

1 Now, that's just tentative. But if I'm
2 right in thinking that what we have here is simply
3 a -- an aspect of the availability question, then
4 maybe the thing to do is send it back and argue out
5 all the availability, including this, in the court
6 below rather than us trying to write a standard.

7 Or a second, maybe we adopt the SG
8 standard. Or maybe we adopt your standard. I don't
9 know what rubric we'd put it under. Under the
10 rubric of exception? Under the rubric of
11 availability?

12 Now, that's a general musing-type question,
13 designed to provoke on your part a general response.

14 MR. HUGHES: Well, we certainly think that
15 the outcome here was correct. So that's certainly
16 our starting point. We think the best way to get
17 there, the proper rubric that would apply in this
18 case and all other cases, is an understanding of
19 what "available" properly means.

20 So I -- I would suggest, I think, the
21 statutory text and what "available" fairly -- has
22 been held to mean by this Court in Booth and
23 elsewhere does the work, certainly in this case, and
24 I think in the vast majority of cases.

25 As the Court said in Booth, "available"

1 here means "accessible or capable of use." I don't
2 think anyone would fairly describe a prison
3 administrative remedy as one that's accessible or
4 capable of use.

5 A reasonable prisoner wouldn't know which
6 remedy it is he or she is supposed to use in the
7 circumstances or wouldn't know the proper steps that
8 he or she needs to take in order to avoid procedural
9 default under Woodford standard.

10 The system has to have that -- that minimal
11 degree of clarity for one to actually have been
12 described as available. Certainly Congress retained
13 the word "available" after it amended the PLRA from
14 the prior CRIPA, and "available" must have meaning.
15 Congress certainly didn't say any standard -- or any
16 remedy or all remedies.

17 And, again, I don't think Maryland even
18 disagrees with us on this point because they say at
19 the reply brief at page 5, they agree that if the --
20 if the administrative remedy, in their words, is
21 undecipherable, that would not be one that qualifies
22 as available.

23 So I think there's broad agreement that
24 the -- the prison system can't take the rule book,
25 lock it in a box, not let any inmate understand how

1 it works, and still call that system one that is --
2 is fairly available. So --

3 JUSTICE KAGAN: If I could understand you,
4 though, I mean, one argument that you would have,
5 whether here or below or -- is this notion of the
6 prison system didn't meet this level of clarity,
7 whatever it is.

8 But there's another argument, don't you
9 think -- or do you think -- that you have, which is
10 just, they said to go to the ARP, and the ARB -- the
11 ARP was not in the business of giving this remedy.
12 So we did exactly what we were told to do, and it
13 turns out the remedy is unavailable because it's
14 just not available.

15 MR. HUGHES: I think that's precisely
16 correct. I absolutely agree with that view, that
17 here, in all of the cases that anyone has
18 identified -- and, again, with both our lodging, but
19 also in every case in Petitioner's lodging -- and I
20 just point the Courts to their lodging at page 25,
21 32, 37, 46, 93, 231, and there are others. Every
22 example that anyone has identified, the ARP has
23 always said, "You've come to the wrong place.
24 Because of the IIU is underway, there can be no
25 relief had here." I think that's plainly an

1 unavailable system.

2 As the Court in Booth said for -- in a
3 system, administrative remedy to qualify as
4 available, the administrative officers must have
5 some authority to provide relief in the
6 circumstances.

7 CHIEF JUSTICE ROBERTS: I don't -- I don't
8 mean to beat a dead horse, but the -- the citations
9 you cited, it is true that that's to the lodgings.
10 But I don't have any confidence that these lodgings
11 represent the complete universe to allow me to make
12 a judgment about the procedures under Maryland law,
13 because this wasn't litigated or -- or subject to
14 discovery in the district court or court of appeals.

15 MR. HUGHES: So, your Honor, two things.
16 First, again, we would not disagree if -- if a
17 remand could be appropriate for some of these
18 issues; but, second, I think there is enough that is
19 undisputed in the -- the record currently that --
20 that doesn't even require a look in -- in the hole
21 to the lodgings to find that this was not an
22 available system.

23 To begin with, the IIU exclusivity
24 regulation that we discussed at page 17 of the red
25 brief made quite clear at the time of this incident

1 that the IIU had exclusive authority whenever there
2 was a referral that was made to the IIU at that
3 point and that no other agency could proceed.

4 That, again, has nothing to do with the
5 lodging material and, I think, makes quite clear
6 that the ARP was not the proper place to go.

7 We have the additional briefs, which we
8 think are on somewhat different footing than some of
9 the -- the other agency materials, and we have the
10 2008 directive that did happen after the case but
11 made quite clear that the ARP is simply the not --
12 not the correct place for these cases to go.

13 So I think all of these things, even
14 independent from the lodgings, demonstrate that
15 there was an enormous amount of confusion as to how
16 the system works and is not one that could be
17 described in any sense as available without even --

18 JUSTICE ALITO: You would argue that even
19 if the ARP procedure turns out to have been
20 available as a formal matter, suppose that this --
21 that issue were remanded, and the district court
22 explored it thoroughly and concluded that, although
23 there's a lot of -- there are these materials that
24 might suggest otherwise, as a formal matter, it is
25 available, even when the IIU procedure is going --

1 is going forward. All right?

2 I don't know whether that would happen.
3 Maybe it wouldn't. Assume that that's the case.
4 You would still argue that the procedure was
5 unavailable because, although it was available as a
6 former matter -- a formal matter, it is simply too
7 confusing; right? And no reasonable inmate could
8 take advantage of it.

9 MR. HUGHES: That's right.

10 JUSTICE ALITO: That's a separate
11 agreement?

12 MR. HUGHES: Yes, Your Honor. Yes. So --
13 and --and that is why I --

14 JUSTICE ALITO: As to that argument,
15 your -- your client did not try to use any
16 procedure; isn't that correct?

17 MR. HUGHES: No, Your Honor.

18 JUSTICE ALITO: How was he confused?

19 MR. HUGHES: So on the day of the event --
20 this is at the Joint Appendix, page 229 to 230, he
21 filed a very detailed report of the incident. And
22 he said, at the bottom of -- of page 229 -- this is
23 three and four lines from the bottom -- "I'm asking
24 for a formal internal investigation." The next
25 page, after his signature, "P.S. I will repeat this

1 exact statement under oath at any time you need.

2 Please investigate this incident."

3 He filed this very clear report that
4 described the entire incident. And he asked for the
5 prison to respond. The prison did in fact respond
6 the next day. It instituted the IIU investigation.

7 So I think the question is, after he had
8 taken this clear affirmative step, would someone in
9 these circumstances, a reasonable prisoner, known
10 that he had to do something else? And I think
11 everything that -- that we know shows that a
12 reasonable prisoner wouldn't have understood he had
13 to do anything else beyond the IIU investigation.
14 So, again, I think very clear affirmative steps he
15 took. And the only question is, would he have known
16 he had to go to the ARP process? He wouldn't have
17 known because of the IIU exclusivity regulation. He
18 wouldn't have known because of the practice in
19 Maryland prisons.

20 And even if he had shown up there, we now
21 understand that in all cases, it was dismissed.
22 There was a rubber-stamp that was used to dismiss
23 all of these claims. So for both of those reasons,
24 he wouldn't have known to have gone there; and if he
25 had gotten there, he would have shown up to a place

1 that was going to dismiss --

2 JUSTICE ALITO: He received -- he received
3 materials from the prison saying that that -- the
4 ARP procedure is available in cases of -- of
5 excessive use of force; isn't that right?

6 MR. HUGHES: He did, Your Honor, but none
7 of that material said anything whatsoever about the
8 IIU. The IIU exclusivity regulation, however, was
9 specific, and generally the specific is going to,
10 you know, govern over the general. And so on the
11 one hand, when you have a regulation that says the
12 very specific IIU mechanism is exclusive, all other
13 agencies --

14 JUSTICE ALITO: What did he see that said
15 that the IIU procedure was specific?

16 MR. HUGHES: Well, it -- it was in the --

17 JUSTICE ALITO: I'm sorry. Was exclusive?

18 MR. HUGHES: It was in the -- the
19 regulations that -- again, all of the regulations
20 that Maryland had enacted that would be available to
21 prisoners --

22 JUSTICE ALITO: And he read those?

23 MR. HUGHES: No, Your Honor, I don't think
24 there is direct evidence that he read those, but I
25 think the question is what an objectively reasonable

1 prisoner would have understood. And the only
2 guidance that was specific to the IIU that had
3 anything to do -- that would inform a prisoner, once
4 you're in the IIU channel, what is it that you
5 should be doing at that point, said this was the
6 exclusive mechanism; all other agencies have to
7 relinquish authority. So I think that very tailored
8 guidance would certainly trump the broad policy
9 statements that exist in the other regulations in
10 the Maryland handbook that say nothing whatsoever as
11 to an inmate as to what he should do when the IIU
12 investigates.

13 I should also add that one of the
14 interesting things about this case is the IIU
15 investigations are the investigations where the
16 Maryland prison itself, it initiates them, because
17 it thinks those are the most serious incidents in
18 the prison. That's where Maryland thinks that its
19 own prison officials may have engaged in criminal
20 wrongdoing, and therefore they need to undertake
21 this process. What Maryland has done is -- is
22 created very substantial trips and traps for only
23 the cases that are most likely to correspond to the
24 very worst conduct in Maryland prisons.

25 So I think that's a particularly pernicious

1 aspect of creating the system where you're confused,
2 told to go to the ARP, but then the ARP, in all
3 cases, is going to dismiss your claim, telling you
4 that you've come to absolutely the wrong place.

5 And, again, I think all of the material at
6 this point is -- is totally consistent on the view
7 that this is how the ARP would have worked. It was
8 codified by the 2008 directive that we discussed at
9 the red brief at page 18, and I think there is
10 little question at this point that there was a
11 codification of existing practice that happened in
12 2008, because all of the examples anyone has
13 identified is consistent with the view that the 2008
14 directive served to codify what was --

15 JUSTICE SOTOMAYOR: Where is that in the
16 record?

17 MR. HUGHES: Sorry?

18 JUSTICE SOTOMAYOR: The recent amendment.

19 MR. HUGHES: It's at page 367 of the Joint
20 Appendix.

21 And this is part of the directives.
22 It's -- it's a long directive that provides several
23 different pieces of guidance as to how the ARP
24 procedure works. And at -- towards the bottom of
25 Joint Appendix page 367, it explains: "The warden

1 or institutional coordinator shall issue a final
2 dismissal of a request for procedural reasons when
3 it has been determined that the basis of the
4 complaint is the same basis of an investigation
5 under the authority of the IIU." It provides some
6 additional details, and it says -- it provides the
7 text that now appears on the rubber-stamp, which is,
8 "Your request is dismissed for procedural reasons.
9 Final. The issue is being investigated by IIU.
10 Case Number," blank. "Since this case shall be
11 investigated by IIU, no further action shall be
12 taken within the ARP process."

13 So this is, I think, a quite clear
14 regulation as to how the system now works.

15 I will note that Maryland's view at -- at
16 footnote 9 of their reply brief is that even today,
17 notwithstanding this new directive, their view is
18 the way the system works is a prisoner still has to
19 go to the ARP to properly exhaust their claims in
20 these circumstances, despite the fact that this
21 regulation, I think, is crystal clear that, if you
22 do so, your claim is going to be denied.

23 And you're not told, contrary to the
24 suggestion that you would be -- you would know to
25 appeal, you're not told that you should appeal this

1 dismissal anywhere. There is not a shred of
2 guidance that says, when you have your ARP dismissed
3 because you've told -- been told you have come to
4 the wrong place, the proper thing is just to keep
5 appealing it. You're told that you're -- it's being
6 dismissed because of the IIU investigation. So I
7 think a reasonable prisoner would be quite clearly
8 led to believe that the IIU is, in fact, the only
9 thing that needs to happen in his particular case
10 and would clearly be misled into not actually
11 appealing.

12 So I think it's -- it's much more likely
13 that it's the unreasonable prisoners who disregard
14 the clear guidance that they're getting who continue
15 to appeal in these circumstances.

16 Now, one additional point: The -- Maryland
17 referenced the McCullough case, saying that there is
18 State authority that -- that indicates that the
19 Inmate Grievance Office is the exclusive avenue for
20 these kinds of cases, and it rests on the McCullough
21 case here. I think that argument is misplaced.

22 The McCullough case that they cite was
23 decided in 1989. The internal investigative unit
24 that's at issue here was not established until 1999,
25 a full decade later. So I think the -- the use in

1 the reply brief of the McCullough case to say that
2 the IGO is this broad-based mechanism is not
3 responsive in any event to what happens now with the
4 IIU investigation, because the IIU simply didn't
5 exist at the time that -- that the McCullough case
6 was decided.

7 So I think that our view is quite clear
8 that if Maryland's system in this case were
9 endorsed, that would become a very clear model for
10 what other prisons could enact, this sort of
11 upside-down system, where you're told you have to go
12 to the ARP process to properly exhaust, but once you
13 get there, you're told that you've absolutely come
14 to the wrong place and, despite any guidance, you
15 have to somehow know that you need to appeal,
16 contrary to the instructions that you're being
17 given, in order to properly exhaust your claim.

18 As the Court said in Woodford, to properly
19 exhaust and to avoid procedural default, the
20 prisoner needs to use the steps that the prison
21 properly holds out. Here, the State is doing the
22 very opposite of holding out these steps as
23 available to the prisoners. The State is saying,
24 you've come to the wrong place; you're using the
25 wrong steps. That can't be what I think the Court

1 meant for proper exhaustion as is required by
2 Woodford.

3 I would be pleased to take any more
4 questions that the Court might have.

5 CHIEF JUSTICE ROBERTS: Thank you, counsel.

6 The case is submitted.

7 (Whereupon, at 11:57 a.m., the case in the
8 above-entitled matter was submitted.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A	42:3,20 44:3,4 administrativ... 8:8 16:11 admission 34:12 adopt 31:17 41:7,8 adopted 3:10 31:15 32:6 adopting 3:15 advantage 46:8 adversary 13:4 advise 7:9 affairs 16:19 affirm 30:13 affirmative 47:8 47:14 affirming 30:14 agencies 48:13 49:6 agency 45:3,9 agree 23:6 27:13 27:20 39:14 42:19 43:16 agreement 42:23 46:11 ahead 33:6 ALITO 30:18 31:14,20 37:6 38:1,7 45:18 46:10,14,18 48:2,14,17,22 allow 44:11 allowed 31:12 alternatively 30:13 ambiguity 26:12 27:7 amended 38:3 42:13 amendment 50:18 amicus 1:20 2:7 21:18 amount 13:22 13:23 38:10 45:15 amounts 7:20	15:18 analogue 25:18 answer 15:10 22:3 26:22 29:24 appeal 7:7,12 19:24 51:25,25 52:15 53:15 appealable 8:9 8:23 16:12 appealing 52:5 52:11 appeals 9:2 10:11 11:20 23:22 29:8 30:2,25 31:5 31:10 32:7,13 32:22 33:11,16 33:17,21 34:4 35:8,18 36:23 37:8 44:14 APPEARAN... 1:14 appeared 8:12 29:8 appears 8:13 51:7 appellate 11:16 19:14 Appendix 18:12 20:19 31:5,9 46:20 50:20,25 application 40:11 applied 32:24 applies 3:18 apply 41:17 approach 29:23 appropriate 13:5 18:14 21:7 28:21 44:17 AR 5:14 14:16 ARB 43:10 argue 41:4 45:18 46:4 arguing 22:25	argument 1:12 2:2,5,9 3:3,6 11:17 16:18 21:17 22:8 26:6 29:25 30:7,23 32:14 33:20,22,22,25 34:3,8,23,24 35:4 37:1 43:4 43:8 46:14 52:21 arguments 22:1 arose 5:6 6:15 ARP 4:8,10,20 4:24 5:3,14,20 5:23,24 6:10 6:21,21 8:4,5 8:18 9:7,24 10:11,18,20 16:6,10 17:20 19:1,21 27:18 27:18 31:8,12 33:24 35:2 37:2 43:10,11 43:22 45:6,11 45:19 47:16 48:4 50:2,2,7 50:23 51:12,19 52:2 53:12 arrives 26:19 articulate 26:2 articulated 39:17 asked 29:12 47:4 asking 21:23 22:3,7 25:20 46:23 aspect 24:10 41:3 50:1 assaulted 7:23 assistance 26:23 Assistant 1:15 1:18 assume 29:8,15 30:19 46:3 assumed 18:10	18:13 attachments 36:14,17,18 attorney 1:15 35:11 authenticate 34:12 authority 44:5 45:1 49:7 51:5 52:18 availability 12:13 15:14 16:18 18:6,9 18:16 21:7 24:5 28:18,21 28:24 37:7,16 40:25 41:3,5 41:11 available 3:13 7:22 13:16 14:10,12 15:12 15:17,19,20,21 16:16 18:11,13 19:10 20:21 21:2,3 22:19 23:8,9 25:24 26:22 28:11 29:16 30:16,20 30:22 31:1 32:3,4,15,18 32:24 33:19 37:3,5,11,18 38:5 41:19,21 41:25 42:12,13 42:14,22 43:2 43:14 44:4,22 45:17,20,25 46:5 48:4,20 53:23 avenue 52:19 avoid 42:8 53:19 aware 40:23
			B	
			back 7:8,25 14:24 16:14 41:4	

<p>bad 17:7 Baltimore 1:16 based 13:2 38:19,20 basis 14:13 51:3 51:4 beat 44:8 began 16:15 behalf 1:16,22 2:4,11 3:7 30:8 belief 17:18,25 31:7 believe 52:8 Bernhardt 1:15 2:3 3:5,6,8,23 4:1,15,21,25 5:6,17 6:1,13 7:6 8:6,10,20 9:5,13,17 10:5 10:17,22 11:4 11:11,14,24 12:8,20 13:14 15:4,15,21 16:8 18:10 19:3,7,15,24 20:8,11,17 best 40:24 41:16 better 25:11 beyond 6:23 47:13 big 23:20 24:4 24:25 26:10 Blake 1:6 3:4 21:5,12 22:5 23:23 29:16 Blake's 17:18,25 22:8 29:25 31:7 blank 51:10 body 24:8 book 42:24 books 32:10 Booth 23:9 26:1 41:22,25 44:2 bottom 46:22,23 50:24 box 42:25</p>	<p>BREYER 13:18 14:18 15:9 24:13,22 25:2 40:2 Breyer's 18:7 brief 5:22 22:8 22:24 23:7 26:2 28:17 35:3 39:17 42:19 44:25 50:9 51:16 53:1 briefing 6:17 22:2 briefs 13:20,21 35:10,13,21,25 36:3,5,7,14,17 45:7 broad 42:23 49:8 broad-based 53:2 brought 6:16 20:23 21:4 brutality 10:1 built 24:17 burden 12:12 17:16 21:12,13 31:3 34:1,22 34:23 37:2,4 business 43:11</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 2:1 3:1 call 43:1 capable 23:10 26:1,15 27:6 42:1,4 case 3:4,10 4:10 5:4,6,23 6:10 6:15 8:6,16,22 9:1,6 12:5,19 14:1 15:13 16:15 19:1,16 19:25 25:12 28:1,19 29:1,3 30:12 32:25</p>	<p>33:10 34:18 36:21 41:18,23 43:19 45:10 46:3 49:14 51:10,10 52:9 52:17,21,22 53:1,5,8 54:6,7 case-specific 22:1 cases 5:3,8,8,10 5:11,18,19 6:23 7:15,18 10:1 12:5 28:8 28:20 34:16 35:12,23 36:11 41:18,24 43:17 45:12 47:21 48:4 49:23 50:3 52:20 cert 29:4,22 certainly 4:1 14:19 18:14 31:2 32:20,23 33:2 37:9 39:14,21 41:14 41:15,23 42:12 42:15 49:8 certiorari 35:3 challenge 16:17 changes 12:19 channel 49:4 charged 3:19 Chief 3:3,9 11:2 11:7,12,15 12:1 13:1 21:16,20,21 30:5,9 33:4,7 34:5 35:7,16 36:2,9,20 44:7 54:5 circuit 3:10,17 12:11 14:3 17:5,8,10,14 17:15,21 18:5 18:10,13,15,16 18:20 30:19 31:15,17 32:9</p>	<p>40:7 Circuit's 40:8 circumstance 18:23 circumstances 33:19 37:3 42:7 44:6 47:9 51:20 52:15 citations 44:8 cite 40:10 52:22 cited 44:9 civil 16:24 17:2 17:3,7 claim 17:2,3 37:22 38:19 50:3 51:22 53:17 claims 16:25 47:23 51:19 clarity 38:12 39:6 42:11 43:6 clear 15:8 33:16 38:24 40:4 44:25 45:5,11 47:3,8,14 51:13,21 52:14 53:7,9 clearer 6:22 clearly 6:20 52:7 52:10 client 40:5 46:15 codification 50:11 codified 35:5 50:8 codify 50:14 collection 5:11 come 6:10 9:10 18:25 21:1,10 22:1 28:19 43:23 50:4 52:3 53:13,24 comes 19:22 24:19 34:13 commission 4:3 4:4 9:2,19</p>	<p>19:21 commissioner 7:12 8:23 10:12 compare 16:22 complaint 5:21 6:11,11 7:3,13 8:5 17:19 31:8 36:19 51:4 complaints 10:6 complete 44:11 completely 12:18 17:4 complex 38:17 complicated 14:14 38:22 conceivable 32:18 39:19 concern 33:9 concluded 45:22 condition 4:6 conditional 38:19 conduct 49:24 confidence 44:10 confinement 4:6 confuse 10:2 confused 46:18 50:1 confusing 10:7 10:16,19 22:24 23:8,12 24:12 25:24 26:16 28:3 39:7 46:7 confusion 45:15 Congress 22:17 42:12,15 Congress's 3:14 consider 30:14 34:20 considers 35:25 consistent 4:16 23:16 33:25 36:25 50:6,13 consistently 35:1</p>
--	--	--	---	---

<p>constitutional 40:21 contested 19:16 19:25 context 23:5 28:8 30:15,17 32:15 continue 4:13 52:14 contradict 17:18 17:25 31:6 contrary 17:11 51:23 53:16 coordinator 51:1 copied 40:7 corpus 24:19 25:19 correct 18:25 24:6 25:25 26:2 27:4 31:21,22,24 32:4,7,16 41:15 43:16 45:12 46:16 corrections 18:2 correctly 40:1 40:20 correspond 49:23 counsel 13:13 21:16 30:5 54:5 count 28:10 course 13:5 court 1:1,12 3:9 5:9 6:4,17 9:2 11:9,18,19,20 11:22 12:9,21 15:8 16:15 18:12 20:23 21:1,5,6,14,22 21:23 22:7,11 23:9,22 25:16 29:1,2,6,7,12 29:21 30:2,10 30:14,15,25</p>	<p>31:5,10 32:5,6 32:12,13,13,20 32:22 33:10,11 33:16,16,20,20 34:3,10 35:1,8 35:8,13,18,18 35:19,22,24,24 36:5,8,15,23 37:7,8,8,10 41:5,22,25 44:2,14,14 45:21 53:18,25 54:4 Court's 25:12 courts 3:18 22:20 28:23 43:20 create 14:3,9 38:16 created 49:22 creating 50:1 criminal 16:22 17:6 49:19 CRIPA 42:14 critical 22:19 25:17 35:15 criticizing 13:9 13:10 crystal 51:21 curiae 1:20 2:7 21:18 current 16:2,4,6 currently 44:19</p> <hr/> <p style="text-align: center;">D</p> <p>D 1:18 2:6 3:1 21:17 D.C 1:8,20,22 day 46:19 47:6 daylight 38:10 39:3 de 19:25 dead 44:8 deal 11:19 12:1 dealing 12:4 dealt 28:18 decade 52:25</p>	<p>deception 28:14 decide 12:9 15:4 24:23 decided 18:18 37:7 52:23 53:6 deciding 17:16 decision 8:23 16:12 17:2,14 17:15 19:18 decisions 7:17 16:24 default 25:15 42:9 53:19 defend 30:23 31:21 definitely 23:6 definition 37:16 degree 24:7 26:12 42:11 deliberately 22:17 28:9 delve 29:2 demonstrate 37:5 45:14 demonstrating 37:2 denied 51:22 Department 1:19 describe 42:2 described 19:13 42:12 45:17 47:4 description 20:18,19 designed 41:13 despite 51:20 53:14 detailed 46:21 details 51:6 determination 5:24 18:9 determined 51:3 determines 20:13 dictionary 23:10</p>	<p>difference 23:21 38:1 39:10,13 differences 24:4 26:10 different 8:12 10:9 12:25 17:4 24:1 25:22 35:14 45:8 50:23 direct 48:24 directive 16:9 19:4,5 35:5 45:10 50:8,14 50:22 51:17 directives 7:8 16:10 17:24 20:23,24 50:21 directly 9:24 disagree 24:10 30:25 32:21 39:16 44:16 disagrees 42:18 disclaimed 12:23 discover 14:7 discovery 34:14 44:14 discretion 8:7 discussed 31:18 44:24 50:8 dismiss 5:7 8:8 12:16 14:25 30:12 47:22 48:1 50:3 dismissal 5:11 51:2 52:1 dismissed 6:21 7:3 8:15 16:11 47:21 51:8 52:2,6 dismissing 13:2 dispensing 3:20 dispute 22:6 disputes 22:21 disregard 52:13 distinct 35:2 district 3:18 6:3</p>	<p>11:19 12:21 16:15 18:12 20:23 21:1,5 21:14 29:6 33:11,20 34:10 35:8,18 36:8 37:8 44:14 45:21 documents 35:24 36:10,13 36:15 doing 18:6 49:5 53:21 DOYLE 1:15 2:3 3:6</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1 3:1,1 earlier 31:4 effect 17:8,10 18:18 effective 38:4 effort 29:13 either 6:5 14:23 27:1 eliminated 22:17 employee 8:1 enact 53:10 enacted 22:17 48:20 encompassed 22:9 30:1 endorsed 53:9 engaged 49:19 enormous 13:22 13:23 45:15 entire 47:4 entirely 35:2 erase 7:4 especially 12:11 20:24 ESQ 1:15,18,22 2:3,6,10 established 24:20 52:24 estoppel 28:19</p>
--	---	--	---	--

event 46:19 53:3	3:21 7:11 14:4	final 51:1,9	30:4 51:11	good 13:21
everybody 4:10	31:19,25 38:3	find 44:21		gotten 15:18
evidence 6:4	54:1	fine 38:23	G	47:25
17:18 21:11	Exhibit 34:12	finish 11:3	G 3:1	govern 48:10
30:3 31:6	exist 31:25 49:9	firmly 24:19	geared 20:24	grant 14:25
48:24	53:5	first 7:9 9:19	general 1:16,19	granted 12:17
evidentiary 34:7	existing 50:11	11:21 19:7,20	39:5,14 40:3,6	15:1 29:22
eviscerate 3:14	exists 32:3	20:5,12,16	41:12,13 48:10	30:12
exact 34:16 47:1	experience 17:9	22:3 24:6	general's 35:11	grievance 4:3,17
exactly 43:12	expert 40:17	26:12 30:15	39:4	4:18 7:13 9:2
examining 3:19	explain 3:25 6:3	33:15,22 34:21	generally 48:9	9:19 10:13
example 5:13	37:23	44:16	genius 14:15	11:6 16:13
26:17 35:4	explained 33:1	first-level 8:22	getting 25:10	19:9 20:3,13
36:19 38:15	35:4	flesh 11:20	52:14	20:20 22:13
40:21 43:22	explains 50:25	focus 28:21	GINSBURG	29:7 31:12
examples 10:24	explored 45:22	follow 15:12	6:18 7:25	52:19
31:11 33:18	extra 11:23 13:3	followed 24:20	15:19 16:1	ground 25:21
50:12	F	25:10	19:12,19 20:2	guards 7:23
exception 3:11	F.3d 17:21	footing 45:8	20:10,15 29:11	guess 13:20
3:13,18 14:3,5	face 16:17	footnote 51:16	29:14,18	36:10 40:1
14:9 15:11	fact 12:4 34:2	force 10:10 48:5	give 17:3 26:3	guesswork
21:13 24:18,23	37:3 38:17	formal 45:20,24	26:17 27:3	39:25
25:3 28:25	47:5 51:20	46:6,24	given 13:20	guidance 26:3
29:10 40:22	52:8	former 46:6	26:19,20 32:25	38:24 49:2,8
41:10	factual 11:18	formerly 4:4	53:17	50:23 52:2,14
exceptions 22:5	27:19	forms 7:6	gives 20:14	53:14
24:17 31:19,24	failed 33:18 34:1	forward 46:1	giving 43:11	guilty 12:2
40:9,20	fairly 22:9 28:17	found 12:21	gladly 12:12	H
excessive 48:5	30:1 41:21	18:12 24:16	gloss 23:24	habeas 24:19
exclusive 45:1	42:2 43:2	four 10:25 46:23	go 7:25 9:8,9,11	25:19
48:12,17 49:6	far 11:21 12:5,5	four-year 6:14	10:12,16,18,20	hand 13:6 38:11
52:19	14:4 26:5	Fourth 3:10,17	14:15,23 16:14	38:12 48:11
exclusivity	federal 22:11,20	12:11 17:5,8	19:20,20,21,21	handbook 7:9
44:23 47:17	26:18 35:13	17:14,15,21	20:4,5,12,16	9:23 10:13
48:8	36:15	18:5,10,13,15	33:6 34:10	17:24 20:3,17
excused 30:21	felt 13:17	18:15,20 30:19	40:18 43:10	26:20 49:10
exhaust 3:12	figure 30:2	31:15,17 32:8	45:6,12 47:16	handle 19:2
10:24 11:1	file 4:11,11,23	40:7	50:2 51:19	handled 25:11
16:20 22:15,18	7:13 20:20	frankly 29:19	53:11	happen 8:5
51:19 53:12,17	26:23 31:12	frequently 24:16	goes 16:12 17:23	45:10 46:2
53:19	filed 5:23 10:16	35:25	12:7 14:19	52:9
exhausted 8:25	29:7 35:13	front 7:7 12:10	21:10 28:22	happened 50:11
8:25 11:5	36:1,7,10,14	12:18	33:7 34:18	happening
17:25 20:14	46:21 47:3	full 7:19 40:7	40:1,15 45:25	16:14
24:14,15,24	files 8:4 10:11	52:25	46:1 48:1,9	happens 5:3
25:13 37:25	filings 36:1	fully 19:10	50:3 51:22	39:23 40:17
exhaustion 3:16		further 8:17		

53:3	hundred 39:22	including 41:5	interesting	<hr/> J <hr/>
hear 3:3	hypothetical	inconsistent	49:14	JA 16:23
hearing 7:14,19	15:9 27:22	6:25	interfere 28:9	Joint 46:20
11:5 19:16	28:13	incorporated	internal 3:22	50:19,25
20:1	<hr/> I <hr/>	39:15	7:24 8:25	judgment 13:2
held 23:22,22	IAU 8:3	independent	16:19 46:24	44:12
29:6 30:20	identified 35:10	25:20 45:14	52:23	JULIA 1:15 2:3
41:22	43:18,22 50:13	indicates 52:18	introduced	3:6
help 33:8	identify 33:18	individual 13:12	36:23	jump 22:11
hierarchy 19:13	IGO 9:24 10:1	38:19	investigate 47:2	Justice 1:19 3:3
high 39:18,21	10:16 19:12,22	inform 37:20	investigated	3:9,23 4:7,19
holding 53:22	20:5,12,16	49:3	8:16,17 51:9	4:23 5:2,13,22
holds 7:14 53:21	31:12 53:2	information	51:11	6:6,18 7:25
hole 44:20	IIU 4:12,24 5:4	13:24 21:2	investigates	8:10 9:5,15,20
Honestly 39:12	5:19 6:11,21	initial 4:9	49:12	10:15,18 11:2
Honor 3:8 4:1	7:3,18 8:16,17	initials 14:21	investigating	11:7,12,15
4:15,22,25 6:2	9:12 10:8,16	initiates 49:16	5:15	12:1,15,25
6:13 7:6 8:20	14:18 16:4	initiating 18:2	investigation	13:1,18 14:18
9:14,17 10:6	17:1 18:3 19:2	inmate 4:2,5,17	3:22 4:12 5:5	15:9,19 16:1
11:11,14,24	19:10 20:6	4:18 7:13 9:18	5:19 6:12,21	17:13 18:7,8
12:8,20 13:14	31:13 33:23	10:11,12 11:5	7:4,18,24 8:3	18:24 19:5,12
15:5,15,22	35:2 43:24	16:13 19:9	9:12 10:8	19:19 20:2,10
16:9 19:4,15	44:23 45:1,2	20:4,11,12,13	14:19 16:5,23	20:15 21:16,20
19:25 20:9	45:25 47:6,13	20:20 23:1,1,2	17:1,6,19 18:3	21:21 22:23
21:15 30:24	47:17 48:8,8	23:3 28:10	20:6 31:7,13	23:14,18,25
31:16,23 32:11	48:12,15 49:2	31:11 37:20,23	33:24 46:24	24:13,22 25:2
33:13 34:11,21	49:4,11,14	38:25 39:19,25	47:6,13 51:4	26:9 27:9,11
35:9,20 36:4	51:5,9,11 52:6	42:25 46:7	52:6 53:4	27:22,25 28:7
36:12,24 37:9	52:8 53:4,4	49:11 52:19	investigations	28:14 29:11,14
37:17 38:6,9	IIU's 17:19 31:7	inmate's 40:1	19:11 49:15,15	29:18 30:5,9
39:13 44:15	illiterate 14:20	inmates 7:19 9:1	investigative	30:18 31:14,20
46:12,17 48:6	implicit 18:21	10:7,7,25	52:23	32:8 33:4,7
48:23	implicit 31:18	13:17 15:16,17	involved 6:20	34:5 35:7,16
horse 44:8	31:24	15:22,23 19:10	involving 5:19	36:2,9,20 37:6
huge 24:16	importance	20:21,24 39:23	irrespective	37:15 38:1,7
Hughes 1:22	40:15	inquiry 25:22,22	4:11	39:2 40:2 43:3
2:10 30:6,7,9	important 12:10	instance 19:23	issue 5:15 6:3,16	44:7 45:18
30:24 31:16,22	40:2,5	20:5	8:15 12:9,10	46:10,14,18
32:11 33:6,13	improvidently	instituted 47:6	14:8,11,23	48:2,14,17,22
34:21 35:9,20	12:16 14:25	institutional	20:22,25 21:4	50:15,18 54:5
36:4,12,22	30:12	51:1	21:10 37:6	
37:9,17 38:6,9	incident 18:1	instructions	45:21 51:1,9	<hr/> K <hr/>
39:12 41:14	44:25 46:21	53:16	52:24	KAGAN 3:23
43:15 44:15	47:2,4	intending 10:1,2	issues 11:18	4:7,19,23 5:2
46:9,12,17,19	incidents 49:17	intent 3:14	12:13 18:16	6:6 8:10 9:5,15
48:6,16,18,23	included 35:19	intention 12:24	21:6 29:3	27:9,11,22,25
50:17,19		interest 29:20	40:21 44:18	28:7,14 32:8

<p>39:2 43:3 keep 23:14 52:4 KENNEDY 12:15,25 Kennedy's 18:8 kind 15:11 25:13 26:24 27:19 28:13 37:22 38:19 40:17 kinds 27:12 52:20 know 6:8 13:5 13:25 14:14,15 14:18 15:23 21:9 24:21 32:25 33:4,8 34:11,15 37:24 38:25 41:9 42:5,7 46:2 47:11 48:10 51:24 53:15 knowledge 14:4 known 21:9 47:9 47:15,17,18,24 knows 6:25</p> <hr/> <p style="text-align: center;">L</p> <p>large 15:18 late-breaking 30:3 Laughter 14:17 25:8 launched 16:5 law 6:25 16:24 24:15,19,24 25:4,12,19 29:1 44:12 leaving 32:10 led 52:8 left 37:13 leg 40:12 legal 31:14,17 35:24 37:11 Let's 7:25 16:1 letters 7:2 level 43:6</p>	<p>levels 19:20 life 22:22 limit 11:16 lines 17:14 46:23 listed 40:9 litigated 44:13 litigating 35:12 Litigation 3:12 3:15 17:12 18:20 little 23:4 26:15 50:10 lock 42:25 lodged 6:6,8,9 8:11 lodging 5:18 7:17 10:25 34:20 35:10 36:6,6 43:18 43:19,20 45:5 lodgings 11:8 12:6 35:15 44:9,10,21 45:14 long 38:23 50:22 longer 4:14 23:8 look 7:16 12:7 13:19 17:9 18:11 44:20 looked 5:23 11:22 looking 5:15 lot 40:15 45:23 low-level 4:9 lower 28:23,25 38:20</p> <hr/> <p style="text-align: center;">M</p> <p>majority 36:16 41:24 making 5:15 6:24 22:20 March 1:9 Maryland 7:1 7:11,22 9:3 16:3 17:8</p>	<p>32:17,25 35:1 35:11,13,22 36:8,13,17 42:17 44:12 47:19 48:20 49:10,16,18,21 49:24 52:16 Maryland's 8:4 51:15 53:8 Maryland-spe... 29:17 material 11:22 33:15 34:9 45:5 48:7 50:5 materially 35:14 materials 6:7,8 6:9 8:11 11:23 12:18 13:3,11 13:15 20:21 35:21 45:9,23 48:3 matter 1:11 29:9 37:11 45:20,24 46:6,6 54:8 McCullough 52:17,20,22 53:1,5 Md 1:16 mean 8:1,13 11:18,23 12:2 13:12 14:20 28:24 32:9 34:15 39:23,24 40:5,19 41:22 43:4 44:8 meaning 17:17 23:10 24:16,25 32:2 37:19 42:14 means 22:4 30:16 32:4,15 32:24 37:11,12 41:19 42:1 meant 40:10 54:1 mechanism 48:12 49:6</p>	<p>53:2 meet 21:13 32:17 34:1 43:6 meets 21:12 merits 7:20 8:8 16:12 33:23 met 31:2 37:1 MICHAEL 1:3 mind 33:21 minds 24:9 minimal 42:10 misleading 13:16 misled 52:10 misplaced 52:21 misstep 25:14 mistake 22:14 23:21,23 24:5 26:6,11,24 27:2 40:23,24 mistakenly 22:12 model 53:9 money 7:21 15:18 mountain 28:25 move 34:11 multiple 32:16 murky 3:20 mus-ing-type 41:12 myopic 26:13</p> <hr/> <p style="text-align: center;">N</p> <p>N 2:1,1 3:1 natural 25:18 nature 12:19 navigate 39:1 necessarily 32:5 need 7:16 16:22 17:9 22:15,18 26:4 47:1 49:20 53:15 needs 32:5 37:21 37:23,24 42:8 52:9 53:20</p>	<p>Neither 11:12 nervous 40:16 never 12:22 16:17 37:1,4 new 14:7 18:24 51:17 newly 18:17 nontextual 3:11 normal 34:10 note 51:15 notion 43:5 notwithstandi... 9:15 51:17 novo 19:25 number 6:7 51:10</p> <hr/> <p style="text-align: center;">O</p> <p>O 2:1 3:1 oath 47:1 objectively 48:25 obligated 13:17 obviously 21:9 occurred 5:10 offered 17:17 office 4:3,17,18 7:13 8:12 9:6 10:13 11:6 16:13 19:9 20:13,20 35:11 35:12 52:19 officers 18:2 44:4 official 19:1 officials 49:19 okay 14:22 once 8:24 49:3 53:12 opaque 10:3 open 19:10 opinion 40:10 opportunity 17:3 opposed 37:7 opposite 34:16 53:22</p>
---	--	--	---	---

<p>oral 1:12 2:2,5,9 3:6 21:17 30:7 order 42:8 53:17 orders 8:9 ordinary 23:10 orientation 26:20 outcome 29:20 30:11 37:10,14 41:15 overlook 27:2 overlooks 26:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 3:1 P.S 46:25 page 2:2 18:4 31:5,9 35:3 36:6 39:17 40:7 42:19 43:20 44:24 46:20,22,25 50:9,19,25 pages 10:14 20:18 36:6 papers 6:19 34:25 paperwork 5:18 part 22:8,8 35:10 36:20 41:13 50:21 particular 36:11 37:22 52:9 particularly 49:25 parties 6:9 35:25 PAUL 1:22 2:10 30:7 people 12:6 13:21 perfectly 27:6 38:23 pernicious 49:25 person 28:4 39:8 Petition 18:11 20:18 31:4,9</p>	<p>Petitioner 1:4,17 1:21 2:4,8 3:7 21:19 Petitioner's 5:18 7:17 43:19 pick 24:24 picture 13:16 pieces 50:23 place 9:8,9,10 9:11 22:21 30:15 32:1,17 32:23 43:23 45:6,12 47:25 50:4 52:4 53:14,24 places 8:12 plain 22:16 32:2 38:4,4,8,12 plainly 35:6 43:25 please 3:9 9:20 11:2 21:22 26:9 30:10 47:2 pleased 54:3 PLRA 22:4,18 29:10 37:19 42:13 point 6:5 22:6 25:9 34:17,17 36:5 41:16 42:18 43:20 45:3 49:5 50:6 50:10 52:16 pointed 31:4 policy 6:14 49:8 portion 29:25 position 13:6 29:15 possible 37:10 possibly 6:20 practical 31:11 practice 16:3 35:5 47:18 50:11 precisely 43:15 present 13:15</p>	<p>21:10 34:19 presented 6:4 13:20 15:5,6 18:18 22:4 29:4,6,25 34:9 press 37:22 pretty 15:9 primary 4:4,17 9:3 12:22 22:21 principal 33:14 33:19 principles 28:19 prior 42:14 prison 3:12,15 3:19 8:24 9:25 17:11 18:19 19:4,5 22:21 26:14,19,21 27:1,5,14,17 37:19 38:15,16 38:23 40:16 42:2,24 43:6 47:5,5 48:3 49:16,18,19 53:20 prison's 22:10 prisoner 3:12 5:23 8:2,4 22:11 23:13,19 26:4 38:13 42:5 47:9,12 49:1,3 51:18 52:7 53:20 prisoners 7:23 10:2 36:11,18 48:21 52:13 53:23 prisons 22:20 47:19 49:24 53:10 problem 32:10 34:19 procedural 8:15 24:18 25:14,15 25:17 26:24 42:8 51:2,8</p>	<p>53:19 procedure 8:1 8:21 16:6,16 19:17 22:10 24:10 30:20 40:12 45:19,25 46:4,16 48:4 48:15 50:24 procedures 3:19 3:24 12:23 15:7,7,13 20:4 22:16 39:7 44:12 proceed 10:23 45:3 proceeded 5:20 proceeding 19:2 process 5:20 7:10 9:22 10:3 10:5,9,20,23 15:25 17:20 19:1,8 22:13 31:8 33:24 34:11 35:2 47:16 49:21 51:12 53:12 produce 17:1 produced 10:24 13:23 15:16 proffered 31:6 profound 18:21 prolong 14:24 proof 17:16 proper 7:11 9:8 9:9,10 29:2,23 29:23 30:11 41:17 42:7 45:6 52:4 54:1 properly 10:23 11:1,4 29:4 35:23 37:18,25 41:19 51:19 53:12,17,18,21 proposal 12:4 proposed 15:23 provide 26:22 44:5</p>	<p>provided 31:11 provides 50:22 51:5,6 provoke 41:13 purpose 9:21 16:20,21 17:4 17:11 23:11 26:1 put 24:23 25:5 40:24 41:9</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>QP 22:9 qua 19:25 qualifies 42:21 qualify 33:2 37:18 44:3 quarrel 37:14 quasi 7:14 question 12:3 14:2,8 15:2,4 15:10 16:2 18:8,8,17 22:4 24:25 25:14,16 29:5,17,21,25 31:21 39:6 40:5 41:3,12 47:7,15 48:25 50:10 questions 26:21 26:22 30:4 35:15 37:13 54:4 quite 6:7 24:11 33:16 38:17 40:2 44:25 45:5,11 51:13 52:7 53:7 quote-- 24:18</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 3:1 raised 18:17 raises 14:2 raising 38:20 reach 8:7 32:6 read 13:21</p>
---	--	--	---	--

<p>14:13 17:14 33:15 48:22,24 real 34:19 really 4:19 7:1 40:10 reason 13:19 23:15 35:17 reasonable 22:14 23:1,2,3 23:12,15,18,19 23:21,23 24:4 24:9 26:4,6,11 27:4,4,7 28:4 37:23 38:13,25 39:8,19,24 40:23,24 42:5 46:7 47:9,12 48:25 52:7 reasonableness 39:15 reasonably 22:12 reasons 8:15 32:16 47:23 51:2,8 receive 9:8,9,11 received 9:18 48:2,2 recognize 32:14 recognized 33:17 recommendati... 5:16 record 5:25 6:2 11:9,17,22,23 13:3 15:6 20:22,25 21:4 27:10 33:9 34:7,9 35:19 36:21 44:19 50:16 records 6:15 red 44:24 50:9 reduced 39:25 referenced 52:17 referral 45:2</p>	<p>Reform 3:12,15 17:12 18:20 regime 8:5 regular 25:10 regularly 24:20 regulation 16:2 16:4,7,8 18:25 19:3 44:24 47:17 48:8,11 51:14,21 regulations 9:22 17:24 22:24 24:8 48:19,19 49:9 reject 22:7 26:6 relief 43:25 44:5 relinquish 49:7 remand 12:9,12 18:15 21:8,8 21:25 37:8,13 44:17 remanded 45:21 remedies 3:13 3:16 13:16 14:11 18:1 22:19 38:5 42:16 remedy 4:5,17 7:22 8:25 9:4,8 9:11,18 12:21 14:12 15:14 17:7 19:14 21:3 27:15,16 27:17,18 29:16 33:18 37:18,21 37:25 38:11,15 38:17 42:3,6 42:16,20 43:11 43:13 44:3 removed 17:19 31:7 removing 18:1 repackage 23:24 29:13 repeat 46:25 reply 5:22 35:3 42:19 51:16</p>	<p>53:1 report 16:23 46:21 47:3 represent 44:11 representations 35:14 represented 9:7 13:13 request 51:2,8 requested 10:8 require 4:18 44:20 required 5:7 38:3 54:1 requirement 3:11,21 11:16 14:4,9 25:17 31:19 requirements 31:25 requiring 3:16 38:11 resolve 16:24 resolving 22:21 respect 13:6 18:7 32:9 39:6 respond 13:17 47:5,5 Respondent 1:23 2:11 12:22 30:8 Respondent's 6:16 10:25 responding 5:14 response 41:13 responses 33:14 responsible 35:12 responsive 53:3 rest 40:10 rests 52:20 retained 42:12 retention 6:14 reverse 4:8 29:13 review 11:16 right 6:12,13 7:7</p>	<p>10:13,15 11:13 11:23 24:2 25:6 28:5,6 29:8 35:8 36:24 39:23 41:2 46:1,7,9 48:5 rightly 12:21 rights 7:7 ROBERTS 3:3 11:2,7,12,15 12:1 13:1 21:16,20 30:5 33:4,7 34:5 35:7,16 36:2,9 36:20 44:7 54:5 Ross 1:3 3:4 17:17 31:5,10 rubber 8:13,19 9:9,15 rubber-stamp 47:22 51:7 rubric 40:25 41:9,10,10,17 rule 15:11 22:16 22:18 24:18 31:15,17 32:6 42:24 rules 23:7 ruling 5:16 rulings 6:25</p> <hr/> <p>S</p> <p>S 2:1 3:1 satisfy 39:19 saying 6:19 9:9 17:17 22:15 23:14 25:23 26:12 27:25 28:2 29:24 35:4 38:7 39:5 48:3 52:17 53:23 says 8:15 9:16 9:23 22:4 25:12 27:14</p>	<p>34:13 48:11 51:6 52:2 second 17:10 22:7 26:13 28:2 33:23 40:8 41:7 44:18 see 3:19 7:17 17:10 23:2 48:14 seen 12:5 send 14:24 41:4 senior 18:2 sense 27:23 45:17 separate 46:10 serious 12:3,3 34:19 49:17 seriously 11:15 serve 16:21 served 50:14 serves 16:19 17:4 set 20:24 settle 17:3 setup 19:19 SG 41:7 SH Aidon 1:6 shoulder 12:12 show 6:19 13:3 13:4 21:3,12 showing 31:3 34:1 shown 37:4 47:20,25 shows 47:11 shred 52:1 side 6:5 11:13 signature 46:25 similar 25:21 simply 12:17 14:25 40:12 41:2 45:11 46:6 53:4 situation 25:11 solicitor 1:18 39:4,5,14 40:3</p>
--	---	---	---	--

somebody 25:13 26:18,21 34:13	52:18 53:21,23	sufficiently 37:20 38:24	40:12	45:13 47:7,10
somewhat 45:8	stated 9:3	suggest 5:3	tell 9:20 20:4	47:14 48:23,25
soon 22:11	statement 31:23 47:1	39:18 41:20	27:3	49:7,25 50:5,9
sorry 4:3 11:2 37:15 48:17	statements 49:9	45:24	telling 50:3	51:13,21 52:7
50:17	states 1:1,13,20 2:7 3:17 12:11	suggestion 51:24	tentative 41:1	52:12,21,25
sort 12:13 18:16 28:12 53:10	12:11 17:5,8	suggests 13:4	term 30:16 32:2	53:7,25
sorted 21:8	18:20 19:16	support 34:22	32:4,15	thinking 41:2
SOTOMAYOR	21:18	35:3	test 39:16,20,21	thinks 32:12
5:13,22 9:20	statute 24:14	supporting 1:21	40:9,11,13	49:17,18
10:15,18 17:13	32:3 38:2	2:8 21:19	text 41:21 51:7	third 19:8,22
18:24 19:5	statutory 24:6	suppose 13:1	Thank 3:8 21:15	28:7
22:23 23:14,18	28:25 30:17	45:20	21:16 30:5,9	thoroughly
23:25 26:9	41:21	supposed 4:23	54:5	45:22
37:15 50:15,18	staying 6:19	14:15 42:6	then-existing	thought 14:2,6,8
sounds 6:24	step 47:8	Supreme 1:1,12	35:5	31:1
40:19,24	steps 37:24	sure 18:5,6 25:2	they'd 34:10	thousand 39:22
special 15:10	38:18,18,21	surprising 13:9	thing 14:16 24:2	threat 28:13,14
18:22 40:8	42:7 47:14	system 26:14,15	24:11 28:13	three 5:10 8:12
specific 48:9,9	53:20,22,25	26:18 27:6	40:17 41:4	25:5 27:12,13
48:12,15 49:2	straightforward	32:17 33:1	52:4,9	46:23
speedy 38:4	21:24	37:19 38:16	things 8:14 9:23	throws 5:4
squarely 15:6	strongly 21:6	39:1,24 40:6	9:24 21:23	time 8:6 9:7 27:4
29:5,6	structured 33:1	40:16 42:10,24	26:14,25 27:5	44:25 47:1
stage 7:10 19:8,9	subject 44:13	43:1,6 44:1,3	35:23 44:15	53:5
19:9	submission	44:22 45:16	45:13 49:14	today 8:7 21:24
stages 8:24 19:8	32:21	50:1 51:14,18	think 4:14 12:3	51:16
stamp 8:13,14	submit 30:11,17	53:8,11	13:8 21:24	told 4:10 10:7
8:19 9:9,16	34:8 36:4		22:9,12 23:11	43:12 50:2
stand 11:8	submitted 9:1	T	23:20 24:21	51:23,25 52:3
standard 22:14	13:15 35:22,23	T 2:1,1	25:9,18,24	52:3,5 53:11
23:4,21 24:5,5	36:13,16,18	tailed 49:7	26:2 27:21	53:13
24:6 25:25	54:6,8	take 4:13 9:23	28:16,17,20	totally 10:3
26:11 28:5	submitting 36:7	9:24,25 11:15	29:2,21,22	17:11 50:6
39:3,4,7,9,18	36:10	13:5 14:10	30:1,15,25	traditional 14:5
41:6,8,8 42:9	subsidiary	15:11 24:9	31:2,22,23	traditionally
42:15	37:13	28:22 37:24	32:1,5,7,8,11	40:22
start 4:7,20	substantial 7:20	40:15 42:8,24	32:20,23 34:4	traps 49:22
started 15:24	38:10 39:3,13	46:8 54:3	34:22,23 35:20	trick 28:9
starting 32:1,23	49:22	taken 8:18 14:7	35:24 37:4,9	tried 12:23
41:16	successful 15:17	15:8 47:8	37:12,17 38:7	Tripp 1:18 2:6
State 6:24 25:21	successfully	51:12	38:9 39:2,10	21:17,20,21
28:8 31:2	15:24	takes 35:25	39:12,14,21	23:6,17,20
33:17,25 35:22	suffer 25:15	talk 3:24 6:7	40:3,20 41:14	24:2,21 25:1,9
36:13 37:1	sufficient 34:24	16:1 23:16	41:16,20,24	26:10 27:10,21
	38:12 39:20	talking 11:7	42:2,17,23	27:24 28:6,12
		25:19 34:6,6	43:9,9,15,25	28:16 29:11,12
			44:18 45:5,8	29:17,19

trips 49:22	undisputed 44:19	wanted 25:6,7	wouldn't 42:5,7	2008 35:5 45:10
trouble 24:3	unfair 15:2	warden 5:7 8:7	46:3 47:12,16	50:8,12,13
true 4:14 9:13	unit 52:23	10:11 50:25	47:18,24	2016 1:9
9:16 11:14	United 1:1,12,20	wardens 5:10	writ 12:16	21 2:8 39:17
44:9	2:7 21:18	Washington 1:8	write 40:14,19	229 46:20,22
trump 49:8	universe 44:11	1:19,22	41:6	23 36:6
try 46:15	unmistakably 7:2	wasn't 13:19,24	wrong 9:10 27:3	230 46:20
trying 4:21	unreasonable 52:13	14:8 44:13	32:9,13,22	231 43:21
23:24 28:9	unwritten 22:5	way 6:24 10:4	34:2 35:6	24 36:6
41:6	29:10	22:15 24:22	43:23 50:4	25 43:20
Tuesday 1:9	upside-down 53:11	26:1 28:22	52:4 53:14,24	29 1:9
turn 12:6	urge 21:6	29:2 41:16	53:25	<hr/>
turns 27:15	use 10:9,10	51:18	wrongdoing 49:20	3
43:13 45:19	12:23 16:5	ways 40:18	<hr/>	3 2:4
two 8:24 19:7	23:13 24:13	We'll 3:3	X	30 2:11
21:23 24:4	26:1,4 28:4	we're 11:7,21	<hr/>	32 43:21
25:3 26:10,25	37:21 39:8	21:23 22:3,7	x 1:2,7	367 50:19,25
33:13 36:4	42:1,4,6 46:15	22:25,25,25	<hr/>	37 43:21
44:15	48:5 52:25	29:24 32:4,16	Y	<hr/>
typical 17:20	53:20	36:7	<hr/>	4
31:8	use-of-force 4:6	we've 15:15,23	Yeah 13:18	<hr/>
<hr/>	8:22 10:6	weeds 26:5	20:10 28:12,16	46 43:21
U	uses 24:14	welcome 12:9	29:19 31:20	<hr/>
unavailability 27:12,19	usually 19:22	went 6:23 16:18	years 24:17	5
unavailable 22:10 33:3	28:17	whatsoever 33:25 48:7	yesterday 8:11	<hr/>
43:13 44:1	<hr/>	49:10	<hr/>	5 35:3 36:7
46:5	V	wondering 27:13	Z	42:19
uncertainty 24:7	v 1:5 3:4	Woodford 25:12	<hr/>	<hr/>
undecipherable 42:21	vacate 21:25	25:16 42:9	ZACHARY	6
understand 11:21 13:18	vast 36:16 41:24	53:18 54:2	1:18 2:6 21:17	<hr/>
23:4,19,25	view 4:13 5:4	word 24:14,14	<hr/>	7
38:13 42:25	9:6,6 43:16	24:24 42:13	0	<hr/>
43:3 47:21	50:6,13 51:15	words 5:20	<hr/>	700 17:22
understanding 31:24 32:18	51:17 53:7	24:13 39:4	1	787 17:21
41:18	view's 4:16	40:14 42:20	<hr/>	79 10:14 20:18
understandings 4:9	virtually 28:20	work 13:22,23	11:06 1:13 3:2	20:19
understood 47:12 49:1	<hr/>	41:23	11:57 54:7	<hr/>
undertake 49:20	W	worked 50:7	13 15:16 31:5	8
underway 20:6	W 1:22 2:10	working 28:23	14 31:9	<hr/>
33:24 43:24	30:7	works 26:18	15 31:10	8 18:12
	waiver 33:21,22	38:14 43:1	15-339 1:4 3:4	80 10:14 20:18
	34:6	45:16 50:24	17 44:24	20:19
	want 26:3	51:14,18	18 50:9	<hr/>
		worn 37:1	180 34:15	9
		worst 49:24	185 16:23	<hr/>
			1989 52:23	9 51:16
			1999 52:24	93 43:21
			<hr/>	
			2	
			2 22:8	
			2007 5:7 6:15	