

June 23, 2017

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000
Website: www.Lambros.name

U.S. CERTIFIED MAIL NO.
7016-3560-0000-0442-8648

CLERK OF THE COURT

U.S. District Court for the District of Kansas
500 State Ave.
Kansas City, Kansas 66101-2400

RE: FILING OF CIVIL ACTION: LAMBROS vs. ENGLISH, Warden, et al.

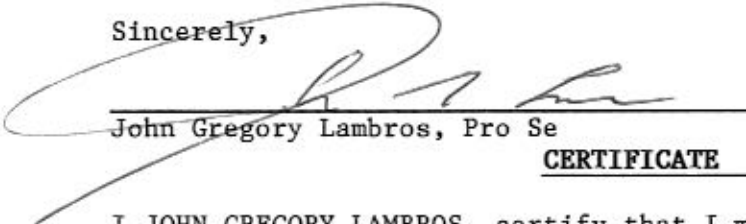
Dear Clerk:

Attached for FILING are the following motions and documents:

1. **PETITION FOR WRIT OF MANDAMUM**, PURSUANT TO TITLE 28 U.S.C. §1361; AND TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION.
2. APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT BY BY A PRISONER.
3. AFFIDAVIT OF FINANCIAL STATUS.

Thank you in advance for your assistance in filing the above civil action. Please contact me if I have not filed any of the forms correctly and/or additional forms are needed to complete the filing of this civil action.

Sincerely,



John Gregory Lambros, Pro Se

CERTIFICATE OF SERVICE

I JOHN GREGORY LAMBROS, certify that I mailed a copy of the above-entitled motions and documents within a stamped envelop with the correct postage to the following parties from the U.S. Penitentiary Leavenworth Mailroom and/or mailbox with the living units at Leavenworth, on **JUNE 23, 2017, TO:** (Pursuant to: 28 U.S.C. §1746)

1. Clerk of the Court, as addressed above.
2. Nicole English, Warden U.S. Penitentiary Leavenworth, 1300 Metropolitan Ave., Leavenworth, Kansas 66048.
3. U.S. Parole Commission, Attn: General Counsel, 90 K. Street, N.E., Washington, D.C. 20530.



John Gregory Lambros, Pro Se

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOHN GREGORY LAMBROS,

Plaintiff,

vs.

NICOLE ENGLISH, Warden for the
U.S. Penitentiary Leavenworth,
1300 Metropolitan Ave.,
Leavenworth, Kansas 66048;

UNITED STATES PAROLE COMMISSION,
Attn: General Counsel,
90 K. Street, N.E.,
Washington, D.C. 20530.

Defendant's (Severally
and Jointly liable)

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CIVIL ACTION NO. 17-3105

AFFIDAVIT FORM

URGENT ATTENTION REQUESTED:

Defendant's intentionally
interfering with PRESCRIBED
MEDICAL TREATMENT. See, ERICKSON
vs. PARDUS, 551 U.S. 89, 90 (2007);
ESTELLE vs. GAMBLE, 429 U.S. 97, 105
(1976).

PETITION FOR WRIT OF MANDAMUS
PURSUANT TO TITLE 28 U.S.C. §1361;

AND

TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION.

1. COMES NOW, Plaintiff - Petitioner - Movant JOHN GREGORY LAMBROS
(Hereinafter "MOVANT"), Pro Se, and requests this Court to construe this filing
liberally. See, HAINES vs. KERNER, 404 U.S. 519, 520-21 (1972); RICHARDSON vs.
U.S., 193 F.3d 545, 548-49 (D.C. Cir. 1999), and not limit the jurisdictional

statutes identified in this complaint. See, BRUCE vs. CONSULATE OF VENEZUELA, 2005 U.S. Dist. LEXIS 18898 (D.C. 2005)(citing, GERRITSEN vs. de la MADRID HURTADO, 819 F.2d 1511, 1515 (9th Cir. 1987). "The court may sustain jurisdiction when an examination of the entire complaint reveals a proper basis for assuming jurisdiction other than one that has been improperly asserted" id. Therefore, this action is not limited to a writ of mandamus, 28 U.S.C. §1361.

2. This is an action brought pursuant to 28 U.S.C. §1361, Petition for Writ of Mandamus by a federal prisoner who will be denied SCHEDULED SPECIALTY MEDICAL CARE appointments and therapy due to cancer - defendant's are "INTERFERING WITH THE TREATMENT ONCE PRESCRIBED," forbidden by the Eighth Amendment. Plaintiff was diagnosed and informed that polyps removed contained cancer and the tumor within Movant's rectum contains cancer on **NOVEMBER 18, 2016**. On **DECEMBER 29, 2016**, Movant was transported to the private hospital, Menorah Medical Center, Kansas City, Kansas, - as one of the local chain of hospitals, Cushing Hospital, Leavenworth, Kansas (St. Luke's affiliate) cancer surgeon with 30-years of surgery experience REFUSED to operate on Movant due to age, weight, and location of tumor in the rectum, stating the Cushing Hospital network does not have a "RECTUM COLON SURGEON" within the system - admitted and prepared before entering surgery room for four (4) hour surgery by Dr. Benyamine M. Mizrahi, MD [rectum colon cancer specialist surgeon and it is Movant's belief a part-time Professor at the University of California Medical School] who removed the cancer tumor, part of Movant's rectum and large intestine. Dr. Mizrahi, MD. PRESCRIBED AND/OR ORDERED medical treatment "FOLLOW-UP CARE" instructions for Movant's visits to the doctors office and/or hospital EVERY THREE (3) MONTHS FOR ONE (1) YEAR. Therefore, until **DECEMBER 29, 2017**, Movant is on treatment prescribed by a specialist doctor.

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3. **JUNE 1, 2017**: Defendant Warden English signed transfer papers for MOVANT TO BE TRANSFERRED to U.S. Bureau of Prisons, FTC Oklahoma City, Oklahoma City, Oklahoma, FOR THE PURPOSE OF AN "INSTITUTIONAL REVOCATION HEARING" due to

the **AUGUST 21, 1989, "WARRANT"** by Defendant U.S. Parole Commission (Hereinafter "COMMISSION"), that states:

".... Lambros was sentenced by the U.S. District Court for the District of Minnesota to serve a sentence of 22 YEARS,, and was on the 3rd day of October, 1983, RELEASED ON PAROLE, ..., from the (FCI, Oxford) with 5,357 DAYS REMAINING TO BE SERVED; "

See, **EXHIBIT A.** (February 6, 2012 letter from Movant Lambros to Defendant U.S. Parole Commission. **EXHIBIT A** of the letter is the "**WARRANT**").

4. Movant incorporates and restates herein the February 6, 2012, Movant Lambros' letter to Defendant Parole Commission, as offered as **EXHIBIT A** - within paragraph three (3) above.

5. **AGGREGATE SENTENCES:** Movant is currently serving an aggregate grouped sentence on the following federal convictions from the U.S. District Court for Minnesota, Criminal Docket Numbers:

- a. 3-75-128;
- b. 3-76-17;
- c. 3-76-54;
- d. 4-89-82(5), see: U.S. vs. LAMBROS, 65 F.3d 698 (8th Cir. 1995).

Please note that the above 1975 and 1976 convictions are incorporated within Defendant Parole Commission's **AUGUST 21, 1989 "WARRANT"**. **THE ABOVE CONVICTIONS - SENTENCES, ARE NOT FULLY EXPIRED! MOVANT IS "IN CUSTODY" UNDER ALL OF THE SENTENCES!** See, **MALENG vs. COOK**, 490 U.S. 488, 492 (1989).

6. **EXHIBIT B:** Defendant Warden English, May 19, 2014, "**SENTENCE MONITORING COMPUTATION DATA AS OF OCTOBER 3, 1983,**" that verifies the aggregate group of the 1975 and 1976 convictions. Three (3) pages total. Please note aggregated terms of "**SPECIAL PAROLE.**"

7. Prisoner serving consecutive sentences is "**IN CUSTODY**" under all of them. For purposes of the custody requirement, "**consecutive sentences should be treated as a CONTINUOUS SERIES,**" so that a prisoner "**REMAINS IN CUSTODY UNDER ALL OF HIS [CONSECUTIVE] SENTENCES UNTIL ALL ARE SERVED.**" **GARLOTTE vs. FORDICE**, 515 U.S. 39,

40-41 (1995); see PEYTON vs. ROWE, 391 U.S. 54, 67 (1968)(a "Prisoner serving consecutive sentences is 'IN CUSTODY' under **ANY ONE OF THEM.**").

8. FUTURE SENTENCE - "IN CUSTODY": Where a federal sentence runs consecutive to a federal sentence that a prisoner is already serving, the prisoner is considered to be "IN CUSTODY" ON THE FUTURE FEDERAL SENTENCE. See, PEYTON vs. ROWE, 391 U.S. 54, 64-65 (1968).

9. **JANUARY 18, 2017:** Dr. Jason Clark issued a "BUREAU OF PRISONS HEALTH SERVICES MEDICAL DUTY STATUS" report due to Movant's tumor removal, partial rectum and large intestine removal that was causing Movant 15 to 20 stool deposits a day, with excessive flatulents generated from the intestine and/or stomach. The report stated Movant Lambros would receive: a) single cell status; b) lower bunk; c) no lifting more than 15 pounds; d) medical care level 4. It is Movant Lambros' understanding that Dr. Clark and Dr. Aulepp issued a "MEDICAL HOLD", due to medical care level 4 status, as per DR. MIZRAHI, MD., December 29, 2016 cancer removal surgery performed on Movant and "FOLLOW-UP CARE" instructions. A "MEDICAL HOLD" DOES NOT ALLOW MOVANT LAMBROS TO BE TRANSFERRED from U.S. Penitentiary Leavenworth during medical treatment once prescribed. See, EXHIBIT C.

10. **MAY 31, 2017:** Movant Lambros' letter to Dr. K. Aulepp, DO and Dr. Jason Clark, MD, U.S. Penitentiary Leavenworth, Leavenworth, Kansas, regarding:

"Assistance in contacting MELISSA BAYLESS, Regional Program Administrator, U.S. Bureau of Prisons, Kansas City, Kansas to inform of Lambros' current MEDICAL HOLD due to December 29, 2016 "RECTUM CANCER SURGERY" and "AFTER CARE BY SURGEON." Tel. (913) 551-1014."

Movant Lambros also informed the doctors of the possible legal "DELIBERATE INDIFFERENCE PROBLEM," if Defendant Warden English and Melissa Bayless, Regional Programs Administrator, U.S. Bureau of Prisons, Kansas City, Kansas, DO NOT respect and/or obey the "MEDICAL HOLD" placed on Movant. See, EXHIBIT D.

11. **APRIL 10, 2017:** Branden A. Bell, Attorney and Assistant Federal Public Defender, Kansas Federal Public Defender, writes Movant Lambros regarding August 2017 "**INSTITUTIONAL REVOCATION HEARING**". Attorney Bell states:

".... Please provide us with the date and time of this hearing, so that we may contact USP Leavenworth to let them know that someone from our office is planning to represent you. ..."

See, EXHIBIT E.

12. Movant Lambros and Attorney Bell have corresponded, an attorney client relationship, with Movant providing over 300 pages of exhibits via mail and Movant's websites:

- a. **www.PAROLE.Lambros.Name**
- b. **www.Lambros.Name**

Also, Movant has spoken with Attorney Bell over the telephone, answering questions regarding his review of Movant's documents. It is Movant Lambros' belief that Attorney Bell has over thirty (30) hours of research dedicated to Movant's case, ordering transcripts regarding Movant arrest in Brazil on the August 21, 1989, U.S. Parole Commission "WARRANT", by DEA on May 17, 1991 and the April 30, 1992, Brazilian Supreme Court "ORDER" of extradition of Movant to the United States, in extradition case number 539-1, as to Movant's August 21, 1989 "WARRANT" by Defendant Parole Commission, that Movant was arrested on by DEA on May 17, 1991 and U.S. vs. LAMBROS, CR-4-89-82, District of Minnesota. See, EXHIBIT A. (The EXHIBITS within EXHIBIT A, offer proof by U.S. Magistrate Lebedoff and Noel's, "REPORT AND RECOMMENDATION" and "ORDER", as to Movant's arrest on May 17, 1991 in Brazil by DEA Anderson and Brazilian Police.)

13. **ATTORNEY CLIENT VISITS:** Movant believes Attorney Bell will want to visit Movant Lambros BEFORE the "INSTITUTIONAL REVOCATION HEARING" by Defendant Parole Commission. Also, Attorney Bell will want to be PRESENT during the August 2017

"HEARING" to represent Movant. Therefore, the taxpayer incurring additional costs for Attorney Bell to travel and take time away from his already busy work schedule to represent Movant.

14. Defendant Parole Commission is **"SCHEDULED"** to hold parole hearings at U.S. Penitentiary Leavenworth in August 2017, (Defendant Commission hold hearings at Leavenworth twice a year), as inmate:

a. Ricky Durham, Reg. No. 24495-048;

informed Movant Lambros within the inmate law library as to his attendance in August 2017 in front of Defendant Commission. See, EXHIBIT F. (Movant Lambros' June 1, 2017, letter to Mr. Heim, case manager B-Upper U.S. Penitentiary Leavenworth).

15. EXHIBIT F. Movant Lambros requests Mr. Heim to consider the following facts IN NOT TRANSFERRING MOVANT LAMBROS FROM LEAVENWORTH:

a. Paragraph 4, Page 1: "28 CFR §§ 2.44, 2.47 and 2.49 deals with

*** WARRANTS FOR RETAKING, warrant placed as a DETAINER and PLACE OF REVOCATION HEARING. See specifically, §2.49(d)(1)(ii - I have admitted (found guilty) and been convicted of a NEW CHARGE. THEREFORE, NO REASON TO BE TRANSFERRED TO ANOTHER INSTITUTION."

16. Movant Lambros seeks neither release from custody nor expungement of his sentences, the Writ of Mandamus, 28 U.S.C. §1361, is the appropriate vehicle for Movant's claim. See, THOMPSON vs. CRABTREE, 82 F.3d 312, 313, FN 1 (9th Cir. 1996) (per curiam).

17. The Federal Mandamus statute provides that the district courts shall have original jurisdiction of ANY ACTION in the nature of mandamus to compel an officer or employee of the United States or any Agency thereof to PERFORM A DUTY OWED TO THE PLAINTIFF, 28 U.S.C. §1361. See, BENNY vs. U.S. PAROLE COMMISSION, 295 F.3d 977, 989-990 (9th Cir. 2002); see also, FALLINI vs. HODEL, 783 F.2d 1343, 1345 (9th Cir. 1986) (mandamus relief only available to compel an officer of the United States to perform a duty if: (1) the plaintiff's claim is clear and certain; (2)

the duty of the officer is ministerial and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available).

18. Defendants will be denying Movant care for a serious medical need

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CONTRARY TO THREE (3) PHYSICIAN'S INSTRUCTIONS, IF MOVANT IS TRANSFERRED FROM U.S. PENITENTIARY LEAVENWORTH BEFORE DECEMBER 29, 2017, the one (1) year date from Movant Lambros' **CANCER SURGERY BY DR. MIZRAHI, MD.** See, Paragraph two (2) above.

19. Defendant's conduct is a clear violation of the Eighth Amendment. See, ESTELLE vs. GAMBLE, 429 U.S. 97, 105 (1976)(noting that "INTERFERING with the TREATMENT ONCE PRESCRIBED" is a form of UNLAWFUL deliberate indifference). Also see, ERICKSON vs. PARDUS, 551 U.S. 89, 90 (2007). The Supreme Court SPECIFICALLY singled out, as an example of UNCONSTITUTIONAL "DELIBERATE INDIFFERENCE" to prisoners medical needs, in ESTELLE vs. GAMBLE, 429 U.S. at 105.

**THIS ACTION INCORPORATES THE FOLLOWING COMPANION
CASES AND/OR RELATED CASES.**

20. This action incorporates the following companion and/or related cases due to the August 21, 1989 "WARRANT" by Defendant Parole Commission:

a. U.S. Parole Commission "WARRANT" for Plaintiff John Gregory Lambros, issued on August 21, 1989.

b. U.S. vs. LAMBROS, Criminal File No. CR-4-89-82(5), District of Minnesota. The current sentence Movant is serving and expires on July 4, 2017.

c. Federal Supreme Court of Brazil extradition judgment Number 539-1, of John Gregory Lambros to the United States of America, as to U.S. vs. LAMBROS, Criminal File No. CR-4-89-82(5). Brazil granted "PARTIAL EXTRADITION" on April 30, 1992.

d. LAMBROS vs. BOOKER, et al., No. 98-cv-3148-RDR, (Dist. of Kansas 1998); LAMBROS vs. BOOKER, et al., No. 3118, 2000 U.S. App. LEXIS 13933 (10th Cir.

June 13, 2000)(U.S. Parole Violation Warrant valid for 5,357 days.)

e. LAMBROS vs. USA, 1997 U.S. Dist. LEXIS 2373 (D. Kan., 1997)

(HISTORY OF PLAINTIFF LAMBROS' 1994 "DISPOSITIONAL RECORD REVIEW" OF AUGUST 21, 1989, PAROLE VIOLATION WARRANT, pursuant to 18 U.S.C. §4214(b)(1) and court appointed Attorney David J. Phillips. Offers excellent overview of Defendant Parole Commission's September 14, 1994 and October 6, 1994 responses to Plaintiff Lambros and Plaintiff's correspondence with Attorney Phillips).

21. Movant JOHN GREGORY LAMBROS declares under penalty of perjury that all facts and statements contained herein are true and correct, as per Title 28 USC §1746.

DEFENDANTS ALLOW OTHER FEDERAL INMATES SCHEDULED TO BE RELEASED FROM FEDERAL PRISON - TO REMAIN AT THE SAME PRISON ON AN U.S. PAROLE COMMISSION DETAINER!!!!

WHY IS PLAINTIFF LAMBROS DIFFERENT????

22. Defendants are treating Movant Lambros DIFFERENTLY FROM OTHER PRISONERS, by forcing Movant to be transferred to U.S. Bureau of Prisons, FTC OKLAHOMA CITY, for Movant's "INSTITUTIONAL REVOCATION HEARING", by Defendant Parole Commission. See, EDWARDS, JR. vs. JAMES N. CROSS, WARDEN, AND U.S. PAROLE COMMISSION, 801 F.3d 869, 874 (7th Cir. 2015): (This action occurred at BOP facility "FCI GREENVILLE)

**
"In October 2014, EDWARDS was scheduled to be RELEASED FROM PRISON FOR HIS SUPERVISED RELEASED VIOLATION, but he REMAINED IN PRISON ON THE DETAINER. Although he was still in prison on the detainer WHEN HIS CASE WAS ARGUED, the Parole Commission revoked Edwards' parole approximately one month after oral argument. In the Parole Commission's view, Edwards was then REPAROLED TO SPECIAL, AS OPPOSED TO REGULAR PAROLE, for what is now the fourth time—a term of SPECIAL PAROLE that, WITHOUT CREDIT FOR STREET TIME, will expire in February 2020.

SEE, EXHIBIT G. (EDWARDS, JR., 801 F.3d at 874).

**MOVANT LAMBROS' CUSTODY CLASSIFICATION ALLOWS
HIM TO REMAIN WITHIN THE INMATE POPULATION
AT U.S. PENITENTIARY LEAVENWORTH!**

23. Movant Lambros has maintained a "CUSTODY CLASSIFICATION" of sixteen (16) points or over since 1994, his arrival date at U.S. Penitentiary Leavenworth. Movant will remain at 16 points or over AFTER Defendant Parole Commission REVOKES MOVANT'S PAROLE, DUE TO A NEW FEDERAL CONVICTION, as the "WARRANT" clearly states "WITH 5,357 DAYS REMAINING TO BE SERVED" - Regular Parole and/or Special Parole Term.

See, EXHIBIT H: (June 1, 2017, U.S. Bureau of Prisons, "MALE CUSTODY CLASSIFICATION FORM", for Movant JOHN GREGORY LAMBROS, Reg. No. 00436-124, which states a security classification total of 16 points; custody "IN"; consider: Increase of Custody.)

24. **MAY 31, 2017:** Movant Lambros was requested to sign a "FEDERAL PRISON SYSTEM PRETRIAL INMATE WORK WAIVER/NOTICE OF SEPARATION." Mr. Heim, Case Manager explained it was a waiver of liability to stay at Leavenworth AFTER **July 3, 2017, UNTIL MOVANT WAS TRANSFERRED TO FTC OKLAHOMA CITY** for his "INSTITUTIONAL REVOCATION HEARING", by Defendant Parole Commission.

See, EXHIBIT I.

ARGUMENT

POINT I

PLAINTIFF LAMBROS IS ENTITLED TO A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION TO STOP DEFENDANTS FROM TRANSFERRING PLAINTIFF FROM U.S. PENITENTIARY LEAVENWORTH UNTIL DECEMBER 29, 2017 - DUE TO A "MEDICAL HOLD" BY AT LEAST THREE (3) PHYSICIAN'S INSTRUCTIONS!!

.A. THE PLAINTIFF IS THREATENED WITH IRREPARABLE HARM:

25. Movant Lambros again states that he will be DENIED care for a serious medical need contrary to a physician's instruction. Such conduct by prison officials is a clear violation of the Eighth Amendment. *ESTELLE vs. GAMBLE*, 429 U.S. 97, 105 (1976)(noting that "intentionally interfering with the treatment ONCE PRESCRIBED" is a form of unlawful deliberate indifference). As a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. *ELROD vs. BURNS*, 427 U.S. 347, 373 (1976). In addition, Plaintiff Lambros is threatened with irreparable harm because of the nature of his injury, follow-up care due to cancer surgery.

B. THE BALANCE OF HARDSHIP FAVORS THE PLAINTIFF:

26. In deciding whether to grant TRO's and preliminary injunctions, the court's ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. See, e.g. *MITCHELL vs. CUOMO*, 748 F.2d 804, 808 (2nd Cir. 1984)(holding the dangers posed by prison crowding outweighed state's financial and administrative concerns); *DURAN vs. ANAYA*, 642 F.Supp. 510, 527 (D.N.M. 1986)(holding that prisoners' interest in safety and MEDICAL CARE outweighed state's interest in saving money by cutting staff).

27. In this case, the present potential of injury is present due to a new doctor that is not a specialist in "RECTUM COLON SUGERY" and not understanding Dr. Mizrahi, MD theroy of surgery - in which extra time be needed by the new doctors to consult with Dr. Mizrahi, etc. and possible liability incurred to Dr. Mizrahi. The defendants' hardship amounts to NO MORE THAN business as usual since 1994, the year Movant arrived at U.S. Penitentiary Leavenworth, in allowing Movant to stay at Leavenworth than BE TRANSFERRED TO ANOTHER U.S. BUREAU OF PRISONS FACILITY, IN FACT TAXPAYERS WOULD SAVE MONEY BY NOT INCURRING TRANSFER AND LIABILITY COSTS. The defendant incur no liability by allowing Movant to stay at Leavenworth and follow the doctors orders!

C. THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS:

28. Plaintiff Lambros has a great likelihood of success on the merits. What defendants have done - "intentionally interfering with [medical] treatment once prescribed" - was specifically singled out by the Supreme Court as an example of unconstitutional "DELIBERATE INDIFFERENCE" to prisoners' medical needs. ESTELLE vs. GAMBLE, 429 U.S. 97, 105 (1976); ERICKSON vs. PARDUS, 551 U.S. 89, 90 (2007). Many other courts have held that the FAILURE to carry out physicians' ORDERS is UNCONSTITUTIONAL. JOHNSON vs. WRIGHT, 412 F.3d 398, 406 (2nd Cir. 2005)(denial of Rebetrone therapy for Hepatitis C contrary to the recommendations of all the plaintiff's treating physicians); LAWSON vs. DALLAS COUNTY, 286 F.3d 257, 262-263 (5th Cir. 2002)(disregard for FOLLOW-UP CARE INSTRUCTIONS for paraplegic); LOPEZ vs. SMITH, 203 F.3d 1122, 1132 (9th Cir. 2000)(en banc)(failure to provide prescribed liquid diet for prisoner with a broken jaw, and substitution of a pureed diet that could not be drunk through a straw, stated a claim of INTERFERENCE WITH PRESCRIBED TREATMENT).

D. THE RELIEF SOUGHT WILL SERVE THE PUBLIC INTEREST:

29. In this case, the grant of relief will serve the public interest because it is always in the public interest for prison officials to obey the law, especially the Constitution. PHELPS-ROPER vs. NIXON, 545 F.3d 685, 690 (8th Cir. 2008); LLEWELYN vs. OAKLAND COUNTY PROSECUTOR'S OFFICE, 402 F. Supp. 1379, 1393 (E.D. Mich. 1975)(stating "the Constitution is the ultimate expression of the public interest.")

POINT II

THE PLAINTIFF SHOULD NOT BE REQUIRED TO POST SECURITY

30. Usually a litigant who obtains interim injunctive relief is asked to post security. Rule 65(c), Fed.R.Civ.P. However, the Plaintiff is an indigent prisoner

and is unable to post security. The Court has discretion to excuse an impoverished litigant from posting security. See, ELLIOTT vs. KIESEWETTER, 98 F.3d 47, 60 (3rd Cir. 1996)(stating that district courts have discretion to waive the bond requirement contained in Rule 65(c) of the Fed.R.Civ.P. if "the balance of the [] equities weighs overwhelmingly in favor of the party seeking the injunction"). In view of the serious medical danger confronting the plaintiff, the court should grant the relief requested without requiring the posting of security.

NEW INFORMATION AS OF JUNE 7, 2017
REGARDING TRANSFER

31. Movant Lambros' living unit B-Upper has been on lock-down status from June 1, 2017 thru June 12, 2017.

32. **JUNE 7, 2017:** Movant Lambros was advised by Defendant Warden's non-medical staff of the following facts:

a. Movant's "MEDICAL CARE LEVEL 4" has been REDUCED to "MEDICAL CARE LEVEL 3.";

b. Movant Lambros' transfer to FTC Oklahoma City has been DENIED due to Movant's "MEDICAL CARE LEVEL 3".

c. Movant Lambros WILL BE TRANSFERRED to a location unknown at this time, AFTER JULY 3, 2017.

PARADOXICAL QUESTION ?

WHY HAS PLAINTIFF LAMBROS BEEN INCARCERATED AT U.S. PENITENTIARY LEAVENWORTH SINCE "JULY 4, 2015" DUE TO DEFENDANT PAROLE COMMISSION'S AUGUST 21, 1989 "WARRANT" - AND NOT REQUIRED TO TRANSFER?

33. **JULY 4, 2017:** Movant Lambros completes the required 85 percent of his current 30-year sentence and would start his supervised release if he DID NOT have the **AUGUST 21, 1989 U.S. PAROLE COMMISSION "WARRANT"** pending "DETAINER".

34. **JULY 4, 2016:** August 21, 1989 "WARRANT" from Defendant U.S. Parole Commission PREVENTS MOVANT'S PRE-RELEASE CUSTODY. Without the "WARRANT" Movant Lambros would be eligible for "PRE-RELEASE CUSTODY" to a halfway house on **JULY 4, 2016**. Inmates are allowed one (1) year within pre-release to adjust and prepare for reentry into the community. See, 18 U.S.C. §3624(c)(1) and 28 C.F.R. §570.21(a).

35. **JULY 4, 2015:** Defendant U.S. Parole Commission "WARRANT" - "DETAINER" PREVENTS Movant Lambros from attending and participation within the "RESIDENTIAL DRUG ABUSE PROGRAM ("RDAP")" that would of allowed Movant Lambros **ANOTHER TWELVE (12) MONTHS OFF OF HIS SENTENCE. THEREFORE, A RELEASE DATE OF JULY 4, 2015.** See, 18 U.S.C. §3621(e)(2)(B). Also see, ESPINOZA vs. LINDSAY, 500 Fed. Appx. 123, 125 FN. 2 (3rd Cir. 2012)(Inmates with detainers lodged against them are ineligible for RDAP).

36. **PRE-RELEASE CUSTODY ON JULY 4, 2015:** Movant Lambros would have been released from U.S. Penitentiary Leavenworth on **JULY 4, 2015** - AFTER attending the "RESIDENTIAL DRUG ABUSE PROGRAM ("RDAP")" - to a halfway house for reentry into the community.

37. WHY NOW do defendants want to TRANSFER Movant Lambros when he is under the EXCELLENT CARE OF HIS TREATING SURGEON Dr. Mizrahi, MD? Specifically "FOLLOW-UP CARE UNTIL DECEMBER 29, 2017?" See, Paragraphs 2, 9, 18, 19, and 25. At this point in time all U.S. Bureau of Prison facilities are the SAME - **EXCEPT LEAVENWORTH OFFERS LOCAL VISITS WITH DR. MIZRAHI, MD.**

38. **ARE CAVEAT'S LURKING?** Movant Lambros believes so!!!!

**PLAINTIFF LAMBROS' WEBSITES MAY NOT BE AVAILABLE
TO DEFENDANTS DUE TO U.S. BUREAU OF PRISON'S BLOCK.**

www.Lambros.Name

www.PAROLE.Lambros.Name

39. **MAY 10, 2017:** U.S. Federal Bureau of Prisons, Department of Justice, determined Movant Lambros' websites:

www.Lambros.Name

www.PAROLE.Lambros.Name

will be **BLOCKED DUE TO "POLITICAL - SOCIAL ADVOCACY"**.

40. **MAY 25, 2017:** Movant Lambros writes the Office of General Counsel, U.S. Federal Bureau of Prisons, requesting the agency to **DISENGAGE THE EXISTING BLOCK** on website: www.Lambros.Name - due to the First Amendment guarantee's to U.S. Citizens. Requesting the agency to review: **NEW YORK TIMES CO. vs. SULLIVAN**, 376 U.S. 254, 270-271 (1964).

See, EXHIBIT J. (May 25, 2017, Movant Lambros' letter to U.S. Federal Bureau of Prisons).

ATTORNEY FEES AND COSTS TO PLAINTIFF LAMBROS

41. Movant requests that this Court award recovery of costs incurred in filing fees, telephone, e-mails, copy charges, typing ribbons, envelopes, etc. incurred by Movant, including reasonable attorney fees, if applicable, due to defendants unconstitutional actions. Also, Movant requests this Court to award additional damages to Movant for his time and pain/suffering, if allowed.

CONCLUSION

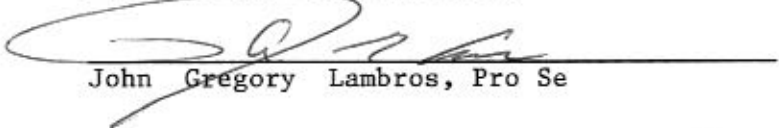
42. Doctors Mizrahi, Clark and Aulepp gave Plaintiff Lambros a SECOND CHANCE OF LIFE - a quality of life standard all Americans are guaranteed under the Constitution - that Defendants are breaching. Plaintiff believes Defendants actions and failures were in bad faith, and were the result of discrimination towards Plaintiff. Defendants are under oath to uphold the constitution and laws of the United States of America, the same as Judges and Lawyers - "KNOWING THE LAW" is a necessary and required part of the job. See, BOUNDS vs. SMITH, 430 U.S. 817, 825 (1977).

43. Movant also believes this Writ of Mandamus under 28 USC §1361 allows this Court to compel Defendant U.S. Parole Commission to hold a hearing for the purpose of an "INSTITUTIONAL REVOCATION HEARING" due to the August 21, 1989 "WARRANT" by Defendant Parole Commission, pursuant to the mandates of 18 U.S.C. §4214, which addresses the revocation of parole. As this Court understands, Movant has been convicted of a new charge that he completes on July 4, 2017, thus it is Movant's understanding that the statute requires that a parole revocation hearing take place with **NINETY (90) DAYS** of the date on which a defendant is RETAKEN by the Commissioner's WARRANT, i.e. EXECUTION OF THE PAROLE VIOLATOR WARRANT. 18 U.S.C. §4214(c); 28 C.F.R. §2.49(f). Movant requests this Court to monitor Defendants actions to hold an early hearing and make a decision.

44. Plaintiff requests this Court to issue an "ORDER" allowing Plaintiff Lambros to REMAIN at U.S. Penitentiary Leavenworth THRU DECEMBER 29, 2017.

45. I JOHN GREGORY LAMBROS, have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct. See, Title 28 U.S.C. §1746.

EXECUTED ON: June 23, 2017


John Gregory Lambros, Pro Se

February 6, 2012

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000

U.S. CERTIFIED MAIL NO.
7008-1830-0004-2646-8997

Johanna Markind, Assistant General Counsel
U.S. Parole Commission
90 K. Street, N.E., Third Floor
Washington, D.C. 20530
Tel. (202) 346-7036

RE: YOUR JANUARY 25, 2012 LETTER TO JOHN LAMBROS

Dear Johanna Markind:

Thank you for responding to my January 7, 2012 letter, as to my request for your assistance in opening an investigation as to my torture in Brazil by Brazilian authorities after being arrested by both U.S. and Brazilian authorities in May 1991 due to pending U.S. charges.

Your January 25, 2012 letter clearly states:

"Please note that the Commission does not have jurisdiction over your sentence, which was imposed by a federal district court (D.Minn.) under the Sentencing Reform Act. It is not a transfer treaty case." (emphasis added)

This is NOT TRUE.

THE FOLLOWING FACTS EXIST:

1. On AUGUST 21, 1989, the U.S. Parole Commission issued a WARRANT for my arrest due to a violation of my "SPECIAL PAROLE TERM". The WARRANT clearly states "with 5,357 DAYS REMAINING TO BE SERVED." Please note that I completed my REGULAR PAROLE and was serving my "SPECIAL PAROLE TERM". My violation stemmed from:
 - a. Failure to submit written supervision reports;
 - b. Failure to report change in employment;
 - c. Failure to report change in residence; and
 - d. Law violation.

** The U.S. Parole Commission August 21, 1989 WARRANT is listed as a DETAINDER filed against me and REMAINS IN EFFECT. In fact, this WARRANT/DETAINDER will not be activated until I finish my current sentence of 30-years. Therefore, I will not be released and will start serving the ADDITIONAL 14½ YEARS (5,357 days).

See, EXHIBIT A.

EXHIBIT A

February 6, 2012

Lambros' letter to J. Markind, U.S. Parole Commission

RE: INVESTIGATION AS TO LAMBROS' TORTURE IN BRAZIL

2. DEA AGENT TERRYL ANDERSON ARRESTED JOHN GREGORY LAMBROS IN BRAZIL PURSUANT TO THE AUGUST 21, 1989 "WARRANT" BY THE U.S. PAROLE COMMISSION. Both Brazilian Federal Police and DEA Agent Terry Anderson arrested John Gregory Lambros due to this Commission's "WARRANT". Lambros was jailed at the Rio de Janeiro, Brazil Federal Police Station due to the August 21, 1989 "WARRANT" by the the U.S. Parole Commission. Lambros was arrested on May 17, 1991 by DEA AGENT ANDERSON.

3. John Gregory Lambros was tortured in Brazilian custody after being transferred to the torture investigation facility in Brasilia, Brazil. Lambros was not allowed to see a judge or any other type of court administrator while in police custody in Rio de Janeiro, Brazil and was illegally moved to Brasilia, Brazil. The U.S. Embassy stated to my family, when they visited me in Rio de Janeiro, Brazil, that I would appear before a Judge in Rio de Janeiro - that day never happened. Brazilian law states that all arrestee's will appear before a judge within 72-hours. Lambros was transported by Federal and Military Police to Brasilia, Brazil after approximately 30-days of being in custody in the Federal Police Station in Rio de Janeiro, Brazil due to his arrest by U.S. and Brazilian Police on the August 21, 1989 "WARRANT" by the U.S. Parole Commission for extradition to the United States. The U.S. Embassy visited Lambros several times after his arrest on MAY 17, 1991, at the Federal Police Station in Rio de Janeiro, Brazil, stating that he would be extradited to the United States after seeing a Judge in Rio de Janeiro.

4. Drug Enforcement Administration ("DEA") Special Agent Terry Anderson testified before U.S. Magistrate Judge Jonathan Lebedoff on December 9, 1992, stating that he arrested John Gregory Lambros on MAY 17, 1991 IN BRAZIL PURSUANT TO A "PAROLE VIOLATION WARRANT". See the following proof as to same:

- a. EXHIBIT B: Page 1, U.S. Magistrate Judge Jonathan Lebedoff's December 21, 1992, REPORT AND RECOMMENDATION in United States vs. JOHN GREGORY LAMBROS, CR-4-89-82, U.S. DISTRICT COURT FOR THE DISTRICT OF MINNESOTA, FOURTH DIVISION.

5. On September 30, 1992, a hearing was held before U.S. Magistrate Judge Franklin L. Noel, as to Lambros' competency to stand trial due to his torture in Brazil. The October 30, 1992, ORDER by Judge Noel clearly states, "On May 13, 1989, defendant Lambros was ARRESTED IN BRAZIL BY DEA AGENT TERRY ANDERSON AND BRAZILIAN AUTHORITIES PURSUANT TO A PAROLE VIOLATION WARRANT." (emphasis added)

See, EXHIBIT C. (USA vs. LAMBROS, CR-4-89-82, U.S. District Court, Dist. of Minn.)

6. EXHIBIT D: This is the "ARREST REPORT" by the U.S. Marshals Service, District of Minnesota, when Lambros was turned over to the U.S. Marshals Service after being extradited from Brazil by the Brazilian Supreme Court. The "ARREST REPORT" clearly states the following facts:

- a. June 19, 1992, John Gregory Lambros was arrested by U.S. Marshals.

Page 3

February 6, 2012

Lambros' letter to J. Markind, U.S. Parole Commission

RE: INVESTIGATION AS TO LAMBROS' TORTURE IN BRAZIL

- b. June 19, 1992, U.S. Marshals arrested Lambros pursuant to an arrest warrant for narcotics violations issued out of the District of Minnesota, AS WELL AS A PAROLE VIOLATION. (emphasis added)
- c. June 19, 1992, U.S. Marshals arrest of Lambros "WAS MADE WITHOUT INCIDENT AT THE AIRPORT IN RIO de JANEIRO, BRAZIL." (emphasis added)

The U.S. Marshals also state that Lambros was ARRESTED IN BRAZIL ON THE AUGUST 21, 1989 "WARRANT" BY THE U.S. PAROLE COMMISSION.

THE U.S. PAROLE COMMISSION HAS JURISDICTION OVER MY SENTENCE AND DETAINER:

7. On October 6, 1994, Jan Holmes, Case Analyst Trainee for the U.S. Parole Commission wrote John Gregory Lambros and stated:

"The commission has reviewed your case relative to the detainer currently filed against you based on the U.S. Parole Commission violation warrant.

It is the decision of the Commission that the detainer should remain in effect. Your case will be reviewed, on the record in September 1997. This decision is NON-APPEALABLE.

8. The U.S. Parole Commission's August 21, 1989 "WARRANT" and/or "DETAINER" is currently prolonging John Gregory Lambros' incarceration and eliminating all possibility of Lambros being placed in a halfway house up to a year before his completion of his current sentence. Therefore, Lambros is being punished due to the August 21, 1989 "WARRANT" he was arrested on in Rio de Janeiro, Brazil by DEA and Brazilian Federal Police on May 17, 1991.

CONCLUSION:

Again, I am requesting your assistance in opening an investigation as to my torture in Brazil by Brazilian authorities AFTER being arrested by both U.S. and Brazilian authorities on May 17, 1991, DUE TO THE U.S. PAROLE COMMISSION AUGUST 21, 1989 "WARRANT". See, Lambros' January 7, 2012 letter to Johanna Mankind, Asst. General Counsel, U.S. PAROLE COMMISSION.

PAGE 4

February 6, 2012

Lambros' letter to J. Markind, U.S. Parole Commission

RE: INVESTIGATION AS TO LAMBROS' TORTURE IN BRAZIL


It is my belief, that my "TORTURE IN FOREIGN CUSTODY" is no different than the torture American citizen SHOHN HUCKABEE experienced in Mexico, after his arrest on drug charges. The U.S. Parole Commission reduced Shohn Huckabee's sentence and released him with "time served".

In fact, I was being held in "FOREIGN CUSTODY" due to the U.S. Parole Commission's warrant for my arrest.

Please inform me as to what documents you would like me to forward, as to proof of my torture in Brasilia, Brazil. May I suggest that you contact the U.S. Department of State for there file as to my torture in Brasilia, Brazil by Brazilian Federal and/ Military Police during my extradition to the United States.

Thank you in advance for your continued assistance in this most important matter.

Respectfully submitted,



John Gregory Lambros

c:
Lambros family
File

4.

21

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

United States of America,

CR-4-89-82

Plaintiff,

v.

REPORT AND RECOMMENDATION

John Gregory Lambros

Defendant.

Assistant United States Attorney Douglas R. Peterson for
plaintiff.

Charles W. Faulkner, Esq. for defendant.

THIS MATTER came before the undersigned United States Magistrate Judge on the 9th day of December, 1992 for a hearing on defendant's pretrial motions. Defendant was present in court. The court heard testimony from Deputy United States Marshal John Marchiniak and Drug Enforcement Administration ("DEA") Special Agent Terryl Anderson. The defendant testified on his own behalf.

I. PROCEDURAL HISTORY.

~~X~~ On May 17, 1991, defendant Lambros was arrested in Brazil by DEA Agent Terryl Anderson and Brazilian authorities pursuant to a parole violation warrant. Defendant arrived in the country through an extradition process on June 20, 1992. Defendant Lambros made his initial appearance before this court on June 22, 1992, and moved to have his detention hearing postponed until June 25, 1992. The detention hearing was held on June 25, 1992. Defendant appeared before this court and alleged that Brazilian

6.

EXHIBIT B.

FILED 12/21/92
FRANCIS E. DOSAL, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERKS INITIALS _____

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

CR-4-89-82

United States of America,
Plaintiff,

v.

John Gregory Lambros
Defendant.

ORDER

Assistant United States Attorney Douglas R. Peterson for
plaintiff.

Defendant present with counsel Charles W. Faulkner.

THIS MATTER came before the undersigned United States Magistrate Judge on the 30th day of September, 1992 for a hearing on defendant's competency to stand trial. The court heard testimony from Dr. L. Thomas Kucharski, Dr. William Charles Wells, and Ms. Judith Ann Swanson on behalf of the plaintiff: The defendant testified on his own behalf.

PROCEDURAL HISTORY

On May 13, 1989, defendant Lambros was arrested in Brazil by DEA Agent Terry Anderson and Brazilian authorities pursuant to a parole violation warrant. On June 22, 1992, defendant Lambros made his initial appearance before this court. Defendant Lambros stated at this initial appearance that while he was in Brazil, Brazilian authorities implanted a bionic device in his head. On June 25, 1992, defendant appeared before this court for a preliminary hearing. The defendant reiterated his allegation that

EXHIBIT C.

11/5/92



U.S. Department of Justice

United States Marshals Service

District of Minnesota

ARREST REPORT

On June 19, 1992, at approximately 18:30 hours,
John Gregory Lambros was arrested by
Deputy U.S. Marshals Supervisor [REDACTED]

[REDACTED] pursuant to an arrest warrant for narcotics violations issued out of the District of Minnesota, as well as a Parole Violation. 7c

X The subject's original charge was the sale of Heroin and Cocaine. †

The arrest was made without incident
at the airport in Rio de Janeiro, Brazil.

The Arrestee was transported and booked into
Anoka County Jail on June 20, 1992 after being extradited back to
the District of Minnesota.

The Arrestee was brought before United States Magistrate
Frank Noel, District of Minnesota,
on June 22, 1992 at 15:00 hours for an Initial Appearance.

(The Attached Describes The Facts and Circumstances Surrounding
the Arrest.)

EXHIBIT D.

8.

LVNFY 540.23 *	SENTENCE MONITORING	*	05-19-2014
PAGE 024 *	COMPUTATION DATA	*	14:57:41
	AS OF 10-03-1983		

REGNO...: 00436-124 NAME: LAMBROS, JOHN GREGORY
 COMP NO: 010 ALL CURR COMPS(Y/N): ALL PRIOR COMPS(Y/N):
 FUNC...: DIS

-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-12-1984 AT OXF

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 PRIOR COMPUTATION 010: 010 010, 020 010

DATE COMPUTATION BEGAN.....: 06-21-1976
 AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 10
 TOTAL TERM IN EFFECT.....: 22 YEARS
 TOTAL TERM IN EFFECT CONVERTED...: 22 YEARS
 AGGREGATED SPECIAL PAROLE TERM...: 5 YEARS

G0002 MORE PAGES TO FOLLOW . . .

EXHIBIT B.

9.
/

LVNFY 540.23 *	SENTENCE MONITORING	*	05-19-2014
PAGE 020 *	COMPUTATION DATA	*	14:57:41
	AS OF 10-03-1983		

REGNO...: 00436-124 NAME: LAMBROS, JOHN GREGORY
 COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
 FUNC...: DIS

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MINNESOTA
 DOCKET NUMBER.....: CR3-75-128/3-76-17
 JUDGE.....: E.J. DEVITT
 DATE SENTENCED/PROBATION IMPOSED: 06-21-1976
 DATE WARRANT ISSUED.....: N/A
 DATE WARRANT EXECUTED.....: N/A
 DATE COMMITTED.....: 08-27-1976
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO
 SPECIAL PAROLE TERM.....: 3 YEARS

G0002 MORE PAGES TO FOLLOW . . .

10'

LVNFY 540.23 *	SENTENCE MONITORING	*	05-19-2014
PAGE 022 *	COMPUTATION DATA	*	14:57:41
	AS OF 10-03-1983		

REGNO...: 00436-124 NAME: LAMBROS, JOHN GREGORY
 COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
 FUNC...: DIS

-----PRIOR JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: MINNESOTA
 DOCKET NUMBER.....: 3-76CR54
 JUDGE.....: D.D. ALSOP
 DATE SENTENCED/PROBATION IMPOSED: 03-07-1977
 DATE WARRANT ISSUED.....: N/A
 DATE WARRANT EXECUTED.....: N/A
 DATE COMMITTED.....: 03-23-1977
 HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
 PROBATION IMPOSED.....: NO
 SPECIAL PAROLE TERM.....: 5 YEARS

G0002 MORE PAGES TO FOLLOW . . .

**Bureau of Prisons
Health Services
Medical Duty Status**

Reg #: 00436-124

Inmate Name: LAMBROS, JOHN GREGORY

Housing Status

confined to the living quarters except meals pill line treatments Exp. Date: _____
 on complete bed rest: bathroom privileges only Exp. Date: _____
 cell: cell on first floor single cell lower bunk airborne infection isolation Exp. Date: 11/03/2017
 other: _____ Exp. Date: _____

Physical Limitation/Restriction

all sports Exp. Date: _____
 weightlifting: upper body lower body Exp. Date: _____
 cardiovascular exercise: running jogging walking softball Exp. Date: _____
 football basketball handball stationary equipment
 other: _____ Exp. Date: _____

May have the following equipment in his / her possession:

Equipment	Start Date	End Date	Return Date
Orthotics	09/02/2015	11/06/2015	
Left Boot			
Compression garment - leg	04/01/2015		
ACE wrap			
Brace - ankle	03/27/2014	04/01/2015	
Nighttime foot flexion brace			
Compression garment - leg	08/05/2010	04/01/2015	

Work Restriction / Limitation:

Cleared for Food Service: Yes

Restriction: No Lifting More Than 15 Pounds Expiration Date: 02/17/2017

Comments: medical care level 4
Clark, Jason MD 01/18/2017
 Health Services Staff Date

Inmate Name: LAMBROS, JOHN GREGORY Reg #: 00436-124 Quarters: B06

ALL EXPIRATION DATES ARE AT 24:00

EXHIBIT C.

12'

May 31, 2017

TO: Dr. K. Aulepp, DO;
Dr. Jason Clark, MD.
U.S. Penitentiary Leavenworth
Leavenworth, Kansas 66048

FR: John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000

RE: ASSISTANCE IN CONTACTING MELISSA BAYLESS, REGIONAL PROGRAMS ADMINISTRATOR, U.S. BUREAU OF PRISONS, KANSAS CITY, KANSAS TO INFORM OF LAMBROS' CURRENT MEDICAL HOLD DUE TO DECEMBER 29, 2016 "RECTUM CANCER SURGERY" AND AFTER-CARE BY SURGEON. TEL. (913) 551-1014.

Dear Dr. Aulepp and Dr. Clerk:

On May 30, 2017, I was advised by my case manager Mr. Heim, that Melissa Bayless, Regional Programs Administrator for the U.S. Bureau of Prisons, Kansas City, Kansas, Tel. (913) 551-1014, has informed staff that I would be transferred to:

FTC OKLAHOMA CITY, Oklahoma City, OK, (For the purpose of a PAROLE HEARING)

sometime after July 3, 2017, the mandatory release date for my current sentence.

PLEASE NOTE: July 3, 2017 is NOT really my mandatory release date, as I have a HOLD FROM THE U.S. PAROLE COMMISSION AND TENTATIVE AUGUST 2017 "PAROLE HEARING" HERE AT U.S. PENITENTIARY LEAVENWORTH, in fact the Court has assigned me an attorney from Topeka, Kansas to represent me at the hearing - Branden A. Bell, Assistant Federal Public Defender. The U.S. Parole Commission can sentence me to a MAXIMUM SENTENCE OF EIGHT (8) YEARS. THEREFORE, I WILL CONTINUE TO STAY WITHIN THE U.S. BUREAU OF PRISONS SYSTEM AFTER JULY 3, 2017.

**

Also, please note that other inmates will be attending the U.S. Parole Commission hearing here at U.S. Penitentiary Leavenworth in August 2017.

RECTUM CANCER SURGERY BY DR. BEN MIZRAHI, MD ON DECEMBER 29, 2016:

Dr. Ben Mizrahi, MD, with Colorectal Surgery Associates, performed rectim cancer removal to John Gregory Lambros on December 29, 2016. Follow-up visits are scheduled every THREE (3) MONTHS FOR ONE (1) YEAR.

AUGUST 2017: The forthcoming August 2017 follow-up visit is VERY IMPORTANT, as

EXHIBIT D.

13.

Page 2

May 31, 2017

Lambros' letter to Dr. Aulepp & Dr. Clark

RE: TRANSFER OF LAMBROS DURING MEDICAL CARE - NON-AUTHORIZED

Dr. Mizrahi INTENDS TO EXPLORE ALL INTERNAL SURGERY CUTS, BONDING, ETC. DUE TO THE REMOVAL OF THE CANCER TUMOR. This will be the first INVASIVE EXAMINATION since the December 29, 2016 surgery. Therefore, a very important and necessary follow-up.

CURRENT MEDICAL CARE IS EXCELLENT BY YOU, YOUR STAFF AND DR. BEN MIZRAHI, MD:

You and your medical staff have been excellent in providing the needed medical care in detecting my cancer and locating one of the BEST COLORECTAL SURGEONS in the United States to perform my surgery and making sure I was treated correctly.

AFTER AND/OR FOLLOW-UP CARE BY SURGEON: It is my uneducated thought that rendering of medical care services by someone that is NOT A SPECIALIST IN COLORECTAL SURGERY AND NOT THE SURGEON THAT PERFORMED THE SURGERY during the after and/or follow-up care - especially during the invasive forthcoming examination - would be considered a person that is unqualified and possibly become a DELIBERATE INDIFFERENCE PROBLEM. See, OXENDINE vs. KAPLAN, 241 F.3d 1272, 1278-79 (10th Cir. 2001)(allegations that doctor performed surgery he was not qualified for without seeking specialized assistance stated a deliberate indifference claim.).

Also, Prisoners whose medical needs call for a physician attention [Dr. Ben Mizrahi, MD] MUST RECEIVE IT, AND NON-PHYSICIANS MAY NOT REFUSE TO CARRY OUT PHYSICIANS' ORDERS. This is exactly what is currently occurring with my attempted transfer to FTC OKLAHOMA CITY FOR NO REASON AT ALL!!!! See, JOHNSON vs. HAY, 931 F.2d 456, 461 (8th Cir. 1991)(pharmacist's refusal to fill prescriptions writtent by a doctor could constitutute deliberate indifference).

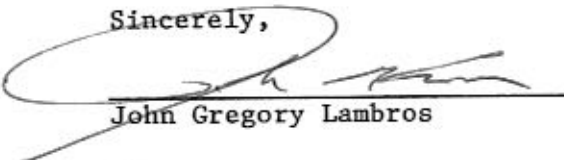
CONCLUSION:

Thank you in advance for your consideration in contacting:

MELISSA BAYLESS, Regional Programs Administrator, US Bureau of Prisons

and request that John Lambros remain at USP Leavenworth during his parole violation hearing and possible sentence from same during his December 29, 2016 cancer surgery after and/or follow-up care.

Sincerely,


John Gregory Lambros

c:
File

14.

Kansas Federal Public Defender

<http://ks.fd.org/>

Federal Public Defender Melody Brannon
First Assistant Federal Public Defender Kirk Redmond



Topeka Division Attorneys
Branden A. Bell
Rich Federico
Carl Folsom
David Magariel
Andrew McGowan
Paige A. Nichols

April 10, 2017

Mr. John Gregory Lambros (00436-124)
Leavenworth USP
P.O. Box 1000
Leavenworth, KS 66048

RE: Institutional Revocation Hearing

Mr. Lambros:

This letter will confirm that our office received your letter dated March 26, 2017, regarding your institutional revocation hearing at Leavenworth USP. Please provide us with the date and time of this hearing, so that we may contact USP Leavenworth to let them know that someone from our office is planning to represent you. Feel free to either send a letter with this information, or call our office directly at (785) 232-9828.

Sincerely,

s/Branden A. Bell

Branden A. Bell
Assistant Federal Public Defender

BAB/jkw

EXHIBIT E.

15.
19

Kansas City Division
500 State Ave, Room 201
Kansas City, Kansas 66101
Tel 913.551.6712
Fax 913.551.6562



Topeka Division
117 SW 6th Ave, Ste 200
Topeka, Kansas 66603
Tel 785.232.9828
Fax 785.232.9886

Wichita Division
301 N Main, Ste 850
Wichita, Kansas 67202
Tel 316.269.6445
Fax 316.269.6175

June 1, 2017

TO: MR. HEIM, CASE MANAGER B-UPPER, U.S. PENITENTIARY LEAVENWORTH.

FR: JOHN GREGORY LAMBROS, #00436-124, U.S. PENITENTIARY LEAVENWORTH, LEAVENWORTH, KANSAS 66048

RE: AUGUST 2017 - U.S. PAROLE COMMISSION HEARINGS AT U.S. PENITENTIARY LEAVENWORTH

Mr. Heim:

During the past several weeks and the request of MELISSA BAYLESS, U.S. Bureau of Prisons Regional Programs Administrator, Kansas City, Kansas, you have been instructed to transfer John Gregory Lambros to FTC OKLAHOMA CITY, Oklahoma City, OK, for my "INSTITUTIONAL REVOCATION HEARING".

As per our conversations, I have informed you that I do not understand why I have to be transfer to attend my "INSTITUTIONAL REVOCATION HEARING" when other inmates here at U.S. Penitentiary Leavenworth are seeing the SAME U.S. PAROLE COMMISSION IN AUGUST 2017 HERE AT U.S. PENITENTIARY LEAVENWORTH. One such inmate is:

Ricky Durham
Reg. No. 24495-048
Living in B-Lower at USP Leavenworth

Again, please consider the following facts in not transferring me from U.S. Penitentiary Leavenworth:

1. U.S. District Court has appointed me an attorney from Kanas to represent me at the "INSTITUTIONAL REVOCATION HEARING". Therefore, increased costs for travel time to visit and consult before the hearing and to attend the hearing.
2. **MEDICAL HOLD BY DOCTORS:** Dr. K. Aulepp, DO and Dr. Jason Clark, MD have a medical hold on Lambros due to his December 29, 2016 rectum cancer removal and follow-up and/or after care by Dr. Ben Mizrahi, MD, a specialist in rectum cancer surgery. I believe a deliberate indifference problem may arise if another doctor was injected into the follow-up/after care process at this point in time.
3. **AGGREGATE TERM OF IMPRISONMENT - NOT A NEW SENTENCE:** Please note, both 18 U.S.C. §3584(c) and 28 CFR §2.5 DEAL WITH SENTENCE AGGREGATION - "Multiple sentences are AGGREGATED by the BOP and treated as a SINGLE aggregate sentence for the purpose of EVERY ACTION taken by the PAROLE COMMISSION." See, §2.5.
4. 28 CFR §§§ 2.44, 2.47 and 2.49 deals with warrant for retaking, warrant placed as a DETAINER and PLACE OF REVOCATION HEARING. See specifically, §2.49(d)(1)(11) - I have admitted and been convicted of a new charge THEREFORE, NO REASON TO BE TRANSFERRED TO ANOTHER INSTITUTION.

1.

EXHIBIT F.

16.

Page 2

June 1, 2017

Lambros' letter to Mr. Heim, B-Upper Case Manager

RE: AUGUST 2017 - "U.S. PAROLE COMMISSION HEARING"

CONCLUSION:

5. **PRETRIAL STATUS OF LAMBROS:** for some reason **Melissa Bayless**, BOP Regional Program Administrator thinks that John Lambros will be in some "TYPE OF PRETRIAL INMATE STATUS". **THIS IS NOT TRUE!!!!** Hopefully, the above cited legal statutes and Code of Federal Regulation cites will assist you and anyone else that reads this letter the understanding that Lambros is **SERVING A SINGLE AGGREGATE SENTENCE THAT INCLUDES THE FORTHCOMING "INSTITUTIONAL REVOCATION HEARING"**, by the U.S. Parole Commission due to a August 21, 1989 "WARRANT" by the Commission.

6. **ADDITIONAL PROOF OF AGGREGATE SENTENCE SINCE 1994:** Please recall that John Gregory Lambros attended my INITIAL DISPOSITIONAL RECORD REVIEW HEARING IN 1994 for the August 21, 1989, "WARRANT" here at U.S. Penitentiary Leavenworth. See, NOTICE OF ACTION, by U.S. Parole Commission, September 15, 1994, North Central Region Commissioner: Carol Pavilack Getty, which stated:

"Let Detainer stand. Schedule for dispositional record review September 1997."

7. **NOTICE OF ACTION - November 7, 1997:** U.S. Parole Commission issued another NOTICE OF ACTION on November 7, 1997, as to my August 21, 1989 "WARRANT".

8. **NOTICE OF ACTION - January 30, 2013:** U.S. Parole Commission issued another NOTICE OF ACTION on January 30, 2013, as to my August 21, 1989 "WARRANT".

9. I do not understand how the BOP believes that the August 21, 1989 "WARRANT" for a violation of parole and special parole from another federal offense is not an aggregate sentence.

Hopefully the above has assisted you in understanding my confusion regarding Melissa Bayless' reasoning for wanting to transfer John Lambros to FTC OKLAHOMA CITY for his "INSTITUTIONAL REVOCATION HEARING", a process that has been ongoing since 1994 with a "DISPOSITIONAL REVIEW HEARING" that took place here at U.S. Penitentiary Leavenworth.

Thank you in advance for your continued assistance in this matter.

Sincerely,


John Gregory Lambros

c:
File


17.

THE EVENTS IN THIS ACTION OCCURRED AT: Bureau of Prisons facility - FCI GREENVILLE, Illinois.

GEORGE H. EDWARDS, JR., Petitioner-Appellant, v. JAMES N. CROSS, Warden, & U.S. PAROLE COMM'N, Respondents-Appellees.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

801 F.3d 869; 2015 U.S. App. LEXIS 16480

No. 14-2205

January 8, 2015, Argued

September 16, 2015, Decided

Editorial Information: Subsequent History

As Corrected September 21, 2015.

Editorial Information: Prior History

Appeal from the United States District Court for the Southern District of Illinois. Nos. 13-cv-934 & 13-cv-944 - David R. Herndon, Judge. Edwards v. Cross, 2014 U.S. Dist. LEXIS 70556 (S.D. Ill., May 21, 2014)

Counsel For George H. Edwards, Jr., Petitioner - Appellant: Jacob Moshe Roth, Attorney, Donald B. Ayer, Attorney, Jones Day, Washington, DC.

For JAMES N. CROSS, Warden, United States Parole Commission, Respondents - Appellees: Gerald M. Burke, Attorney, Office of The United States Attorney, Civil Division, Fairview Heights, IL.

Judges: Before BAUER, MANION, and ROVNER, Circuit Judges.

CASE SUMMARY Supreme Court's interpretation of word "revoke" in 18 U.S.C.S. § 3583(e)(3) did not undermine court's prior understanding of that word in 21 U.S.C.S. § 841(c); court's interpretation of § 841(c) remained good law, and special parole term revoked under that section became term of imprisonment that was followed by regular, not special parole.

EXHIBIT G.

THE EVENTS IN THIS ACTION OCCURRED AT: Bureau of Prisons facility - FCI GREENVILLE, Illinois.

→ 782 F.3d 922, 927 (7th Cir. 2015) ("[w]aiver is not meant as an overly technical appellate hurdle' and the nuances of a litigant's arguments (801 F.3d 874) may differ from their stance in the district court without resulting in waiver.") (quoting *Fox v. Hayes*, 600 F.3d 819, 832 (7th Cir. 2010)).

→ The Commission also argued that Edwards' claim was not yet ripe for review because he was not yet serving a term of special parole. But given events subsequent to Edwards' appeal, that argument too goes nowhere. In October 2014, Edwards was scheduled to be released from prison for his supervised release violation, but he remained in prison on the detainer. Although he was still in prison on the detainer when this case was argued, the Parole Commission revoked Edwards' parole approximately one month after oral argument. Because he did not contest that he had violated parole terms, his parole was revoked without a hearing under the expedited revocation procedure. See 28 C.F.R. § 2.66 (authorizing revocation decision without hearing in certain circumstances). In the Parole Commission's view, Edwards was then reparaoled to special, as opposed to regular parole, for what is now the fourth time—a term of special parole that, without credit for street time, will expire in February 2020. If he is reparaoled to regular parole instead, as Edwards insists he must be, that parole will expire in February 2017 because he will receive credit for the three years of "street time" between January 2010 and January 2013.

→ Whether the Commission has the authority to reimpose a term of special parole depends on the proper interpretation of the word "revoke" in the special parole statute, § 841(c). That section states that:

A special parole term imposed under this section ... may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the

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LVNKD 606.00 *
PAGE 001 OF 001

MALE CUSTODY CLASSIFICATION FORM

* 06-01-2017 *
14:45:02

(A) IDENTIFYING DATA

REG NO.: 00436-124

FORM DATE: 06-01-2017

ORG: LVN

→ NAME: LAMBROS, JOHN GREGORY



MGTV: NONE

PUB SFTY: GRT SVRTY

MVED:

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY.....: (7) GREATEST

MOS REL.: 1

CRIM HIST SCORE: (06) 8 POINTS

ESCAPES.: (0) NONE

VIOLENCE.....: (2) > 15 YRS SERIOUS

VOL SURR: (0) N/A

AGE CATEGORY...: (0) 55 AND OVER

EDUC LEV: (0) VERFD HS DEGREE/GED

DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (6) 91% PLUS

PROG PARTICIPAT: (0) POOR

LIVING SKILLS...: (1) AVERAGE

TYPE DISCIP RPT: (2B) > 1 MOD

FREQ DISCIP RPT.: (1) 2-5

FAMILY/COMMUN...: (3) MINIMAL

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED	LEV MGMT	SEC LEVEL	CUSTODY	CONSIDER
+15	+13	+1	+16	MEDIUM	N/A	IN	INCREASE



G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXHIBIT H.

10.
19.

JUN 10

WAIVER/NOTICE OF SEPARATION

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

I. INSTRUCTIONS.

The staff member conducting intake screening shall advise the pretrial inmate, depending upon the design, structure, and operation of the individual institution, that the inmate may have contact with convicted inmates. The inmate is to be asked to sign the appropriate portion in Section II of this Pretrial Inmate Work Waiver/Notice of Separation. If the inmate refuses to sign this segment of the form, staff shall document this refusal on the form.

A pretrial inmate who wishes to waive the exemption from work must sign the appropriate portion in Section IV of this Pretrial Inmate Work Waiver/Notice of Separation. This form must be completed prior to the issuance of a work assignment. If the inmate's behavior suggests an inability to comprehend the waiver, or if the inmate has been admitted to a mental health referral for evaluation or treatment, the inmate must be referred to a mental health professional for an assessment as to competency to sign the waiver. The waiver may be rescinded at the inmate's request and reasons for the rescission should be documented in Section V of this form and signed by a staff member. The waiver shall be maintained in the inmate's unit file or record office file and will remain in the file as a permanent document. The inmate may be given a copy of this form if the inmate so requests.

II. NOTICE OF SEPARATION

A. I understand that it is possible that I will have contact with inmates already convicted of a crime. I am not (circle one) aware of any reason why my having contact with convicted prisoners would pose a threat to my safety or the safety of others.

[Signature]
Inmate Signature

00436-124
Reg. No.

5-31-17
Date

[Signature] / CSW
Staff Signature/Title

B. Inmate Refuses to Sign

5-31-2017
Date

Staff Signature/Title

REASONS STATED (IF ANY) :

EXHIBIT I.

201

III. POLICY.

Bureau of Prisons policy states a pretrial inmate may not be compelled to work other than to perform housekeeping tasks in the inmate's own cell and in the community living area.

FOR STAFF USE ONLY

I am referring this inmate to the institution's psychologist/psychiatrist because:

 The inmate's behavior suggests the inmate may not be able to comprehend this waiver.

 The inmate has been admitted for mental evaluation or treatment.

N/A

Staff signature/printed name/title date

IV. WORK WAIVER

I have read or had read to me the policy provisions in Section II of this form and would like to volunteer for a work assignment which entails more than housekeeping tasks. I understand that as a person not convicted of a crime I may not be required to work.

015

[Signature]
Inmate Signature

00436-124
Reg. No.

5-31-17
Date

[Signature] / CSW
Staff Signature/Title

V. REVOCATION OF WAIVER

I hereby rescind the work waiver previously claimed above:

Inmate Signature

Reg. No.

Date

Staff Signature/Title

STAFF COMMENTS:

None

21.

May 25, 2017

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000
Website: www.Lambros.Name

U.S. CERTIFIED MAIL NO.
7012-3460-0001-8775-3990

OFFICE OF GENERAL COUNSEL
U.S. FEDERAL BUREAU OF PRISONS
320 First Street, N.W.
Washington, D.C. 20534
USA

RE: REQUESTING FEDERAL BUREAU OF PRISONS TO DISENGAGE EXISTING BLOCK ON
WEBSITE: www.Lambros.Name

Dear Sir or Ma'am:

On or about May 10, 2017, it was brought to my attention that the "Department of Justice - Federal Bureau of Prisons" "LOGOGRAM" appeared when an employee of the Federal Bureau of Prisons attempted to access my website:

www.Lambros.Name

with the information that access to [Lambros.Name](http://www.Lambros.Name) is DENIED. Further investigation by staff at U.S. Penitentiary Leavenworth determined that the U.S. Federal Bureau of Prisons is DENYING ACCESS DUE TO:

"POLITICAL - SOCIAL ADVOCACY"

FIRST AMENDMENT GUARANTEES OF U.S. CITIZENS:

1. The U.S. Bureau of Prisons must "consider this case against the background of a profound national commitment to the principle that debate on public issues should be UNINHIBITED, ROBUST, AND WIDE-OPEN, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. The present ADVERTISEMENT, AS AN EXPRESSION OF GRIEVANCE AND PROTEST ON ONE OF THE MAJOR PUBLIC ISSUES OF OUR TIME, WOULD SEEM CLEARLY TO QUALIFY FOR THE CONSTITUTIONAL PROTECTION. THE QUESTION IS whether it forfeits that protection by the falsity of some of its factual statements and by its alleged defamation of respondent." See, NEW YORK TIMES CO. vs. SULLIVAN, 376 U.S. 254, 270-271 (1964).

2. Federal Bureau of Prisons, PROGRAM STATEMENT NO. 5350.27 (7-27-99) "INMATE MANUSCRIPTS": This policy statement encourages inmates to use their leisure time for CREATIVE WRITING to prepare manuscripts for private use or for PUBLICATION.

1. EXHIBIT J.

22.

E

Page 2

May 25, 2017

Lambros' letter to U.S. Federal Bureau of Prison

RE: DISENGAGE EXISTING BLOCK ON WEBSITE: www.Lambros.Name

3. The website: www.Lambros.Name contains legal records and evidence of his illegal extradition from Brazil to the United States regarding his current incarceration at U.S. Penitentiary Leavenworth. Also, information regarding exhibits presented to the U.S. Parole Commission that will be used during Lambros' forthcoming parole hearing.

CONCLUSION:

4. Please advise how the CENSORSHIP of www.Lambros.Name is JUSTIFIED due to:

"POLITICAL - SOCIAL ADVOCACY"

as I do not understand what important or substantial government interest UNRELATED TO THE SUPPRESSION OF EXPRESSION exists within the material contained in the website.

5. It is my understanding that my website: www.Lambros.name is available through other official U.S. government agency and/or department sources, avenues and servers.

6. I am requesting the U.S. Department of Justice, Federal Bureau of Prisons to DISENGAGE THE EXISTING BLOCK ON WEBSITE: www.Lambros.Name.

Thank you in advance for your consideration in this most important First Amendment issue and please feel free to inform me of any documents that further one or more of the substantial governmental interests of security, order, and rehabilitation.

Respectfully submitted,


John Gregory Lambros, Pro Se

c:
File
Press Release

23.
