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8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**
11

12 Keith Raniere,

13 Plaintiff,

14 vs.

15 Merrick Garland, et al.,

16 Defendants.
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No: 4:22-cv-0212-RCC

**PLAINTIFF’S MOTION FOR A
TEMPORARY RESTRAINING ORDER
OR, ALTERNATIVELY, FOR
PRELIMINARY INJUNCTIVE RELIEF**

18 Plaintiff, pursuant to Fed.R.Civ.P. 65 and *Winter v. Nat. Res. Def. Council, Inc.*, 555
19 U.S. 7 (2008), moves for a temporary restraining order or, in the alternative, for a
20 preliminary injunction against prison administrator Defendants, who are currently restraining
21 Plaintiff in a special housing unit (“SHU”) without any penological justification and in
22 retaliation for Plaintiff’s exercising his First Amendment rights. Plaintiff seeks an order
23 enjoining Defendants from continuing to house Plaintiff in the SHU under circumstances as
24 exist now: where Defendants lack any penological or security justification.
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INTRODUCTION

This lawsuit began in early May with Plaintiff alleging that Defendants had silenced him in a retaliatory manner. Today, Plaintiff files this motion alleging new and different modes of adverse actions, driven by the same underlying retaliatory motive. Defendants have escalated their efforts to silence him for having publicly filed credible evidence of historical FBI malfeasance in his criminal case. Plaintiff seeks an injunction to halt these latest efforts by Defendants.

On May 5, 2022, this lawsuit was conceived in response to a specific instance of governmental retaliation: Defendants’ “scrubbing” of Plaintiff’s phone contact list within 24 hours after Plaintiff filed court papers disclosing that – to a scientific certainty – the FBI had manipulated digital evidence and that individual agents perjured themselves to cover it up. Doc. 3 at ¶¶ 10, 25. Following the court filing in late April, media outlets reported on Plaintiff’s allegations, supported by the affidavits of three reputable computer forensics experts. Assistant U.S. Attorney for the Eastern District of New York, Kevin Trowel, promptly called Plaintiff’s allegations “frivolous.” *United States v. Raniere*, No. 20-3520 at Dkt. 205 (2d Cir. 2022) (Declaration of Kevin Trowel). But Defendants’ actions during the same time period suggested otherwise: Plaintiff almost immediately found himself unable to communicate with the outside world. Doc. 3 (First Amended Complaint) at ¶¶ 15-17, 40-43 (detailing the “short time between when Plaintiff exercised his First Amendment right” and the “adverse action of Defendants”).

1 The methods of retaliation have matured as summer turns to fall, but the reason for
2 the retaliation remains constant: Defendants want the world to forget about Plaintiff and his
3 irrefutable allegations of extensive government criminal conduct in his case. On September
4 9, 2022, Plaintiff filed an affidavit in opposition to Defendants' motion for summary
5 judgment and a motion to amend his complaint. Doc. 28-1 (proposed Second Amended
6 Complaint); Doc. 29 (affidavit). In those two filings, Plaintiff detailed some of the latest
7 methods by which Defendants are seeking to silence Plaintiff. Doc. 28-1, Doc. 29.
8 Specifically, Plaintiff explained that he was assaulted by a fellow prisoner and, despite being
9 the victim, was inexplicably placed into a disciplinary segregation housing unit, commonly
10 referred to as a SHU. Doc. 29 at 14-15 (Plaintiff's affidavit).

13 The SHU is a highly-restrictive housing setting in which prisoners are afforded – at
14 most – one hour of outside recreation time per day. For the remaining 23 hours, SHU
15 prisoners are constrained to their cell and denied most phone communication. Unlike their
16 counterparts in general population, SHU prisoners cannot speak with prison command staff
17 on a regular basis. In the SHU, a prisoner's assigned prison guard (called a "counsellor")
18 passes by only once per week. If the prisoner does not catch the counsellor's attention in that
19 precise moment, it may be an additional week before he can communicate his needs to the
20 prison hierarchy. Doc. 29 at 15.

23 Since at least August 23, 2022, prison officials acknowledged that Plaintiff was the
24 victim and not an aggressor in the July 26 assault. Yet inexplicably, Plaintiff remains in the
25 SHU. Doc. 32-1 (discipline hearing officer report dated August 23, 2022 determining that
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1 Plaintiff had committed no rule violation). Plaintiff remains sequestered and silenced.

2 Plaintiff's current predicament is equivalent to a pretrial jail detainee who is held long after
3 the jury voted to acquit him. While the SHU is typically reserved only for those suspected of
4 a violation or those at risk of harm, Plaintiff is neither. Indeed, Defendants acknowledge that
5 the first scenario does not apply after Plaintiff was cleared of wrongdoing four weeks ago.
6 And Plaintiff himself has never asked to be protected from other prisoners who might intend
7 him harm. Doc. 28-1 (Plaintiff's Proposed Second Amended Complaint, detailing various
8 aspects of Plaintiff's experience in prison but never mentioning that Plaintiff fears for his
9 safety).
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12 Neither punishment nor protection being the motivation, Plaintiff is left with the firm
13 belief that Defendants desire to keep him quiet. Since Plaintiff's August 23 exoneration from
14 the allegations of fighting, Defendants' efforts at silence continue to ratchet up in apparent
15 harmony with his legal team's successful efforts to attract broader media coverage of the
16 scientifically-supported allegations of FBI evidence tampering. *See, e.g.*, Doc. 3 at ¶ 15
17 (detailing the allegations originally lodged in the Eastern District of New York in late April
18 2022). Last week alone, at least four national and international news outlets reported on
19 Plaintiff's underlying allegations and the subsequent retaliation at the hands of prison
20 authorities. Those same articles detail inhumane conditions of confinement, including a
21 recent incident in which Plaintiff was forced to eat his daily meal in a SHU cell streaked with
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1 feces left behind from another prisoner.¹ Just as was true in May, there is a close link in time
2 between Plaintiff's First Amendment activity and the adverse actions of Defendants. In May,
3 the adverse action was a severing of the lines of communication through the phone lines.
4 Today, the adverse action is placing Plaintiff in round-the-clock physical isolation.
5

6 Defendants' efforts continue to evolve. Since Plaintiff's latest filing on September 9,
7 another method of silencing has emerged. In addition to assigning Plaintiff to the SHU,
8 Defendants have also assigned Plaintiff to a cellmate who may pose a risk to Plaintiff. Earlier
9 this month, Plaintiff was matched with cellmate William Anthony Fly (Register #18658-
10 023). Inmate Fly goes by Toni Fly and is hermaphroditic, possessing female genitalia,
11 according to her paperwork. Indeed, in an all-male prison, Inmate Fly may be the only
12 prisoner with female body parts. It is unlikely that prison officials would intentionally place
13 Inmate Fly with a cellmate who poses a risk of physical harm to her. Indeed, Plaintiff poses
14 no physical danger to Inmate Fly. Nevertheless, Inmate Fly has repeatedly alleged – on at
15 least 75 separate occasions – that she has been the victim of sexual violence by others. Given
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20 ¹ *The Sun*, "Nxivm Sex Cult Leader 'Left Unconscious After Punch to Head in Prison & Has Been
21 put in Cell with Intersex Woman'"; <https://www.the-sun.com/news/6268489/nxivm-sex-cult-leader-unconscious-punch-prison/>;
22 *The Daily Mail*, "Jailed Nxivm Sex Cult Leader Keith Raniere is Left Unconscious After Being
23 Punched in the Head by Inmate"; <https://www.dailymail.co.uk/news/article-11236899/Jailed-NXIVM-sex-cult-leader-Keith-Raniere-left-unconscious-punched-head.html>;
24 *New York Post*, "Nxivm Leader Keith Raniere Claims Fellow Sex Trafficker Left him Dizzy After
25 Prison Beatdown"; <https://nypost.com/2022/09/22/nxivm-leader-keith-raniere-attacked-in-prison/>;
26 *NBC News*, "NXIVM Sex Cult Leader Keith Raniere was Beaten in Prison by Fellow Sex Offender, Lawsuit Says" (<https://www.nbcnews.com/news/us-news/nxivm-cult-leader-keith-raniere-was-beaten-prison-fellow-sex-offender-rcna48962>)

1 the frequency of Inmate Fly’s allegations of sexual violence, Defendants must understand the
 2 statistical likelihood that Inmate Fly may falsely allege sexual misconduct by Plaintiff – a
 3 man who is left unattended with her in a locked room for approximately 23 hours per day.
 4

5 **LEGAL STANDARD**

6 Plaintiffs seeking a preliminary injunction generally must show that (1) their claims
 7 are likely to succeed on the merits; (2) they will likely suffer irreparable harm without an
 8 injunction; (3) the balance of equities tips in their favor; and (4) the public interest favors
 9 an injunction. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008);
 10 *American Trucking Associations Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
 11 2009).
 12

13 The Ninth Circuit allows the above factors to be weighed using a sliding scale
 14 approach, whereby a strong showing in one factor may counterbalance a weaker showing in
 15 another. *E.g. Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2010);
 16 *Gilder v. PGA Tour, Inc.*, 936 F.2d 417, 422 (9th Cir. 1991) (“plaintiffs must show either (1)
 17 a likelihood of success on the merits and the possibility of irreparable injury, or (2) the
 18 existence of serious questions going to the merits and balance of hardships tipping in their
 19 favor”). For example, “if a plaintiff can only show that there are ‘serious questions going to
 20 the merits’ – a lesser showing than likelihood of success on the merits – then a preliminary
 21 injunction may still issue if the ‘balance of hardships tips sharply in the plaintiff’s favor,’ and
 22 the other two *Winter* factors are satisfied.” *Tenorio-Serrano v. Driscoll*, 324 F. Supp. 3d
 23 1053, 1058 (D. Ariz. 2018) (*quoting Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281,
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1 1291 (9th Cir. 2013). In demonstrating that there are “serious questions”, a plaintiff need not
2 demonstrate a probability of success on the merits but only a “fair chance of success on the
3 merits.” *Cascadia Wildlands v. Scott Timber Co.*, 715 F. App'x 621, 624-25 (9th Cir. 2017)
4 (quoting *Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1362 (9th Cir. 1988)).
5

6 Plaintiff contends here that he has demonstrated a likelihood of success on the
7 merits of a First Amendment claim that Plaintiff was retaliated against on account of his
8 exercise of free speech. Yet even if this Court were to find that Plaintiff has demonstrated a
9 slightly less forceful showing on the merits, this Court may still grant preliminary
10 injunctive relief with a concomitant finding that the balance of hardships tip sharply in
11 Plaintiff’s favor. Under either rubric, all four *Winter* factors weigh in favor of the requested
12 injunctive relief, and relief should be granted.
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15 **III. LIMITED INJUNCTIVE RELIEF IS APPROPRIATE AS A TEMPORARY**
16 **RESTRAINING ORDER, WITHOUT AWAITING RESPONSIVE BRIEFING**
FROM DEFENDANTS.

17 Even after all parties have been served and entered appearances in the matter,
18 injunctive relief can be issued on an expedited basis as a temporary restraining order under
19 Rule 65(b). This is appropriate where it clearly appears that immediate and irreparable injury
20 will result before the adverse party can be heard in opposition, and (2) the applicant’s
21 attorney certifies to the court in writing the efforts, if any, which have been made to give the
22 notice and the reasons supporting the claim that notice should not be required. Fed.R.Civ.P.
23 65(b)(1).
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1 Here, all Defendants have been served and have filed extensive opposition briefings
2 on various procedural and substantive matters starting in June 2022. As it pertains to this
3 narrow request for injunctive relief, undersigned counsel has written to opposing counsel and
4 Plaintiff's criminal defense attorney has written twice to the current warden of the Tucson
5 federal penitentiary about the continued housing of Plaintiff in the SHU following his
6 August 23 exoneration. Exhibit A (letters from Attorney Stacy Scheff and Alan Ellis). The
7 purpose of a temporary restraining order is to maintain the *status quo* until such time that
8 opposition briefing and a hearing can take place. Confinement inside a cell for 23-hours-per-
9 day, even for a matter of days, can have irreparable effects on a detainee's physical and
10 emotional health. For this reason, Plaintiff requests to be released to the general population
11 within the Tucson facility until such time that responsive briefing and a hearing can take
12 place to determine whether SHU confinement is appropriate for a longer period of time.
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16 **IV. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS OF HIS FIRST**
17 **AMENDMENT RETALIATION CLAIM, ALLEGING THAT DEFENDANTS**
18 **HAVE HELD HIM IN RESTRICTIVE 'SHU' HOUSING WITHOUT**
19 **PENOLOGICAL JUSTIFICATION FOLLOWING HIS AUGUST 23**
20 **EXONERATION OF WRONGDOING.**

21 "Within the prison context, a viable claim of First Amendment retaliation entails five
22 basic elements: (1) An assertion that a state actor took some adverse action against an inmate
23 (2) because of (3) that prisoner's protected conduct, and that such action (4) chilled the
24 inmate's exercise of his First Amendment rights, and (5) the action did not reasonably
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1 advance a legitimate correctional goal.” *Rhodes v. Robinson*, 408 F.3d 559, 567–68 (9th Cir.
2 2005).

3
4 There is no question that housing within the SHU is an “adverse” action when there is
5 no penological justification for doing so. Defendants’ penological justification – if any –
6 evaporated on August 23, 2022 when, by Defendants’ own acknowledgment, they
7 exonerated Plaintiff of wrongdoing within the prison. *See, e.g.*, Doc. 32-1. Defendants’
8 continued refusal to return Plaintiff to the general population after August 23 signals
9 retaliatory intent. There is no penological or safety justification for keeping Plaintiff housed
10 in 23-hour-per-day lockdown. Plaintiff understands that Defendants prefer that Plaintiff and
11 Plaintiff’s associates refrain from publicizing the details of his case, which continue to attract
12 widespread interest and attention from the broader world. Defendants’ continued housing of
13 Plaintiff in the SHU is intended to chill Plaintiff’s First Amendment speech and, in fact, this
14 may be the result.
15

16
17 While Defendants may have been justified in temporarily placing Plaintiff in
18 restrictive housing during the pendency of a carefully-targeted investigation of a specific
19 allegation of wrongdoing in the prison’s dining hall, SHU housing has no penological
20 justification as a long-term housing option for prisoners who pose no threat to other
21 prisoners, are not at risk themselves, and are not suspected of a rules violation.
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24 **V. PLAINTIFF IS SUFFERING IRREPARABLE HARM AS A RESULT OF THE**
25 **FIRST AMENDMENT RETALIATION.**
26

1 Plaintiff is likely to suffer irreparable harm because, absent injunctive relief, he will
 2 be deprived of the most basic constitutional protections under the First Amendment. *Elrod v.*
 3 *Burns*, 427 U.S. 347, 373 (1976) (finding that a constitutional deprivation “unquestionably
 4 constitutes irreparable injury.”); *Nelson v. NASA*, 530 F.3d 865, 882 (9th Cir. 2008), *rev’d on*
 5 *other grounds*, 562 U.S. 134 (2011) (“[C]onstitutional violations... generally constitute
 6 irreparable harm.”); *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (“Plaintiffs
 7 faced irreparable harm in the form of a deprivation of constitutional rights.”). This
 8 presumption of irreparable harm applies equally to prisoner cases. *Luckette v. Lewis*, 883
 9 F.Supp. 471, 483 (D. Ariz. 1995) (finding that a prisoner who suffered a First Amendment
 10 violation enjoys a presumption of irreparable harm)

11 **IV. THE EQUITIES TIP SHARPLY IN PLAINTIFF’S FAVOR**

12 Courts “must balance the competing claims of injury and must consider the effect on
 13 each party of the granting or withholding of the requested relief.” *Winter v. Nat. Res. Def.*
 14 *Counsel*, 555 U.S. 7, 24 (2008) (citation omitted). Here, the answer is clear: the harm to
 15 Plaintiff outweighs any conceivable hardship to Defendants. On Plaintiff’s side is his
 16 constitutional right to exercise his First Amendment right to peacefully discuss his credible,
 17 evidence-based allegations of extensive government malfeasance – malfeasance that affects
 18 not only himself but strikes at the heart of democratic institutions. To the extent that
 19 Defendants may cite amorphous or inchoate concerns about prison security if they were to
 20 re-release Plaintiff to the general population, such concerns are unfounded. Indeed, Plaintiff
 21 resided in general population in the Tucson facility without incident prior to July 26, 2022.

Any possible hardship that Defendants may identify is really no hardship at all, because Defendants are already required to follow the Constitution. “[The government] cannot suffer harm from an injunction that merely ends an unlawful practice[.]” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). Because it is “always in the public interest to prevent the violation of a party’s constitutional rights,” the balance of equities tip sharply in Mr. Brooks’ favor. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (internal citations omitted). The equities tip in favor of a plaintiff where the burden to prison officials is mere “administrative inconvenience.” *R.G. v. Koller*, 415 F.Supp.2d 1129, 1162 (D. Haw. 2006).

CONCLUSION

Plaintiff respectfully requests that this Court issue a limited preliminary injunction requiring Defendants to immediately house Plaintiff in the general population and to enjoin Defendants from housing Plaintiff in the SHU absent individualized findings that Plaintiff has violated a policy, poses a threat to other prisoners, or is himself in harm’s way. Additionally, Plaintiff requests an evidentiary hearing.

Respectfully submitted this 29th day of September, 2022

s/Stacy Scheff
 Stacy Scheff
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 P.O. Box 40611
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 Ph: (520) 471-8333
 Emails: Stacy@ScheffLaw.com
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2022, I electronically transmitted the above document to the Clerk's office using the ECF system, which will automatically transmit the document to all counsel of record.

/s Stacy Scheff

Exhibit A

(Communications between counsel for Plaintiff and
Defendants)

THE LAW OFFICES OF

AlanEllis



SAN FRANCISCO NEW YORK

PRACTICE LIMITED TO FEDERAL CRIMINAL LAW

ALAN ELLIS, Admitted in PA

Of Counsel:

Jonathan Edelstein, Admitted in NY

Douglas A. Passon, Admitted in AZ

Sentencing Consultant:

Mark Allenbaugh, J.D.

BOP Consultant:

Maureen Baird

REPLY TO:
CALIFORNIA

August 29, 2022

Mark Gutierrez, Warden
USP Tucson
9300 South Wilmot Road
Tucson, AZ 85756

[VIA: TCP-ExecAssistant@bop.gov](mailto:TCP-ExecAssistant@bop.gov)

RE: Keith Raniere, Register Number 57005-177

Dear Warden Gutierrez,

I am writing regarding my client, Keith Raniere who is confined at the United States Penitentiary, Tucson, Arizona.

On July 26, 2022, while in the dining hall, Mr. Raniere was assaulted by a fellow inmate, which was witnessed by the Food Service Foreman. Although the "Description of the Incident" clearly states my client was assaulted, he was written up for Code 201, Fighting with Another Person. Following the assault, Mr. Raniere was placed in SHU, to await disposition of the charges. Mr. Raniere subsequently appeared before the DHO and the Fighting charge was expunged.

Mr. Raniere has unnecessarily spent a prolonged period in the Special Housing Unit (SHU), despite the incident report he received over a month ago on July 26, 2022, being expunged. Additionally, according Mr. Raniere, the Special Investigative Lieutenant (SIS), advised him earlier this month that he was cleared to return to general population. However, as of the date of this letter and after a legal call I had with Mr. Raniere on August 19,

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"One of this country's pre-eminent criminal defense lawyers" -- *Federal Lawyer* magazine

"A nationally recognized expert in federal criminal sentencing." -- U.S. Court of Appeals for the Ninth Circuit

Past President, National Association of Criminal Defense Lawyers

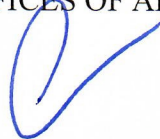
**Of Counsel attorneys work with The Law Offices of Alan Ellis on a case-by-case basis.*

he is still being held in SHU. This situation not only represents an uncomfortable setting for Mr. Raniere, who was indeed the victim of an assault; SHU placement infringes on his ability to work on his pressing legal matters. I ask for your intervention in having Mr. Raniere returned to the compound at Tucson as expeditiously as possible.

I understand the reasoning for the initial response of placing my client in SHU, especially if there was concern for his continued safety. However, this prolonged placement Mr. Raniere has endured impedes his access to legal counsel and his ability to prepare his legal work since he is not able to access the CorrLinks system or the electronic law library during his leisure time. These missed opportunities are not only unnecessary and raise concerns of potential harassment, but they are also hindering my client's ability to properly prepare his legal defense

I urge you to return my client to the general population at USP Tucson, since there are no safety concerns and continued placement in SHU is not necessary. I appreciate your review of this matter and look forward to your timely response.

Sincerely yours,
LAW OFFICES OF ALAN ELLIS

A handwritten signature in blue ink, appearing to be 'Alan Ellis', is written over the typed name.

By: ALAN ELLIS

THE LAW OFFICES OF

AlanEllis

SAN FRANCISCO NEW YORK



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ALAN ELLIS, Admitted in PA
Of Counsel:

Jonathan Edelstein, Admitted in NY
Douglas A. Passon, Admitted in AZ

Sentencing Consultant:

Mark Allenbaugh, J.D.

BOP Consultant:

Maureen Baird

REPLY TO:
CALIFORNIA

September 21, 2022

Mark Gutierrez, Warden
USP Tucson
9300 South Wilmot Road
Tucson, AZ 85756

[VIA: TCP-ExecAssistant@bop.gov](mailto:TCP-ExecAssistant@bop.gov)

RE: Keith Raniere, Register Number: 57005-177

Dear Warden Gutierrez:

I am writing regarding my client, Keith Raniere who is confined at the United States Penitentiary, Tucson, Arizona and as follow-up to my earlier letter dated on August 29 (enclosed for easy reference).

On July 26, 2022, while in the dining hall, Mr. Raniere was assaulted by a fellow inmate, which was witnessed by the Food Service Foreman. Despite Mr. Raniere's victimization, he was initially charged for a disciplinary infraction that was later expunged.

Mr. Raniere remains in Special Housing Unit as of the date of this letter. Mr. Raniere and I remain concerned not only about his confinement poses issues concerning his mental health, physical health, access to **attorneys and the courts**, and fair treatment. USP Tucson represents a facility where those with charges like those of Mr. Raniere can live safely on the compound. A transfer to another facility, if under consideration, would be further problematic. My concern is that a transfer would begin a needless cycle of assaults, isolation in protective custody, and transfers to other facilities.

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"One of this country's pre-eminent criminal defense lawyers" -- *Federal Lawyer* magazine

"A nationally recognized expert in federal criminal sentencing." -- U.S. Court of Appeals for the Ninth Circuit

Past President, National Association of Criminal Defense Lawyers

*Of Counsel attorneys work with The Law Offices of Alan Ellis on a case-by-case basis.

I urge you to return my client to the general population at USP Tucson as he has requested. I appreciate your review of this matter and look forward to your timely response.

Sincerely yours,
LAW OFFICES OF ALAN ELLIS

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal stroke that extends to the right and then curves slightly upwards.

By: ALAN ELLIS

The Law Office of Stacy Scheff

September 27, 2022

Mark Gutierrez, Warden
VIA counsel email: Denise.Faulk@usdoj.gov
RE: Keith Raniere, Register Number: 57005-177

Dear Warden Gutierrez:

I am writing regarding my client, Keith Raniere, who is confined at the United States Penitentiary, Tucson, Arizona.

On July 26, 2022, Mr. Raniere was assaulted by a fellow inmate in the dining hall. He was the victim of an unprovoked attack, yet was initially charged for a disciplinary infraction, which has since been expunged.

As of the date of this letter, Mr. Raniere remains in Special Housing Unit (SHU), where he has spent 23 hours of each day in his cell for the past two months.

Mr. Raniere and I continue to be concerned about how his confinement poses issues concerning his mental health, physical health and access to attorneys and the courts, and fair treatment. I saw him yesterday, and viewed the bruises and scars left from the leg chains that he is forced to wear in legal visits.

As per my email communications these past weeks, I urge you to return my client to the general population at USP Tucson as he has requested.

Thank you for reviewing this matter and I look forward to your timely response.

Sincerely,



Stacy Scheff

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

Keith Raniere,

Plaintiff,

vs.

Merrick Garland, et al.,

Defendants.

No: 4:22-cv-0212-RCC

[PROPOSED] ORDER

Pending before the Court is Plaintiff's Motion for a Temporary Restraining Order or, in the alternative, Motion for a Preliminary Injunction. Doc. 34. The Court has considered Plaintiff's Motion and good cause being shown, and pursuant to Fed.R.Civ.P. 65(b), it is ordered granting Plaintiff's motion for a 10-day restraining order requiring Defendants to transfer Plaintiff to the less restrictive general population housing pending full briefing in Plaintiff's Motion for a Preliminary Injunction.

Honorable Raner C. Collins
Senior United States District Judge