IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

EASTERN DIVISION

UNITED STATES OF AMERICA, )

)

Plaintiff, )

)

v. ) Case No. xxxxxxx

)

xxxxxxx, )

)

Defendant. )

SUPPLEMENTAL AUTHORITY IN SUPPORT OF

MOTION FOR COMPASSIONATE CONFINEMENT

OF zxzxxxxxx AT HOME

OR RELEASE TO TIME SERVED

TO THE HONORABLE KEITH STARRETT, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, EASTERN DIVISION:

The Attorney General of the United States has released an additional memo calling for hasten release of vulnerable inmates from federal prisons. In an April 3, 2020 memorandum to the Director of the Bureau of Prisons, declaring emergency conditions exist in the Bureau of Prisons, Attorney General Barr said:

“We have to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions. …[Y]ou should include [the review for release of ]all at-risk inmates—not only those who were previously eligible for transfer. For all inmates whom you deem suitable candidates for home confinement, you are directed to immediately process them for transfer and then immediately transfer them following a 14-day quarantine at an appropriate BOP facility, or, in appropriate cases subject to your case-by-case discretion, in the residence to which the inmate is being transferred. …I also recognize that BOP has limited resources to monitor inmates on home confinement and that the U.S. Probation Office is unable to monitor large numbers of inmates in the community. I therefore authorize BOP to transfer inmates to home confinement even if electronic monitoring is not available, so long as BOP determines in every such instance that doing so is appropriate and consistent with our obligation to protect public safety. Given the speed with which this disease has spread through the general public, it is clear that time is of the essences. Please implement this Memorandum as quickly as possible and keep me closely apprised of your progress. ” See April 3, 2020 Memorandum attached as Exhibit 1.

That xxxxx has not exhausted his administrative remedies is no longer relevant. The Attorney General has relieved him of this requirement by stating in his memorandum that the has expanded the cohort of those who should be released to all at-risk inmates and declaring an emergency in the Bureau of Prisons. In addition, xxxxxxx qualifies as a person who can be released directly to the home xxxxxx has for him, where he can be cared for and quarantined.

Respectfully submitted,