



13 April 2022

Michael Carvajal
Director
Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

Dear Mr. Carvajal:

I am writing about Eric King, inmate number 27090-045, who is currently in the custody of the US Bureau of Prisons (BOP), regarding his security designation and the risk of harm he faces should he be transferred to the high security USP Lee in Pennington Gap, Virginia.

According to his legal team, Eric King was recently moved from FCI Englewood and is currently being held in a private facility, Grady County Jail in Oklahoma. He has been informed that he is being ultimately transferred to USP Lee.

There are concerns that Eric King could be at risk of physical harm and violence if he were held in this facility. According to his legal team, there is an active threat against his life based on an interaction with a white supremacist gang member who warned him that he would be killed if he were placed into the general population of USP Lee. This was reportedly documented at USP Lee from the time period when Eric King was briefly held in the segregation unit of that facility in 2019.

Under the UN Standard Minimum Rules on the Treatment of Prisoners, otherwise known as the Mandela Rules, Rule 1 states in part, "... The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times."¹ US federal courts have previously found, and the BOP is aware of, restrictions in sending individuals to facilities where their safety or health are at risk.²

Additionally, Eric King was recently found not guilty on all counts at a trial in the U.S. District of Colorado after previously defending himself from an officer's violent attack while detained at FCI Florence. He has had no pending charges and no disciplinary sanctions for the last two years. Despite this, his maximum management variable on his security is the only reason he can be transferred to a maximum-security facility. Approximately one week prior to being assaulted by a BOP officer which led to his recent acquittal, he was to be transferred to a low security facility. He is scheduled to be released in 2023 and intends to return to Colorado to live with his wife and his two children. It is especially pertinent for individuals close to release to be able to reintegrate into society after a lengthy sentence. Transferring Eric King to a maximum-security facility across the country, far from his family and loved ones when he has such a short amount of time remaining on his sentence seems to be more retaliatory and punitive rather than necessary due to specific security concerns. Under Rule 59 of the UN Standard Minimum

¹ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: www.refworld.org/docid/5698a3a44.html [accessed 11 April 2022]

² See *Fitzharris v. Wolf*, 702 F.2d 836, 839 (9th Cir. 1983); *Gullatte v. Potts*, 654 F.2d 1007, 1012-13 (5th Cir. 1981); *Roba v. U.S.*, 604 F.2d 215, 218-19 (2d Cir. 1979).

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Rules on the Treatment of Prisoners, "Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation." The BOP must revisit the issues within Eric King's security profile which allow his eligibility to be at a maximum-security facility and the decision for him to be placed so far from where his family resides and where he intends to settle upon release.

We thank you for your time and attention to this matter and look forward to your response regarding this transfer. I can be reached at 212.633.4209 or jmazzola@aiusa.org.

Sincerely,

A handwritten signature in black ink, consisting of a large, fluid loop that extends horizontally to the right.

Justin Mazzola
Deputy Director of Research
Amnesty International USA

CC:

Senator Tim Kaine (D-VA)
Senator Michael Bennet (D-CO)
Representative Cori Bush (D-MO)