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RECEIVED
UNITED STATES MARSHAL
18 FEB 13 PM 2:32
PORTLAND, OREGON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CYRUS ANDREW SULLIVAN

Defendant.

No. 3:17-cr-00306-HZ

MOTION FOR HEARING ON
REVIEW OF DETENTION STATUS
AND LOCATION

Cyrus Sullivan, through his attorneys Tiffany Harris and Matthew McHenry, moves for the Court for a hearing to review Mr. Sullivan's pretrial custody status and detention location. This motion is based on the attached Declaration of Counsel, and the assertions set forth in Mr. Sullivan's *pro se* Motion to Compel Access to Legal Counsel and accompanying exhibits (also attached).

Respectfully Submitted this 25th day of January, 2018:

/s/ Matthew G. McHenry

Matthew G. McHenry

Counsel for Cyrus Andrew Sullivan

11. Additionally, we have been told that medical staff at Sheridan report that the broken humerus Mr. Sullivan sustained last June is now a “non-union fracture” that has not fused and requires evaluation and treatment by an orthopedist. Further, because of the disruption to the communications with our client, we have limited ability to monitor Mr. Sullivan’s mental and physical health ourselves. Given this, and the lack of response from staff at Sheridan to Mr. Sullivan’s prior medical requests, we have significant concerns that he will not receive the critical medical attention he needs where he is currently housed.

I declare under penalty of perjury that the forgoing is correct to the best of my knowledge and belief.

Respectfully Submitted this 25th day of January, 2018.

/s/ *Tiffany Harris*

Tiffany A. Harris
Attorney for Defendant Cyrus Sullivan

Yus Sullivan
14918-065
Federal Correctional Institution
P.O. Box 5000
Sheridan, OR 97378

United States District Court
District of Oregon
Portland Division

UNITED STATES OF AMERICA, Plaintiff
v.
YUS ANDREW SULLIVAN, Defendant
Case No. 3:17-cr-00306-HZ-1

Motion to Compel Access to Legal Counsel

I the Defendant, Cyrus Andrew Sullivan, by and through myself propose, hereby moves the court to order the United States Marshal ("USM") to transfer me to the Columbia County Jail or a similar contracted facility where I can speak to and meet with my legal team. This motion is necessary because access to the Federal Bureau of Prisons ("BOP") at the Federal Correctional Institution in Sheridan, Oregon ("FCI Sheridan") has left me without access to appointed counsel in violation of the Sixth Amendment.

On December 19, 2017 I was in the J1 unit of FCI Sheridan when I caught officer A. Rasmussen reading my legal material in violation of the Sixth Amendment, under the guise of an inspection outside of my presence, also in violation of the Sixth Amendment. At most, a proper inspection entails looking at a letter

(2)

to confirm that it does not include suspicious features such as maps... requiring a page-by-page inspection is unduly intrusive. "Nordstrom v. Ryan, 856 F.3d 1265 (9th Cir. 2017) ("Nordstrom II"). What "the Constitution does not permit, however, is reading outgoing attorney-client correspondence." "Nordstrom v. Ryan, 762 F.3d 903 (9th Cir. 2014) ("Nordstrom I"). See also Wolff v. McDonnell, 418 U.S. 539 (1974) "the inmate's presence insures that prison officials will not read the mail," when I exercised my right to be present during the inspection and told Rasmussen that I would not let him read my legal work, I was sent to the Special Housing Unit ("SHU"). I have been there ever since.

Before going to SHU, Lt. Shortis threatened to beat me up in his office and press false charges against me. I was eventually given an incident report ("Exhibit I" in which Rasmussen admits to reading something I wrote for my lawyer, Tiffany Harris, about my "anger issues" last summer. I was written up for several things including "refusal to obey an order" for refusing to let Rasmussen read my legal work or inspect it outside of ~~transmission~~ presence.

Since being in SHU, I have been denied at least two legal visits and have yet to be given an attorney-client phone call even though Ms. Harris

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Legal team was denied a pre-scheduled visit. On 1/7/18 and 1/14/18 my mother informed me that Ms. Harris had submitted a visitation request for 1/16/18, but that the prison had yet to confirm it. Today, 1/16/18, I did not receive a legal visit. On 12/22/17 Ms Harris submitted a request for an attorney (call Exhibit 2) and my mother says that she was tried since then. I've also submitted requests, but have yet to speak with Ms. Harris.

This is unacceptable. My continued presence here is a threat to my physical safety, as well as my ability to aid and assist in my own defense. Please order the United States Marshal to move me to the Columbia County Jail or any county jail except Wintromah because I was assaulted by staff there last summer.

Sincerely,

1/16/18

Cyus Sullivan

74918-065

Federal Correctional Institution

P.O. Box 5000

Sheridan, OR 97378

BP-A0288

Jan 17

U.S. DEPARTMENT OF JUSTICE

INCIDENT REPORT

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

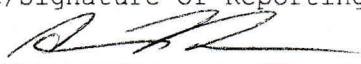

1. Institution: FDC SHERIDAN		Incident Report Number:	
2. Inmate's Name SULLIVAN, CYRUS	3. Register Number 74918-065	4. Date Of Incident 12-19-2017	5. Time 3:00PM
6. Place Of Incident J-1 CELL 110	7. Assignment FDC UNASSG	8. Unit J-1	
9. Incident: Threatening with bodily harm; Refusing to obey an order; Insolence towards a staff member.		10. 203; Code: 307; 312.	

11. Description Of Incident (Date: 12-19-2017 Time: 3:00 PM Staff become aware of incident)

(Page 1)

On December 19th, 2017 at 3:00 PM, I was conducting a search of cell 110 in the J-1 Housing Unit where inmates SULLIVAN, CYRUS (#74918-065) and RUSHFELDT, DAVID (#80243-065) were assigned. The first thing I noticed was a printed copy of a TRULINCS message between inmate SULLIVAN and Health Services, where inmate SULLIVAN is threatening medical staff by saying, "I'd best be getting that stuff real soon or it is on." I proceeded searching through his paperwork, briefly scanning some hand written material, he wrote about his anger issues when inmate SULLIVAN opened the cell door and told me, "You don't have the right to read my legal work." I gave inmate SULLIVAN several direct orders to shut the door and go away, to which he refused and continued repeating, "No, I'm not going to let you read my paperwork!"

(Continued on Page 2)

12. Typed Name/Signature Of Reporting Employee A. Rasmussen 		13. Date And Time 12-19-2017 4:00 PM	
14. Incident Report Delivered To Above Inmate By (Type Name/Signature) A. Carter 	15. Date Incident Report Delivered 12/20/17	16. Time Incident Report Delivered 10 ¹⁰ AM	

Part II - Committee Action

17. Comments Of Inmate To Committee Regarding Above Incident

18. A. It Is The Finding Of The Committee That You: ____ Committed The Following Prohibited Act. ____ Did Not Commit A Prohibited Act. ____ Committed Prohibited Act Code(s) _____	B. _____ The Committee Is Referring The Charge(s) To The DHO For Further Hearing. C. _____ The Committee Advised The Inmate Of Its Finding And Of The Right To File An Appeal Within 20 Calendar Days.
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19. Committee Decision Is Based On Specific Evidence as Follows:

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act):

21. Date And Time Of Action: _____ (The UDC Chairman=s signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)

Chairman (Typed Name/signature) _____

Member (Typed Name) _____

Member (Typed Name) _____

Subject: Cyrus Sullivan, register no. 74918-065

Date: Friday, December 22, 2017 at 7:41:07 AM Pacific Standard Time

From: Tiffany Harris

To: SHE/Attorney Notification

Dear Sir or Madam:

Mr. Sullivan's defense team arrived at the FDC on Wednesday morning for a previously scheduled legal visit. We were told that Mr. Sullivan had gone to "the hole" the evening before, and we would not be permitted to conduct our legal visit.

I need to be able to conduct a short, unmonitored call with Mr. Sullivan as soon as possible. I am available all day today. I need to be able to confirm that Mr. Sullivan is not injured and is receiving his medication.

The best way to reach me is on my cell phone. [REDACTED] I anticipate the call will be no more than 15 minutes.

Tiffany A. Harris | Attorney at Law

333 SW Taylor Street, Suite 300

Portland, OR 97204
[REDACTED]
P [REDACTED]

*No answer
as of 3:15 p.m.*