UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINIOS EAST SAINT LOUIS DIVISION

Robert K Decker Plaintiff, Petitioner, Case No:

19-233-JPG

V .

CIVIL COMPLAINT

Federal Bureau of Prisons Defendant, Respondents. Administrative Procedures Act pursuant to: 5 U.S.C §702, §704, §706 (2)(A)

COMPLAINT

I. JURISDICTION

Plaintiff:

FILED

FEB 2 2 2019

A. Robert K Decker #51719-074 United States Penitentiary PO Box 1000 Marion, IL 62959 CLERK, U.S. DISTRICT COURT SCUTHERN DISTRICT OF ILLINOIS EAST ST. LOUIS OFFICE

Defendant:

- B. Defendant Federal Bureau of Prisons
- II. PREVIOUS LAWSUITS
- A. Have I begun any other lawsuits in State of Federal Court relating to my imprisonment.

(See Attached)

[X] YES [NO]

- B. Parties to previous lawsuits, docket numbers, Judge assigned, Type of case, Disposition of case. (See Attached)
- III. Basis for Jurisdiction
 Under Bivens v. Six Unknown Named Agents of Federal Bureau of
 Narcotics, 403 US 388 (1971) and 5 USC §701.
- A. I am bringing suit against Federal officials (a Bivens Claim).
- B. The Plaintiff is suing under Bivens for violation of Due Process pursuant to the 5th and 14th Amendments of the United States Constitution.
- IV. The plaintiff is presently convicted and is a sentenced federal prisoner.

LITIGATION HISTORY

28 USC \$2241

Decker has filed the following 28 USC §2241 actions in the Southern

District of Indiana regarding disciplinary incidents:

Decker v. Kruger 2:18-CV-022-JRS-DLP Appeal Pending in the 7th Circuit Court of Appeals 18-3328 Decker v. William True, Warden

Decker V. Kruegar 2:18-CV-031-JMS-DLP Appeal Pending in the 7th Circuit Court of Appeals 18-3329 Decker v. William True, Warden

Decker v. Kruegar 2:18-CV-074-JRS-DLP
Decker v. Krueger 2:18-CV-0198-JRS-DLP
Appeals Combined and pending in the 7th Circuit Court of Appeals
18-3330 and 18-3331

Decker v. Krueger 2:18-CV-248-JMS-DLP pending Decker v. ★rueger 2:18-CV-249-JMS-DLP pending

Decker v. Krueger 2:18-CV-257-WTL-MJD pending

Bivens Actions

Decker v. Lukens 2:18-CV-185-WTL-MJD pending

Decker v. Baez, Hoffman, Monnett, Rogers, Vest 2:18-CV-0278-JMS-MJD pending

Decker v. New Jersey Parole Department 42 USC §1983 Filed in 1999. Dismissed without prejudice Docket Number unknown at this time.

The First two Bivens actions are pending in Terre Haute, In. Division.

Decker is not aware of any other actions that has been filed in the Federal Courts and has no strikes at this time.

Decker v. Krueger 2:18-CV-0032-JMS-DLP Transferred to Southern district of Illinois. Decker v. Superintendent 3:18-CV-1531-NJR pending

V. STATEMENT OF CLAIM

The plaintiff noticed upon reading his P.S.R more extensively he noticed on page 28, paragraph 111, it states on 11/09/2000 Ct. 1: Enticement of Individual Less than 16 by Relative. Ct. 2: Harrassment Physical contact-2nd degree. This is incorrect. The plaintiff was arrested for custodial interference 2nd degree. Therefore the FBOP has placed the plaintiff on a Public Safety Factor which designates his placement into certain institutions and custody status. (See attached certificate of disposition). The plaintiff had wrote to the court and requested the certified certificate of disposition. When the plaintiff was incarcerated at Terre Haute, IN. USP he notified his unit team and they stated that a notation would be noted in my file. That did not cure the Public Safety Factor.

Now the plaintiff became incarcerated at the CMU at Marion, Il. on July 2, 2018. In July the plaintiff notified his unit team and was told there was nothing they could do.

VI. Injuries

Now there is what is called a "drop out yard" and they consist of Terre Haute. IN. USP. Tucson. AZ. U.S.P and Coleman, Fl. U.S.P.

Now there are what is called "active yards". An active yard is run by gangs and any type of sex offender is attacked or run off that yard and forced in protective custody.

The FBOP has placed my life in jeopardy by failing to remove the Public Safety Factor off of my file and therefore correcting my custody status appropriately.

VII. Relief

By removing the Public Safety Factor re-classifying me and move me to a more appropriate facility so that I can meet the needs to integrate back into society as soon as possible.

VIII. Exhaustion of Administrative Remedies

A. The plaintiff originally filed his BP-8 to his unit team and the classification officer which was denied.

The plaintiff then filed a BP-9 to the Warden to correct my file and remove the public safety factor which was denied.

The plaintiff then filed a BP-10 to the Northern Regional Counsel and was told to file a sellers letter to the probation department. Which was denied to follow the recomendation.

The plaintiff then filed a BP-11 to the Central Office Counselor and sent a letter to the probation office, which were both denied. (See Attached)

· IX. PREVIOUS LAWSUITS

(Please see attached)

X. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attoney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

Date of signing: 2 - 15, 2019.

Signature of Plaintiff R R XCCACCY

Printed Name of Plaintiff Robert K Decker

Prison Identification # 51719074

Prison Address PO Box 1000 Marion, Il 62959

The circumstances for this case are unavailable. Records have been requested but have yet to be received.

Pending Charges

119. None

Other Arrests

	Date of Arrest	Charge	Agency	Disposition
111.	11/09/2000 (Age 34)	Ct. 1: Enticement of Individual Less than 16 by Relative Ct. 2: Harassment/Physical Contact - 2nd degree	Saugerties Village Police Dept., Saugerties, NY	10/15/2002: Docket number and disposition unknown

The circumstances for this case are unavailable. Records have been requested but have yet to be received.

112.	02/10/2004	Ct. 1: Criminal	Village of Piermont	Docket number and
	(Age 37)	Possession of Stolen	Police Dept.,	disposition unknown
,		Property - Motor	Piermont, NY	
		Vehicle		
		Ct. 2: Trespass		

The circumstances for this case are unavailable. Records have been requested but have yet to be received.

PART C. OFFENDER CHARACTERISTICS

Personal and Family Data

- 113. On December 20, 2016, the defendant was interviewed at the Federal Detention Center (FDC), Miami in the presence of his attorney. The following information was verified by the defendant's wife, Katherine Decker, and by a review of supporting documents.
- 114. As verified through court documents, the defendant was born Robert Kenneth Decker on September 1, 1966. He reported that he was born in Suffern, New York. In 2005, his father, Robert Cavel Decker, passed away at age 65, from bone cancer and diabetes complications. His mother, Shirley Ann Decker-

CERTIFICATE OF DISPOSITION

	E OF NEW Y	ORK .	SAUC	ERTIES	VILLAGE CO	
PEOP	LE OF THE	STATE OF NEW YO	DRK			
	VS.					
ROBEI	RT K. DECI	KER; Defendant				
CASE	NO: 00110	0047				
Da	Date of Bi ate of Arr position D	rest: 11/10/200	0			
ection harged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
L 40.26	PL 240.26	Harassment 2nd	Fine/fee	200.00	0.00	65.00
I ce	rtify that court was	t the above name	official statemented defendant having	g appea.	red before	÷
Date	d: The 25	th day of April	2017 Hon. Robert J.) Rightm	yer	
	: A copy on the case re		vill be filed with	this c	ertificate	
seal offe	ed or whe nder.	re the defendant	st not be divulged has been adjudica	ated a	youthful	
Copi	es: Co	ourt, Defend	dant, Agency, _	DA,	Other	

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK ULSTER COUNTY	SA	UGERTIES	VILLAGE C	
PEOPLE OF THE STATE OF NEW YORK		•		
VS.				
ROBERT K. DECKER; Defendant				
CASE NO: 01060064		•		
Date of Birth: 09/01/1966 Date of Arrest: 11/10/2000 Disposition Date: 08/26/2001				
ection Section Ticket No & harged Disposed Description	Disposition	Fine	Civil-Fee	Surchg
L 35.45 CUST INTERF-2	Dism'd CPL170.55	ACD 0.00	0.00	0.00
Upon a proper request for an off I certify that the above named d this court was charged as shown disposed of as indicated.	efendant havi	ng appear	red before	
Dated: The 25th day of April 201	7 All Hon. Robert J	. Rightm	yer	
NOTE: A copy of the request will in the case records.	be filed wit	h this co	ertificate	
CAUTION: This information must n sealed or where the defendant ha offender.	ot be divulge s been adjudi	d if the cated a y	case is youthful	
Copies: Court, Defendant	, Agency,	DA,	Other	

MIMC7 600.00 * SECURITY/DESIGNATION * 03-23-2017

PAGE 001 OF 001 * DATA * 15:07:26

REGNO: 51719-074 NAME: DECKER, ROBERT KENNETH ORG: DSC

RC/SEX/AGE: W/M/50 FORM D/T: 02-27-2017/1107 RES: DETROIT, MI 48228

OFFN/CHG..: 16-20769-CR-MIDDLEBROOKS CTD MIX OF DETECTABLE AMOUNT HYDROMOR

PHONE, HYDROCODONE, OXY; CONSP COMT MONEY LAUNDERING. 140M/3Y SRT

CUSTODY..: IN BIL: CITIZENSHP: UNITED STATES OF AMERICA

CIM CONS.: USM: FFLS-MIAMI

JUDGE....: MIDDLEBROOKS RECFACL/PGM: IN OR ACAP MI/RDAP VOLSUR: NO

VS DT/LOC: MOS REL: 117 SEVERITY: MODERATE

CHP/CHS/S: 012/08/PSI VIOLENCE: SERIOUS 5-10 YRS ESCAPES.: NONE

DETAINER.: GREATEST AGE: 36-54 EDUC LV: NO HS/GED, NO GED PGM HGC: UNK

DRUG/ALC.: < 5YRS AGO TOTAL: 29 SEC LVL: HIGH

PUB SAFTY: SEX_OFE, PHON AB CAR MD/MH: SCRN2/SCRN2-MH OMDT REF: NO

CCM RMKS.: L/WJH. USED DARK WEB & BITCOIN TO DIST DRUGS-ACCT FOR MJ EQ OF 1,441KGS.PR:90'ROB/AGG ASSLT;05'LARC;09'POSS CS-SHOTS FIRED;12

DUI.PND:86'ESC;00'ENTICE IND <16-DISP UNK.HEP-C;HYPOYHYRD;DPRS

HX SUIC ATT/BIPOL/SCHIZ.POLYSUB ABS.IR:17'196/203,16'113/197.

DESIG: TERRE HAUTE USP DSC CSK 02-27-2017 RSN: LEVEL MSL:

MGTV/MVED.:

DESIG RMKS: FACL REC FLWD, JUD REC-RDAP, REVIEW FOR PGM ACCORDINGLY,

REQUIRES WALSH REVIEW.

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

Robert K. Decker #51719-074 Marion USP, CMU P.o. Box 1000 Marion, IL. 62959

Shanira Cruz U.S. Probation Officer Wilkie D. Ferguson, Jr. United States Courthouse 400 North Miami Avenue, 9th Floor South Miami, FL. 33128

October 9, 2018

Re: Challenge to information in my P.S.R. pursuant to Program Statement: 5800.17(11)(c).

To whom it may concern:

I am hereby challenging information in my P.S.R. that is inaccurate. Page 28, paragraph 111. I was arrested on November 9, 2000 in Saugerties, New York to "Custodial Interference-2 and Harassment 2nd, (See attached) disposition that have been certified by Hon. Robert J. Rightmyer on April 25, 2017. Now I was never arrested, charged or indicted for an Enticement of Individual Less than 16 by Relative, charge. This charge reflects my custody within the Federal Bureau of Prisons and needs to changed appropriately.

I am hoping and praying that you are able to substantiate this incorrect

information and rectify this situation at your utmost convenience.

I would like to thank you in advance for your anticpated cooperation in this matter and for your utmost response.

Sincerely,

Pobert K Decker #51719-074

Copy: File/RKD

Unit Team at Marion USP, CMU



U.S. Department of Justice Federal Bureau of Prisons

United States Penitentiary

4500 Prison Road P. O. Box 2000 Marion, IL 62959

October 26, 2018

Katherine Koonce, Chief United States Probation Office Wilkie D. Ferguson, Jr. United States Courthouse 400 North Miami Avenue, 9th floor South Miami, FL 33128

RE: Robert DECKER Reg. NO: 51719-074

Docket No: 16-20769-CR-Middle Grooks

Dear Chief Koonce,

This correspondence is in regards to Robert Decker, a federal prisoner who is presently incarcerated at the United States Penitentiary (USP), Marion, Illinois. Inmate Decker was sentenced on February 14, 2017, in the Southern District of Florida, to a 140 Month Sentence for Conspiracy to Distribute a Mixture of a Detectable Amount of Hydromorphone, Hydrocodone, & Oxycodone; and Conspiracy to Commit Money Laundering.

Mr. Decker has indicated the Pre-sentence Investigation (PSI) contains inaccurate information. Pursuant to <u>Seller vs. Bureau of Prisons</u>, Decker claims paragraph 111 of his PSI contains inaccurate information. He suggests The USPO, contact the Saugerties Village Police Department for the proper charges and the final disposition of these charges.

Please review inmate Decker's allegations of inaccuracy pertaining to his PSI and return to us your findings, in writing. Thank you for your assistance regarding this matter. If you have any questions, do not hesitate to contact me at (618) 964-1441, extension 1360.

Sincerely,

Gary Burgess Case Manager

ZOIB DEC 21 PM 12: 01

ROBERT KENNETH DECKER, 51719-074
MARION USP UNT: I QTR: I01-006L
P.O. BOX 2000
MARION, IL 62959

Administrative Remedy No. 948555-A1 Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you contest the application of the Sex Offender Public Safety Factor (PSF). For relief, you request removal of the PSF.

We have reviewed documentation relevant to your appeal and, based on this review, concur with the manner in which the Warden and Regional Director addressed you issue at the time of your lower level grievances. A PSF is relevant factual information regarding an inmate's current offense, sentence, criminal history, or institutional behavior that requires additional security measures to be employed to ensure the safety and protection of the public. Information contained in your PSI supports the application of the PSF. You had an opportunity to contest information in your PSI at the time of your sentencing, which you did not do. We find, pursuant to policy, staff members have properly classified you and applied the appropriate PSF.

Accordingly, your appeal is denied.

12/3/18

Date

Ian Connors, Administrator National Inmate Appeals

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal. From: Decker Robert K., SITIG-074 J-A-6 Mariew USP

LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A-REASON FOR APPEAL J am expersing Admin Rem. No. 948555-121 Terre Haute aware of the discrepancies in my PshandI was told that it would be rectified but it never was Please see attached certified clispositions from the Turge. I was never arrested, charged or indicted for an Entirement offense. Therefore I am seeking to have the Public ty Factor removed from my record. SIGNATURE OF REQUESTER Part B - RESPONSE PEC 1-15/1 307 1 7 20th Administrative Remedy Lection Federal Bureau manning DATE GENERAL COUNSEL ORIGINAL: RETURN TO INMATE CASE NUMBER: _ Part C - RECEIPT CASE NUMBER: Return to: . LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION SUBJECT: DATE SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

RATTED ON RECYCLED PAPER

BP-231(13)

JUNE 2002

UPN LVN

U.S. Departural Seliging-cv-00233-JPG Document 3 File 12/12/19cep Applies Benedin Appleal

United States Government MEMORANDUM

DATE:

January 31, 2019

FROM:

Demesha Edwards

Demesha L E 2019.01.31 10 -05'00'

Supervisory, United States Probation Officer

Miami, Florida

SUBJECT:

Robert Kenneth Decker

16-20769-Cr-Middlebrooks SD/FL PACTS No.: 2779923 Register No.: 51719-074

TO:

Federal Bureau of Prisons U.S. Penitentiary-Marion Marion, Illinois

CONFIDENTIAL
DO NOT FILE DO NOT SCAN
RETURN TO PROBATION

Response to the Inmate's Request to Correct the Presentence Investigation Report

This written response is in reference to inmate Robert Kenneth Decker's request to correct/change paragraph 111 of his presentence investigation report (PSR), which he indicates contains incorrect information. Specifically, inmate Decker states that he was never arrested for or charged with "enticement of an individual less than 16 by a relative" as reflected in paragraph 111 of the PSR. He reports that he was instead arrested for "custodial interference," and provided a Certificate of Disposition from the State of New York reflecting the same.

Please be advised that any corrections or changes to the PSR after sentence has been imposed must be ordered by the Court. Accordingly, the PSR remains unchanged.

Should you have any questions, please contact the probation officer at 305-523-5328.

Robert K. Decker II Sylver-00233-JPG Document 3 Filed 02/22/19 Page 15 of 16 Page ID #23
Marion United States Fenitentially

Po Box 1000
Marion, IL. 62959



⇔51719-074⇔ U S Dist Court 750 Missouri AVE Court Clerk E Saint Louis, IL 62201 United States

FEB 2 2 2019

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

