/68318952/alr-v-united-states-of-america/>
- a. BOP; Ray J. Garcia; John Bellhouse, Nicolas Ramos (not named) Bellhouse coerced A.L.R. into a romantic and sexual "relationship" that lasted months. Told her they would be together when she was released, brought her gifts. Bellhouse assaulted A.L.R. multiple times, including repeated kissing and groping, as well as oral sex on 3 occasions and digital penetration on 4-5 occasions. // Ramos: Retaliated against Plaintiff by sending her to the SHU, raiding her cell, and harassing her after Bellhouse was investigated for sexual abuse.
27. A.Y. v. United States of America, 4:24-cv-01365, (N.D. Cal.) <https://www.courtlistener.com/docket/68319358/ay-v-united-states-of-america/>

- a. Alwine, Ramos (brother of Nicholas) (not named), Carson (not named), Phillips (not named), Turner (not named), Nicholas Ramos (not named) Allwine: Repeatedly went into A.Y.'s cell at night, removed her clothes and groped her. Digitally penetrated her multiple times. A.Y. believes Allwine also punched her bunkie in order to keep her quiet about the abuse. // Ramos: Physically assaulted A.Y. (hit her, threw her to the ground while handcuffed). // Turner: Sexual harassment by telling Plaintiff to "kiss his fucking ass." // Carson and Phillips: Retaliated against Plaintiff for reporting abuse by locking her in her room, sending her to the SHU, searching her room, and denying medications.
28. M.D. v. United States of America, 4:24-cv-01369, (N.D. Cal.)
<https://www.courtlistener.com/docket/68319357/md-v-united-states-of-america/>
- a. Oliveros; Vargas (not named); Fraser Cohen (not named); Warden Ray J. Garcia (not named); Dines (not named); Putnam (not named) Oliveros forced Dixon and another incarcerated person to have sex while he watched. // Vargas physically assaulted Dixon, then placed him in SHU. While in SHU, Dines harassed Dixon and called him homophobic and transphobic slurs. // Cohen inappropriately touched Dixon's buttocks and made him expose himself to other people during medical appointments. // Bellhouse forced Dixon to leave his cell so he could have sex with Dixon's cellmate. // Ramos: retaliated against and threatened Plaintiff for talking with Latina women; transphobic harassment; racially-motivated harassment including ransacking Plaintiff's cell and racial slurs. // Dines: sexual harassment via vulgar slurs. // Putnam: Transphobic harassment and threats of violence; overt racism and slurs; ignoring Black individuals in the SHU; threatening to strip and harass Plaintiff if he dated outside his race; retaliating against Plaintiff for reporting abuse by putting him in the SHU and transferring him.
29. Z.T.S. v. United States of America, 4:24-cv-01370, (N.D. Cal.)
<https://www.courtlistener.com/docket/68319355/zts-v-united-states-of-america/>
- a. USA BOP; Sinclair; Enrique Chavez (not named); Andrew Jones (not named); Darrell Smith (not named); Ray J. Garcia (not named) Sinclair: Harassed and assaulted Z.T.S. for months (rubbed her back and shoulders, made sexual remarks, pressured her to go to the back room with him). Eventually he ordered her to "get down on her knees," when she said no, he grabbed her butt and shoved her to the ground. // Chavez: After Z.T.S. walked in on Chavez having sexual intercourse with an incarcerated woman, Chavez shoved her against a wall and threatened her. // Various kitchen workers retaliated against her after she witnessed sexual abuse (including throwing her in SHU for months).
30. E.S. v. United States of America, 4:24-cv-01372, (N.D. Cal.)
<https://www.courtlistener.com/docket/68319791/es-v-united-states-of-america/>

- a. USA BOP; Ray J. Garcia; Cedric Kinlaw; Sinclair; Patrick Pool. Kinlaw repeatedly sexually assaulted E.S. while she was working in the kitchen. She performed oral sex on him and they had vaginal intercourse multiple times. When she refused to have sex with him and attempted to end their contact, he forcibly raped her on two occasions. // Sinclair: acted as a lookout while Kinlaw raped Plaintiff. // Pool: Failed to report known sexual abuse. // ES was also sexually harassed by an employment specialist at a BOP halfway house in fall of 2022.
31. F.S. v. United States of America, 4:24-cv-01375, (N.D. Cal.)
<https://www.courtlistener.com/docket/68319788/fs-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Patrick Pool; Sergio Saucedo; Nicholas Ramos (not named) Pool raped F.S. 30-60 times -- about twice a week for months. Ramos and Saucedo escorted F.S. to have sex with Pool, and acted as lookouts. Sometimes Ramos and Saucedo held F.S. down while Pool raped her. Pool was often violent with F.S. before raping her, grabbing her by her hair and choking her. When she tried to refuse, he would have Ramos and Saucedo escort her back to her cell, toss her cell, then bring her back a couple of hours later to assault her.
32. H.G. v. United States of America, 4:24-cv-01376, (N.D. Cal.)
<https://www.courtlistener.com/docket/68319786/hg-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Enrique Chavez; Andrew Jones; Cedric Kinlaw Chavez sexually harassed and assaulted H.G. for months. He touched her breasts and genitals over her clothes, and touched her genitals under her clothes several times. He threatened to report her to immigration, or throw her in SHU, if she reported him. // Kinlaw and Jones forced H.G. to act as a lookout while they sexually assaulted other women in the kitchen.
33. K.D. v. United States of America, 4:24-cv-01379, (N.D. Cal.)
<https://www.courtlistener.com/docket/68320296/kd-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Enrique Chavez; Bilbo Garcia: Sexually harassed K.D. for about 10 months (made sexual comments, advances). On about 8 occasions, visited her cell and demanded she undress, show him her breasts and genitals. // Chavez: Also came to KD's cell and asked her to undress, make comments about her body. Several times he followed her into the kitchen freezer and grabbed her buttocks and breasts. // Bilbo ordered her to wear a bra for him while he looked at her 4-5 times a week for 4-6 months.
34. M.L. v. United States of America, 4:24-cv-01381, (N.D. Cal.)
<https://www.courtlistener.com/docket/68320294/ml-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Justin Bell. Bell harassed M.L. for months (came to her cell and stared at her, waited for her outside the shower, made sexual remarks). One day he came into her cell and groped her breasts and buttocks and digitally penetrated her. After that, continued to visit and harass her for months.

35. R.W. v. United States of America, 4:24-cv-01383, (N.D. Cal.)
<https://www.courtlistener.com/docket/68320289/rw-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Darrell Smith; Cedric Kinlaw. Smith: Sexually harassed R.W., forced her to "exchange sexual favors" for not filing incident reports twice. First time he forced her to perform oral sex on another incarcerated woman, second time he forced her to dance naked and touch her genitals while he watched. // Kinlaw: Sexually harassed R.W. (made him call her "daddy", made sexual remarks), later sexually assaulted her (including oral sex).
36. J.H. v. United States of America, 4:24-cv-01384, (N.D. Cal.)
<https://www.courtlistener.com/docket/68320291/jh-v-united-states-of-america/>
- a. USA BOP; Ray J. Garcia; Andrew Jones. Jones sexually harassed and assaulted J.H. dozens of times while she was working in the kitchen, almost everyday for over a year (grabbed her butt, held her from behind her, kissed her, repeatedly asked her to have sex with him). On one occasion, he had vaginal intercourse with her.
37. C. v. United States of America, 4:23-cv-03716, (N.D. Cal.)
<https://www.courtlistener.com/docket/67639701/c-v-united-states-of-america/>
- a. CO Andrew Jones Jones. R.C. was raped and repeatedly sexually, physically, and verbally abused by CO Jones, including his putting his penis into her vagina and mouth, body slamming R.C. to the ground in the kitchen in front of other inmates, and taking photographs of R.C. while she was naked
38. J.R. v. U.S.A., 4:23-cv-03994, (N.D. Cal.)
<https://www.courtlistener.com/docket/67675643/jr-v-usa/>
- a. CO Andrew Jones Jones-Served Jones threatened J.R. with physical violence to coerce her into standing watch, so he would not be caught, while he raped and sexually abused other inmates.
39. M.J.R. v. USA, 4:23-cv-05821, (N.D. Cal.)
<https://www.courtlistener.com/docket/67998065/mjr-v-usa/>
- a. CO Andrew Jones (FCI Dublin); CO Glacier (FCI Dublin); CO Paredes (FDC Houston); CO Burks (FTC Oklahoma) Jones-Served (Only named defendant) M.J.R. suffered sexual, physical, mental, and verbal abuse at several BOP facilities, including: (1) CO Glacier repeatedly slapping her behind and fondling her breasts; (2) CO Paredes refusing to give her a shower curtain and then watching her shower, and allowing other guards to watch her shower; (3) CO Burks kissing her, slapping her buttocks, watching her shower, and putting his penis in her mouth; and (4) CO Jones threatening her, rubbing his groin area and penis against her buttocks while clothed, rubbing against her breasts, and shoving her.
40. N.A. v. United States, 4:24-cv-02561, (N.D. Cal.)
<https://www.courtlistener.com/docket/68483039/na-v-united-states/>

- a. CO Nicholas Ramos USA served CO Ramos raped N.A. three times by putting his penis into her vagina; repeatedly took all of her personal and institutional property and threw it away; repeatedly ordered her to take off her shirt and give it to him (leaving her with only a bra on top); repeatedly put his hands on her and yanked her around; stalked her; repeatedly ordering her to do menial cleaning tasks; told her what color to paint her toenails; took her earrings and music player; and otherwise verbally abused and threatened Plaintiff. Ramos also said things to Plaintiff that made it evident to her that he was reading Plaintiff's emails and listening to her telephone calls. The abuse was so relentless that Plaintiff would stay in her cell, but Ramos would then come to Plaintiff's unit and peer in from the outside, making it evident he was watching her.
41. Gonzalez v. United States of America, 4:23-cv-04611, (N.D. Cal.)
<https://www.courtlistener.com/docket/67773783/gonzalez-v-united-states-of-america/>
- a. Dinhora Baez Gonzalez v Ray Garcia, Darrell Smith, Theodore Ramos, Enrique Chavez. All individual defendants sexually harassed, coerced and abused Baez during her sentence at FCI Dublin. Garcia made Baez dance naked and coerced to fellate him on three occasions. Garcia threatened her and grabbed her breasts and buttocks on more than a dozen occasions. Smith masturbated in front of Baez on two occasions. He would grope her and grind against her while requiring her to dance. Chavez touched her breasts, grabbed her buttocks and had her sit on his lap.
42. N.E. v. United States of America (Federal Bureau of Prisons), 4:23-cv-03641, (N.D. Cal.)
<https://www.courtlistener.com/docket/67630181/ne-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Nicholas Theodore Ramos. Ramos took N.E. several times to the utility closet, where he fondled breasts and buttocks, over and under her clothes.
43. Z. v. United States of America (Federal Bureau of Prisons), 4:23-cv-03827, (N.D. Cal.)
<https://www.courtlistener.com/docket/67653393/z-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Ross Klinger. Klinger called A.Z. into his office and digitally penetrated A.Z.'s vagina, and kissed her on her lips. Klinger offered her privileges and contraband for sex everyday. On one instance, A.Z. broke her pinkie finger trying to avoid the abuse.
44. C. v. United States of America (Federal Bureau of Prisons), 4:23-cv-03997, (N.D. Cal.)
<https://www.courtlistener.com/docket/67676265/c-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Nicholas Theodore Ramos. Ramos came into K.C. with the excuse of a search, closed the door, and fondled K.C.'s breasts and buttocks over and under her clothes. Ramos then forced K.C. to perform oral sex on him with threatens to send K.C. to isolation if she did not comply.

45. F. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04437, (N.D. Cal.)
<https://www.courtlistener.com/docket/67737758/f-v-united-states-of-america-federal-bureau-of-prisons/>
- a. F. Nicholas Theodore Ramos; Vazquez (DOE); Luna (DOE). Ramos used to rub S.F. from behind, making her feel his penis. Sometimes, Ramos also fondled S.F.'s buttocks over her clothes. Vazquez (DOE) would call S.F. to his office in the kitchen and fondle her breasts over her clothes. Vazquez also rubbed S.F.'s from behind, making her feel his penis. Luna would enter the showers when S.F. and other inmates were showering and stare at them. Luna also entered the cell during the night and stared at S. She had to take sleeping pills to avoid waking up at night.
46. J.F. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04434, (N.D. Cal.)
<https://www.courtlistener.com/docket/67737372/jf-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Ross Klinger. Klinger took J.F. to the warehouse, where he told J.F. he needed help to move some boxes. While inside, Klinger got close to J.F. and started kissing J.F., fondled her breasts, buttocks, and vagina, over and under her clothes. Klinger also took J.F.'s hand and tried to force her to grab his penis.
47. H. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04317, (N.D. Cal.)
<https://www.courtlistener.com/docket/67722239/h-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Fraser Cohen; Darrell Wayne Smith. Cohen stayed longer than needed during a breast exam, fondling and massaging S.H.'s breasts. The touching was inappropriate and unprofessional. Smith brushed S.H. from behind and made her feel his penis. He also brushed S.H.'s breasts and made sexual comments about that part of her body.
48. M v. United States of America (Federal Bureau of Prisons), 4:23-cv-04283, (N.D. Cal.)
<https://www.courtlistener.com/docket/67717006/m-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Nakia Nunley. Nunley abused J.M. in his office and a supply closet. Nunley fondled J.M.'s breasts, over and under her clothes, and vagina over her clothes. Sometimes Nunley grabbed J.M. from behind and pressed his penis against J.M.'s backside.
49. P. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04435, (N.D. Cal.)
<https://www.courtlistener.com/docket/67737764/p-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Enrique Chavez. While M.P. was working in the kitchen, Chavez came from behind and pressed his erected penis against M.P.'s buttocks.

50. R. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04361, (N.D. Cal.)
<https://www.courtlistener.com/docket/67727454/r-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Darrell Wayne Smith. Smith came into L.R. during the night while she was sleeping. Smith fondled L.R.'s breasts under her clothes and digitally penetrated L.R.'s vagina.
51. R. v. United States of America (Federal Bureau of Prisons), 4:23-cv-04436, (N.D. Cal.)
<https://www.courtlistener.com/docket/67737760/r-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Andrew Jones; Sebastian L Glaze Jones would call R.R. into his office and, after making sexual comments, grabbed R.R. from behind and fondled R.R.'s buttocks and pressed his penis against her. Jones threatened her with writing a report if she filed a grievance. Glaze abused R.R. the same way Jones did. He fondled R.R.'s buttocks in the office and pressed his penis against her. R.R. thinks Jones and Glaze were friends because both told her the same things.
52. V v. United States of America Federal Bureau of Prisons, 4:23-cv-04321, (N.D. Cal.)
<https://www.courtlistener.com/docket/67722398/v-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Andrew Jones. During some time Jones took C.V. as his "favorite" and abused her systematically. The abuses happened in the staff bathroom or Jones's office. Jones had intercourse with C.V. including anal sex.
53. D.G. v. United States of America Federal Bureau of Prisons, 4:23-cv-05339, (N.D. Cal.)
<https://www.courtlistener.com/docket/67897899/dg-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Nicholas Theodore Ramos. Ramos abused D.G. multiple times in her cell after countdown. Ramos was aggressive and tossed D.G.'s cell. Ramos fondled D.G.'s breasts under her clothes and D.G.'s buttocks and vagina over her clothes. Ramos also watched D.G. while taking showers. D.G. could not report the abuses under threats of retaliation.
54. T. v. United States of America (Federal Bureau of Prisons), 4:23-cv-05343, (N.D. Cal.)
<https://www.courtlistener.com/docket/67897895/t-v-united-states-of-america-federal-bureau-of-prisons/>
- a. Patrick Eugene Pool. Pool abused A.T. multiple times in the kitchen. Pool took A.T. into the freezer or supply closet. Pool fondled A.T. breasts, buttocks, and vagina over and under her clothes. Pool forced A.T. to fondle his penis. Pool sucked A.T. breasts. Pool forced A.T. to perform oral sex on him. Pool bribed A.T. with food if she did not report the abuses.
55. Peterson v. Martinez, No. 3:19-cv-01447-WHO, 2020 WL 4673953 (N.D. Cal Aug. 12, 2020); <https://www.courtlistener.com/docket/14768898/peterson-v-united-states-of-america>

Civil Cases: Docket Link Unavailable

56. D.C. 3:23-cv-06146 Ryan Kershaw During Covid D.C. was placed in isolation. Kershaw came into D.G.'s cell several times and ordered her to undress. Kedrshaw fondled her naked body, breasts, buttocks and vagina.
57. C.M. 3:23-cv-06150 Cedric Kinlaw. Kinlaw followed C.M. into the refrigerator and fondled her breasts, buttocks and vagina. Kinlaw forced her to perform oral sex and masturbate him.
58. A.P. 3:23-cv-05623-AMO Andrew Jones. Jones abused A.P multiple times in the kitchen. While A.P. was cooking, Jones grabbed her from behind and rubbed his penis against A.P.'s buttocks. Jones fondled A.P.'s breasts over her clothes. Abuses happened many times in front of other inmates. Jones was known for paying other inmates to beat up inmates that complained about the abuses. Jones fired A.P. from the kitchen after she started fighting the abuses
59. R.M. FTCA claim filed. Fraser Cohen During an EKG, Cohen fondled, touched and grabbed R.M.'s breasts and nipples under her clothes.
60. A.C. 5:23-cv-04691-NC Stephen Silva. Silva: Not yet served On four occasions, A.C. performed oral sex on Silva while he groped her breasts. A.C. had a prior history of sexual abuse.
61. S.L 4:23-cv-06517 Darrel Smith, Ray Garcia. He began with sexual conversations and sexual gestures, then progressed to grabbing her. He would come to her cell and demand to touch her genitals, buttocks, and feet. He progressed to digital and anal penetration.
62. T.C. 4:23-cv-06330-YGR Theodore Ramos. Started with conversations and notes. Fondled her. Forced her to masturbate for him, forced fellatio and penile-vaginal intercourse. Held her in the SHU and told her she'd stay there forever if she told anyone.
63. J.S. 3:24-cv-00602-YGR Andrew Jones, Patrick Poole, Lt. Putman and others all the way up to Warden Hinkle; USA inappropriate behavior, progressing to verbal and sexual abuse in the Kitchen Unit. Numerous sexual assaults and vaginal penetration. Further retaliation for filing a formal complaint, including having certain inmates assault plaintiff and attempt to hang her
64. I.B. FTCA claim filed. Enrique Chavez I.B. was working in the kitchen, CO Chavez would fondle Claimants buttocks over her clothes. I.B. was in the closet in the kitchen grabbing supplies and CO Chavez grabbed Claimant's vagina over and under I.B. clothes.
65. J.J. FTCA claim filed. Fraser Cohen During an EKG, Cohen fondled, touched and grabbed J.J.'s breasts and nipples under her clothes.
66. K.O. FTCA claim filed. Fraser Cohen During an EKG, Cohen fondled, touched and grabbed K.O.'s breasts and nipples under her clothes.

67. L.F Claim form filed. Enrique Chavez N/A While incarcerated at FCI Dublin, Complainant was working in the food s department when Officer Chavez (aka, "D" Chavez), who worked for BOP, ordered her to get something out of the freezer. He became irate and physically violent. He struck her on the side of her head and verbally berated her.
68. Y.C Claim form filed. Andrew Jones and CO Ramos N/A Touched, groped and sexually harassed by CO Jones. CO Ramos would watch her as she showered. She was retaliated against when she filed PREA
69. M.N. Claim form filed. O'Connor Claimant suffered sexual harassment and sex-based discrimination during her incarceration at FCI Dublin. O'Connor would constantly walk past Claimant and brush his "dick" against her buttocks throughout the whole time claimant was in the kitchen performing her duties. On multiple occasions, O'Connor would also take his hand and place them on Claimant's buttocks or her back while she was bent over or if she did not see him walking behind her. O'Connor would continue these acts almost everyday when Claimant would report to work in the kitchen. Claimant was scared to report the almost daily assaults in fear of being sent to the Special Housing Unit, which would have been the retaliation against her reporting O'Connor's conduct.
70. G.R. Claim form filed. FCI Dublin, Claimant was one of the initial whistle blowers about sexual abuse at FCI Dublin. Since her arrival in 2019, she discovered that guards and the warden were having sex with female inmates' At one point in December Z179, Claimant went to SIS (Special Investigations) and reported the sexual abuse. Mr' Putnum, the head of SIS at the time, asked her to bring him evidence. She worked for Mr' Putnum as a CI while she was at Dublin, but mainly on drugs that were coming in. Since Claimant helped a lot of inmates with their legal paperwork, she had a very comfortable relationship with most everyone' over time, she convinced them to speak up about the sexual abuse' claimant reported the sexual abuse to her case manager, who sent Claimant to the unit manager' The unit manager replied it wasn't a big deal, she didn't want to hear about it, and told Claimant 'Just do your time and go home''
71. B.S Claim form filed. FCI Dublin, Following claimant's arrest for transportation of a controlled substance, she remained in custody with the Federal Bureau of Prisons which placed her in CoreCivic's Otai Mesa Detention Center. On January 23,2021, she was assaulted while incarcerated. Her physical person was assaulted due to unwanted touching. Claimant was unable to protect herself from the assault and suffered injuries due to the assault
72. B.J Claim form filed. Officer Enrique Chavez, Officer Smith While incarcerated at FCI Dublin, Complainant was working in the food s department when. Officer Enrique. Chavez (aka "D" Chavez) who worked for BOP ordered her to go-into the freezer and he would rub up on her body or slap her buttocks. Officer Chavez cornered Complainant in the freezer and told her "I got you now!" Officer Chavez would threaten Complainant that if she didn't do as he says, she would be thrown in the SHU. Another Officer, Smith or

"Dirty Dick" would constantly peek or stare at her while she showered on almost a daily basis. Officer Smith would also come to her cell during his rounds, stand and stare at her eating a banana more than twice a week.

73. C.B. Jeffrey Wilson During an examination, CO Wilson rubbed up against her breasts and groped her butt. He tried to come onto her. Claim form mailed, no case number.
74. C.M. Darrell Smith CO Smith would touch her butt and breasts over and under the clothes. He would masturbate in front of her. Claim form mailed, no case number.
75. V.G. Nicholas Ramos, Sergio Saucedo, Andrew Jones When they would take showers, Saucedo, Ramos, or Jones would walk in on them. On several occasions, one of them would stick their hand in the shower to touch her. They would touch her back, her hair, and her butt. They would call her "exotic". They would also walk in on them getting dressed. Claim form mailed, no case number.
76. C.G. Darrell Smith. Smith started harassing her in 2019. He would ask her to dance for him. Things got physical in the summer of 2019. He fondled her breasts over her clothes. In the fall of 2019, he took her into the laundry room and told her to give him oral. He gave her soup packets afterwards. She avoided him after that so there was no further physical contact. He would look into her cell window and make suggestive comments about going to her room or having a radio on him so she could dance for him. This continued until he was walked off in 2022/23. - Claim form mailed 2/2/24 no case number. Claim form mailed, no case number.
77. J.W. Claim form mailed 3/29/24. Darrell Smith, Andrew Jones CO Smith started by showing her music and then started caressing her legs; she was wearing shorts. He touched her vagina over her clothes and then reached under and touched her skin to skin. He groped her breasts over her clothes and skin to skin. This was a one-time occurrence. He continued to call for her, but she didn't show up. He brought her a vape. She did not report. Around the same time, she was facing physical abuse from CO Andrew Jones who would harass her into being lookout for him. She didn't want to mention who he was assaulting during that time. He would bring her ice-cream, candy bars, and other snacks. He would let her use a laptop.
78. L.P. Claim form mailed 3/29/24. Lopez, Agustini, Figueroa Perp is a female officer (Lopez) in commissary. In November 2023, Lopez conducted an unauthorized strip search on her and 3 other inmates in the chapel. She made her strip down and stand naked. She had her turn around 4 times and then bend over, spread her cheeks and cough. SIS Lt Hardy was called into the chapel, and she spoke with each individual woman about the strip searches. Hardy acknowledged that the search was unauthorized, and that her case was PREA.

Compassionate Release Requests

Compassionate release cases are pending in many jurisdictions. “FAMM [Families Against Mandatory Minimums] and the pro bono lawyers working with them have helped secure compassionate release for 17 former inhabitants of FCI Dublin thus far, and they’re evaluating 95 additional requests for legal aid from women formerly held at the facility.” Camille Squires & Piper French, “*What’s More Extraordinary and Compelling?*,” Bolts, Jun. 27, 2024, <https://boltsmag.org/federal-prison-sexual-abuse-survivors-pursue-compassionate-release/> (last visited Jun 27, 2024); *See also* Compassionate Release Clearinghouse, <https://circularclearinghouse.org/> (last visited Jun 19, 2024).

On May 5, 2024 *CCWP* judge Gonzalez Rodgers ordered 20 requests for compassionate release filed by survivors to be refiled in the court of the judge that sentenced applicants (ECF No. 301). On July 3, 2024 she issued an Order Re Continued Guidance Concerning FCI Dublin AICS, No. 6 (ECF No. 341) directing the BOP to update the court on compassionate release timeframes:

Eight AICs filed compassionate release requests per 18 U.S.C. § 3582(c)(1)(A), U.S.S.G. § 1B1.13, and BOP Program Statement 5050.50 based on the premise of alleged sexual abuse. These eight compassionate release requests were filed during the period of January 11, 2023, through December 12, 2023. The requests are pending action by BOP’s Office of the General Counsel (“OGC”). Additional compassionate release requests have been filed during 2024, also based on the premise of alleged sexual abuse. The Court DIRECTS BOP to update the Court and Monitor on any compassionate release requests that are pending action by the OGC. The update shall include a specific timeframe that action will be taken on the requests.

The publicly known applicants requesting compassionate release related to the transfer include:

1. ECF 290 Clementina Flores-Espinoza
2. ECF 286 Maria de Lourdes Vasquez Perez.
3. ECF 285 Maria Cruz..
4. ECF 284 Trang Nguyen
5. ECF 283 Jill M. Evans.
6. ECF 282 Marisela Sanchez
7. ECF 281 Yolanda Ortigoza.
8. ECF 280 Sara Victoria.
9. ECF 279 Miria Tineo-Garcia
10. ECF 278 Jessica Pena Rodriguez
11. ECF 277 Claudia Diaz Guillen.
12. ECF 276 Margarita Rosales
13. ECF 274 Annelyn Therese Ignacio Turner
14. ECF 273 Selina Duflo.

15. ECF 272 Ghiocel Floarea
16. ECF 271 Vera Kugmeko
17. ECF 270 Ashley Nicole Leyba.
18. ECF 269 Elizabeth Garcia
19. ECF 268 Felix Royna.
20. ECF 267 Emma Encinas-Obregon

Criminal Cases Against BOP Staff

- United States v. Garcia, No. 4:21-cr-00429-YGR (N.D. Cal.)
<https://www.courtlistener.com/docket/63104568/united-states-v-highhouse/>
 - [Warden] Sentenced to 70 months in prison and 15 years of supervised released following jury trial and conviction of 18 U.S.C. § 2243(b) Sexual Abuse of a Ward December 2019; 18 U.S.C. § 2243(b) Sexual Abuse of a Ward 18 U.S.C. § 2244(a)(4) Abusive Sexual Contact; 18 U.S.C. § 2243(b) Sexual Abuse of a Ward; 18 U.S.C. § 2244(a)(4) Abusive Sexual Contact; 18 U.S.C. § 2244(a)(4) Abusive Sexual Contact; 18 U.S.C. § 1001(a)(2) False Statement to a Government Agency.
- United States v. Highhouse, No. 4:22-cr-00016-HGS (N.D. Cal.)
<https://www.courtlistener.com/docket/63104568/united-states-v-highhouse/>
 - [Chaplain] Pled guilty to two counts sexual abuse of a ward, two counts of abusive sexual contact, and one count of making a false statement, sentenced to 84 months in federal prison and 5 months of supervised release following guilty plea.
- United States v. Chavez, No. 4:22-cr-00104-YGR-1 (N.D. Cal.)
<https://www.courtlistener.com/docket/63180719/united-states-v-chavez>
 - Pled guilty to one count of sexual abuse, sentenced to 20 months in federal prison and 10 years of supervised release following guilty plea).
- United States v. Klinger, No. 21-MJ-71085-MAG (N.D. Cal.)
<https://www.courtlistener.com/docket/60055905/united-states-v-klinger/>
<https://www.courtlistener.com/docket/60076947/united-states-v-klinger/>
<https://oig.justice.gov/news/press-release/former-bop-correctional-officer-sentenced-sexual-abuse-ward-0>
 - [Correctional Officer and cooperating witness/informant] Pled guilty to six counts of sexually abusing a ward. On January 24, 2024, sentenced to time served, 5 years of supervised release with 1 year of home confinement, a \$300 special assessment, and a \$15,000 Justice for Victims of Trafficking Act assessment for three counts of sexual abuse of a ward. According to the factual statement in support of the guilty plea, between in or about March 2020 and in or about October 2020, Klinger repeatedly engaged in sexual intercourse with three

inmates who at the time were in detention and under his custodial, supervisory, and disciplinary authority.

- United States v. Bellhouse, No. 4:22-cr-00066- YGR (N.D. Cal.)
<https://www.courtlistener.com/docket/63022589/united-states-v-bellhouse/>
<https://www.justice.gov/opa/pr/former-correctional-officer-sentenced-63-months-sexual-abuse-two-female-inmates>
 - [Correctional Officer] Found guilty following jury trial; convicted of two counts of sexual abuse of a ward and three counts of abusive sexual contact, 63 months in prison, followed by five years of supervised release, and a \$25,000 special assessment.
- United States v. Smith, No. 4:23-cr-00110-YGR-1
<https://www.courtlistener.com/docket/68166805/united-states-v-smith/>
 - [Correctional Officer] Darrell Wayne Smith, 53, is named in court documents by his legal name, as well as his nickname, "Dirty Dick Smith." indicted for several counts of sexual abuse of a ward, abusive sexual contact, and one count of aggravated sexual abuse.
- United States v. Nunley, No. 4:23-cr-00213-HSG (N.D. Cal.)
<https://www.justice.gov/usao-ndca/pr/two-more-dublin-federal-correctional-officers-plead-guilty-sexually-abusing-multiple> <https://www.justice.gov/usao-ndca/pr/seventh-correctional-officer-federal-facility-dublin-california-sentenced-prison>
 - [Correctional Officer] Six-year sentence following guilty plea for 4 counts of sexual abuse of a ward, 5 counts of abusive sexual contact, and 1 count of false statements to a government agency.
- United States v. Jones, No. 4:23-cr-00212-HSG (N.D. Cal.)
<https://www.courtlistener.com/docket/67606881/united-states-v-jones/>
<https://www.justice.gov/usao-ndca/pr/two-more-dublin-federal-correctional-officers-plead-guilty-sexually-abusing-multiple> <https://www.ktvu.com/news/judge-sentences-dublin-prison-food-supervisor-in-ongoing-sex-abuse-scandal>
 - [Food Supervisor] (eight years sentence following guilty plea for 6 counts of sexual abuse of a ward and 1 count of false statements to a government agency).
- In a May 8, 2024 letter from Judge Gonzalez Rodgers entitled “To: United States District Court Sentencing Judge Re: Compassionate Release Applications from the AICs Previously Incarcerated at FCI Dublin” (4:23-cv-04155-YGR Document 301-3) she stated “I believe, over a dozen others remain under investigation.”
<https://storage.courtlistener.com/recap/gov.uscourts.cand.416928/gov.uscourts.cand.416928.301.3.pdf>

Exhibit 4: Exceptional Media Interest

Pursuant to is evidence proving expediting factors under 5 U.S.C. § 552(a)(6)(E)(I) and 28 C.F.R. § 16.5(e)(1)(iv) “A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.”

US Congress	1
Closure	3
Transfer	5
Civil Cases	5
Special Master	6
Criminal Cases Against BOP Staff	7
Compassionate Release	9
Advocacy Community	9
Other	10

US Congress

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