UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

MARTIN GOTTESFELD,
pro se, Petitioner
v.
B. LAMMER, Warden of
The FCI Terre Haute, Indiana,
Respondent.

No. 2:20-cv-12-JRS-MJD

NOTICE

Petitioner Martin S. Gottesfeld (hereinafter the "petitioner"), acting pro se, hereby notifies the Honorable Court and the respondent of his filing of Exhibit 1 hereto, Declaration of Martin S. Gottesfeld (Saturday, September 5, 2020). The petitioner herein makes no motion. He will cite to Exhibit 1 in his forthcoming amended reply in support of the instant petition.

Respectfully filed under the prison-mailbox rule; Houston v. Lack, 487 U.S. 266 (1988); by mailing to the Court an envelope bearing sufficient affixed pre-paid First Class U.S. postage and tracking no. 9114 9023 0722 4290 6099 47, handed to Ms. Jamie Wheeler of the FCI Terre Haute CMU unit team in her official capacity as an agent of the respondent and of the respondent's counsel Saturday, September 5, 2020, or the first opportunity thereafter,

by: _____

Martin S. Gottesfeld, pro se
Reg. no. 12982-104
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I hereby certify I mailed a copy of the foregoing document to counsel for the respondent in the above-captioned case by handing said copy in an envelope, postage pre-paid, to Ms. Jamie Wheeler of the FCI Terre Haute CMU unit team in her official capacity Saturday, September 5, 2020, or the first opportunity thereafter,

by: _____

Martin S. Gottesfeld, pro se

Exhibit 1

Declaration of Martin S. Gottesfeld

I, Martin S. Gottesfeld, declare as follows pursuant to 28 U.S.C. § 1746(1):

1. I am Martin S. Gottesfeld, petitioner in Gottesfeld v. Lammer, 2:20-cv-00012-JRS-MJD (herein "the case"), pending before The Honorable U.S. District Court for The Southern District of Indiana (herein "The Court").

2. Attachment 1 is an accurate depiction of one of the 10 bags of BOLD party blend SAVORY Chex mix SNACK MIX that Respondent Lammer served me during the week of the three federal lethal injections inside his complex in July.

3. Prior to the aforementioned July week of executions here, I had never been served BOLD party blend SAVORY Chex mix SNACK MIX by Respondent Lammer and I've been at the institution since his very first day; further, no earlier warden ever served me BOLD party blend SAVORY Chex mix SNACK MIX here and I've been at this complex since April 1, 2019.

4. Attachment 2 is an accurate depiction of the BOLD party blend SAVORY Chex mix SNACK MIX that Respondent Lammer served me just as Keith Dwayne Nelson was put to death inside this complex in August 2020. ← MSG 2020-09-05

5. Attachment 3 is a true copy of the latest unnumbered incident report Respondent Lammer served me at approximately noon, Wednesday, August 26, 2020.

6. Attachment 4 is a marked excerpt of BOP Program Statement 5270.09 Inmate Discipline Program I printed yesterday, Friday, September 4, 2020, from the FCI Terre Haute CMU law library.

7. Attachment 5 is a true copy of the untimely ADVISEMENT OF INCIDENT REPORT DELAY(S) Ms. Rebekka Eisele handed to me yesterday, Friday, September 4, 2020, at the equally untimely unit disciplinary committee (UDC) hearing of the aforementioned unnumbered incident report (Attachment 3).

8. Attachment 6 is a true copy of the latest incident report, post hoc numbered 3427792, as filled out at the UDC hearing by Ms. Rebekka Eisele and Ms. Jamie Wheeler, and returned (partially) to me.

9. I have never been provided a full copy of the aforementioned incident report with the results of Lt. C. Wiley's "investigation."

10. Attachment 7 is a true copy of the BP-A0293 Inmate Rights at Discipline Hearing form executed by myself and Ms. Rebekka Eisele at the UDC hearing, noting that I have the right "to present a statement" at the disciplinary hearing.

11. Attachment 8 is a true copy of the BP-A0294 Notice of Discipline Hearing Before the (DHO) form executed by myself and Ms. Rebekka Eisele at the UDC hearing.

12. Attachment 9 is a true copy of my now-rejected BP-10, dated August 3, 2020, and returned to me August 31, 2020. Cf. dkt. 50-1 at 1 ¶¶ 2, id. at 4-12, dkt. 47-1 at 7-8, and id. at 1-6.

13. Attachment 10 is a true copy of my fourth attempted regional administrative remedy for admin. rem. no. 1000236-F1. Cf. dkt. 51-1 at 1-2, id. at 3-15 (the reason Ms. Rebekka Eisele deliberately uses a light-pink pen to sign and date the receipts for this admin. rem. is now clearly visible, contrast id. at 8, dated and signed by Ms. Eisele August 5, 2020, with id. at 10), id. at 16-17, and id. at 18-24.

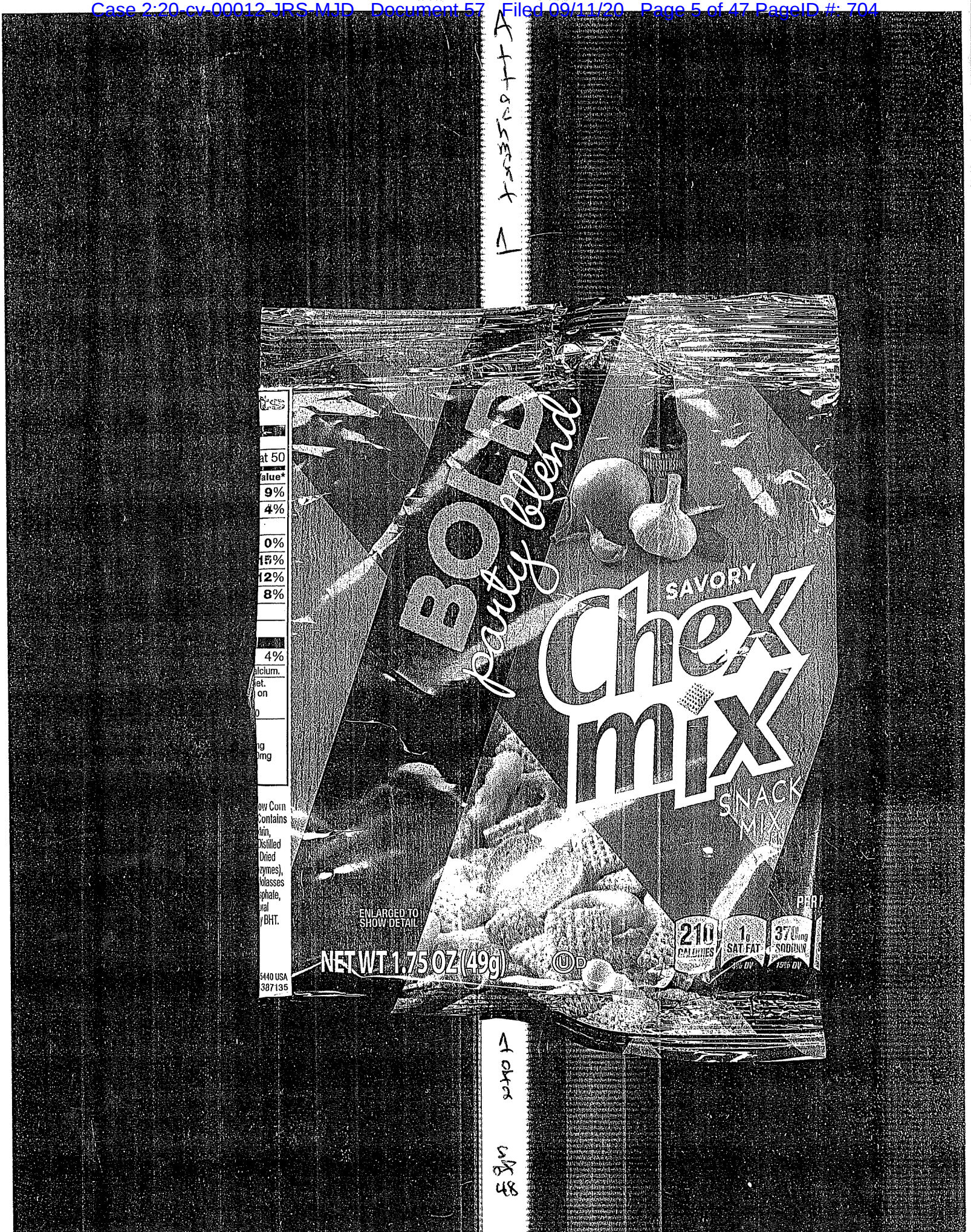
14. Despite my earlier written request cited, supra, and Ms. Rebekka Eisele's spoken assurances that she would include a timeliness memorandum with my now-rejected BP-10, she did no such thing.

15. She now requests that I fill out and mail yet another BP-10 on this same issue and once again assures me she will include the timeliness memo. Cf. dkt. 1 at 36 ¶ 177 and dkt. 1-1 at 5.

16. No timeliness memo should even be necessary, however, due to the dated and signed administrative-remedy receipts proving the only reason my first BP-10 was late was because Respondent Lammer did not provide me his response to my December 2019 BP-9 until July 2020.

I declare the foregoing is true and correct under the penalty of perjury under the laws of The United States. Executed Saturday, September 5, 2020.

Martin S. Gottesfeld


BOLD
Party Blend
SAVORY
Chex Mix
SNACK MIX
ENLARGED TO SHOW DETAIL
NET WT 1.75 OZ (49g)
210 CALORIES
1g SAT FAT
370mg SODIUM
at 50
alue*
9%
4%
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4%
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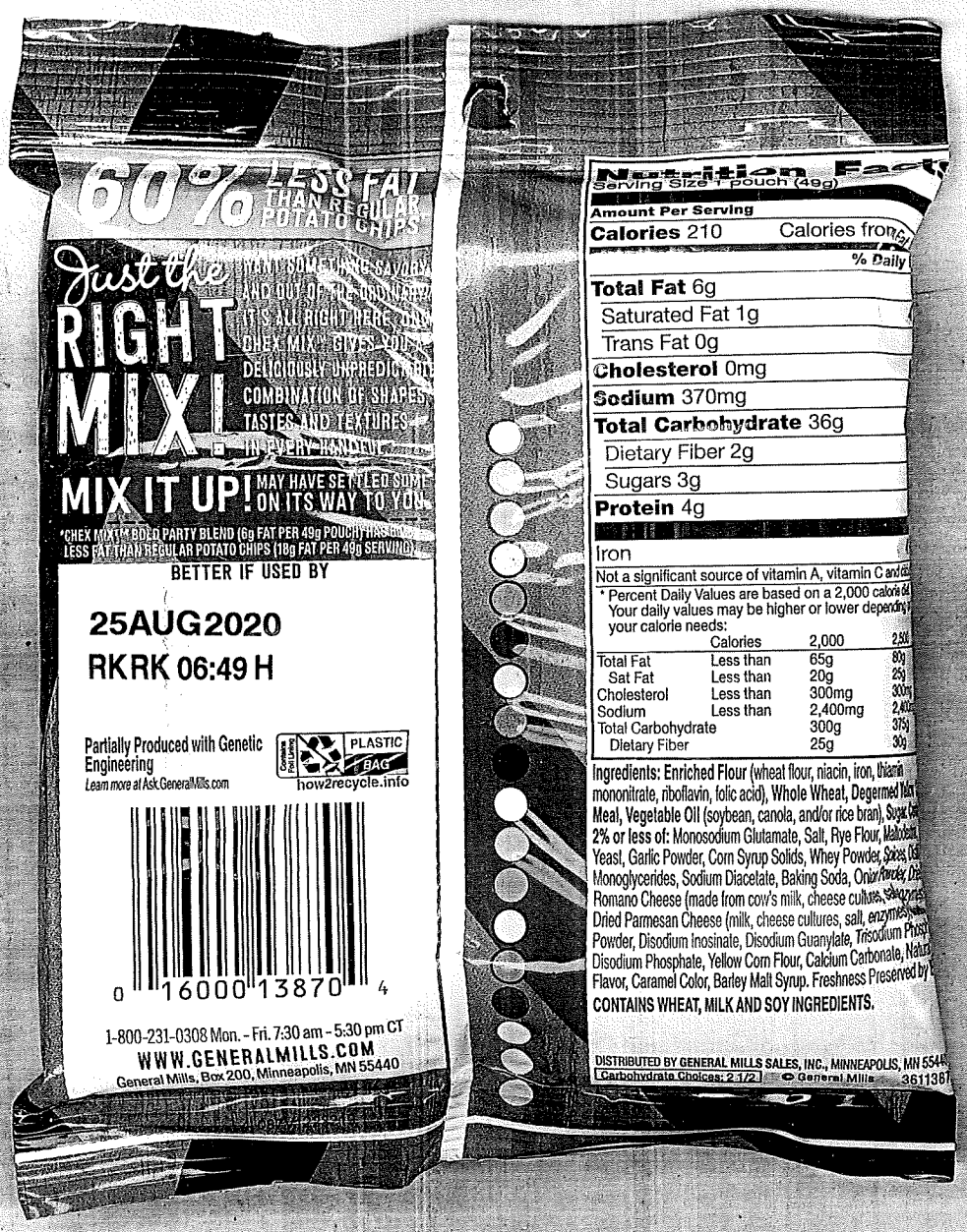
60% LESS FAT
Just the
RIGHT
MIX!
MIX IT UP!
BETTER IF USED BY
25AUG 2020
RKRK 04:56 I
Partially Produced with Genetic Engineering
Learn more at AskGeneralMills.com
PLASTIC BAG
how2recycle.Info
0 16000 13870 4
1-800-231-0308 Mon.-Fri. 7:30 am - 5:30 pm CT
WWW.GENERALMILLS.COM
General Mills, Box 200
Nutrition Fac
Serving Size 1 pouch (49g)
Amount Per Serving
Calories 210
Total Fat 6g
Saturated Fat 1g
Trans Fat 0g
Cholesterol 0mg
Sodium 370mg
Total Carbohydrate 36g
Dietary Fiber 2g
Sugars 3g
Protein 4g
Iron
Ingredients:
CONTAINS WHEAT, MILK AND SOY INGREDIENTS.
DISTRIBUTED BY GENERAL MILLS SALES, INC., MINNEAPOLIS, MN
Carbohydrate Choices: 2 1/2
© General Mills

Attachment 2


60% LESS FAT THAN REGULAR POTATO CHIPS
Just the RIGHT MIX!
MIX IT UP!
BETTER IF USED BY
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RKRK 06:49 H
Partially Produced with Genetic Engineering
Learn more at Ask.GeneralMills.com
PLASTIC BAG
how2recycle.info
0 16000 13870 4
1-800-231-0308 Mon. - Fri. 7:30 am - 5:30 pm CT
WWW.GENERALMILLS.COM
General Mills, Box 200, Minneapolis, MN 55440
Nutrition Facts
Serving Size 1 pouch (49g)
Amount Per Serving
Calories 210
Total Fat 6g
Saturated Fat 1g
Trans Fat 0g
Cholesterol 0mg
Sodium 370mg
Total Carbohydrate 36g
Dietary Fiber 2g
Sugars 3g
Protein 4g
Iron
Ingredients: Enriched Flour (wheat flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), Whole Wheat, Degermed
Meal, Vegetable Oil (soybean, canola, and/or rice bran),
2% or less of: Monosodium Glutamate, Salt, Rye Flour,
Yeast, Garlic Powder, Corn Syrup Solids, Whey Powder,
Monoglycerides, Sodium Diacetate, Baking Soda,
Romano Cheese (made from cow's milk, cheese cultures,
Dried Parmesan Cheese (milk, cheese cultures, salt,
Powder, Disodium Inosinate, Disodium Guanylate,
Disodium Phosphate, Yellow Corn Flour, Calcium Carbonate,
Flavor, Caramel Color, Barley Malt Syrup. Freshness Preserved by
CONTAINS WHEAT, MILK AND SOY INGREDIENTS.
DISTRIBUTED BY GENERAL MILLS SALES, INC., MINNEAPOLIS, MN
Carbohydrate Choices: 2 1/2
© General Mills
3611387

2 of 2

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Attachment 3

BP-A0288
JAN 17

INCIDENT REPORT

U.S. DEPARTMENT OF JUSTICE — **FEDERAL BUREAU OF PRISONS**

Part I - Incident Report

1. Institution: FCI Terre Haute / CMU		Incident Report Number:	
2. Inmate's Name: Martin Gottesfeld	3. Register Number: 12982-104	4. Date of Incident: 8/25/2020	5. Time: 10:59 AM (Approx)
6. Place of Incident: FCI Terre Haute / CMU	7. Assignment: CMU Unassigned		8. Unit: D - Unit
9. Incident: Use of the Mail for Abuses Other Than Criminal Activity		10. Prohibited Act Code(s) 296 A	

11. Description of Incident (Date: 8/25/2020 Time: 1:52 PM . Staff became aware of incident):

On August 25, 2020, inmate Gottesfeld authored correspondence to Walter Pavlo, whose address is 50 Union Street, Unit 7, Manchester By The Sea, MA 01944. A review of the correspondence revealed inmate Gottesfeld enclosed 2 letters, both addressed to Pavlo. In the first letter, inmate Gottesfeld stated the attached 6 page letter was being provided to Pavlo to be used for publishing purposes, as "gratis and pro bono publico." A review of the 6 page letter revealed the inmate wrote an article, in the form of a letter to Pavlo, to be used for publishing purposes. Inmate Gottesfeld wrote about his alleged perceptions of staff, the institution and the executions, to include preparations. Inmate Gottesfeld stated the warden gave "party" type foods during the July executions, which is expected again during the executions to be taking place in August and provided a detailed list of each item he allegedly received on his food trays, to include brand names and suppliers of the items. Furthermore, inmate Gottesfeld included remarks that encourage the reader to engage in group demonstrations, to include boycotts and strikes, against the manufacturer's who make and supply their items to the BOP.

Inmate Gottesfeld is continuing his attempt to circumvent monitoring procedures via writing messages to persons on his approved contact list, in hopes the messages would be conveyed to un-named third parties. Legal staff have been consulted throughout the review process.

The correspondence represents a violation of Program Statement 5265.14, and is an attempt to circumvent established mail monitoring procedures and insight potential violence in the community.

12. Typed Name/Signature of Reporting Employee: T. Wample	13.Date And Time: 8/25/2019 3:03 PM

14. Incident Report Delivered to Above Inmate By (Type Name/Signature):	15 .Date Incident Report Delivered:	16. Time Incident Report Delivered:

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident:

18. A. It is the finding of the committee that you:

____ Committed the Prohibited Act as charged.
____ Did not Commit a Prohibited Act.
____ Committed Prohibited Act Code(s). _____ _____

B. ____ The Committee is referring the Charge(s) to the DHO for further Hearing.

C. ____ The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act):

21. Date and Time of Action:_____(The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings).

Chairman (Typed Name/Signature) | Member (Typed Name) | Member (Typed Name)

INSTRUCTIONS: All items outside of heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

Attachment 4

OPI: **CPD/CSB**
NUMBER: **5270.09**
DATE: **July 8, 2011**
SUBJECT: **Inmate Discipline Program**

U.S. Department of Justice

Federal Bureau of Prisons

Program Statement

Program Statement

OPI: CPD/CSB

NUMBER: 5270.09

DATE: July 8, 2011

EFFECTIVE DATE: August 1, 2011

Inmate Discipline Program

/s/

Approved: Thomas R. Kane

Acting Director, Federal Bureau of Prisons

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1 of 5

10 of 48

CHAPTER 4.

541.7 Unit Discipline Committee (UDC) review of the incident report.

A Unit Discipline Committee (UDC) will review the incident report once the staff investigation is complete. The UDC's review involves the following:

(a) *Available dispositions.* The UDC will make one of the following decisions after reviewing the incident report:

(1) You committed the prohibited act(s) charged, and/or a similar prohibited act(s) as described in the incident report;

(2) You did not commit the prohibited act(s) charged; or

(3) The incident report will be referred to the Discipline Hearing Officer (DHO) for further review, based on the seriousness of the prohibited act(s) charged.

(4) If you are charged with a Greatest or High severity prohibited act, or are an inmate covered by 541.4, the UDC will automatically refer the incident report to the DHO for further review.

(b) *UDC members.* The UDC ordinarily consists of two or more staff. UDC members will not be victims, witnesses, investigators, or otherwise significantly involved in the incident.

The Warden designates ordinarily two or more unit staff members to hold an initial review and impose available sanctions upon completion of the investigation of alleged misconduct for moderate category and low category offenses. One staff member UDCs are permitted when other members are not reasonably available.

Only one unit staff member is required to hold an initial review when the incident report is required by policy to be referred to the DHO.

A staff member witnessing an incident may serve on the UDC in cases where virtually every staff member in the institution witnessed the incident in whole or in part.

A staff member may not sit on the UDC without successfully completing the self-study program for UDC certification.

Each Warden must select at least one UDC Trainer to monitor the progress of staff participating in the self-study program.

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2 of 5
11 of 48

(c) *Timing.* The UDC will ordinarily review the incident report within five work days after it is issued, not counting the day it was issued, weekends, and holidays. UDC review of the incident report may also be suspended if it is being investigated for possible criminal prosecution.

The Wardens approval is required for any extension beyond five work days. The UDC will ensure the approval is documented and included in the discipline packet. The time that an incident report is suspended for referral to another agency for possible prosecution is not included in this five work day time frame. The time line commences when the incident report is released from the outside agency for administrative processing. However, the inmate should be advised of the delay, and if appropriate, the reason for the delay.

(d) *Inmate appearance.* You are permitted to appear before the UDC during its review of the incident report, except during UDC deliberations or when your presence would jeopardize institution security, at the UDCs discretion. Also:

(1) You may appear either in person or electronically (for example, by video or telephone conferencing) at the UDC's discretion.

(2) You may waive your appearance before the UDC. If you waive your appearance, the UDC will review the incident report in your absence.

(3) If you escape or are otherwise absent from custody, the UDC will conduct a review in your absence at the institution where you were last confined.

The UDC must document its reasons for excluding an inmate from the hearing.

A waiver may be in writing, signed by the inmate, or if the inmate refuses to sign, by a memo indicating the inmate's refusal to appear (Waiver of Appearance (BP-A0307)).

(e) *Evidence.* You are entitled to make a statement and present documentary evidence to the UDC on your own behalf. The UDC will consider all evidence presented during its review. The UDCs decision will be based on at least some facts and, if there is conflicting evidence, on the greater weight of the evidence.

The phrase "some facts" refers to facts indicating the inmate committed the prohibited act. The phrase "greater weight of the evidence" refers to the strength of the evidence.

(f) *Sanctions.* If you committed a prohibited act(s), the UDC can impose any of the available sanctions listed in Tables 1 and 2, except loss of good conduct sentence credit, disciplinary segregation, or monetary fines.

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3 of 5
12 of 48

(g) *Referral to the DHO.* If the UDC refers the incident report to the DHO for further review, the UDC will advise you of your rights at the upcoming DHO hearing, as detailed in 541.8.

The UDC is prohibited from imposing the sanctions of make monetary restitution or monetary fines.

The UDC forwards copies of relevant documents to the DHO with a statement of reasons for the referral, along with recommendations for sanctions if the DHO finds the inmate has committed the act or another prohibited act. The UDC Chair records reasons for the referral and recommendations for disposition in the "Committee Action" section of the incident report. Recommendations are contingent upon a DHO finding that the inmate committed the act.

When charges are referred to the DHO, the UDC advises the inmate of the rights afforded at a hearing. The UDC asks the inmate to choose a staff representative, if any, and the names of witnesses the inmate wishes to be called to testify and what testimony they are expected to provide. The UDC advises the inmate that he/she may waive the right to be present at the hearing, but still have witnesses or a staff representative appear on his/her behalf.

If an inmate waives the right to appear at the UDC review, the UDC ensures the inmate is advised of the rights afforded at a hearing before the DHO (see forms for Inmate Rights at Discipline Hearing and Notice of Discipline Hearing Before the Discipline Hearing Officer (DHO)).

(h) *Written report.* You will receive a written copy of the UDC's decision following its review of the incident report.

The UDC prepares a record of its proceedings, which need not be verbatim. A record of the hearing and supporting documents is kept in the inmate's central file.

The UDC gives the inmate a written copy of the decision and disposition by the close of business the next work day. Action taken as a minor disposition may be reviewed under the Administrative Remedy Program (see 28 CFR Part 542, Subpart B.).

All UDC member**(s)** must print their name and sign Part II of the incident report to certify they served on the UDC and that the completed Part II accurately reflects their review.

When the UDC finds the inmate committed the prohibited act charged or a similar prohibited act reflected in the incident report, the chair ensures the information is entered into SENTRY in the Chronological Disciplinary Record.

(i) *Appeals.* You may appeal the UDC's action(s) through the Administrative Remedy Program, 28 CFR Part 542, Subpart B.

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4 of 5
13 of 48

The Program Statement **Administrative Remedy Program** covers the regulations in 28 CFR Part 542, Subpart B. In addition to a review under the Administrative Remedy procedure, the Warden or designee audits and reviews discipline hearings and dispositions to ensure conformity with this policy.

When the UDC holds a full review and determines that the inmate did not commit a prohibited act of Moderate or Low severity, the UDC expunges the inmate's file of the incident report and related documents.

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Attachment 5

ADVISEMENT OF INCIDENT REPORT DELAY(S)

Inmate Name: Gottesfeld, Martin Register Number: 12982-104

In accordance with Program Statement 5270.09, Inmate Discipline Program, any reason for an incident report delay which would result in the occurring of the Unit Discipline Committee Hearing (UDC) beyond the five working days following the time staff became aware of the inmate's involvement in the incident, should be documented in the discipline record and the inmate should be advised.

You are hereby notified that your UDC Hearing on the charge(s) of:

Report Number	Code/Summary of Charges
3427792	Mail Abuse, Disrupt Monitoring; 296A

Has been delayed for the following reason(s):

The report has been delayed due to staff scheduling conflicts.

Unit Manger: R. S Date: 9/3/2020

In accordance with Program Statement 5270.09, Inmate Discipline Program, you are hereby notified of the delay of your hearing beyond ***five*** working days. The delay has occurred for the reason(s) stated above. After considering the above rationale provided for the delay, as Warden or Warden's designee, I have determined there is good cause for this delay, and I am granting approval for the discipline process to continue.

☑ Approved ☐ Denied

Warden: B. Lammer, Warden Date: 9/04/2

Inmate was provided a copy of this advisement of delay(s) form on:

Date: 9-4-2020 Staff Signature and Title: R. S CSW

Attachment 6

0288
N 17

INCIDENT REPORT

U.S. DEPARTMENT OF JUSTICE — **FEDERAL BUREAU OF PRISONS**

Part I - Incident Report

1. Institution: FCI Terre Haute / CMU		Incident Report Number: [illegible]	
2. Inmate's Name: Martin Gottesfeld	3. Register Number: 12982-104	4. Date of Incident: 8/25/2020	5. Time: 10:59 AM (Approx)
6. Place of Incident: FCI Terre Haute / CMU	7. Assignment: CMU Unassigned		8. Unit: D - Unit
9. Incident: Use of the Mail for Abuses Other Than Criminal Activity	10. Prohibited Act Code(s): 296 A		

11. Description of Incident (Date: 8/25/2020 Time: 1:52 PM . Staff became aware of incident):

On August 25, 2020, inmate Gottesfeld authored correspondence to Walter Pavlo, whose address is 50 Union Street, Unit 7, Manchester By The Sea, MA 01944. A review of the correspondence revealed inmate Gottesfeld enclosed 2 letters, both addressed to Pavlo. In the first letter, inmate Gottesfeld stated the attached 6 page letter was being provided to Pavlo to be used for publishing purposes, as "gratis and pro bono publico." A review of the 6 page letter revealed the inmate wrote an article, in the form of a letter to Pavlo, to be used for publishing purposes. Inmate Gottesfeld wrote about his alleged perceptions of staff, the institution and the executions, to include preparations. Inmate Gottesfeld stated the warden gave "party" type foods during the July executions, which is expected again during the executions to be taking place in August and provided a detailed list of each item he allegedly received on his food trays, to include brand names and suppliers of the items. Furthermore, inmate Gottesfeld included remarks that encourage the reader to engage in group demonstrations, to include boycotts and strikes, against the manufacturer's who make and supply their items to the BOP.

Inmate Gottesfeld is continuing his attempt to circumvent monitoring procedures via writing messages to persons on his approved contact list, in hopes the messages would be conveyed to un-named third parties. Legal staff have been consulted throughout the review process.

The correspondence represents a violation of Program Statement 5265.14, and is an attempt to circumvent established mail monitoring procedures and insight potential violence in the community.

12. Typed Name/Signature of Reporting Employee: T. Wample	13.Date And Time: 8/25/2019 3:03 PM

14. Incident Report Delivered to Above Inmate By (Type Name/Signature): C. Wiley / Chief	15 .Date Incident Report Delivered: 08/26/2020	16. Time Incident Report Delivered: 11:48

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident:

"Walter Pavlo is a Forbes reporter. I am allowed to write letters and articles to him for publication. McEwan vs. U.S. (2d Cir. 2016). Qualified immunity is inapplicable. Id. I circumvented nothing. The IR is retaliatory. See also Procunier v. Martinez and the RFRA."

18. A. It is the finding of the committee that you:

____ Committed the Prohibited Act as charged.
____ Did not Commit a Prohibited Act.
____ Committed Prohibited Act Code(s). _____ _____

B. ✓ The Committee is referring the Charge(s) to the DHO for further Hearing.

C. ____ The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

Refer to DHO. Documentation and IR support referral for greater sanctions than available at the UDC level.

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act):

If found guilty, recommend loss GCT, LP 30 days Commissary.

21. Date and Time of Action: 09-04-20 / 1530 (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings).

R. Eisele R.E. — Chairman (Typed Name/Signature)

J. Wheeler / [signature] — Member (Typed Name)

_____ — Member (Typed Name)

INSTRUCTIONS: All items outside of heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

Attachment 7

BP-A0293 **Inmate Rights at Discipline Hearing** CDFRM
AUG 11

U.S. DEPARTMENT OF JUSTICE **FEDERAL BUREAU OF PRISONS**

Institution: FCI Terre Haute

As an inmate charged with a violation of Bureau of Prisons rules or regulations referred to the Discipline Hearing Officer (DHO) for disposition, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the Discipline Hearing Officer;

2. The right to have a full-time member of the staff who is reasonably available to represent you before the Discipline Hearing Officer;

3. The right to call witnesses (or present written statements of unavailable witnesses) and to present documentary evidence in your behalf, provided institutional safety would not be jeopardized;

4. The right to present a statement or to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act;

5. The right to be present throughout the discipline hearing except during a period of deliberation or when institutional safety would be jeopardized. If you elect not to appear before the DHO, you may still have witnesses and a staff representative appear on your behalf;

6. The right to be advised of the DHO's decision, the facts supporting that decision, except where institutional safety would be jeopardized, and the DHO's disposition in writing; and,

7. The right to appeal the decision of the DHO by means of the Administrative Remedy Procedure to the Regional Director within 20 calendar days of notice of the DHO's decision and disposition.

I hereby acknowledge that I have been advised of the above rights afforded me at a hearing before the Discipline Hearing Officer. I have further been advised that if I have previously received either a presumptive or effective parole date from the Parole Commission, a finding by the DHO that I committed the prohibited act(s) may result in a rescission or retardation by the Parole Commission of the presumptive or effective parole date.

Inmate's Name: Gottesfeld, Martin Reg. No.: 12982-104

Inmate Signature: [signature] Date: 2020-09-04

Notice of rights given to inmate(Date/time): 9-4-2020 / 1533 hrs.

by: R. Eisele R.S.
Staff Printed Name/Signature

(This form may be replicated via WP) Replaces BP-S293(52) of JAN 88.

PDF Prescribed by P5270

Attachment 8

BP-A0294
AUG 11

Notice of Discipline Hearing Before the (DHO) CDFRM

U.S. DEPARTMENT OF JUSTICE — **FEDERAL BUREAU OF PRISONS**

FCI Terre Haute
Institution

9/4/2020
Date

TO: Gottesfeld, Martin | REG. NO.: 12982-104

ALLEGED VIOLATION(S): Mail Abuse, Disrupt Monitoring (Attempted)

DATE OF OFFENSE: 08/25/2020 | CODE NO.: 296A

You are being referred to the DHO for the above charge(s).

The hearing will be held on: _____ at _____ (A.M./P.M.) at the following location:
DHO Schedule

You are entitled to have a full-time staff member represent you at the hearing. Please indicate below whether you desire to have a staff representative, and if so, his or her name.

I (do) ✓ (do not) ___ wish to have a staff representative.

If so, the staff representative's name is: S. Harvey, C.O.

You will also have the right to call witnesses at the hearing and to present documentary evidence in your behalf; provided, calling your witnesses will not jeopardize institutional safety. Names of witnesses you wish to call should be listed below. Briefly state to what each proposed witness would be able to testify.

I (do) ✓ (do not) ___ wish to have witnesses.

NAME:	CAN TESTIFY TO:
K. Siereveld	evidence of legal review evidence she received case of McGowan v. U.S.
NAME:	CAN TESTIFY TO:
NAME:	CAN TESTIFY TO:

The Discipline Hearing Officer will call those witnesses (Staff or Inmate) who are reasonably available, and who are determined by the DHO to have information relevant to the charge(s). Repetitive witnesses and repetitive character references need not be called. Unavailable witnesses may be asked to submit written statements.

If additional space is needed, use the reverse side of this form. Date, sign, and return this form to the DHO.

DATE: 9/4/2020 | SIGNATURE: [signature]

Notice of hearing before DHO given inmate 9/4/2020 1530hrs by R. Eisele R.S.
Date/Time — Staff Printed Name/Signature

(This form may be replicated via WP)

Replaces BP-294(52) of JAN 88

PDF

Prescribed by P5270

Attachment 9

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☐ Institution ☐ Region ☒ Central

CMU Unit

Receipt of Administrative Remedy

Inmate Name:	GOTTESFELD, MARTIN	Reg. No.:	12982-104
Administrative Remedy No.:	1000236-R2		

Received on this 31st day of Aug, 2020.

KCSW
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 9/10, 2020.

Edits received by Unit Team on this _____ day of _____, 2020.

Signature/Title of Staff

Inmate Copy

1 of 10
19 of 48

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: AUGUST 12, 2020

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTH CENTRAL REGIONAL OFFICE

TO : MARTIN GOTTESFELD, 12982-104
TERRE HAUTE FCI UNT: CMU QTR: D03-038L
4200 BUREAU ROAD NORTH
TERRE HAUTE, IN 47808

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1000236-R2 REGIONAL APPEAL
DATE RECEIVED : AUGUST 10, 2020
SUBJECT 1 : OTHER NON-MAIL COMMUNICATION
SUBJECT 2 : COMMUNICATION MANAGEMENT UNIT
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME INCLUDES MAIL TIME.

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Gottesfeld, Martin S.	12982-****104	D/CMU	~~BP-GTH~~ FCI-THA
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A - REASON FOR APPEAL This is an appeal of AR No. 1000236-F1 resubmitted after regional misclassified it under 1035041-R1. The procedure proffered by Warden Brian Lanmer violates the anonymity requirement of 28 C.F.R. § 115.51(b) by requiring me to identify myself as the originator of my PREA complaints to the small number of static CMU unit staff who accept care, custody, and control of my outbound physical correspondence. The FCI-THA CMU prisoner population, unit team, and (hopefully) frequency of external PREA complaints made and handled thereby are all sufficiently small that, in all cases using the procedure proffered by Warden Brian Lanmer, unit staff would know exactly who filed each and every specific complaint. Moreover, the procedure Warden Brian Lanmer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

My previous attempt to alert the OIG anonymously to a PREA violation by Todd Royer led directly to S.I.S. Lt. Baker trying to interview me in the CMU before the report could possibly have reached the OIG by mail (within 24 hours).

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Aug. 3rd, 2020 (Mon.)
DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED
AUG 18
REGIONAL DIRECTOR'S OFFICE
NORTH CENTRAL REGION

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1000236-R2

Part C - RECEIPT

3 of 10

CASE NUMBER:

Return to: LAST NAME, FIRST, MIDDLE INITIAL 21 of 48 REG. NO. UNIT INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☐ Institution ☒ Region Central

CMU Unit

Receipt of Administrative Remedy

Inmate Name:	GOTTESFELD, Martin	Reg. No.:	12982-104
Administrative Remedy No.:	1035041-R1		

Received on this 3rd day of Aug., 2019.

RE CSM
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 8/13, 2019.

Edits received by Unit Team on this _____ day of _____, 2019.

_____
Signature/Title of Staff

Inmate Copy

4 of 10
22 of 48

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 23, 2020

FROM: ADMINISTRATIVE REMEDY COORDINATOR mw
NORTH CENTRAL REGIONAL OFFICE

TO : MARTIN GOTTESFELD, 12982-104
TERRE HAUTE FCI UNT: CMU QTR: D03-038L
4200 BUREAU ROAD NORTH
TERRE HAUTE, IN 47808

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1035041-R1 REGIONAL APPEAL
DATE RECEIVED : JULY 13, 2020
SUBJECT 1 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: THE ISSUE YOU RAISED IS NOT SENSITIVE. HOWEVER, WE RETAINED YOUR REQUEST/APPEAL ACCORDING TO POLICY. YOU SHOULD FILE A REQUEST OR APPEAL AT THE APPROPRIATE LEVEL VIA REGULAR PROCEDURES.

REJECT REASON 2: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL AT THIS LEVEL.

REJECT REASON 3: YOU DID NOT PROVIDE A COPY OF YOUR INSTITUTION ADMINISTRATIVE REMEDY REQUEST (BP-9) FORM OR A COPY OF THE (BP-09) RESPONSE FROM THE WARDEN.

REJECT REASON 4: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

SENSITIVE BP-10/PREA

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Gottesfeld, Martin, S.	12982-104	D/CMU	FCI-THA
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A - REASON FOR APPEAL The procedure proffered by Warden Brian Lanmer violates the anonymity requirement of 28 28 C.F.R. § 115.51(b) by requiring me to identify myself as the originator of my PREA complaints to the small number of static CMU unit staff who accept care, custody, and control of my outbound physical correspondence. The FCI-THA CMU prisoner population, unit team, and (hopefully) frequency of external PREA complaints made and handled thereby are all sufficiently small that, in all cases using the procedure proffered by Warden Brian Lanmer, unit staff would know exactly who filed each and every specific complaint. Moreover, the procedure Warden Brian Lanmer proffers does not exist and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] specifically forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superceding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO RETALIATION PLEASE.

July 7th, 2020 (Tue.)

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C - RECEIPT

6 of 10

24 of 48

CASE NUMBER:

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

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☒ Institution ☐ Region ☐ Central

CMU Unit

Receipt of Administrative Remedy

Inmate Name: Gottstelle Martin Reg. No.: 12982-104

Administrative Remedy No.: 1060236-F1

Received on this 7th day of July, 2020.

RE CSO
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 7/17, 2020.

Edits received by Unit Team on this _____ day of _____, 2020.

_____
Signature/Title of Staff

Inmate Copy

7 of 10
25 of 48

Remedy No.: 1000236-F1

FCC Terre Haute, IN

PART B - RESPONSE

This is in response to your Administrative Remedy receipted December 10, 2019, in which you allege that you do not have a confidential way to make a PREA complaint. For relief, you request to be able to make a PREA report confidentially.

A review of your request reveals the CMU is established to house inmates who require increased monitoring of communications with persons in the community to protect the safety, security and orderly operation of Bureau facilities, and to protect the public. You and the other CMU inmates are permitted to submit a PREA complaint to OIG without review by staff in a manner consistent with Program Statement 5214.02, Communications Management Units. You may draft a PREA complaint and provide it to staff in an unopened envelope so they may scan the document for contraband prior to it being sealed for mailing, similar to the processing of mail to or from an attorney. The complaint will then be mailed to the outside entity for processing as they deem appropriate, which may include an independent or local investigation.

Therefore, this response to your Request for Administrative Remedy is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, North Central Regional Office, Federal Bureau of Prisons, 400 State Avenue, Suite 800, Kansas City, Kansas 66101. Your appeal must be received within 20 calendar days of the date of this response.

3/23/20
Date

B. Lammer, Warden

8 of 10
26 of 48

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

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

From: Gottesfeld, Martin, S.	12982-104	D/CMU	FCI-THA
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST Please fix the current noncompliance with 28 C.F.R. § 115.51(b) in the FCI-THA CMU by providing anonymous access to an external PREA hotline or other entity outside the DOJ, and please fix TRULINCS so that the "Request to Staff" button is no longer disabled in the CMU.

I filed the BP-8 that corresponds to this BP-9 more than eleven (11) days ago and never heard back. I thus take the lack of response to my attempt at informal resolution as a denial thereof and file this BP-9.

There is no way for FCI-THA CMU inmates to anonymously report PREA violations "to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward reports of sexual abuse... to agency officials, allowing the inmate to remain anonymous upon request." There is no access to PREA hotlines in the FCI-THA CMU and no way for PREA reports to be submitted anonymously. My prior attempt to report anonymously a PREA violation by Todd Royer to the OIG led directly to internal S.I.S. Lt. Baker trying to interview me in the CMU and this was wholly inappropriate. We are unable to contact the OIG through TRULINCS because the button is disabled.

NO RETALIATION PLEASE.

Sun., Dec. 8th, 2019
DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

CASE NUMBER: 1000236-F1

9 of 10
27 of 48

Part C- RECEIPT

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

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)
APRIL 1982

Attachment 1

FCC Terre Haute

Administrative Remedy – Informal Resolution

Inmate Name: Gottesfeld	Register #: 12982-104
Unit: CMU	Date Submitted: Tue., Nov. 26th, 2019

Section 1: NOTICE TO INMATE - Be advised, normally prior to filing a Request for Administrative Remedy, BP-229 (13), you must attempt to informally resolve your complaint through your Correctional Counselor.

Section 1a: Briefly state your specific single complaint: There is no way for FCI-THA CMU inmates to anonymously report PREA violations "to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward reports of sexual abuse... to agency officials, allowing the inmate to remain anonymous upon request." There is no access to PREA hotlines in the FCI-THA CMU and no way for PREA reports to be submitted anonymously. My prior attempt to anonymously report a PREA violation by Todd Royer to the OIG led directly to internal S.I.S. Lt. Baker trying to interview me in the CMU and this was wholly inappropriate. We are unable to contact the OIG through TRULINCS because the button is disabled.

Section 1b: Briefly state the resolution you request: Please fix the current noncompliance with 28 C.F.R. § 115.51(b) in the FCI-THA CMU by providing anonymous access to an external PREA hotline or other entity outside the DOJ, and please fix TRULINCS so that the "Request to Staff" button is no longer disabled in the CMU.

Inmate Signature: [signature]

Counselor Printed Name/Signature:

Section 2: Department Assigned

Date Assigned: | Date Due:

☐ Food Service	☐ Unit Mgmt	☐ Unicor	☐ Education
☐ Psychology	☐ Medical	☐ Chaplain	☐ Recreation
☐ Trust Fund	☐ Custody	☐ Facilities	☐ Safety
☐ ISM/Mailroom	☐ Admin.	☐ SIS	

Section 3: Department Head Response

Issue Resolved Comments:

Issue Un-resolved Comments:

Unable to Address Issue Comments:

Inmate Signature if Resolved: | Date:

Staff Signature: | Date:

Section 4: Tracking

	BP-8 issued to inmate	BP-8 returned to Counselor	BP-9 issued to inmate	BP-9 returned to Unit Team	To Admin Remedy Clerk	Returned as Rejected
Date	10-9-19					
Time	1300					
Staff	R. Eisele					

Attachment 10

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From:	Gottesfeld, Martin, S.	12982-104	D/CMU	FCI-THA
	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A - REASON FOR APPEAL This is a resubmission of admin. rem. (AR) no. 1000236-R1. Please see enclosed timeliness memo. My original BP-10 was timely received at North Central Region July 17, 2020, in an envelope bearing U.S.P.S. tracking no. 9114 9023 0722 4792 9874 44, but misclassified under AR no. 1035041-R1. For unspecified reason(s), despite the presence in the same envelope of the relevant BP-8, BP-9, warden's response, and signed receipt of the warden's response on July 7, 2020, the BP-10 was separated by regional into a new AR all by itself under no. 1035041-R1 while the BP-8, BP-9, warden's response, and the signed receipt of the warden's response were filed by regional under AR no. 1000236-R1. Both AR nos. 1000236-R1 and 1035041-R1 were then rejected as incomplete. I received 1035041-R1 first Aug. 4, 2020 and timely appealed in an envelope bearing tracking no. 9114 9023 0722 4290 6094 59. AR nos. 1000236-R1 and 1035041-R1 should be merged into 1000236-R1 and reconsidered together as timely. For convenience I reiterate my original BP-10 below.

The procedure proffered by Warden Brian Lanmer violates the anonymity requirement of 28 C.F.R. § 115.51(b) by requiring me to identify myself as the originator of my PREA complaints to the small number of static CMU unit staff who accept care, custody, and control of my outbound physical correspondence. The FCI-THA CMU prisoner population, unit team, and (hopefully) frequency of external PREA complaints made and handled thereby are all sufficiently small that, in all cases using the procedure proffered by Warden Brian Lanmer, unit staff would know exactly who filed each and every specific complaint. Please see enclosed continuation page.

Sept. 5, 2020 (Sat.)
DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C - RECEIPT

1 of 20
29 of 48

CASE NUMBER:

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

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

My previous attempt to alert the OIG anonymously to a PREA violation by Todd Royer led directly to S.I.S. Lt. Baker trying to interview me in the CMU before the report could possibly have reached the OIG by mail (i.e. within 24 hours of me handing it to staff for mailing).

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Sept. 5, 2020
[Date]

[Signature of requester]

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

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Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Sept. 5, 2020
[Date]


[Signature of requester]

- Continuation Page 1 of 1 -

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

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Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Sept. 5, 2020
[Date]

[Signature of requester]

- Continuation Page 1 of 1 -

4 of 20
32 of 48

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

My previous attempt to alert the OIG anonymously to a PREA violation by Todd Royer led directly to S.I.S. Lt. Baker trying to interview me in the CMU before the report could possibly have reached the OIG by mail (i.e. within 24 hours of me handing it to staff for mailing).

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Sept. 5, 2020
[Date]


[Signature of requester]

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☐ Institution ☒ Region ☐ Central

CMU Unit

Receipt of Administrative Remedy

Inmate Name:	GOTTESFELD, MARTIN	Reg. No.:	12982-104
Administrative Remedy No.:	1000236-R3		

Received on this 4th day of Sep, 2020.

K. Cox
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 9/14, 2020.

Edits received by Unit Team on this _____ day of _____, 2020.

Signature/Title of Staff

Inmate Copy

6 of 20
34 of 48

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: AUGUST 14, 2020

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTH CENTRAL REGIONAL OFFICE

TO : MARTIN GOTTESFELD, 12982-104
TERRE HAUTE FCI UNT: CMU QTR: D03-038L
4200 BUREAU ROAD NORTH
TERRE HAUTE, IN 47808

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1000236-R3 REGIONAL APPEAL
DATE RECEIVED : AUGUST 14, 2020
SUBJECT 1 : OTHER NON-MAIL COMMUNICATION
SUBJECT 2 : COMMUNICATION MANAGEMENT UNIT
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME INCLUDES MAIL TIME.

7 of 20
35 of 48

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From:	Gottesfeld, Martin, S.	12982-104	D/CMU	FCI-THA
	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A - REASON FOR APPEAL This is a resubmission of admin. rem. (AR) no. 1000236-R1. Please see enclosed timeliness memo. My original BP-10 was timely received at North Central Region July 17, 2020, in an envelope bearing U.S.P.S. tracking no. 9114 9023 0722 4792 9874 44, but misclassified under AR no. 1035041-R1. For unspecified reason(s), despite the presence in the same envelope of the relevant BP-8, BP-9, warden's response, and signed receipt of the warden's response on July 7, 2020, the BP-10 was separated by regional into a new AR all by itself under no. 1035041-R1 while the BP-8, BP-9, warden's response, and the signed receipt of the warden's response were filed by regional under AR no. 1000236-R1. Both AR nos. 1000236-R1 and 1035041-R1 were then rejected as incomplete. I received 1035041-R1 first, two (2) days ago, and timely appealed in an envelope bearing tracking no. 9114 9023 0722 4290 6094 59. AR Nos. 1000236-R1 and 1035041-R1 should be merged into 1000236-R1 and reconsidered together as timely. For convenience I reiterate my original BP-10 below.

The procedure proffered by Warden Brian Lanmer violates the anonymity requirement of 28 C.F.R. § 115.51(b) by requiring me to identify myself as the originator of my PREA complaints to the small number of static CMU unit staff who accept care, custody, and control of my outbound physical correspondence. The FCI-THA CMU prisoner population, unit team, and (hopefully) frequency of external PREA complaints made and handled thereby are all sufficiently small that, in all cases using the procedure proffered by Warden Brian Lanmer, unit staff would know exactly who filed each and every specific complaint. Please see enclosed continuation page.

Aug. 6th, 2020 (Thu.)
DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

AUG 14 2020

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1000236-R3

Part C - RECEIPT

8 of 20
36 of 48

CASE NUMBER:

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

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)
JUNE 2002

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

My previous attempt to alert the OIG anonymously to a PREA violation by Todd Royer led directly to S.I.S. Lt. Baker trying to interview me in the CMU before the report could possibly have reached the OIG by mail (i.e. within 24 hours of me handing it to staff for mailing).

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Aug. 6th, 2020
[Date]

[Signature of requester]

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

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Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Aug. 6th, 2020
[Date]

[Signature of requester]

- Continuation Page 1 of 1 -

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

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Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Aug. 6th, 2020
[Date]

[Signature of requester]

REGIONAL ADMINISTRATIVE REMEDY APPEAL OF 1000236-R1 CONTINUATION PAGE

Moreover, the procedure Warden Brian Lammer proffers does not exist for mail to the OIG and he lacks the authority to create it ad hoc. Program Statement 5214.02 Communications Management Unit[sic] forbids the proffered procedure for prisoner correspondence to and from the OIG and such use of the procedure manifestly violates 28 C.F.R. §§ 540.200 et seq. Further, the BOP neither published a relevant superseding regulation in The Federal Register nor implemented the required public-comment period in regards thereto.

My previous attempt to alert the OIG anonymously to a PREA violation by Todd Royer led directly to S.I.S. Lt. Baker trying to interview me in the CMU before the report could possibly have reached the OIG by mail (i.e. within 24 hours of me handing it to staff for mailing).

Please fulfill my original request in a legitimate manner consistent with all relevant laws and regulations.

NO FURTHER RETALIATION PLEASE.

Aug. 6th, 2020
[Date]

[Signature of requester]

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☐ Institution ◉ Region ☐ Central

CMU Unit

Receipt of Administrative Remedy

Inmate Name:	GOTTESFELD, M.	Reg. No.:	16449-058
Administrative Remedy No.:	1000236-R1		

Received on this 5th day of Aug, 2020.

[signature]
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 8/15, 2020.

Edits received by Unit Team on this _____ day of _____, 2020.

_____
Signature/Title of Staff

Inmate Copy

13 of 20
41 of 48

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 20, 2020

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTH CENTRAL REGIONAL OFFICE

TO : MARTIN GOTTESFELD, 12982-104
TERRE HAUTE FCI UNT: CMU QTR: D03-038L
4200 BUREAU ROAD NORTH
TERRE HAUTE, IN 47808

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1000236-R1 REGIONAL APPEAL
DATE RECEIVED : JULY 17, 2020
SUBJECT 1 : OTHER NON-MAIL COMMUNICATION
SUBJECT 2 : COMMUNICATION MANAGEMENT UNIT
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME INCLUDES MAIL TIME.

REJECT REASON 2: YOU DID NOT SUBMIT YOUR REQUEST OR APPEAL ON THE PROPER FORM (BP-9, BP-10, BP-11) (CIRCLE ONE)

14 of 20
42 of 48

U.S. Department of Justice
Federal Bureau of Prisons

Federal Correctional Complex
Terre Haute, Indiana

☑ Institution ☐ Region ☐ Central
CMU Unit

Receipt of Administrative Remedy

Inmate Name: Gottstall Martin Reg. No.: 12982-104

Administrative Remedy No.: 1060236-F1

Received on this 7th day of July, 2020.

R CSO
Signature/Title of Staff

If Administrative Remedy is allowed to be resubmitted, it is due to a Unit Team staff member by 7/17, 2020.

Edits received by Unit Team on this _____ day of _____, 2020.

_____
Signature/Title of Staff

Inmate Copy

15 of 20
43 of 48

MARTIN GOTTESFELD, 12982-104
TERRE HAUTE FCI UNT: CMU QTR: D03-038L
4200 BUREAU ROAD NORTH
TERRE HAUTE, IN 47808

Remedy No.: 1000236-F1

FCC Terre Haute, IN

PART B - RESPONSE

This is in response to your Administrative Remedy receipted December 10, 2019, in which you allege that you do not have a confidential way to make a PREA complaint. For relief, you request to be able to make a PREA report confidentially.

A review of your request reveals the CMU is established to house inmates who require increased monitoring of communications with persons in the community to protect the safety, security and orderly operation of Bureau facilities, and to protect the public. You and the other CMU inmates are permitted to submit a PREA complaint to OIG without review by staff in a manner consistent with Program Statement 5214.02, Communications Management Units. You may draft a PREA complaint and provide it to staff in an unopened envelope so they may scan the document for contraband prior to it being sealed for mailing, similar to the processing of mail to or from an attorney. The complaint will then be mailed to the outside entity for processing as they deem appropriate, which may include an independent or local investigation.

Therefore, this response to your Request for Administrative Remedy is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, North Central Regional Office, Federal Bureau of Prisons, 400 State Avenue, Suite 800, Kansas City, Kansas 66101. Your appeal must be received within 20 calendar days of the date of this response.

3/23/20
Date

B. Lammer, Warden

17 of 20
45 of 48

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

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

From: Gottesfeld, Martin, S.	12982-104	D/CMU	FCI-THA
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST Please fix the current noncompliance with 28 C.F.R. § 115.51(b) in the FCI-THA CMU by providing anonymous access to an external PREA hotline or other entity outside the DOJ, and please fix TRULINCS so that the "Request to Staff" button is no longer disabled in the CMU.

I filed the BP-8 that corresponds to this BP-9 more than eleven (11) days ago and never heard back. I thus take the lack of response to my attempt at informal resolution as a denial thereof and file this BP-9.

There is no way for FCI-THA CMU inmates to anonymously report PREA violations "to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward reports of sexual abuse... to agency officials, allowing the inmate to remain anonymous upon request." There is no access to PREA hotlines in the FCI-THA CMU and no way for PREA reports to be submitted anonymously. My prior attempt to report anonymously a PREA violation by Todd Royer to the OIG led directly to internal S.I.S. Lt. Baker trying to interview me in the CMU and this was wholly inappropriate. We are unable to contact the OIG through TRULINCS because the button is disabled.

NO RETALIATION PLEASE.

Sun., Dec. 8th, 2019
DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED
JUL 17 2020

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

18 of 20
46 of 48

CASE NUMBER: 1000230-F1

Part C- RECEIPT

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

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)
APRIL 1982

Attachment 1

FCC Terre Haute

Administrative Remedy – Informal Resolution

Inmate Name: Goffesfeld	Register #: 12982-104
Unit: CMU	Date Submitted: Tue., Nov. 26th, 2019

Section 1: NOTICE TO INMATE - Be advised, normally prior to filing a Request for Administrative Remedy, BP-229 (13), you must attempt to informally resolve your complaint through your Correctional Counselor.

Section 1a: Briefly state your specific single complaint: There is no way for FCI-THA CMU inmates to anonymously report PREA violations "to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward reports of sexual abuse... to agency officials, allowing the inmate to remain anonymous upon request." There is no access to PREA hotlines in the FCI-THA CMU and no way for PREA reports to be submitted anonymously. My prior attempt to anonymously report a PREA violation by Todd Royer to the OIG led directly to internal S.I.S. Lt. Baker trying to interview me in the CMU and this was wholly inappropriate. We are unable to contact the OIG through TRULINCS because the button is disabled.

Section 1b: Briefly state the resolution you request: Please fix the current noncompliance with 28 C.F.R. § 115.51(b) in the FCI-THA CMU by providing anonymous access to an external PREA hotline or other entity outside the DOJ, and please fix TRULINCS so that the "Request to Staff" button is no longer disabled in the CMU.

Inmate Signature: [signature]

Counselor Printed Name/Signature:

Section 2: Department Assigned

Date Assigned:		Date Due:	
☐ Food Service	☐ Unit Mgmt	☐ Unicor	☐ Education
☐ Psychology	☐ Medical	☐ Chaplain	☐ Recreation
☐ Trust Fund	☐ Custody	☐ Facilities	☐ Safety
☐ ISM/Mailroom	☐ Admin.	☐ SIS	

Section 3: Department Head Response

	Issue Resolved Comments:
	Issue Un-resolved Comments:
	Unable to Address Issue Comments:

Inmate Signature if Resolved:	Date:
Staff Signature:	Date:

Section 4: Tracking

	BP-8 issued to inmate	BP-8 returned to Counselor	BP-9 issued to inmate	BP-9 returned to Unit Team	To Admin Remedy Clerk	Returned as Rejected
Date	10-9-19					
Time	1300					
Staff	R. Eisele					