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Attorney Appearing Pro Hac Vice  
Counsel for Plaintiff

**DISTRICT COURT FOR THE UNITED  
STATES DISTRICT OF ARIZONA**

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	:	
KEITH RANIERE,	:	
	:	
	:	
Plaintiff,	:	Civil Action No.:
	:	4:22-cv-00561-RCC
v.	:	
	:	
MERRICK GARLAND, US ATTORNEY	:	
GENERAL; COLETTE PETERS, DIRECTOR	:	
FEDERAL BUREAU OF PRISONS; UNKNOWN	:	
CURRENT WARDEN USP TUCSON, ANTHONY	:	
GALLION (all in their official capacities),	:	
	:	
Defendants.	:	
	:	
-----	X	

**STATEMENT OF FACTS IN OPPOSITION TO DEFENDANTS' STATEMENT OF  
FACTS IN SUPPORT OF DEFENDANTS' SUMMARY JUDGMENT MOTION**

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**AIDALA, BERTUNA & KAMINS P.C.**

Arthur L. Aidala, Esq.  
546 5th Avenue, 6th Floor  
New York, New York  
(212) 486-0011  
[aidalaesq@aidalalaw.com](mailto:aidalaesq@aidalalaw.com)

*Attorneys for Plaintiff Keith Ranieri*

1. On May 5, 2022, Keith Raniere (“Plaintiff”) filed a Complaint in this Court, requesting injunctive relief in the form of an order that the Bureau of Prisons (“BOP”) stop retaliating against him by banning communications with his power-of-attorney and paralegal to his legal team, Suneel Chakravorty (“Mr. Chakravorty”). See *Raniere v. Garland*, AZDC 4:22-cv-00212-RCC, Doc. No. 1.

2. On June 17, 2022, USP Tucson Warden Gutierrez recognized Mr. Chakravorty as a legal professional who was covered by attorney-client privilege and allowed to have a confidential legal call with Mr. Raniere. *Id.*, p. 25.

3. On June 19, 2022, Mr. Chakravorty was again recognized as a paralegal and permitted to have another confidential legal call with Mr. Raniere. *Id.*

4. After these two calls, each subsequent request to be recognized as a paralegal was denied. Thereafter, on July 26, 2022, Plaintiff was assaulted in the chow hall and sent to the Special Housing Unit (“SHU”) where he remained until March 28, 2023, despite being exonerated of any wrongdoing in the incident. *Id.*, p. 26.

5. The BOP has four levels of grievances: (1) BP-8 (Informal Resolution Form), (2) BP-9 (Formal Request for Administrative Remedy), (3) BP-10 (Regional Office Administrative Remedy Appeal), and (4) BP-11 (Central Office Administrative Remedy Appeal). Doc. No. 35, pp. 3-4.

6. Each grievance is given a unique number with an extension. The extension F-1 indicates the complaint was filed at the institution level (BP-9). The extension R-1 indicates the complaint or appeal was filed at the regional level (BP-10). The extension A-1 indicates the appeal was filed at the national level (BP-11). Doc. No. 36, p. 3.

7. On August 8, 2022, Mr. Raniere submitted an Informal Resolution Form (BP-8) complaining that Mr. Chakravorty was banned from communicating with him for a second time. On September 6, 2022, Counselor D. Flores responded that “[b]ased on the safety and security [sic] running of the institution, it has been determined that your visitor/ contact is not appropriate at this time. You may

appeal the decision using the administrative remedy process.” Annexed hereto as **EXHIBIT 1** is Counselor D. Flores’ response.

8. On September 8, 2022, in Remedy No. 1133798-F1 (BP-9), Plaintiff requested information about the denial of Mr. Chakravorty on his approved list. Annexed hereto as **EXHIBIT 2** is Plaintiff’s request, which states:

“Suneel Chakravorty is my friend, power of attorney, and a para-legal on my legal team. He was banned from communicating with me, reinstated for 2 phone calls, then banned a second time. 1) Why was he banned the second time? 2) What event caused this? 3) Who made this decision? 4) What evidence was used for this decision? 5) How did my continuing to have contact with him, beyond the second call after his reinstatement, endanger the safety and/or security of this institution (this is the reason given for this action – see response to my BP-8 – my questions were not answered)? 6) I want him reinstated ASAP!

I want to know and understand this decision – not simply hear, in effect, this decision was made, if you want to appeal it use the administrative remedy process.

How can I appeal a decision if I know nothing about how it was made? I need the above questions answered before I can do a proper appeal!

Thank you.”

9. On October 9, 2022, an unsigned response to Remedy Request Number: 1133798-F1 was issued. Such response is Annexed hereto as **EXHIBIT 3** and it states the following:

“This is in response to your Request for Administrative Remedy received in this office on September 14, 2022, wherein you are contesting the determination to restrict your communication with Suneel Chakravorty.

The Federal Bureau of Prisons determined your contact with individuals affiliated with NXIVM, including Mr. Chakravorty, represents a threat to the security and good order of the institution. The Bureau's determination is consistent with, and supported by, your judgment and conviction which states, you shall not associate or contact such individuals upon release. If your contact with NXIVM members after release is a safety concern, it is also a safety and security concern while you are incarcerated.

Additionally, you demonstrated a disregard for the law and the system of justice in your previous calls with Mr. Chakravorty. Calls with Mr. Chakravorty were also recorded for use in podcasts and other media, in violation of Bureau policy. After contact with Mr. Chakravorty was suspended in July 2020, you used an alias to continue

to contact Mr. Chakravorty. For these and other violations of Bureau policy, your contact with Mr. Chakravorty is restricted.

With regard to your assertion that Mr. Chakravorty is a paralegal and member of your legal team, both law and Bureau policy provide that the Warden may prohibit a legal assistant from visiting or corresponding with an inmate when necessary to maintain the security or good order of the institution. Our decision to restrict your contact with Mr. Chakravorty is consistent with this law and policy.

Based on the above, your request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Western Regional Director. Your appeal must be received by the Regional Administrative Remedy Coordinator, Federal Bureau of Prisons, Western Regional Office, 7338 Shoreline Dr., Stockton, California, 95219, within twenty (20) calendar days from the date of this response.”

10. Thereafter, on October 24, 2022, Plaintiff filed a Regional Administrative Remedy Appeal for ID 1133798-R1. Annexed hereto as **EXHIBIT 4** is the relevant part of the aforementioned Regional Administrative Remedy Appeal, stating as follows:

“The BP-9 response does not address the situation or questions. This BP-9 is concerned with the second time communication was blocked – not the first. Additionally, it raises several new issues: 1) I have had numerous calls recorded and/or notes take[n] which can be used for podcasts or other media. I have been told specifically by DHO – in the process of having a shot expunged – this does not violate policy in any way. Please tell me the policy this now violates? 2) I have not heard, nor received any shot or warning about, the alleged alias I used to contact Mr. Chakravorti [sic]. Please provide the specific evidence to prove this and any policies this alleged behavior would violate.

It is important to know these things in order to follow policies and also legitimately appeal determinations based on this unknown date. Additionally, please answer the questions and requests raised in the BP-9.”

11. On December 16, 2022, Plaintiff filed his second lawsuit for injunctive relief for an order that the BOP stop retaliating against him. This lawsuit includes additional facts such as the assault and being placed in the SHU. Doc. No. 1.

12. On January 31, 2023, Plaintiff filed a Remedy Request (ID 1139878-A2). Such request is annexed hereto as **EXHIBIT 5**, and it states as follows:

“All of my administrative remedies are either delayed, lost, rejected, or otherwise thwarted. I never received a reply to my BP-10. I have enclosed re-written copies of the final BP-8, BP-9, and BP 10 (written on a BP-9 form for I could not get a BP-10) in this series. I am in the SHU and have been trying to get forms for the 6 months I’ve been in the SHU. I borrowed a BP-11 form tonight. Please answer these questions: (1-6 on my enclosed BP-9 copies) and return my Trulincs account to where it was before this “scrubbing”. Thank you.”

13. On February 17, 2023, Plaintiff filed an appeal in Remedy ID 1139878-A1 to the Central office. Annexed hereto as **EXHIBIT 6** is the relevant part of the aforementioned Regional Administrative Remedy Appeal, stating as follows:

“I have not received a response from the Regional Office. I have been in the [SHU] for over 6 months during which the facility was locked down for over a month, and my cell has been raided a number of times. Most notably important, well-marked packages from my attorney [was] taken as well as numerous papers and notes. I mention this as the reason I do not have many of the past forms, extensions, answers, etc. There is also a paucity of resources, forms, etc. in this SHU, compounding these difficulties. Please answer the questions raised on the enclosed content copies of the BP-9 and BP-10. Thank you.”

14. On March 6, 2023, the Regional Director in Remedy ID 1133798-RI issued a response, which is annexed hereto as **EXHIBIT 7**, and which states as follows:

“This is in response to your Administrative Remedy Appeal of the Warden’s decision dated October 9, 2022, wherein you state you are being denied access to call a certain individual. For relief, you request to have this individual be placed on your TRULINCS account.

Your appeal has been investigated. Program Statement 5264.08, Telephone Regulations, “The Associate Warden has authority to block a number on an inmate account in a case-by-case determination. In such cases, the Associate Warden or designee must notify the inmate of any administrative block, ordinarily within five calendar days following the denial or removal of the number.” Based on an investigation by the institution of your ties to this individual, you were restricted from adding this individual to your TRULINCS account based on safety and security considerations. Based on our independent review of their investigation, we concur with their judgment and uphold their decision.

Your appeal is denied. If dissatisfied with this response, you may appeal to the Office of General Counsel, Bureau of Prisons, 320 First Street, NW, Washington, D.C., 20534. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

M. Rios Marques, Regional Director.”

15. On March 9, 2023, a Rejection Notice for Remedy ID 1139878-A2 was issued. Such notice stated the following:

“FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION...

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION NOTICES.” Doc. 36-1, p.64.

16. On March 24, 2023, a Rejection Notice for Remedy ID 1133798-A1 was issued. Annexed hereto as **EXHIBIT 8** is the aforementioned notice, which states that Plaintiff did not provide a copy of his institution administrative remedy request (BP-9) form or a copy of the (BP-09) response from the warden, and he did not provide a copy of his institution administrative remedy request (BP-9) form or a copy of the (BP-09) response from the regional director. The notice also stated that Plaintiff could have resubmitted his appeal in proper form within fifteen (15) days after the rejection notice.

17. Lastly, on April 7, 2023, a Memorandum for Contact Restriction, annexed hereto as **EXHIBIT 9**, was issued to inform Plaintiff that the communication restriction from Mr. Chakravorty had been approved.

Dated: New York, New York  
August 13, 2024

**AIDALA, BERTUNA & KAMINS P.C.**

/s/ Arthur L. Aidala  
Arthur L. Aidala, Esq.  
546 5th Avenue, 6th Floor  
New York, New York  
(212) 486-0011  
aidalaesq@aidalalaw.com

*Attorneys for Plaintiff Keith Raniere*

# EXHIBIT 1



RANIERE, Keith

09/06/2022

Reg. No. 57005-177

Based on the safety and security running of the institution, it has been determined that your visitor/contact is not appropriate at this time. You may appeal the decision using the administrative remedy process.

D. Flores, CCC

# EXHIBIT 2

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Raniere, Keith, A 57005-177 C-1 Tucson  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Suneel Chakravorty my friend, power of attorney, and a para-legal on my legal team. He was banned from communicating with me & reinstated for 2 phone calls then banned a second time. 1) Why was he banned the second time? 2) What event caused this? 3) Who made this decision? 4) What evidence was used for this decision? 5) How did my continuing to have contact with him, beyond the second call after his reinstatement, endanger the safety and/or security of this institution (this is the reason given for this action = see response to my BP-8 - my questions were not answered)? 6) I want him reinstated ASAP!

I want to know and understand this decision - not simply hear, in effect, this decision was made, if you want to appeal it ~~then~~ use the administrative remedy process.

How can I appeal a decision if I know nothing about how it was made? I need the above questions answered before I can do a proper appeal! Thank you.

9/8/22

DATE

Keith A. Raniere

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1133 798-F1

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

# EXHIBIT 3

U.S. Department of Justice  
Federal Bureau of Prisons  
FCC Tucson

Request for Administrative Remedy  
Part B - Response

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Admin. Remedy Number: 1133798-F1

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This is in response to your Request for Administrative Remedy received in this office on September 14, 2022, wherein you are contesting the determination to restrict your communication with Suneel Chakravorty.

The Federal Bureau of Prisons determined your contact with individuals affiliated with NXIVM, including Mr. Chakravorty, represents a threat to the security and good order of the institution. The Bureau's determination is consistent with, and supported by, your judgment and conviction which states, you shall not associate or contact such individuals upon release. If your contact with NXIVM members after release is a safety concern, it is also a safety and security concern while you are incarcerated.

Additionally, you demonstrated a disregard for the law and the system of justice in your previous calls with Mr. Chakravorty. Calls with Mr. Chakravorty were also recorded for use in podcasts and other media, in violation of Bureau policy. After contact with Mr. Chakravorty was suspended in July 2020, you used an alias to continue to contact Mr. Chakravorty. For these and other violations of Bureau policy, your contact with Mr. Chakravorty is restricted.

With regard to your assertion that Mr. Chakravorty is a paralegal and member of your legal team, both law and Bureau policy provide that the Warden may prohibit a legal assistant from visiting or corresponding with an inmate when necessary to maintain the security or good order of the institution. Our decision to restrict your contact with Mr. Chakravorty is consistent with this law and policy.

Based on the above, your request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Western Regional Director. Your appeal must be received by the Regional Administrative Remedy Coordinator, Federal Bureau of Prisons, Western Regional Office, 7338 Shoreline Dr., Stockton, California, 95219, within twenty (20) calendar days from the date of this response.

# EXHIBIT 4

U.S. Department of Justice

## Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: RAVIERE, Keith, A 57005-177 C-1 USP Tucson  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A - REASON FOR APPEAL

The BP-9 response does not address the situation or questions. This BP-9 is concerned with the second time communication was blocked - not the first. Additionally, it raises several new issues: 1) I have had numerous calls recorded and/or notes take which can be used for podcasts or other media. I have been told specifically by Otto - in the process of having a shot expunged - this does not violate policy in any way. Please tell me the policy this now violates? 2) I have not heard, nor received any shot or warning about, the alleged alias I used to contact Mr. Chakravarti. Please provide the specific evidence to prove this and any policies this alleged behavior would violate.

It is important to know these things in order to follow policies and also legitimately appeal determinations based on this unknown data. Additionally, please answer the questions and requests raised in the BP-9.

10/24/22  
/DATE

Keith A. Raviera  
SIGNATURE OF REQUESTER

## Part B - RESPONSE

RECEIVED

JAN 31 2024

WESTERN REGIONAL OFFICE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 113798-R1

## Part C - RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



# EXHIBIT 5



Federal Bureau of Prisons

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: Raniere, Keith A 57005-177 C-1 (SHU A) USP Tucson  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A - REASON FOR APPEAL

All of my administrative remedies are either delayed, lost, rejected, or otherwise thwarted. I never received a reply to my BP-10. I have enclosed re-written copies of the final BP-8, BP-9, and BP-10 (written on a BP-9 form for I could not get a BP-10) in this series. I am in the S.H.U., and have been trying to get forms for the 6 months I've been in the S.H.U. I borrowed a BP-11 form tonight. Please answer these questions (1.-6. on my enclosed BP-9 copies) and return my Trolin cs account to where it was before this "scrubbing". Thank you.

1/31/23

DATE

Keith Alan Raniere

SIGNATURE OF REQUESTER

## Part B - RESPONSE

DIP

RECEIVED  
FEB 03 2023  
U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

1139878-A2

## 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



## EXHIBIT 6

U.S. Department of Justice

## Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

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: Raniere, Keith, A 57005-177 C-1 (SHVA) VSP Tucson  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

**Part A - REASON FOR APPEAL** I have not received a response from the Regional Office. I have been in the for over 6 months during which the facility was locked down for over a month, and my cell has been raided a number of times. Most notably important, well-marked, packages from my attorney taken as well as numerous papers and notes. I mention this as the reason I do not have many of the past forms, extensions, answers etc. There is also a paucity of resources, forms, etc in this SHV compounding these difficulties. Please answer the questions raised on the enclosed content copies: the BP-9 and BP-10. Thank you.

2/17/23  
DATE

Keith Alan Raniere  
SIGNATURE OF REQUESTER

## Part B - RESPONSE

1REQ  
RAP-B  
1258

RECEIVED

MAR 07 2023

Administrative Remedy Section  
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

1133798 A1

## 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

UPN LVN



PRINTED ON RECYCLED PAPER

BP-231(13)  
JUNE 2002

# EXHIBIT 7


1133798-R1  
USP Tucson

This is in response to your Administrative Remedy Appeal of the Warden's decision dated October 9, 2022, wherein you state you are being denied access to call a certain individual. For relief, you request to have this individual be placed on your TRULINCS account.

Your appeal has been investigated. Program Statement 5264.08, Telephone Regulations, "The Associate Warden has authority to block a number on an inmate account in a case-by-case determination. In such cases, the Associate Warden or designee must notify the inmate of an administrative block, ordinarily within five calendar days following the denial or removal of the number." Based on an investigation by the institution of your ties to this individual, you were restricted from adding this individual to your TRULINCS account based on safety and security considerations. Based on our independent review of their investigation, we concur with their judgment and uphold their decision.

Your appeal is denied. If dissatisfied with this response, you may appeal to the Office of the General Counsel, Bureau of Prisons, 320 First Street, N.W., Washington, D.C., 20534. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

3/6/23  
Date

  
\_\_\_\_\_  
M. Rios Marques, Regional Director

# EXHIBIT 8

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MARCH 24, 2023



FROM: ADMINISTRATIVE REMEDY COORDINATOR  
CENTRAL OFFICE

TO : KEITH RANIERE, 57005-177  
TUCSON USP UNT: 4 GP QTR: Z01-112LAD  
9300 SOUTH WILMOT ROAD  
TUCSON, AZ 85756

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 1133798-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : MARCH 7, 2023  
SUBJECT 1 : LEGAL PHONE CALLS  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOU DID NOT PROVIDE A COPY OF YOUR INSTITUTION  
ADMINISTRATIVE REMEDY REQUEST (BP-9) FORM OR A COPY  
OF THE (BP-09) RESPONSE FROM THE WARDEN.

REJECT REASON 2: YOU DID NOT PROVIDE A COPY OF YOUR REGIONAL OFFICE  
ADMINISTRATIVE REMEDY APPEAL (BP-10) FORM OR A COPY  
OF THE (BP-10) RESPONSE FROM THE REGIONAL DIRECTOR.

REJECT REASON 3: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN  
15 DAYS OF THE DATE OF THIS REJECTION NOTICE.



# EXHIBIT 9





U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Complex

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Tucson, Arizona 85756

April 7, 2023

**MEMORANDUM FOR CONTACT RESTRICTION**

**SUBJECT:** Keith Raniere 57005-177

This memorandum is to serve the purpose to inform you, Keith Raniere, that a communication restriction from Suneel Chakravorty has been approved.