



District Decisions Referencing COVID-19 Pandemic

Last Updated: June 8, 2021

Case Name	Judge	Date of Order	Procedural Posture	Authority	Ruling	Reasoning
U.S. v. Victor Rios-Walker, 1:20-cr-00043-LEW	Walker	03/31/20	Motion for Expedited Waiver, Plea and Sentencing	General Order 2020-4	Granted	Both parties seek a sentence of time served. Sentencing cannot be further delayed without serious harm to the interest of justice.
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



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						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 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	Fagone	05/01/20	Motions for Temporary Restraining Orders	15 U.S.C. § 634(b) & <u>Ulstein Maritime, Ltd. v. United States</u> , 833	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



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for the U.S. Small Business Administration Adv. Proc. No. 20-1005 Calais Regional Hospital v. Jovita Carranza, in her capacity as Administrator for the U.S. Small Business Administration Adv. Proc. No. 20-1006)				F.2d 1052 (1st Cir. 1987); and 11 U.S.C. § 525(a)		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 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



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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	<p>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).</p> <p>The Court has not yet sentenced Mr. Goguen, so it cannot modify his sentence under 18 U.S.C. § 3582(c).</p> <p>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.</p>
Breda, LLC. v. Jovita Carranza Adv. Proc. No. 20-1008	Fagone	05/11/20	Motion for Temporary Restraining Order	<u>Esso Standard Oil Co. v. Monroig-Zayas</u> , 445 F.3d 13 (1 st . Cir. 2006)	Denied	<p>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.</p>
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	<p>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.</p>



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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"> 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. 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 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., et al. v. Janet Mills T. Mills, Governor of the State of Maine	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.



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2:20-cv-00176-LEW						
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 Video-conference	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.
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



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						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 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



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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.
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.
U.S. v. Selvin Escoto-Martinez, 1:20-cr-00030-LEW	Walker	06/05/20	Unopposed Motion to Proceed Via Video	CARES Act	Granted	Change of plea and sentencing will be scheduled on 7/1/20. Court finds that defendant's sentencing cannot be further delayed without serious harm to the interest of justice.
Bayley's Campground Inc., et al. 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.



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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 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



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						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.
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.



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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.
U.S. v. Frank Curtis, 2:19-cr-00072-JAW	Woodcock	07/6/20	Order on Motion for Video-conference 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).



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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.
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 Rasberry	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	Rasberry’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.



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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)
U.S. Samuel Caison, 1:19-cr-00152-LEW	Walker	07/18/20	Motion for Sentencing Via Video	CARES Act	Granted	Sentencing will be scheduled on 07/30/20. Sentencing will be conducted by videoconference if the Court is not conducting in-person sentencing hearings at that time.
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.



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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. Luis Oscorto-Escobar, 1:20-cr-00029	Walker	07/28/20	Motion Schedule Plea and Sentencing Via Video	CARES Act	Granted	Court finds that defendant's hearing cannot be further delayed without serious harm to interest of justice.
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.
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.



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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. Richard Okishoff, 1:06-cr-00024-LEW	Walker	08/07/20	Motion to Proceed Via Video Conference	CARES Act	Granted	Court finds that defendant's hearing cannot be further delayed without serious harm to interest of justice.
U.S. v. Cinque Grasette, 1:19-cr-00100-LEW	Walker	08/07/20	Motion to Motion for Video Sentencing	CARES Act	Granted	Court finds that defendant's hearing cannot be further delayed without serious harm to interest of justice.
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.
U.S. v. Mujahedeen Hasan, 1:19-cr-00156-LEW	Walker	08/13/20	Motion to Hold Video Sentencing	CARES Act	Granted	Court finds that defendant's hearing cannot be further delayed without serious harm to interest of justice.
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.



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U.S. v. Ralph Sawtell, 1:19-cr-00185-LEW	Walker	08/19/20	Motion for Hearing by Video	CARES Act	Granted	Court finds that defendant's hearing cannot be further delayed without serious harm to interest of justice.
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 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 Video	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 Video-conference	CARES Act	Granted	Sentencing cannot be further delayed without serious harm to the interests of justice.


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Gary Auritt v. Shannon Aurritt 2:18-cv-471-DBH	Hornby	08/24/20	Motion for Video-conference Bench Trial	Fed. R. Civ. P. 43(a)	Denied	“Request does not demonstrate “compelling circumstances” to support a videoconference bench trial.”
U.S. v. Vestin Drisko, 1:19-cr-00120-LEW	Walker	08/27/20	Motion for Hearing by Video	CARES Act	Granted	Court finds that defendant’s hearing cannot be further delayed without serious harm to interest of justice.
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	1. Plaintiff failed to state a breach of contract claim upon which relief can be granted; and 2. the parties’ contract precludes recovery of unjust enrichment under Maine law.
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.
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. Timothy Cates	Walker	09/03/20	Motion for Hearing by Video	CARES Act	Granted	Court finds that defendant’s hearing cannot be further delayed without serious harm to interest of justice.
U.S. v. Milo Germany, 1:19-cr-00198-LEW	Walker	09/03/20	Motion to Proceed to Sentencing Via Video	CARES Act	Granted	Court finds that defendant’s hearing cannot be further delayed without serious harm to interest of justice.
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



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United States v. Todd Rasberry, 2:15-cr-00127-JDL	Levy	09/08/20	Motion for Re-consideration of Order Denying Motion for Re-consideration 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 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 sentencings. Further delay will probably result in the defendant losing his current lawyer because of her likely upcoming appointment to the state court.



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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.
U.S. v. Malcolm Greenlaw 1:18-cr-00098-JAW-6	Woodcock	10/02/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Dismissed	The Court concluded that although the Defendant’s medical conditions and the inherent danger of being incarcerated in BOP facilities at this time present a serious case for compassionate release, the balance of factors including the likelihood he will reoffend, along with the short amount of time he has served, the need for rehabilitation, and principles of just punishment and deterrence, caution against release.



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U.S. v. Aaron West, 2:1-cr-00168-NT & 2:19-cr-00103-NT	Torresen	10/13/20	Motion for Compassionate Release	18 U.S.C. § 3582	Denied	Denied on the ground that Defendant has not established an extraordinary and compelling reason for release
U.S. v. Darrin Cates 1:15-cr-00139-JAW	Woodcock	10/19/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	for Compassionate Release	The Court finds that the defendant presents an ongoing danger to the community, that the § 3553(a) factors weigh against release, and that he does not present an extraordinary and compelling circumstance justifying release under § 3582(c)(1)(A)(i).
U.S. v. Markevin Faucette, 2:13-cr-79-DBH-01	Hornby	10/20/20	Motion for Reconsideration of Order Denying Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	The motion did not provide a basis for reconsideration because the Court's September 22, 2020, order denying compassionate release had appropriately considered 18 U.S.C. § 3553(a) factors and thus did not limit its consideration to the Sentencing Commission's policy statement.
U.S. v. Ryan Landers, 2:18-cr-37-DBH-01 & 2:19-CR-05-DBH	Hornby	10/20/20	Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Circumstances do not present extraordinary and compelling reasons to reduce the defendant's sentence to time served.
U.S. v. Christian Dent, 2:15-cr-10-DBH-01	Hornby	10/21/20	Motion for Compassionate Release and Appointment of Counsel	18 U.S.C. § 3582(c)(1)(A)	Denied	Circumstances do not present extraordinary and compelling reasons to reduce the defendant's sentence to time served, and appointment of counsel would not assist the court.
United States v. Mustafa Hassan, 2:16-cr-00084-JDL	Levy	10/21/2020	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Because the Defendant did not establish that his race or medical condition—a gastrointestinal ailment—placed him at a heightened risk of severe illness from COVID-19, he had not demonstrated extraordinary and compelling reasons to warrant compassionate release.



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U.S. v. Rafael Buli, 2:16-cr-00174-JDL	Levy	10/22/20	Motion for Sentencing Reduction Under 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release)	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Defendant failed to allege any extraordinary and compelling reasons which might warrant compassionate release.
U.S. v. Stephen Kissh, 2:19-cr-00059-NT	Torresen	10/27/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)	Denied	Defendant does not satisfy the requirements for release under 18 U.S.C. § 3582(c)(1).
U.S. v. Jhovanny Villalona, 2:18-cr-26-DBH-05	Hornby	10/27/20	Motion to appoint Counsel	18 U.S.C. § 3582(c)(1)	Denied	The Court has not received a motion for compassionate release from the defendant and thus is not in a position to decide whether to appoint him a lawyer.
U.S. v. Myron Crosby, 1:17-cr-00123-JAW	Woodcock	10/27/20	Amended Petition for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Dismissed without prejudice	The Court finds that, although the defendant has several health conditions that substantially increase his risk of serious complications from contracting COVID-19, the nature and seriousness of his offense, his criminal history, and dangerousness to the community counsel against his release.
U.S. v. Richard Moulton, Jr. 2:14-cr-00051-NT	Torresen	10/29/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)	Denied	Defendant still poses a danger to the community and compassionate release is not appropriate.
U.S. v. Ryan Benoit 2:16-cr-0007	Levy	11/04/20	Motion Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Report and Recommended Decision approved. Because the evidence was insufficient to show that the Defendant has a medical condition that places him at a heightened risk of severe illness from COVID-19, he had not established extraordinary and compelling reasons to support release.
U.S. v. Willie Rembert, 2:12-cr-00066-DBH	Hornby	11/11/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The motion did not present extraordinary and compelling reasons to justify release.



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U.S. v. Kenneth Leon Meader, 1:95-cr-00025-DBH & 1:98-cr-00042-DBH-02	Hornby	11/17/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Although the defendant suffers from serious medical conditions, other factors weigh against the defendant's early release. As such, the circumstances do not present extraordinary and compelling reasons to warrant release.
U.S. v. Adam White, 2:13-cr-00048-DBH	Hornby	11/17/20	Motion for Appointment of Counsel	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The medical records provided with the motion did not demonstrate extraordinary and compelling reasons to justify compassionate release, and appointment of counsel not be helpful.
U.S. v. Dru Frechette, 2:18-cr-00112-DBH-04	Hornby	11/18/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The defendant's health status does not present extraordinary and compelling reasons for release.
U.S. v. Nicole Truman, 1:17-cr-00073-JAW-04	Woodcock	11/19/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Dismissed without prejudice.	Court concludes that the seriousness of the prisoner's offense, the need for just punishment, deterrence, and the low number of known COVID-19 cases among inmates at her prison weigh against release.
U.S. v. Jhovanny Villalona, 2:18-cr-00026-DBH-05	Hornby	11/19/20	Motion for Appointment of Counsel	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The information provided in the defendant's medical records does not amount to extraordinary and compelling reasons for release.
United States v. Ali Ratib Daham, 2:17-cr-60-DBH-1	Hornby	11/23/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Appointment of counsel granted	The Court granted the defendant's accompanying pro se motion for appointment of counsel. Counsel should determine whether the defendant needs an interpreter and ensure that the necessary request of the Warden is made for the defendant's compassionate release request to proceed.
U.S. v. Donald Cain, 1:16-cr-00103-JAW-01	Woodcock	11/24/20	Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Dismissed without prejudice.	Court concludes that the seriousness of the prisoner's offense and the continuing danger he poses to the public weigh against releasing him, even though his medical conditions and the danger of contracting COVID-19 favor his release.



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United States v. Kendall Francis, 2:15-cr-61-DBH-2	Hornby	11/25/20	Motion for Transfer to Home Confinement	18 U.S.C. § 3624(c)(2); CARES ACT § 12003(b)(2), Pub. L. No. 116-136, 134 Stat. 281; 18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The discretion to convert a sentence to home confinement rests with the BOP rather than the Court, and the defendant has not presented a case for compassionate release under section 3582(c)(1)(A), so the motion is denied without prejudice at this time for failure to exhaust administrative remedies.
U.S. v. Yarlin Garcia, 2:17-cr-00100-DBH	Hornby	12/02/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	The defendant has not shown that thirty days have passed after making a request to the Warden, so the motion is denied without prejudice for failure to exhaust administrative remedies.
U.S. v. Jermaine Whindleton, 2:13-cr-00064-NT	Torresen	12/10/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	It is not enough that Mr. Whindleton has shown that there exists an extraordinary and compelling reason warranting his release. In order to be entitled to a modification of his sentence, he must also show that he is not a danger to the community, and he has failed to meet that burden.
U.S. v. Michael David Willings, 2:08-cr-00140-DBH-01	Hornby	12/15/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Reducing Willings's sentence now, even though he is physically compromised, would diminish each of these punishment values—that the penalty “reflect the seriousness of the offense, . . . promote respect for the law, . . . provide just punishment . . . [and] afford adequate deterrence.” 18 U.S.C. § 3553(a)(2)
U.S. v. David Thurlow, 2:16-cr-00053-DBH	Hornby	12/15/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The defendant has not presented extraordinary and compelling reasons for reduction in sentence.



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U.S. v. Mitchell MacGuire, 2:03-cr-00088-GZS	Singal	12/16/20	Motion for Reduction of Sentence	18 U.S.C. § 3582(c)(1)(A)	Denied	Having considered all of the circumstances of the underlying offense as well as all of the applicable § 3553(a) factors, the Court concludes on the record presented that McGuire does not present a combination of extraordinary and compelling reasons sufficient for this court to exercise any additional discretion afforded under the evolving interpretation of 18 U.S.C. §3582(c)(1)(A).
U.S. v. Kevin Millette, 2:16-cr-00004-NT-01	Torresen	12/21/20	Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Granted	Defendant's medical conditions, coupled with the increased number of COVID-19 infections at FCI Danbury, constitute an extraordinary and compelling reason for release. Any potential danger to the community could be mitigated through conditions of supervised release. Court also found that U.S.S.G. § 1B1.13 is not binding on a district court when a compassionate release motion is filed by a prisoner.
U.S. v. Stephen Kissh, 2:19-cr-00059-NT	Torresen	12/23/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without Prejudice	Court cannot find that defendant's release will not endanger the public without the presence of an adequate release plan.
U.S. v. Dale Pinkham, Sr., 2:15-cr-00128-JDL	Levy	12/29/20	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Defendant's release is not supported by the § 3553(a) factors. Granting defendant release would not adequately reflect the real and severe harm he caused, and defendant would pose an undue threat to public safety.
U.S. v. Anthony Almeida, 2:17-cr-00052-DBH-01 & 2:11-cr-00127-DBH-01	Hornby	01/04/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Although the defendant's medical conditions, combined with the pandemic's spread, would amount to extraordinary and compelling reasons, a number of 18 U.S.C. § 3553(a) factors weigh against his release.


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U.S. v. Alfred McIntosh, 2:16-cr-00100-DBH	Hornby	01/11/21	Second Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Defendant's risk of recidivism and need to protect the public remain important section 3553(a) factors weighing against his release. The request for counsel is denied because assistance of counsel would not be helpful to the defendant under the circumstances.
U.S. v. Wender Santos, 2:16-cr-00174-JDL-01	Levy	01/11/21	Motion for Compassionate Release and Release Plan	18 U.S.C. § 3582(c)(1)(A)(i)	Granted	Court determined that extraordinary and compelling reasons existed based on Santos's COVID-19 risk factors (obesity and missing lung), and that the §3553(a) factors weighed in his favor based on his positive prison record, family support, and lack of substantial criminal history.
U.S. v. Christopher Kruse, 1:18-cr-00136-LEW	Walker	01/05/21	Motion to Reduce Sentence and Other Equitable Relief	18:3582(c)(1)(A)	Denied	Give the nature, circumstances, and seriousness of offense, and given that Mr. Kruse has served only a fraction of his sentence, granting Defendant's would not ensure respect for the law, just punishment, or adequate deterrence.
U.S. v. Stephen Kissh, 2:19-cr-00059-NT	Torresen	01/12/21	Renewed Motion for Compassionate Release	18:3582(c)(1)(A)	Granted	Mr. Kissh's place of incarceration is now a much more dangerous environment. Kissh's health is extraordinarily poor, and the Court has concerns about FMC Devens' ability to manage defendant's health conditions. In addition, Mr. Kissh has now served over two-thirds of his sentence and is scheduled to be release in October.
Penobscot Valley Hospital v. Jovita Carranza, Adv. Proc. No. 20-1005 & Calais Regional	Fagone	01/12/21	Proposed Findings & Conclusions Following Recommittal by the District Court	Numerous Provisions Titles 18 & 15 of the U.S. Code, the CARES Act, APA and caselaw		The District Court should conclude that the SBA's decision to exclude debtors in bankruptcy from the Paycheck Protection Program was neither arbitrary nor capricious. The administrative record, as supplemented by the Maine Miller Declaration, reveals that the bankruptcy exclusion was the product of reasoned decision-making, informed by the enabling legislation



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Hospital v. Carranza, Adv. Proc. No. 20-1006						and by commonsense generalizations about lending to debtors in cases under Title 11.
U.S. v. Robert Clifford, 2:19-cr-00036-JAW-01	Woodcock	01/21/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court finds that, although the defendant's obesity heightens his risk of complications from COVID-19, the seriousness of the prisoner's offense, the danger he poses to the community, the short amount of time he has served, and the need for deterrence preclude his release.
U.S. v. Aaron West, 2:18-cr-00168-NT & 2:19-cr-00103-NT	Torresen	01/21/21	Motion for Compassionate Release	18 U.S.C. § 3635	Denied	The Court does not have confidence that, if defendant were released, defendant would abide by any conditions of release.
U.S. v. Darin Doe, 1:17-cr-00091-JAW-1	Woodcock	01/22/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court finds that, although the defendant's medical history increases his risk of complications from COVID-19, the seriousness of the prisoner's offense, his history of recidivism, the danger he poses to the public, and the need for general and specific deterrence preclude his release.
U.S. v. Samuel Caison, 1:19-cr-00152-LEW	Walker	01/25/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without prejudice	Mr. Caison has not demonstrated that he first directed a compassionate release request to the warden [of his facility] and because his letter motion does not describe any "extraordinary and compelling" reason for release.
U.S. v. Newell Mowry, 1:18-cr-00015-NT	Torresen	01/26/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Granted	Court finds extraordinary and compelling reasons exist in this case.
U.S. v. Ali Ratib Daham, 2:17-cr-60-DBH-1	Hornby	01/27/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Granted	The defendant, who has approximately two months of his sentence remaining, presents family circumstances amounting to extraordinary and compelling reasons for



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						compassionate release. The 3553(a) factors do not weigh against his release.
U.S. v. Frederick Gates, 2:08-cr-42-DBH-01	Hornby	01/27/21	Re-consideration of Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Although the COVID-19 situation at the prison has worsened according to BOP data, the defendant's medical condition of hypertension does not on its own amount to extraordinary and compelling reasons for release.
U.S. v Durrell Williams, 2:08-cr-00112-GZS-2	Singal	02/02/21	Motion for Compassionate Release	18 § 3582(c)(1)(A)	Denied	Defendant has not presented extraordinary and compelling reasons for a sentence reduction and the Court's weighing of the applicable § 3553(a) factors, the motion is denied.
U.S. v. Donald Cain, 1:16-cr-00103-JAW	Woodcock	02/03/21	Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without Prejudice	Addressing the third motion for compassionate release this inmate has filed, the Court dismissed his motion without prejudice because it concluded that the inmate was required to comply anew with the exhaustion requirement for this motion. Although the inmate had exhausted his administrative remedies for the second motion, which the Court had denied, the Court concluded that one-time compliance with the exhaustion requirement does not carry forward in perpetuity for later-filed motions.
U.S. v. Roger Burke, 2:13-cr-00080-DBH	Hornby	02/10/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The defendant's asthma and family circumstance do not rise to the level of "extraordinary and compelling reasons" that would justify compassionate release.
U.S. v. Richard Sylvester, 2:17-cr-00052-DBH-03 & 1:17-cr-00094-DBH	Hornby	02/11/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i); F. R. Crim. P. 37A	Denied	Even if the defendant's medical conditions amounted to "extraordinary and compelling reasons" for compassionate release, section 3553(a) factors weigh against his release.



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U.S. v. Lonnie Ball, 2:15-cr-00170-DBH	Hornby	02/11/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The defendant's smoking history and family circumstances do not amount to "extraordinary and compelling reasons" for compassionate release, section 3553(a) factors weigh against his release.
U.S. v. Tony Leonard, 2:18-cr-00070-GZS-1	Singal	02/12/21	Motion for Compassionate Release	18 § 3582(c)(1)(A)	Denied	The Court concludes that the § 3553(a) factors presently weigh in favor of not modifying defendant's sentence to allow for his immediate release.
U.S. v. Jowenky Nuñez, 1:11-cr-00205-JAW-0667	Woodcock	02/16/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without Prejudice	The Court dismissed the motion without prejudice, concluding no extraordinary and compelling circumstances were present because (1) the inmate is in his thirties and has no medical conditions that would increase his risk of serious complications from COVID-19 and (2) the inmate will be released in approximately one month such that any hardship caused by the alleged lack of a caretaker for his mother will be short-lived. The Court further concluded the section 3553(a) factors support his continued detention for the short time left on his sentence.
U.S. v. Kenneth Leon Meader, 1:95-cr-00025-DBH & 1:198-cr-00042-DBH-02	Hornby	02/17/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Reducing Defendant's sentences would diminish each of these punishment values – that the penalty 'reflect the seriousness of the offense, . . . promote respect for the law, . . . provide just punishment . . . [, and] afford adequate deterrence.' 18 U.S.C. § 3553(a)(2).
U.S. v. Milo Germany, 1:19-cr-00208-LEW	Walker	03/03/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied without prejudice	Because there is no indication in the motion that Mr. Germany has presented the warden of his current facility with an administrative request for compassionate release and then allowed the warden 30 days to act on the request, the motion is denied without prejudice to Mr. Germany's ability to request compassionate release after he petitions the warden for release.



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U.S. v. Malcolm Greenlaw, 1:18-cr-00098-JAW-6	Woodcock	04/06/21	Second Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court dismisses the motion without prejudice as there have been no significant developments to change the Court's earlier determination that he does not qualify for compassionate release under 18 U.S.C. 3582(c). While his medical conditions may heighten his risk from COVID-19, the Court continues to find that releasing Mr. Greenlaw early would endanger the community and contravene the § 3553(a) factors. Additionally, the Court finds the defendant's vaccine refusal to be a factor against an inmate who is petitioning for compassionate release based on the risk of contracting COVID-19.
U.S. v. Todd Shorey, 1:16-cr-00130-JAW-2	Woodcock	04/06/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court concludes that, although the inmate's obesity can make it more likely he will get severely ill if he contracts COVID-19, the seriousness of his offense, the relatively short time he has served, and the need for the sentence served to fulfill the sentence imposed preclude his release.
U.S. v. Mark Pignatello, 1:19-cr-00068-LEW	Walker	04/13/21	Second Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has received two doses of a COVID-19 vaccine. This fact, when added to the multi-factor matrix of considerations found in 18 U.S.S.C. §§ 3582(c)(1)(A) and 3553(a), neither extraordinary and compelling reason nor a reasonable basis remain to award defendant compassionate release.
U.S. v. Kenneth Pelletier, 2:12-cr-00119-GZS	Singal	04/21/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has failed to establish extraordinary and compelling circumstances. The § 3553(a) factors do not weigh in favor of modifying defendant's sentence to allow for his immediate release.
U.S. v. Todd Rasberry, 2:15-cr-00127-JDL	Levy	04/22/2021	Motion to Reconsider Order Denying Motion for	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	The new medical evidence cited by the defendant does not establish extraordinary and compelling reasons supporting compassionate release. Additionally, although the defendant had served a greater proportion of his sentence than when the Court originally denied



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			Compassionate Release			his motion, had also incurred two disciplinary infractions in the intervening time, and the Title 18 § 3553(a) factors do not support release.
U.S. v. Keon Baptiste-Harris, 2:18-cr-00127-NT	Torresen	04/22/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has not established extraordinary and compelling reasons justifying his release. Defendant has only served around forty percent of his projected sentence, which is a consideration in the compassionate release analysis and releasing defendant does not serve the sentencing objectives outlined in § 3553(a).
U.S. v. O'Brian Barrington Barrett, 2:16-cr-00063-GZS	Singal	04/26/21	Renewed Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant has not shown that his overall health and need for medical care qualify as extraordinary and compelling reasons supporting compassionate release. The applicable § 3553(a) factors do not weigh in favor of modifying defendant's sentence.
U.S. v. Ahmed Sadek, 2:18-cr-00028-GZS	Singal	04/27/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Court fails to find extraordinary and compelling circumstances to allow defendant's immediate release. The applicable § 3553(a) factors do not weigh in favor of modifying defendant's sentence.
U.S. v. Malcolm A. French, 1:12-cr-00160-JAW	Woodcock	05/06/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	Court concludes that defendant's health does not pose an extraordinary and compelling reason warranting a sentence reduction. The applicable § 3553(a) factors do not weigh in favor of modifying defendant's sentence.
U.S. v. Steven Nygren, 1:16-cr-00106-JAW	Woodcock	05/13/21	Second Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	Finding no significant change in circumstances since the July 22, 2020 order dismissing inmate's first request for compassionate release, the Court concludes that, although the inmate's medical conditions can increase the risk of serious complications from COVID-19, he is now vaccinated, substantially reducing his risk of serious illness from COVID-19. Furthermore, given the nature and circumstances of his offense, releasing the inmate early would endanger the community and contravene the § 3553(a) factors.



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U.S. v. Richard Beauregard, 2:18-cr-00192-JAW	Woodcock	05/24/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	On the record before the Court, Mr. Beauregard does not qualify for compassionate release under 18 U.S.C. § 3582(c).
U.S. v. Morgan Rosenberg, 1:20-cr-00032-LEW	Walker	05/25/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	Defendant does not present extraordinary and compelling reasons for early release. Also, given the nature and circumstances of his offenses, the § 3553(a) factors weigh strongly against defendant's release.
U.S. v. Donald Cain, 1:16-cr-00103-JAW	Woodcock	06/03/21	Fourth Amended Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court concludes that 18 U.S.C. § 3553(a) factors do not support Mr. Cain's request for release.
U.S. v. Michael Vicente, 1:16-cr-00077-JAW	Woodcock	06/03/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Dismissed without prejudice	The Court concludes Mr. Vicente has not met his burden to show extraordinary and compelling reasons for his release and that § 3553(a) factors do not support release.
U.S. v. Melson Jacques, 2:15-cr-00109-JDL	Levy	06/03/21	Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)(i)	Denied	Denied without prejudice to defendant filing a new motion for compassionate release once he has exhausted the administrative remedies.
U.S. v. Ahmed Sadek, 2:18-cr-00028-GZS	Singal	06/09/21	Renewed Motion for Compassionate Release	18 U.S.C. § 3582(c)(1)(A)	Denied	The Court treats defendant's Renewed Motion for Compassionate Release as a request for reconsideration of the Court's April 27, 2021 Order. The Court finds no basis to revisit its earlier ruling denying defendant's request for compassionate release based on family circumstances.