

November 4, 2019

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The Honorable Judge Lipman
United States District Court
Western District of Tennessee
Western Division
The Federal Building
161 N Main St.
Memphis, TN 38103

Dear Judge Lipman,

URGENT REQUEST FOR YOUR INTERVENTION IN RESTORING THE
PRIOR STATUS-QUO OF THE DETAINEES THAT WERE RECENTLY
TRANSFERRED FROM THE WTDF IN MASON, TN TO THE S.H.U
AT FCI MEMPHIS; AS THE TRANSFER HAS RESULTED IN THE
CRUEL, INHUMANE, DRACONIAN, HIGHLY UNUSUAL AND STILL
UNEXPLAINED PUNISHMENT OF THE TRANSFERRED DETAINEES.
OR COULD THIS BE RETALIATION AGAINST ME FOR RAISING
SENIOR TRIAL ATTORNEY TIMOTHY FLOWERS'S PROSECUTORIAL MISCONDUCT?

On Thursday October 24, 2019, two days after my sentencing,
I was awoken around 4.00 am and told to pack up all my stuff,
that I was being transferred out of the WTDF. I was shocked because
it is very rare for detainees/inmates at the WTDF to get transferred
within a period of less than 48 hours after getting sentenced.
I however packed up all my stuff and proceeded to what I can only
describe as Hell - the worst 12 days of my whole entire life. I
am absolutely certain when I state that I am not the only
one - out of the eight detainees that were transferred, as well

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as the other detainees at FCI Memphis's sit 'd - that feel this way.

It is incredibly difficult, and almost impossible to rationalize a situation where a model detainee that has exhibited the highest standards of exemplary character traits; a detainee that has never been subjected to any disciplinary hearing or any other disciplinary procedure whatsoever; a detainee that did not pose any threat whatsoever to WDF personnel (except the ones that engage in unethical and egregious acts of malfeasance) or other detainees, is the individual that is being subjected (together with other transferred detainees) to the worst forms of cruel, inhumane, draconian, highly unusual, and still unexplained punitive measures that include, but are not limited to:

- A 24-hour restriction to cells (lockdown) with extremely rare exceptions

- A lack of access to change of underwear and other clothing. This means detainees cannot take showers because it seems to me to be unreasonable to take a shower and change back to the same dirty underwear and other clothing, thereby risking all types of skin diseases.

- A lack of access to any form of reading material whatsoever.

- A lack of access to any kind of religious faith practices. There are no Bibles or Qurans here.

- Extremely limited access to communication tools to help maintain contact with family and friends in the free world. Except for two brief calls, ^{one} to my family on Friday October 25, 2019, and another call to my attorney's office on Friday November 1, 2019; with both calls not lasting more than a total of four minutes, I have not been able to contact any one on the outside.

- Extreme non-challance, and a general lack of responsiveness by FCI Memphis personnel - from the Warden all the way down to Correctional Officers

- A lack of access to any productive physical or mental activity whatsoever

- A lack of access to a ^{law} library

- A lack of access to any type of books besides the inmate bar book.

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- A lack of access to razors for shaving
- A lack of access ^{to any} kind of information whatsoever, whether related to local, national, or international news; sports, current affairs, or entertainment. In other words, I have absolutely no access to television or radio channels.
- A lack of access to a clock to tell what time of the day or night it is.
- Extremely uncomfortable bed that causes daily body pain
- No access to tools to keep the cell tidy
- No provision for change of bed sheets and blankets.

In a nutshell, in my view, the S.H.U at FCI Memphis is the perfect epitome of the worst forms of bureaucracy where for example, I recently asked a Correctional Officer for a Request Form as well as a pen to fill out the form. The Request Form was provided without a pen. To get anything done here, one must be very imaginative. It is indeed a miracle that I am able to write this letter, as I am still waiting for the pen from the Correctional Officer.

I - together with others here - have been stripped of not only my dignity, I have also been stripped of my humanity.

It is important to note that the above listed punitive measures are typically reserved for disciplinary sanctioned inmates at FCI Memphis that have violated extant rules and regulations. It is also critically vital to point out the fact that these sanctioned inmates get better treatment than the transferred detainees.

Detaining human beings in such punitive conditions is not only morally abhorrent, it is highly questionable. More specifically, the circumstances surrounding the transfer of eight detainees from the WTDF in Mason, TN, to the S.H.U at FCI Memphis raises eye brows. There is a variation in the individual characteristics of the transferred detainees. They are distributed into three categories in which three are pre-trial detainees; four have been sentenced; and one has pleaded

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guilty, and is awaiting sentencing. It seems rather illogical that detainees would be arbitrarily selected to proceed to suffer such draconian punitive measures.

Hence, this highly peculiar situation begets the question: What selection criteria was used to determine the particular detainees to be transferred from relative comfort, to conditions that reflect the most appalling and egregious examples of man's inhumanity to his fellow man? In other words, why were we transferred without any explanation?

One cannot help but raise these fundamental and critically vital questions when detainees at the WITDF who have committed the most heinous violations of extant rules have not been transferred. Detainees who have committed highly troubling violations such as:

- The trafficking and use of illegal controlled substances and have been caught doing so.
- Being found using contraband items such as cigarettes, mobile phones, or other electronic devices
- Sexually assaulting female WITDF personnel by inappropriately grabbing them around sensitive areas of their body.
- Indecently exposing their genitals to female WITDF personnel while masturbating
- Physically assaulting WITDF personnel
- Being rude, and using profanities towards WITDF personnel
- Fighting, stealing, and engaging in generally unruly behavior

This situation reinforces the settled principle of law that ambiguous rules, regulations, guidelines, statutes, and laws invite arbitrary abuses of positions of authority. In this situation, one cannot point at the exact legal provision that justifies the transfer of the eight detainees, and thus led to the draconian punitive measures that one is currently facing. In other words, ambiguity is being used to justify a lack of explanation for cruel and highly unusual punishment.

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Furthermore, ambiguity is being used to obscure arbitrary actions of people in positions of authority.

What signals are the U.S. Marshals Service sending by this action? Good behavior will be negatively reinforced through punishment; while bad behavior is positively reinforced through rewards. This messaging is dangerous and does not bode well.

Not knowing the exact reason for the transfer from relative comfort to Hell-like conditions — at a highly critical stage in my case when a Notice of Appeal should have been filed within 12 days, thereby leaving me no room to follow up ^{with my attorney} — leaves me no choice but to conclude that I am being retaliated against. Being retaliated against for an abundantly justifiable request — to Ms Lisa West, the Business Manager at the WTDF — for information surrounding Senior Trial Attorney Timothy Flowers's admission of Prosecutorial Misconduct through eavesdropping on my attorney-client protected phone calls at the WTDF in Mason, TN.

To conclude, the unjustified punitive measures that I have been facing in the last 12 days, and continue to face is having devastating effects on me, my family, my mental health, and my general state of well-being. I feel discouraged, frustrated, and helpless because this does not seem like a fair and just way to commence a lengthy sentence. I'm doing everything possible to avoid a slide into a state of depression.

Among them is this URGENT request for the Honorable Judge's intervention in restoring the previous status-quo — A transfer back to the WTDF in Mason, TN pending my B.O.P. Classification and subsequent transfer to my designated institution. I hope and pray that this request is considered, and granted before an irreversible deterioration in my general state.

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Thanks for your kind consideration.

Yours Sincerely,

~~Abegunde~~
Olufolajimi Abegunde