

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

Civil Action No. 07-cv-01855-PAB-KMT

RICHARD REID,

Plaintiff,

v.

MR. R. WILEY, Warden, Federal Bureau of Prisons,  
MR. M. MUKASEY, United States Attorney General, and  
MR. H. WATTS, General Counsel, Federal Bureau of Prisons,

Defendants.

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**STATUS REPORT SUBMITTED PURSUANT TO DOC. 148**

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Pursuant to this Court's Minute Order dated May 8, 2009 [Doc. 148], Defendants, in their official capacities, respectfully submit this Status Report.

**STATUS REPORT**

1. As of the date of this Status Report, Plaintiff remains on a hunger strike.
2. Details concerning Plaintiff's hunger strike and the medical intervention that has occurred since the filing of Defendants' Status Report on May 7, 2009 [Doc. 146] are described in the attached declaration of David K. Allred, D.O., Director of Medicine at the Federal Correctional Complex in Florence, Colorado ("FCC"). Exh. A-1, ¶ 7.<sup>1</sup>
3. The BOP continues to monitor Plaintiff's medical condition according to established medical practices and procedures and BOP policies. *Id.* at ¶ 6.

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<sup>1</sup> Pursuant to this Court's Order dated May 19, 2009 [Doc. 157], Dr. Allred's declaration is filed under seal. *See* D.C.COLO.L.CivR 7.2.B.

4. It is the opinion of the FCC Director of Medicine that Plaintiff would be physically unable to participate in a deposition in the foreseeable future. *Id.* at ¶ 8.

5. Defendants respectfully advise the Court that—insofar as the deposition of Plaintiff is concerned—the situation has not changed since the May 7, 2009 Status Report. Defendants cannot in good faith depose Plaintiff at this time.

6. Defendants are unable to propose new discovery and dispositive motion deadlines. Plaintiff has not informed Defendants when he intends to cease the hunger strike. As before, Defendants cannot predict the length of time Plaintiff may choose to continue to refuse food, nor can they anticipate the effects of a continuing hunger strike on Plaintiff's ability to meaningfully participate in a seven-hour deposition. *See* Exh. A-1 at ¶ 8.

7. Pursuant to this Court's Minute Order dated May 8, 2009 [Doc. 148], Defendants will submit an updated status report on June 5, 2009.

Respectfully submitted this 22d day of May, 2009.

Respectfully submitted,

DAVID M. GAOUILLE  
Acting United States Attorney

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on May 22, 2009, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following e-mail addresses:

None

and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner (mail, hand delivery, etc.) indicated by the nonparticipant's name:

Hand delivery by BOP personnel:

Richard Reid  
#24079-038  
Florence ADMAX  
U.S. Penitentiary  
Inmate Mail/Parcels  
P.O. Box 8500  
Florence, CO 81226

Email

Benjamin J. Brieschke  
Attorney-Advisor  
Federal Correctional Complex, Legal Div.

s/ Susan Prose  
SUSAN PROSE