

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

JUDGMENT IN A CIVIL CASE

KENJA O. CARMICHAEL,

Petitioner,

v.

Case No. 24-cv-03319-BCW

WARDEN WILLOUGHBY,

Respondent.

- JURY VERDICT.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- DECISION OF THE COURT.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: This case is dismissed without prejudice, subject to Petitioner challenging the conditions of his past and present confinement in a properly filed civil rights action or obtaining the required authorization from the Eighth Circuit to proceed with his present claims under § 2241, pursuant to 28 U.S.C. § 2244.

Entered on: November 21, 2024.

PAIGE WYMORE-WYNN
CLERK OF COURT

/s/ K. Willis
(By) Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Appendix-B

No: 24-3522

Kenja Omari Deangelo Carmichael

Petitioner - Appellant

v.

Mark King, Warden

Respondent - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Springfield
(6:24-cv-03319-BCW)

JUDGMENT

Before LOKEN, ERICKSON, and STRAS, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion to proceed on appeal in forma pauperis filed by Appellant Kenja Omari Deangelo Carmichael is granted.

February 27, 2025

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

Appendix-C

KENJA OMARI DE CARMICHAEL, 11894-041
SPRINGFIELD USMCFP UNT: 3 MH QTR: G01-008L
P.O. BOX 4000
SPRINGFIELD, MO 65801

OCT 31 2024

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: Carmichael Kenja O. LAST NAME, FIRST, MIDDLE INITIAL 11894-041 REG. NO. 10-G UNIT SFMCFP INSTITUTION

Part A - REASON FOR APPEAL The Regional Directors Office, responded was unprofessional. On about August 28, 2008, I was inside the SHU houseing Unit at the desk seated and the staff inside the sectional prison towers was remote nueral monitoring me. When they poped open my ear implants from the towers by turning it up very loudly to the maxium busting open the ear implants inside my ear then talking very loudly directly from the sectional prison towers. And I was harrassed inside the SHU housing Unit for about 4½ months cruel unusual punished. After released from the SHU Unit, I was then cruel unusual punished for two $\frac{1}{2}$ years inside the prison because they would'nt turn it off. I've been getting harrassed and assinated now for the last sixteen years stright none stop they have'nt turned it off not one time.

10/3/2024
DATE



SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED
OCT 18 2024
Administrative Remedies Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 1005775-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

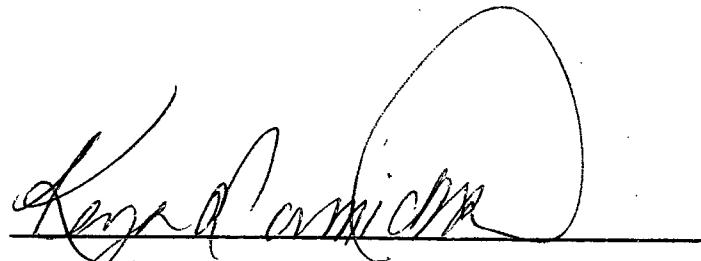
UPN LVN



PRINTED ON RECYCLED PAPER

Central Office Administrative Remedy Appeal

I have been getting harrassed now for the last past 16 years harrassed and assinated. I have exhausted my administrative remedy back in 2008 all the way to the Central office from Coleman Floridas prison. The medium I have been getting cruel unusual punished every day now and also I have went threw the chain of command before fileing a civil suit please get back with me as soon as possiable to let me know that you have been informed.



Reg. 11894-041

Kenja O. Carmichael

U.S. Medical Center for Federal pris

P.O. Box 4000

Springfield, MO 64801-4000

Administrative Remedy No. 1205775-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal, wherein you allege staff misconduct and harassment. Specifically, you allege staff working in the towers subjected you to remote neural monitoring and speak to you at a loud volume through your ear implants. Additionally, you state you have been "getting harassed and assassinated" for approximately 16 years. For relief, you request review of this matter.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Staff conduct is governed by Program Statement 3420.11, Standards of Employee Conduct, and the Bureau of Prisons takes seriously any allegation of staff misconduct, such as those you raised in this remedy cycle. We look into matters which may constitute inappropriate conduct and refer them to another component of the Bureau of Prisons for appropriate action. As you were previously notified, this matter has been forwarded to the appropriate Bureau component for further review.

Additionally, no inmate is entitled to be advised of the results of any inquiry or any action pursued against staff. You should also be aware such reviews may or may not include interviewing you and no inmate is entitled to be apprised of the progress, outcome, or disposition of any review of alleged staff misconduct. Similarly, any action taken against staff, if any are deemed necessary, will not be disclosed to you.

Accordingly, this response is provided for informational purposes only.

October 22, 2024
Date



Timothy Barnett, Administrator
National Inmate Appeals

Appendix-C

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: AUGUST 1, 2024

FROM: ADMINISTRATIVE REMEDY COORDINATOR
SPRINGFIELD USMCFP

TO : KENJA OMARI DE CARMICHAEL, 11894-041
SPRINGFIELD USMCFP UNT: 3 MH QTR: G01-008L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 1205775-F1
DATE RECEIVED : JULY 16, 2024
RESPONSE DUE : AUGUST 25, 2024
SUBJECT 1 : HARASSMENT BY STAFF
SUBJECT 2 :

REQUEST FOR ADMINISTRATIVE REMEDY

10-001015-C

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

From: Carmichael, Kenja O. 11894-041 10-G SFMCFP
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST August 28, 2008' the staff members ~~hasfidee~~ ~~she~~ ~~was~~ ~~punished~~ busted , cracked open my ear implants inside my ears and started harrassing and assinating me. I have never yet filed a case but I am now but, first I have to let you have a chance to do your jobs. Its been 17 years since the have been harrassing ~~and~~ vibrating me while talking inside my ear implants Loud and clear, and your staff won't let me call my attorney in which is ~~and~~ a violation of due process, Call down to the ~~Officer~~ Federal Correctional institution medium FCI in ~~Colman~~ Florida to tell ~~them~~ that their staff is remote neural monitoring an inmate here. And also they are harrassing ~~Kenja~~ Carmichael this is going on 24 hours a day every day since August 28, 2008 they have never turnned it off not one time.

7/5/2011

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.

SECOND COPY: RETURN TO INMATE

CASE NUMBER

Part C- RECEIPT

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

SUBJECT: _____

CASE NUMBER: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Appendix C

REQUEST FOR ADMINISTRATIVE REMEDY

PART B – RESPONSE

BP-9 NO.: 1205775-F1

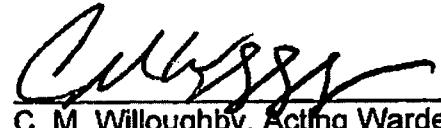
This response concerns your Request for an Administrative Remedy No. 1205775-F1. You claim staff have placed implants in your ears to harass and assassinate you. You further claim staff at FCC Coleman are remote monitoring you through the implants in your ears.

The Bureau of Prisons takes allegations of staff misconduct seriously. Your allegations concerning the staff member have been referred to the appropriate department for review. The results will not be available to you and appropriate action will be taken if the allegation is substantiated.

Based upon our review, this response to your Request for Administrative Remedy is for informational purposes only.

If you are not satisfied with this response, you may submit an appeal on the appropriate form to the Regional Director, North Central Regional Office, 400 State Avenue, Suite 800, Kansas City, Kansas 66101. Your appeal must be received in the Regional Director's Office within 20 calendar days from the date of this response.

7/29/2024
Date


C. M. Willoughby, Acting Warden
USMCFP Springfield

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 14-45 (DSD/LIB)

Appendix H

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENJA OMAR DEANGELO CARMICHAEL,

Defendant.

**FINDINGS AND ORDER
REGARDING MENTAL
COMPETENCY UNDER
18 U.S.C. § 4241(d)**

This matter came before the Court upon the motion of the United States, pursuant to 18 U.S.C. § 4241(c), for a hearing to determine whether the defendant is mentally competent to stand trial. [Docket No. 30]. The Court, having reviewed and considered the evidence presented, being duly advised in the premises, and upon all the files, records and proceedings herein, now makes and enters the following Findings and Order.

1. Defendant has been charged in a one-count Indictment with bank robbery in violation of 18 U.S.C. § 2113(a). [Docket No. 6].
2. On March 10, 2014, the United States filed a motion, pursuant to 18 U.S.C. §§ 4241(a) and (b), requesting that a psychiatric or psychological examination of the defendant be conducted and a report filed with the Court subsequent to the completion of the requested examination, for the purposes of determining the mental competency of the defendant to stand trial. [Docket No. 20].

3. On March 24, 2014, after a hearing on the Government's motion, U.S. Magistrate Judge Leo I. Brisbois found, pursuant to 18 U.S.C. §§ 4241(b), 4247(b) and 4247(c)(4)(A), reasonable cause to order that a psychiatric or psychological examination of the defendant be conducted and issued an Order granting the Government's request. [Docket No. 27]. Magistrate Judge Brisbois concluded that such an examination was necessary to determine whether the defendant was able to understand the nature and consequences of the proceedings against him or properly assist in his defense due to a mental disease or defect.

Id.

4. The defendant was thereafter transferred to the Metropolitan Correctional Center (MCC) located in Chicago, Illinois for completion of the forensic examination. On or about June 28, 2014, David M. Szyhowski, Forensic Studies Unit Psychologist with the Bureau of Prisons, completed the forensic examination and submitted a report concerning his conclusions to the Court. A copy of Dr. Szyhowski's report was subsequently provided to the parties.

5. On August 26, 2014, a hearing upon the Government's motion, pursuant to 18 U.S.C. § 4241(c), to determine whether the defendant is mentally competent to stand trial was held before the Court. A copy of Dr. Szyhowski's report was admitted into evidence as Government Exhibit 1. The Court ordered the copy of Dr. Szyhowski's report to be filed under seal in order to protect the privacy rights of the defendant.

6. Based on the evidence before the Court and the representations of the parties, the Court finds by a preponderance of the evidence that the defendant is presently suffering

from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, **IT IS HEREBY ORDERED** that the defendant shall be committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d), for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the mental capacity to permit the proceedings to go forward.

IT IS FURTHER ORDERED that a qualified psychologist or psychiatrist be appointed to examine the defendant and report to this Court as soon as possible whether there is a substantial probability that in the foreseeable future the defendant will attain the mental capacity to permit the defendant's case to proceed.

IT IS FURTHER ORDERED that this report shall contain at least the following additional information:

- a. The defendant's history and present symptoms;
- b. A description of the psychiatric, psychological, and medical tests that were employed and their results;
- c. The examiner's opinion as to diagnosis and prognosis; and
- d. The examiner's opinion as to the danger, if any, that the defendant poses to himself and others.

IT IS FURTHER ORDERED that time shall be excluded under the Speedy Trial Act pending the conclusion of the aforementioned forensic psychiatric or psychological evaluation and report, pursuant to Title 18, United States Code, Section 3161(h)(1)(A).

IT IS FURTHER ORDERED that the report prepared by the psychologist or psychiatrist shall be sent to the undersigned United States District Court Judge, at the United States Courthouse, 300 South 4th Street, Suite 14W, Minneapolis, MN 55415.

IT IS FURTHER ORDERED that the defendant shall be afforded reasonable opportunity for private consultation with his counsel while in custody.

Dated: August 26, 2014

BY THE COURT:

s/David S. Doty

The Honorable David S. Doty, Senior Judge
United States District Court