

Jay Hurst

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Sent: Thursday, March 30, 2006 2:04 AM
Subject: Freedom of Information Act Request -- FCI La Tuna, New Mexico/Texas

FREEDOM OF INFORMATION ACT REQUEST

Thursday, March 30, 2006

VIA ELECTRONIC MAIL ONLY

Ms. Wanda M. Hunt, Chief
Freedom of Information Act/Privacy Act Section
Office of General Counsel, Room 841
Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534
Electronic Mail: ogc_efoia@bop.gov

RE: BOP RECORDS RELATED TO FCI LA TUNA, ANTHONY, NEW MEXICO,

Dear Ms. Hunt:

This Requestor, EJ Hurst II of Maryland, respectfully request records from the Federal Bureau of Prisons ("BOP") under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The BOP currently possesses these records, and it came to possess these records in the legitimate conduct of its official duties. Given time-sensitive features of this health-and-safety related request, the Requestor respectfully requests expedited process regarding both this "public interest" fee waiver request and the underlying, substantive records production. *See* 5 U.S.C. § 552(a)(6)(E).

The public cannot know without release of the requested records what BOP operations and activities have affected, and continue to affect, the health and safety of both inmates and correctional officers at FCI La Tuna. These records therefore have significant public value that substantially outweighs the Requestor's commercial interests. The Requestor thus respectfully requests immediate and full disclosure of all records sought herein, in the least expensive format available, with full grant of public interest fee waiver.

In support of this appeal, the Requestor adopts and incorporates by reference, as if fully set forth herein, FOIA Request Nos. 2006-02285 2006-02289, dated December 1 and 14, 2005, respectively. He also adopts and incorporates by reference, as if fully set forth herein, all documents, hyperlinks, rolling counters, Guestbook, and other items published at <http://www.victorvillefoia.org/>, and particularly at <http://www.victorvillefoia.org/La%20Tuna.html/>, in support of this request.

3/30/06

Expedited Process

“The mandate of the FOIA calls for broad disclosure of Government records.” *Central Intelligence Agency v. Sims*, 471 U.S. 159, 166 (1985). As Justice Stevens wrote for seven members of the U.S. Supreme Court (with Justices Blackmun and Brennan concurring in the unanimous judgment):

[W]e note that Congress has provided that the standard fees for production of documents under the FOIA shall be waived or reduced ‘if disclosure of the information is in the public interest because it 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.’ 5 U.S.C. § 552(a)(4)(A)(iii) (1982 ed., Supp. V). Although such a provision obviously implies that there will be requests that do not meet such a ‘public interest’ standard, we think it relevant to today’s inquiry regarding the public interest in release of rap sheets on private citizens that Congress once again expressed the core purpose of the FOIA as ‘contribut[ing] significantly to public understanding of the operations or activities of the government.’ [emphasis in original].

U.S. Dep’t of Justice v. Reporters Committee for Freedom of Press, 489 U.S. 749, 775 (1989).

Moreover, records documenting whether La Tuna Staff abused its authority stand an “obvious public interest” that require “a full and thorough airing . . . in the hope that such abuses will not occur in the future.” *Tax Reform Research Group v. IRS*, 419 F. Supp. 415, 418 (D.D.C. 1976). Where a lawful FOIA request is based upon demonstrations of *per se* Federal abuse of discretion, including willful medical neglect and Due Process abuses, the public interest in requested, demonstrative Executive records is accorded great weight. See “Factoring in the ‘Public Interest,’” FOIA Update Vol. III, No. 4 (September 1982) (available at http://www.usdoj.gov/oip/foia_updates/Vol_III_4/page8.htm) (“Some public interest factors are properly taken into consideration and accorded great weight. For example, the courts have found **the public interest in disclosure to be strong when requested information would inform the public about proven violations of public trust** [citations omitted, emphasis added].”).

Under 28 C.F.R. § 16.5(d), a request can be expedited if:

- (1) *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;*
- (2) *An urgent need to inform the public about an actual or alleged federal government activity exists;*
- (3) *A loss of substantial due process exists;*
- (4) *The matter is of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affects public confidence;*

The instant Request meets each of these grounds for expedited process.

Prior FOIA Requests seek records that relate to (a) serial inmate-on-inmate violence, allegedly related to the Mexican Mafia seizing control over FCI La Tuna, its staff, and about two score New Mexican prisoners, where (b) inadequate staffing levels apparently allowed – and continue to allow – (c) gang-member inmates to dictate to Justice Department agents which New Mexican inmates can survive

a return to mainline housing. These records directly relate to whether the BOP has appropriately and safely staffed FCI La Tuna, and what ongoing security measures against future gang control exist. All La Tuna denizens, inmates and staff alike, face this constant and ongoing threat of violence, and all those innocent persons deserve an explanation regarding La Tuna's activities and operations.

New Mexican inmates, those allowed back in mainline housing by alien-inmate gangsters after a 200-on-2-dozen ambush last Thanksgiving, are not allowed to even acknowledge one another, under threat of new violence or death. La Tuna staff also reports to inmates that "contracts" – gang orders to kill – hang over the head of several New Mexican inmates still in the Hole. The threats to health and safety are constant companions to the approximately 46 New Mexican inmates directly benefiting from this FOIA Request, as well as to La Tuna's alien inmates conscripted into gang service and the under-supported Correctional Officers who are trying to keep the peace. Rumors of additional alien-on-citizen inmate violence abound at La Tuna, and these records will demonstrate the steps La Tuna's administration has taken to avert refreshed violence.

The Instant Request also addresses credible allegations of La Tuna staff being deliberately indifferent to inmate medical needs, many of which medical needs remain unaddressed even today. The requested records will prove or refute these independent claims of constitutional and public policy violations.

This Request also pursues records to confirm or deny multiple, independent reports of La Tuna staff unlawfully retaliating against some or all New Mexican prisoners through (a) extended detention in the Special Housing Unit ("SHU," or "the Hole"); (b) unjustified restrictions on inmate communications and family relationships, through restrictions on mails, telephone use, and visitation; and (c) credible allegations of La Tuna staff using unnecessary – and so excessive – force against compliant New Mexican inmates. Staff Retaliation is also alleged to include the false swearing of BOP/DOJ disciplinary complaints against inmates.

Since the day of submission of the corollary 12/1 Request – nearly four months – at least one inmate has been removed by La Tuna staff to the Hole and left there without **mandatory** administrative notice or hearings. Credible allegations have since arisen of worms in the food presented to La Tuna SHU inmates; of insect and rat infestations in both the SHU and in FCI La Tuna's kitchen; of excessive mold and sporing in the SHU, without appropriate ventilation; of filth throughout the Hole, but; absence of adequate cleaning supplies; and, failure of BOP staff to even offer SHU inmates clean clothes or bedding. In the confined space of the SHU, inmates commonly sit three and four-deep in a 9'-x-6' cement rectangle, while the inmate population of nearly 1,200 men exceeds the BOP's own rated capacity for La Tuna. The filth, infestation, malnourishment, and lack of essential medical and psychological care credibly alleged against BOP/DOJ Staff present an entirely separate health and safety ground for expedited process.

Three truckloads of La Tuna staffers watched KFOX-TV 14 film roughly one hour of interviews with concerned family members after recent inmate visits. The BOP's concern about News Media filming, as well as the report that La Tuna staff thereafter demanded of KFOX-TV the ability to "refute" opposing information **after La Tuna staff had already waived express requests for information**, this BOP conduct amplifies the media concern here addressed. It also testifies to certain Staff concern about media attention, and thus underscores the exceptional need – in both the media and the criminal justice community – for expedited records production. In part to satisfy these criteria and the separate requirements for public interest fee waiver, true copies of this Appeal will also be forwarded directly to KFOX-TV journalists Benn Swann and Andrea Troll, whose News Media outlet aired a story on FCI La Tuna on or about Friday evening, March 17, 2006.

Just as Congress debates new and expanded Mandatory Minimum sentences to Federal prison, allegations here lie that corrupt correctional officers and Latin gangs control the administration of a Federal prison. This FOIA Request seeks Federal agency records to confirm or deny credible reports of unconstitutional and abusive Justice Department practices within and surrounding FCI La Tuna, New Mexico/Texas. These abusive practices resemble those practices committed by United States military abroad, including National Guard and Reserve citizen-activations, and which may have been returned to the BOP from overseas Defense Department service. Certainly evidence supports expedited processing of the records that either disprove allegations of BOP understaffing or, alternatively, demonstrate the danger that innocent Federal agents and inmates now face.

For all these reasons, we respectfully submit every regulatory reason to offer expedited processing here exists.

Public Interest Fee Waiver

The Requestor has been in regular contact with the Office of Senator Jeff Bingaman (D-NM) regarding the allegations (from over a half-dozen inmates) that drove the instant Request. Through Aide Jorge Silva, Senator Bingaman's Office has directly addressed some concerns of numerous New Mexico citizens with family members imprisoned at La Tuna. Mr. Silva has further authorized the Requestor to report the Senator's Office will personally review this Appeal. Given Mr. Silva's interactions, conduct, and consideration of all prior submissions, the Requestor believes that Senatorial review will also extend to all documents subsequently filed regarding La Tuna. In as much as this FOIA Request now directly affects particular business before a Member of the United States Senate, this matter seems entitled to public interest fee waiver as a matter of right.

A fee waiver or reduction is justified where "public interest" is identified, and public interest in disclosure is greater in magnitude than any identified commercial interest; commercial interests themselves do not proscribe public interest fee waivers, but rather must be weighed against the public's interests. The public interest benefits flowing from disclosure of the requested public records, which BOP keeps in the regular course of its government activities, are directly and clearly connected to understanding how DOJ-BOP operates FCI La Tuna. *See* 28 C.F.R. § 16.11(k)(2)(i)-(iv); *Brown v. Federal Bureau of Investigation*, 658 F.2d 71, 73 (2d Cir. 1981) ("The Freedom of Information Act, and the judicial decisions which interpret and apply it, evidence a strong public policy in favor of public access to information in the possession of federal agencies").

This matter alleges that FCI La Tuna is understaffed; that alien inmates control important aspects of La Tuna's operations; that inmates are being denied critical medical care; that inmates must compete with rats and cockroaches for food and sleeping space; and that the BOP is willfully disregarding the disease-bearing Petri dish that is FCI La Tuna. Free professional services offered to document or deny these allegations seem the antithesis of "commercial use," and also the very reason Congress enacted the Freedom of Information Act in the first place – to protect the People from its Executive's un-republican secrecy. *See U.S. Dep't of State v. Ray*, 502 U.S. 164, 177 (1991) ("FOIA's basic policy of full agency disclosure unless information is exempted under clearly delineated statutory language . . . focuses on the citizens' right to be informed about what their government is up to [internal quotations omitted]."); *accord Brown v. FBI*, 658 F.2d at 73.

The Justice Department, at 28 C.F.R. § 16.11(k), allows reduction or full waiver of fees "if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor." Under 28 C.F.R. § 16.11(k)(2), your Office will determine whether Request No. 2006-02285 "is likely to contribute significantly to the public understanding of the

operations or activities of the government” by considering the following factors:

(i) The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.” . . .

(ii) The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities. . . .

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to “public understanding.”

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

This Request concerns identifiable operations and activities of the Federal Government’s Executive agencies and agents. The connection between FCI La Tuna’s activities and operations and the requested records is direct and clear, not remote or attenuated. This Request seeks records created by and involving BOP staff during their activities in operation of FCI La Tuna, as regards, *inter alia*: (1) Staff’s non-classified identities and law enforcement qualifications; (2) Staff’s official and extra-official conduct in operating FCI La Tuna; (3) how BOP staff actually operates FCI La Tuna, such as (a) the level of medical care BOP provides La Tuna inmates, (b) the food quality offered to inmates, (c) the numbers, training, and experience of staffing provided by the BOP, compared to levels demanded for safe correctional operations, and (d) the sanitation and hygiene allowed by BOP/DOJ; *and* (4) whether members of BOP’s La Tuna staff are currently engaged in a criminal conspiracy regarding unlawful use of violence and intimidation, false swearing, and other civil rights felonies.

The disclosable portions of these requested records, which information is not currently in the public domain, will be meaningfully informative about Bureau of Prisons and other DOJ operations and activities, and stand certain to significantly contribute to an increased public understanding of FCI La Tuna’s operations and activities. This Request seeks records that show who is charged with daily operating FCI La Tuna, and how those daily operations have been recorded in the BOP’s mandatory paperwork. That is, laypersons and criminal justice professionals alike will be able to see for themselves what activities and operations La Tuna’s staff has engaged throughout targeted time periods.

The Requestor appreciates a limited number of specific inmate records will require segregation or an inmate’s release authorization. The remaining, disclosable portion of those records will still provide a reasonably broad audience of laypersons interested in Federal corrections a glimpse of (a) what BOP records look like; (b) what substance those records contain; (c) what offices hold records that might be relevant to their own or their loved ones’ cases; and (d) whether loved ones at La Tuna are suffering constitutional and physical abuses. Such records will also allow criminal justice professionals to analyze the records themselves – as made available through <http://www.victorvillefoia.org/> – and compare their professional conclusions to the series of analyses the Requestor will offer.

A requestor’s expertise in the subject area, and his ability and intention to effectively convey information to the public, shall be considered. This Requestor holds a Bachelor of Arts degree in Political Science, a social science devoted to statistical, empirical, historical, and anecdotal analyses of, among other things, U.S. Government records and operations. He also earned a *Juris Doctor* and authority from the State of Maryland to practice law. The Requestor is an experienced Federal criminal sentence mitigator with particular representational experience on behalf of BOP inmates – such inmate

representation indeed led to the instant Request. As a result of these professional activities, the Requestor regularly disseminates news and other information to criminal justice professionals and inmate families through the online Yahoo.com groups BOP Watch (<http://groups.yahoo.com/group/BOPWatch/>) and FedCURE (<http://groups.yahoo.com/group/FedCURE-org/>).

The Requestor is thus shown competent to interpret the data here sought, and capable of reducing it to a format usable by relevant, interested communities. As noted, those communities will include Members of all three constitutional branches of National Government; State and Federal attorneys, both Government and defense; and BOP inmates and their loved ones.

All administrative processes and all records produced regarding La Tuna are, and will remain, published in full at a website established specifically to illustrate these matters' public interest, <http://www.victorvillefoia.org/>. As of this writing, over 4,250 unique internet addresses (URLs) have accessed <http://www.victorvillefoia.org/>. Over 120 persons have registered their support for full fee waiver, regarding records from FCC Victorville, California as well as FCI La Tuna, in <http://www.victorvillefoia.org/>'s Guestbook. Those signers include California Federal defenders and other criminal defense attorneys; retired Justice Department attorneys now engaged in private law practice; a barrister in Manchester, England; post-secondary academicians; and an assortment of interested citizens (generally, inmates' family members) demonstrably spanning the globe.

The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, will be enhanced to a significant extent by instant FOIA disclosures. Your Office shall not make value judgments about whether the information here sought is important enough to be made public. Your Office should consider, however, that these records are particularly relevant to immediate public discourse on several grounds.

First, as military actions abroad include an increasing number of citizen-soldiers (National Guard and Reservists) activated to multiple combat tours, we are now left to ask what effects are now returned to the U.S. workplace – particularly including law enforcement officers (“LEOs”), and a subset of LEOs employed by the Federal Bureau of Prisons. The Requestor hypothesizes a disparate number of military activations have come from law enforcement ranks, rather than other American industries, and that the already stressed law enforcement workforce is now also struggling to readjust from war service where, apparently, conduct similar to that here alleged was authorized by senior Defense Department field officers.

If this hypothesis is correct, then (a) the BOP may be suffering from staff shortages caused by military activation and retention policies; and (b) BOP staff returning from overseas tours – all presumptively combat tours in a front-less war on terror, where most casualties arise from booby traps – those veterans may be returning with diminished capacities like Post-Traumatic Stress Disorder (“PTSD”). We know from media accounts that USP Leavenworth has experienced recent protests related to staff shortages, and the dangers short-staffing entails.

Mainstream U.S. news media and other public interest attorneys also currently scrutinize maltreatment of prisoners by another Executive administrator, the Department of Defense (“DOD”), based largely on documents produced under the FOIA. See <http://www.aclu.org/torturefoia/>. The documents requested under Request No. 2006-02285 will show or refute credible allegations of similar maltreatment of domestic prisoners by BOP/DOJ agents. Congress and the public deserve open proof, through public records, that BOP officers are not responsible for credible allegations of similar crimes against United States citizens at FCI La Tuna. If these allegations are true, then justice demands the BOP cull the corrupt from its ranks. In either case, the public interest **demands** these records'

publication.

Additionally, the landmark case of *United States v. Booker*, 543 U.S. --, 125 S.Ct. 738 (2005) has led some members of Congress to introduce – and Attorney General Alberto Gonzalez to support – additional mandatory minimum sentences to Federal imprisonment. *See, e.g.*, H.R. 1528, “Defending America’s Most Vulnerable: Safe Access to Drug Treatment and Child Protection Act of 2005.” If the seachange in Federal criminal justice policy is to include additional, mandatory BOP custody, then the documents showing how BOP and the Justice Department operate FCI La Tuna with Mexican Mafia duress take on unique public policy relevance. FOIA Request No. 2006-02285 bears directly on public discussions about an imminent series of Congressional decisions on criminal justice policies.

If a subordinate to AG Gonzalez is to deny records clearly relevant to legislative discussions and imminent Congressional policy decisions, then such subordinate also stands required to detail every ground for withholding and to refute these arguments favoring expedited public interest release. Conclusory denials, on the other hand, are unlawful, and they would lend credence to a claim that Central Justice is covering data that potentially opposes its policy positions – even when to withhold such data means possible complicity to Federal felonies committed under color of law.

All these specific facts demonstrate that this Request “is likely to contribute significantly to the public understanding of the operations or activities of the government” under the analysis required of your Office.

Under 28 C.F.R. § 16.11(k)(3), your Office will determine whether this Request “is . . . primarily in the commercial interest of the requestor” by considering the following factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.

(ii) The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’

The Requestor has now offered over 75 *pro bono* hours expressly to these FOIA Requests of FCI La Tuna, exclusive of time offered his primary client and a group of similarly-situated inmates and their families in consideration of civil rights litigation. He has personally paid all photocopying, postage, and other expenses, and has declined other, paying clients to devote time to this free professional service. He has received no compensation for any professional services related to La Tuna and, outside the pipe dream of attorneys’ fees some hypothetical court might later award and an appellate court affirm, the Requestor will receive no compensation or recompense for these efforts.

The Requestor acknowledges his commercial interests of goodwill and publicity associated with this denied *pro bono* FOIA efforts. As often attributed, though, to then-future Supreme Court Justice Louis D. Brandeis:

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

Louis D. Brandeis, “What Publicity Can Do,” *Other People’s Money*, chapter 5, p. 92 (1932) (first published in *Harper’s Weekly*, December 20, 1913). While personal benefits might derive from the publicity following free service, that same publicity is the very panacea for Executive abuses our Congress passed with the FOIA.

Similarly, Mr. Brandeis spoke to the public interest service each citizen owes, according to their means:

Loyalty demands of every citizen active participation in government. Of him who has most in ability and intelligence, most is required, as the rich should contribute most in money to the expense of government.

Louis D. Brandeis, “An address delivered before the New Century Club on the occasion of the 250th Anniversary of the settlement of the Jews in the United States,” November 28, 1905. Justice Brandeis there spoke to the public service owed by America’s most privileged, including attorneys. The goodwill that comes from fulfilling these lofty suggestions, *see* Maryland Rule of Professional Conduct 6.1, should not work against a lawyer’s ability to serve as Private Attorney General under the FOIA.

The Requestor further acknowledges legal representation of one La Tuna inmate who will pursue civil rights claims, though we do not yet know whether the Requestor will be counsel to that action. These records will figure into that client’s future legal interests, though, and so impact the Requestor’s separate (also uncompensated) professional duties.

The Requestor further acknowledges a separate, emergency representation of La Tuna’s remaining, undefended New Mexican inmates. A separate or joined civil suit on these inmates’ behalfs also seems imminent. To the extent the Requestor would seek separate attorneys’ fees **if** he accepts and then successfully prosecutes those prospective prisoner rights actions, BOP/DOJ can weigh the enumerated and other public needs against these attenuated, unrealized, and potentially fictional commercial interests. Because of privilege issues, specific inmate identities, written testimony, and other proofs further supporting the evidence here presented are instantly withheld.

Conversely, these regularly kept Federal records will allow open public inspection of otherwise secreted BOP activities and operations within FCI La Tuna, and will allow over one thousand inmates and guards directly affected by La Tuna’s operations to understand their actual health and safety status. BOP activities at FCI La Tuna are credibly alleged to involve BOP medical negligence, and perhaps even felonious malfeasance – including physical abuse and retaliation against family – by La Tuna Staff members.

The private attorney general seeking these records does so without compensation or any promise of reward, as a legally-trained citizen who has refused other, income-producing professional activities and diverted needed commercial resources to pursue this FOIA Request. *See Crooker v. U. S. Dep’t of the Treasury*, 634 F.2d 48, 49 (2d Cir. 1980) (“we do not believe that Congress intended to permit an award of attorney’s fees to *pro se* litigants like Crooker who have made no showing that prosecuting their lawsuits caused them to divert any of their time from income-producing activity.”). He has done so because, after a due diligence investigation, he affirms credible evidence of civil rights abuses by DOJ employees. These requested records will, in part, confirm or refute preliminary evidence.

A controlling public interest exists when a trained professional rejects paying cases to work without compensation in matters where no similar professional offers free services to inmates alleging imminent physical and constitutional harms. To argue otherwise defeats the public policy of asking attorneys to give services for free, *for the public’s good*. To say the many public interests here at play are outweighed by the “maybe” of future court fee-awards, after an unknown number of assured appellate challenges and award reductions, would go beyond disingenuous. It would suggest complicity to whatever these records show is happening today, and for months, inside La Tuna’s wires.

Requested Records

Each item requested below is sought for the Federal Correctional Institution ("FCI") La Tuna (low) at Anthony, New Mexico/Texas. Some items below seek to identify officers performing BOP duties and their professional qualifications, but do not ask for private employee data. The Requestor has no objection or preference to any record format, and will readily accept electronic documents, where possible and if deemed least expensive.

I respectfully request true copies of the following records:

1. Each and all security camera video tapes, including any available audio recordings, made at FCI La Tuna (low) on Sunday, March 12, 2006. Of particular interest are all surveillance covering the Special Housing Unit ("SHU"), including ingresses and egresses.
2. Any and all records related to pest extermination.
3. Daily Staff Kitchen Rosters and all other records providing the names, ranks, and former duty stations of all FCI La Tuna's employee- and contracted agent-staff as regularly produced for Regional and Central Office distribution, between and including January 1, 2005, and the date of response to this Request.
4. Each and Every record establishing periodic (hourly/daily/weekly/monthly/annual) "random procedures" for use in Ion Spectrometry over visitors, between and including January 1, 2005, and the date of response to this Request.
5. All records related to maintenance and repair of all Ion Spectrometry devices used at FCI La Tuna, including manufacturers' instructions and warranties, between and including January 1, 2005, and the date of response to this Request.
6. Staff Rosters and all other records providing the names, ranks, and former duty stations of all FCI La Tuna's staff certified and otherwise authorized to administer or use Ion Spectrometry devices.
7. The certified documents including curriculum vitae, demonstrating each officer's training, experience, and qualifications certified and otherwise authorized to administer or use Ion Spectrometry devices.
8. All logs, reports, other daily or weekly compilations, and all other records of Ion Spectrometry administrations and failures, including records related to re-tests, produced by FCI La Tuna staff in the course of their duties between and including January 1, 2005 and the date of response to this Requests.
9. Each and All records reflecting the number of administrative remedies decided by FCI La Tuna Staff (through "cop-out," BP-8, or any like-styled Form) and Warden (through BP-9) between and including July 1, 2005, and the date of response to this Request.
10. Any and All inventory and other records showing the numbers of administrative remedy Forms used at FCI La Tuna between and including July 1, 2005, and the date of response to this Request.
11. Any and All inventory and other records showing the numbers of administrative remedy Forms accepted by FCI La Tuna from the BOP or other official sources between and including July 1, 2005, and the date of response to this Request.

The Requestor reminds the Bureau of its duty to preserve all records here requested under 28 C.F.R. § 16.10. He remains available at any of the letterhead contacts for questions or concerns, and expects a substantive response with the statutorily mandated timeframe.

Respectfully submitted,

EJ Hurst II
Attorney at Law

cc: Ms. Janice Killian, Warden, FCI La Tuna (via facsimile no. 915-886-6628)

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