

SDNY / FCI TERRE HAUTE
2019 MAY -8 PM 3:45
S.D. OF N.Y.

Dana Gottesfeld in reference to Martin Gottesfeld
Martin Gottesfeld, Register Number 12982-104
FCI Terre Haute Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

May 4, 2019

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Gottesfeld v. Hurwitz*, 18 Civ. 10836 (PGG)

Dear Judge Gardephe:

The wife of the defendant is not an attorney in this case, nor does she wish to address any legal merits here. However she feels compelled to inform The Honorable Court of a change in Mr. Gottesfeld's circumstances. Mr. Gottesfeld has been in weekday daily communication with his family via scheduled calls, emails, and postal mail from FCI Terre Haute. However the last time Mr. Gottesfeld was heard from in any form of communication was Friday, April 26th at approximately 7:50pm. The radio silence does not appear due to prison lockdowns, downed communication lines, or voluntary actions by Mr. Gottesfeld.

On that last call, Mr. Gottesfeld expressed grave concerns about how the Bureau of Prisons personnel at FCI Terre Haute has taken steps to interfere with his mail to the Southern District of New York. On that call Mr. Gottesfeld clarified his intentions to notify The Honorable court of these developments, but given that it has not appeared on the docket yet and that he is effectively rendered incommunicado to his family's understanding, it is feared he is being denied that opportunity.

To follow through with his wishes, and rather than summarize and risk losing details in translation, the defendant's wife is submitting a partial transcript of his last call which covers what Mr. Gottesfeld would have filed about how the Bureau of Prisons is interfering with filings and communications between the plaintiff in this case and The Honorable Court.

Sincerely,

DANA GOTTESFELD
Spouse of the plaintiff

By: /s/ Dana E. Gottesfeld
Dana Gottesfeld in reference to Martin Gottesfeld
Martin Gottesfeld, Register Number 12982-104
FCI Terre Haute Federal Correctional Institution
P.O. Box 33
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cc: Alexander J. Hogan
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007

Relevant portion of transcript of last CMU between Mr. and Mrs. Gottesfeld before Mr. Gottesfeld went incommunicado

Friday, April 6th at 7:49pm

Marty: I think that the Office of the Inspector General from the Department of Justice needs to come down here and interview inmates and staff because the CTU, which is the unit of the Bureau of Prisons that's responsible for monitoring mail and stuff is interfering with mail to and from the court. They're actually stopping people from making filings, which is a serious trespass onto the access of the courts. And there's more to that.

Also, there is a SHU here that's its own separate SHU - distinct from the SHU used for the rest of guys in the compound. I'm not sure what you've read from the docketings on the Southern District docket, but I mentioned in an affidavit there, but there's a steam pipe that runs directly underneath the SHU here in the CMU and that makes the floor in the SHU so hot you can literally cook food on it. In fact, guys in the dining area in the building cooked burritos on this floor, just based on heat off from the steam pipe. The administration knows about it. They're deliberately indifferent to it. They lock guys up in there and it is basically a form of torture and it shocks the conscience, but they continue to do it anyway.

It's mostly the administration's fault. It's something that actually even like the everyday line staff are not very comfortable with, but yet they're seriously [teaching?] going anyway. There's no ventilation in the SHU here and the water is contaminated. It causes [us?] to convulsify and severe diarrhea. There's also a lot of sleep deprivation going on there because there's constant noise. They don't allow guys in the SHU here to have their legal work despite imminent deadlines. They won't allow them to have stamps, pen or paper to be able to mail the courts. This is part of the nature of the interference that I think the Office of the Inspector General for the United States Justice Department needs to be come down and interview some folks. The administration is well aware of all of this stuff and yet is totally indifferent to these conditions that shocks the conscience.

What's more than that, there was actually an ISIS murder carried out here in November in the CMU, that was covered up, and is still being covered up by the BOP's CTU, which again, runs this place. I think OIG staff should interview inmates and staff in the CTU about the [inaudible] and about the murder because the FBI was [botched?] and late for work that it actually had to do in order to fully investigate this matter.

And I think that as part of that investigation as well as in terms of investigating a whole bunch of other stuff that was destructed, the DOJ Office of the Inspector General needs to interview both inmates and staff here a silver unit manager named Swift.

Ok, so now, I was trying to help another inmate here with some legal work for a very interesting case where it looks like the FBI sent an informant to steal this inmate's defense (book?). And they don't want this inmate to be able to go forward with this (lawsuit?) because they don't want to expose what the FBI did in terms of stealing his legal fund. So I'm protected by a good swath of Supreme Court case law, very well established, going back to the 60s and 70s [but the text?] for the right of inmates to help other inmates' legal work, provided that they're not getting anything of value [inaudible], that I clearly was not.

This inmate needed information in order to be able to fill out what's called a US 385 form to have the marshals be able to serve process on defendants who have hidden, possibly with the assistance of the government, and who are hiding from [SCOTUS?] and who are hiding from discovery and depositions and being put on the witness stand, having to testify under oath and all of this stuff.

So they wrote me up a disciplinary charge for trying to help this inmate despite the very clear Supreme Court precedent. And my understanding is that basically no matter what the law says, once your shot is written up they'll punish you in blatant defiance of the law. [*Please note, "shot" is synonymous with "write up" in the BOP*] And if you try to tell the court about it they're going to block the courts from hearing about it. So I intend to file about this in the Southern District of New York and there's also a docket in District of Colorado, 1:18-cv-02328 [*Citation added: <https://www.courtlistener.com/docket/8345031/cox-v-dodd/>*] and I think you should watch that docket for filings in that regard as well.

The BOP employee in the CTU, which again I believe is interfering with inmates' access to the courts and which is covering an ISIS-planned-murder that occurred in the CMU last November, that employee's named Richard Blythe.

As far as I'm concerned, what I just told you can be available under the latest creative commons, my attribution, no derivatives, share-alike commercial use permitted license for whoever wants this, as far as I'm concerned.

Dana: What happened after the write-up?

Marty: I've notified everyone here in terms of the staff that - I've shown them the applicable case law in the Supreme Court, they know that this is blatantly illegal, I've told them that I will move to have them stripped of qualified immunity because what they're doing is blatantly illegal and they know, or should know, there's really no way for them to continue with this. I think, you know, it's the bigger thing dealing with suppression, and it's the bigger thing dealing with a lot of the issues that I've discussed on this call, and I think it's a blatant attempt to try to intimidate a journalist away from covering all the stuff that I just mentioned. I think it's a distractionary measure in what is a much larger goal of theirs. And there should be these docketings in the Southern District of New York [*Citation added: <https://www.courtlistener.com/docket/8214243/gottesfeld-v-horwitz/>*] and that docket for Colorado. And if this docketing does not show up then I think the OIG definitely needs to take a very big interest of what happened to these docketings.

I would name the inmate who was killed but I fear for my safety if I were to do that. So I'm [speaking?] a little hushed. I would fear for my safety if I were to name the inmate to you right now. If the Office of the Inspector General were to come down here though, I would happily talk with them about the matter.

Dana: I'm sorry this is happening to you.

Marty: I'm a journalist now and that comes with certain responsibilities. And I take them very seriously. How far are we into the call?

Dana: 9.5 minutes.

Marty: I didn't even get a chance to ask them about making that call up because I [inaudible] lockdown for an entire morning and then what do you call it. And then as soon as they got wind

of what I was becoming aware of they broke their shot and I believe their ultimate goal for that shot is to cut off all of my communications.

Dana: Do you think they're going to do that?

Marty: I don't know. I think that's their goal. I don't know whether they're going to succeed in that goal. You know the case law in this matter is overwhelmingly abundantly clear and I think it's really telling that of all, that's the only thing they can try. Right, they have to come up with some [inaudible] bogus and contrived scenario and this was kind of the best that they could do, apparently. I expect more retaliation, including being placed in that SHU. If you stop hearing from me you should assume that I'm being brutally tortured in violation of the First and Eighth Amendments and now the Sixth Amendment of the United States Constitution as well as dually ratified and binding international humanitarian accords, including the Convention Against Torture by getting placed in the SHU for [investigating that?] and extended for prolonged periods of time.

I'm going to try to send out a written statement about all this and we're going to see if it actually ends up going out. But you should be expecting the [inaudible] Southern District of New York docket mailed early next week. You should take a look at that Colorado docket. You should be expecting to see the statement from me to you and to a bunch of other folks going over in detail and in writing basically all the things I just told you.

**Please note the quality of the call was less than clear at certain points and this was the best that could be transcribed under the circumstances.*

In reference to:

Martin Gottesfeld, Reg
FCI Terre Haute
P.O. Box 33
Terre Haute, IN 47808

No. 12982-104

SANTA CLARITA, CA 913

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of the Southern District of N.Y.
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