

TO: 1) Colette Peters, Director, Federal Bureau of Prisons (FBOP)  
2) William Lothrop, Deputy Director, FBOP

FROM: Auburn Calloway, U.S. Navy Veteran 1976-82, Stanford University class of 1974; Inmate No. 14601-076

DATE: APRIL 6, 2024

SUBJ: OPEN LETTER IN RE: Extraordinary Punishment at USP McCreary and Conditions of Confinement  
Supporting Request for "New Law Elderly Inmate" Release (P.S. 5050.50)

Arriving at USP McCreary in Pine Knot, Kentucky on 29 March 2023 and leaving on 7 February 2024, gave me 10 months and 10 days there of which I spent 4 months and 11 days in the SHU (Segregated Housing Unit) with no out-of-cell recreation provided. I was also subjected to staff and cellmate inflicted abuse. As I left the prison bcpcpus at the Lexington KY airport to board the U.S. Marshal airlift on February 7, Lieutenant David Gabbard said that Corrections Officer Masillo "was fired and it was all because of you." Here's why:

The first SHU detention began less than a month after I arrived on 27 April till 28 June. Achieved with Lt. Z. Toney's Administrative Detention Order, its "Threat Assessment" premise was improperly motivated and ill-conceived by Masillo. It also violated FBOP policy and federal criminal laws. Because there was more than one staff member involved, I wrote a letter to the Lexington U.S. Attorney. I also filed a tort claim with Regional Counsel Michael Frazier. All Administrative Remedy Appeals mailed to Regional Director C. Gomez were rejected.

Masillo's discharge justifies the expungement of his capricious November 2017 incident reports written against me at VIM #1. I request that you have Tammy Sluder, BOP national DHO, expunge Masillo's incident reports along with SHU officer C. Sims' meritless incident reports of May/June 2023 which I never would have received had Masillo not had me put in the SHU.

My second administrative detention in the SHU, enduring 69 days, began on Friday December 1st, 2023, and ended with my transfer on Wednesday 7 February to Coleman Florida's USP #1 via your Federal Transfer Center (FTC) in Oklahoma City. This second SHU detention, like the first, was also unrelated to any incident report of a Prohibited Act violation. Both SHU detentions were meant to remove me from USP McCreary but your Designation and Sentencing Computation Center rejected the first attempt. The BOP Office of Internal Affairs' investigation by J. Searse likely led to Masillo's discharge. My transfer away from a retaliatory rogue staff at McCreary, where 5 inmates lost their lives to violence during my stay, logically followed. The worst outcome has been my receiving almost no medical treatment whatsoever for the past 18 months. As I turn 73 this year, this bad outcome continues here at USP Coleman #1 which could become life-threatening if I continue to experience complete water shut-offs for entire weekends as happened here 3 times in my housing unit (M) because plumbing is electrically activated. My cell also has no "Duress Button" and staff won't move me despite knowing I suffer from serious and severe heart disease.

For the 5th anniversary of the 2018 First Step Act's passage, Senators Chuck Grassley and Dick Durbin slammed the BOP for its ongoing ineptitude for inmate health care. Durbin said "It's deeply upsetting that families are mourning the loss of their loved ones because they were not afforded the proper medical care they deserved while incarcerated." He also said the BOP must correct "the ineffective, harmful standards and procedures used to determine when an incarcerated person will be seen by medical professionals." I have been here at Coleman USP1 since February 13 without being seen by a physician or a physician assistant until April 2nd, when a Dr Kenneth Gomez took my temperature, measured my pulse and heart rate, then told me to leave because he had too many other inmates to see. Nor have I been scheduled for previously scheduled medical procedures e.g. eye surgery, colonoscopy, etc. Worst of all, I have [NOT] been allowed to continue my previous participation in the Residential Challenge Program that I completed 5 months of at USP Allenwood before you shut it all down.

Senator Durbin also supported the expansion of compassionate release allowing certain elderly [or] sick inmates to end their sentences early. Suffering from cardiovascular disease with a history of cardiac arrests mitigated only by nitroglycerin tablets, my prolonged and abusive SHU detentions at USP McCreary have put me at great risk of death-in-custody potentially relieved now only by the "New Law Elderly Inmate" provision of BOP policy 5050.50 section 4(a) applicable to me as of April 6, 2024 marking my 30th incarceration anniversary. I request your full support for my immediate unconditional release under that provision codified at 18 USC 3582(c)(1)(A) (ii). Warden Shannon Withers and his executive staff (e.g. White, Stallings, et al.) have denied my requests and avoided further administrative remedy assistance well beyond the 30 days that the law allows me to seek court action.

My release is made all the more imperative because of Biden's grant of only 13 pardons while denying thousands of sentence commutations, yet paroling thousands of illegal migrants into our country without supervision, many of whom are criminal fugitives.

Now that systemic BOP staff abuse of inmates has made mainstream media like CBS News' 60 Minutes, National Public Radio, CNN, the Washington Post, Associated Press, etc., you should also consider that the new U.S. Sentencing Guidelines' Amendments expanded compassionate release criteria to make inmates like me with "a medical condition that requires long-term or specialized medical care without which the defendant is at risk of serious deterioration or death, that is not being provided in a timely or adequate manner" eligible for immediate release.

Please act immediately in accord with your conscience.

Very Respectfully,

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