

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:11-cr-401-RBD-DAB

FREDERICK MERVIN BARDELL

ORDER APPOINTING SPECIAL MASTER

The Court previously issued an Order with inmate release instructions, with which the Bureau of Prisons (“BOP”) did not comply. (Doc. 92 (“Release Order”).) Following this, the Court issued an Order to Show Cause why the Bureau of Prisons should not be held in contempt, and the parties responded. (*See* Docs. 98, 106–107.) The Court previously *sua sponte* proposed A. Lee Bentley, Esquire as a Temporary Special Master candidate pursuant to Rule 53 of the Federal Rules of Civil Procedure to investigate. (Doc. 109.) In proposing a candidate, the Court provided the parties notice and an opportunity to be heard. (*Id.*)¹ Considering the parties’ responses, and given the circumstances, Mr. Bentley is due to be appointed.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. A. Lee Bentley, Esquire is **APPOINTED** as Temporary Special Master

¹ Mr. Bentley filed an affidavit disclosing that there are no grounds for disqualifying him under 28 U.S.C. § 455. (*See* Doc. 109-2.)

("Master") under Rule 53 of the Federal Rules of Civil Procedure to prosecute the contempt proceedings on behalf of the Court and is **AUTHORIZED** to conduct any needed discovery consistent with his duties as described in paragraph 3 below.

2. On **Tuesday, May 31, 2022, at 1:30 p.m.**, the parties, including Warden K. Zook, are **ORDERED** to appear in person before the Undersigned in Courtroom 4A of the Orlando Courthouse, 401 West Central Boulevard, Orlando, Florida, 32801.
3. The Duties of the Master will consist of:
 - a. investigating the circumstances surrounding the release of Frederick Mervin Bardell and whether the BOP reasonably attempted to comply with the Release Order;
 - b. determining whether the BOP and/or Warden K. Zook should be held in contempt for violating the Release Order;
 - c. advising whether and which sanctions are warranted and against whom;
 - d. conferring with the parties regarding their positions on the above recommendations;
 - e. preparing a report containing recommendations to the Court on how to proceed ("Report");

- f. attending the **Tuesday, May 31, 2022** hearing to discuss his recommendations and the parties' responses.
4. The Master must proceed with all reasonable diligence in his exercise of the above-described duties.
5. The Master must provide the Report to the parties no later than **Monday, April 18, 2022**. The parties' responses are due no later than **Monday, May 9, 2022**.
6. The Master is both authorized and encouraged to meet with the parties jointly while preparing the Report. Also, because it will be more efficient and the parties will have the opportunity to comment on the Report regardless, the Master may communicate with the Court or any party ex parte whenever he deems appropriate. The Master may also direct that the parties make filings in the official Court record. To ensure effective access to each party, by **Friday, February 4, 2022**, the parties must each file a notice with the Court designating a liaison attorney to the Master. The designated attorney must: (1) have the authority to speak for the respective party; and (2) make themselves readily available and responsive to the Master.
7. The Master will be compensated at a reasonable hourly rate not to exceed \$585 an hour, including reimbursements for reasonable

expenses incurred, and must bill the BOP for his time monthly, with such statements to be sent directly to the liaison. Payments must be made within thirty days of receipt of the Master's statements. If requested, the Court will review and approve the charges.

8. The Master may employ and bill for other persons within his firm to provide legal and paralegal assistance. The Master must supervise and control any such persons to ensure and preserve the confidentiality of matters submitted to the Master for review.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 27, 2022.




ROY B. DALTON JR.
United States District Judge

Copies:
A. Lee Bentley, Esquire
Bureau of Prisons