



### District Decisions Referencing COVID-19 Pandemic

Last Updated: October 7, 2020

Case Name	Judge	Date of Order	Procedural Posture	Authority	Ruling	Reasoning
U.S. v. Malcolm A. French & Rodney Russell, et al. 1:12-cr-00160-JAW	Woodcock	03/31/20	Motion for Emergency Release Pending Appeal	18 U.S.C. § 3141(b)(1)(B)	Granted	The Court concluded that: (1) based on the First Circuit's ruling on an emergency motion in the case, the defendants' appeal raised a substantial question of law likely to result in a new trial; (2) taking the First Circuit's ruling together with the defendants' affidavits averring certain health conditions they had (underlying lung and heart issues, and prescription of drug(s) contraindicated for COVID-19 sufferers), COVID-19 presented an "exceptional reason" warranting immediate release; and (3) neither defendant posed a flight risk or risk of danger to public safety, given that both had low criminal history categories, had exemplary disciplinary records while incarcerated, and had successfully been released on bail pending trial.
U.S. v. Terrence Robinson 1:20-cr-00007-JAW	Nivison	04/09/20	Motion to Reopen Detention Hearing	18 U.S.C. § 3142(f)	Denied	Pandemic alone does not warrant the reopening of the detention hearing. Defendant, has not established that as to him, the COVID-19 pandemic constitutes information "that has a material bearing on the issue whether there are conditions of release that will reasonably assure [his] appearance [] as required and the safety of any other person and the community."
U.S. Rafael Lugo 2:19-cr-00056-JAW	Woodcock	04/10/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Court determined that the exhaustion provision of 18 U.S.C. § 3582(c)(1)(A) is mandatory and has not been satisfied. Motion dismissed without prejudice.
US v. Raymond Ellis 1:20-cr-00020-JAW 1:09-cr-00103-JAW	Nivison	04/10/20	Motion to Reopen Detention Hearing	Citing COVID-19 Pandemic due to health and safety considerations warrant release	Denied	Defendant's criminal history, the nature of the allegations upon which the current proceedings are based, Defendant's alleged lack of compliance with conditions of supervised release, and the lack of persuasive evidence that Defendant has an existing medical condition that places him at greater risk from the virus than any other person in custody, the Court is not convinced that safety concerns warrant a reconsideration of the Court's prior detention order.
U.S. v. Ross Tardif 2:16-cr-00080-JDL	Nivison	04/23/20	Emergency Motion to Reduce Sentence	18 U.S.C. 3582(c)(1)(A)	Denied	The record lacks sufficient evidence from which the Court could conclude that the Defendant's medical condition or the conditions at the prison place him at a material greater risk



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						due to COVID-19 than the typical person incarcerated at the prison.
U.S. v. Myron Crosby, Jr. 1:17-cr-00123-JAW-1	Woodcock	04/28/20	Motion for Emergency Release Pending Appeal/Motion for Compassionate Release	18 U.S.C. § 3145(C); 18 U.S.C. § 3582(c)(1)	Denied	Mr. Crosby failed to provide any basis to allow the Court to conclude that his pending appeal “raises a substantial question” under 18 U.S.C. § 3143(b)(1)(B), as required by 18 U.S.C. § 3145(c); and The Court followed its ruling in <i>United States v. Lugo</i> , No. 2:19-cr-00056-JAW, 2020 WL 1821010 (D. Me. Apr. 10, 2020) in holding that the exhaustion provision of 18 U.S.C. § 3582(c)(1)(A) is mandatory. Mr. Crosby did not meet the exhaustion requirement.
U.S. v. Larry O’Neal 1:18-cr-00020-JDL	Levy	04/29/20	Motion for Emergency Release Pending Appeal	18 U.S.C §§ 3143(b), 3145(c)	Denied	The Defendant failed to establish that his appeal raises a substantial question of fact or law, which is necessary to be eligible for release under 18 U.S.C. § 3143(b)(1)(B). The Court did not address the Defendant’s argument that the COVID-19 pandemic, on its own, constitutes an “exceptional reason” justifying release under § 3145(c).
U.S. v. Jason Morgan 1:18-cr-00197-LEW	Walker	05/04/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has not indicated that he has exhausted the required administrative remedies with the Director of the Bureau of Prisons before filing request with the court.
Penobscot Valley Hospital v. Jovita Carranza, in her capacity as Administrator for the U.S. Small Business Administration Adv. Proc. No. 20-1005  Calais Regional Hospital v.	Fagone	05/01/20	Motions for Temporary Restraining Orders	15 U.S.C. § 634(b) & <u>Ulstein Maritime, Ltd. v. United States</u> , 833 F.2d 1052 (1st Cir. 1987); and 11 U.S.C. § 525(a)	Granted	The Court concluded that, under <u>Ulstein</u> , a carefully tailored temporary restraining order may enter against the Defendant notwithstanding the anti-injunction provision of 15 U.S.C. § 634(b). The Court determined that the Plaintiffs were entitled to a TRO because they had established: (a) a sufficient likelihood of success on the merits of their claim that the Defendant violated 11 U.S.C. § 525(a) by categorically denying Plaintiffs the ability to apply for PPP funding under the CARES Act solely because the Defendants were presently involved in bankruptcy; (b) a risk of immediate and irreparable harm in the absence of a TRO by showing that if they were unable to apply for PPP funding in the near term, funding may be exhausted, and that they may be forced to cease operating their business of providing care at critical



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Jovita Carranza, in her capacity as Administrator for the U.S. Small Business Administration Adv. Proc. No. 20-1006)						access hospitals in rural Maine in June in the absence of funding from PPP or another source due to the impact of COVID-19 on their business operations. The Court also concluded that the risk of harm to the Plaintiffs in the absence of a TRO outweighed the risk of harm to the Defendant if a TRO were granted, and that the public interest would be served by granting a TRO given the nature of the Plaintiffs' business operations and the purpose Congress had in enacting the CARES Act and establishing PPP.
U.S. v. Michael Pelletier 1:06-cr-00058-JAW	Woodcock	05/05/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)	Supplement to Order Granting Motion for Extension of Time	The Defendant filed a motion to extend time to file a supplemental memorandum in support of his motion for compassionate release. In granting the motion for an extension, the Court alerted the parties to a potential issue related to exhaustion that takes place subsequent to filing a motion under 18 U.S.C. 3582(c)(1). The potential issue stems from the principles announced in <i>McNeil v. United States</i> , 508 U.S. 106 (1993), a case addressing exhaustion in the FTCA context. The Court did not take a position on whether <i>McNeil</i> is indeed applicable to exhaustion under section 3582 but brought the issue to the parties' attention because of the time-sensitive nature of the Defendant's motion.
Calvary Chapel of Bangor v. Janet Mills 1:20-cv-00156-NT	Torresen	05/09/20	Motion for Temporary Restraining Order	U.S. Constitution Amendments I and XIV; 42 U.S.C. § 1983	Denied	See 2020 WL 2310913
U.S. v. Robert Goguen 1:11-cr-00003-JAW; 1:16-cr-00167-JAW	Woodcock	05/11/20	Motion to Stay Proceedings and Request Release	18 U.S.C. § 3143(a)(2); 18 U.S.C. § 3145(c); 18 U.S.C. § 3582(c)	Denied	The Court denied without prejudice Mr. Goguen's request for release because he is subject to the mandatory detention provision of 18 U.S.C. § 3143(a)(2) and has not provided any evidence showing that there is a substantial likelihood that a motion for acquittal or new trial will be granted and that, by clear and convincing evidence, he is not likely to flee or pose a danger to another person or the community. He also has not met the requirements for the escape provision, 18 U.S.C. § 3145(c).



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						The Court has not yet sentenced Mr. Goguen, so it cannot modify his sentence under 18 U.S.C. § 3582(c). The Court denied Mr. Goguen's motion to stay proceedings because Mr. Goguen's sentencing has already been delayed over two years and the most expeditious resolution is to proceed with Mr. Goguen's motions as they become ready for decision.
Breda, LLC. v. Jovita Carranza Adv. Proc. No. 20-1008	Fagone	0511/20	Motion for Temporary Restraining Order	<u>Esso Standard Oil Co. v. Monroig-Zayas</u> , 445 F.3d 13 (1 <sup>st</sup> . Cir. 2006)	Denied	The Court determined that the Plaintiff had not shown a likelihood of irreparable harm in the absence of a TRO where its motion was predicated on the same financial projections it had relied on several weeks earlier when, in its chapter 11 case, it asserted it had a feasible plan of reorganization despite the difficulties caused by COVID-19 and that it expected to weather the downturn in the hospitality industry even without receipt of funds under the Paycheck Protection Program.
U.S. v. Eric Waldron 1:19-cr-00134-LEW-2	Nivison	05/13/20	Hearing on Request for Release	18 U.S. § 3142(g)	Denied	Defendant has provided no medical records to suggest he has had a recurrence of tuberculosis or any related symptoms. The record also lacks any evidence that an inmate or anyone working at the Somerset County Jail, the facility in which Defendant is detained, has been diagnosed with COVID-19. Given this record, Defendant's history of tuberculosis in 1992 does not alter the Court's assessment of whether there are conditions that would reasonably assure Defendant's appearance or provide for the safety of the community.
Toddle Inn Franchising, LLC. v. KPJ Associates, et al. 2:18-cv-00293-JDL	Levy	05/14/20	Emergency Motion to Quash Writ of Execution; Motion to Extend Time to File Notice of Appeal	Fed. R. App. 4; General Order 2020-2	Granted	<ol style="list-style-type: none"> <li>1. General Order was intended to extend all deadlines falling between March 18 and May 1, 2020 by 30 days, regardless of whether the deadlines were set before or after the General Order was Issued.</li> <li>2. The Court did not decide whether General Order 2020-2's extension of "[a]ll deadlines" applied to extend the deadline for Defendants to file a notice of appeal. Instead, the Court found that, based on the text of General Order 2020-2, the Defendants had good cause to believe that the deadline for filing a notice of appeal had been extended by</li> </ol>



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						30 days. Accordingly, Defendant's motion to extend the time for filing a notice of appeal by 30 days was granted pursuant to Fed. R. App. P. 4(a)(5)(A). 3. Because the appeal period had not expired, the judgment was not final, and a writ of execution was not yet in order. Accordingly, the Defendants' motion to quash the writ of execution was granted.
U.S. v. Heather Christian 2:13-cr-00096-NT	Torresen	05/26/20	Motion for Compassionate Release - Reducing Sentence After Revocation	18 U.S.C. § 382(c)(1)(A); 18 U.S.C. § 3553(a)	Granted	Extraordinary and compelling reasons warrant a modest reduction in the Defendant's sentence.
U.S. v. Alfred McIntosh, Jr. 2:16-cr-00100-DBH	Hornby	05/28/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Denied without prejudice. Defendant must satisfy the court that 30 days have lapsed since the Warden of his prison received from him a request to modify his sentence.
Bayley's Campground Inc., <i>et al.</i> v. Janet Mills T. Mills, Governor of the State of Maine 2:20-cv-00176-LEW	Walker	05/29/20	Motion for Preliminary Injunction	Fed. R. Civ. P. 65(a)	Denied	Plaintiffs have not demonstrated a likelihood of success on the merits, a favorable balance of the equities, and the absence of a serious countervailing public interest.
U.S. v. Damon Fagan 2:19-cr-00123-DBH	Hornby	06/02/20	Renewed Motion for Expedited and Combined Plea and Sentencing Hearing Via Telephone or Videoconference	Section 15002(b)(2)(A) of the CARES Act	Denied	I do not find that this is "a particular case" where there are "specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.



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Penobscot Valley Hospital v. Jovita Carranza, in her capacity as Administrator for the U.S. Small Business Administration Adv. Proc. No. 10-1005	Fagone	06/03/20	Proposed Findings & Conclusions Following Trial	Numerous Provisions of Titles 11, 15, and 28 of the U.S. Code and caselaw		Based on Proposed Findings and Conclusions, judgment should enter in favor of the defendant and against the plaintiffs on all counts of the plaintiffs' complaints. The court issued proposed findings and conclusions because the plaintiffs' complaints included a claim under the Administrative Procedure Act ("APA"), the claim was not a core proceeding, and the defendant had not provided consent to the bankruptcy court's adjudication of that claim. In those proposed conclusions, the court determined that the defendant did not run afoul of the APA by issuing a rule and an application form that effectively excluded debtors in bankruptcy from the Paycheck Protection Program (the "PPP"). The PPP, which was enacted as part of the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"), did not expressly address whether debtors in bankruptcy would be eligible to participate. By adopting the rule and application form at issue, the defendant acted within its statutory authority, and its exercise of discretion was a reasonable accommodation of the conflicting policies committed to its care. The court also determined that the defendant's exclusion of debtors in bankruptcy from the PPP did not violate 11 U.S.C. 525(a) because participation in the PPP is not a "license, permit, charter, or franchise" and is not an "other similar grant" either. <i>See</i> 11 U.S.C. 525(a).
Calais Regional Hospital v. Jovita Carranza in her capacity as Administrator for the U.S. Small Business Administration Adv. Proc. No. 20-10006	Fagone	06/03/20	Proposed Findings & Conclusions Following Trial	Numerous Provisions of Titles 11, 15, and 28 of the U.S. Code and caselaw		Based on Proposed Findings and Conclusions, judgment should enter in favor of the defendant and against the plaintiffs on all counts of the plaintiffs' complaints. The court issued proposed findings and conclusions because the plaintiffs' complaints included a claim under the Administrative Procedure Act ("APA"), the claim was not a core proceeding, and the defendant had not provided consent to the bankruptcy court's adjudication of that claim. In those proposed conclusions, the court determined that the defendant did not run afoul of the APA by issuing a rule and an application form that effectively excluded debtors in



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						bankruptcy from the Paycheck Protection Program (the “PPP”). The PPP, which was enacted as part of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), did not expressly address whether debtors in bankruptcy would be eligible to participate. By adopting the rule and application form at issue, the defendant acted within its statutory authority, and its exercise of discretion was a reasonable accommodation of the conflicting policies committed to its care. The court also determined that the defendant’s exclusion of debtors in bankruptcy from the PPP did not violate 11 U.S.C. 525(a) because participation in the PPP is not a “license, permit, charter, or franchise” and is not an “other similar grant” either. <i>See</i> 11 U.S.C. 525(a).
U.S. v. Rafael Lugo 2:19-cr-00056-JAW	Woodcock	06/04/20	Renewed Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)	Denied	The Defendant filed a renewed motion for compassionate release after complying with the exhaustion provision of 18 U.S.C. § 3582(c)(1). The Court denied the motion, finding that the Defendant had not carried his burden to show extraordinary and compelling reasons justifying release. In making this determination, the Court noted that it was not satisfied that the Defendant did not present a potential danger to the community, that the Defendant had not supplied any evidence linking his medical conditions with increased risk of significant consequences related to COVID-19, and that the Court was not satisfied the Defendant had shown that his plan for release would provide him more protection from COVID-19 than remaining incarcerated.
U.S. v. Luke Greenlaw 2:15-cr-00204-JDL	Levy	06/04/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Order to Show Cause	Defendant ordered to show cause why his motion for compassionate release should not be dismissed, finding that Defendant had not provided information sufficient to determine (1) whether Defendant suffered from a medical condition putting him at an increased risk of serious illness or death should he contract COVID-19; and (2) whether the conditions at Defendant’s facility put him at a heightened risk of contracting COVID-19.



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U.S. v. Willie Rembert 2:12-cr-00066-DBH	Hornby	06/04/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Denied without prejudice. Defendant not satisfy the court that 30 days have lapsed since the Warden of his prison received from him a motion for compassionate release.
U.S. v. Ryan Forrest 2:14-cr-00095-NT-1	Torresen	06/04/20	Motion for Reduction in Sentence or Compassionate Release	18 U.S.C. § (c)(1)	Denied	Court cannot find on record provided that the Defendant has established “extraordinary and compelling reasons” for early release.
Bayley’s Campground Inc., <i>et al.</i> v. Janet Mills T. Mills, Governor of the State of Maine 2:20-cv-00176-LEW	Walker	06/05/20	Motion for Expedited Injunction and Motion for Reconsideration	Fed. R. App. P. 8(a)(1)(C)	Denied	Plaintiffs’ motions do not introduce any new grounds to justify awarding them preliminary injunctive relief.
Joseph A. Denbow, <i>et al.</i> v. Maine Department of Corrections, <i>et al.</i> 1:20-cv-00175-JAW	Woodcock	06/08/20	Class Habeas Petition	28 U.S.C. §2241 & 2255	Dismissed without prejudice	Petitioners, on behalf of themselves and a putative class of medically vulnerable incarcerated individuals, sought various forms of injunctive relief including release to remedy alleged Eighth Amendment and Americans with Disabilities Act violations in the Maine DOC’s COVID-19 response. Because disputes over significant factual issues precluded the court from finding such relief warranted at this early stage of the litigation, the court denied the motion.
U.S. v. Victor Rosario, 2:16-cr-00064-JDL-01	Levy	06/09/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Denied without prejudice. Defendant must satisfy the court that he has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on his behalf or that 30 days have lapsed since the Warden of his prison received a request from him to modify his sentence.
U.S. v. Donald Cain 1:16-cr-00103-JAW	Woodcock	06/09/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	The Court followed its previous rulings in holding that the exhaustion provision of 18 U.S.C. § 3582(c)(1)(A) is mandatory. Mr. Cain did not meet the exhaustion requirement because the thirty-day period following his request for administrative review did not lapse until after he



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						brought his motion. The Court relied on <i>McNeil v. United States</i> , 508 U.S. 106 (1993), and <i>United States v. Alam</i> , No. 20-1298, 2020 U.S. App. LEXIS 17321 (6th Cir. June 2, 2020), and stated it was wiser for Mr. Cain to refile his motion having clearly complied with the exhaustion requirement before filing.
U.S. v. Maurice Diggins 2:18-cr-00122-NT	Torresen	06/10/20	Motion for Release Pending Sentencing	18 U.S.C. § 3142(a)	Denied	Defendant failed to establish by clear and convincing evidence that if release he is not likely to flee or pose a danger to the safety of any other person or the community.
U.S. Frank Curtis 1:14-cr-00140-JAW	Woodcock	06/11/20	Class Habeas Petition	18 U.S.C. § 3582(c)(1)	Denied	The Court found that in the narrow circumstances presented by federal Defendant held in a state facility, Defendant had complied with exhaustion requirement by petitioning head of his facility for compassionate release and being denied. The Court denied the Defendant's motion for compassionate release because there was no evidence the Defendant was more vulnerable to COVID-19 than the average inmate and because he had committed new criminal conduct while incarcerated.
U.S. v. Derrick Favreau 2:15-cr-00116-NT	Torresen	06/11/2020	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1); 18: U.S.C. § 3553(a)	Denied	No showing of extraordinary and compelling reasons for release.
US v. Lawrence Estrella, 2:15-cr-00032-GZS	Singal	06/16/2020	Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Granted	Court finds extraordinary and compelling reasons justify a sentence reduction, but stays execution to allow for release planning and additional pre-release quarantine.
U.S. v. Dru Frechette 2:18-cr-00122-DBH-4	Hornby	06/17/20	Procedural Order on Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Denied without prejudice. Defendant must satisfy the Court that there has been a lapse of 30 days since the Warden of his facility received defendant's motion for compassionate release.



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U.S. v. Mark Pignatello, 1:19-cr-00068-LEW	Walker	06/17/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has not persuaded the Court that it is appropriate to release him at this time, given the relatively short duration of his incarceration and the significance of his crimes and criminal history
U.S. v. Willie Rembert 2:12-cr-00066-DBH	Hornby	06/19/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has not shown that he has fully exhausted his administrative rights to appeal the Warden's decision.
U.S. v. Minnolta Chhay 2:19-cr-00036-JAW-2	Woodcock	06/22/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed	Dismissed without prejudice. Defendant may refile once she has satisfied the 30-day exhaustion requirement.
U.S. v. Gary Boshoff, 2:18-cr-00054-GZS	Singal	06/23/20	Motion for Video Sentencing Hearing	CARES Act & D. Me. General Order 2020-4	Denied	Court declines to find that the interests of justice will be seriously harmed by further delay.
U.S. v. Lawrence Maher 2:04-cr-00093-GZS	Singal	6/25/2020	Motion for Emergency Relief	CARES Act	Denied	Denied without prejudice. Court lacks jurisdiction on the motion given the pending the defendant's pending appeal.
U.S. v. Ryan Landers 2:18-cr-00037-dbh; 2:19-cr-00005-dbh	Hornby	06/26/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Denied without prejudice because the Warden acted (negatively) on the prisoner's request within 30 days and the prisoner has not yet exhausted his administrative appeal rights.
U.S. v. Shauna Calhoun	Levy	07/01/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)( )	Denied	Although the Defendant established extraordinary and compelling reasons supporting compassionate release, early release would be inappropriate because the Defendant's crime, criminal history, and disciplinary record in prison indicate that she continues to present a risk to public safety.



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U.S. v. Frank Curtis, 2:19-cr-00072-JAW	Woodcock	07/6/20	Order on Motion for Videoconference Sentencing	CARES Act	Conditionally Granted	Sentencing to be scheduled on September 9/19/20. Sentencing will be conducted by videoconference if the Court is not conducting in-person sentencing hearings at that time.
U.S. v. Terra Whalen, 1:11-cr-00033-JAW-03	Woodcock	07/07/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	After considering the U.S. Sentencing Commission's policy statement and the sentencing factors in 18 U.S. C. § 3553(a), the Court declined to exercise its authority under 18 U.S.C. § 3582(C)(1)(A).
U.S. v. Ross Tardif, 2:16-cr-00080-JDL091	Levy	07/13/20	Motion for Compassionate Release	18 U.S.C. §3582(c)(1)(A)(i)	Denied	Report and Recommended Decision approved. Court also concludes that the record lacks sufficient evidence from which the court could conclude that defendant's medical condition or the conditions at the prison place defendant a material greater risk due to COVID-19. Court's authority to grant compassionate release is not limited by policy statement's definition of "extraordinary and compelling reasons" warranting a reduction in sentence under 18 U.S.C.A. § 3582(c)(1)(A)(i).
U.S. v. Wender Santos, 2:16-cr-00174-JDL	Levy	07/13/20	Motion for Home Confinement & Compassionate Release	18 U.S.C § 3624(c)(2); 18 U.S.C. § 4205(g); 18 U.S.C. § 3582(c)(1)(A)(i)	Denied in part; order to show cause	The Court lacked authority to release Defendant to home confinement under 18 U.S.C. § 3624(c)(2), which authorizes only the Bureau of Prisons to "place a prisoner in home confinement." The Court lacked authority to grant compassionate release under § 4205(g), because it was repealed effective November 1, 1987, and it remains controlling law only for inmates whose offenses occurred prior to that date. Defendant ordered to show cause why his motion for compassionate release under § 3582(c)(1)(A)(i) should not be dismissed, finding that Defendant had not provided information sufficient to determine (1) whether Defendant suffered from a medical condition putting him at an increased risk of serious illness or death should he contract COVID-19; and (2) whether the conditions at Defendant's facility put him at a heightened risk of contracting COVID-19.
U.S. v. Frederick Gates, 2:08-cr-00042-DBH-01	Hornby	07/13/20	Motion for Compassionate Release	18 U.S.C. §3582(c)(1)(A)	Denied	Statutory 30-day lapse has not run.



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U.S. v. Matthew Lucas Ayotte, 1:11-cr-00156-JAW	Woodcock	07/13/20	Motion for Compassionate Release	18 U.S.C. § 3582(C)(1)(A)	Denied	Dismissed without prejudice. Defendant may refile once he has satisfied the 30-day exhaustion requirement.
U.S. v. Leanza Boney, 1:19-cr-101-LEW	Walker	07/13/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without Prejudice	Defendant has not demonstrated that he first directed a compassionate release request to the Warden, and because his letter motion does not describe any “extraordinary and compelling” reason for release.
U.S. v. Todd Raspberry	Levy	07/14/20	Motion for Compassionate Release	18 U.S.C. § 3624(c)(2); 18 U.S.C. § 4205(g); 18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Raspberry’s assertions regarding his pulmonary and respiratory conditions did not satisfy his burden of establishing that extraordinary and compelling warrant compassionate release. Further, the sentencing factors weighed against compassionate release because the Defendant’s underlying crime and criminal history were serious, and the Defendant had served less than half of his 138-month sentence.
U.S. v. Jeffrey Paul Barnard, 1:14-cr-00088-JAW	Woodcock	07/14/20	Order on Motion for Video-conference Revocation	CARES Act	Granted	Revocation hearing to be scheduled by videoconference as soon as possible. Hearing cannot be delayed without serious harm to the interests of justice.
U.S. v. Christopher Myshrall, 2:18-cr-00176-JDL-01	Levy	07/15/20	Motion for Sentencing via Video Teleconference	CARES Act § 15002(b)(2)(A)	Granted	The Court found “specific reasons” that Defendant’s sentencing could not be further delayed because Defendant presented a credible argument for a time-served sentence.
U.S. v. Dru Frechette, 2:18-cr-00112-DBH-04	Hornby	07/16/20	Order on Motion to Appoint Counsel	First Step Act	Denied without Prejudice	Court concludes that because defendant’ First Step Act motion is not ready to proceed in court, it is not necessary to appoint counsel at this time. See United States v. Gutierrez, No. CR 06-40043-FDS-2, 2020 WL 1667710, at *2 (D. Mass. Apr. 3, 2020) (denying motion to appoint counsel to assist with First Step Act claim after concluding defendant was not eligible for relief under the Act)



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Case Name	Judge	Date of Order	Procedural Posture	Authority	Ruling	Reasoning
U.S. v. Andre Hunter 2:14-cr-00122-NT	Torresen	07/21/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant's reasons do not qualify as an extraordinary and compelling release under USSG § 1B1.13. Further reducing defendant's sentence would be inconsistent with the § 3553(a) factors.
United States v. Steven Nygren, 1:16-cr-00106-JAW	Woodcock	07/22/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Though defendant's medical conditions presented serious case for compassionate release, Court's concern about his likelihood of reoffending cautioned against granting the motion.
U.S. v. James C. Mascetta 2:19-cr-00143-DBH	Hornby	07/22/20	Motion for Sentencing Via Video	CARES Act § 15002 (b)(2)(A)	Granted	Court finds that defendant's sentencing cannot be further delayed without serious harm to the interests of justice.
United States v. Brandon Pettengill, 1:09-cr-00138-JAW	Woodcock	07/23/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissal without prejudice	Dismissed without prejudice. Defendant may refile once he can demonstrate that he has satisfied section 3582(c)(1)(A)'s exhaustion requirement prior to filing.
U.S. v. Anthony Almeida 2:17-cr-00052-DBH; 2:11-cr-00127-DBH-01	Hornby	07/23/20	Motion for Sentencing Via Video	CARES Act § 1500(b)(2)(A)	Granted	Court finds that sentencing cannot be further delayed without serious harm to the interests of justice.
Tiffany Bond v. Matthew Dunlap, <i>et al</i> 1:20-cv-00216-NT	Torresen	07/24/20	Motion for Preliminary Injunction	Constitutionality of 21-A M.R.S. §§353, 354 during COVID-19 pandemic	Denied	Challenge under the First Amendment and the Equal Protection Clause to Maine's requirement that to qualify to appear on Maine's general election ballot a non-party candidate must obtain the signatures of 4,000 registered voters. No likelihood of success on the merits.
U.S. v. Vodie Goodman, 2:07-cr-00028-DBH	Hornby	07/30/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without prejudice	Defendant has not shown that he has fully exhausted his administrative rights to appeal the Warden's decision.



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U.S. v. Kenneth Leon Meader, 1:95-cr-00025-DBH	Hornby	07/31/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without prejudice	Defendant has not pursued an administrative appeal with the Warden.
U.S. v. Alfred McIntosh, Jr. 2:16-cr-00100-DBH-01	Hornby	07/31/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied without prejudice	Defendant has not established that he has pursued an administrative appeal of the Warden's denial.
U.S. v. Markevin Faucette, 2:13-cr-00079-DBH-01	Hornby	07/31/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)	Procedural Order on Motion for Compassionate Release	Court orders Government to respond re: Warden's response to Defendant's request for compassionate release.
Penobscot Valley Hospital, <i>et al.</i> v. Jovita Carranza 2:20-mc-00148-JDL (re consolidated bankruptcy proceedings Adv. Proc. Nos. 29-10005 & 20-10006)	Levy	07/31/20	Order on Recommended Decision	15 U.S.C. § 634(b) & <u>Ulstein Maritime, Ltd. v. United States</u> , 833 F.2d 1052 (1st Cir. 1987); and 11 U.S.C. § 525(a)	Accepted and Adopted	See 2020 WL 4383801
U.S. v. Yanel Green, 1:17-cr-00012-NT	Torresen	08/04/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Court denied the motion for compassionate release because the Defendant had not established extraordinary and compelling reasons justifying release.
U.S. v. Markevin Faucette, 2:13-cr-00079-DBH-01	Hornby	08/11/20	Second Procedural Order on Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)		Deadlines set for response and reply to Defendant's Motion for Compassionate Release.



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U.S. v. Donald Cain	Woodcock	08/11/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	Dismissed to allow Defendant to file a new demand under the provisions of the First Step Act, allow the Warden to respond, establish Defendant has complied with the mandator exhaustion of remedies provision of the First Step Act.
U.S. v. Rafael A. Espinal-Calderon, 2:19-cr-00089-DBH	Hornby	08/11/20	Motion for Video Sentencing	CARES Act	Granted	Court finds the interests of justice are seriously harmed by the ongoing delay in this particular case while the defendant is held in federal custody.
U.S. v. Dru Frechette, 2:18-cr-00018-DBH-04	Hornby	08/11/20	Procedural Order on Motion for Appointment of Counsel	First Step Act	Denied	Defendant must first make the best case he can on his own for compassionate release.
U.S. v. Keith Phillips, 2:18-cr-00105-DBH	Hornby	08/12/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without prejudice	Defendant has not shown that the statutory 30 days have passed.
Denbow, et al. v. Maine Department of Corrections, 1:20-cv-00175-JAW	Woodcock	08/14/20	Motion to Dismiss	18 U.S. C. § 2254(b)(1)	Granted	The Court dismisses without prejudice the Petitioners' petition for writ of habeas corpus for state inmates in the face of the COVID-19 pandemic because it concludes that the post-conviction review procedure was available in the state court, that Petitioners did not exhaust this avenue to relief, and that the possible, though not certain, absence of a class remedy in state court does not excuse the failure to exhaust.
U.S. v. Kenneth Leon Meader, 1:95-cr-00025-DBH	Hornby	08/17/20	Procedural Order on Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)		Court vacated its previous denial of defendant's motion and directs the Clerk's Office to appoint counsel.
U.S. v. Wayne Niski, 2:15-cr-00115-JDL	Levy	08/19/20	Motion for Compassionate Release	18. U.S.C. § 3582(c)(1)(A)(i)	Denied	Because the denial of the Defendant's motion for compassionate release was based on the severity of the Defendant's crime, his criminal record, the short proportion of his sentence served, and the danger he would pose to the public if released, his motion for reconsideration—which did not address these issues and only suggested that there were new cases of COVID-19 at the prison



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						where he is incarcerated—did not provide a basis for reconsideration.
U.S. v. Alfred McIntosh, Jr., 2:16-c-00100-DBH	Hornby	08/20/20	Motion for Compassionate Release	18. U.S.C. § 3582(c)(1)(A)(i)	Denied	Circumstances do not present extraordinary and compelling reduce to reduce Defendant's sentence.
U.S. v. Willie Richard Minor, 2:17-cr-00021-DBH	Hornby	08/20/20	Motion for Sentencing Via Vide	CARES Act	Granted	Sentencing issues have been resolved by agreement and both parties seek sentence of time served. Sentencing cannot be further delayed without serious harm to the interests of justice.
U.S. v. Ryan Landers, 2:18-cr-00037-DBH-01 & 2:19-cr-00005-DBH	Hornby	08/20/20	Procedural Order on Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)		Court vacated its previous denial of defendant's motion and directs the Clerk's Office to appoint counsel.
U.S. v. Damon Fagan, 2:19-cr-00123-DBH	Hornby	08/24/20	Renewed Motion for Expedited Combined Plea and Sentencing Hearing by Videoconference	CARES Act	Granted	Sentencing cannot be further delayed without serious harm to the interests of justice.
Gary Auritt v. Shannon Aurritt 2:18-cv-471-DBH	Hornby	08/24/20	Motion for Videoconference Bench Trial	Fed. R. Civ. P. 43(a)	Denied	"Request does not demonstrate "compelling circumstances" to support a videoconference bench trial."
Annie Zhao v. CIEE Inc., et al., 2:20-cv-240-LEW	Walker	08/31/20	Motion to Dismiss for Failure to State a Claim	Fed. R. Civ. P. 12(b)(b)	Granted	<ol style="list-style-type: none"> <li>1. Plaintiff failed to state a breach of contract claim upon which relief can be granted; and</li> <li>2. the parties' contract precludes recovery of unjust enrichment under Maine law.</li> </ol>
U.S. v. Garry Collins, 2:14-cr-00018-DBH	Hornby	08/28/20	Motion for Compassionate Release	18 U.S.C. § 3582(C)(1)(A)	Denied	Defendant poses a serious risk of re-offending and endangering the community.



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U.S. v. Adam White, 2:13-cr-00028-DBH	Hornby	09/02/20	Motion for Appointment of Counsel	Re: a motion for compassionate release	Denied	Defendant must first make his best case for compassionate release.
U.S. v. Vodie Goodman, 2:07-cr-00025-DBH	Hornby	09/03/20	Motion for Compassionate Release	18 U.S.C. § 3582(C)(1)(A)	Denied	See 2020 WL 5260375
United States v. Todd Rasberry, 2:15-cr-00127-JDL	Levy	09/08/20	Motion for Reconsideration of Order Denying Motion for Reconsideration of Order Denying Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Because the denial of the Defendant's motion for compassionate release was based on the seriousness of the Defendant's crime, his criminal history, the danger he would pose to the public if released, and the need to provide him with rehabilitative treatment, his motion for reconsideration—which did not address these issues and only asserted that his medical records were incomplete and that there were new cases of COVID-19 at the prison where he is incarcerated, both of which issues the Court had previously addressed—did not provide a basis for reconsideration.
United States v. Gregory Martin, 2:18-cr-00124-JDL	Levy	09/25/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Although the Defendant established extraordinary and compelling reasons supporting compassionate release, early release would be inappropriate because the short proportion of his sentence served did not reflect the seriousness of his criminal conduct nor provide adequate specific deterrence, and because the Defendant had not completed training and treatment programs that would enable him to succeed on release.
U.S. v. Markevin Faucette, 2:13-cr-00079-DBH-01	Hornby	09/22/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Court concludes that the circumstances here do not present extraordinary and compelling reasons to reduce Faucette's sentence because his recidivism risk poses a significant danger to the community. Faucette has not served even the mandatory minimum sentence yet.
U.S. v. Travis Greenwood, 2:18-cr-00191-DBH	Hornby	09/22/20	Motion for Video Sentencing	CARES Act	Granted	The defendant has been awaiting sentencing since he pleaded guilty July 23, 2019. Five previous sentencing dates have come and gone. The defendant wishes to have the matter finally resolved. An evidentiary hearing will be unnecessary



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						because the parties agree on the base offense level that drug quantity generates, and criminal history can be determined by written and oral legal argument. Due to the pandemic the Court has not scheduled any live sentencing. Further delay will probably result in the defendant losing his current lawyer because of her likely upcoming appointment to the state court.
U.S. v. Jessica Childs, 2:19-cr-00067-DBH	Hornby	09/23/20	Motion for Compassionate Release and Reduction in Sentence	18 U.S.C. § 3582(c)(1)(A)	Denied	Section 3582(c)(1)(A) gives the Court authority to act only if Childs filed, at least 30 days before this motion, a request to the warden of her facility that the BOP make such a motion. There is no indication she has done so. Second, Childs does not satisfy the statutory standard that “extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(A)(i).
U.S. v. Frederick Gates, 2:08-cr-00042-DBH	Hornby	09/23/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Gates’s condition and situation at FCI Fort Dix do not meet the standard of “extraordinary and compelling reasons.”
U.S. v. Kizzy Fader 1:12-cr-00007-JAW	Woodcock	9/29/20	Order on Amended Petition for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Granted	As the inmate and the Government joined in the request, the Court granted a petition for compassionate release of an inmate who had served all but two months of a 120-month sentence. The inmate had hypertension, obesity, diabetes type-2, and a G6PD enzyme deficiency, all risk factors for serious medical complications from COVID-19. Given the short time remaining on her sentence, the Court concluded that the section 3553(a) factors against release were less convincing than the significance of the inmate’s serious health risks if she contracted the disease.
U.S. v. Ariel Martinez, 2-18-cr-00089-DBH	Hornby	09/30/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Circumstances here do not present extraordinary and compelling reasons to reduce Martinez’s sentence because his recidivism risk poses a significant danger to the community.