



United States Attorneys' Bulletin



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Editor-in-Chief: Jason P. Green FTS 633-4024
Editor: Judith C. Campbell FTS 673-6348

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COMMENDATIONS

The following Assistant United States Attorneys have been commended:

MARIA T. ARROYO-TABIN (California, Southern) by Director William H. Webster, Federal Bureau of Investigation, for her outstanding prosecution and vital assistance during the investigation of a major South American cocaine-trafficking network.

KATHLEEN M. BRINKMAN (Ohio, Southern) by Director William H. Webster, Federal Bureau of Investigation, for her outstanding efforts in two South American cocaine-trafficking cases.

K. TATE CHAMBERS, GREGORY K. HARRIS, and DAVID E. RISLEY (Illinois, Central) by Postal Inspector-in-Charge L. W. Wiggs, United States Postal Service, for their successful prosecution of a mail fraud case.

PHILLIP G. ESPINOSA (Arizona) by Supervising Senior Resident Agent Richard M. Rogers, Federal Bureau of Investigation, for his successful conclusion of a heinous assault case.

DAVID H. HOFF and PAUL L. KANTER (Illinois, Central) by Forest Supervisor Kenneth D. Henderson, Shawnee National Forest, Department of Agriculture, for their successful handling of a tort claim against the Shawnee National Forest.

NANCY L. HOLLEY (Texas, Southern) by Special Agent-in-Charge Harry M. Sedan, United States Customs Service, and was awarded the United States Customs Service's Certificate of Commendation for her outstanding contributions in support of the United States Customs Fraud Mission.

MATTHEW L. JACOBS (Wisconsin, Eastern) by Elliott E. Lieb, Chief, Criminal Investigation Division, Internal Revenue Service, for his successful efforts in a 26 U.S.C. §7206(1) violations case.

EDWARD L. KNAPP (California, Eastern) by Naval Sea Systems Command Counsel Eugene P. Angrist, Department of the Navy, for his successful resolution of Aeroject v. Department of the Navy.

JAMES T. LACEY (Arizona) by Director William H. Webster, Federal Bureau of Investigation, for his major contributions to the successful conclusion of a significant drug case.

VIRGINIA A. MATHIS (Arizona) by State Director D. Dean Bibles, Bureau of Land Management, Department of Interior, for her successful efforts in the prosecution of an Archeological Resources Protection Act case.

KAREN LEE PATTERSON (California, Eastern) by Forest Supervisor Ralph C. Cisco, Lake Tahoe Basin Management Unit, Department of Agriculture, for her outstanding service, advice and support in a difficult situation known as the "64 Acres" in Tahoe City.

PETER B. ROBINSON (California, Northern) by United States District Judge Charles A. Legge, San Francisco, California, for his representation of the government in a difficult prosecutorial situation involving an arson-for-profit scheme.

DAVID I. SHROYER (Ohio, Southern) by Special Agent-in-Charge Terence D. Dinan for his outstanding trial work resulting in the convictions of Steubenville, Ohio, city officials for Hobbs Act violations.

CAROLYN N. SMALL (Indiana, Southern) by Medical Center Director Lawrence C. Stewart, Veterans Administration, for her successful defense of the Veterans Administration and the Post Traumatic Stress Disorder Program.

GEORGE P. WILLIAMS (District of Columbia) by Commander C. Josephson, Chief, Claims and Litigation Division, United States Coast Guard, for his successful conclusion of a challenge to the Coast Guard's federal pilotage regulation.

CLEARINGHOUSE

Racketeer Influenced and Corrupt Organizations (RICO): A Manual for Federal Prosecutors.

The Organized Crime and Racketeering Section of the Criminal Division has prepared a revised edition of their RICO Manual which provides guidance to federal prosecutors in applying RICO statutes in criminal cases.

Copies of the August 1986 edition may be obtained by contacting the Office of Legal Services at FTS 633-4024. Please request item number CH-43.

(Executive Office)

POINTS TO REMEMBER

Attorney Vacancy-Detroit Strike Force

The Detroit Strike Force has a vacancy for an attorney with prosecutorial experience. Ideal candidates would possess a strong academic background and two to three years experience in the trial of criminal cases. Interested applicants should contact David J. McKeon, Attorney-in-Charge, Detroit Strike Force, on FTS 226-7252.

(Criminal Division)

Bail Reform Act of 1984.

As part of the Bail Reform Act of 1984, Congress provided in 18 U.S.C. §3147 that a court must impose a mandatory enhanced sentence for any federal offense committed by an offender while released pursuant to Chapter 207 of Title 18.

Since that time, the Criminal Division has considered whether an indictment is necessary to initiate a prosecution against a defendant who commits a misdemeanor while on bail. This concern has arisen because the sentence imposed for the misdemeanor combined with the potential one year enhanced sentence required by Section 3147 (because the offender was then on bail) can result in a sentence exceeding one year. Since any offense punishable by a sentence of one year or more is defined as a felony, 18 U.S.C. §1, and all felonies must be charged by indictment, one district court has held that an indictment is required. United States v. Tucker, (No. 86-0864-M, S.D. Cal.). Therefore, to avoid problems, an indictment must be obtained for all misdemeanor offenses if the enhancement provisions of Section 3147 are applicable. This will upgrade the misdemeanor to a felony. The indictment should charge "a felony [a description of the substantive facts] committed in violation of [the substantive statutory citation] and 18 U.S.C. §3147(2)."

(Criminal Division)

Criminal Division--Legislative History and Legal Reference Units.

The Criminal Division, Office of Enforcement Operations, contains a Legislative History Unit and a Legal Reference Unit. Both Units contain vast resources that can be useful to all United States Attorneys' offices and should be utilized to the fullest extent possible.

The Legislative History Unit prepares and maintains histories of those laws enacted by Congress which fall within the jurisdiction of the Criminal Division. It contains histories from 1940 to the present and has histories on major enactments prior to 1940. This Unit's function is to research legislative history or congressional intent for United States Attorneys. The research is started when a request is received and the material is immediately forwarded to the requester. The researchers will try to do the project within your deadline. A list of legislative histories is contained in the United States Attorneys' Manual at 9-1.503. Contact Georgia McNemar, Attorney-in-Charge, or Paralegal Specialist Gladys Tayloe at FTS 724-6657, Legislative History Unit, with your questions.

The Legal Reference Unit maintains and conducts research in the Criminal Division Brief/Memo Bank, a valuable listing of legal memoranda and briefs on criminal matters. The brief/memo bank contains materials that may relate to specific legal or policy questions confronting United States Attorneys. The types of materials collected, indexed, and filed in this system include: (1) Supreme Court and court of appeals briefs; (2) Department and Division orders and directives; (3) speeches or congressional testimony; (4) solicitor general appeal memoranda; (5) division communications or agreements with other government agencies; and (6) miscellaneous materials prepared by United States Attorneys and attorneys in other agencies. The requester should clearly and specifically define the legal issue addressed to enable the researcher to check all the index locations. Copies of the located documents will be sent to the requester. For assistance, contact Georgia McNemar, Attorney-in-Charge, or Paralegal Specialists Elizabeth Murphy and Rebecca Phipps at FTS 724-7184.

To keep the brief/memo bank current, it is requested that copies of briefs and memos discussing law or policy issues be sent to the Office of Enforcement Operations, Room 302, Federal Triangle Building, 315 9th Street, N.W., Washington,

D.C. 20530, for inclusion in the bank. With full cooperation from all United States Attorneys, the brief/memo bank will be of more assistance to all its users.

The Legal Reference Unit also provides assistance to United States Attorneys on questions relating to Title 9 of the United States Attorneys' Manual.

(Criminal Division)

Gun Control Act of 1968 (18 U.S.C., Chapter 44)

Effective November 15, 1986, 18 U.S.C. §924(d), as amended by Pub. L. No. 99-308, 100 Stat. 449 (1986), provides that "any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure."

Provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms are applicable. Therefore, firearms and ammunition having an appraisal value exceeding \$2,500 must be judicially forfeited by filing an action in the appropriate United States District Court (26 U.S.C. §§7323, 7325, 27 C.F.R. §72.22(b)). Under the provisions of amended Section 924(d), it is essential that judicial forfeiture proceedings be commenced in a timely manner or the seized property may have to be returned either to the person from whom it was seized or his/her delegate.

Please note that this restriction does not apply to the forfeiture of property other than under Section 924(d), e.g., the forfeiture of National Firearms Act weapons pursuant to 26 U.S.C. §5872 is not affected by this restriction.

(Executive Office)

Hobbs Act Approval.

Effective immediately, the Criminal Division's policy against basing Hobbs Act jurisdiction on illegal or illicit commerce is rescinded. The revised policy is as follows:

The robbery provision of the statute is to be utilized only in instances involving organized crime or wide-ranging schemes. See USAM 9-131.110 infra. The appropriate section of the Criminal Division should be consulted before prosecution is initiated. See USAM 9-131.030, supra.

This policy change affects United States Attorneys' Manual 9-131.040 (B) at page 4, and 9-131.180 at paragraph three, page 27. A USAM bluesheet and a notice of permanent revision are forthcoming.

(Criminal Division)

Personnel.

On November 3, 1986, J. William Roberts was sworn in as the Presidentially-appointed United States Attorney for the Central District of Illinois.

(Executive Office)

Travel Payments Using Diners Club Accounts

Government employees are required to pay all travel expenses incurred in a proper and timely manner pursuant to Section 206 of Executive Order 11222 (dated May 8, 1965) and the Code of Federal Regulations (5 C.F.R. §735.207).

Diners Club accounts are used to cover transportation, subsistence, and other allowable travel and transportation expenses incurred for officially authorized government travel. (See DOJ Order OBD 2200.2, dated November 8, 1984.) All accounts are to be paid in full within 25 days of the billing date. Extended or partial payments are not permitted. If a charge is disputed, it can be deducted from the amount due, but the remaining balance must be paid in full. Accounts which are delinquent 60 days past due will be temporarily suspended by the Diners Club until the receipt of proper payment. A 120-day delinquency results in cancellation of the individual's card.

As a general rule, charges made during one month will not show up on statements until the following month. Since there are 25 days to pay from the date of the statement receipt, the average lapsed time between the date the charges were incurred and the time payment is due will be 50 or 60 days. If travel vouchers are filed promptly, reimbursement for allowable expenses should be received before payments are due to the Diners Club.

If you have any questions, please contact the Financial Management Staff of the Office of Administration and Review at FTS 272-6935.

(Executive Office)

CASENOTES

OFFICE OF THE SOLICITOR GENERAL

The Solicitor General has authorized the filing of:

A brief amicus curiae in Hilton v. Braunskill, No. 86-5204 (3d Cir. 1986). The question presented is whether a district court, ruling on a motion to stay release on habeas corpus pending appeal, may consider the defendant's danger to the community or the likelihood of reversal on appeal.

A brief amicus curiae in New Orleans Public Service v. City of New Orleans, 798 F.2d 858 (5th Cir. 1986). The issue is whether, when a public utility sues a local public commission in federal court claiming that the commission's rate-making proceedings violate the "filed rate doctrine," it is appropriate for the federal court to abstain from adjudicating the federal claim.

A petition for certiorari in United States v. Owens, 789 F.2d 750 (9th Cir. 1986). The question presented is whether a witnesses' partial memory loss violated Federal Rules of Evidence 801(d)(1)(C) or the defendant's Confrontation Clause rights.

A petition for certiorari in Russioniello v. Olagues, 797 F.2d 1511 (9th Cir. 1986). The issue is whether a federal court may enjoin or declare unconstitutional the conduct of a criminal investigation operated by a United States Attorney.

CIVIL DIVISION

FOURTH CIRCUIT AFFIRMS DISTRICT COURT'S DISMISSAL OF PLAINTIFFS' BIVENS CLAIMS AND STATE TORT CLAIMS AGAINST POSTAL SERVICE OFFICIALS.

Two former Postal Service employees were discharged for filing fraudulent claims for injury compensation. A third former employee was discharged for failure to meet the physical requirements of his mail handler position. All three individuals filed grievances, but their discharges were upheld. They then filed complaints in the district court, raising numerous statutory and constitutional challenges to their discharges. The district court dismissed their complaints. The Fourth Circuit affirmed. Focusing primarily on plaintiffs' Bivens argument, the panel noted that plaintiffs had alternative remedies available to them in the form of (1) grievance procedures pursuant to a collective bargaining agreement; and (2) an administrative remedy under 5 U.S.C. §7501. Because these alternative remedies are available, stated the panel, the decision in Bush v. Lucas precludes plaintiffs from bringing a Bivens action.

Harding v. United States Postal Service, ___ F.2d ___, No. 85-2115 (4th Cir. Oct. 9, 1986). D. J. # 35-84-28. Attorney: John F. Cordes (FTS 633-3388) and E. Roy Hawkens (FTS 633-4331), Civil Division.

FOURTH CIRCUIT VACATES WEST VIRGINIA DISTRICT COURT PRELIMINARY INJUNCTION THAT REQUIRED THE DEPARTMENT OF LABOR TO VIOLATE PERMANENT INJUNCTIONS ISSUED BY UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

Two class actions against DOL, brought by a nationwide class of agriculture workers, resulted in the entry of permanent injunctions barring the DOL from certifying foreign workers unless the growers agreed to pay the foreign workers wages as calculated under the regulation as construed by Judge Richey. No growers were sued in those cases; nor did any intervene.

Subsequently, West Virginia growers brought suit, challenging DOL's refusal to certify foreign workers at a rate lower than that ordered by Judge Richey, and alleging that Judge Richey did not have jurisdiction over them and that the injunctions did not bind DOL vis-a-vis the growers. The district court issued a preliminary injunction, and directed the difference in wages be escrowed.

The Fourth Circuit vacated that injunction, ruling that the financial harm to the growers is outweighed by the harm to the Department of Labor, which risked a contempt of court citation before Judge Richey, and to the public interest in the orderly administration of justice, which suffers when coordinate courts issue conflicting orders.

Feller v. Brock, ___ F.2d ___, No. 85-1912 (4th Cir. Oct. 2, 1986). D. J. # 145-10-3019. Attorneys: William Kanter (FTS 633-1597) and Marc Richman (FTS 633-5735), Civil Division.

FIFTH CIRCUIT RULES THAT PROCEDURAL PROVISIONS OF CIVIL MONETARY PENALTIES LAW CANNOT BE APPLIED RETROACTIVELY.

In the Civil Monetary Penalties Law (CMPL), Congress established an administrative procedure for the imposition of civil penalties and assessments against those who submit false claims in the Medicare and Medicaid programs. In this case, an Administrative Law Judge imposed a fine of \$44,000 on a pharmacist for submitting 22 false claims to the Louisiana Medicaid program. The pharmacist challenged the fine on a number of grounds.

The Fifth Circuit vacated the ALJ's decision on the sole ground that the CMPL was applied retroactively. The Secretary had issued regulations prohibiting the retroactive application of the new substantive provisions of the CMPL, but permitting the procedural provisions of the CMPL to be applied retroactively. These regulations permitted an ALJ to impose penalties that were existing under the False Claims Act at the time of the submission of false Medicaid claim through the administrative procedure subsequently established by the CMPL. The Fifth Circuit held that there was insufficient evidence that Congress intended to permit the application of any part of the CMPL retroactively. Thus, the court stated that "[w]hile we applaud both the motives and the legal ingenuity of the Secretary, we cannot allow her to perform 'creative and imaginary statutory surgery' on the CMPL."

Griffon v. HHS, ___ F.2d ___, No. 85-4733 (5th Cir. Oct. 14, 1986). D. J. # 137-32-392. Attorneys: Anthony J. Steinmeyer (FTS 633-3388) and John Hoyle (FTS 633-3547), Civil Division.

EIGHTH CIRCUIT SUMMARILY AFFIRMS DISTRICT COURT ORDER GRANTING UNITED STATES SUMMARY JUDGMENT IN FORECLOSURE ACTION AGAINST DELINQUENT FmHA BORROWERS.

The government brought this action on behalf of the FmHA to have Clarence and Frances Hopmann ejected from their residence and 2200 acre farm in Arkansas. Although the FmHA had made \$400,000 in loans to the Hopmanns that were secured by their farm, it acquired the property at a foreclosure sale after other prior lienholders had foreclosed. The district court granted summary judgment in favor of the government. The Hopmanns appealed and sought a stay of ejection pending appeal from the Eighth Circuit. Their appeal was based on their claim that they were entitled to "homestead protection" under a statute enacted by Congress late in 1985. After the Eighth Circuit had granted a limited stay, the government agreed to consider the Hopmanns' application for homestead protection. They declined to apply, arguing that the FmHA's governing regulations were inconsistent with the statute and that their application had been unfairly prejudged. In their brief as appellants, the Hopmanns asked the court of appeals to consider their challenge to the regulations and to hold that they were eligible for homestead protection. The Eighth Circuit granted our motion for summary affirmance on the grounds that the Hopmanns had failed to exhaust their administrative remedies, and dissolved its prior stay order.

United States v. Hopmann, ___ F.2d ___, No. 86-1157 (8th Cir. Oct. 9, 1986).
D. J. # 77-9-364. Attorneys: Robert Greenspan (FTS 633-5428) and Peter Maier
(FTS 633-4052), Civil Division.

NINTH CIRCUIT REVERSES DISTRICT COURT ORDER DIRECTING CUSTOMS SERVICE TO
RELEASE PROPERTY TO FORMER PHILIPPINE PRESIDENT FERDINAND MARCOS.

When former Philippine President Marcos arrived in this country, he and his entourage had in their possession various property including, currency, jewelry, and statuary. The Customs Service took possession of the property and, shortly thereafter, the new Philippine government claimed ownership. Mr. Marcos, through his agents, demanded return of the property, but the Customs Service refused because of the conflicting claims of ownership. Mr. Marcos's agents then filed an action for a writ of mandamus seeking to compel the Commissioner of Customs to return the property. The district court ruled for Marcos, and the government obtained an emergency stay from the Ninth Circuit. In a narrowly crafted opinion, the court of appeals reversed. The court held that Marcos had failed to make the required showing for the issuance of mandamus, and found no "clear ministerial duty" to release property under these circumstances.

Azurin v. VonRaab, ___ F.2d ___, No. 86-2154 (9th Cir. Oct. 29, 1986). D. J. #
54-21-310. Attorneys: John F. Cordes (FTS 633-3388), Nicholas S. Zeppos (FTS
633-5089), and Gregory S. Walden (FTS 633-5713), Civil Division.

LAND AND NATURAL RESOURCES DIVISION

FOREST SERVICE'S INTERPRETATION OF SECTION 6(a) OF ALASKA STATEHOOD ACT
AS REQUIRING A COMMUNITY NEXUS FOR STATE SELECTION ENTITLED TO DEFERENCE.

Section 6(a) of the Alaska Statehood Act, enacted in 1958, permits Alaska to select, inter alia, up to 400,000 acres of national forest lands "[f]or the purposes of furthering the development of and expansion of communities, . . . all of which [selections] shall be adjacent to established communities or suitable for prospective community centers and recreational areas."

Alaska filed applications under Section 6(a) for 247,597 acres in the Chugach and Tongass national forests. The Regional Forester disapproved 51,050 acres of those selections because they were not permissible under the terms of the grant. Consistently, the Forest Service has interpreted Section 6(a) to require a "community nexus," that is, a showing that (1) the selected land is either adjacent to an established community or suitable for prospective community centers and recreational areas, and (2) there is a reasonable expectancy that the selected land will actually be used for purposes of furthering the development and expansion of an established or prospective community.

On appeal, the Ninth Circuit reversed, strongly emphasizing that the Forest Service's interpretation of Section 6(a) is entitled to deference. The court reviewed the statutory language and legislative history, and concluded that, although the Forest Service's interpretation is not the only possible one, it is nevertheless reasonable. In so doing, the court explicitly approved both the suit-

ability requirement and the rule of thumb that land selections be within 25 miles of existing or prospective communities, and remanded the case for a trial on the issue of whether the Forest Service was arbitrary or capricious in the application of its interpretation of the statute to the State's selections.

Alaska v. Block, Secretary of Agriculture, ___ F.2d ___, No. 85-3992 (9th Cir. Aug. 20, 1986). D. J. # 90-1-4-2360. Attorneys: William B. Lazarus (FTS 633-4168) and David C. Shilton (FTS 633-5580), Land and Natural Resources Division.

LESSOR NOT ENTITLED TO CONSEQUENTIAL DAMAGES FOR LESSEE'S FAILURE TO VACATE AT END OF TERM UNLESS LESSOR SPECIFICALLY COMMUNICATED THIS TO LESSEE AT THE TIME LEASE WAS ENTERED INTO.

The Prudential Insurance Company filed a breach of contract action against the General Services Administration for holding over ten months beyond the fixed term of its commercial lease. The parties stipulated as to actual damages, but Prudential claimed consequential damages resulting from a lost lease for the entire building, which was conditioned on the availability of the one floor rented by GSA. The claims court held that consequential damages were unavailable under a breach of contract theory because the lease contained no explicit duty to vacate, and there was no such implied duty.

The federal circuit affirmed. The court held that there is an implied duty to vacate inherent in every fixed term lease, unless the parties explicitly express a contrary intention. The court affirmed, however, on the ground that consequential damages were not favorable in this case. The court held foreseeability is determined as of the time of contract, not breach, and that Prudential had pointed to no evidence in the record to show that potential damages were communicated to GSA at that time.

Prudential Insurance Co. v. United States, ___ F.2d ___, No. 86-523 (Fed. Cir. Aug. 29, 1986). D. J. # 90-1-23-2509. Attorneys: John T. Stahr (FTS 633-2956) and Martin W. Matzen (FTS 633-4426), Land and Natural Resources Division.

UNITED STATES ATTORNEYS' OFFICES

NORTH CAROLINA, MIDDLE

FOURTH CIRCUIT REVERSES DISTRICT COURT DECISION SUPPRESSING EVIDENCE AND APPLIES THE LEON "GOOD FAITH" EXCEPTION TO THE EXCLUSIONARY RULE.

Detectives received two calls from a distraught mother concerning her 16-year-old son living in a house occupied by a "Don or John" where she had personally seen plants being moved in and out and from which her son was reportedly leaving on a drug-buying trip to Mexico. Two officers went to the residence and were refused permission to search. One of the officers went to procure a search warrant. While waiting, the other officer talked to the teenager, who told him of the drugs, their location in the house, and the rental of a vehicle for the trip. The officer independently verified the rental of a vehicle parked in the driveway.

The magistrate refused to issue the warrant initially because of lack of sufficient probable cause. The other officer then went back to the magistrate with the additional information supplied by the youth. The proceedings were under oath but not recorded. The magistrate typed out the affidavit, substituting "informant" for the teenager's name for protection purposes; a search warrant issued. Drugs and a sawed-off shotgun were found in the residence.

The District Court suppressed the shotgun, the subject of the federal indictment, concluding the search warrant affidavit was defective in failing to provide information about the informant's reliability.

Without deciding whether the warrant was issued on a showing of probable cause, the appellate court concluded the evidence seized was admissible under Leon: the officers' conduct in relying on the validity of the affidavit and search warrant was reasonably objective given these circumstances.

United States v. Edwards, 798 F.2d 686 (4th Cir. 1986). Attorneys: John W. Stone, Jr. Assistant United States Attorney (FTS 699-5351) North Carolina, Middle.

ILLINOIS, SOUTHERN

SEVENTH CIRCUIT HOLDS THAT BUREAU OF PRISON REGULATIONS GOVERNING TRANSFERS TO COUNTRY'S MAXIMUM SECURITY PRISON DO NOT INVOKE DUE PROCESS.

Petitioner, an inmate incarcerated at the United States Penitentiary in Marion, Illinois (USP-Marion), brought this habeas corpus action, alleging that the Bureau of Prisons' detailed criteria for placement of inmates at USP-Marion required hearings to determine if inmates were appropriately housed there.

The Court of Appeals for the Seventh Circuit found that the written rules promulgated by the Bureau of Prisons create no entitlements and no right to hearings. Pivotal in this decision is the fact that the rules were not promulgated under the Administrative Procedure Act or published in the Code of Federal Regulations. Thus, rules regarding placement of prisoners at USP-Marion, as well as other institutions, are merely designed to bind Bureau of Prisons staff to the Attorney General's will rather than to create claims of entitlement enforceable by inmates who feel they were misclassified for USP-Marion or the institutions they are housed in.

Miller v. Henman, Warden, United States Penitentiary-Marion, Illinois, No. 86-1035 (7th Cir. Oct. 31, 1986). Attorney: Laura J. Jones, Assistant United States Attorney, Illinois, Southern (FTS 958-6686).

CUMULATIVE LIST OF CHANGING FEDERAL CIVIL POSTJUDGMENT INTEREST RATES

(As provided for in the amendment to the Federal Postjudgment Interest Statute, 28 U.S.C. §1961, effective October 1, 1982.)

<u>Effective Date</u>	<u>Annual Rate</u>
12-20-85	7.57%
01-17-86	7.85%
02-14-86	7.71%
03-14-86	7.06%
04-11-86	6.31%
05-14-86	6.56%
06-06-86	7.03%
07-09-86	6.35%
08-01-86	6.18%
08-29-86	5.63%
09-26-86	5.79%
10-24-86	5.75%

NOTE: When computing interest at the daily rate, round (5/4) the product (i.e., the amount of interest computed) to the nearest whole cent.

For cumulative list of those federal civil postjudgment interest rates effective October 1, 1982, through December 19, 1985, see United States Attorneys' Bulletin, Vol. 34, No. 1, Page 25, January 17, 1986.

JURIS DATA BASE LISTING
Revised September 1986

CASELAW

U.S. Supreme Court	178 U.S. (1900) - Slips
** Federal Reporter, 2d Series	216 F.2d (1954) - Slips
** Federal Supplement	254 F.Supp (1966) - Slips
Court of Claims	134 Ct. Cl. - 231 Ct. Cl. (1956 - September 1982)
Claims Court	1 Ct. Ct. (1982) - Slips
Federal Rules Decisions	73 F.R.D. (1976) - Slips
Court of Military Review	1 C.M.R. - 50 C.M.R. (1951-1975)
Military Justice Reporter	1 M.J.R. - Slips (1974 - Present)
Atlantic 2d Reporter	370 A.2d (1977) - Present (D.C. cases only)
Bankruptcy Reporter	1 B.R. (1979) - Slips

SHEPARD'S CITATIONS

United States Reports	1944 - Present
Supreme Court Reporter	1944 - Present
Lawyer's Edition (1st & 2d Series)	1944 - Present
Federal Reporter	1970 - Present
Federal Reporter Second Series	1970 - Present
Federal Supplement	1970 - Present
Federal Rules Decisions	1970 - Present
Court of Claims	1970 - Present
Court Martial Reports	1951 - Present
Military Justice Reporter	1975 - Present

STATLAW - STATUTORY LAW

** Public Laws	93rd - 99th Congress (1-240)
** United States Code	1982 Edition, including Supplement III
** Executive Orders	12/31/47 - 05/24/86
Civil Works Laws	Vols. 1-4 (1790 - 1966) and Selected Public Laws to September, 1983
Comprehensive Crime Control Act of 1984	Pub. L. No. 98-473 (CCCA), Pub. L. No. 98-573 (Tariff Act), Pub. L. No. 98-596 (Fine Enforcement Act) and Criminal Division Handbook on the Comprehensive Crime Control Act of 1984

* New JURIS File
** Major File Additions

DIGEST - WEST HEADNOTES

Supreme Court Reporter	1961 - advance sheets
Federal Reporter, 2d Series	1960 - advance sheets
Federal Supplement	1960 - advance sheets
Federal Rules Decisions	1960 - advance sheets
Regional Reporters (State Cases)	1967 - advance sheets

TAX

U.S. Tax Court Decisions	Vol 1 (9/76) - Slips
U.S. Board of Tax Appeals Decisions	Vols 19 - 47 (2/30-11/42)
Tax Division's Summons Enforcement Decisions	Current to 5/1/84
Tax Division Tax Protester Case List	Latest version
Tax Division New Criminal Tax Manual (Text)	Latest version
Tax Division Criminal Tax Indictment/Information Forms	Latest version

BRIEFS - DEPARTMENT OF JUSTICE BRIEFS

Office of the Solicitor General Briefs Civil Division Briefs	Briefs since the 10/1982 Term Selected Appellate Briefs (11/81 - Present)
Civil Division Trial Briefs	Selected Trial Briefs (1977 - Present)
Civil Rights Division Briefs	Selected Appellate Briefs (1/80 - Present)
Land and Natural Resources Division Briefs	Selected Appellate Briefs (12/83 - Present)
U.S. Attorneys' Offices Briefs	Selected Criminal Appellate Briefs (1980-Present)

MANUAL - UNITED STATES ATTORNEYS' MANUAL

** All Titles (1-10) Latest Paragraph Text

WRKPRDT - DEPARTMENT OF JUSTICE WORK PRODUCTS

Criminal Division Monographs	Selected Monographs
Civil Division Monographs	Selected Monographs
Criminal Division Narcotics Newsletter	July 1979 - Present

LEGHIST - Legislative Histories of Federal Laws

Equal Access to Justice Act (EAJA) Legislative History

ADMIN - ADMINISTRATIVE LAW

- ** Published Comptroller General Decisions Vols. 1-65 (1921-Dec. 31, 1985)
 ** Unpublished Comptroller General Decisions (1/5/51 - 5/1/86)
 Opinions of the Attorney General Vols. 1-43 (1791-1980)
 O.L.C. Memorandums Vols. 1-5 (1977-1981)
 ** Board of Contract Appeals Vols. 56-2 to 85-3 (7/56-10/85)
 Federal Labor Relations Authority Vols. 1-17 (1/79-3/85)
 Decisions & Reports on Rulings of the
 Asst. Sec. of Labor for Labor
 Management Relations 1 A/SLMR - 8 A/SLMR
 (1/73-12/78)
 Federal Labor Relations Council Vols. 1-6 (1/70-12/78)
 Rulings on Requests of the Asst. Sec.
 of Labor for Labor Management Relations Volume 1 (2/70-6/75)
 HUD Administrative Law Decisions Selected Decisions
 Merit Systems Protection Board Decisions (2/79 - present)
 Board of Immigration Appeals Decisions Vols. 1 (1940)-18 (1984) and Slips

REGS - FEDERAL REGULATIONS

- ** Code of Federal Regulations 1985 Edition, Titles 7, 10, 17-22,
 24, 26-50
 1986 Edition, Titles 1-6, 8, 9,
 11-13, 15, 16, 23, 25
 April, 1986 Edition
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