

Institution:	USP Victorville	Incident Report Number:	2770867		
NAME OF INMATE:	SULLIVAN, Cyrus	REG NO.:	74918-065	UNIT:	4A
Date of Incident Report:	10-09-2015@9:00AM	Offense Code:	298 most like 203		
Date of Incident:	10-09-2015@7:00AM				
Summary of Charges:	Interfering with Staff in the Performance of Duties, <i>most like Threatening Another Person</i>				

I. NOTICE OF CHARGE(S)

- A. Advanced written notice of charge (copy of Incident Report) was given to inmate on
(date) 10-10-2015 at (time) 8:55AM (by staff member) C. Johnson, Lieutenant
- B. The DHO Hearing was held on (date) 10-21-2015 at (time) 12:55PM
- C. The inmate was advised of the rights before the DHO by (staff member):
V. Torres, Unit Team on (date) 10-15-2015@11:00AM and a copy of the advisement of rights form is attached.

II. STAFF REPRESENTATIVE

- A. Inmate waived right to staff representative. Yes: No:
- B. Inmate requested staff representative and N/A appeared.
- C. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: N/A
- D. Staff Representative N/A was appointed

III. PRESENTATION OF EVIDENCE

- A. Inmate admits Denies the charge(s).
- B. Summary of Inmate Statement:
Inmate Cyrus SULLIVAN, Register Number 74918-065, stated, 'I have the right to see the doctor, to receive the level of medical care I deserve, and to publish true facts about her job performance. I gave her the opportunity to improve her performance. It's not like threatening bodily harm at all. The administrative remedy process takes time. No, I never talked to medical staff at mainline. I thought the problem would resolve itself.'
- C. Witnesses: N/A
1. The inmate requested witness(es). Yes: No:
2. The following persons were called as witnesses at this hearing and appeared:
N/A
3. A summary of the testimony of each witness is attached.
N/A

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INMATE COPY EXHIBIT 124
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Name of Inmate:	SULLIVAN, Cyrus	Reg. No.:	74918-065	Hearing Date:	10-21-2015
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4. The following persons requested were not called for the reason(s) given:
N/A

5. Unavailable witnesses were requested to submit written statements and those statements received were considered.	Yes	No	N/A	X
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D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents:
Written Statement provided by inmate

E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because:

IV. FINDINGS OF THE DHO

X A. The act was committed as charged.

B. The following act was committed:

C. No prohibited act was committed: Expunge according to Inmate Discipline PS.

V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.)

The inmate's due process rights were read and reviewed by the DHO to the inmate. The DHO confirmed the inmate received a copy of his incident report, did not want to call any witnesses, and did not want a staff representative. The inmate submitted a written statement for the DHO's consideration. The inmate understood his due process rights, and was ready to proceed with the DHO Hearing.

The DHO found inmate Cyrus SULLIVAN, Register Number 74918-065, committed the prohibited act of Interfering with Staff in the Performance of Duties, in violation of Code 298, *most like Threatening Another Person, Code 203*. The DHO relied upon the reporting officer's report which indicated on October 9, 2015, at approximately 7:00 a.m., while the reporting officer was working at the sick call window, inmate SULLIVAN, Cyrus, Register Number 74918-065, came to the line with a stack of unauthorized sick call slips. When the reporting officer asked him where he got them, he became very agitated and stated harshly he was given the papers. The longer he was at the window, the angrier he got. The more the reporting officer inquired, the more argumentative he became. Just before inmate SULLIVAN left the window, he stated, "You just wait until your profile shows up on my computer." The reporting officer replied, "Okay." SULLIVAN then repeated, "You just wait until your profile shows up on my computer. You'll be sorry!" The inmate left the window without further incident. The Operations Lieutenant was notified.

The DHO considered the Written Statement inmate SULLIVAN submitted at the time of his DHO hearing. In the written statement, inmate SULLIVAN wrote, "*DHO, I have every right to publish true facts on my website [NoLimitList.com](#) documenting PA-C B. Wolverton's neglectful medical malpractices. I also have every right to inform her of my intentions and give her an opportunity to improve her future image before her current image becomes public. In my nearly 9 months here I have yet to see a doctor despite countless requests to several P.A.s including mine, Wolverton. The alleged 'unauthorized sick call slips' contained six things I need to be seen for, most or all of which Wolverton has previously been made aware of, but instead of getting me a doctor's appointment as she should, she found another excuse. This time she didn't even process the slips claiming that I have too many. She is the only P.A. I've talked to that will not process more than one slip at a time. As a result of that and previous neglect I have yet to be seen by a doctor for chronic neck pain, chronic acne, dental problems, medication mix-ups, possible foot fracture, nerve damage in my left hand, and a painful right shoulder with limited mobility. I've also heard rumors that she is an alcoholic and her alcoholism contributes significantly to her incompetence. I have every right to publish an accurate account of my experience, that I've heard that other people have similar problems with her, and properly cited rumors when I am released next year. Before my web server went down shortly after my arrest, sites in my network frequently ranked at the top of Google for searches for their subjects. They did so well that I was able to gain employment as a search engine optimizer and charged good money to remove results from search engines linking to my websites. I even wrote a program that got results previously removed by the search engines for legal reasons back in. That effectively made your government obsolete as a means of permanently removing content from the web. Odds are any profile of Wolverton detailing an accurate review of her job performance and reputation as a lush will make her look like an incompetent train wreck for the rest of her life. I care about my health as I'm sure she cares about her reputation. She should be grateful for the opportunity I am giving her to improve her performance and avoid what would otherwise be great devastation to her professional as well as personal reputation. Who knows? Maybe if she improves enough I'll leave her off the site entirely. In closing I am aware of complaint procedures in the BOP. I also know that my system is superior because it has consequences the administration of which does not depend on your system. Your system protects you and mine does not, but I still am more fair in administering it. Sincerely, Cyrus Sullivan, President, [NoLimitList.com](#), webmaster@nolimilist.com." The DHO considered the written statement provided by inmate SULLIVAN as further evidence he was threatening to slander the reporting officer and*

intended to harm her personally and professionally by publishing "rumors" on a website administered by him. The DHO considered the nature of the prohibited act. Inmate SULLIVAN has a serious history of assaultive behavior towards staff both at FCC Victorville and while in a community confinement reentry facility. A review of SULLIVAN's computerized disciplinary history revealed he was previously sanctioned for Code 224, Assault (Staff) once in April 2014 and twice in July 2015. The DHO also considered inmate SULLIVAN's prior criminal history of threatening communication involving his posting of false information about private citizens on his website. SULLIVAN refused to remove the false information unless he was paid to do so. Based upon this information, the DHO perceived inmate SULLIVAN's threat to post malicious information about the reporting officer on the website was credible and potentially harmful to the reporting officer's personal well-being and career.

The DHO relied upon inmate SULLIVAN's statement at the DHO hearing in which he admitted he threatened to post information (on his website) about the reporting officer's job performance and that by threatening her, he was giving her an opportunity to improve. SULLIVAN acknowledged in his statement at the final hearing and in his written statement, that he failed to utilize the Administrative Remedy process to address his concerns about the medical care he was receiving at this facility for a number of "chronic" issues. Based upon correctional experience, the DHO was not convinced any of the concerns identified by inmate SULLIVAN were critical or potentially fatal. Moreover, the DHO relied upon inmate SULLIVAN's statement he had the right to publish "true facts" about the reporting officer. However, inmate SULLIVAN admitted in his written statement he was relying on "rumors" concerning the reporting officer and clearly stated his intention to publish the "rumors".

The DHO found it important to note, while informing inmate SULLIVAN of the sanctions imposed, he made similar threats toward the DHO. Inmate SULLIVAN stated, "That's not going to make you look good on my website. Going on the 'priority subject' list." Additionally, as inmate SULLIVAN was being escorted out of the hearing he further stated, "Have a nice day, bitch!"

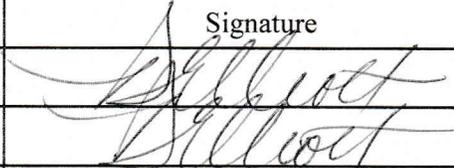
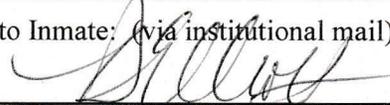
Based upon the greater weight of the evidence, the DHO was convinced inmate Cyrus SULLIVAN, Register Number 74918-065, was Interfering with Staff in the Performance of Duties, in violation of Code 298, *most like Threatening Person, Code 203*.

VI. SANCTION OR ACTION TAKEN

Offense Severity:	High	SGT Available:	Not eligible - PLRA
20 days, Disallowed Good Conduct Time 4 months, Loss of Commissary privilege 4 months, MP3 Player restriction			

VII. REASON FOR SANCTION OR ACTION TAKEN

Any action on the part of any inmate to interfere with staff by threatening to publicly slander their professional reputation by maliciously posting "rumors" seriously jeopardizes the security of the facility and the safety of others. The disallowance of good conduct time was imposed based on the severity of the offense, and the inmate's sentence commitment. Other sanctions were given to serve as a punishment for the inmate's inappropriate behavior, and to affect the inmate's future behavior.

VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.			
	Yes	X	No
IX. DISCIPLINE HEARING OFFICER			
Printed Name	Signature		Date
D. Elliott, Disciplinary Hearing Officer			11-17-2015
Scanned and Emailed:			11-17-2015
Delivered to Inmate: (via institutional mail)	DATE:	TIME:	
	11-17-2015	6:59 AM	
*Note: Delivery of this incident report was delayed due to the increased volume of hearings conducted during this period. As a result, the final report was not completed within 15 working days. This delay will not hinder the inmate's due process or right to appeal the DHO's decision. At the final hearing, the inmate was advised of his right to appeal by submitting a BP-10			

Prescribed by P5270

Replaces BP-S304 (52) JAN 88