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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Keith Raniere,

Plaintiff,

vs.

Merrick Garland, et al.,

Defendants.

CV-22-00212-TUC-RCC
**RESPONSE TO MOTION FOR
LEAVE TO AMEND COMPLAINT**

Defendants Garland, Carvajal, Ulrich¹ and Gutierrez,² acting in their official capacities by and through undersigned counsel, hereby respond to Plaintiff's Motion for Leave to Amend Complaint (Doc. 28). This Court should deny the motion as the amendment is futile. This response is supported by all matters of record and the following:

I. Background

A. Relevant Parties

Plaintiff Keith Raniere is a federal inmate at the United States Penitentiary (USP Tucson) in Tucson, Arizona. (Doc. 22 at 1.) Plaintiff is serving an aggregate sentence of 120-years for racketeering conspiracy, racketeering, forced labor conspiracy, wire fraud

¹ J. Ulrich is the Acting SIA and replaces former Acting SIA Gallion pursuant to Rule 25(d), Fed.R.Civ.P.

² Warden Gutierrez is the current warden at USP Tucson, having replaced Warden Colbert, who was acting warden at the time Plaintiff filed the Complaint. Plaintiff attempts to name "USP Tucson Warden" in his SAC, without any legal justification for suing an unnamed official when his name is known. (Doc. 28 at 2.) Rule 25(d), Fed.R.Civ.P. provides for substitution when an official capacity party leaves office.

1 conspiracy, sex trafficking conspiracy, sex trafficking of Jane Doe 5 and attempted sex
2 trafficking of Jane Doe 8 in violation of multiple federal statutes. (*Id.*) He is projected to be
3 released from custody on June 27, 2120. (*Id.*)

4 Suneel Chakravorty is a former associate of NXIVM who has been banned from
5 communicating with Plaintiff at two institutions for misconduct during Plaintiff's
6 incarceration. Mr. Chakravorty's misdeeds were detailed in Defendants' Response to
7 Plaintiff's Motion for Preliminary Injunction (Doc. 14 at 2-7) and are incorporated herein.

8 Nicki Clyne is a former associate of NXIVM who has been banned from
9 communicating with Plaintiff. (Ex. A, Mitchell Decl., ¶ 6, Att. 1, Visitor Denial Memos, p.
10 2.) Ms. Clyne is an unindicted co-conspirator. (*Id.*, Att. 2, Special Investigative Services
11 Investigation, p. 5.) Plaintiff circumvented mail monitoring by communicating with Ms.
12 Clyne through another inmate and by using her to communicate with Clare Bronfam,
13 another associate of NXIVM and co-defendant of Plaintiff who is currently serving time in
14 federal prison. (*Id.*, pp. 1-6.)

15 Danielle Roberts is a former associate of NXIVM who has been removed from
16 Plaintiff's visiting list due to her extensive involvement with NXIVM. (*Id.*, ¶ 7, Att. 1, p.
17 1.) She was removed "for safety and security of institution." (*Id.*) In January 2022, Ms.
18 Robert's attorney contacted the Bureau and was informed that Plaintiff could file a request
19 through the Administrative Remedy Program regarding her removal. (*Id.*, Att. 3, Email
20 correspondence.)

21 **B. Complaint**

22 On May 5, 2022, Plaintiff filed the Complaint alleging that the Bureau was
23 interfering with his First and Sixth Amendment rights. (Doc. 1.) Plaintiff alleged that in
24 May 2021, Mr. Chakravorty's visitation privileges were revoked, and "[o]n May 4, 2022,
25 Plaintiff was on a privileged legal call with attorney Tully, when the call was apparently
26 terminated prematurely, and without warning." (*Id.* at 4.) Plaintiff claimed the dropped
27 phone call constituted unlawful frustration and interference with First Amendment access to
28 Courts and retaliation based on rights protected under the First Amendment. (*Id.* at 6-7.)

C. First Amended Complaint (FAC)

The next day, Plaintiff filed the FAC, again alleging that the Bureau was interfering with his First and Sixth Amendment rights. (Doc. 3.) Specifically, Plaintiff alleged that on that same day “Defendants interfered and frustrated that legal call by, among other things, causing the phone call to be cut off before Plaintiff and [attorney] Dougherty had concluded their conversation.” (*Id.* at 6.)

As to the May 4, 2022, phone call, Plaintiff alleged that Mr. Tully anticipated that the judge in Plaintiff’s New York criminal case would set a hearing on a Rule 33 motion he filed on May 3, 2022, and that Mr. Tully needed to consult with Plaintiff to prepare for the hearing. (*Id.*) Plaintiff also alleged that on April 28, 2022, Mr. Tully had requested the Second Circuit to stay Plaintiff’s appeal from his criminal conviction pending a ruling on the Rule 33 motion. (*Id.* at 4.)

Plaintiff sought “merely to maintain the status quo ante, pending administrative exhaustion.” (*Id.* at 9.) More specifically, Plaintiff sought a “preliminary injunction to preserve the status quo *pending administrative exhaustion*, to include restraining Defendants [and] their employees” from interfering with Plaintiff’s communication with his attorneys via telephone, visiting with his attorneys in person and interfering with Plaintiff’s communication by telephone with his attorneys’ employees and agents. (*Id.* at 9-10.) (Emphasis added.)

D. Status of Criminal Proceedings

On April 29, 2022, well before Plaintiff filed the Complaint and FAC, the Second Circuit denied Plaintiff’s April 28, 2022, motion to stay his criminal appeal pending a Rule 33 motion. *Ranieri v. United States*, Case 20-3789, Dkt 193 (2nd Cir. April 29, 2022). (Doc. 14-8 at 2.) On May 9, 2022, the New York District Court deferred consideration of Plaintiff’s Rule 33 motion due to the ongoing appeal. *United States v. Ranieri*, Case No. 1:18-cr-00204-NGG-VMS (E.D. N.Y. May 9, 2022). Accordingly, the deadline to file Rule 33 motions has passed, and there is no hearing imminent.

E. Plaintiff’s Motions for Preliminary Injunction and Temporary Restraining Order

1 On May 26, 2022, Plaintiff filed a Motion for Preliminary Injunction (Doc. 7),
2 asserting that Defendants were “unlawfully hindering and obstructing Plaintiff’s First and
3 Sixth Amendment rights to communicate via telephone with his criminal defense attorneys
4 and his attorneys’ agents in the lead-up to the 3-year deadline for post-conviction relief
5 petitions.” (*Id.* at 1.) Plaintiff specifically complained about his ability to speak with Mr.
6 Chakravorty, a non-lawyer. (*Id.* at 2.) Plaintiff made no further claims that any phone calls
7 with his lawyers were “obstructed.” (*Id.*)

8 On June 6, 2022, Plaintiff filed a Motion for Temporary Restraining Order,
9 asserting that Defendants were “unlawfully hindering and obstructing Plaintiff’s First and
10 Sixth Amendment rights to communicate via telephone with his power-of-attorney and
11 paralegal Suneel Chakravorty.” (Doc. 13 at 1.)

12 In response, Defendants provided evidence that Mr. Chakravorty had been banned
13 from communicating with Plaintiff because of his past disruptive behavior during Plaintiff’s
14 incarceration, his lack of a relationship with Plaintiff prior to incarceration and his use of a
15 false name to obtain access to Plaintiff during Plaintiff’s incarceration. (Doc. 14 at 2-7.)
16 Defendants also provided evidence of Plaintiff’s many communications with his counsel,
17 including evidence refuting that the May 4, 2022, call was terminated prematurely and
18 explaining how the May 6, 2022, call was reconnected promptly after having been
19 disconnected. (*Id.* at 7-10.) Defendants provided evidence as to Plaintiff’s robust access to
20 counsel. (*Id.*; Doc. 17 at 1-2.)

21 In reply, Plaintiff abandoned any claim that any calls with attorneys were dropped
22 for any nefarious purpose and argued instead that Plaintiff should be allowed to speak with
23 Mr. Chakravorty. (Doc. 15.) Plaintiff produced no evidence to refute the evidence the
24 Defendants submitted. Instead, Plaintiff asserted that “transcripts and other evidence that
25 provides full context will be filed as soon as possible as an exhibit to this motion.” (*Id.* at
26 1.) Over three months later, the purported evidence has yet to be filed. (Docket, generally.)

27 The Court denied the motion for preliminary injunction and temporary restraining
28 order, specifically finding “[n]or is there evidence before the Court that Plaintiff has been

1 unable to communicate with his attorneys or their agents who have been cleared by the
2 institution to have confidential communications with Plaintiff.” (Doc. 18 at 15.)

3 **F. Motion for Summary Judgment on Exhaustion**

4 On August 1, 2022, Defendants filed their Motion for Summary Judgment on
5 Exhaustion based on Plaintiff’s admitted failure to exhaust administrative remedies. (Doc.
6 21.) Plaintiff had requested relief in both the Complaint and the FAC pending exhaustion of
7 administrative remedies. (Doc. 1 at 8, 3 at 9.) That motion is pending, and briefing is not
8 yet complete. (Docket, generally.)

9 **G. Second Amended Complaint (SAC)**

10 In an admitted attempt to avoid his failure to exhaust administrative remedies,
11 Plaintiff instead filed the instant motion, seeking leave to file the SAC. (Doc. 28 at 4.)
12 Plaintiff admits that the proposed SAC seeks to cure his failure to exhaust administrative
13 remedies “in part by expanding the temporal scope of the complaint to include instances of
14 retaliation for which Plaintiff has exhausted administrative remedies.” (*Id.*)

15 The SAC includes detailed information about Mr. Chakravorty’s involvement with
16 Plaintiff, including that he “communicates with the mother of Mr. Raniere’s son in matters
17 regarding their son.” (Doc. 28-1 at 8.) The SAC neglects to note that the mother of Mr.
18 Raniere’s son is on Plaintiff’s approved contact list, so he speaks with her directly. (Doc. 14
19 at 7.) The SAC also includes detailed allegations regarding Plaintiff’s contacts with Ms.
20 Clyne, the NXIVM associate with whom Plaintiff was disciplined for contacting through
21 another inmate in July 2021.³ (Doc. 28-1 at 13-14.) The SAC also includes allegations
22 regarding Plaintiff’s contacts with Ms. Roberts, who he alleges lost her medical license for
23 “supervis[ing] the ceremony for women in DOS where they had their skin cauterized or
24

25 ³ Plaintiff’s assertion that he is attempting to amend the FAC “to include instances of
26 retaliation for which Plaintiff has exhausted administrative remedies (Doc. 28 at 4) appears
27 to be based on the administrative remedies he submitted challenging the sanctions imposed
28 by the disciplinary hearing officer for the Incident Report involving Ms. Clyne. The
administrative remedies do not seek reinstatement of Ms. Clyne’s visiting privileges and,
thus, would not even exhaust administrative remedies as to Plaintiff’s claim that the Bureau
is interfering with his First Amendment rights to freedom of association with her. (Doc. 22-2
at 12, 20.)

1 branded with a symbol [of Plaintiff's initials] indicating their membership." (Doc. 28-1 at
2 14.)

3 The SAC includes the new allegation that "Mr. Chakravorty is vital for that
4 preparation" for a hearing on the Rule 33 petition. (Doc. 28 at 17.) The SAC fails to
5 mention that the court stayed that motion pending the appeal in that case over four months
6 ago. *Raniere*, Case No. 1:18-cr-00204-NGG-VMS (E.D. N.Y. May 9, 2022).

7 The SAC includes allegations that Plaintiff was assaulted, was written an Incident
8 Report for Fighting and was placed in the Special Housing Unit (SHU), where he remains.
9 (Doc. 28-1 at 16-17.) The SAC neglects to acknowledge that Plaintiff attended a
10 disciplinary hearing at which the Incident Report was expunged, and he remains in the SHU
11 in administrative detention status, while the Special Investigative Services (SIS) Department
12 conducts an investigation into whether it is safe for him to return to general population. (Ex.
13 A, ¶ 16.)

14 From these myriad allegations, Plaintiff alleges, in a conclusory fashion, "On
15 information and belief, the USP Tucson Warden is following a pattern of retaliation for
16 Plaintiff exercising his *constitutional rights* to challenge his criminal conviction and *to*
17 *speak to, and visit with, anyone not excluded by law or valid penological purpose.*" (Doc.
18 28-1 at 22.) (Emphasis added.)

19 Plaintiff asserts a cause of action for unlawful frustration and interference with First
20 Amendment access to the courts based on the alleged May 4, 2022, dropped call. (Doc. 28-
21 1 at 22-23.) He alleges "on information and belief," that his "right to communicate" with
22 Mr. Chakravorty and Ms. Clyne "was denied as retaliation for exercising his First
23 Amendment rights." (*Id.* at 24.) Finally, he asserts a cause of action under the Sixth
24 Amendment asserting that Defendants "have deliberately interfered with the confidential
25 relationship between Plaintiff and his criminal defense counsel," and "[t]he interference
26 substantially prejudices the Plaintiff by denying Plaintiff the ability to timely communicate
27 with his counsel during the time that his Rule 33 motion is pending." (*Id.* at 25-26.) As
28 with the Complaint and the FAC, Plaintiff seeks "a preliminary injunction to preserve the

1 status quo *pending administrative exhaustion.*” (*Id.* at 26.)

2 **H. Relevant Administrative Remedies**

3 The detailed discussion regarding the Bureau’s Administrative Remedy Program in
4 the Motion for Summary Judgment (Doc. 21 at 5-6) is hereby incorporated.

5 During Plaintiff’s incarceration with the Bureau, he has filed five administrative
6 remedy appeals. (Ex. A, ¶ 9, Att. 5, SENTRY Administrative Remedy Index, pp. 1-4.) The
7 first two pertained to disciplinary sanctions imposed against him following an October 26,
8 2021, disciplinary hearing regarding Plaintiff circumventing mail monitoring by having
9 another inmate contact Ms. Clyne, a former NXIVM member who had been removed from
10 Plaintiff’s contact list for prior misconduct. (Doc. 22 at 4.) Plaintiff filed a BP-10 with the
11 Western Region, which was received on February 25, 2022. (*Id.*) On June 30, 2022, he
12 filed a BP-11 with the Office of General Counsel. (*Id.*)

13 In March 2022, Plaintiff’s counsel wrote to the Bureau asserting that the denial of
14 social visitation privileges for Mr. Chakravorty, Ms. Clyne and Ms. Roberts was improper.
15 (Ex. A, ¶ 8, Att. 4, March 28, 2022, Letter from C. Cook to J. Tully.) In response, Bureau
16 counsel informed Plaintiff’s counsel that only the Warden can reinstate a suspended
17 individual to an inmate’s visiting list and that Plaintiff had not challenged the denial of his
18 social visitors through the Administrative Remedy Program. (*Id.* pp. 1-2.) To date, Plaintiff
19 has not submitted any administrative remedies or appeals challenging the denial of social
20 visits for Mr. Chakravorty, Ms. Clyne or Ms. Roberts. (Ex. A, ¶ 10, Att. 5, pp. 1-4.)

21 On September 8, 2022, Plaintiff filed a Request for Administrative Remedy
22 questioning why a different NXIVM associate was denied visitation. (*Id.*, ¶ 11, Att. 6,
23 Remedy No. 1133790-F1, p. 3.) The same date, Plaintiff filed a Request for Administrative
24 Remedy erroneously stating that Mr. Chakravorty had been banned a second time from
25 communicating with him at USP Tucson after having been reinstated. (*Id.*, Att. 7, Remedy
26 No. 1133798-F1.) The Warden, in his discretion, had allowed Plaintiff a single legal phone
27 call, but not a legal visit, with Mr. Chakravorty, due to the then-imminent Rule 33 deadline.
28 (*Id.*, ¶ 12.) Mr. Chakravorty remains banned due to his conduct at two institutions and

1 because he represents a threat to the security and good order of the institution. (Doc. 14-5 at
 2 3-6.) If it is dangerous for Plaintiff to have access to particular individuals once released, it
 3 is also a security risk to allow Plaintiff to have access to these same individuals while
 4 incarcerated. (*Id.* at 6.)

5 Finally, also on September 8, 2022, Plaintiff filed an administrative remedy that
 6 appears to be an attempt to begin the process to exhaust administrative remedies as to the
 7 allegations in the FAC regarding his contact list having been scrubbed. (Ex. A, ¶ 11, Att.
 8 1133808-F1.) The Request for Administrative Remedy does not reference access to counsel
 9 or access to courts, just the scrubbing of his contact list, which left in place all counsel. (*Id.*)

10 **I. Bureau Policies on Visitation and Telephone Privileges**

11 As to inmate friends and associates, “[t]he visiting privilege ordinarily will be
 12 extended to friends and associates having an established relationship with the inmate prior to
 13 confinement, *unless such visits could reasonably create a threat to the security and good*
 14 *order of the institution.* Exceptions to the prior relationship rule may be made, particularly
 15 for inmates without other visitors, *when it is shown that the proposed visitor is reliable and*
 16 *poses no threat to the security or good order of the institution.*” 28 C.F.R. § 540.44(c).
 17 (Emphasis added.) “Regardless of the institution’s security level, the inmate must have
 18 known the proposed visitor(s) prior to incarceration.⁴ The Warden must approve any
 19 exception to this requirement.” P.S. 5267.09, *Visiting Regulations*, p. 6.⁵ (Ex. A, ¶ 3.)

20 “Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the
 21 privilege of a particular inmate.” P.S. 4500.12, *Trust Fund/Deposit Fund Manual*, p. 126.⁶

22
 23 ⁴ The Supreme Court approved a similar regulation in *Pell v. Procunier*, 417 U.S. 817,
 24 827 (1974), because “[i]n the judgment of the state corrections officials, this visitation policy
 25 will permit inmates to have personal contact with those persons who will aid in their
 26 rehabilitation, while keeping visitations at a manageable level that will not compromise
 27 institutional security. Such considerations are peculiarly within the province and
 28 professional expertise of corrections officials, and, in the absence of substantial evidence in
 the record to indicate that the officials have exaggerated their response to these
 considerations, courts should ordinarily defer to their expert judgment in such matters.”

⁵ Available at https://www.bop.gov/policy/progstat/5267_09.pdf (last visited on Sept.
 23, 2022).

⁶ Available at <https://www.bop.gov/policy/progstat/4500.12.pdf> (last visited on Sept.
 23, 2022).

(*Id.*, ¶ 4.) “Inmates may be subject to telephone restrictions imposed by the Warden to protect the safety, security, and good order of the institution, as well as to protect the public.” P.S. 5264.08, Inmate Telephone Regulations, p. 14.⁷ (*Id.*)

“The Bureau of Prisons recognizes the use of assistants by attorneys to perform legal tasks and, with proper controls and exceptions enumerated . . . accords such assistants the same status as attorneys with respect to visiting and correspondence.” 28 C.F.R. § 543.16(a). “The special visiting/correspondence status accorded to paralegals, clerks, and legal assistants depends on an ongoing, supervisory relationship with an attorney on an approved visiting/correspondence list. Absent any current supervisory relationship, such persons may only receive social visiting or general correspondence privileges.” P.S. 1315.07, *Inmate Legal Activities*, p. 19.⁸ (*Id.*, ¶ 5.)

If necessary to maintain security and good order in the institution, the Warden may prohibit a legal assistant from visiting or corresponding with an inmate.” 28 C.F.R. § 543.16(b)(1)-(3).

II. Legal Discussion

Rule 15(a), Fed. R. Civ. P., governs amending pleadings. It provides in part

(2) In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave *when justice so requires*.

(Emphasis added.) “[T]he grant or denial of an opportunity to amend is within the discretion of the District Court.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). It can be denied for many reasons, including “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.” *Id.*

⁷ Available at https://www.bop.gov/policy/progstat/5264_008.pdf (last visited on Sept. 23, 2022).

⁸ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on Sept. 23, 2022).

After the defendant files a responsive pleading, courts do not grant leave to amend when “amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay.” *Madeja v. Olympic Packers, LLC*, 310 F.3d 628, 636 (9th Cir. 2002); *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987) (same); *Nunes v. Ashcroft*, 375 F.3d 805, 808 (9th Cir. 2003) (“Futility alone can justify the denial of a motion for leave to amend.”). Denying leave to amend is appropriate when “the amended complaint would be subject to dismissal.” *Saul v. United States*, 928 F.2d 829, 843 (9th Cir. 1991). Here, the Court should exercise its discretion to disallow the amendment.

A. Plaintiff’s new allegations are insufficient to exhaust administrative remedies for his FAC or SAC.

Plaintiff admits he filed the SAC to try to avoid his admitted failure to exhaust administrative remedies, which is the basis for a motion for summary judgment on exhaustion pending before this Court. (Doc. 28 at 4.) Plaintiff’s attempt is futile. Plaintiff filed administrative remedies opposing the sanctions imposed when he and Ms. Clyne communicated through another inmate, thereby circumventing mail monitoring. (Doc. 22 at 4; Doc. 22-2 at 12, 20.) There is no mention in the remedies of an impending deadline for a Rule 33 motion. (*Id.*) There is no mention in the remedies of interference with Sixth Amendment rights to counsel. (*Id.*) There is no mention of “retaliation,” even though the most recent remedy was filed June 9, 2022, well after Plaintiff filed the Complaint and FAC in this case. (*Id.*) There is no mention of Plaintiff’s rights of association with his former NXIVM associate and no request to have her reinstated as a visitor. (*Id.*) The only remedy requested was to have the disciplinary finding expunged. (*Id.*) Plaintiff’s attempt to amend the FAC to use the administrative remedy regarding sanctions for communicating with Ms. Clyne to bypass the administrative remedy requirement regarding his claims for First Amendment access to courts and Sixth Amendment interference with counsel is futile. This Court should deny the motion.

B. Prisoners have limited freedom of association First Amendment rights.

The gravamen of the proposed amendments to Plaintiff’s FAC is not aimed at his

1 communication with his attorneys. Plaintiff has not included any new allegations of
 2 interference with counsel since Defendants introduced evidence in response to the Motion
 3 for Preliminary Injunction and Motion for Temporary Restraining Order that demonstrated
 4 Plaintiff's robust and continuing access to counsel.⁹ Instead, Plaintiff complains that
 5 Defendants are interfering with his First Amendment rights of association as to former
 6 NXIVM associates, Mr. Chakravorty, Ms. Clyne and Ms. Roberts.¹⁰ (Doc. 28-1.)

7 The Supreme Court has recognized that "[m]any of the liberties and privileges
 8 enjoyed by other citizens must be surrendered by the prisoner." *Overton v. Bazzetta*, 539
 9 U.S. 126, 131 (2003). In fact, because "[t]he very object of imprisonment is confinement,"
 10 the Court concluded that "freedom of association is among the rights least compatible with
 11 incarceration." *Id.* Indeed, "[s]ome curtailment of that freedom must be expected in the
 12 prison context." *Id.* "An inmate does not retain rights inconsistent with proper
 13 incarceration." *Id.*

14 Accordingly, the Supreme Court has upheld prison regulations that, among other
 15 things, limited the circumstances under which minor children could visit their incarcerated
 16 parents and completely suspended the privilege for two years when a prisoner commits two
 17 substance-abuse violations. *Id.* at 130, 133-34. The Ninth Circuit also has recognized
 18 limitations on a prisoner's association rights. *See Dunn v. Castro*, 621 F.3d 1196, 1201,
 19 1205 (9th Cir. 2010) (prisoner did not have a clearly established right to be free from an 18-
 20 month restriction on visitation with his children because "*Dunn* is no ordinary parent. He is
 21 a parent who is incarcerated."); *Gerber v. Hickman*, 291 F.3d 617, 619 (9th Cir. 2002)
 22 (affirming denial of inmate's request to provide semen sample to his wife for artificial
 23 insemination, because "the right to procreate is fundamentally inconsistent with
 24 incarceration."); *Valdez v. Rosenbaum*, 302 F.3d 1039, 1042-43, 1047 (9th Cir. 2002)

25 ⁹ Notably, since being placed in SHU in late July 2022, Plaintiff has had at least four
 26 legal calls, each lasting between one and two hours and at least nine legal visits. (Ex. A,
 27 ¶¶ 12, 14, Att. 9, Legal Call Log; Att. 10, Legal Visit Entrance Memos.) His access to
 28 counsel remains robust.

¹⁰ Plaintiff has not asserted that Ms. Clyne or Ms. Roberts is an attorney. (Doc. 28-
 1.) Instead, they are high level former associates in NXIVM who have been banned from
 visiting Plaintiff for the security and good order of the institution. (Ex. A, ¶¶ 6-7, Att. 1.)

(restricting telephone access of a detainee in administrative segregation to one legal call per day did not violate his substantive due process rights).

C. Prison regulations provide reasonable restrictions on visitation to preserve safety and good order.

The Supreme Court has made it clear that “a prison regulation [that] impinges on inmates’ constitutional rights ... is valid if it is reasonably related to legitimate penological interests. In our view, such a standard is necessary if ‘prison administrators ..., and not the courts, [are] to make the difficult judgments concerning institutional operations.’” *Turner v. Safley*, 482 U.S. 78, 89 (1987). First, the regulation cannot be “arbitrary or irrational,” and the “governmental objective must be a legitimate and neutral one.” *Id.* at 90. Second, if “there are alternative means of exercising the right that remain open to prison inmates,” then “courts should be particularly conscious of the ‘measure of judicial deference owed to corrections officials ... in gauging the validity of the regulation.’” *Id.* (quoting *Procunier*, 417 U.S. at 827). Third, the court considers the impact accommodation would have on the allocation of prison resources, guards and other inmates. *Id.* “When accommodation of an asserted right will have a significant ‘ripple effect’ on fellow inmates or on prison staff, courts should be *particularly deferential to the informed discretion of corrections officials.*” *Id.* (Emphasis added.) Finally, the court considers whether there is a ready alternative or the regulation is an “‘exaggerated response’ to prison concerns.” *Id.* Thus, “if an inmate claimant can point to an alternative that fully accommodates the prisoner’s rights at *de minimis* cost to valid penological interests, a court may consider that as evidence that the regulation does not satisfy the reasonable relationship standard.” *Id.*

As to the First Amendment, “a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system. Thus, challenges to prison restrictions that are asserted to inhibit First Amendment interests must be analyzed in terms of the legitimate policies and goals of the corrections system, to whose custody and care the prisoner has been committed in accordance with due process of law.” *Procunier*, 417 U.S. at 822. Also, “central to all other corrections goals is the institutional consideration of internal security within the

1 corrections facilities themselves.” *Id.*

2 In the Ninth Circuit, if the Sixth Amendment right to counsel is implicated, the
3 courts also consider whether “the government deliberately interferes with the confidential
4 relationship between a criminal defendant and defense counsel,” and, if so, whether the
5 interference “substantially prejudices the criminal defendant.” *Nordstrom v. Ryan*, 762 F.3d
6 903, 910 (9th Cir. 2014). In an action seeking to enjoin “the continuation of an
7 unconstitutional practice,” substantial prejudice would be “that his right to privately confer
8 with counsel has been chilled.” *Id.* at 911.

9 **1. Mr. Chakravorty, Ms. Clyne and Ms. Roberts pose a threat to the
security and good order of the institution.**

10 Here, Mr. Chakravorty, Ms. Clyne and Ms. Roberts were all involved with NXIVM,
11 which the Bureau has determined poses a threat to the security and good order of the
12 institution. Additionally, both Mr. Chakravorty and Ms. Clyne violated Bureau rules for and
13 with Plaintiff. (Ex. A, ¶ 6, Att. 2; Doc. 14 at 2-7.)

14 The SAC does not include any new allegations of interference with counsel, instead
15 relying on the two purportedly dropped calls that were debunked in the Defendants’
16 Response to Motion for Preliminary Injunction. (Docs. 14, 28-1.) Plaintiff’s right to counsel
17 is not implicated by the requested amendment.

18 **D. The SAC does not allege an infringement on Plaintiff’s rights to
19 association beyond the curtailment that occurs from incarceration and
his and his associates’ failure to follow Bureau policies.**

20 When viewed through the lens of the limitations imposed by Plaintiff’s
21 incarceration, the SAC fails to state a claim upon which relief can be granted. Plaintiff’s
22 right to associate with former NXIVM associates while in prison is necessarily limited by
23 the reality of his incarceration. *Overton*, 539 U.S. at 131. His sentencing court determined
24 his continued association with them posed a risk. (Doc. 14-5 at 34.) Such restrictions have
25 been held valid. *See United States v. Burgert*, 116 F. App’x 124, 126 (9th Cir. 2004)
26 (upholding restriction on defendant’s association with persons actively involved with militia
27 while on supervised release).

28 Additionally, while the sentencing court has jurisdiction over the Plaintiff during

1 the trial and supervised release, the Attorney General and the Bureau have jurisdiction over
 2 him during his imprisonment. 18 U.S.C. § 3621(b). The Bureau's decision to make the
 3 same judgment as the sentencing court as to the dangers inherent in Plaintiff's continued
 4 association with those involved in NXIVM is well within its discretion. As the Supreme
 5 Court has explained

6 First Amendment associational rights . . . must give way to the
 7 reasonable considerations of penal management. As already
 8 noted, numerous associational rights are necessarily curtailed
 9 by the realities of confinement. They may be curtailed
 10 whenever the institution's officials, in the exercise of their
 11 informed discretion, reasonably conclude that such
 12 associations . . . possess the likelihood of disruption to prison
 order or stability, or otherwise interfere with the legitimate
 penological objectives of the prison environment. As we noted
 in *Pell v. Procunier*, supra, at 823, 94 S.Ct., at 2804, "central
 to all other corrections goals is the institutional consideration
 of internal security within the correctional facilities
 themselves."

13 *Jones v. N. Carolina Prisoners' Lab. Union, Inc.*, 433 U.S. 119, 132 (1977). *See also*,
 14 *Evans v. Cnty. of Sacramento*, 165 F.3d 915 (9th Cir. 1998) (rejecting plaintiff's claim that
 15 her rights were violated when her requests for visitation with her husband were denied
 16 without a hearing because "[t]he denial of visitation rights based upon legitimate
 17 penological objectives, however, do not implicate the First Amendment's right to freedom
 18 of association.").

19 Notably, the Bureau need not show that Plaintiff's association with his banned
 20 NXIVM associates would be "detrimental to proper penological objectives" or would
 21 constitute a "present danger to security and order." *Jones*, 433 U.S. at 127. Instead, those
 22 considerations are peculiarly within the province and
 23 professional expertise of corrections officials, and, in the
 24 absence of substantial evidence in the record to indicate that
 the officials have exaggerated their response to these
 considerations, courts should ordinarily defer to their expert
 judgment in such matters." *Pell v. Procunier*, 417 U.S. at 827.
 25 The necessary and correct result of our deference to the
 26 informed discretion of prison administrators permits them, and
 not the courts, to make the difficult judgments concerning
 institutional operations in situations such as this.

27 *Id.* Plaintiff has failed to meet his burden, and for this reason alone, Plaintiff's SAC fails to
 28 state a plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009).

E. The policies at issue cannot form the basis for a constitutional violation because they bear a rational relationship to legitimate penological interests.

Finally, a court need not delve into an examination of the contours of a constitutional right when it can determine that prison regulations which allegedly infringe on a constitutional right bear a “rational relation to legitimate penological interests.” *Overton*, 539 U.S. at 132 (citing *Turner v. Safley*, 482 U.S. 78, 89 (1987)). In doing so, a court “must accord substantial deference to the professional judgment of prison administrators, who bear a significant responsibility for defining the legitimate goals of a corrections system and for determining the most appropriate means to accomplish them.” *Id.*

In *Turner*, the Supreme Court articulated four factors that are relevant in determining whether a prison regulation that impacts a prisoner’s constitutional right is rationally related to legitimate penological interests: 1) whether there is a valid, rational connection to a legitimate governmental interest; 2) whether alternative means are open to inmates to exercise the asserted right; 3) what impact accommodation of the right would have on officers, other inmates and prison resources; and 4) whether there are ready alternatives to the regulation. *Id.*, 482 U.S. at 89-91.

Prison order and security and inmate rehabilitation are preeminent penological interests, each of which is served by the regulation at issue. *Rizzo v. Dawson*, 778 F.2d 527, 532 (9th Cir. 1985) (identifying “preservation of internal order and discipline, maintenance of institutional security, and rehabilitation of prisoners” as legitimate correctional interests).

III. Conclusion

In summary, despite Plaintiff’s reference to his First Amendment rights to association, when considered in conjunction with the limitations imposed by his incarceration, the facts he alleges in the SAC simply fail to support a plausible constitutional violation. The Bureau regulations and policies at issue accommodate and facilitate Plaintiff’s association with people who do not pose a risk to the security and good order of the institution, and any restriction on the extent and nature of their communication are

rationally related to legitimate penological interests. Accordingly, the Court should deny Plaintiff leave to file the SAC as futile.

RESPECTFULLY SUBMITTED: September 23, 2022.

GARY M. RESTAINO
United States Attorney
District of Arizona

s/ Denise Ann Faulk
DENISE ANN FAULK
Assistant U.S. Attorney

Copy of the foregoing served via EM/ECF to

Stacy Scheff
LAW OFFICE OF STACY SCHEFF
P.O. Box 40611
Tucson, AZ 85717
Pro Se

s/ Pamela. Vavra
/ Response to MT Amend

Keith Raniere v. Merrick Garland, et al.

CV-22-00212-TUC-RCC

Exhibit List

Exhibit A Declaration of Lorri Mitchell

- Att. 1 Visitor Denial Memos (Redacted)
- Att. 2 Special Investigative Services Investigation (Redacted)
- Att. 3 E-Mail Correspondence (Redacted)
- Att. 4 Letter from C. Cook to J. Tully
- Att. 5 SENTRY Administrative Remedy Index
- Att. 6 Administrative Remedy No. 1133790-F1
- Att. 7 Administrative Remedy No. 1133798-F1
- Att. 8 Administrative Remedy No. 1133808-F-1
- Att. 9 Legal Call Log (Redacted)
- Att. 10 Legal Visit Approval Notices (Redacted)
- Att. 11 Expunged Incident Report No. 3655238

Exhibit A

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ARIZONA**

3 Keith Raniere,

4 Plaintiff,

5 vs.

6 Merrick Garland, US Attorney General, et
7 al.,

8 Defendants.
9

No. 22-cv-00212-RCC-PSOT

**DECLARATION OF
LORRI MITCHELL**

10 I, Lorri Mitchell, pursuant to 28 U.S.C. § 1746, and based upon my personal
11 knowledge and information made known to me from official records reasonably relied
12 upon by me in the course of my employment, hereby make the following declaration
13 relating to the above-titled matter.

14 1. I am employed by the United States Department of Justice, Federal Bureau
15 of Prisons (Bureau) as a Legal Assistant at the Federal Correctional Complex in Tucson,
16 Arizona (FCC Tucson). I have been employed by the Bureau, in positions of increasing
17 responsibility since April 2012. I have been employed in my current position since
18 February 2013.

19 2. As part of my official duties, I have access to records maintained by the
20 Bureau in the ordinary course of business, including administrative remedy requests of
21 federal inmates, information maintained in the SENTRY¹ database, and inmate central
22 files. All records attached to this declaration are true and accurate copies of Bureau
23 records maintained in the ordinary course of business.
24

25
26

¹ SENTRY is the Bureau's national database which tracks various data regarding an
27 inmate's confinement, including, but not limited to, an inmate's institutional history,
28 sentencing information, participation in programs, administrative remedies, and discipline
history.

I. RELEVANT BUREAU REGULATIONS AND POLICIES

3. As to inmate friends and associates, “[t]he visiting privilege ordinarily will be extended to friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. Exceptions to the prior relationship rule may be made, particularly for inmates without other visitors, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution.” 28 C.F.R. § 540.44(c). “Regardless of the institution’s security level, the inmate must have known the proposed visitor(s) prior to incarceration. The Warden must approve any exception to this requirement.” See Program Statement 5267.09, *Visiting Regulations* at 6.²

4. “Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the privilege of a particular inmate.” See Program Statement 4500.12, *Trust Fund/Deposit Fund Manual* at 126.³ “Inmates may be subject to telephone restrictions imposed by the Warden to protect the safety, security, and good order of the institution, as well as to protect the public.” See Program Statement 5264.08, *Inmate Telephone Regulations* at 14.⁴ (Ex. D, ¶ 13.)

5. “The Bureau of Prisons recognizes the use of assistants by attorneys to perform legal tasks and, with proper controls and exceptions enumerated . . . accords such assistants the same status as attorneys with respect to visiting and correspondence.” 28 C.F.R. § 543.16(a). “The special visiting/correspondence status accorded to paralegals, clerks, and legal assistants depends on an ongoing, supervisory relationship with an attorney on an approved visiting/correspondence list. Absent any current supervisory relationship, such persons may only receive social visiting or general correspondence privileges.” See

² Available at https://www.bop.gov/policy/progstat/5267_09.pdf (last visited on Sept. 23, 2022).

³ Available at <https://www.bop.gov/policy/progstat/4500.12.pdf> (last visited on Sept. 23, 2022).

⁴ Available at https://www.bop.gov/policy/progstat/5264_008.pdf (last visited on Sept. 23, 2022).

1 Program Statement 1315.07, *Inmate Legal Activities* at 19.⁵

2 **II. VISITATION**

3 6. Nicki Clyne is a former associate of NXIVM who has been banned from
4 communicating with Plaintiff. *See* Att. 1, Visitor Denial Memos (Redacted) at 2. Ms.
5 Clyne is an unindicted co-conspirator. *See* Att. 2, Special Investigative Services
6 Investigation (Redacted) at 5. Plaintiff circumvented mail monitoring by communicating
7 with her through another inmate and by using her to communicate with Clare Bronfam,
8 another associate of NXIVM and co-defendant of Plaintiff who is currently incarcerated
9 in federal prison. *Id.* at 1-6.

10 7. Danielle Roberts is a former associate of NXIVM who has been removed
11 from Plaintiff's visiting list due to her extensive involvement with NXIVM. *See* Att. 1 at
12 1. She was removed "for safety and security of institution." *Id.* Her attorney contacted
13 the Bureau and was informed that Plaintiff could file a request through the
14 Administrative Remedy Program regarding her removal. *See* Att. 3, E-Mail
15 Correspondence (Redacted) at 1.

16 8. In March 2022, Plaintiff's counsel wrote to the Bureau asserting that the
17 denial of social visitation privileges for Suneel Chakravorty, Ms. Clyne, and Ms. Roberts
18 was improper. *See* Att. 4, Letter from C. Cook to J. Tully at 1-4. In response, Mr. Cook
19 informed Plaintiff's counsel that only the Warden can reinstate a suspended individual to
20 an inmate's visiting list and that Plaintiff had not challenged the denial of his social
21 visitors through the Administrative Remedy Program. *Id.* at 5-6.

22 **III. ADMINISTRATIVE REMEDIES**

23 9. During Plaintiff's incarceration with the Bureau, he has filed five
24 administrative remedies or appeals. *See* Att. 5, SENTRY Administrative Remedy Index
25 at 1-4.

26
27
28 ⁵ Available at https://www.bop.gov/policy/progstat/1315_007.pdf (last visited on May 27, 2022).

10. To date, Plaintiff has not submitted any administrative remedies or appeals challenging the denial social visitation for Mr. Chakravorty, Ms. Clyne, or Ms. Roberts. *Id.*

11. On September 8, 2022, Plaintiff filed a Request for Administrative Remedy questioning why a different NXIVM associate was denied visitation. *See* Att. 6, Remedy No. 1133790-F1 at 3. On the same date, Plaintiff filed a Request for Administrative Remedy stating that Mr. Chakravorty had been banned a second time from communicating with him at USP Tucson after having been reinstated. *See* Att. 7, Remedy No. 1133798-F1 at 3. On the same date, Plaintiff filed a Request for Administrative Remedy seeking to know the reasons for his contact list being “scrubbed.” *See* Att. 8, Remedy No. 1133808-F1 at 3.

IV. LEGAL CALLS

12. Since June 10, 2022, the last date identified in Mr. Flores second declaration (Doc. 17-1) when a legal call was requested/accommodated, the below table identifies all legal calls that have been scheduled/accommodated for Plaintiff by Mr. Flores. *See* Att. 9, Legal Call Log (Redacted) at 2-3.

Date	Attorney Names	Approximate Duration
6/13/2022	Joseph P. Daugherty	1 hr.
6/19/2022	Suneel Chakravorty ⁶	2 hrs.
6/21/2022	Joseph P. Daugherty	1 hr.
6/27/2022	Joseph P. Daugherty	2 hrs.

⁶ Previously, the Warden, in his discretion, allowed Plaintiff a single legal phone call, but not a legal visit, with Mr. Chakravorty, due to the then-imminent Rule 33 deadline.

6/29/2022	Joseph Tully	1 hr.
7/6/2022	Joseph Tully	1 hr.
7/13/2022	John Meringolo	1 hr.
7/20/2022	Joseph P. Daugherty	1 hr.
8/31/2022	Joseph P. Daugherty	2 hrs.
9/7/2022	Joseph P. Daugherty	1.5 hrs.
9/14/2022	Joseph P. Daugherty	2 hrs.
9/21/2022	Joseph P. Daugherty	2 hrs.

V. LEGAL VISITS

13. Plaintiff's attorneys continue to schedule, through his assigned Correctional Counselor and other substitute Correctional Counselors, legal visits. *See* Att. 10, Legal Visit Approval Notices (Redacted) at 1-8. These legal visits have been accommodated per the request of the attorney and in line with the schedule of the institution and any institutional security/safety measures (e.g., lockdown, COVID-19 protocols, staff resources, etc.).

14. Since Plaintiff's placement in the Special Housing Unit at USP Tucson in late July 2022, Plaintiff's legal visits have been accommodated as reflected in the following table:

Date	Attorney Name(s)
7/29/2022	Stacy Scheff
8/5/2022	Stacy Scheff Gregory Stoltz

1	8/12/2022	Gregory Stoltz
2	8/22/2022	Stacy Scheff
3	8/24/2022	Gregory Stoltz
4	8/29/2022	Stacy Scheff
5	9/6/2022	Stacy Scheff
6	9/14/2022	Gregory Stoltz
7		
8		

9 15. In addition to these legal calls and legal visits, Plaintiff is still able to send
10 and receive legal correspondence at USP Tucson to/from his attorneys that is afforded
11 confidential processing/handling.

12 **VI. DISCIPLINARY ACTION**

13 16. On August 15, 2022, Incident Report No. 3655238 was expunged. *See Att.*
14 11, Expunged Incident Report No. 3655238 at 1. However, Plaintiff remains in the
15 Special Housing Unit at USP Tucson in administrative detention status (non-punitive)
16 pending placement into general population or other suitable housing.

17 //

18
19 //

20
21 //

22
23 //

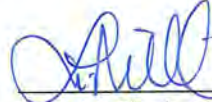
24
25 //

26
27 //

28

1 Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury
2 that the foregoing is true and correct to the best of my information, knowledge, and belief.

3 Executed on this 23rd day of September 2022, in Tucson, Arizona.

4 

5 Lorri Mitchell
6 Legal Assistant
7 USP Tucson, Arizona
8 Federal Bureau of Prisons

8 **Enclosures**

- 9 Att. 1, Visitor Denial Memos (Redacted)
10 Att. 2, Special Investigative Services Investigation (Redacted)
11 Att. 3, E-Mail Correspondence (Redacted)
12 Att. 4, Letter from C. Cook to J. Tully
13 Att. 5, SENTRY Administrative Remedy Index
14 Att. 6, Remedy No. 1133790-F1
15 Att. 7, Remedy No. 1133798-F1
16 Att. 8, Remedy No. 1133808-F1
17 Att. 9, Legal Call Log (Redacted)
18 Att. 10, Legal Visit Approval Notices (Redacted)
19 Att. 11, Expunged Incident Report No. 3655238
20
21
22
23
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Exhibit A

Attachment 1



Office of the Unit Team

U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Complex

Tucson, Arizona 85756

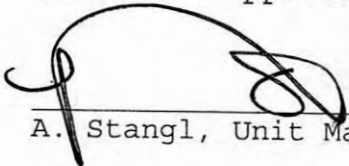
January 4, 2022

MEMORANDUM FOR D. COLBERT, ACTING COMPLEX WARDEN

FROM: T. Ashworth, Correctional Counselor

SUBJECT: Visitor Removal for inmate
Raniere, Keith
Reg. No. 57005-177

Requesting visitor Danielle, Roberts to be removed from inmate Raniere, Keith's visiting list due to the fact that she had extensive involvement in the NXIVM case. Additionally, his Judgement and Commitment indicants under special conditions that he shall not have contact to include in person with any of the NXIVM associates. Attached below is supporting documentation for your review.

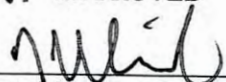

A. Stangl, Unit Manager

Comments:

remove for safety and security of institution.

[☒] APPROVED

[] DISAPPROVED

FOR 
J. Walker, SIS Lieutenant

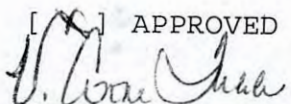
Comments: Removal due to security concerns

[☒] APPROVED[☒] DISAPPROVEDFOR 
J. Rey, Complex Captain

Comments: Concur with SIS & Unit team

[☒] APPROVED

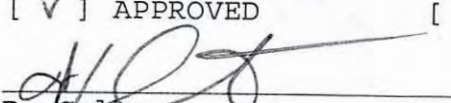
[] DISAPPROVED


A. Tubb, Associate Warden

Comments: Agree with recommendation to remove from visitation list.

[☒] APPROVED

[] DISAPPROVED


D. Colbert
Acting Complex Warden

Comments:

[☒] APPROVED

[] DISAPPROVED

F.O.I. EXEMPT

Ex. A, Att. 1, p. 1



U.S. Department of Justice

Federal Bureau of Prisons

FCC Tucson

Tucson, Arizona 85756

July 27, 2021

MEMORANDUM FOR CATRICIA HOWARD, COMPLEX WARDEN

THRU: Randy Canabajar, Special Investigative Agent

FROM: Xavier Calvillo, S.I.S. Technician

SUBJECT: Inmate Keith Raniere, Reg. No. 57005-177 contact block

I am requesting Nicki Clyne be removed from inmate Keith Raniere, Reg. No. 57005-177, contacts, visiting, phone and email lists. I am also requesting Nicki Clyne be blocked from all inmates at FCC Tucson indefinitely. Inmate Raniere is utilizing email and phone accounts of other inmates to bypass the communication monitoring process. The email address [REDACTED].com, is being utilized to contact Nicki Clyne when inmate Keith Raniere is not able to communicate with her. The phone number that is also being utilized to circumvent the monitoring system is [REDACTED]. This is a violation of Program Statements 5265.14, and 5264.08, being unable to properly monitor the phone and correspondence appropriately. It is to be noted inmate Keith Raniere had a previous incident at MDC Brookly. Supporting documentation is attached.

F.O.I.A. EXEMPT

Exhibit A

Attachment 2



U.S. Department of Justice
Federal Bureau of Prisons

Inmate Investigative Report

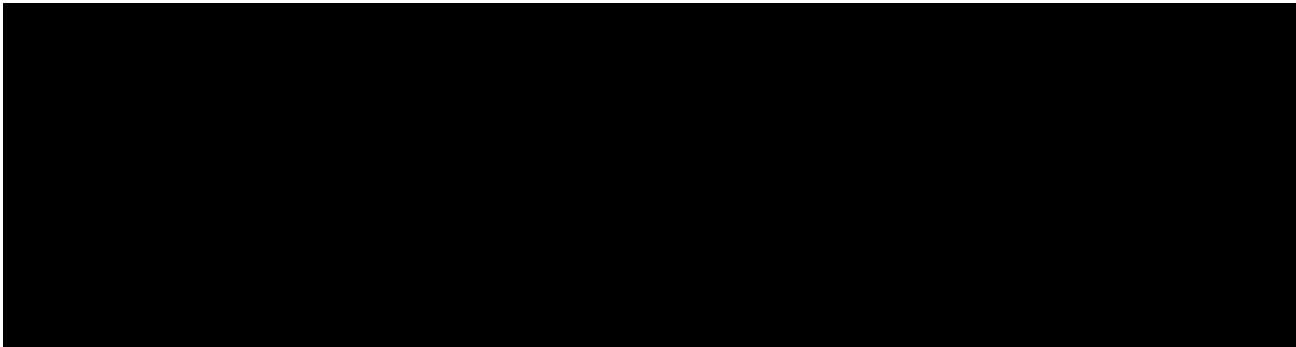
Institution: Tucson USP

Case Number: [REDACTED]

Investigation Type: [REDACTED]

Inmates Involved:

Register Number	Name	Role
[REDACTED]	[REDACTED]	[REDACTED]
57005177	RANIERE, KEITH	Suspect



Investigator: CALVILLO, XAVIER

Date: 8/19/2021 11:30:32 AM CST

Captain: REY, JESSE

Date: 9/2/2021 4:43:44 PM CST

Associate Warden: DYER, JACOB

Date: 9/15/2021 2:27:15 PM CST

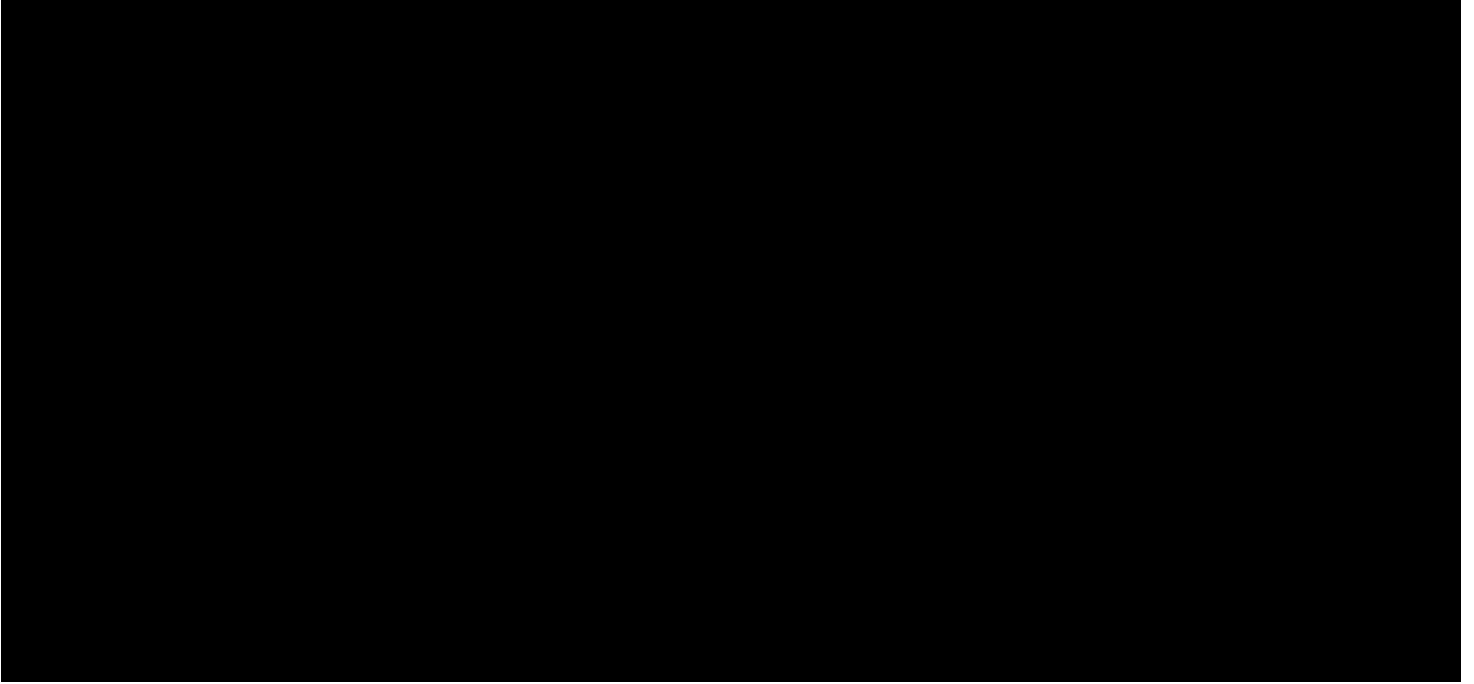
Warden: HOWARD, CATRICIA

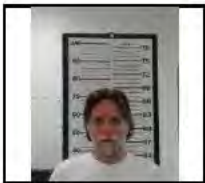
Date: 9/16/2021 9:26:59 AM CST

Summary:

On July 22, 2021, at approximately 10:00 a.m., S.I.S. staff reviewed required monitoring phone calls when a call made on July 22, 2021, at approximately 6:58 a.m., to phone number [REDACTED], identified as " Nicki Clyne", on inmate Keith Raniere's, Reg. No. 57005-177, TRUVIEW account. Further review of the phone call and caller, it was discovered via TRUINTEL, " Nikki Clyne" has been removed from Raniere's telephone and visitation list, from his previous institution for illicit activity conducted in and outside of MDC Brooklyn. An investigation continues...

Inmate Data:





Name: 57005177 - RANIERE, KEITH

Role: Suspect

Age: 60 **Race:** WHITE

Facility Arrival Date: 1/22/2021

Projected Release Date: 6/27/2120

Charges:

Description

Sentencing District

18:1349,18:1343 WIRE FRAUD
CONSPIRACY CT.7

NEW YORK, EASTERN DISTRICT

18:1594(B) FORCED LABOR CONSPIRACY
CT.6

NEW YORK, EASTERN DISTRICT

18:1594(C),18:1591(B)(1) SEX TRAFF
CONSP CT.8; 18:1591(A)(1), 18:1591(B)(1)
SEX TRAFF JANE DOE 5 CT.9; 18:
1594(A),18:1591(B) (1) ATTEMPTED SEX
TRAFF JANE DOE 8 CT.10

NEW YORK, EASTERN DISTRICT

18:1962(D),18:1963(A) RACKETEERING
CONSPIRACY CT.1 18:1962(C),18:1963(A)
RACKETEERING CT.2

NEW YORK, EASTERN DISTRICT



Other Statements:

Date: 7/22/2021 1:30 PM

Location: Housing Unit, Special (SHU)

Interviewer: Rhynard, M

Title: SIS Cadre

Interviewee: 57005177 - RANIERE, KEITH

During an interview with inmate Keith Ranieri, Reg. No. 57005-177, he stated inmate [REDACTED], sent emails to a Nikki Clyne for small things like visits. I asked inmate Ranieri how he knew Ms. Clyne? Inmate Ranieri stated she is his "partner" and an original member of NXIVM. Inmate Ranieri said she visits him and a Clare Bronfman, Reg. No. 91010-053, who is his Co-defendant. I asked inmate Ranieri if Ms. Clyne passes messages between him and Bronfman? He said yes. She tells me what's going on with her and how she's doing. I asked inmate Ranieri if he has any other contact with Bronfman? Inmate Ranieri said she pays my legal fees, but I do not talk to her directly. I asked inmate Ranieri why Clyne is under several different inmate email accounts and uses several different names? Inmate Ranieri stated Nikki is famous, so she uses other names, so staff will not mess with her emails and letters. Ranieri said Nikki Clyne is part of an inmate advocacy group, and she's just trying to help. I asked inmate Ranieri if Nikki Clyne has ever been blocked by the BOP before? He stated yes, and my emails were taken away.

Date: 7/22/2021 1:00 PM

Location: Housing Unit, Special (SHU)

Interviewer: Rhynard, M

Title: SIS Cadre

Interviewee: [REDACTED]

During an interview with inmate [REDACTED] he stated he did send emails to a Nikki Clyne in regards to and for inmate Keith Ranieri, Reg. No. 57005-177. [REDACTED] stated he referred to inmate Ranieri as "K-dog" in his emails to Clyne. [REDACTED] further stated he did not think it was a big deal but understands how it is a BOP rule violation.

Type	Subtype	File Name	Original Entered By
[REDACTED]			

Conclusion:

At the completion of this investigation it was found that inmates [REDACTED], and Keith Raniere, Reg. No. 57005-177, did knowingly circumvent the Bureau of Prisons communications policy. Specifically, inmate Brooks sent email correspondence to a "Nicki Clyne" at the email of "[REDACTED].com" and stated if there was a need to have contact with Raniere that they can do it through the email. In the email it also describes a nickname for Raniere of "K-Dog" to be discreet in their communications. Inmate Raniere's TRULINCS account has been restricted for public messaging. In a memorandum authored by the Bureau of Prisons, Counter Terrorism Unit, discovered "Nicki Clyne" was under several inmates TRULINCS accounts under false pretenses while inmate Raniere was housed at MDC Brooklyn. "Nicki Clyne" at this time is an un-indicted co-conspirator of Raniere's "Inner Circle" or "First line masters" of the NXIVM cult. In an interview with inmate Raniere, he admits to utilizing [REDACTED] to send messages to "Nicki Clyne" on his TRULINCS account and in visitation to pass along messages to his co-conspirator, Carol Bronfman, Reg. No. 91010-053, who is housed at FDC Philadelphia.

A review of CCTV video footage, SENTRY, and TRUSCOPE, did not provide any factual findings pertaining to this investigation.

Recommendation:

It is recommended inmates Keith Raniere, Reg. No. 57005-177, and [REDACTED], receive an incident report of 196-Use of the mail for an illegal purpose, 197-Use of the telephone for an illegal purpose, and 199-Conduct which disrupts or interferes with orderly running of the institution or the Bureau of Prisons. Upon completion of the disciplinary process, they should return to general population to continue their programming needs.

[REDACTED]

Exhibit A

Attachment 3

Re: Fwd: [EXTERNAL] Inmate Communication Issue

Tempski, [REDACTED] (BOP) <[REDACTED]@bop.gov>

To: [REDACTED].com <[REDACTED].com>

BOP's inmate Visiting Regulations are outlined in Program Statement 5267.09

(https://www.bop.gov/policy/progstat/5267_09.pdf). There is no formal appeals process for visitation denials, but as with any issue of an inmate's conditions of confinement, the involved inmate may personally file a request through the BOP's Administrative Remedy process.

To the extent telephonic or written correspondence are at issue here, the processes involved are addressed in Program Statements 5264.08 and 5265.14 (https://www.bop.gov/policy/progstat/5264_008.pdf and https://www.bop.gov/policy/progstat/5265_014.pdf).

Regards,

[REDACTED] Tempski

Senior Attorney
U.S. Department of Justice
Federal Bureau of Prisons
FCC Tucson

>>> TCN-ExecAssistant-S 1/11/2022 1:45 PM >>>

>>>

From: Panagiotis Prountzos <[REDACTED].com>

To: <TCP-ExecAssistant@bop.gov>

Date: 1/10/2022 15:43

Subject: [EXTERNAL] Inmate Communication Issue

To whom it may concern,

Happy new year! I am following up with a couple of voicemails I have left with your legal department which have gone unanswered. I have a client who is NOT an inmate, but has been blocked from communicating with an inmate from your facility. I would like to speak with legal regarding this matter. Please have someone call me at [REDACTED]. I thank you for your time.

Best,
Panagiotis

--

Panagiotis Prountzos, Esq.
Law Offices of Panagiotis Prountzos
333 West Portal Avenue
Suite A
San Francisco, CA 94127

Telephone [REDACTED]
Facsimile [REDACTED]
www.prountzoslaw.com

CONFIDENTIALITY NOTICE

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distributing, or the taking of any action in reliance upon this communication is strictly prohibited.

Moreover, any such inadvertent disclosure shall not compromise or waive the attorney client privileges as to this communication or otherwise. (See *State Compensation Insurance Fund v. WPS, Inc.* (1999) 70 Cal. App. 4th 644.) If you have received this communication in error, please contact the sender at:

 [.com](#)

Exhibit A

Attachment 4



TULLY & WEISS
RETIRED
ATTORNEYS AT LAW

March 18, 2022

Melissa Rios
 Western Regional Director
 7338 Shoreline Drive
 Stockton, CA 95219
 Email: ExecAssistant@bop.gov
 Phone: (209) 956-9700
 Fax: (209) 956-9793

ATTENTION: SENSITIVE

RE: Keith Ranieri
Inmate #57005-177

Dear Ms. Rios,

There are multiple Bureau of Prisons ("BOP") and potential constitutional violations occurring at the USP Tucson where Mr. Keith Ranieri is currently housed.

A lack of transparency and following standard procedures has led to the necessity of this letter. Our main concern is the lack of information regarding these three communication and/or visitation bans. Our expectation is that all current communication and/or visitation bans will be removed as soon as possible.

Three individuals have been prevented from speaking and/or visiting with Mr. Ranieri without receiving any notice per BOP policy. Mr. Ranieri was only told of these bans through an informal conversation with a BOP officer without an explanation.

All three individuals have given declarations that testify to the facts that they have all been acting peacefully and in accordance with the law. (Exhibit A – Declarations of Chakravorty, Clyne, and Roberts.) The communication and visitation bans unconstitutionally deprive these specific people from their freedom to assemble by associating and communicating as guaranteed by the First Amendment to the United States of America: "Congress shall make no law...abridging the freedom of speech, or of the press; or **the right of the people peaceably to assemble**, and to petition the Government for a redress of grievances." (U.S. Const. Amend I.)

FRESNO
 1340 VAN NESS
 (559) 321-0907
 LOS ANGELES
 220 S. PCH. STE 106
 (424) 383-9700

MARTINEZ
 713 MAIN ST.
 (925) 229-9700
 REDDING
 1388 COURT ST., STE G
 (530) 999-9700

SAN FRANCISCO
 333 WEST PORTAL, STE A
 (415) 360 9007
 SELMA
 1916 E. FRONT ST.
 (559) 860-0970

TULLY & WEISS ATTORNEYS AT LAW
FIAT JUSTITIA RUAT CAELUM PAGE 2 OF 5

BOP TELEPHONE RESTRICTION NOTICE

"The Associate Warden may deny placement of a telephone number on an inmate's telephone list if the Associate Warden determines that there is a threat to institution security or good order, or a threat to the public. **Any disapproval must be documented in writing to both the inmate and the proposed recipient... The Associate Warden will notify the denied recipient that he or she may appeal the denial by writing to the Warden within 15 days of the receipt of the denial.**" (BOP Telephone Privileges section 540.101(3), emphasis added.)

30-DAY PHONE RESTRICTIONS IMPOSED PENDING AN INVESTIGATION

Telephone restrictions imposed pending an investigation or pending disciplinary action for possible telephone abuse are **limited to a period of 30 days. If an additional 30-day period is required to complete either the investigation or disciplinary process, the Warden must re-authorize the restriction using these procedures...** Unless re-authorized in this manner, **Trust Fund staff will obtain the Warden's approval for reinstatement or continued restrictions every 30 days. Each subsequent restriction period is limited to 30 days.** Staff should make every effort to complete investigations and disciplinary proceedings for possible telephone abuse **within the first 30-day period of the telephone restriction.** (BOP Telephone Privileges section 540.105(13)(b)(5), emphasis added.)

THE THREE INDIVIDUALS BANNED

Suneel Chakravorty

Suneel Chakravorty is a close friend of and has full power-of-attorney for Mr. Raniere. Mr. Chakravorty was denied in-person visitation to Mr. Raniere in May of 2021, allegedly due to a miscommunication regarding the length of their relationship. While Mr. Chakravorty is able to communicate with Mr. Raniere through telephone, he is still refused prison visitation. Mr. Chakravorty has no criminal history and was not a co-conspirator or connected to Mr. Raniere's criminal case.

Therefore, we request the immediate reinstatement of Mr. Chakravorty in-person visitation rights with Mr. Raniere.

Nicole Clyne

Nicole Clyne has been a close friend of Mr. Raniere's for over fifteen years. In May of 2021, Ms. Clyne was visiting Mr. Raniere regularly. After several visits, Ms. Clyne met other inmates and subsequently started a support program for inmates.

On July 24, 2021, Ms. Clyne was suddenly denied both communication and visitation with Mr. Raniere. Ms. Clyne never received any notice or reason from

TULLY & WEISS ATTORNEYS AT LAW
FIAT JUSTITIA RUAT CAELUM PAGE 3 OF 5

the BOP as to why this occurred. Ms. Clyne has spoken to several inmates across the BOP who lack support from family and friends for nearly two years without any issues. Any 30-day phone restriction should surely be over by now.

Therefore, we request the immediate reinstatement of Ms. Clyne's communication and in-person visitation rights with Mr. Raniere.

Dr. Danielle Roberts

Dr. Roberts has been a close friend of Mr. Raniere for about ten years. Dr. Roberts had been peacefully visiting with Mr. Raniere for about eight months consistently.

On January 7, 2022, Dr. Roberts was informed that her visitation rights with Mr. Raniere were revoked. None of the reasons given provided reasonable justification for the revocation of the visitation rights according to BOP policy.

When Dr. Roberts tried to appeal, she was informed to email Warden Howard about the issue. Dr. Roberts emailed the Warden twice and was informed that she would receive a response withing thirty days. More importantly, Dr. Roberts never received a response from her emails, and it has now been over sixty days.

Therefore, we request the immediate reinstatement of Dr. Roberts' communication and in-person visitation rights with Mr. Raniere.

NO DUE PROCESS

My office has followed the policy and procedures to obtain more information regarding Mr. Raniere's file with no response.

In October of 2021, our firm received approval from Mr. Raniere to release information regarding Mr. Raniere to us through a "Certification of Identity." On February 1, 2022, I emailed a request to the BOP department for the Freedom of Information Act to obtain Mr. Raniere's central file as I was instructed. To date, I have yet to receive a response.

No actions by the parties could reasonably be interpreted as criminal. Without justification or further information, these communication bans appear intentional and directly aimed at punishing Mr. Raniere outside of law in an arbitrary, capricious, and unreasonable manner such that it violates Mr. Raniere's Eight Amendment rights. If it was due to an investigation suspension, then we are well past the 30-day period per BOP policy.

TULLY & WEISS ATTORNEYS AT LAW
FIAT JUSTITIA RUAT CAELUM PAGE 4 OF 5

CONCLUSION

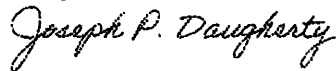
In view of the information provided above, it appears certain that USP Tucson has committed numerous BOP as well as Constitutional violations which are related and intentional. Therefore, if USP Tucson heard of these complaints, it is more than likely that it would use the complaint to further unlawfully punish Mr. Raniere.

We must ensure that the laws are followed for all individuals. If individuals at the BOP are depriving Mr. Raniere of any his Constitutional Rights, they are breaking the law and need to be addressed accordingly. Every day is a potential Constitutional Violation of his First and Eight Amendment rights.

Therefore, I am requesting a response as soon as possible to this letter so that Mr. Raniere may continue communications and visitation with Mr. Chakravorty, Ms. Clyne, and Dr. Roberts that are lawful and in accordance with BOP policies. If we do not receive an appropriate response that reasonably explains the situation, then we will be required to file a lawsuit to ensure that the Constitution is followed with respect to Mr. Raniere.

Very truly yours,

Tully & Weiss Attorneys at Law



Joseph P. Daugherty

Email: Joseph.Daugherty@Tully-Weiss.com



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Federal Correctional Institution

*Consolidated Legal Center
37900 N. 45th Avenue
Phoenix, AZ 85086*

March 28, 2022

Joseph M. Tully
Tully & Weiss Attorneys at Law
713 Main Street
Martinez, California 94553

Re: Keith Raniere, Federal Register No. 57005-177

Dear Mr. Tully,

This is in response to a March 18, 2022, letter from Joseph P. Daugherty. The letter relates to federal Keith Raniere, who is presently incarcerated at the United States Penitentiary in Tucson, Arizona (USP Tucson). Specifically, Mr. Daugherty claims that the denial of social visitation privileges for Suneel Chakravorty, Nicole Clyne, and Danielle Roberts was improper.

Having on file a Certification of Identity form authorizing disclosure of information to you regarding Mr. Raniere, I am able to provide you the following response. Please note that this response is going directly to you because a similar authorization from Mr. Raniere is not on file for Mr. Daugherty.

Social Visitation

The Federal Bureau of Prisons (Bureau) encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community. The Warden is tasked with developing procedures consistent with the prevailing federal regulations and policies to permit inmate visiting at his/her institution. The Warden is also permitted to restrict inmate visiting when necessary to ensure the security and good order of the institution.

The visiting privilege ordinarily will be extended to friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. Staff shall notify the inmate of each approval or disapproval of a requested person. The inmate is responsible for notifying the visitor of the approval or disapproval to visit. Only the Warden can reinstate a suspended

individual to an inmate's visiting list.

The Warden is responsible for responding to an inmate's Request for Administrative Remedy, commonly referred to as a BP-9. Records indicate that Mr. Ranieri has not attempted to challenge a denial of any of his social visitors through the Administrative Remedy Program. To the extent that Mr. Ranieri wishes to challenge any social visitation denials at USP Tucson, he is encouraged to use the Administrative Remedy Program. As noted in my prior correspondence to you from December 2021, the Administrative Remedy Program may be used to address any concerns related to his conditions of confinement. I trust this response addresses your concerns.

Sincerely,

s/ Clay C. Cook

Clay C. Cook

Supervisory Attorney

Phoenix, Arizona

Federal Bureau of Prisons

Exhibit A

Attachment 5

PHXC4

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *

09-23-2022

PAGE 001 OF

11:48:24

FUNCTION: L-P SCOPE: REG EQ 57005-177 OUTPUT FORMAT: FULL

-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----

DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____

DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU

DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT

STS/REAS: _____

SUBJECTS: _____

EXTENDED: _ REMEDY LEVEL: _ _ RECEIPT: _ _ _ "OR" EXTENSION: _ _ _

RCV OFC : EQ _____

TRACK: DEPT: _____

PERSON: _____

TYPE: _____

EVNT FACL: EQ _____

RCV FACL.: EQ _____

RCV UN/LC: EQ _____

RCV QTR.: EQ _____

ORIG FACL: EQ _____

ORG UN/LC: EQ _____

ORIG QTR.: EQ _____

G0002

MORE PAGES TO FOLLOW . . .

PHXC4
PAGE 002 OF*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *
* FULL SCREEN FORMAT *09-23-2022
11:48:24

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: 4 GP QTR.: Z01-118LAD RCV OFC: WXR
REMEDY ID: 1111640-R1 SUB1: 20DM SUB2: DATE RCV: 02-25-2022
UNT RCV.:UNIT C QTR RCV.: C01-108U FACL RCV: TCP
UNT ORG.:UNIT C QTR ORG.: C01-108U FACL ORG: TCP
EVT FACL.: TCP ACC LEV: WXR 1 BOP 1 RESP DUE: TUE 04-26-2022
ABSTRACT.: DHO HEARING 10-26-21 CODE: 396 / 397
STATUS DT: 04-01-2022 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: 3547878 RCT: P EXT: P DATE ENTD: 02-26-2022
REMARKS...:

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: 4 GP QTR.: Z01-118LAD RCV OFC: BOP
REMEDY ID: 1111640-A1 SUB1: 20BM SUB2: DATE RCV: 06-30-2022
UNT RCV.:UNIT C QTR RCV.: C01-108U FACL RCV: TCP
UNT ORG.:UNIT C QTR ORG.: C01-108U FACL ORG: TCP
EVT FACL.: TCP ACC LEV: WXR 1 BOP 1 RESP DUE: MON 08-29-2022
ABSTRACT.: DHO HEARING 10-26-21 CODE: 396 / 397
STATUS DT: 07-11-2022 STATUS CODE: ACC STATUS REASON:
INCRPTNO.: 3547878 RCT: P EXT: P DATE ENTD: 07-11-2022
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

PHXC4
PAGE 003 OF

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *
* FULL SCREEN FORMAT *

09-23-2022
11:48:24

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: 4 GP QTR.: Z01-118LAD RCV OFC: TCP
REMEDY ID: 1133790-F1 SUB1: 18AM SUB2: DATE RCV: 09-14-2022
UNT RCV...:4 GP QTR RCV.: Z01-119LAD FACL RCV: TCP
UNT ORG...:4 GP QTR ORG.: Z01-119LAD FACL ORG: TCP
EVT FACL.: TCP ACC LEV: TCP 1 RESP DUE: TUE 10-04-2022
ABSTRACT.: REQUESTING VISIT DENIAL INFORMATION
STATUS DT: 09-14-2022 STATUS CODE: ACC STATUS REASON:
INCRPTNO.: RCT: P EXT: DATE ENTD: 09-14-2022
REMARKS...:

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: 4 GP QTR.: Z01-118LAD RCV OFC: TCP
REMEDY ID: 1133798-F1 SUB1: 33EM SUB2: DATE RCV: 09-14-2022
UNT RCV...:4 GP QTR RCV.: Z01-119LAD FACL RCV: TCP
UNT ORG...:4 GP QTR ORG.: Z01-119LAD FACL ORG: TCP
EVT FACL.: TCP ACC LEV: TCP 1 RESP DUE: TUE 10-04-2022
ABSTRACT.: RQSTNG INFO DENIAL PHNE CALL PARA LEGAL APPROVE LIST
STATUS DT: 09-14-2022 STATUS CODE: ACC STATUS REASON:
INCRPTNO.: RCT: P EXT: DATE ENTD: 09-14-2022
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

PHXC4 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 09-23-2022
PAGE 004 OF 004 * FULL SCREEN FORMAT * 11:48:24

REGNO: 57005-177 NAME: RANIERE, KEITH
RSP OF...: TCP UNT/LOC/DST: 4 GP QTR.: Z01-118LAD RCV OFC: TCP
REMEDY ID: 1133808-F1 SUB1: 16GM SUB2: DATE RCV: 09-14-2022
UNT RCV...: 4 GP QTR RCV.: Z01-119LAD FACL RCV: TCP
UNT ORG...: 4 GP QTR ORG.: Z01-119LAD FACL ORG: TCP
EVT FACL.: TCP ACC LEV: TCP 1 RESP DUE: TUE 10-04-2022
ABSTRACT.: LOSS OF CONTACT IN TRULINCS
STATUS DT: 09-14-2022 STATUS CODE: ACC STATUS REASON:
INCRPTNO.: RCT: P EXT: DATE ENTD: 09-14-2022
REMARKS..:

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Exhibit A

Attachment 6

①

TCX 1330.18B

9/9/2019

Page 6

8/28/22

Attachment A

INFORMAL RESOLUTION FORM

NOTICE TO INMATE: You are advised that prior to receiving and filing a Request for Administrative Remedy Form (BP-9), you MUST attempt to informally resolve your complaint through your Correctional Counselor. Briefly state the complaint below and list what effort you have made to resolve your complaint informally. Also, please state names of staff contacted.

Inmate Name: <i>Renziere, K.</i>	Reg. No.: <i>57005-177</i>	Unit: <i>C-1</i>
Informal resolution form issued by Correctional Counselor on: (date)		
INMATE'S COMMENTS: (Inmate MUST FILL OUT items 1-4 and signature block)		
1. Complaint: <i>Mark Elliot was not approved for visitation last visiting weekend. He was approved multiple times before. I would like to know: 1) Why he was not approved, 2) Who made this decision, 3) All evidence used to make this decision? I would also like this decision reversed.</i>		
2. Efforts made by inmate to informally resolve incident (Which staff members did you talk to and what did they say?) <i>Spoke to counselors Ashworth and Flores, neither knew the reason.</i>		
3. State what action you want staff to take to correct the situation: <i>Find out: 1) Why? 2) Who? 3) What? (see #1) Also reverse this decision.</i>		
Date returned to Correctional Counselor: <i>8/29/22</i>		
Inmate Signature <i>Keith Van Penize</i>	Reg. No. <i>57005-177</i>	Date <i>8/29/22</i>
CORRECTIONAL COUNSELOR'S COMMENTS:		
Efforts made to informally resolve and staff contacted:		
a. <i>Discussed the complaint with (staff member) --- and he/she stated...</i>		
b. <i>I further explained to the inmate that ...</i>		
c. <i>But, the inmate insisted he wanted to file a BP-9 because...</i>		
<i>Response 2/2/22</i>		
Date informally resolved: <i>8/6/22</i>	Signature: <i>[Signature]</i>	
Informal Resolution was not accomplished for the following reason: <i>After I personally explained that ..., he still insisted that he was wronged because...</i>		
Unit Manager's review and Signature:		
a. <i>Can this request be resolved at the Unit Level?</i>		
b. <i>Steps taken to resolve (who was contacted, results of that contact - do not forward for lack of contact):</i>		
<i>[Signature]</i>		
Unit Manager		

RANIERE, Keith

09/06/2022

Reg. No. 57005-177

The Warden has determined that the visit is not appropriate at this time. You may appeal the decision using the administrative remedy process.

D. Flores, CCC

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

From: Raniere, Keith, A 57005-177 C-1 Tucson
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Marc Elliot was not approved for visitation. He has been approved multiple times before. I would like to know: 1) Why Warden Gutierrez stopped this visitation? 2) What evidence he used to make this decision? 3) What would it take to reverse this decision (evidence or conditions)? 4) What event or action caused this?
I want to know and understand this decision - not simply hear, in effect, this decision was made, if you want to appeal it use the administrative remedy process.

How can I appeal a decision if I know nothing about how it was made? I need the above questions answered before I can do a proper appeal! Thank you.

9/8/22
DATE

Keith A. Raniere
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: 1133790-FI

CASE NUMBER: _____

Part C- RECEIPT

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

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Ex. A, Att. 6, p. 3



Exhibit A

Attachment 7

2

TCX 1330.18B

9/9/2019

Page 6

8/28/22

Attachment A

INFORMAL RESOLUTION FORM

NOTICE TO INMATE: You are advised that prior to receiving and filing a Request for Administrative Remedy Form (BP-9), you MUST attempt to informally resolve your complaint through your Correctional Counselor. Briefly state the complaint below and list what effort you have made to resolve your complaint informally. Also, please state names of staff contacted.

Inmate Name:	Reg. No.:	Unit:
Rapier, K.	57005-177	C-1
Informal resolution form issued by Correctional Counselor on: (date)		
INMATE'S COMMENTS: (Inmate MUST FILL OUT items 1-4 and signature block)		
1. Complaint: Suneel Chakravarti my friend, power of attorney, and a paralegal on my legal team. He was banned from communicating with me, reinstated for 2 phone calls, then banned a second time. 1) Why was he banned a second time? 2) Who made this decision? 3) What evidence was used for this decision? 4) I want him reinstated ASAP.		
2. Efforts made by inmate to informally resolve incident (Which staff members did you talk to and what did they say?) Spoke to staff [unclear]		
3. State what action you want staff to take to correct the situation: Find out (from above) 1) - 3), do 4).		
Date returned to Correctional Counselor:		
8/29/22		
Inmate Signature:	Reg. No.	Date
[Signature]	57005-177	8/29/22
CORRECTIONAL COUNSELOR'S COMMENTS:		
Efforts made to informally resolve and staff contacted:		
a. Discussed the complaint with (staff member) --- and he/she stated... b. I further explained to the inmate that ... c. But, the inmate insisted he wanted to file a BP-9 because...		
Response attempted.		
Date informally resolved:	Signature:	
9/6/22	[Signature]	
Informal Resolution was not accomplished for the following reason:		
After I personally explained that ..., he still insisted that he was wronged because...		
Unit Manager's review and Signature:		
a. Can this request be resolved at the Unit Level? b. Steps taken to resolve (who was contacted, results of that contact - do not forward for lack of contact):		
[Signature]		
Unit Manager		

RANIERE, Keith

09/06/2022

Reg. No. 57005-177

Based on the safety and security running of the institution, it has been determined that your visitor/contact is not appropriate at this time. You may appeal the decision using the administrative remedy process.

D. Flores, CCC

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

From: Raniere, Keith, A 57005-177 C-1 Tucson
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Suneel Chakravorty, my friend, power of attorney, and a para-legal on my legal team. He was banned from communicating with me & reinstated for 2 phone calls then banned a second time. 1) Why was he banned the second time? 2) What event caused this? 3) Who made this decision? 4) What evidence was used for this decision? 5) How did my continuing to have contact with him, beyond the second call after his reinstatement, endanger the safety and/or security of this institution (this is the reason given for this action - see response to my BP-8 - my questions were not answered)? 6) I want him reinstated ASAP!

I want to know and understand this decision - not simply hear, in effect; this decision was made, if you want to appeal it ~~then~~ use the administrative remedy process.

How can I appeal a decision if I know nothing about how it was made? I need the above questions answered before I can do a proper appeal! Thank you.

9/8/22

DATE

Keith Raniere

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: 1133 798-F1

CASE NUMBER: _____

Part C- RECEIPT

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

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Ex. A, Att. 7, p. 3



Exhibit A

Attachment 8

③

TCX 1330.18B

9/9/2019

Page 6

8/28/22
Attachment A

INFORMAL RESOLUTION FORM

NOTICE TO INMATE: You are advised that prior to receiving and filing a Request for Administrative Remedy Form (BP-9), you MUST attempt to informally resolve your complaint through your Correctional Counselor. Briefly state the complaint below and list what effort you have made to resolve your complaint informally. Also, please state names of staff contacted.

Inmate Name: <i>Aspiere, K.</i>	Reg. No.: <i>57005-177</i>	Unit: <i>C-1</i>
Informal resolution form issued by Correctional Counselor on: (date)		
INMATE'S COMMENTS: (Inmate MUST FILL OUT items 1-4 and signature block)		
1. Complaint: my account was "scrubbed" and I am currently on special restrictions; 1) What did I do to cancel this now? 2) Why were my contacts erased instead of just "blocked"? 3) Who ordered Callion to do this? 4) What evidence was used for this decision? 5) How can I reverse this?		
2. Efforts made by inmate to informally resolve incident (Which staff members did you talk to and what did they say?) Spoke to staff and emailed Callion.		
3. State what action you want staff to take to correct the situation: Find out (from above) 1) - 5)		
Date returned to Correctional Counselor:		
Inmate Signature <i>K. Aspiere</i>	Reg. No. <i>57005-177</i>	Date <i>8/29/22</i>
CORRECTIONAL COUNSELOR'S COMMENTS:		
Efforts made to informally resolve and staff contacted:		
a. Discussed the complaint with (staff member) --- and he/she stated...		
b. I further explained to the inmate that ...		
c. But, the inmate insisted he wanted to file a BP-9 because ...		
Response stopped.		
Date informally resolved: <i>9/6/2022</i>		Signature: <i>[Signature]</i>
Informal Resolution was not accomplished for the following reason: After I personally explained that ..., he still insisted that he was wronged because ...		
Unit Manager's review and Signature:		
a. Can this request be resolved at the Unit Level?		
b. Steps taken to resolve (who was contacted, results of that contact - do not forward for lack of contact):		
<i>[Signature]</i> Unit Manager		

RANIERE, Keith

09/06/2022

Reg. No. 57005-177

Based on the safety and security running of the institution, some of your visitors and contacts have been removed. You may appeal the decision using the administrative remedy process.

D. Flores, CCC

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

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

From: Ranieri, Keith, A. 57005-177 C-1 Tucson
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

My account was "scrubbed" and I am currently on special restrictions.
 1) What act did I do now to cause this? 2) Why were the contacts erased, instead of just blocked?
 3) Who ordered Gallion to do this? 4) What evidence was used for this decision? 5) How could my having
 this information "blocked" instead of erased, endanger the safety and/or security of this institution (this
 is the reason given for this action - see response to my BP8 - my questions were not answered)?
 6) How do I reverse this?

I want to know and understand this decision - not simply hear, in effect; this decision was
 made, if you want to appeal it use the administrative remedy process.

How can I appeal a decision if I know nothing about it? I need the above questions
 answered before I can do a proper appeal! Thank you. ^{how it was made}

9/8/22

DATE

Keith A. Ranieri

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: 1133 808 - F1

CASE NUMBER: _____

Part C- RECEIPT

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

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Ex. A, Att. 8, p. 3

USP LVN



PRINTED ON RECYCLED PAPER

BP-229(13)
APRIL 1982

Exhibit A

Attachment 9

Legal Call Log

Date	IM Name/Reg. No. RANIERE, Reg. No. 57005-177 Attorney Name/Number	Call Duration	Staff
10/04/2021	Joseph P. Daugherty [REDACTED]	1.5 hr.	D. Flores CCC
10/07/2021	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
10/11/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/14/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/20/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
10/27/2021	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
11/01/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
11/09/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
11/15/2021	Paul DerOhannesian [REDACTED]	1hr.	D. Flores CCC
11/16/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/01/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/08/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/15/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/15/2021	Seema Iyer, Esq. [REDACTED]	1hr.	D. Flores CCC
12/20/2021	Joseph Tully [REDACTED]	1hr.	D. Flores CCC
12/21/2021	Seema Iyer, Esq. [REDACTED]	1hr.	D. Flores CCC
02/22/2022	Duncan Levin, Esq. [REDACTED]	30 min.	D. Flores CCC
02/23/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC

Legal Call Log

02/28/2022	Meringolo [REDACTED]	1hr.	D. Flores CCC
03/01/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
03/08/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
03/09/2022	John Meringolo [REDACTED]	1 hr.	D. Flores CCC
03/29/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores CCC
4/25/2022	Gregory Stoltz [REDACTED]	1hr.	D. Flores
4/26/2022	John Meringolo [REDACTED] Gregory Stoltz [REDACTED]	1hr. 1hr.	D. Flores
4/27/2022	Duncan Levin [REDACTED]	1hr.	D. Flores
5/04/2022	Joseph Tully [REDACTED]	1hr.	D. Flores
5/09/2022	John Meringolo [REDACTED]	1 hr.	D. Flores
5/10/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores
5/24/2022	Joseph P. Daugherty [REDACTED]	1hr.	D. Flores
5/25/2022	Joseph Tully [REDACTED]	1hr.	D. Flores
6/1/2022	Joseph P. Daugherty [REDACTED] Gregory Stoltz [REDACTED]	1hr. 1hr.	D.Flores
6/13/2022	Joseph P. Daugherty [REDACTED]	1 hr.	D. Flores
6/19/2022	Suneel Chakravorty [REDACTED]	2 hrs.	D. Flores
6/21/2022	Joseph P. Daugherty [REDACTED]	1 hr.	D. Flores
6/27/2022	Joseph P. Daugherty [REDACTED]	2 hr.	D. Flores
6/29/2022	Joseph Tully [REDACTED] 1130am	1hr.	D. Flores

Legal Call Log

07/06/2022	Joseph Tully [REDACTED]	1 hr.	D. Flores
07/13/2022	Meringolo [REDACTED]	1 hr.	D. Flores
7/20/2022	Joseph P. Daugherty [REDACTED]	1 hr.	D. Flores
8/31/2022	Joseph P. Daugherty [REDACTED]	2 hr.	D. Flores
9/7/2022	Joseph P. Daugherty [REDACTED]	1.5hrs.	D. Flores
9/14/2022	Joseph P. Daugherty [REDACTED]	2 hrs.	D. Flores
9/21/2022	Joseph P. Daugherty [REDACTED]	2 hrs.	D. Flores

Exhibit A

Attachment 10



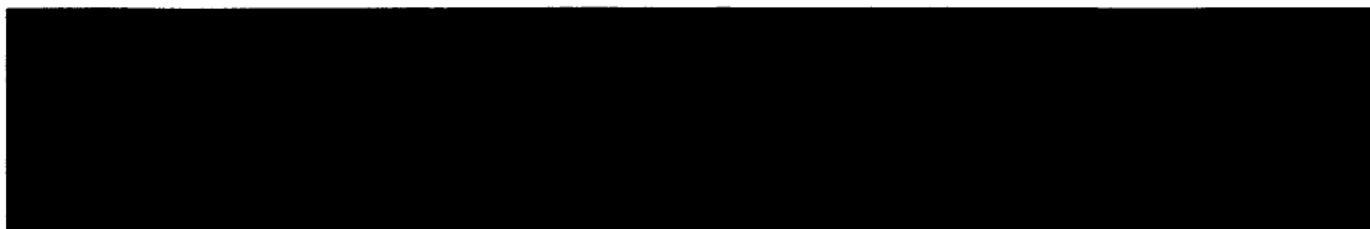
AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



Name of Visitors: Additional Names may be attached	Attorney Stacy Scheff
Purpose of visit:	Legal Visit RANIERE, Keith 57005-177 (C-1)
Date/Time:	07/29/2022
Location:	USP Tucson
Special Instructions:	N/A
Contact upon arrival:	D. Flores CCC



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved

Sponsoring Staff: D. Flores CCC

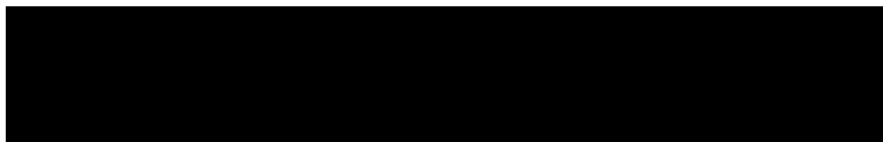
Date: 07/18/2022

☒ Approved ☐ Disapproved

Captain:

Date: 07/18/2022

cc:

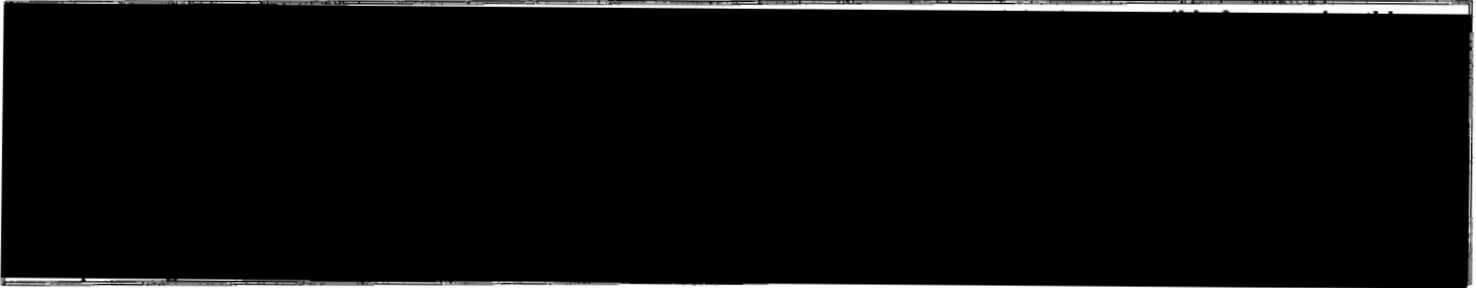




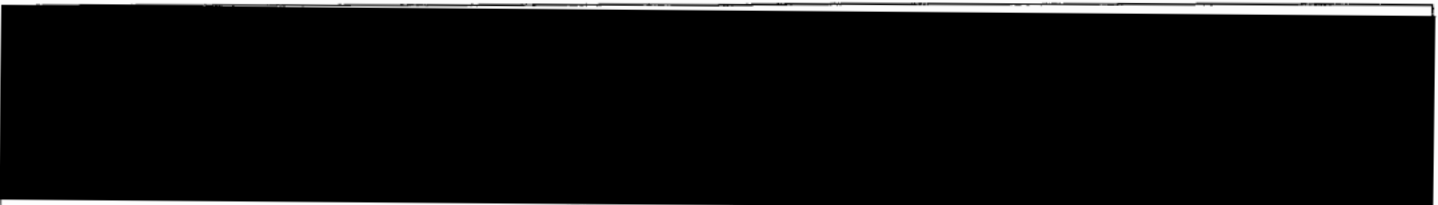
AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



Name of Visitors: Additional Names may be attached	ATTORNEY (S): SCHEFF, STACY, & STOLTZ, GREGORY IAN
Purpose of visit:	LEGAL VISIT FOR INMATE (S) RANIERE, KEITH Reg. # 57005-177
Date/Time:	FRIDAY AUGUST 5 th , 2022 AT 8:30AM & 12:00PM
Location:	USP VISITING ROOM
Special Instructions:	
Contact upon arrival:	COUNSELOR T. ASHWORTH USP TUCSON



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved Sponsoring Staff: T. Ashworth Counselor Date: 8-3-2022
☒ Approved ☐ Disapproved Captain: J. Rey Date: 8-3-22

CC:





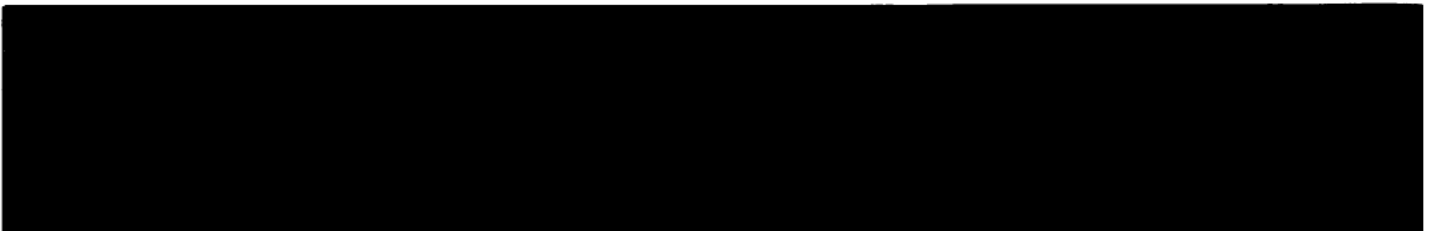
AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



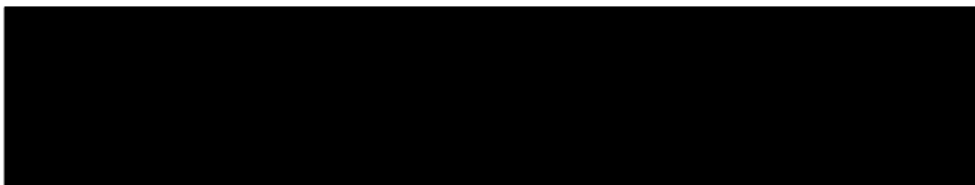
Name of Visitors: Additional Names may be attached	Attorney Gregory Stoltz
Purpose of visit:	Legal Visit RANIERE, Keith 57005-177 SHU
Date/Time:	8/12/2022
Location:	USP Tucson
Special Instructions:	N/A
Contact upon arrival:	D. Flores CCC [REDACTED]



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved
Sponsoring Staff: D. Flores CCCDate: 08/09/2022
☒ Approved ☐ Disapproved
Captain: [Signature]Date: 09/09/2022

cc:





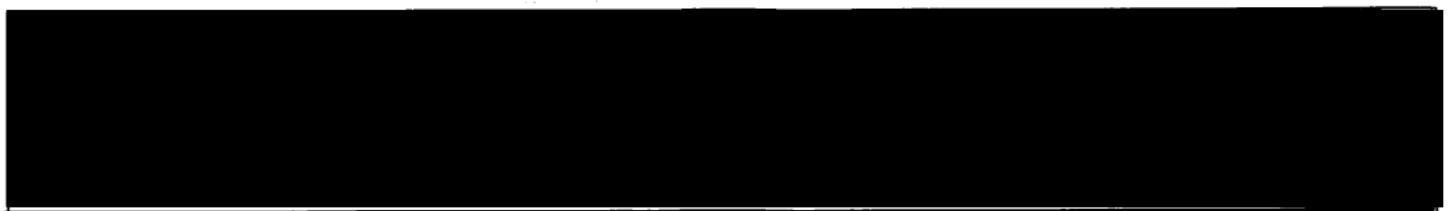
AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



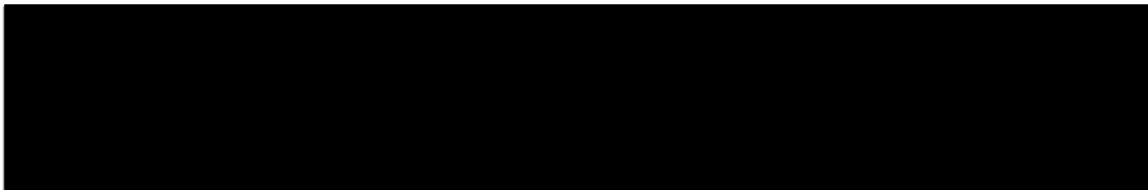
Name of Visitors: Additional Names may be attached	ATTORNEY (S): SCHEFF, STACY
Purpose of visit:	LEGAL VISIT FOR INMATE (S) RANIERE, KEITH Reg. # 57005-177
Date/Time:	MONDAY AUGUST 22nd, 2022 AT 12:00PM
Location:	USP VISITING ROOM
Special Instructions:	
Contact upon arrival:	COUNSELOR D. FLORES



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved Sponsoring Staff: T. Ashworth Counselor Date: 8-19-22
☒ Approved ☐ Disapproved Captain: J. Rey Date: 8-19-22

CC:

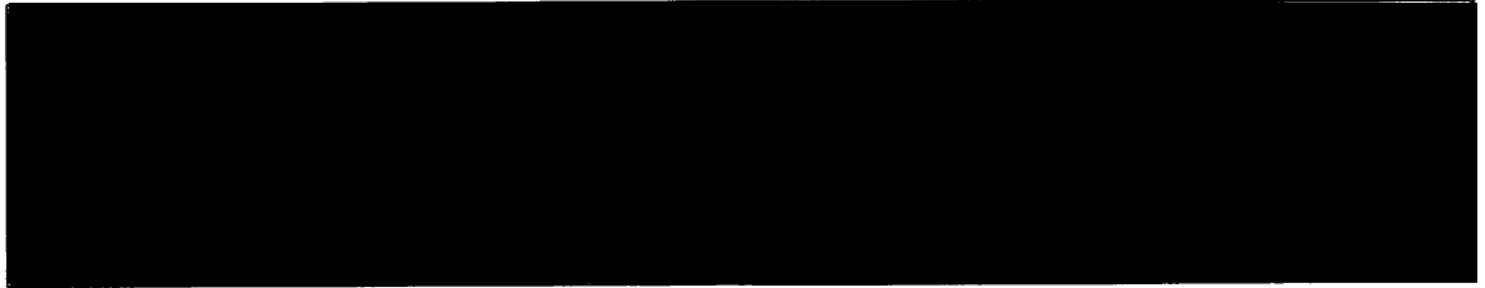




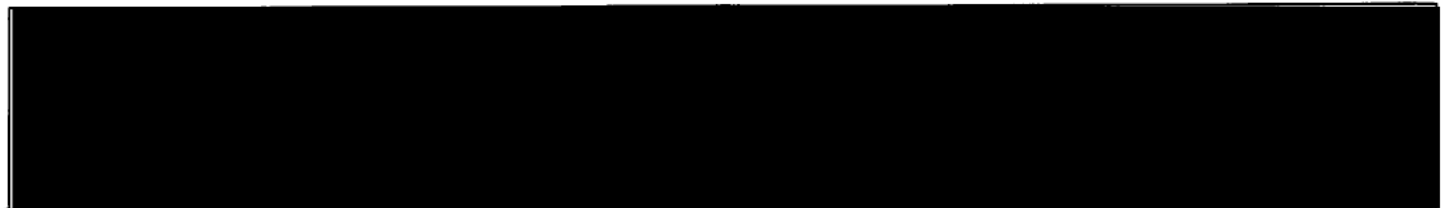
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Federal Correctional Complex

Tucson, Arizona



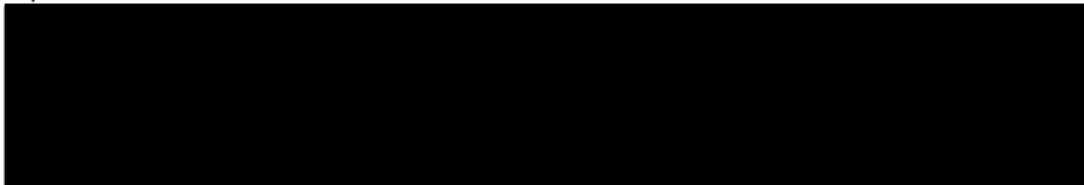
Name of Visitors: Additional Names may be attached	ATTORNEY (S): STOLTZ, GREGORY IAN
Purpose of visit:	LEGAL VISIT FOR INMATE (S) RANIERE, KEITH Reg. # 57005-177
Date/Time:	WEDNESDAY AUGUST 24TH, 2022 AT 12:00PM
Location:	USP VISITING ROOM
Special Instructions:	
Contact upon arrival:	COUNSELOR D. FLORES



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved Sponsoring Staff: T. Ashworth Counselor Date: 8-19-22
☒ Approved ☐ Disapproved Captain: J. Rey Date: 8-19-22

CC:





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Federal Correctional Complex

Tucson, Arizona

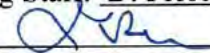


Name of Visitors: Additional Names may be attached	Attorney Stacy Scheff
Purpose of visit:	Legal Visit RANIERE, Keith 57005-177 SHU
Date/Time:	08/29/2022
Location:	USP Tucson
Special Instructions:	N/A
Contact upon arrival:	D. Flores CCC 



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved
☒ Approved ☐ Disapproved

Sponsoring Staff: D. Flores CCCDate: 08/28/2022Captain: Date: 08/28/2022

CC:





AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



Name of Visitors: Additional Names may be attached	Attorney Stacy Scheff
Purpose of visit:	Legal Visit RANIERE, Keith 57005-177 SHU
Date/Time:	09/06/2022
Location:	USP Tucson
Special Instructions:	N/A
Contact upon arrival:	D. Flores CCC [REDACTED]



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved

Sponsoring Staff: D. Flores CCC Date: 08/28/2022

☒ Approved ☐ Disapproved

Captain: [Signature] Date: 08/28/2022

CC:





AUTHORIZATION TO ENTER INSTITUTION

Federal Correctional Complex

Tucson, Arizona



Name of Visitors: Additional Names may be attached	Attorney Gregory Stoltz
Purpose of visit:	Legal Visit RANIERE, Keith 57005-177 SHU
Date/Time:	9/14/2022
Location:	USP Tucson
Special Instructions:	N/A
Contact upon arrival:	D. Flores CCC [REDACTED]



The following signatures must be obtained before access will be allowed to the visitor(s).

☒ Approved ☐ Disapproved
Sponsoring Staff: D. Flores CCCDate: 09/12/2022
☒ Approved ☐ Disapproved
Captain: [Signature]Date: 09/12/2022

cc:

