

EXHIBIT 1

Declaration of Margaret O'Donnell

Margaret O'Donnell under the penalty of perjury states as follows:

1. I am an attorney licensed to practice law in Kentucky and Indiana. I was one of the attorneys who represented Marvin Gabrion on direct appeal to the Sixth Circuit Court of Appeals. Mr. Gabrion was sentenced to death in 2003 after his conviction for murder in the United States District Court of the Western District of Michigan. He is incarcerated at USP Terre Haute in Indiana.

2. On December 31, 2012, I sent the attached Freedom of Information Act [hereinafter FOIA] request and Bureau of Prisons [hereinafter BOP] Certificate of Identity signed by Marvin Gabrion to the BOP for release of copies of Mr. Gabrion's records, including but not limited to his medical, psychological, disciplinary and classification records.

3. In early October 2013, I contacted the BOP North Central Regional Office to inquire about the status of the records, and was directed to contact paralegal Kara Christenson, who was located at Federal Medical Center Rochester, Minnesota. Ms. Christenson was responsible to reviewing and providing FOIA record requests for prisoners incarcerated in the North Central Region, where USP Terre Haute is located.

4. I spoke with Ms. Christenson in October, 2013. She told me that Mr. Gabrion's files were near the top of her files to review in order to respond to my FOIA request and that it should not be too much longer before the records would be provided.

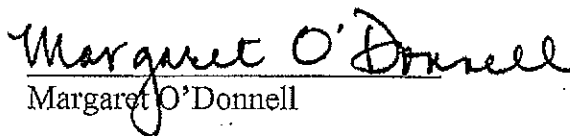
Ms. Christianson told me that there were 4-5 files ahead of Mr. Gabrion's file, which she told me was quite large. She led me to believe that it would be only a matter of weeks before I received Mr. Gabrion's files.

5. I, however, never received the records and Ms. Christianson did not return any more of my several telephone calls inquiring on the status of the records.

6. When I contacted the North Central Regional Office Counsel, in January, 2014, I was informed to contact Ms. Christianson. My followup attached January 17, 2014 letter to Central Regional Counsel Richard Schott was never answered, nor was my attached March 25, 2014 letter to BOP General Counsel, Kathleen Kenney.

7. I have represented BOP clients since 2000 and have never had to wait this long for my FOIA requests to be honored. I also have never had the experience of BOP officials not responding to my repeated inquiries about the status of my FOIA requests.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Margaret O'Donnell

Executed this 08th day of January, 2015.

Margaret O'Donnell
Attorney at Law
P.O. Box 4815
Frankfort, Kentucky 40604-4815
(502) 320-1837
mod@dcf.net

December 31, 2012

Freedom of Information Act/Privacy Act Section
Office of General Counsel, Room 841
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534

RE: Marvin Gabrion, Register Number #09184-055

Dear Sir or Madam:

We represent Marvin Gabrion, who is under a death sentence at USP Terre Haute. On behalf of our client and pursuant to the Freedom of Information Act, 5 U.S.C. §552 (FOIA), and the Privacy Act, 5 U.S.C. §552a, we request a copy of all United States Bureau of Prison records regarding Mr. Gabrion maintained by the Bureau of Prisons, including, but not limited to:

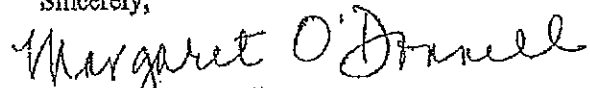
1. The "Central File", including, but not limited to any and all Central Inmate Monitoring (CIM) documents, such as BP-A0339 (the CIM Case Information Summary);
2. Any and all disciplinary records, including DHO records;
3. Any and all incident reports, including all BP-A0288 documents;
4. Any and all transportation records;
5. Any and all housing records, including logs and log books;
6. Any and all visitation records;
7. Any and all commissary account records, including all records reflecting who sends funds and the dates any funds were sent to the commissary account;
8. Any and all "Financial Responsibility Plan" records;
9. Any and all administrative grievance records, including any informal grievances submitted by Mr. Gabrion;
10. Any and all correspondence and mail restriction records;
11. Any and all video records, and specifically a copy of the video of what transpired in the visiting room on May 25, 2009 when attorney Margaret O'Donnell came for a legal visit with Mr. Gabrion;
12. Any and all classification documents;
13. Any and all documents pertaining to pipeline information;

14. Any and all Designation and Sentence Computation Center internal records;
15. Any and all SIS documents;
16. Any and all intelligence files;
17. Any and all Unit Team notes, memos and log books;
18. Any and all urinalysis records;
19. Any and all contraband seizure reports;
20. Any and all documents pertaining to rejected mail;
21. Any and all recordings of telephone calls;
22. Any and all logs reflecting observations of Mr. Gabrion;
23. The entire "Medical File" including all medical records, but not limited to BP-A0354: Intake Screening; BP-A0360: Health Intake Assessment/History, MRI film, internal documents reflecting recommendations, requests or referrals for off-site consultants or treatment and medication records;
24. The entire "Dental File";
25. The entire "Psychological File" including, but not limited to psychological and psychiatric records, BP-A0438: Log of Psychological Contacts as well as medication and medication consent records;
26. Any and all education records;
27. Any and all Sentry System records, including but not limited to inmate profile-535.03 for Mr. Gabrion and all documents supporting any entry;
28. The entire privacy folder;
29. The entire mini parole folder; and,
30. Any and all other records not otherwise including in this request but maintained by any BOP entity.

If all or part of this request is denied, please black out those portions which you believe should not be disclosed rather than whiting them out or cutting them out. Copies of all records responsive to this request should be sent to attorney Margaret O'Donnell at the address above. If you have any questions concerning this matter, please do not hesitate to contact us.

We enclose a Certificate of Identity signed by Mr. Gabrion. Thank you for your consideration of and attention to our request.

Sincerely,


Margaret O'Donnell
Attorney at Law

Judy Clarke
Attorney at Law

Kevin McNally
Attorney at Law

DOI Form 361-Certification of Identity

Certification of Identity

Privacy Act Statement. In accordance with 28 CFR Section 166.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of US Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(1)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, US Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (110370016), Washington, DC 20503.

Full Name of Requester Marvin Gabrielon, Reg. No. 09184-055
Current Address USP Terre Haute
Date of Birth 10/18/1953 Place of Birth Grand Rapids, Michigan
Social Security Number 378-60-0115

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(1)(3) by a fine of not more than \$5000.

Signature Marvin Gabrielon M.A.R.V. Date 12-18-12

Optional: Authorization to Release Information to Another Person (or organization)
(This portion is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person or organization.)

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Margaret O'Donnell, Attorney, P.O. Box 4815
Print or Type Name (and Organization, if applicable)
Frankfort, KY 40604

- 1. Name of individual who is the subject of the record sought.
- 2. Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.
- 3. Signature of individual who is the subject of the record sought.

FORM DOI-361,
USNCB Website
Version, Original
form approved
OMB No. 1103-
0016

Last updated: 05/14/07
usdoj/uscmb/ids

Margaret O'Donnell
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mod@dcr.net

January 17, 2014

Richard W. Schott, Regional Counsel
U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office
Tower II, 8th Floor
400 State Street
Kansas City, KS 66101-2421

RE: Freedom of Information Act/Privacy Act Request Number: 13-03547
GABRION, Marvin; Reg. No. 09184-055

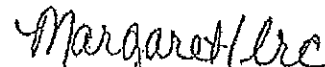
Dear Mr. Schott:

I sent this FOIA request by letter on December 31, 2012. After the BOP rectified its mistake on an outstanding billing on another client's FOIA request and I paid that fee, on January 29, 2013, you notified me that my request had been received but that the records were in a field office. In early October 2013, paralegal Kara Christianson advised me that Marvin Gabrion's files were the fourth or fifth in her files to process, and, although a very large file, that it should not be much longer.

It is now mid-January 2014 and Ms. Christianson has not returned the three calls I have made to her since I spoke with her in October. Since your office has always advised me to contact her to check on the status of FOIA requests, I am concerned that I am now without means to obtain this information.

It has been almost 13 months I made this FOIA request. Please advise me of the status of this request. Thank you.

Sincerely,


Margaret O'Donnell
Attorney at Law

cc: Kevin McNally, Esq.

Margaret O'Donnell
Attorney at Law
P.O. Box 4815
Frankfort, Kentucky 40604-4815
(502) 320-1837
mod@dcr.net

March 25, 2014

Kathleen M. Kenney
General Counsel
Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

RE: FOIA Request Number 13-03547; Marvin Gabrion, Reg. No. 09184-055

Dear Ms. Kenney:

I write out of concern for the delay it is taking to obtain the BOP records of my client, Marvin Gabrion and my inability to learn the status of my request.

After two of my calls to the paralegal Kara Christianson went unreturned, I sent the attached letter to Regional Counsel, Richard Schott, in January which was never answered. I called him this week and he has not returned my call. I was simply instructed to contact Ms. Christianson.

I find this lack of professional courtesy disturbing, particularly when I made my FOIA request almost 16 months ago.

Thank you for your attention to my concerns.

Sincerely,


Margaret O'Donnell
Attorney at Law