

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	Docket no. 09-CR-9-P-S
DAVID WIDI,)	
)	
Defendant.)	

ORDER ON MOTION TO COMPEL

Before the Court is the Government’s Motion to Compel Defendant to Submit to Required Medical Testing (Docket # 271). The Motion asks that this Court order that Defendant immediately receive the necessary TB testing at the expense of the United States Marshal’s Service (USMS). The Motion notes that Defendant is currently housed at Stafford County Jail in New Hampshire and that USMS seeks to have him transported to FCI Otisville, his designated federal facility in New York.

The Motion is hereby DENIED WITHOUT PREJUDICE based on lack of jurisdiction. The Court does not doubt that Defendant may be required to submit to a TB test while serving a federal sentence. See, e.g., Darby v. Schuetzle, Nos. 1:09-cv-004 & 1:09-cv-005, 2009 WL 700631, at *5-*6 (D.N.D. 2009) (collecting cases); 28 C.F.R. § 549.12(b). However, the Court does doubt that it has jurisdiction to order involuntary medical testing as a condition of Defendant’s confinement while Defendant is confined in New Hampshire or New York. The Government is free to re-file its motion in the appropriate jurisdiction. Alternatively, the Government is free to re-file its request in the District of Maine upon specific showing of a basis for this Court’s jurisdiction to grant the relief requested.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 19th day of November, 2010.

Defendant (1)

DAVID WIDI

TERMINATED: 10/14/2010

represented by **DAVID WIDI**

05168-036

STRAFFORD COUNTY

DEPARTMENT OF

CORRECTIONS

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ATTORNEY TO BE NOTICED

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TERMINATED: 01/20/2009
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Pending Counts

POSSESSION OF FIREARMS BY A
FELON, 18:922(g)(1)and 924(a)
(1)

POSSESSION OF FIREARMS BY
A FELON, 18:922(g)(1) and 924(a)
(1s)

POSSESSION OF FIREARMS AND
AMMUNITION BY A FELON,
18:922(g)(1) AND 924(a)
(1ss)

MANUFACTURING MARIJUANA,
21:841(a)(1)
(2)

MANUFACTURING MARIJUANA,
21:841(a)(1)
(2s)

MANUFACTURING MARIJUANA,
21:841(a)(1) AND 841(b)(1)(D)
(2ss)

FORFEITURE ALLEGATION,
18:924(d) and 28:2461(c)
(3)

POSSESSION OF AMMUNITION
BY FELON, 18:922(g)(1) and 924(a)
(3s)

Highest Offense Level (Opening)

Felony

Disposition

Superseded

Superseded

108 Months Imprisonment on Count
One and 60 Months Imprisonment on
Count Two, to be served
concurrently, 3 Years Supervised
Release on each of Counts One and
Two, to be served concurrently, \$200
total Special Assessment.

Superseded

Superseded

108 Months Imprisonment on Count
One and 60 Months Imprisonment on
Count Two, to be served
concurrently, 3 Years Supervised
Release on each of Counts One and
Two, to be served concurrently, \$200
total Special Assessment.

Superseded

Superseded

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

FELON IN POSSESSION OF
FIREARMS IN VIOLATION OF
18:922(g)(1) and 924(a)

Disposition

Plaintiff

USA

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