

IN THE
Supreme Court of the United States

MARK WILLIAMS, WARDEN OF ELKTON FEDERAL CORRECTIONAL INSTITUTION, AND
MICHAEL CARVAJAL, DIRECTOR OF THE FEDERAL BUREAU OF PRISONS,

Applicants,

v.

CRAIG WILSON, *et al.*,

Respondents.

**OPPOSITION TO APPLICATION FOR A STAY OF THE INJUNCTION
ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO AND FOR AN ADMINISTRATIVE STAY**

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INTRODUCTION

In few places is the deadly threat of COVID-19 more amplified than in the cramped, overcrowded environment of prisons. And among federal prisons, the Attorney General himself has singled out the facility at Elkton, Ohio, as one of the worst. Guidance from public health experts, including the Centers for Disease Control and Prevention, instructs that the cornerstone of any effort to contain this infectious disease is the ability to “[s]tay at least 6 feet (about 2 arms’ length) from other people,” to not “gather in large groups,” and to “[s]tay out of crowded places.”¹ But at the low-security Elkton Federal Correctional Institution (“FCI Elkton”) and its low-security satellite camp (“FSL Elkton”) (collectively, “Elkton”), such fundamental measures are flatly impossible.

Prisoners at Elkton are, by definition, those “with lower institutional and public risk factors.” Enforcement Order, Gov. App. 45a. But while they are low-risk, the threat to their health from COVID-19 is decidedly not. They are housed, cheek by jowl, in dormitory-style rooms of approximately 150 persons each. Though well aware that social distancing is an indispensable means of protecting themselves, they are powerless to use it. The result has been a severe COVID-19 outbreak lasting months, causing the deaths—so far—of at least nine people and infecting hundreds more among prisoners and staff.

¹ Ctrs for Disease Control and Prevention, Social Distancing, (May 6, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

Congress has provided the Federal Bureau of Prisons with a collection of tools to attempt to ameliorate situations like Elkton's, including recently expanded authority to move prisoners to home confinement. Nearly two months ago, Attorney General William Barr exhorted the wardens of the BOP's three worst COVID-19 hotspots, including Elkton, to use these tools "with dispatch" to move as many people as possible to safety. But the Government did not do so. By the time this case was filed, on April 13, three Elkton prisoners were dead. By the end of this case's first week, the death toll had doubled.² By May 8, it grew to 9. Now, 20 more people are hospitalized and 8 intubated. And nearly 1 in 4 prisoners (of those who have been tested) are infected.

Recognizing that the unmitigated deadly risks to Elkton prisoners warrant relief, the District Court crafted a carefully circumscribed preliminary injunction to implement the habeas remedy of enlargement, affording substantial discretion to prison officials, using nothing but countermeasures already available to the Government. On April 22, the District Court ordered the Government to identify members of the subclass of medically vulnerable prisoners, and to "evaluate each subclass member's eligibility for transfer within two weeks [by May 6], prioritizing the most medically vulnerable inmates. It ordered the Government to evaluate their eligibility for home confinement, compassionate release, furloughs, or a transfer to a safer facility. Where the Government determined that prisoners were, in fact, eligible

² At the time of the preliminary injunction hearing in this matter, the number of deaths in Elkton matched the number of people who had been moved to home confinement. Hearing Transcript, D.Ct. ECF 40 at 27–28.

for relief, the court ordered them to provide it. This was no mass release order; indeed, the District Court repeatedly stressed that it was *not* ordering the release of anyone. Gov. App. 15a (“the BOP maintains custody over the defendant, but the place of custody is altered by the court”); 26a (“it bears repeating that the Petitioners are not asking the Court to dump inmates out into the streets”); 27a (“the Court is not ordering the release of the prisoners.”).

That was a month ago. Since then, though the infections and deaths continue to mount, *no prisoner has received relief* as a result of the preliminary injunction. Despite the Government’s protestations, their own testing demonstrates that COVID-19 continues to spread within Elkton (even though, because of the Government’s failure even to test the vast majority of the prisoners, much less effectively quarantine them, we cannot know the full extent of the spread).³

On May 19, having seen so little progress from the Government, the District Court issued a second order, finding the Government delinquent, noting that, out of 837, only “5 subclass members were ‘pending [home confinement] community placement’ and even they have not in fact been released. Six inmates were identified as *maybe* qualifying for home confinement. No inmates were deemed eligible for furlough transfer.” Gov. App. 45a. And as to compassionate release, the Government was only “working on a release plan”—and that only for one prisoner. The Court

³ This opposition refers to the Government as “Applicants” or “the Government,” and will refer to the prisoners as “Petitioners.”

concluded, “Such results do not comply with this Court’s previous Order.” *Id.* It issued a new order to enforce compliance with the preliminary injunction.

The preliminary injunction the Government seeks to stay here was issued on April 22. The Court of Appeals denied the Government’s stay motion on May 4. Now, after more than two weeks have passed, it asks this Court to stay the April 22 order on an emergency basis. It has not come close to meeting its demanding burden to show a stay is warranted here. Where a case is pending before the court of appeals, this Court’s practice is “to grant stay applications only upon the weightiest considerations.” *Fargo Women’s Health Org. v. Schafer*, 113 S. Ct. 1668, 1669 (1993) (O’Connor, J., concurring) (internal quotation marks omitted). The Government offers none: The deadlines in the preliminary injunction order have passed; the situation on the ground remains unchanged; and the two-week plus delay in seeking a stay forecloses any serious argument for this Court’s intervention.

The weakness of its case for staying the April 22 preliminary injunction explains why the Government does not base its case for a stay on that order. It directs its complaints not at the April 22 preliminary injunction that it has appealed, but at the new order, issued May 19, that it has not appealed. This Court does not entertain stay applications where—as here—the applicant did not first request relief below. Sup. Ct. R. 23(3). The Government makes no attempt to explain its choice not to appeal or to seek a stay of the May 19 order below. *See id.* This Court does not usually review arguments in the first instance. There is no reason to do so here.

Even if the May 19 order were properly before this Court, it threatens no imminent, much less irreparable, harm to the Government. It requires no one to be released. Rather, it merely directs the Government to reconsider its initial evaluation of the prisoners the Government itself has identified as medically vulnerable, to determine whether they are eligible for enlargement to home confinement or some other location. The Government's claim that the Court has ordered transfers that violate the CDC's guidance is doubly flawed. The Government's practice of quarantining for 14 days anyone it does intend to transfer eliminates any risk. And the CDC guidelines do not direct the Government to keep medically vulnerable prisoners in harm's way. They merely advise against transfers that are not otherwise necessary.

Finally, the Government has not shown a likelihood that certiorari will be granted. The court below properly exercised habeas corpus jurisdiction because, under the circumstances of Elkton, the only relief available to respond to the risks of contagion and death faced by medically vulnerable inmates is enlargement, a traditional form of habeas relief. As such, the limitations of the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, are inapplicable, as they do not govern petitions for habeas corpus. And the asserted "splits" in authority identified by the Government are not implicated by the facts of this case, or are not splits at all.

The Government has demonstrated for months that it will not take the necessary action at Elkton to save the lives of its charges. As of today, despite the lack of mass testing, there are 128 confirmed and currently active cases of COVID-19

among Elkton prisoners, plus 8 more among staff.⁴ The true number is likely far higher. Yet not a single prisoner, no matter how vulnerable, has been transferred out. The District Court’s order is essential to resolving this crisis. The Government’s request for a stay should be denied.

STATEMENT

1. 2,357 prisoners are incarcerated at Elkton.⁵ As a low-security facility, many prisoners “share cells, sleeping areas, supplies, bathing areas, and other living spaces.” App., *infra*, 2a, ¶3. Petitioner Wilson, for example, lives in a housing unit of 150 people. The unit is divided into cubicles meant for two to three people, each “about 8 feet by 9 feet, with a 5-foot wall in between.” App., *infra*, 44a, ¶3. The bunks are close together, “definitely less than six feet in all directions.” His unit has “10 sinks, 18 showers, 6 toilets, and 6 urinals” for 150 people. *Id.* Prisoners in the unit are “forced to get in tight lines for all meals and medications.” *Id.* The rest of Elkton is the same. *See, e.g.*, App., *infra*, 24a, ¶2 (“There are 170 men in my pod, living 3 to a cell in spaces that were made for single occupancy.”); App., *infra*, 29a, ¶2 (“Every day, all day, we’re in the dorm clustered in around each other, and it doesn’t change.”); App., *infra*, 49a, ¶2 (“We’re overcrowded like cattle.”).

The BOP’s descriptions of risk-prevention measures at Elkton tell only part of the story. The BOP states that it has “secured all inmates in their assigned living

⁴ Federal Bureau of Prisons, COVID-19, (accessed May 21, 2020) <https://www.bop.gov/coronavirus/>

⁵ Federal Bureau of Prisons, FCI Elkton, (accessed May 21, 2020) <https://www.bop.gov/locations/institutions/elk/>

quarters to decrease virus transmission.” Stay Appl. 7. But because of the layout of Elkton’s units, that does not amount to social distancing. At “any given moment,” prisoners are next to someone else. App., *infra*, 32a, ¶2 (“I can move around and walk around the cubes, but I’m bumping up against people wherever I go.”). The BOP states that “mealtimes are staggered so that only a single housing unit moves within the facility at any time” and meals are grab-and-go, with prisoners returning to units to eat. Stay Appl. 8. But here, too, “[s]ocial distancing is out the window,” as prisoners line up to try “to get through a 4-6 foot wide door.” App., *infra*, 49a, ¶3; 32a, ¶ 2 (“[W]e have 5 minutes to get up, get dressed, and get to the building where we get our food boxes. Men are clustered together in line, because there’s no space to spread out.”).

The same goes for access to cleaning and sanitation supplies. The BOP states that prisoners “have access to sinks, water, and soap at all times.” Stay Appl. 8. The prisoners report that Elkton has not provided “dispensers” for soap or hand sanitizer. App., *infra*, 44a, ¶4. Instead, prisoners receive one four-ounce bottle of “3-in-1’ soap” per week. *Id.* Prisoners in a unit share a “big jug of watered-down antibacterial spray” and “have access to one shared area for hot water.” *Id.* The shared “sinks are so close to each other that . . . the splash from the next man’s toothpaste hits you, and you’re bumping elbows.” App., *infra*, 49a, ¶3. The BOP states that prisoners “have been provided protective face masks for daily use.” Stay Appl. 8. Prisoners were given two disposable masks to be reused over several weeks. App., *infra*, 44a, ¶4.

Even were it otherwise, no amount of sanitation would compensate for the inability to maintain distancing within Elkton. *See* App., *infra*, 2a, ¶6. BOP states

that it has “educated inmates and staff about measures to avoid transmitting COVID-19.” Stay Appl. 8. But no matter how “educated” they are, staff and inmates cannot possibly adhere to the social distancing required by the CDC and all health authorities. App., *infra*, 2a, ¶6 (“Correctional staff must be in close contact with prisoners in the course of their regular jobs to enforce security protocols, escort prisoners across cell blocks and units, administer medications, and supervise meal distribution.”). No amount of education will matter where compliance with recommended safety measures is “not possible.” App., *infra*, 40a, ¶ 3.

It is, in short, “impossible to spread out or social distance” at Elkton. App., *infra*, 29a, ¶2; 2a, ¶5 (“With continued functioning of shared spaces for bathing, eating, and sleeping, quarantine and social distancing would be impossible to implement at Elkton”). Prisoners live in fear for their lives because “it seems like it’s only a matter of time until [they] get this virus.” App., *infra*, 44a, ¶4. Being at Elkton during this pandemic “feels like” being “handed a death sentence.” *Id.* For too many, that fear has proven true. Prisoners at Elkton face a disproportionate risk from COVID-19 due to the lack of social distancing. Nine prisoners have died. They represent more than 15% of the reported deaths of prisoners in all of BOP custody, 58 in total, though Elkton houses less than 2% of BOP prisoners.⁶

While prisoners at Elkton are confined to the facility, the risks of COVID-19 are not. The BOP reports that even its far from adequate testing has already

⁶ See Federal Bureau of Prisons, COVID-19, <https://bit.ly/bopcovid> (last visited May 21, 2020).

identified 52 staff members with COVID-19, of whom 44 have recovered, and eight remain infected.⁷ The staff at Elkton—potentially asymptomatic carriers—are traveling to and from Elkton in the surrounding communities. Gov. App. 73a. *See also* App., *infra*, 13a, ¶6 (“With institutional staff filtering in and out of Elkton on a daily basis, staff can easily carry the infection from the community to the prison and vice versa.”). As a result, hospitals in these communities, “some of them very small rural community hospitals,” according to U.S. Representative Bill Johnson, are at risk of being overrun. Gov. App. 71a; *see also* Gov. App. 73a-74a (limited hospital and ICU capacity).

Given these realities, there is only one route to decreasing the risk to prisoners and staff at Elkton. “Significantly reducing the prison population at Elkton as rapidly as possible is the best line of defense to maintain the public health interests of persons incarcerated at Elkton, correctional staff who work at Elkton, and the Ohio community.” App., *infra*, 4a, ¶7. Those measures need not result in a release from BOP custody, but do require transfer out of Elkton. *See id.* at ¶7–8 (discussing home confinement).

The Government itself has reached this same conclusion. On April 3, 2020, The United States Attorney General recognized the “significant level of infection” at Elkton and directed that BOP officials “immediately maximize appropriate transfers to home confinement” of prisoners at Elkton. App., *infra*, 54a. This directive was not implemented at Elkton. Petitioner Nieves, for example, resides in FSL Elkton, the

⁷ *See id.*

low-security satellite camp. He has only about 6 percent—approximately 11 months—of his sentence remaining, and has a stable residence awaiting him upon release. Gov. App. 79a. After being told he was eligible for release to home confinement, he was placed *back* in the camp population without explanation. Gov. App. 80a. There was no evidence that any prisoners had been released as the April 3 memo directed. *Id.*

2. Petitioners thus filed a Section 2241 petition to obtain enlargement of their custody in order to limit their exposure to COVID-19. They are four prisoners at Elkton. Gov. App. 56a–57a. Three Petitioners, Craig Wilson, Eric Bellamy, and Kendal Nelson have risk factors that the CDC identifies as high-risk for COVID. *Id.* (discussing Wilson’s chronic asthma, Bellamy’s enlarged heart valve and additional heart problems, and Nelson’s asthma, heart disease, and kidney disease). The fourth Petitioner, Maximino Nieves, faces a risk of contracting COVID due to his inability to distance from other prisoners at Elkton. Gov. App. 57a.

Petitioners sought to represent themselves and a class of all current and future people in post-conviction custody at Elkton and a subclass of “persons who, by reason of age or medical condition, are particularly vulnerable to injury or death if they were to contract COVID.” Gov. App. 81a. The initial proposed definition of the subclass included those age 50 or over and those with certain underlying health conditions. Gov. App. 81a.⁸ This would later be narrowed by the District Court, which

⁸ See Centers for Disease Control and Prevention, People Who Are at Higher Risk for Severe Illness (accessed May 21, 2020) available at <https://bit.ly/cdcrisks>.

conditionally certified a class that paralleled the CDC's guidance delineating the categories of people at highest risk from COVID-19: those age 65 or over, or with specified, documented underlying health conditions. Gov. App. 19a.

Petitioners sought a preliminary injunction, supported by expert declarations from Dr. Meghan Novisky, who studies the consequences of carceral contact on health, and Dr. Joe Goldenson, a physician who has worked inside the prison system as a medical director and outside the prison system as a court monitor. App., *infra*, 2a, ¶1; 12a, ¶1. These declarations established that Elkton, by its very design as a low-security facility where prisoners are housed and recreate together, cannot accommodate recommended social distancing. App., *infra*, 4a ¶5. And they established that, when social distancing is not available, mitigating the risk from COVID-19 requires reducing the prison's population, quickly. App., *infra*, 13a, ¶10. Petitioners also offered seven declarations from prisoners at Elkton, including the named Petitioners, which uniformly attested to the impossibility of social distancing at Elkton and the unavailability of basic necessities like soap and protective masks.

The BOP did not rebut this evidence. Nor could it have, as this record evidence aligns with the Government's own statements about the actions that should be taken at facilities like Elkton. The CDC's guidance urges prison administrators to take action to prevent overcrowding at facilities during an outbreak. The guidance emphasizes that social distancing is "a cornerstone of reducing transmission of

respiratory disease such as COVID-19.”⁹ The guidance does caution against transfers to and from facilities, as Applicants note, but that caution comes with an express carve-out, one that Applicants omit: CDC does not recommend restricting transfers where a transfer is “necessary . . . to prevent overcrowding.”¹⁰

The hearing on the preliminary injunction supported what Petitioners had told the District Court. Applicants confirmed that prisoners at FCI-Elkton are housed in groups of approximately 150, “in essentially cubicles, which are two-person or three-person cubicles where they have a roommate or another.” PI Tr. at 8. The cubicles are open air: “essentially cinder blocks that are about six feet high.” *Id.* And each unit has a common area where prisoners congregate. *Id.* Prisoners at FSL-Elkton are housed “in bunk beds, not cubes within the unit.” *Id.* at 9. There is nothing stopping prisoner-to-prisoner spread of COVID-19 within a unit, given prisoners’ inability to maintain social distancing. *See id.* at 9–10. Applicants confirmed that no prisoners had been moved into home confinement, despite the Attorney General’s directive. *See id.* at 25 (noting that six prisoners—the same number of deaths at Elkton at the time—had been identified as eligible for home confinement but had not been released due to quarantine and that 32 had been denied “for a variety of reasons”).

⁹ See Ctrs. for Disease Control and Prevention, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional And Detention Facilities at 4 (“*CDC Correctional Guidance*”) (Mar. 23, 2020), <https://bit.ly/cdcdetentioninterim>. Applicants rely heavily on this document, though they did not raise it before the District Court during the preliminary injunction briefing.

¹⁰ *See id.* at 9.

3. Crediting this evidence, the District Court granted a limited preliminary injunction. It started by explaining why Petitioners' claim was properly brought in a habeas petition. As the court recognized, generally "challenges to the fact or duration of confinement that seek release sound in habeas whereas actions challenging the conditions of confinement raise concerns properly addressed under § 1983." Gov. App. 17a. How that general rule applies in a given case is a heavily fact-dependent inquiry. Just so here. For prisoners in the medically vulnerable subclass, the court recognized that "continued imprisonment at Elkton is unconstitutional given the COVID-19 outbreak," which rendered their claim "closer to a challenge to the manner in which the sentence is served and [] therefore cognizable under 28 U.S.C. § 2241." *Id.* at 18a. For the remaining prisoners, who sought relief in the form of supervision of prison conditions by a public-health expert, the court concluded that the claims "sound more as a confinement conditions claim" and are not cognizable on habeas. *Id.*

The District Court then conditionally certified the medically vulnerable subclass. It narrowed the proposed subclass definition, as noted above. Gov. App. 19a. It then explained that the requirements of Rule 23 were met. As to Rule 23(a), it found that the subclass contains hundreds of prisoners (numerosity); the central question in the litigation is whether the risk created by COVID-19 at Elkton violates the prisoners' rights absent transfers to allow for social distancing (commonality); three of the named Petitioners have underlying medical conditions or age-related risk factors that define the subclass (typicality); and the subclass has a shared interest in obtaining social distancing that counsel will represent (adequacy). *Id.* at 21a–22a. As

to Rule 23(b), it concluded that the Government’s “failure to protect the inmates * * * applies to the entirety of the subclass generally and injunctive relief is appropriate as to the subclass,” satisfying Rule 23(b)(2). *Id.* at 22a.

Assessing the traditional injunctive relief factors, the District Court concluded that they weighed in favor of preliminary relief. “[A]t this preliminary stage * * * Petitioners have sufficiently met the threshold for showing that [Applicants] have been deliberately indifferent.” *Id.* at 23a. Applicants had, for example, “altogether failed to separate” prisoners in line with the CDC guidance that had been in place for some time. *Id.* The subclass faced irreparable harm without preliminary relief, as “more than 1 in 4” prisoner deaths nationwide had occurred at Elkton. *Id.* at 24a. And the public interest also pointed to preliminary relief. Petitioners had not asked the court “to throw open the gates” at Elkton; instead, Petitioners had asked only for an evaluation of eligibility for “‘release’ that consists of moving vulnerable inmates to various other types of confinement so that they are no longer at risk of dying from the virus.” *Id.* at 24a–25a. Applicants’ unchallenged policy of quarantining any prisoner from Elkton for 14 days before transfer would avoid any risk to the community. *Id.* at 25a. Mitigating the spread of COVID-19 *inside* Elkton would mean mitigating its spread *outside* too, which would benefit the community that staffs and supports the facility. *See id.* And it would mean conserving the financial resources that would be dedicated to the intensive medical care that COVID-19 patients, especially those with risk factors, require. *See id.*

The April 22 preliminary injunction order did not grant the medically-vulnerable subclass the full relief sought. The court took pains to ensure that Applicants would retain control and discretion over the process of “release.” The order required Applicants first “to identify * * * all members of the subclass” by April 23—that is, those who are medically vulnerable under CDC criteria (with the exception of a history of smoking). *Id.* at 27a. It then required Applicants to “evaluate each subclass member’s eligibility for transfer out of Elkton through any means, including but not limited to compassionate release, parole or community supervision, transfer furlough, or non-transfer furlough,” prioritizing members with higher medical threat levels, within two weeks, that is, by May 7. *Id.* If Applicants identified a set of subclass members who were justifiably ineligible for any of those forms of “release,” the order required that they be “transferred to another BOP facility where appropriate measures, such as testing and single-cell placement, or social distancing, may be accomplished.” *Id.* at 28a. The injunction does not order release of any prisoner to the public at large. *Id.*

4. Applicants appealed the preliminary injunction on April 27, and sought a stay pending appeal before the District Court on April 28, and sought the same relief before the Sixth Circuit on April 29. *See Stay Appl.* 14.

The Sixth Circuit denied a stay on May 4. *Stay Appl.* 1a. The court began by agreeing that Petitioners’ claims are properly brought in habeas. The District Court had found that nothing short of reducing the prison population could mitigate the risk of COVID-19. The Sixth Circuit explained that “[w]here a petitioner claims no

set of conditions would be constitutionally sufficient, [it] construe[s] the petitioner’s claim as challenging the fact of the confinement.” Gov. App. 3a. This “forecloses any argument that the PLRA applies given its express exclusion of ‘habeas corpus proceedings challenging the fact or duration of confinement in prison’ from its ambit.” *Id.* (quoting 18 U.S.C. § 3626(g)(2)).

The court then concluded that the District Court had not “abused its discretion” in weighing the factors that govern the availability of preliminary injunctive relief. *Id.* at 3a. It noted that the COVID-19 infection was “rampant among inmates and staff,” that the rate of infection was higher at Elkton than other BOP facilities, and that Applicants “lack adequate tests to determine if inmates have COVID-19.” *Id.* at 4a. Based on the “limited evidentiary record” at this preliminary stage, “at this juncture and given [the] deferential standard of review on motions to stay,” the court found that the District Court’s findings were proper.

The Sixth Circuit found that Applicants had not sought to appeal the conditional class certification and that their “perfunctory” claim in passing that it was improper was forfeited for failure to develop the argument. Gov. App. 4a (internal quotation marks omitted).

As to the equities, the court noted that Applicants had argued only that compliance with the order would take up BOP resources. But “money, time and energy necessarily expended in the absence of a stay are not enough” to establish irreparable harm. *Id.* at 4a–5a (internal quotation marks omitted). And the District Court’s April 22 order had given Applicants two weeks to evaluate the subclass for

eligibility for release. “Assuming [Applicants] have been complying * * * their time to comply [wa]s about to expire, rendering any remaining harm slight.” *Id.*¹¹

After the stay was denied, Applicants sought and received expedited briefing before the Sixth Circuit.¹² Applicants filed their opening brief one week ago, on May 15. Petitioners’ response brief is due on May 29, one week from today. And Applicants’ reply brief is due three days later on June 1. Cir.Ct. ECF No. 24.

5. Although Applicants did not secure a stay, they did not promptly seek a stay from this Court. Instead, in the four weeks since the April 22 preliminary injunction order, Applicants “have made limited efforts to reduce the COVID-19 risks for subclass members within the prison.” Enforcement Order, Gov. App. 43a. Applicants report that only 524 COVID-19 tests have been run, meaning that nearly 80 percent of the population has not been tested at all.¹³ *Id.* Applicants have results for only 230 of those tests, with 55 prisoners testing positive—24%. *Id.* Applicants are running tests only two days a week, Monday and Tuesday. *Id.* “Presumably, the results do not include the inmates who had previously tested positive.” *Id.*

The active cases Applicants reported as of May 19, confirmed that the COVID risks at Elkton remain high. They reported 135 active cases among inmates, and 8

¹¹ On May 8, the District Court entered an order denying a stay, explaining that the Sixth Circuit’s ruling was law of the case and that, even if it were not, Applicants had not met their burden to show a stay was warranted. Gov. App. 31a.

¹² Applicants did not mention any forthcoming stay application to this Court in that motion.

¹³ This number would represent 22% of the Elkton population, on the unlikely assumption that no inmate has been tested twice. Enforcement Order, Gov. App. 43a.

active cases among staff members. *See id.* at 44a.¹⁴ The actual numbers are certainly much higher, given the failure to test the vast majority of the inmates. *See id.*

On the metric that matters—social distancing—Applicants have made no progress whatsoever. They had identified 837 inmates as being over 65 years old or as having health conditions making them especially vulnerable to COVID-19 and thus falling within the medically vulnerable subclass. *Id.* at 45a. Of those, *five* prisoners were “pending home community confinement placement,” and Applicants had deemed six others to “maybe” qualify for such release. *Id.* at 45a (internal alteration and quotation marks omitted). None were deemed eligible for furlough transfer. *See id.*

All of this means that, to date, despite ongoing community spread of COVID-19, and over 800 vulnerable inmates, Applicants “have not identified any inmates whose confinement has actually been enlarged as a consequence of the preliminary injunction.” *Id.*

To address this noncompliance, Petitioners moved to enforce the April 22 preliminary injunction order. D.Ct. ECF 51. The District Court held a hearing shortly after, during which Applicants conceded that they were deeming whole categories of prisoners categorically ineligible for relief. *See* May 14 Tr. at 4–5 (“the nature of the offense and the security level that are the two primary disqualifying factors under home confinement”); *id.* at 26 (stating that Applicants were not giving “the

¹⁴ As the court noted, Applicants had previously stated that as of May 8, 130 inmates and 50 staff members had tested positive. Gov. App. 44a.

justification for disqualifying somebody” for compassionate release and so the court could not determine whether the denials represented compliance with the injunction). In the meantime, Applicants had produced spreadsheets cataloguing their bases for denying each subclass member for home confinement and compassionate release, confirming their practice of categorical exclusions. *See App., infra*, 61a-99a.

Granting the motion to enforce, the District Court concluded that the Government’s actions since April 22 “do not comply” with the preliminary injunction. Gov. App. 45a; *see also* Gov. App. 30a (“Respondents have failed to comply with the preliminary injunction.”).

Finding that Applicants had been “thumbing their nose at their authority to authorize home confinement,” the District Court again ordered them “to make full use of the home confinement authority.” *Id.* at 48a. This time, based on data the Applicants provided, the Court identified criteria that Applicants appeared to be using unjustifiably as categorical bars to relief. *See id.* For example, it appeared that any recent incident report was a disqualifier, and so the court ordered Applicants to eliminate that categorical disqualifier for “any incident reports at the low or moderate severity levels (300 or 400 levels).” *Id.*; *see also* D.Ct. ECF No. 80-1 (memo from H. Hurwitz, Assistant Director Reentry Services Division) (“Inmates who have received a 300 or 400 series incident report in the past 12 months may be referred for placement on Home Confinement.”). A 300-series incident includes, for example, “[b]eing unsanitary or untidy,” “[i]nsolence towards a staff member,” “[p]articipating in an unauthorized meeting,” “[p]ossession of money or currency unless specifically

authorized,” and “[c]irculating a petition.” 28 C.F.R. § 541.1 A 400-series incident includes, for example, “[f]eigning illness” and “[u]sing obscene language.” *Id.* In Applicants’ view, each of these was a breach worthy of denying a move to safety through home confinement.

Similarly, it appeared that having a certain proportion of time remaining on a sentence was a disqualifier, and so the court ordered Applicants to eliminate that categorical disqualifier as well. *Id.* None of these disqualifications are statutorily based following enactment of the CARES Act, *see* Pub. L. No. 116-136, § 12003(b)(2) (2020), which, now that it has been “activated” by Attorney General Barr, authorizes home confinement in *any* case. Rather, they were simply imposed by the Government unilaterally. The District Court simply concluded that, when weighted against the risk of COVID-19, these considerations were not sufficient excuses to refuse to transfer an inmate, and so it required the Government to reevaluate the inmates without using these criteria as categorical bars.

As with the preliminary injunction order, the District Court proceeded cautiously. While Applicants may not deem prisoners within the subclass categorically ineligible for home confinement based on certain identified criteria that the Court found unjustified in the face of COVID-19’s risks, they may still conclude that a prisoner “does not meet the home confinement requirements.” *Id.* 48a. Applicants were ordered to conduct this new review for at least a third of the subclass by the end of the day on May 21. Another third is due tomorrow.

The District Court followed a similar path for compassionate release. Applicants had denied prisoners within the subclass compassionate release with reasons such as “does not meet medical criteria’ or ‘COVID 19 only.” *Id.* 50a. The court ordered Applicants, by May 21, “to clarify these descriptions with individual explanations for each inmate.” *Id.* And it ordered Applicants to adjudicate subclass members’ applications for compassionate release within 7 days, to permit them to raise the motion with a court on a timely basis. *See id.*

For the remaining members of the subclass, the District Court again proceeded by asking Applicants to explain their inaction. Within seven days—by May 26—Applicants must show cause why any prisoner deemed ineligible for other forms of relief “cannot be transferred to another BOP facility where social distancing is possible.” *Id.*

The District Court did not in its initial injunction or its May 19 order require Applicants to release any particular prisoners, whether to home confinement, to furlough, to compassionate release, or to a transfer. Instead, both orders merely require the Government to identify its medically vulnerable inmates, evaluate them for particular forms of enlargement, and if they are ineligible for any other form of release, transfer them to a facility where they do not face the risk of COVID-19 that Elkton presents. The May 19 enforcement order simply directs Applicants to provide more information as to why, despite the April 22 preliminary injunction, no member of the subclass has received relief under that injunction. Put differently, the District

Court has simply sought more information so that it can evaluate compliance with its preliminary injunction.

6. Now, sixteen days after the Sixth Circuit declined to stay the preliminary injunction issued on April 22, Applicants filed this application asking this Court to do just that. The application contains no explanation for the delay between May 4, when the Sixth Circuit denied the stay, and now. What the application does say is that Applicants do not just seek a stay of the April 22 preliminary injunction order that they have appealed to the Sixth Circuit; they seek a stay of the May 19 order to enforce that injunction. Gov. App. 4 (claiming the need for a stay is “especially urgent” to address the May 19 order). Applicants have not sought a stay of that May 19 order before the District Court, nor have they sought a stay of that May 19 order before the Sixth Circuit. Applicants have not even appealed the May 19 order to the Sixth Circuit. Applicants ask this Court to address that order in the first instance.

ARGUMENT

The Government is not entitled to the extraordinary remedy of a stay from this Court. A stay pending appeal is available “only under extraordinary circumstances.” *Ruckelshaus v. Monsanto Co.*, 463 U.S. 1315, 1316 (1983) (Blackmun, J., in chambers). Accordingly, this Court “rarely grant[s]” a stay before the lower court has decided the merits. *INS v. Legalization Assistance Project*, 510 U.S. 1301, 1302 (1993) (O’Connor, J., in chambers).

Applicants seek a stay of the preliminary injunction not just pending appeal, but also pending any petition for certiorari to this Court. Stay Appl. 19. They must

show not just that they are likely to succeed before the Sixth Circuit, but also—if they do not—that four Justices are likely to grant certiorari, and that a majority of the Court will vote to reverse that judgment. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (pending an appeal); *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam) (pending a petition for certiorari). They must also show they are likely to suffer irreparable harm absent a stay and that the balance of the equities favor a stay. *See Nken*, 556 U.S. at 434; *Hollingsworth*, 558 U.S. at 190.

As the District Court and Sixth Circuit concluded, Applicants cannot show that these factors support the extraordinary remedy of a stay here. As to the likelihood of certiorari, this case does not implicate any split that warrants this Court’s review. As to the merits, Petitioners’ claims for enlargement are properly brought on habeas; the preliminary injunction record established deliberate indifference to the risks of COVID-19; and conditional certification of the medically vulnerable subclass was appropriate, and in any event, not appealed by the Government. The Government has not identified any actual harm from the preliminary injunction order itself, which is narrowly tailored to redress the constitutional violation while respecting prison officials’ discretion by giving them authority to decide how best to treat each at-risk prisoner. And the balance of the equities counsels strongly against the stay in light of the risk to the subclass, the risk to staff, and the possibility of community spread to the areas around Elkton where staff work if the situation at Elkton is not addressed promptly.

A stay is particularly unwarranted because it would effectively grant Applicants a victory on the merits and moot Petitioners' claims. The record makes clear that, without the preliminary injunction, Applicants will not release prisoners, social distancing will remain impossible, and the risks to the subclass of contracting COVID-19 at Elkton will persist. Once a subclass member contracts COVID-19, that cannot be undone.

I. THE GOVERNMENT SEEKS TO STAY AN ORDER IT HAS NOT APPEALED OR SOUGHT TO STAY BELOW.

The Government styles its application as seeking a stay of the April 22 preliminary injunction, but its real complaint lies with the May 19 enforcement order. *See, e.g.*, Stay Appl. 4, 6 (identifying the May 19 order as a reason it seeks relief); 36, 37 (referring to the May 19 order when discussing its burden to demonstrate irreparable harm). But any request to stay that order is not properly before this Court. The Government did not seek a stay of that order below; indeed, the Government has not even appealed that order.

As this Court has said time and again, it is a “court of review, not of first view.” *McLane Co. v. EEOC*, 137 S. Ct. 1159, 1170 (2017). That does not change when this Court hears a stay application. The rules are clear: “Except in the most extraordinary circumstances,” this Court will not entertain “an application for a stay * * * unless the relief requested was first sought in the appropriate court or courts below.” S. Ct. R. 23(3). The Government did not seek a stay of the May 19 order from either the District Court or from the Sixth Circuit. Yet it does not acknowledge this rule, much less explain the decision not to comply with it.

Stranger still, the Government claims this Court’s intervention is “made especially urgent” because of the May 19 order, but it has not *appealed* that order. It has not filed a notice of appeal. And it has not moved to amend its notice to appeal the April 22 preliminary injunction order, which was filed on April 27. The Government thus seeks a stay pending appeal—and potentially a petition for certiorari—of an order that it has not appealed.

This case proves the value of this Court’s rule. The Government’s application, filed the day after the May 19 order, gets the details wrong. The Government claims, for example, that the May 19 order “revised” guidance from the Attorney General and BOP. Stay Appl. 36. But it did no such thing. As the order acknowledges, the Attorney General’s March 26 memo outlined a “non-exhaustive list of discretionary factors” to consider when evaluating a prisoner’s eligibility for home confinement. Gov. App. 47a, *id.* at 42a-53a. The memo directed BOP to consider “the totality of the circumstances.” *Id.* But after reviewing the Government’s submissions outlining why it had denied all but a handful of prisoners home confinement, the District Court determined that the Government was—for prisoners in the medically vulnerable subclass—denying home confinement by treating certain factors as dispositive. Gov. App. 48a. And so it ordered the Government to do what the Attorney General had said it should, to evaluate prisoners’ eligibility without the use of categorical disqualifications. *Id.* In the normal course, a lower court would be able to sort through these misstatements and present this Court with a clean picture of what happened below. To grant the Government relief on an emergency basis without the benefit of some screen to ensure

an accurate view of the record risks granting a stay where one is not warranted and where doing so puts Petitioners at serious risk of harm. And where, as here, neither the April 22 or May 19 orders directs release of anyone, there is no warrant for the extraordinary intervention of a stay.

II. THIS COURT IS UNLIKELY TO GRANT REVIEW AND REVERSE.

It is doubtful that the Court will grant review in this case. Applicants claim that this case implicates two splits among the lower courts. It does not. Applicants first claim that courts are divided over the question whether a prisoner may challenge a condition of confinement via habeas under Section 2241. Stay Appl. 20a. But as the District Court and the Sixth Circuit held, Petitioners here seek to be removed from Elkton, as it is the only remedy available for the Eighth Amendment violation they have identified. In any event, the Government itself has told this Court in other cases that the split it now claims is not a genuine split. And Applicants' description of the second alleged split speaks for itself. A "burgeoning disagreement" among a handful of lower courts, mostly district courts, addressing an evolving pandemic is not a split, and different outcomes in applying the same "appropriate standards" for issuing an injunction to address COVID-19 at detention facilities with widely disparate circumstances is precisely the kind of context-specific, fact-bound question that does not warrant this Court's review.

Further, if the Court does grant review, it is unlikely to vacate the injunction. Petitioners' claims for enlargement are properly brought on habeas. And the preliminary injunction record established Applicants' deliberate indifference to the

risks of COVID-19, an Eighth Amendment violation that can be redressed only by enlargement.

A. This Case Does Not Present A Question Worthy Of Review.

1. Applicants claim that this case implicates a split among the courts of appeals over whether a prisoner may challenge a condition of confinement in a habeas petition under Section 2241. Stay Appl. 20. But that argument fails for two reasons. First, as the courts below recognized, the only remedy available to remedy the constitutional violation here, given the physical circumstances at Elkton, is enlargement, a traditional form of habeas relief. Accordingly, the courts below did not rule on whether habeas is an appropriate vehicle to challenge conditions of confinement; they held that this petition sought a form of release, not a change in the conditions of confinement. Moreover, as the Government itself has previously argued in opposing writs of certiorari raising the issue, none of the cases in this alleged split resemble each other, much less this one.

There is no disagreement on the basic rule. In *Preiser v. Rodriguez*, this Court explained that cases at the “heart of habeas corpus”—where a prisoner is “challenging the fact or duration of his physical confinement itself”—must be brought in habeas. 411 U.S. 475, 498 (1973). It left open the question of what additional cases could be brought in habeas. *See id.* at 499 (“This is not to say that habeas corpus may not also be available to challenge * * * prison conditions.”). The courts of appeals—all of the courts in the Applicants’ alleged split—have developed a consistent shorthand for this principle. Challenges to the fact or duration of confinement that seek release are for

habeas; actions that seek to reform the conditions of confinement are for Section 1983. *See, e.g., Aamer v. Obama*, 742 F.3d 1023, 1030 (D.C. Cir. 2014) (“[P]etitioners challenge neither the fact nor the duration of their detention, claims that would lie at the heart of habeas corpus. Instead, they attack the conditions of their confinement, asserting that their treatment while in custody renders that custody illegal—claims that state and federal prisoners might typically raise in federal court pursuant to 42 U.S.C. § 1983 * * * .” (citation omitted)); *Glaus v. Anderson*, 408 F.3d 382, 388 (7th Cir. 2005) (similar); *Boutwell v. Keating*, 399 F.3d 1203, 1209 (10th Cir. 2005) (similar); *Williams v. Hopkins*, 130 F.3d 333, 335 (8th Cir. 1997) (similar); *Moorish Sci. Temple of Am., Inc. v. Smith*, 693 F.2d 987, 989 (2d Cir. 1982) (similar); *Jamieson v. Robinson*, 641 F.2d 138, 141 (3d Cir. 1981) (similar).

Thus, there is broad agreement, not a split, on the rule. Nor can the Government identify any disagreement on how that rule should apply here. As the Sixth Circuit held, where, as here, “a petitioner claims no set of conditions would be constitutionally sufficient,” it deems “petitioner’s claim as challenging the fact of the confinement.” Gov. App. 3a. And all courts agree that a challenge to the fact of confinement is proper in habeas.

None of the cases that make up the alleged split resemble this one. In two, the prisoner challenged a transfer to a more restrictive setting. *See Cardona v. Bledsoe*, 681 F.3d 533, 534 (3d Cir.), *cert. denied*, 568 U.S. 1077 (2012) (petitioner argued that the BOP had “illegally referred him to the Special Management Unit * * * of the penitentiary * * * as punishment for filing numerous lawsuits against the BOP);

Palma-Salazar v. Davis, 677 F.3d 1031, 1035-1038 (10th Cir. 2012) (prisoner challenged a “garden variety prison placement”). In another, a prisoner was denied medical treatment and sought a transfer to obtain that treatment. *See Glaus*, 408 F.3d at 388 (prisoner “requested transfer to a prison medical facility for a new course of Peg–Interferon or * * * release to the community” to “receive treatment from a local Veterans Affairs hospital”). And the others involved allegations of mistreatment. *See Spencer v. Haynes*, 774 F.3d 467, 469 (8th Cir. 2014) (allegation of being placed in four-point restraints an extended period of time); *Aamer*, 742 F.3d at 1026–27 (challenge by Guantanamo detainees to the policy of force feeding inmates on hungry strikes); *Thompson v. Choinski*, 525 F.3d 205, 209 (2d Cir. 2008), cert. denied, 555 U.S. 1118 (2009) (challenge to being denied kosher food and access to the prison library). None of these cases even resembles this one, much less conflicts with it.

And even on its own terms, the Government overstates the split. As it has previously represented to this Court, (but conveniently fails to say here), the Second Circuit’s discussion of this issue was in *dicta* only. *See Thompson*, 525 F.3d at 209 (“we need not rest on this ground to conclude that the district court erred in dismissing these claims”); Br. in Opp. at 9, *Robinson v. Sherrod*, 565 U.S. 941 (2011) (cert. denied). And the only other court it cites as on the Second Circuit side of the “split,” the D.C. Circuit, has described the distinction between “a place of confinement claim” and “a conditions of confinement claim” as “largely illusory,” indicating its disagreement with formalistic labels rather than with the outcomes reached by other courts. *See Aamer*, 742 F.3d at 1035.

Even if this split were implicated, this case would not be the vehicle to address it. The line between a challenge to the fact or duration of confinement and a challenge to the conditions of confinement is “hazy.” *Cardona*, 681 F.3d at 536 (internal quotation marks omitted). This Court has declined to address it several times over. *See, e.g., Preiser*, 411 U.S. at 499 (leaving open the contours of habeas relief); *Bell v. Wolfish*, 441 U.S. 520, 527 n.6 (1979) (leaving “to another day the question of the propriety of using a writ of habeas corpus to obtain review of the conditions of confinement”); *Boumediene v. Bush*, 553 U.S. 723, 792 (2008) (“we need not discuss the reach of the writ with respect to claims of unlawful conditions of treatment or confinement.”). A preliminary injunction addressing a unique and evolving pandemic is not a suitable vehicle to address this question. “The Court has denied certiorari to multiple petitions raising th[is] issue * * * and it should follow the same course here.” Gov’t Br. in Opp. at 12, *Rodriguez v. Ratledge*, 139 S. Ct. 77 (2018) (citing *Robinson* and *Stanko v. Quay*, 562 U.S. 844 (2010) (No. 09-10182)).

2. The Government’s second proposed split is not a split of any kind. It claims there is a “burgeoning disagreement” in the circuits over the “appropriate standards for issuing an injunction against the administrators of a detention facility based on allegedly unconstitutional conditions created by COVID-19.” Stay Appl. 21. By its own words, there is not yet a split for this Court to resolve. That is hardly surprising, given that COVID-19 is a recent phenomenon in the nation and its prisons, making the claim that a clear split in the circuits has already developed wholly unfounded.

In fact, each case the Government points to applied the traditional injunction and stay factors to the case before it. *See, e.g., Valentine v. Collier*, 956 F.3d 797, 801 (5th Cir. 2020) (“When considering a stay, a court considers four factors * * * .” (internal quotation marks omitted)); *Swain v. Junior*, No. 20-11622-C, 2020 WL 2161317, at *3 (11th Cir. May 5, 2020) (“A court considering whether to issue a stay considers four factors * * * .” (internal quotation marks omitted)).¹⁵ The Sixth Circuit did too. Gov. App. 2a (“We balance four factors * * * .”). There is thus no disagreement among the courts about the “appropriate standards” for issuing an injunction or stay. The fact that different courts reached different results applying the same standard to different claims and circumstances is not a split.

Each case the Government points to is different from this one, and from the others. As for the Fifth Circuit, the plaintiffs sought increased safety measures at a prison, and the district court granted them that relief. *See Valentine*, 956 F.3d at 799–800 (stating that the injunction required the defendants to clean the facility, to provide plaintiffs with protective equipment, and to prohibit new prisoners during the pandemic, among others). The Eleventh Circuit faced a similar preliminary injunction. *See Swain*, 2020 WL 2161317, at *2–*3 (stating that the injunction

¹⁵ The Ninth Circuit’s one-paragraph order granting a stay pending appeal in part and denying it in part did not discuss this standard, though there is no indication it did not apply the traditional standard, nor does the Government claim otherwise. *See Roman v. Wolf*, No. 20-55436, 2020 WL 2188048, at *1 (9th Cir. May 5, 2020) (declining to lift the preliminary injunction “to the extent” it “requires substantial compliance with [CDC] guidelines * * * for correctional and detention facilities”); *see also Doe #1 v. Trump*, 957 F.3d 1050 (9th Cir. 2020) (“we apply the familiar standard set forth by the Supreme Court in *Nken* * * * .”).

required prison staff to “wear personal protective equipment” and “wash their hands” and that prisoners be provided with “face masks”). Petitioners here—whose claims in contrast are in habeas—do not seek any of that relief. The weighing of the equities in these cases has no bearing on, much less conflicts with, the Sixth Circuit’s decision here.

B. A Habeas Petition Is The Proper Vehicle For Petitioners’ Claims.

In any event, the courts below properly exercised habeas jurisdiction in this case, because, as noted above, the only relief available is a form of release. And for the same reason, the Prison Litigation Reform Act, which does not apply to habeas petitions, is inapplicable here.

“Habeas is at its core a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Hamama v. Adducci*, 912 F.3d 869, 875 (6th Cir. 2018) (“The traditional remedy provided by habeas is ‘removing the injury of unjust and illegal confinement.’” (quoting 3 William Blackstone, Commentaries on the Laws of England 137 (1768))). It allows prisoners to challenge “the fact or duration of [their] confinement.” *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005).

The Great Writ is provided by the Constitution, 28 U.S.C. § 2241, and the common law. Although limits have been placed on habeas corpus in the context of reviewing state detention, *see, e.g.*, 28 U.S.C. § 2254, statutory authority to review detention by the Executive Branch of the United States remains substantively unchanged by Congress for more than 150 years. The language broadly provides a remedy to a person “in custody in violation of the Constitution or laws or treaties of

the United States.” 28 U.S.C. § 2241. As the Supreme Court has noted: “This legislation is of the most comprehensive character. It brings within the habeas corpus jurisdiction of every court and of every judge every possible case of privation of liberty contrary to the national constitution, treaties, or laws. It is impossible to widen this jurisdiction.” *Ex parte Burrus*, 136 U.S. 586, 592 (1890) (quotation omitted). This is by design: “The terms in which [this provision] was described by its proponent, Representative Lawrence of Ohio, leave little doubt of the breadth of its intended scope: ‘the effect of * * * (bill No. 605) is to enlarge the privilege of the writ of hobeas (sic) corpus, and make the jurisdiction of the courts and judges of the United States coextensive with all the powers that can be conferred upon them. It is a bill of the largest liberty.’” *Fay v. Noia*, 372 U.S. 391, 417 (1963) (quoting Cong. Globe, 39th Cong., 1st Sess. 4151 (1866)), abrogated by *Wainwright v. Sykes*, 433 U.S. 72 (1977), and *Coleman v. Thompson*, 501 U.S. 722 (1991)).

Applicants point to no holding of this Court or any other that precludes habeas in this case. While holding that, in some circumstances, the availability of habeas precludes relief under Section 1983, this Court has repeatedly declined to impose rigid limits on the use of habeas. *E.g.*, *Boumediene v. Bush*, 553 U.S. 723, 792 (2008) (“we need not discuss the reach of the writ with respect to claims of unlawful conditions of treatment or confinement.”); *Bell v. Wolfish*, 441 U.S. 520, 527 n.6 (1979) (leaving “to another day the question of the propriety of using a writ of habeas corpus to obtain review of the conditions of confinement”); Vikram David Amar, *Grounds for Writ—In General*, 17B Fed. Prac. & Proc. Juris. § 4263 (3d ed.) (“[Habeas] may be

used to challenge the conditions under which the prisoner is confined, although a civil rights action under 42 U.S.C. § 1983 is also available as a remedy in many of those cases”). To the contrary, as noted above, this Court and the universal consensus among the courts of appeals recognize that habeas is an appropriate vehicle when the relief being sought would alter the fact or duration of confinement. *See, e.g., Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) (holding that when “victory on [the prisoner’s] claims will lead to speedier release from prison,” the case “attack[ed] the *duration* of their confinement; hence, such a claim may only be brought through a habeas corpus action.” (quotation in original)).

The Government seeks to cloud this straightforward theory of the case by seizing on any use of the word “conditions” to characterize this lawsuit as one seeking to alter the “conditions of confinement.” Stay Appl. at 27. Yet Petitioners have stated plainly from the outset of this action that they are challenging the “fact or duration of [their] confinement,” *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005), precisely because in this extraordinary moment, no set of conditions available at Elkton would be constitutionally sufficient. *See* Gov. App. 66a-71a, ¶ 35 (“there is no realistic set of internal conditions or practices that FBOP can use that will prevent additional infections”), ¶¶ 36–46 (social distancing is impossible); Gov. App. 81a, ¶ 71 (“expedited release * * * is needed not only to prevent irreparable harm to members of the medically-vulnerable subclass, but also to * * * ensure proper social distancing to reduce transmission for all class members, staff, and the wider public”). As the Sixth Circuit reasoned, “[w]here a petitioner claims no set of conditions would be

constitutionally sufficient, we construe the petitioner’s claim as challenging the fact of the confinement.” Gov. App. 3a; *see also* Gov. App. 15a-18a (limiting injunctive relief to only those claims where Petitioners seek enlargement rather than “alteration to the confinement conditions”).

Contrary to the Government’s protestations, habeas is a flexible remedy that easily encompasses the interim relief provided by the District Court. *See* 28 U.S.C. § 2243 (“The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”). Sometimes described as “enlargement,” release on recognizance, bail, or other, altered custodial status is a long recognized temporary remedy available to courts exercising habeas jurisdiction. *See, e.g., Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001) (“federal courts have inherent power to release on bail a habeas petitioner who challenges his detention”); *Gomez v. United States*, 899 F.2d 1124, 1125 (11th Cir. 1990); *United States v. Perkins*, 53 F. App’x 667, 669 (4th Cir. 2002); *Landano v. Rafferty*, 970 F.2d 1230, 1239 (3d Cir. 1992); *see also* Declaration of Professor Judith Resnik Regarding Provisional Remedies for Detained Individuals at 8, *Money v. Jeffreys*, No. 1:20-cv-02094 (N.D. Ill. Apr. 4, 2020), D.Ct. ECF No. 24-3. Numerous district courts have concluded that an enlargement remedy is appropriate given the peculiar dangers of COVID-19. *See, e.g., Martinez-Brooks v. Easter*, No. 3:20-CV-00569 (MPS), 2020 WL 2405350 (D. Conn. May 12, 2020) (“Petitioners do not seek release from custody. Instead, they seek (among other relief) enlargement to home confinement”) (cleaned up); *Chavez Garcia v. Acuff*, No. 20-CV-357-NJR, 2020 WL 1987311 (S.D. Ill. Apr. 27, 2020) (“[T]he Court exercises its

inherent authority in habeas corpus and under Federal Rule of Civil Procedure 65(b) to grant Petitioner Alfredo Chavez Garcia bail pending the resolution of his Petition for Writ of Habeas Corpus.”).

The government’s invocation of the PLRA does not change the analysis. By its own terms, the PLRA does not apply here. 18 U.S.C. § 3626(g)(2) (noting PLRA limits do not apply to “habeas corpus proceedings challenging the fact or duration of confinement in prison”). Even were it otherwise, the Government’s argument that the PLRA’s requirements are not met here would fail. See Stay Appl. at 27-28. Principally, the Government argues that the District Court must extend the injunction “no further than necessary to correct the harm” in question. *Id.* (quoting 18 U.S.C. § 3626(a)(2)). Yet the preliminary injunction at issue reflects just such a limitation. The District Court sharply limited Petitioners’ claims, providing relief only for a medically-vulnerable subset of the larger class. See Gov. App. 17a–18a. It declined to provide in its initial order the requested oversight of a public health expert. *Id.* It restricted the scope of the medically-vulnerable class to match CDC guidance. Gov. App. 19a. And its April 22 preliminary injunction provided only that the Government must identify and review each subclass member’s eligibility for various mechanisms of transfer—many of which, as the District Court knew, the Government was already under instruction to evaluate “immediately” and “with dispatch” by the Attorney General. See Gov. App. 27a; App., *infra*, 54a-56a. Any more circumscribed order would have failed to address the core constitutional injury. And that April 22 injunction is the only one properly before the Court.

Moreover, it was only when the Government failed to comply even with the limited April 22 order—by refusing to conduct good-faith evaluations for home confinement, compassionate release, or institutional transfer “[a]gainst a backdrop where approximately one out of every four Elkton inmates have tested positive for COVID-19,” and where the death toll had tripled since the case was filed—that the District Court took further steps to reconcile the Government’s home confinement evaluation criteria with its constitutional obligations. Gov. App. 46a–48a. Indeed, contrary to the Government’s bald assertion (at 28) that “its policies have appropriately mitigated the risk of COVID-19,” the District Court observed that active COVID-19 cases had increased in the week prior to its May 19 order, that 24% of COVID-19 tests were positive, and that since testing was being done in batches within partitioned housing units, further spread was likely to be observed. See Gov. App. 43a-44a. Thus, even if the May 19 order were properly before this Court, nothing about that order is inconsistent with § 3626(b)(2); quite the opposite.

C. Elkton Prisoners Face An Unconstitutional Risk From COVID-19.

The Court of Appeals correctly found that the District Court did not abuse its discretion in concluding that Petitioners are likely to prevail on their Eighth Amendment claim. By forcing prisoners to live in overcrowded congregate living spaces and refusing to take available steps to meaningfully reduce that risk, the Government is continuing to confine prisoners at Elkton in a manner that poses a known, heightened risk of infection suffering and death from COVID-19.

COVID-19 poses a particularly acute danger at Elkton, where prisoners are forced to live in a single dormitory room along with approximately 150 other people. *See Gov. App.* 12a. The Government has limited the ability of Petitioners to maintain adequate distance from each other, requiring them to sleep, eat, and live, just a few feet from other potentially contagious prisoners. *Id.* The District Court had more than ample facts in front of it to make this determination—as did the prison itself. *See App., infra*, 24a, ¶¶ 4–5 (“keeping our distance is impossible,” and “[w]hen it’s time to eat * * * [w]e have to wait in a line where we’re bunch up right behind each other”); 29a, ¶ 6 (“The racks are 2-3 to a cell” in housing areas, and “[w]hen we go to eat * * * [w]e walk there at our own risk with no spacing”); 36a, ¶¶ 3–4 (“In the cubes, the person on the other side sleeps above where you read. In the TV rooms, the tables are right on top of each other. We’re about 2 feet away from each other where we sleep. * * * The phones are on top of each other too”); 45a, ¶ 6 (“We’re piled on top of each other and left to fend for ourselves.”); 49a-50a, ¶¶ 4–6 (We’re overcrowded like cattle,” and “when we go to eat[,] [i]t’s a stampede of people trying to get through a 4-6 foot wide door. Social distancing is out the window.”).

Despite knowing that this arrangement puts everyone at heightened risk of infection, the Government has refused to lower the risk by moving appropriate individuals to available safer locations. The Eighth Amendment prohibits the unnecessary exposure to a heightened risk of infection, and as both the District Court and the Sixth Circuit recognized, Petitioners are likely to prevail on their argument

that this risk is objectively serious, and that the Government subjectively knew of this risk yet refused to take reasonable steps to reduce it.

The objective prong of the Eighth Amendment is met when a prisoner “is incarcerated under conditions posing a substantial risk of serious harm,” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994), including when prisoners are exposed to a substantial risk of infection. *Helling v. McKinney*, 509 U.S. 25, 33 (1993) (“crowd[ing] [prisoners] into cells [where] some of them had infectious maladies such as hepatitis and venereal disease[] was one of the prison conditions for which the Eighth Amendment required a remedy” (citing *Hutto v. Finney*, 437 U.S. 678, 682 (1978))). The threat of COVID-19 in Elkton easily clears this bar. It kills slowly and painfully, after weeks of hospitalization, as the patient struggles to breathe. Since this case was filed, it has claimed the lives of 6 additional prisoners at Elkton. Even those who survive it can face significant suffering and permanent organ damage. This “physical torture or a lingering death [were] the evils of most immediate concern to the drafters of the Amendment.” *Estelle v. Gamble*, 429 U.S. 97 (1976) (quotation omitted). The Government “acknowledges that COVID-19 poses significant health risks” Br. At 30, but argues that it shouldn’t matter because these “risks confront[] not only prisoners but law abiding citizens nationwide.” That is a non sequitur.

First, the uncontested evidence before the District Court established that prisons such as Elkton are uniquely dangerous places during the COVID-19 pandemic. *See* App., *infra*, 2a-6a, ¶¶ 4–11; *See* also App., *infra*, 54a-56a (noting the high infection rate at Elkton). Second, having imposed “limitations * * * on

[prisoners'] freedom to act on [their] own behalf," *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 200 (1989), prisons may not disregard a potential harm simply because it exists outside of prison walls as well as within. For example, risk of sexual assault, *Farmer*, 511 U.S. at 834, harm from secondhand smoke, *Helling v. McKinney*, 509 U.S. 25, 33 (1993), and serious medical conditions, *Estelle v. Gamble*, 429 U.S. 97 (1976), are not dangers unique to prisons, but the Eighth Amendment still requires prisons to address them. By forcing Petitioners to live in close quarters with 150 other people, and preventing them from maintaining a safe distance from others, the Government has deprived them of any chance to comply with the directives from the CDC, the State of Ohio, and uniform public health guidance.

The Government fares no better on the subjective prong, which requires only a showing of "consciousness of a risk." *Farmer*, 511 U.S. at 840. The Government concedes it is aware of the risk COVID-19 poses, but claims the steps it has taken absolve it from Eighth Amendment liability. There is conflicting evidence as to whether the Government has, in fact, taken the steps that they claim, *see* Declarations, App., *infra*, 21a-51a, but even treating their assertions as true, they are manifestly insufficient. For example, even if masks and soap were provided to prisoners, the risk of infection remains extremely high. Asymptomatic but contagious prisoners mingle in close settings with 150 others in a single dormitory room. *See* Gov. App. 43a-45a. Prisoners are forced to sleep, eat, and live within a few feet of others, or less. These are dangerous conditions, and given the overwhelming medical evidence and the rising infections and death toll at Elkton, there is no serious

contention that the Government was unaware of these risks. *See Helling v. McKinney*, 509 U.S. 25, 34 (1993) (citing approvingly a case that “held that inmates were entitled to relief under the Eighth Amendment when they proved threats to personal safety from exposed electrical wiring, deficient firefighting measures, and the mingling of inmates with serious contagious diseases with other prison inmates.”).

Indeed, the Attorney General himself specifically recognized the risks posed by COVID-19 to prisoners at Elkton and the inadequacy of existing measures. App., *infra*, 52a (noting that many prisoners “might be safer serving their sentences in home confinement,” and that this “might be more effective in protecting their health”); App., *infra*, 54a (noting the outbreak at Elkton). Thus, he directed Petitioners to “immediately maximize” movement of at-risk prisoners out of Elkton to safer locations. App., *infra*, 52a; see also *id.* (in light of “significant levels of infection” at Elkton, “We have to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates”). Yet the Bureau of Prisons disregarded the risk that the Attorney General noted, and did not take meaningful steps to move prisoners to safety. The existence of these “obvious, easy alternatives” suggest that the Government’s response “is not reasonable.” *Turner v. Safley*, 482 U.S. 78, 90 (1987).

The Government asks the Court to excuse its failure to take available action despite knowing the risk because “[n]othing suggests that officials subjectively believed their extensive efforts, which track the CDC’s guidance, were not a reasonable and appropriate response to the threat posed by COVID-19.” Stay Appl.

34. This standard appears nowhere in Supreme Court cases. The question under deliberate indifference is whether government officials acted reasonably to respond to known risks, not whether they “subjectively believed” that their response was reasonable. In any event, it beggars belief that officials “subjectively believed” that their response has been appropriate. *See* Gov. App. 44a-45a (“In considering the adequacy of Respondent’s compliance, context is important. * * * Respondents have made only minimal effort to get at-risk inmates out of harm’s way.”); *see also id.* at 43a-44a (noting rising numbers of infected in recent weeks, and that “so far the data demonstrates that almost one in four inmates at Elkton has been infected—an unacceptable number.”).

Although this Court’s review is limited to whether the District Court erred when it issued the preliminary injunction based on the evidence before it on April 22, developments since the injunction underscore the Government’s gratuitous exposure of prisoners to needless risks. *See Farmer v. Brennan*, 511 U.S. 825, 846 (1994) (“[P]rison officials who state during the litigation that they will not take reasonable measures to abate an intolerable risk of which they are aware” may not “claim to be subjectively blameless for purposes of the Eighth Amendment”). The preliminary injunction was issued a month ago, and the Sixth Circuit denied a stay two weeks ago. Yet, as the District Court has twice noted, the Government has failed to comply with the preliminary injunction during that time. *See* Order Denying Stay, D.Ct. ECF No. 57 at 2 (“Respondents have failed to comply with the preliminary injunction.”); Order to Enforce at 4 (The Government’s acts “do not comply with this Courts’

previous Order [granting the preliminary injunction].”). Indeed, as the District Court found, government officials have “thumb[ed] their nose at their authority to authorize home confinement,” an option specifically directed by both the Attorney General. *Op. to Enforce* at 7. The continued refusal to respond to the known risk of infection, or even to comply with the preliminary injunction, underscores the Government’s deliberate indifference.

D. Conditional Certification Was Proper.

The Government also challenges the District Court’s granting relief on a classwide basis. The Court of Appeals declined to consider the argument because the Government did not appeal the class certification and referenced it in its motion to stay only “in a perfunctory manner, unaccompanied by some effort at developed argumentation.” *Gov. App.* 4a (quoting *United States v. Sandridge*, 385 F.3d 1032, 1035 (6th Cir. 2004)); *see also United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020) (noting presumption that courts should only reach issues raised by parties). Having failed to preserve this issue when seeking a stay before the Court of Appeals, the Petitioners should not be permitted to raise it here.

In any event, there is no basis for the objection. “[A] common use of Rule 23(b)(2) is in prisoner actions brought to challenge various practices or rules in the prisons on the ground that they violate the constitution.” *Wright & Miller* § 1776.1, 7AA Fed. Prac. & Proc. Civ. § 1776.1 (3d ed.). The Government has exposed the entire class to the same unnecessary risk, and the entire class will benefit if the preliminary injunction is upheld and that risk is mitigated. This is a straightforward application of Rule 23(b)(2). *Fed. R. Civ. P.* 23(b)(2) (“The party opposing the class has acted or

refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.”).

The Government resists this conclusion by arguing that each class member “presents a distinct risk profile for contracting COVID-19,” Stay Appl. At 39, but fails to explain whether any such variation is relevant to the legal claims. Under the Eighth Amendment, “it does not matter * * * whether a prisoner faces an excessive risk of attack for reasons personal to him or because all prisoners in his situation face such a risk.” *Farmer v. Brennan*, 511 U.S. 825, 843 (1994); *see also Helling v. McKinney*, 509 U.S. 25, 33 (1993) (exposure to infection violates the Eighth Amendment, “even though the possible infection might not affect all of those exposed.”). The commonality of the risk analysis for purposes of the Eighth Amendment makes this case particularly well suited for classwide resolution. Similarly, classwide relief is needed to reduce the collective risk common to all medically vulnerable prisoners. *See, e.g., Postawko v. Missouri Dep't of Corr.*, 910 F.3d 1030, 1038–39 (8th Cir. 2018) (“Plaintiffs assert that the failure of the Defendants to screen properly for a life-threatening disease and provide appropriate treatment exposes all inmates suffering from chronic HCV to the same unconstitutional injury ... Here the physical symptoms eventually suffered by each class member may vary, but the question asked by each class member is susceptible to common resolution.” (collecting cases)).

III. THE EQUITIES STRONGLY WEIGH AGAINST STAYING THE INJUNCTION.

A. Applicants Will Not Be Harmed If A Stay Is Denied.

As the party seeking a stay, the Government must show “a likelihood that ‘irreparable harm [will] result from the denial of the stay.’” *Conkright v. Frommert*, 556 U.S. 1401, 1402 (2009) (internal citation omitted). It has not.¹⁶

1. The Government complains of irreparable harm from what it characterizes (Stay Appl. at 35-36) as “release” of prisoners. But as noted above, the April 22 preliminary injunction orders no release, and nor does the May 19 order. Rather, the District Court ordered the Government to identify vulnerable individuals, *consider* whether they are eligible for home confinement, compassionate release, and if not, transfer them to a facility that would not pose the extreme risks that Elkton presents. The Government’s reliance on *Brown v. Plata*, 563 U.S. 493 (2011), is accordingly misplaced. *Brown* held that “mistaken or premature” release of a prisoner “can” cause injury and harm. *Brown*, 563 U.S. at 500-01 (2011). The District Court here ordered nothing of the kind. Gov. App. 15a (“Petitioners seek an ‘enlargement.’ Enlargement is not release * * * the BOP maintains custody over the

¹⁶ The Government incorrectly suggests that, for the purpose of weighing the equities, its interest and the public interest are the same. Stay Appl. 35. This statement misreads *Nken*. There, this Court held that “when the Government is the opposing party,” the harms to a government agency merge with the public interests. *Nken*, 556 U.S. at 435. That is because that posture implicates the public’s interest in “prompt execution” of valid orders, *id.* at 436, and “valid law[s],” *Planned Parenthood of Greater Texas Surgical Health Servs. v. Abbott*, 571 U.S. 1061, 1062 (2013). Here, the Government is *seeking* a stay, not opposing it. It must therefore show both that *it* will suffer an irreparable harm *and* that a stay is in the public’s interest.

defendant, but the place of custody is altered by the court.”); 26a (“it bears repeating that the Petitioners are not asking the Court to dump inmates out into the streets”); 27a (“the Court is not ordering the release of the prisoners. Instead, the inmates will remain in BOP custody, but the conditions of their confinement will be enlarged.”). Further, the District Court’s order leaves intact the Government’s discretion over whether a prisoner is to be moved to home confinement, and merely requires that BOP conduct a prioritized review “for transfer out of Elkton through any means,” to another BOP facility if no other mechanism is at hand. Gov. App. 27a–28a.

2. Any harm to the Government from effectuating enlargement is speculative. First, the Government’s repeated claim (*see, e.g.*, Stay Appl. at 36) that any transfer will risk spreading COVID-19 in violation of CDC guidance is baseless. The District Court’s order cautions BOP to comply with its own policy of a 14-day pre-transfer quarantine. *Id.* The Government gives no basis to conclude that post-quarantine transfer presents any risk. Further, it claims to have since acquired mass testing capability at Elkton, which could presumably expedite the process of assessing whether any potential for contagion even exists. *See* Gov. App. 150a. And the Government does not and could not contend that the CDC guidelines require BOP to keep medically vulnerable prisoners in conditions that put them at direct risk of COVID-19. Its guidance addresses transfers generally, and simply provides that “unnecessary” travel and routine shuffling of prisoners from place to place should be avoided. Stay Appl. at 36. It does not by any stretch counsel against transfer where, as here, it is the only way to protect a vulnerable individual from infection.

Second, the Government’s administrative burden in conducting life-saving transfers—its “extensive output of staff time and resources” (Stay Appl. at 37)—is not irreparable harm. *See Sampson v. Murray*, 415 U.S. 61, 90 (1974) (“Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough.”). The Government’s passing complaint (at 36–37) about the District Court “interjecting” itself into prison operations simply describes the role of a court in adjudicating a constitutional violation within a prison. *See Martinez-Brooks v. Easter*, No. 3:20-cv-00569 (MPS), 2020 WL 2405350, at *15 (D. Conn. May 12, 2020) (“to the extent there is any ambiguity about whether Section 3621(b) or any other statute bars judicial review of the [Government’s] failures to exercise their authority * * * I would construe it not to do so to avoid the constitutional question that would arise from a wholesale bar on judicial review in the circumstances of this case”). Indeed, had the BOP been following its own internal directives from the Attorney General, at least some parts of the April 22 order would not have been necessary. For example, Attorney General Barr had ordered federal prisons to “prioritize the use of your various statutory authorities to grant home confinement,” *see App., infra*, 52a, and had specifically singled out Elkton and two other COVID-19 hotspots to “move with dispatch” to “move vulnerable inmates out of” their institutions. *App., infra*, 56a.

Nor has the Government identified any other particular area of BOP activity that might suffer from the diversion of resources that complying with the District Court’s April 22 order might entail. Stay Appl. at 37. The record citations in its Stay

Application do not point to any concerns over lapses in security, loss of ability to perform basic daily activities, or anything of a similar nature—merely that “[s]ignificant work is needed” to comply with the District Court’s order. Gov. App. 129a, ¶ 48; *id.* at 132a–136a at ¶ 19 (explaining why compliance with the April 22 order, which the Government now claims it has done, was “impossible” and that a review would “take between 30-40 minutes per inmate on average”). It is not and cannot be the law that the resources necessary to comply with a life-saving court order constitute irreparable harm; yet stripped of its unfounded rhetoric, that is the core of the Government’s position here. *See* Stay Appl. 37.

In any event, the compliance period to expend those resources to conduct evaluations under the April 22 order has passed. The requirements of the May 19 order are not properly before this Court, but simply require more of the same. And, at the time of this filing, the Government is already approximately halfway through the six-day period for evaluations under the May 19 order. *See* Gov. App. 48a–49a.

3. The Government further argues that compliance with the District Court’s orders—evaluating Elkton prisoners in good faith for transfer, and for any deemed ineligible, stating the reason—will endanger the community. Stay Appl. 36. Because no one has been ordered released, this concern is entirely unfounded. Effectively, the Government claims the mantle of irreparable harm unless there can be a guarantee that no transferred prisoner will cause harm. It “might as well be arguing against the release of any inmate, at any time, for any reason, because even in the best of circumstances the country’s criminal system has no way, short of life

imprisonment, of ensuring former prisoners do not recidivate.” Gov. App. 25a. All Elkton prisoners are already housed in a *low-security* facility specifically identified by the Attorney General as suitable for “*immediately maximize[ing]*” transfers to home confinement. App., *infra*, 54a (emphasis added). Disregarding a prior violent offense, as the Government complains it has been instructed to do, *see* Stay Appl. 36, may simply mean considering home confinement for a prisoner who has a low recidivism risk, but committed a robbery 35 years ago. *See* App., *infra*, 62a (Government’s list of rationales for denial of home confinement) at Row 52.

B. A Stay Will Exacerbate The Threats To Prisoners And The Public.

In contrast to the lack of harm to the Government of keeping the preliminary injunction in place pending appeal, the harm to Petitioners and to the larger public interest are staggering. One in four prisoners at Elkton is testing positive for COVID-19, and for the medically vulnerable subclass the risks of COVID-19 are literally life threatening. If members of the subclass contract COVID-19 and suffer the complications their age and underlying health conditions put them at risk for, they will be irreparably harmed, not just from the trauma of fighting the disease but also, if they recover, from the lasting effects of the disease. These “relative harms” to the subclass as well as to the Elkton staff and community surrounding Elkton and to the public at large weigh heavily against a stay. *Conkright*, 556 U.S. at 1402.

1. The risk of harm to Petitioners is substantial in probability, devastating in character, and unavoidable by any course of action other than swift transfers. They face infection, severe illness, and a high risk of death after “agonizing days under

intensive care.” Gov. App. 26a. Even in the wider population, approximately one out of five COVID-19 patients require hospitalization.¹⁷ App., *infra*, 13a, ¶7. Among those who develop more serious disease, some 30% will progress to Acute Respiratory Distress Syndrome (ARDS), which in turn has a 30% mortality rate overall. *Id.* ¶ 8. The overall mortality rate rises with age, and surpasses 5% for those in the medically-vulnerable group. *Id.* The entire subclass in this action faces that risk.

That risk is omnipresent within Elkton. Though social distancing is the cornerstone of any effort to slow respiratory disease, *see* CDC Guidance, Gov. App. 204a, it is impossible to practice in the dormitory-style housing of Elkton. In every aspect of their daily lives, prisoners are “bunched up together * * * You can’t even walk around, much less maintain distance.” App., *infra*, 24a, ¶ 4; *see also* 29a ¶ 6; 32a, ¶3; 36a¶ 3; 40a, ¶4; 45a, ¶ 6; 49a, ¶4 (“there is no way in the world” to practice social distancing in “a 10,000 square foot warehouse” partitioned into open “cubes that measure 8 by 10 feet” for three men apiece). As the District Court has repeatedly found, distancing by enlargement is “the institution’s best hope,” Gov. App. 44a, with all other measures repeatedly proven to fail. Gov. App. 13a (“the education about hygiene and social distancing Respondents tout is only effective if the inmates have the supplies and physical space to put such knowledge into practice”).

People are continuing to die. When this action was filed in mid-April, three Elkton prisoners had died. Gov. App. 54a. Three more died within the week. *See*

¹⁷ Ctrs. For Disease Control and Prevention, Morbidity and Mortality Weekly Report (Mar. 27, 2020) https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm?s_cid=mm6912e2_w).

Reply, D.Ct. ECF No. 18 at 1. The toll reached nine on May 8. The Government’s complaint of administrative inconvenience cannot outweigh the risk of severe illness and death to Petitioners in prison. *Cf. Bucklew v. Precythe*, 139 S.Ct. 1112, 1146 (2019) (“the equities in a death penalty case will almost always favor the prisoner”); *Hollingsworth v. Perry*, 558 U.S. 183, 185 (2010) (death threats constituted irreparable harm). *See* Gov. App. 32a (“it would be hard to overstate how much more serious the potential injuries to Petitioners are compared to those cited by Respondents”).

2. It is always in the public interest to prevent a violation of constitutional rights. *See, e.g., Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 383 (1979). That purpose can only be effectuated here by denial of a stay.

3. To do otherwise would allow infections to continue unabated, not only among the medically-vulnerable class, but among other prisoners, correctional officers, and staff at Elkton, all of whom are exposed daily to infection. *See* Gov. App. 4a (“COVID-19 infections are rampant among inmates and staff”); 10a (“With the shockingly limited available testing and the inability to distance inmates, COVID-19 is going to continue to spread, not only among the inmate population, but also among the staff”); *id.* (46 staff members infected as of April 22). Reducing the prison population at Elkton is “the best line of defense [for] correctional staff who work at Elkton[.]”App., *infra*, 15a, ¶ 17. The class of individuals to be transferred out comprises approximately 844, including the 837 original class members, Gov. App. 45a, plus nine initially omitted by the Government, Gov. App. 51a, minus at least two

class members who have died since the list was created. Stay Opp., D.Ct. ECF No. 37 at 1; Mot. To Enforce, ECF No. ECF 51 at 1.

Similarly, defusing the threat at Elkton will mitigate the threat it presents to the surrounding community. Prisons are not closed environments; staff and other individuals coming and going from the prison will serve as vectors for further spread. App., *infra*, 19a-20a, ¶ 32 (“the infection in Elkton would not stay limited to the facility, but would worsen infection rates in the broader community.”); App., *infra*, 6a, ¶ 13 (“staff can easily carry the infection from the community to the prison and vice versa”). Further spread, both within the prison and in the wider community, also risks overwhelming available medical facilities. Gov. App. 74a–75a. (discussing local and statewide medical capacity).

CONCLUSION

The application should be denied.

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Dated: May 22, 2020

APPENDIX

APPENDIX

Declaration of Dr. Meghan Novisky (Apr. 13, 2020)	1a
Declaration of Dr. Joe Goldenson (Apr. 11, 2020)	11a
Declaration of Kendal Nelson (Apr. 12, 2020)	23a
Declaration of Eric McReynolds (Apr. 11, 2020)	28a
Declaration of Eric Bellamy (Apr. 12, 2020)	31a
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Memorandum from Attorney General Barr for Director of Bureau of Prisons regarding prioritization of home confinement as appropriate in response to COVID-19 pandemic	52a
Memorandum from Attorney General Barr for Director of Bureau of Prisons regarding increasing use of home confinement at institutions most affected by Covid-19	54a
Memorandum from Acting Senior Deputy Assistant Director Brewer for Correctional Program administrators regarding furlough and home confinement additional guidelines	57a
Government's status report (May 20, 2020)	59a
Government's list of rationales for denial of home confinement	61a
Government's list of rationales for denial of compassionate release	75a

Exhibit A

Declaration of Dr. Meghan Novisky

Declaration of Meghan Novisky, PhD

1. I am an Assistant Professor in the Department of Criminology, Anthropology, and Sociology at Cleveland State University.
2. My research investigates the consequences of carceral contact on health, factors related to the conditions of confinement, and the collateral consequences of criminal justice policy. I have worked since 2009 with the University of Cincinnati's Corrections Institute (UCCI) as an evidence based programming consultant and trainer. In this role I have worked with correctional staff in 17 U.S. states and trained them on the implementation of research-informed programs and policies to help reduce their recidivism rates. I received my PhD in Sociology from Kent State University, where the focus of my dissertation involved identifying the barriers to health care access that exist in prisons, specifically among older adults.
3. My publications on health and incarcerated people have appeared in numerous peer-reviewed journals, including *Criminology*, *Justice Quarterly*, and *Victims & Offenders*. In 2020, I received the Early Career Investigator Award from the Academic Consortium on Criminal Justice Health (AC CJH), and I serve on the Executive Board of the Academy of Criminal Justice Sciences (Section on Corrections), and as Chair of the Annual Awards Committee of the American Society of Criminology, Division of Corrections and Sentencing.
4. One of the greatest challenges facing prisons regarding the provision of health services is that prisons, by their very nature, are high risk sites for the spread of infectious disease. Close proximity of many people (made worse by overcrowding), shared equipment tied to risky health behaviors such as tattooing, compromised abilities

to maintain general hygiene, substandard health care services, and lack of awareness about infection status combine to aggravate risk factors associated with the spread of infectious disease.¹

5. High levels of stress exposure can also weaken the immune system,² thereby increasing the susceptibility of exposure among incarcerated persons as well as recovery prognosis. Of course, these factors are all greatly exacerbated in the event of a global pandemic such as COVID-19 given that prisons in the U.S. are already under-resourced, understaffed, and chronically overcrowded.

6. On Tuesday, March 24th, the Federal Bureau of Prisons (FBOP) issued a press release stating the Bureau was “taking aggressive steps to protect the safety and security of all staff and inmates, as well as visitors and members of the public.”³ The memo further stated “this response is the Bureau’s top priority.” Yet, the measures outlined in the memo lacked the vision necessary to adequately contain and minimize spread of COVID-19. For example, the memo stated “facilities have been directed to designate available space for isolation and quarantine for inmates who have been exposed to or have symptoms of the virus.” Given that asymptomatic people can still be contagious, it would be impossible for institutions to definitively identify those exposed. Further, isolation of symptomatic prisoners does nothing to address those who are contagious but not symptomatic, nor does it address the threats contagious staff members pose to the incarcerated. As of the time of this filing, there now exist 541 confirmed cases

¹ <https://www.ecdc.europa.eu/sites/default/files/documents/Active-case-finding-communicable-diseases-in-prisons.pdf>

² Fali, T., Vallet, H., and Sauce, D. (2018). “Impact of stress on aged immune system compartments: overview from fundamental to clinical data. *Experimental Gerontology* 105, 19-26.

³ https://www.bop.gov/resources/news/pdfs/20200324_bop_press_release_covid19_update.pdf

of COVID-19 across 40 FBOP facilities, including 352 prisoner and 189 staff diagnoses.⁴ Nine prisoners confined to FBOP institutions have died due to COVID-19. These statistics make it clear that current measures being taken by the FBOP are not sufficient in strength nor impact to adequately protect its staff, its prisoners, or the public.

7. On Monday March 30th prisoners at FCI Elkton, a low security male prison, began testing positive for COVID-19. As of April 12, 2020, Elkton has 35 confirmed cases of COVID-19, including 24 prisoner and 11 staff diagnoses.⁵ The FBOP released consecutive memos on 4/2/20,⁶ 4/3/20,⁷ and 4/4/20,⁸ announcing the deaths of Elkton prisoners Woodrow Taylor (53 y/o), Margarito Garcia-Fragoso (65 y/o), and Frank McCoy (76 y/o), respectively. The medically established progression of COVID-19, combined with the pre-existing health conditions of all 3 men, makes it likely these individuals suffered tremendously leading up to their deaths.

8. Based on my expertise on the health related risks associated with incarceration, it is my belief that if serious action is not taken swiftly, prisons under the jurisdiction of the FBOP, including Elkton, will escalate further, serving as hotspots for COVID-19 much like would be the case if people were forced to live on a crowded cruise ship during a pandemic. To be clear, without drastic intervention, many more incarcerated individuals and staff will become infected and will face elevated risks for medical complications and morality. This is due to the presence of factors that aggravate the spread of COVID-19, including lack of social distancing, concentrations of

⁴ <https://www.bop.gov/coronavirus/>

⁵ <https://www.bop.gov/coronavirus/>

⁶ https://www.bop.gov/resources/news/pdfs/20200402_press_release_elk.pdf

⁷ https://www.bop.gov/resources/news/pdfs/20200403_press_release_elk.pdf

⁸ https://www.bop.gov/resources/news/pdfs/20200404_press_release_elk.pdf

immunocompromised, vulnerable adults, and lack of access to proper sanitation. All of these risk factors are important in assessing Elkton's practical capacity to properly address risks for COVID-19.

9. The volume of prisoners incarcerated at Elkton alone severely limits its capabilities to implement social distancing practices. Elkton maintains a current population of 2,417 male prisoners; 1,999 at the low security FCI/Federal Correctional Institution, and 418 at the FSL/adjacent low security satellite prison.⁹ To keep all 2,417 prisoners (plus their population of staff) a minimum of 6 feet apart at all times is incredibly impractical.

10. It is my understanding that many prisoners in custody at Elkton share cells, sleeping areas, supplies, bathing areas, and other living spaces, compromising Elkton's abilities to follow CDC physical distancing guidelines. Like most low security prisons, it is likely that Elkton has only a limited percentage of its cell capacity devoted to administering solitary living conditions (i.e., one person per cell with no shared living space), as low security prisons are not intended to function like maximum or super-maximum security prisons with high capacities for solitary confinement. With continued functioning of shared spaces for bathing, eating, and sleeping, quarantine and social distancing would be impossible to implement at Elkton.¹⁰ These factors, in combination with the high stress environment of incarceration in general, increase risks of infectious disease exposure in this institution dramatically.¹¹

⁹ <https://www.bop.gov/locations/institutions/elk/>

¹⁰ <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

¹¹ Massoglia, M. (2008). Incarceration as exposure: the prison, infectious disease, and other stress-related illnesses. *Journal of Health and Social Behavior*, 49, 56-71.

11. Even if attempts were made to increase physical distance between prisoners at Elkton, this would fail to adequately address the regular contact that exists between Elkton staff and prisoners. Correctional staff must be in close contact with prisoners in the course of their regular jobs to enforce security protocols, escort prisoners across cell blocks and units, administer medications, and supervise meal distribution, for example.

12. Further, it is difficult (if not impossible) for prisoners to follow recommended sanitation procedures. While each Elkton prisoner is likely to have access to a rationed supply of soap, for example, disinfectant cleaning supplies and hand sanitizers would not typically be provided to each incarcerated person, at least not in the quantities necessary, as such supplies are likely to be considered contraband due to their alcohol content.

13. While Elkton has halted prisoner visitations, this will not stop the transmission of the virus between the prisoner population and the community. With institutional staff filtering in and out of Elkton on a daily basis, staff can easily carry the infection from the community to the prison and vice versa. Thus, unless Elkton staff are quarantined and prevented from continuing to cycle in and out of the prison to return to the community following each shift, this risk remains.

14. Further exacerbating the risk of infection to the surrounding community is that medical facilities in prisons are typically inadequate to provide the intensive care needed to handle serious cases of COVID19. Prisoners therefore require transport to community hospitals for care, increasing risks of infection and reducing the capacity of local hospitals to respond to other members of the community. These circumstances also

increase risks for the correctional officers who must not only transport sick, incarcerated individuals to the hospital, but supervise them while they are hospitalized.

15. The FBOP population also includes a significant number of older adults. Over nineteen percent of the prison population (n = 33,817) is over the age of 50, making this group particularly vulnerable to COVID-19 based on age alone.¹² Assuming Elkton's population is representative of the national FBOP demographic data, roughly 1 in 5 prisoners at Elkton would be especially vulnerable to COVID-19 based on age. Furthermore, older incarcerated adults suffer from disproportionately more chronic health conditions than the general population of adults,^{13,14} including respiratory problems, making it likely this group will face medical complications should they continue to become infected. In fact, all 3 deaths at Elkton thus far have been prisoners that meet these categorical criteria: older than 50 years of age with pre-existing chronic health problems.

16. Given the structure, operations, and current conditions at Elkton, there is no realistic set of internal conditions or practices that FBOP can use that will prevent additional infection of prisoners and staff given the current number of prisoners living at Elkton.

17. Significantly reducing the prison population at Elkton as rapidly as possible is the best line of defense to maintain the public health interests of persons incarcerated at Elkton, correctional staff who work at Elkton, and the Ohio community. It

¹² https://www.bop.gov/about/statistics/statistics_inmate_age.jsp

¹³ Loeb, S.J. and AbuDagga, A. (2006). Health-Related Research on Older Inmates: An Integrative Review. *Research in Nursing and Health*, 29, 556-565.

¹⁴ Bedard, R., Metzger, L., & Williams, B. (2016). Ageing prisoners: An introduction to geriatric health-care challenges in correctional facilities. *International Review of the Red Cross*, 98, 917-939.

is my recommendation that all prisons under the jurisdiction of the FBOP should do the same. Based on the existing evidence about COVID-19, failing to do so will have grave consequences and long-term traumatic impacts for many.

18. There are several measures that can be taken to safely reduce the prison population at Elkton. Most important among them is to release as many older incarcerated adults from the prison as possible. Doing so will not only help to significantly reduce the prison population, but will remove the individuals most at risk for infection and complications likely to elevate mortality risks. Older adults have significantly reduced risks for recidivism compared with younger adults, so doing this is unlikely to come at the expense of public safety. The most common convicting offenses among people incarcerated in FBOP jurisdiction are in fact drug offenses (n =73,759).¹⁵ Of course, aggravated cases where public safety is a concern need to be considered.

19. Efforts should also be made to release those at the prison with pre-existing chronic health conditions, most importantly those with respiratory conditions, cancer, heart disease, diabetes, kidney disease, HIV, and blood disorders. Because of their pre-existing immunocompromised statuses, failing to do so will leave these individuals not only especially vulnerable to COVID-19, but less likely to recover from it should they become infected.

20. Notably, the FBOP has the option to implement these measures while still maintaining correctional custody. The FBOP could do so by increasing existing efforts to transfer supervision from institutions like Elkton to home confinement in the community.

¹⁵ https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp

In fact, they have been encouraged to do so by the Attorney General of the U.S. as of March 26, 2020.¹⁶

21. Specifically, the Attorney General recommended consideration of the following factors for home release: age and vulnerability of the prisoner to COVID-19; the security level of the facility, “with priority given to inmates residing in low and minimum security facilities,” and convicting offense/danger posed to the community. Elkton’s status as a low security prison confirms it is a prime candidate for rapidly downsizing its population in order to best protect the health of the prison population, its staff, and the Ohio community.

22. These actions are both meaningful and necessary. They would enable Elkton to free up needed space, thereby increasing competencies to develop and implement social distancing options not currently available. Doing so would also help to ensure already limited medical supplies and resources at Elkton do not become overwhelmed and that mortality risks are kept as low as possible.

23. Although the FBOP delay has already meant numerous prisoners and staff at Elkton have been infected (some of whom have died), it is not too late to take these steps, which can help prevent the situation from further deteriorating and causing unnecessary suffering to those who remain.

24. I have read the descriptions of the living conditions at Elkton contained in declarations from Elkton prisoners. The descriptions I read are consistent with my understanding of what the conditions of the prison are likely to be at this time based on the resources Elkton has, the structure of the facility itself, the currently limited actions

¹⁶ https://www.bop.gov/resources/news/pdfs/20200405_covid-19_home_confinement.pdf

taken at Elkton to address the risks presented by COVID-19, and the current number of confirmed cases ($n = 35$) and mortalities ($n = 3$) attributed to Elkton custody.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "M. Novisky", with a large, sweeping flourish at the end.

Meghan Novisky, PhD

Date: 4/13/2020

Exhibit B

Declaration of Dr. Joe Goldenson

Declaration of Joe Goldenson, MD

1. I am a medical physician with 33 years of experience in correctional health care. For 28 years, I worked for Jail Health Services of the San Francisco Department of Public Health. For 22 of those years, I served as the Director and Medical Director. In that role, I provided direct clinical services, managed public health activities in the San Francisco County jail, and administered the correctional health enterprise, including its budget, human resources services, and medical, mental health, dental, and pharmacy services.

2. I served as a member of the Board of Directors of the National Commission on Correctional Health Care for eight years and was past President of the California chapter of the American Correctional Health Services Association. In 2014, I received the Armond Start Award of Excellence from the Society of Correctional Physicians, which recognizes its recipient as a representative of the highest ideals in correctional medicine.

3. For 35 years, I held an academic appointment as an Assistant Clinical Professor at the University of California, San Francisco.

4. I have worked extensively as a correctional health medical expert and court monitor. I have served as a medical expert for the United States District Court for the Northern District of California for 25 years. I am currently retained by that Court as a medical expert in *Plata v. Newsom*, Case No. 3:01-cv-01351 (N.D. Cal.), to evaluate medical care provided to inmate patients in the California Department of Correctional Rehabilitation. I have also served as a medical expert/monitor at Cook County Jail in Chicago and Los Angeles County Jail, at other jails in Washington, Texas, and Florida, and at prisons in Illinois, Ohio, and Wisconsin.

The nature of COVID-19

5. The SARS-nCoV-2 virus, and the human infection it causes, COVID-19 disease, is a global pandemic and has been termed a global health emergency by the WHO. Cases first

began appearing sometime between December 1, 2019 and December 31, 2019 in Hubei Province, China. Most of these cases were associated with a wet seafood market in Wuhan City.

6. On January 7, 2020, the virus was isolated. The virus was analyzed and discovered to be a coronavirus closely related to the SARS coronavirus which caused the 2002-2003 SARS epidemic.

7. COVID-19 is a serious disease. The overall case fatality rate has been estimated to range from 0.3 to 3.5%, which is 5-35 times the fatality associated with influenza infection. COVID-19 is characterized by a flu-like illness. While more than 80% of cases are self-limited and generally mild, overall some 20% of cases will have more severe disease requiring medical intervention and support.

8. The case fatality rate varies significantly depending on the presence of certain demographic and health factors. The case fatality rate varies significantly with advancing age, rising after age 50, and above 5% (1 in 20 cases) for those with pre-existing medical conditions including cardio-vascular disease, respiratory disease, diabetes, and immune compromise.

9. People with moderate to severe asthma may be at higher risk of getting very sick from COVID-19. COVID-19 can affect your respiratory tract (nose, throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease.

10. Among patients who have more serious disease, some 30% will progress to Acute Respiratory Distress Syndrome (ARDS) which has a 30% mortality rate overall, higher in those with other health conditions. Some 13% of these patients will require mechanical ventilation, which is why intensive care beds and ventilators have been in insufficient supply in Italy, Iran, and in parts of China.

11. COVID-19 is widespread. Since it first appeared in Hubei Province, China, in late 2019, outbreaks have subsequently occurred in more than 160 countries and all populated continents, heavily affected countries include Italy, Spain, Iran, South Korea, and the US. The U.S. is now the world's most affected country. As of April 11, 2020, there have been 1,524,161 confirmed human cases globally and 92,941 known deaths. The pandemic has been termed a global health emergency by the WHO. It is not contained and cases are growing exponentially.

12. In the United States alone, the CDC reports 459,165 cases and 16,570 deaths as of April 10, 2020. The Ohio Department of Health reports 5,836 cases and 227 dead as of April 10. All these numbers are likely underestimates because of limited availability of testing.

13. SARS-nCoV-2 is now known to be fully adapted to human-to-human spread. This is almost certainly a new human infection, which also means that there is no preexisting or "herd" immunity, allowing for very rapid chains of transmission once the virus is circulating in communities.

14. The U.S. CDC estimates that the reproduction rate of the virus, the R_0 , is 2.4-3.8, meaning that each newly infected person is estimated to infect on average 3 additional persons. This is highly infectious and only the great influenza pandemic of 1918 (the Spanish Flu as it was then known) is thought to have higher infectivity. This again is likely a function of all human populations currently being highly susceptible. The attack rate given an exposure is also high, estimated at 20-30% depending on community conditions, but may be as high as 80% in some settings and populations. The incubation period is thought to be 2-14 days, which is why isolation is generally limited to 14 days.

15. There is currently no vaccine for COVID-19, and no cure. The only known ways to prevent the spread of SARS-nCoV-2 involve measures such as thorough handwashing, frequent

decontamination of surfaces, and maintaining six feet of physical distance between individuals (“social distancing”).

The risks of COVID-19 in detention facilities

16. COVID-19 poses a serious risk to prisoners, workers, and anyone else in detention facilities. Detention facilities, including prisons like Elkton, have long been associated with high transmission probabilities for infectious diseases, including tuberculosis, multi-drug resistant tuberculosis, MRSA (methicillin resistant staph aureus), and viral hepatitis.

17. The severe epidemic of Tuberculosis in prisons in Central Asia and Eastern Europe was demonstrated to increase *community* rates of Tuberculosis in multiple states in that region, underscoring the risks prison outbreaks can lead to for the communities surrounding a prison.

18. Infections that are transmitted through droplets, like influenza and SARS-nCoV-2 virus, are particularly difficult to control in detention facilities, as social distancing and proper decontamination of surfaces is virtually impossible.

19. For example, several deaths were reported in the US in immigration detention facilities associated with ARDS following influenza A, including a 16-year old male immigrant child who died of untreated ARDS in custody in May 2019.

20. Current recommendations for social distancing, frequent hand washing, and frequent cleansing of surfaces to prevent infection and the spread of the virus are extremely difficult, if not impossible, to implement in the correctional setting. A number of features of these facilities can heighten risks for exposure, acquisition, transmission, and clinical complications of these infectious diseases. These include physical/mechanical risks such as overcrowding; population density in close confinement; insufficient ventilation; shared toilet,

shower, and eating environments; and limits on hygiene and personal protective equipment such as masks and gloves in some facilities. Shared spaces and equipment (such as telephones) are commonly not adequately disinfected, especially during the current pandemic when more frequent cleaning and disinfecting are required. Limits on soap (copays are common) and recommended hand sanitizers, since they contain alcohol, are also risks for spread. The nationwide shortage of personal protective equipment (PPE), as well as ancillary products (such as cleaning supplies and thermometer probes) further impacts the ability of correctional facilities to implement necessary precautions.¹

21. The risk of exposure to and transmission of infectious diseases, as well as the risk of harm from developing severe complications or death if infected, is significantly higher in jails, prisons, and detention centers than in the community. Close, poorly ventilated, living quarters and often overcrowded conditions in these facilities foster the rapid transmission of infectious diseases, particularly those transmitted by airborne droplets through sneezing, speaking, or coughing. In these congregate settings, large numbers of people are closely confined and forced to share living spaces, bathrooms, eating areas, and other enclosed spaces. They are physically unable to practice social distancing, which the Centers for Disease Control and Prevention (“CDC”) has identified as the “cornerstone of reducing transmission of respiratory diseases such as COVID-19.”² Because of this, incarcerated individuals are less able to protect themselves from being exposed to and becoming infected with infectious diseases, such as COVID-19.

22. While jails, prisons, and detention centers are often thought of as closed environments, this is not the case. Custody, medical, and other support staff and contractors

¹ *Study of COVID-19 in Correctional Facilities*, Harvard University and National Commission on Correctional Health Care, April 9, 2020

² <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

enter and leave the facility throughout the day. New detainees arrive on a frequent basis. Since there is no effective way to screen for newly infected or asymptomatic individuals, they can unknowingly transmit COVID-19 to those housed in the facility. Detainees and inmates are often transferred between housing units, to other facilities, and to and from Court. This further increases the likelihood of transmission of COVID-19.

23. It has long been known that jails, prisons, and detention centers can be hotbeds of disease transmission. Due to the frequent ingress and egress of employees at these facilities, an outbreak within a jail, prison, or detention center can quickly spread to surrounding communities. For example, the tuberculosis epidemic that broke out in New York City in the early 1990s began in jails and was spread to the community by jail employees who became infected and then returned home to their families and communities.

24. In addition to the nature of the prison environment, prison and jail populations are also at additional risk due to high rates of chronic health conditions, substance use, mental health issues, and, particularly in prisons, aging and chronically ill populations who may be vulnerable to death or severe illnesses after infection from COVID-19 disease.

25. While every effort should be made to reduce exposure in detention facilities through internal mitigation efforts, this may be extremely difficult to achieve and sustain quickly enough. It is therefore an urgent priority in this time of national public health emergency to reduce the number of persons in detention as quickly as possible.

26. Given the experience in China as well as the literature on infectious diseases in jail, additional outbreaks of COVID-19 among the U.S. jail and prison populations are inevitable, as evidenced in Elkton. Releasing as many inmates as possible is important to protect the health of inmates, correctional facility staff, health care workers at jails and other detention

facilities, the community as a whole. Indeed, according to the World Health Organization, “enhanced consideration should be given to resorting to non-custodial measures at all stages of the administration of criminal justice, including at the pre-trial, trial and sentencing as well as post-sentencing stages.”³

27. For these reasons, the pandemic has prompted prisoner releases around the world. France has announced it will free 5,000 inmates⁴, and in the United States, California officials are planning to release up to thousands of prisoners.⁵ In Britain, the Ministry of Justice is planning to grant thousands of prisoners early release within weeks in an effort to contain the spread of the virus in cells and facilities where it said social distancing rules are impossible to maintain.⁶ Many cities and counties across the US, including San Francisco, Los Angeles, Chicago, Cleveland and New York, are also releasing prisoners to reduce the risk of COVID-19.⁷

28. It is difficult to overstate the devastation that a COVID-19 outbreak could inflict on a correctional facility such as FCI Elkton. At Rikers Island in New York, between April 1, 2020, and April 15, 2020, the number of COVID-19 positive incarcerated individuals and staff members grew by 104 and 114 people, respectively, upping the jail’s total numbers of confirmed cases to 288 among the incarcerated population, 488 among correction staff, and 78 among

³ World Health Organization, Regional Office for Europe, Preparedness, prevention and control of COVID-19 in prisons and other places of detention: Interim guidance (Mar. 15, 2020), http://www.euro.who.int/__data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf.

⁴ *Coronavirus: Low-risk prisoners set for early release*, BBC News (Apr. 4, 2020), <https://www.bbc.com/news/uk-52165919>.

⁵ Paige St. John, *California to release 3,500 inmates early as coronavirus spreads inside prisons*, L.A. Times (Mar. 31, 2020), <https://www.latimes.com/california/story/2020-03-31/coronaviruscalifornia-release-3500-inmates-prisons>.

⁶ *Britain plans to free many inmates early as it reports a on-day death toll*, New York Times, 4/3/20.

⁷ Timothy Williams et al., *‘Jails Are Petri Dishes’: Inmates Freed as the Virus Spreads Behind Bars*, N.Y. Times (Mar. 30, 2020), <https://www.nytimes.com/2020/03/30/us/coronavirusprisons-jails.html>.

health care workers.^{8,9} The first known case of COVID-19 at Rikers was confirmed on Wednesday, March 18,¹⁰ illustrating just how quickly this disease can and will overwhelm detention facilities. The Cook County jail in Chicago has emerged as the largest-known source of U.S. coronavirus infections, according to data compiled by The New York Times. At least 387 cases can be linked to the jail, including 272 inmates.

29. According to the Bureau of Prisons, three prisoners have died of COVID-19 at FCI Elkton and its adjacent low security satellite prison. Given the way the disease has progressed elsewhere, we can expect the death toll to mount rapidly.

30. From news reports, it is also my understanding that 43 detainees have been hospitalized outside the prison with COVID or suspected COVID, as have some staff members. Of those, 15 are on ventilators. Dozens more have symptoms. Even these dozens may represent the tip of the iceberg, since newly-infected people typically do not show symptoms for 2-14 days, and since the infection spreads rapidly to additional people.

31. It is my understanding that Elkton uses open bay / dorm housing units with multiple-occupancy cells, and a limited number of segregation units. It also my understanding that Elkton has roughly 2,400 detainees between the Elkton federal correction institution and the low security satellite prison on any given day; that staff that enter and leave the facility regularly; and that detainees share restroom and shower facilities and eat communally prepared food.

32. Based on these understandings, it is my opinion that the exponential infection of rate for COVID-19 we already see in the community would be magnified within Elkton.

⁸ Julia Craven, *Coronavirus Cases Are Spreading Rapidly on Rikers Island*, Slate (Apr. 2, 2020), <https://slate.com/news-and-politics/2020/04/rikers-coronavirus-cases-increase.html>.

⁹ Jan Ranson, *Jailed on a Minor Parole Violation, He Caught the Virus and Died*, N.Y. Times (Apr. 10, 2020)

¹⁰ *As Testing Expands, Confirmed Cases of Coronavirus in N.Y.C. Near 2,000* (Mar. 18, 2020), N.Y. Times, <https://www.nytimes.com/2020/03/18/nyregion/coronavirus-new-york-update.html>.

Adequate social distancing would be impossible to maintain. What's more, the infection in Elkton would not stay limited to the facility, but would worsen infection rates in the broader community. The death rate will increase substantially before it starts to diminish without major interventions. This is why leaving implementation in the hands of local officials alone, who lack the expertise and resources and were incapable of preventing the outbreak in the first place or treating those who eventually died, is insufficient.

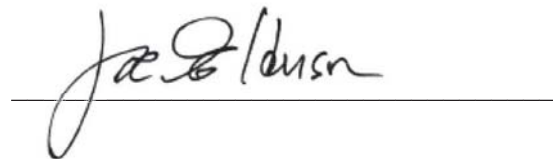
33. It is my public health recommendation that everyone who is medically-vulnerable to severe symptoms and death from COVID-19, as defined in this lawsuit,¹¹ be released from FCI Elkton and FCL Elkton immediately, taking precautions that they are released to a place where they can maintain medically appropriate isolation for at least 14 days and receive any necessary and available testing healthcare for underlying chronic conditions.

34. It is my public health recommendation that a public health expert be appointed to oversee operations related to preventing further spread of COVID-19 in Elkton, which may include authorizing further staggered release of detainees until it is possible to maintain consistent social distancing and appropriate hygiene within the facility.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

¹¹ "Persons held at Elkton over the age of 50 , as well as all current and future persons held at Elkton of any age who experience (a) lung disease, including asthma, chronic obstructive pulmonary disease (e.g. bronchitis or emphysema), or other chronic conditions associated with impaired lung function; (b) heart disease, such as congenital heart disease, congestive heart failure and coronary artery disease; (c) chronic liver or kidney disease (including hepatitis and dialysis patients); (d) diabetes or other endocrine disorders; (e) epilepsy; (f) hypertension; (g) compromised immune systems (such as from cancer, HIV, receipt of an organ or bone marrow transplant, as a side effect of medication, or other autoimmune disease); (h) blood disorders (including sickle cell disease); (i) inherited metabolic disorders; (j) history of stroke; (k) a developmental disability; and/or (l) a current or recent (last two weeks) pregnancy."

Executed this 11 day of April 2020 in Alameda County, CA

A handwritten signature in cursive script, appearing to read "Joe Goldenson", is written over a horizontal line.

Joe Goldenson, MD

References

1. Dolan K, Wirtz A, Maazen B., et al. Global Burdern of HIV, viral hepatitis, and tuberculosis in prisoners and detainees. *The Lancet*, July 14, 2016.

Stuckler D, Basu S, McKee M, King I. Mass incarceration can explain population increases in TB and multi-drug resistant TB in European and Central Asian countries. *Proceedings of the National Academy of Science USA*, 2008. 105:13280-85.
2. Beyrer C, Kamarulzaman A, McKee M; Lancet HIV in Prisoners Group. Prisoners, prisons, and HIV: time for reform. *The Lancet*. 2016 Jul 14. pii: S0140-6736(16)30829-7. doi: 10.1016/S0140-6736(16)30829-7. [Epub ahead of print] No abstract available. PMID: 27427447.
3. Marusshak LM, Sabol W, Potter R, Reid L, Cramer E. Pandemic Influenza and Jail Facilities and Populations. *American Journal of Public Health*. 2009 October; 99(Suppl 2): S339–S344.
4. Rubenstein LS, Amon JJ, McLemore M, Eba P, Dolan K, Lines R, Beyrer C. HIV, prisoners, and human rights. *The Lancet*. 2016 Jul 14. pii: S0140-6736(16)30663-8. doi: 10.1016/S0140-6736(16)30663-8
5. Wang J, Ng, CY, Brook R. Response to COVID-19 in Taiwan: Big Data Analytics, New Technology, and Proactive Testing. March 3, 2020. *JAMA*. Published online March 3, 2020. doi:10.1001/jama.2020.3151.
6. CDC, COVID-19, People Who are at Higher Risk,
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html>

Exhibit C

Declaration of Kendal Nelson

DECLARATION OF KENDAL NELSON

I, Kendal Nelson, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton (“FCI Elkton”). I am in the low security satellite camp. My Federal Bureau of Prisons Register Number is 64823-060. I was convicted of a drug offense and possession of a firearm, and have served approximately 3 years of a 9-year sentence. I have no violent offenses on my record.
2. I am 46 years old. I suffer from coronary artery disease, and had a heart attack resulting in a stent being placed in my artery a number of years ago. I also have asthma, and use an inhaler regularly, and I use a CPAP machine at night for sleep apnea. I also have stage 4 chronic kidney disease, and a twisted aorta that causes my breathing problems.
3. I’m housed at the low-security satellite camp at FCI Elkton, called “FSL Elkton.” There are 170 men in my pod, living 3 to a cell in spaces that were made for single occupancy. There are 5 toilets and 5 sinks for the whole pod. It’s impossible to keep 6 feet of distance from others here.
4. Everywhere we go, we’re all bunched up together and keeping our distance is impossible. You can’t even walk around, much less maintain distance. That’s true everywhere—near the phones, near the computers, everywhere. All the beds are locked together and physically connected, so it’s impossible to maintain distance in the cubes. Sickness spreads quickly here. We don’t have much time before all of us get it.
5. When it’s time to eat, we pick up our food boxes from the cafeteria. We have to wait in a line where we’re bunched up right behind each other, heel-to-heel, because there isn’t enough space. We get our food and take them it to our pod. We sit together four chairs to

a table and eat. There's nowhere where we can eat without bumping right up against each other.

6. We have TV rooms as common areas, but even there we can't get enough space for social distancing. The TV rooms are small, like the size of an apartment bedroom. There might be 12 people in there at a time watching TV.
7. I'm in the same pod where Woodrow Taylor was, and I knew him. He was one of the prisoners who died from COVID-19. Woodrow had a bad heart and a bad kidney, just like me, and the fact that he died makes me scared. I also saw when another prisoner, Margarito Garcia-Fragoso, was taken out. He later died also.
8. Most of the men in my pod are coughing but don't have fevers. If you have a fever they take you out of the pod into quarantine, but if not, you stay. A bunch of people have been taken out, but then they brought prisoners who were quarantined back into the pod with everyone else.
9. We still don't have any masks, and neither do the correctional officers (COs). I haven't been tested. As far as I know, they're only testing the dead.
10. The commissary is closed. Prisoners are being fed small portions of food, with no ability to get more. We have no way to get cleaning supplies, and the living area is filthy with no surfaces being cleaned. Our water pipes burst, and different colors of water have come out of the pipes. Men are developing rashes that we think are from the water. The poor sanitation is making it unbearable.
11. We were told in a memo that a CO working at the FSL and the FCI is who brought the coronavirus into the prison, back in January.

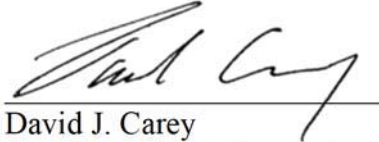
12. There are less guards around than there used to be. They don't come into the pods as much or walk around. A lot of them are sick too.
13. They are not allowing us to go outside and get fresh air, and we're not allowed into the law library. There was a memo sent to prisoners about the virus being present in the prison, but they took no measures to prevent the spread that I could see.
14. I heard about a video that a prisoner took and put out on the Internet to show what's going on here. After the video came out, that prisoner was sent to the hole and seems to be getting punished for it.
15. A lot of the people in my pod seem to be sick. The only thing I can do is stay in my cell under the blankets all the time so I can have some barrier between me and everyone else.
16. I heard that the National Guard is here but they're in the FCI, not the FSL where I am. I was told they are there for Medical.
17. I have heard that a list of nonviolent offenders like me was provided to the prison, with instructions to release them. A group of people was gathered for possible release, but many of them were later put back into the regular population, and I don't know why.
18. I have a secure and stable home environment that I can go to immediately if I am released.

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

/s/ Kendal Nelson (by consent)
Kendal Nelson

I, David J. Carey, certify that I reviewed the information contained in this declaration with Kendal Nelson by telephone on April 10, 2020 and as to ¶ 18, by correspondence on April 11, 2020, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 12, 2020.

A handwritten signature in black ink, appearing to read "David J. Carey", written over a horizontal line.

David J. Carey
American Civil Liberties Union Foundation of Ohio
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 568-1972
dcarey@acluohio.org

Exhibit D

Declaration of Eric McReynolds

DECLARATION OF ERIC MCREYNOLDS

I, Eric McReynolds, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton ("FCI Elkton") My Federal Bureau of Prisons Register Number is 64593-060. I am 50 years old, and serving a sentence for a nonviolent drug trafficking offense, with a sentence enhancement for possession of a firearm.
2. Several weeks ago, I started coughing. That continued for about a week, and then a fever just came on all of a sudden. I had a fever of about 101. There is a quarantine unit for coronavirus at FCI Elkton, but they didn't move me into the quarantine unit until I had a fever. I was moved in there on March 29, and stayed until April 7.
3. Everybody was sick in the quarantine area, but I wasn't tested for coronavirus. I only know of one person who I understand had symptoms of coronavirus and was tested, but I don't think he got his results even after he was moved back into the regular population.
4. No one in the quarantine area was spaced out. They took people to the hospital if your condition got worse, and of everyone they sent to the hospital, I only saw one person come back.
5. I don't know if I had it or not. I think I did, but if I didn't, the quarantine unit put me at risk because of how close everyone was together. I was in there with people who probably had it, so even if I didn't have it before, I might have it now. If I did have it, I don't want to infect anyone if I'm contagious.
6. It's impossible to be spaced out or social distance here. The racks are 2-3 to a cell. People are about 2-3 feet apart when they sleep. Every day, all day, we're in the dorm clustered in around each other, and it doesn't change. As I'm talking on the phone right now, I'm right

next to someone, so close that I could kick him in the ankle. When we go to eat, we used to go to the chow hall. Now we pick up the trays and come back. We walk there at our own risk, with no spacing. I don't think anyone knows what to do about this.

7. All day, I'm always right by somebody no matter what I'm doing, and there's no way I can space myself off from other people. Bathroom sinks, tables in the day area, computers, they're all close together. There's nothing I can do to protect myself from people who might be carriers, whether or not they're showing symptoms.

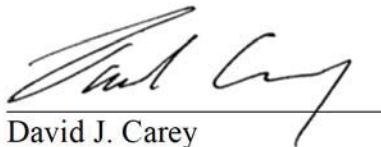
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eric McReynolds (by consent)

Eric McReynolds

I, David J. Carey, certify that I reviewed the information contained in this declaration with Eric McReynolds by telephone on April 11, 2020, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 11, 2020.



David J. Carey
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Exhibit E

Declaration of Eric Bellamy

DECLARATION OF ERIC BELLAMY

I, Eric Bellamy, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton (“FCI Elkton”), in unit “GB.” My Federal Bureau of Prisons Register Number is 15061-088. I was convicted of possession of narcotics and of a firearm, and have served approximately 16 months of a 75 month sentence. I have no violent offenses on my record, and I’ve completed a drug program.
2. I am 52 years old. I have a history of heart problems, including one enlarged heart valve and two valves that are regurgitating. I’ve been told by a doctor that I need a stent within a year. I also suffer from hypertension, and I’m going blind in my left eye, which I’m told is a result of my heart condition. I know that my conditions make me a higher risk for the coronavirus.
3. There is no way to social distance inside FCI Elkton. I’m housed in a cell with two other men, crowded into maybe a 6-foot by 8-foot area with a bunk bed and an extra bed. The whole prison is overcrowded, and every bed is taken up. There is way less than six feet between beds.
4. In any given moment I’m no more than 1-2 feet away from someone else, and there’s no way to keep more of a distance. When we go to get food, we have 5 minutes to get up, get dressed, and get to the building where we get our food boxes. Men are clustered together in line, because there’s no space to spread out. When we come back with our food, we can eat in our cubes, or go to the big or small TV rooms, there’s no distancing whatsoever in any of these places. I can move around and walk around the cubes, but I’m bumping up against people wherever I go.

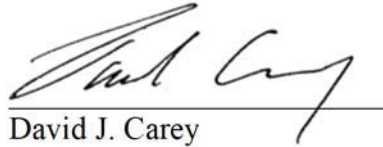
5. I just saw on the news, on WKBN.com Youngstown, that 67 people at Elkton have the coronavirus, 44 are in the hospital, 12 staff have it, and 14 inmates on ventilator.
6. Nothing is being done to separate people who are older or higher-risk, like me. They don't seem to care anything about what's happening down here, because they're focused on the hospital.
7. There are no staff around. I'm told that's because they're overstaffed at the hospital, with people pulling 12-hour shifts there, but they're not doing anything in the regular housing units. They're feeding us, and that's it.
8. The 150 or so people in my unit share 6 toilets and 12 showers, and you're right up against people the whole time. 2 stalls in the bathroom are broken.
9. The COs and other staff have been acting different since this started. There's less of them around and they're all trying to keep their distance, which means nobody is around to help us. The counselor isn't here, and a case manager didn't come in because he's sick.
10. People who have a fever over a certain temperature are being sent to medical or quarantine.
11. I was friends with another prisoner, Woodrow Taylor, who was sick and later died of the disease. After he was taken away to medical, they posted an "enter at your own risk" sign on his room.
12. If I am released, I have a stable home environment in Huntington, West Virginia, where I could go immediately.

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

/s/ Eric Bellamy (by consent)
Eric Bellamy

I, David J. Carey, certify that I reviewed the information contained in this declaration with Eric Bellamy by telephone on April 11, 2020, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 12, 2020.

A handwritten signature in black ink, appearing to read "David J. Carey", is written over a horizontal line.

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Exhibit F

Declaration of Maximino Nieves

DECLARATION OF MAXIMINO NIEVES

I, Maximino Nieves, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at the low-security satellite camp at Federal Correctional Institute, Elkton, called FSL Elkton. My Federal Bureau of Prisons Register Number is 27537-050. I was convicted of conspiracy to distribute drugs, and have only about 11 months left of a 220-month sentence, which was later reduced to 188 months. I have no violent offenses on my record, and no prior offenses of any kind.
2. I'm 46 years old and I don't have a serious medical history. I thank God for that, because it's dangerous enough from the coronavirus even for healthy people.
3. It's totally impossible to maintain 6-foot distancing here. We're in 2- and 3-man cubicles, one after the other in an open dormitory. There are 170 people in my unit, sharing small bathrooms with 4 urinals, 10 showers, and 5 toilets, which we share. In the cubes, the person on the other side sleeps above where you read. In the TV rooms, the tables are right on top of each other. We're about 2 feet away from each other where we sleep.
4. The phones are on top of each other too. Talking on the phone right now, I'm on a phone bank of four phones. There's a little silver divider like old-school public phones, and you're so close you can hear each other's conversations. People come in and out through the entrance right next to me, through a door about 2 feet away.
5. No one has been tested for the coronavirus that I know of. The guys who show symptoms are put into a quarantine unit and as far as I know, they get no further help, unless there's shortness of breath and then they're taken to a hospital. They keep them in the quarantine

unit for about 10 days and then release them. But for those of us like me who have been in contact but are showing no symptoms, they don't do anything at all for us.

6. The prisoners are doing our best to keep surfaces clean with spray bottles of disinfectant, but people are still getting sick because we're all so close together. I know three people who have passed away from the disease, including Woodrow Taylor. I sat next to him ever since he got to this place. He was showing symptoms for a while but they left him in his bunk until finally moving him to medical. After he died, they gave us masks—2 masks in a brown paper bag.
7. I believe we have a few guards who are infected. There are only three guards working in the compound where I am right now, one in each unit and the compound officer. There are fewer guards because they are so busy taking people to the hospital. Every time someone goes, two officers accompany them.
8. The COs are acting very cautious ever since this happened. Normally they do shakedowns, but now they're interacting with us less. They're clearly avoiding us. There's a sense that we're being rejected or abandoned and the COs are not in touch with what's going on here.
9. I was one of 15 guys who was told, a little over a week ago, that I was going to be moved out. The unit manager from the FSL called me and the others up and told us "you guys are not coming back, say your goodbyes." They moved us to the visiting room and set up cots to quarantine us, and our meals were brought in. I was there from Saturday, April 4 through Wednesday, April 8. On Wednesday, a different case manager came in and called five people, including me. He told us to pack back up and go back to the unit, but didn't give us any explanation of why. So we were sent back in. Of that group of 15, 2 have been given

release dates, and 5 of us were sent back to the unit. I don't know what happened to the other 8, but I think they're still in the visiting area.

10. If released, I have a secure and stable home environment that I could go to immediately, including medical insurance.

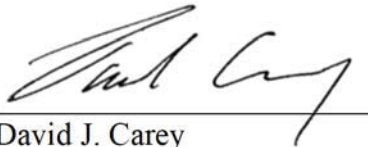
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Maximino Nieves (by consent)

Maximino Nieves

I, David J. Carey, certify that I reviewed the information contained in this declaration with Maximino Nieves by telephone on April 11, 2020 and as to ¶ 10, by correspondence on April 11, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 12, 2020.



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Exhibit G

Declaration of Howard Jackson

DECLARATION OF HOWARD JACKSON

I, Howard Jackson, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton (“FCI Elkton”). My Federal Bureau of Prisons Register Number is 54870-039. I was convicted of possession with intent to deliver narcotics, and have served approximately 4 years of a 135-month sentence. I have no violent offenses on my record.
2. I am 44 years old. I have a chronic stomach issue that I’ve been dealing with all my life. Before I self-surrendered, I had a stroke that left me confined to a wheelchair for about 10-12 months. When I was brought into prison, I had no help and no rehab, but I managed to get myself back together. Then about 4 months ago, I had another stroke, a minor one. My fellow prisoners helped me get through it. No one has been regularly checking my blood pressure or anything, they’re just giving me baby aspirin.
3. Since the coronavirus hit, people are passing away. There’s a lot of sickness going on. There’s a quarantine unit where if you have a fever, they house you for a few days. But pretty much everywhere I go, I’m standing next to someone who has symptoms.
4. It’s impossible to social distance in here. Even with the sleeping arrangements, my bunkmate and I can never be more than 3 feet apart. When you walk down a hall, you have to turn to the side to allow each other to pass. Where we watch TV, there’s seating areas right next to each other. At meal times, they call us in unit-by-unit to go over and get our trays. Even at that time, we still can’t be six feet apart, like when we’re lined up. In bathrooms, when you’re up and getting ready in the morning, at mealtimes, sleeping times, all the time, we have to be close together.
5. They just gave us masks last week. Staff and COs got masks around the same time.

6. Since this started, fewer COs seem to be around and the staff is very secretive. We'd ask them what's going on and they wouldn't tell us. They gave us different numbers about deaths and how many people are sick. From my understanding, all the COs are at the hospital. A lot of them are sick themselves. The COs are mad too, because they're having to come to work and deal with this, and they only just got masks.
7. The prison is not doing anything in particular to protect people with preexisting conditions, like me. They've sent out memos telling us to keep your distance and wash your hands. I'm sure they know that's not possible.

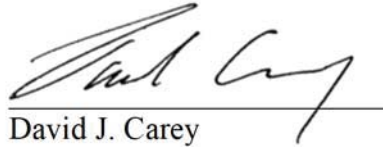
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Howard Jackson (by consent)

Howard Jackson

I, David J. Carey, certify that I reviewed the information contained in this declaration with Howard Jackson by telephone on April 11, 2020, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 11, 2020.

A handwritten signature in black ink, appearing to read "David J. Carey", is written over a horizontal line.

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Exhibit H

Declaration of Craig Wilson

DECLARATION OF CRAIG W. WILSON

I, Craig Wilson, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton (“FCI Elkton”), a low-security prison operated by the Federal Bureau of Prisons. My Federal Bureau of Prisons Register Number is 13730-025. I have served approximately half of a 120-month sentence for possession of methamphetamine and possession of a firearm. There has never been any violence on my record, but over the years I have suffered from addiction. I have a stable home environment available if I’m able to move to home detention, and I have an evidence-based recovery plan in place.
2. I am 42 years old. I’ve suffered from chronic asthma since childhood, and have had to use inhalers, steroids, and breathing machines at various times in order to breathe properly. I use a rescue inhaler regularly, and I take albuterol for my breathing problems. I know that my condition puts me in a high-risk category for COVID-19, and I’m afraid that if I catch it, I will die.
3. Around March 9, 2020, FCI Elkton established a protocol to keep the facility free of COVID-19. I understood that to involve keeping the staff on the grounds for two-week intervals, and to test them for the coronavirus upon arrival and departure. Mats, bedding, and food were brought in for the staff, but that plan was quickly abandoned. I understood that to be because the staff didn’t want to cooperate with the plan, because I heard some of them saying so.
4. It has been complete chaos since the coronavirus began to spread inside FCI Elkton. The prison has set up a quarantine unit, where they move people who they see showing symptoms, for a period of seven days. Medical is taking temperatures, using the same

thermometer for multiple people and only wiping it off with a sanitary napkin. If the fever goes away, they're moved back to the regular housing unit with no testing done. As far as I know, no one is being tested unless they're in bad enough condition to need to go to the hospital.

5. The number of people who are showing symptoms is staggering. A steady flow of people have ended up in the hospital, with ambulances leaving at all hours. I know three people have passed away. They were sick in bed with a fever, moved to a hospital, and never returned.
6. I know that social distancing is recommended to prevent the spread of the virus, but there is absolutely no way to practice social distancing here. We're piled on top of each other and left to fend for ourselves. My housing unit has open dorms with 150 bunks, divided into cubes with each cube holding 2-3 prisoners. There are 10 sinks, 18 showers, 6 toilets, and 6 urinals for all 150 people. Our bunks are in very close proximity to each other, definitely less than six feet in all directions. The cube is about 8 feet by 9 feet, with a 5-foot wall in between cubes. We are forced to get in tight lines for all meals and medications.
7. We're not allowed to go outside, which makes no sense to me because we might be able to practice social distancing outside. The air-intake units for my dorm, HB dorm, are broken, so we're not even getting fresh air from outside. The air that we receive is circulated from downstairs where the quarantine unit is housed.
8. A friend of mine who works in Medical was made to clean the cubes of those who were sick, and he ultimately got very sick and was put on life support. He was gone for a week and has just been put back into population.

9. There are only 4 phones and 4 computers shared by everyone in my unit. They are not being cleaned in between uses. Both the phones and the computers are less than two feet apart and are all in constant use.
10. There are no dispensers for soap or hand sanitizer anywhere in the unit. Once a week we are issued a 4-ounce bottle of “3-in-1” soap that is to be used for washing your hair and body, shaving, and washing your hands. I’ve run out of soap—everyone has. Without our commissary, we have nothing to wash with. They brought in a big jug of watered-down antibacterial spray for the dorm to share, and that’s all we have. We have access to one shared area for hot water, shared by all 150 people in the unit.
11. Each prisoner was issued two one-time-use masks a couple of weeks ago. They’re supposed to be disposable and we have no way to clean them, but that’s all we got. Using the mask repeatedly is dangerous, so many of us have nothing.
12. The prison commissary has been shut down. We are unable to purchase any additional soap, medicine, or sanitary equipment, and this also prevents us from buying stamps to mail letters to our loved ones.
13. Some staff still aren’t wearing protective gear, even after the deaths we’ve seen. The staff are hiding for the most part, and we only see them during count times. Many are sympathetic to the prisoners but unable to help. I’ve heard that the National Guard is here for medical assistance and staffing shortages, but I haven’t seen any of them. I’m worried that it’s going to come to the point of a riot soon.
14. The situation isn’t getting any better. Nothing is being done to protect me or others and I’m in fear for my life, because it seems like it’s only a matter of time until I get this virus. Many people around me feel the same way. I feel like I’ve been handed a death sentence.

15. On March 30, 2020, I filed a request for home detention with the warden, but have gotten no response. I've asked for a grievance form to file, but I've been told that there are no forms available. All concerns that I and others have raised to staff are being ignored.

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

/s/ Craig Wilson (by consent)
Craig Wilson

I, David J. Carey, certify that I reviewed the information contained in this declaration with Craig Wilson by telephone on April 10, 2020, and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 10, 2020.

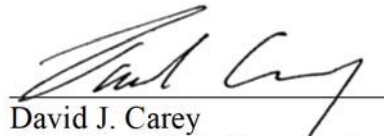

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Exhibit I

Declaration of Arsenio Arzola

DECLARATION OF ARSENIO ARZOLA

I, Arsenio Arzola, am over the age of 18 and fully competent to make the following declaration:

1. I am currently incarcerated at Federal Correctional Institute, Elkton (“FCI Elkton”). My Federal Bureau of Prisons Register Number is 27290-050. I was convicted for conspiracy to distribute drugs and possession and discharge of a firearm, and I have about 11 years remaining on my sentence.
2. I am 49 years old. I don’t know if I have any medical conditions, because I haven’t been given a physical since I’ve been incarcerated at FCI Elkton, which has been about 30 months.
3. My cellmate, a man named Michael Bear, got very sick. He is about 68 years old and when the coronavirus first hit, he went to Medical three times in one week but was returned to the housing unit. I had to serve as his caretaker or first responder and take care of him. He was coughing, sneezing, moaning, and defecating on himself. I had no gear, but I provided him some medication from the commissary and tried to help him get dressed, feed him, and move him around. I’m not an EMT, just a human being who has an elderly dad at home who I pray is getting the help he needs.
4. I’m in a housing unit called AA, in a 10,000 square foot warehouse. It’s wide open, with poor ventilation and filth on the ceiling and in the vents, which I’ve never seen cleaned. About 165 prisoners are in each dorm, in cubes that measure 8 by 10 feet, each containing 3 beds, 3 lockers, clothes, commissary, shoes, and 3 grown men. In this space, there is no way in the world for us to keep the six-foot distance for social distancing. Our beds are so close that we rub feet. We’re overcrowded like cattle. Some people get a 2-person cube, but that’s up to staff. I don’t think this place was even built to house this many people.

5. We have 12 shared showers. They're next to each other, with a wooden wall partly dividing them, but my water hits the next man and his water splashes me. The sinks are so close to each other that when we brush our teeth or wash our hands, the splash from the next man's toothpaste hits you, and you're bumping elbows with him. We all use the same toilets, which are permanently stained with waste and filth. Surfaces are not being cleaned.
6. We have controlled movements, like when we go to eat. It's a stampede of people trying to get through a 4-6 foot wide door. Social distancing is out the window. Phones are about 4 inches apart, and computers are about 8 inches apart, and the lines to get to them are ridiculous, especially during the day.
7. Soap and cleaning supplies are scarce. The commissary has been closed for a week. I've heard people call this institution a giant petri dish, a ticking time bomb, and a breeding ground for the COVID-19 pandemic.
8. It's a fact that the staff is overwhelmed. They seem to be dealing with their own personal or union problems. They don't want to be bothered by prisoners, and tensions are very high. Aggression is in the air, and every question from a prisoner to staff is answered in a very aggressive manner. Prisoners are scared to ask for anything—cleaning chemicals, paper, or anything else. Some of the staff wear masks, and some don't. I hear them say “if you're gonna get it, you're gonna get it.”
9. We were provided masks two weeks into the outbreak, when people were already sick and being pulled out into quarantine hour after hour, day after day. We were exposed to the virus for at least those two weeks before getting masks.
10. Prisoners are not being quarantined for 14 days. They're being sent back to units while still showing symptoms, and housed right back with us in the cubes. Some people with

symptoms are being taken immediately to medical, others are left behind. My sick cellmate, Michael Bear, was taken away and they moved someone else in who was just out of a 7-day quarantine and is still showing symptoms. Nothing has been done with me or my other cellmate, even though we were so close to a sick person.

11. The only way I can think of that we might be able to keep our distance would be to intentionally commit infractions in order to be put in the SHU, or special housing unit, as punishment. Things are not getting any better.

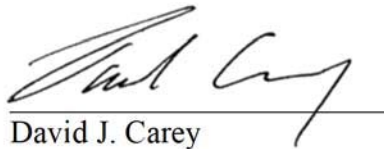
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Arsenio Arzola (by consent)

Arsenio Arzola

I, David J. Carey, certify that I reviewed the information contained in this declaration with Arsenio Arzola by telephone on April 13, 2020 and that at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Executed on April 13, 2020.



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Office of the Attorney General
Washington, D. C. 20530

March 26, 2020

MEMORANDUM FOR DIRECTOR OF BUREAU PRISONS

FROM: THE ATTORNEY GENERAL 
SUBJECT: Prioritization of Home Confinement As Appropriate in Response to COVID-19 Pandemic

Thank you for your tremendous service to our nation during the present crisis. The current situation is challenging for us all, but I have great confidence in the ability of the Bureau of Prisons (BOP) to perform its critical mission during these difficult times. We have some of the best-run prisons in the world and I am confident in our ability to keep inmates in our prisons as safe as possible from the pandemic currently sweeping across the globe. At the same time, there are some at-risk inmates who are non-violent and pose minimal likelihood of recidivism and who might be safer serving their sentences in home confinement rather than in BOP facilities. I am issuing this Memorandum to ensure that we utilize home confinement, where appropriate, to protect the health and safety of BOP personnel and the people in our custody.

I. TRANSFER OF INMATES TO HOME CONFINEMENT WHERE APPROPRIATE TO DECREASE THE RISKS TO THEIR HEALTH

One of BOP's tools to manage the prison population and keep inmates safe is the ability to grant certain eligible prisoners home confinement in certain circumstances. I am hereby directing you to prioritize the use of your various statutory authorities to grant home confinement for inmates seeking transfer in connection with the ongoing COVID-19 pandemic. Many inmates will be safer in BOP facilities where the population is controlled and there is ready access to doctors and medical care. But for some eligible inmates, home confinement might be more effective in protecting their health.

In assessing which inmates should be granted home confinement pursuant to this Memorandum, you are to consider the totality of circumstances for each individual inmate, the statutory requirements for home confinement, and the following non-exhaustive list of discretionary factors:

- The age and vulnerability of the inmate to COVID-19, in accordance with the Centers for Disease Control and Prevention (CDC) guidelines;

Memorandum from the Attorney General

Page 2

Subject: Prioritization of Home Confinement As Appropriate in Response to COVID-19
Pandemic

- The security level of the facility currently holding the inmate, with priority given to inmates residing in low and minimum security facilities;
- The inmate's conduct in prison, with inmates who have engaged in violent or gang-related activity in prison or who have incurred a BOP violation within the last year not receiving priority treatment under this Memorandum;
- The inmate's score under PATTERN, with inmates who have anything above a minimum score not receiving priority treatment under this Memorandum;
- Whether the inmate has a demonstrated and verifiable re-entry plan that will prevent recidivism and maximize public safety, including verification that the conditions under which the inmate would be confined upon release would present a lower risk of contracting COVID-19 than the inmate would face in his or her BOP facility;
- The inmate's crime of conviction, and assessment of the danger posed by the inmate to the community. Some offenses, such as sex offenses, will render an inmate ineligible for home detention. Other serious offenses should weigh more heavily against consideration for home detention.

In addition to considering these factors, before granting any inmate discretionary release, the BOP Medical Director, or someone he designates, will, based on CDC guidance, make an assessment of the inmate's risk factors for severe COVID-19 illness, risks of COVID-19 at the inmate's prison facility, as well as the risks of COVID-19 at the location in which the inmate seeks home confinement. We should not grant home confinement to inmates when doing so is likely to increase their risk of contracting COVID-19. You should grant home confinement only when BOP has determined—based on the totality of the circumstances for each individual inmate—that transfer to home confinement is likely not to increase the inmate's risk of contracting COVID-19.

II. PROTECTING THE PUBLIC

While we have an obligation to protect BOP personnel and the people in BOP custody, we also have an obligation to protect the public. That means we cannot take any risk of transferring inmates to home confinement that will contribute to the spread of COVID-19, or put the public at risk in other ways. I am therefore directing you to place any inmate to whom you grant home confinement in a mandatory 14-day quarantine period before that inmate is discharged from a BOP facility to home confinement. Inmates transferred to home confinement under this prioritized process should also be subject to location monitoring services and, where a court order is entered, be subject to supervised release.

We must do the best we can to minimize the risk of COVID-19 to those in our custody, while also minimizing the risk to the public. I thank you for your service to the country and assistance in implementing this Memorandum.



Office of the Attorney General
Washington, D. C. 20530

April 3, 2020

MEMORANDUM FOR DIRECTOR OF BUREAU OF PRISONS

FROM: THE ATTORNEY GENERAL *W. Barr*
SUBJECT: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

The mission of BOP is to administer the lawful punishments that our justice system imposes. Executing that mission imposes on us a profound obligation to protect the health and safety of all inmates.

Last week, I directed the Bureau of Prisons to prioritize the use of home confinement as a tool for combatting the dangers that COVID-19 poses to our vulnerable inmates, while ensuring we successfully discharge our duty to protect the public. I applaud the substantial steps you have already taken on that front with respect to the vulnerable inmates who qualified for home confinement under the pre-CARES Act standards.

As you know, we are experiencing significant levels of infection at several of our facilities, including FCI Oakdale, FCI Danbury, and FCI Elkton. We have to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions. I would like you to give priority to these institutions, and others similarly affected, as you continue to process the remaining inmates who are eligible for home confinement under pre-CARES Act standards. In addition, the CARES Act now authorizes me to expand the cohort of inmates who can be considered for home release upon my finding that emergency conditions are materially affecting the functioning of the Bureau of Prisons. I hereby make that finding and direct that, as detailed below, you give priority in implementing these new standards to the most vulnerable inmates at the most affected facilities, consistent with the guidance below.

- I. IMMEDIATELY MAXIMIZE APPROPRIATE TRANSFERS TO HOME CONFINEMENT OF ALL APPROPRIATE INMATES HELD AT FCI OAKDALE, FCI DANBURY, FCI ELKTON, AND AT OTHER SIMILARLY SITUATED BOP FACILITIES WHERE COVID-19 IS MATERIALLY AFFECTING OPERATIONS

Memorandum from the Attorney General

Page 2

Subject: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

While BOP has taken extensive precautions to prevent COVID-19 from entering its facilities and infecting our inmates, those precautions, like any precautions, have not been perfectly successful at all institutions. I am therefore directing you to immediately review all inmates who have COVID-19 risk factors, as established by the CDC, starting with the inmates incarcerated at FCI Oakdale, FCI Danbury, FCI Elkton, and similarly situated facilities where you determine that COVID-19 is materially affecting operations. You should begin implementing this directive immediately at the facilities I have specifically identified and any other facilities facing similarly serious problems. And now that I have exercised my authority under the CARES Act, your review should include 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. It is vital that we not inadvertently contribute to the spread of COVID-19 by transferring inmates from our facilities. Your assessment of these inmates should thus be guided by the factors in my March 26 Memorandum, understanding, though, that inmates with a suitable confinement plan will generally be appropriate candidates for home confinement rather than continued detention at institutions in which COVID-19 is materially affecting their operations.

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 essence. Please implement this Memorandum as quickly as possible and keep me closely apprised of your progress.

II. PROTECTING THE PUBLIC

While we have a solemn obligation to protect the people in BOP custody, we also have an obligation to protect the public. That means we cannot simply release prison populations en masse onto the streets. Doing so would pose profound risks to the public from released prisoners engaging in additional criminal activity, potentially including violence or heinous sex offenses.

That risk is particularly acute as we combat the current pandemic. Police forces are facing the same daunting challenges in protecting the public that we face in protecting our inmates. It is impossible to engage in social distancing, hand washing, and other recommended steps in the middle of arresting a violent criminal. It is thus no surprise that many of our police officers have fallen ill with COVID-19, with some even dying in the line of duty from the disease. This pandemic has dramatically increased the already substantial risks facing the men and women who keep us safe, at the same time that it has winnowed their ranks while officers recover from getting sick, or self-quarantine to avoid possibly spreading the disease.

Memorandum from the Attorney General

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Subject: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

The last thing our massively over-burdened police forces need right now is the indiscriminate release of thousands of prisoners onto the streets without any verification that those prisoners will follow the laws when they are released, that they have a safe place to go where they will not be mingling with their old criminal associates, and that they will not return to their old ways as soon as they walk through the prison gates. Thus, while I am directing you to maximize the use of home confinement at affected institutions, it is essential that you continue making the careful, individualized determinations BOP makes in the typical case. Each inmate is unique and each requires the same individualized determinations we have always made in this context.

I believe strongly that we should do everything we can to protect the inmates in our care, but that we must do so in a careful and individualized way that remains faithful to our duty to protect the public and the law enforcement officers who protect us all.



**U.S. Department of Justice
Memorandum
Federal Bureau of Prisons**

Correctional Programs Branch

Central Office
320 First Street, N.W.
Washington, DC 20534

MEMORANDUM FOR CORRECTIONAL PROGRAM ADMINISTRATORS

FROM: 
David Brewer, Acting Senior Deputy Assistant
Director

SUBJECT: Furlough and Home Confinement Additional Guidance

The following guidance is provided from information contained in the CARES Act, memoranda from Attorney General Barr, and the Bureau of Prisons. This memorandum rescinds guidance previously provided.

Furlough

The current pandemic is considered an urgent situation that may warrant an emergency furlough under 570.32(b)(1) and 570.33(b). These regulations authorize a non-transfer emergency furlough if the inmate is otherwise deemed appropriate, even if he/she has been submitted for Home Confinement (HC). Effective April 16, 2020, all inmates referred for an emergency furlough due to the Covid-19 pandemic should be submitted and keyed as FURL CRI.

Inmates who have been referred for a release planning furlough based on guidance issued prior to April 16, 2020, do not require a new application. These inmates should be keyed out of the facility as FURL REL. Furlough applications completed on or after April 16, 2020, should follow the updated guidance. Inmates within 12 months of his/her Projected Release Date (PRD), or those who have received Home Confinement placement and have a PRD exceeding one year, should be reviewed for furlough.

Home Confinement

In an effort to alleviate concerns and questions, the following criteria should be met when reviewing and referring inmates for HC:

- Primary or prior offense is not violent

- Primary or prior offense is not a sex offense
- Primary or prior offense is not terrorism
- No detainer
- Mental Health Care Level is less than CARE-MH 4
- PATTERN risk score is Minimum (R-MIN)
- No incident reports in the past 12 months (regardless of severity level)
- U.S. Citizen
- Viable Release Plan

If the inmate meets the criteria above, the following factors should be noted, but are not a reason for denial:

- Age
- Projected Release Date
- Percentage of time served
- Medical Care Level
- Victim Witness Program
- Arrival dated (ARSD)

Any concerns regarding an inmate's suitability for HC placement should be noted in Section 11 of the BP-210, *Institutional Referral for CCC Placement*. It is strongly encouraged to refer inmates currently housed in a facility with active Covid-19 cases.

For inmates requesting relocation, a release plan must be submitted to the USPO prior to HC referral submission. The USPO approval letter must be forwarded to the RRM, once received. Institution staff should contact the Health Service Specialist in the RRM's office with questions regarding HC placement for inmates with medical concerns.

If you have any questions, please contact David Brewer, Acting Senior Deputy Assistant Director, Correctional Programs Division, at (202)353-3638.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CRAIG WILSON, et al.,	)	CASE NO.: 4:20cv794
	)	
	)	
Petitioners,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	
MARK WILLIAMS, Warden of Elkton Federal Correctional Institution, et al.,	)	<u>RESPONDENTS' STATUS REPORT</u>
	)	
	)	
Respondents.	)	

Pursuant to the Court's May 14, 2020 non-document Order, Respondents respectfully submit the following status report, providing COVID-19 testing data for Federal Correctional Institution Elkton ("Elkton"), this data includes the main facility and the Federal Satellite Low.

ABBOTT RAPID TESTS

Abbott Tests for May 19, 2020 are as follows:

	DAILY	TOTAL (since May 14, 2020)
TESTS PERFORMED	10 (1 test invalid results)	47
POSITIVE	2	5
NEGATIVE	7	41

MASS TESTING – QUEST DIAGNOSTICS

The following data is for May 19, 2020:

Swabs taken/sent to Quest Diagnostics - 140

	RESULTS	TOTAL (since May 11, 2020)
TESTS PERFORMED	140	664
POSITIVE	1	53
NEGATIVE	0	141

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ James R. Bennett II
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Attorneys for Respondents

Exhibit A

	A	B	C	D	E	F
	Register Number	Name	Court of Jurisdiction	Docket Number	Offense	Status/Rationale
1						
2						
3			FMN		18:286,371 FRAUD, OTHER	Low Risk/Detainer Florida DOC, C/S Sentence, 32.1% t/s
4			FDCD		18:2251-2,2260 OBSCENE MATTR	PSF Sex Offender
5			FDCS		DC SEX CARNAL KNOWLEDGE	PSF Sex Offender
6			FNWV		21:846 SEC 841-851 ATTEMPT	24% time served; Low Risk; STG Hells Angels; Assault on a Police Officer; Last IR 2009
7			FWVS		21:841 SCH II NARCOTC, NONFSA	Detainer; Medium Risk; IR 01/16/2020 Use of Drugs, 01/16/2020 Possession 11/2019 Being Absent, 09/2019 Possession
8			FMD		COMMUNICATIONS ACT	Has Active Warrants in NCIC for Grand Theft; Low Risk Level
9			FMW		18:2113(D) ROBBERY, ASSLT, BANK	Current Violence - Armed Bank Robbery; 03/2020 IR 218; Low Risk; '76 Manslaughter, '90 Bank Robbery; Numerous Major IRS in NYDOC;
10			FIAN		21:848 CONT CRIMINL ENTERPRS	Greatest Severity Offense - Leader Organizer; 43% ts; PRD 2033;
11			FKYW		18:286,371 FRAUD, OTHER	Broad Publicity; DST for RRC 05/06/2020; Fugitive Most Wanted 9 Years; Prior '98 IR for Assault;
12			FINN		18:2117 INTRST COMM ACT VIOL	Current Violence - Possession of a Pipebomb - manufactured and exploded as a tactic to commit robberies; resulted in death
13			FWVS		21:841 & 846 SEC 841-851	Current Violence/Past Violence Firearms Trafficking; Prior possession of destructive device (pipebomb); prior domestic violence
14			FIAN		21:846 SEC 841-851 ATTEMPT	Past violence - assault on LEO (attempted to take F/A); Medium Risk;
15			FWVN		21:841 & 846 SEC 841-851	Medium Risk; 36% ts; 12/2019 - Possessing Cell Phone IR
16			FMIE		21:841 & 846 SEC 841-851	Low Risk; '64 Assault and Battery; PRD 2023; 63% ts
17			FMSN		21:846 SEC 841-851 ATTEMPT	Medium Risk; 09/2019 Use of Drugs or Alcohol; 64% ts
18			FWVN		21:841 & 846 SEC 841-851	PRD 12/2020; W CCC Action; High Risk?; Escape History noted
19			FWIE		21:846 SEC 841-851 ATTEMPT	History of Minor Escape noted; prior violence; Medium Risk; STG Vice Lords Member
20			FFLS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
21			FMN		18:1030 FRAUD COMPUTERS	Current Violence - Felon In Possession of a F/A; Prior aggravated robbery '80; Low Risk; 19% ts; G6 reflects detainer not on pscd ??
22			FDE		21:846 SEC 841-851 ATTEMPT	Low Risk; Past Violence -93 Robbery; Poor program participation & LS
23			FWVN		21:841 & 846 SEC 841-851	Minor Escape; Prior Violence - Robbery; No FSA assignments 72% ts
24			FND		21:841 SCH II NONNARC, NONFSA	54% ts; no Risk assignmnt; 09/2019 Fighting With Another Person
25			FINN		18:922(G) FIREARMS, 3 PRI CNV	High recidivism risk; Prior Violence (1999, 1991, 1984, 1979); IR for Code 112 (January 2020)
26			FVAW		18:924(C) FIREARMS LAWS	Medium Risk; Prior violence (1986); Detainer W/ VA DOC
27			FMOW		21:846 SEC 841-851 ATTEMPT	Outlaw MC Gang; Escape from LVN SCP (1984); Low Recidivism risk; 36%
28			FFLN		18:922(G) FIREARMS, CARR CRIM	Low risk; Sex offender and history of violence (1988)
29			FWVN		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Low recidivism; 42%'
30			FIILN		18:286,371 FRAUD, OTHER	Alien; to be reviewed for RIS
31			FIAN		21:846 SEC 841-851 ATTEMPT	Low risk; History of Violence (1996 Domestic Assault); 47%; PRD 2037
32			FFLN		21:846 SEC 841-851 ATTEMPT	Medium risk; IR for Code 312 (November 2019)
33			FMN		18:922(G) FIREARMS, 3 PRI CNV	PRD 2033; IR for Code 307 (January 2020); 31%
34			FILS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
35			FTNM		OBSCENE MATTER TRANSPORT	Sex Offender
36			PPAW		OBSCENE MATTER TRANSPORT	Sex Offender (current and multiple priors)
37			FIAS		21:846 SEC 841-851 ATTEMPT	Low risk; History of Violence (multiple domestic assaults); 53%
38			FINN		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence Criminal Reckless While Armed (1997); 71%
39			FFLN		21:846 SEC 841-851 ATTEMPT	Medium risk; IR for Codes 316, 312 (December 2020); 63%
40			FDE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
41			FFLN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
42			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
43			FFLN		18:2241-2248 SEXUAL ABUSE	Sex Offender
44			FINN		21:841 SCH II NARCOTC, NONFSA	Submitted for Home Confinement Awaiting CCC Action 05-03-2020; 62%
45			FWIW		21:841 & 846 SEC 841-851	History of violence for Assault, Pointed Gun at Victim; 71%
46			FINS		21:841 & 846 SEC 841-851	High risk; Prior Violence Resisting, Robbery, Battery; 84%
47			FDE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
48			FIAS		18:2251-2,2260 OBSCENE MATTR	PPS
49			FND		BURGLARY	Sex offender; Medium recidivism risk; 29%
50			FILS		21:841 SCH II NARCOTC, NONFSA	Sex Offender due to prior conviction; History of violence for Aggravated Battery (1997); IR for Code 201 (June 2019); High recidivism risk
51			FVAW		18:924(C) FIREARMS LAWS	Medium recidivism risk; History of violence for Assault and Battery (1997)
52			FKYE		21:841 SCH II NONNARC, NONFSA	History of Violence for Robbery (1985); Low recidivism risk
53			FWIW		OBSCENE MATTER TRANSPORT	Sex offender; RRC DST on 07-21-2020; IR for Code 312 (July 2019)
54			FMSS		21:846 SEC 841-851 ATTEMPT	Low recidivism risk; History of violence for Involuntary Manslaughter
55			PPAW		21:841 SCH II NARCOTC, NONFSA	Low recidivism risk; History of violence (1997)
56			PPAW		21:841 SCH II NARCOTC, NONFSA	Medium recidivism risk; History of violence (1976 and 1986)
57			FWIE		18:286,371 FRAUD, OTHER	Low recidivism risk; 18%
58			FIAN		21:846 SEC 841-851 ATTEMPT	Medium recidivism risk; History of violence for Assault (1991) and Escape for Absconding (1986)
59			FILS		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk
60			FINS		21:841 & 846 SEC 841-851	Medium recidivism risk
61			FWVS		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk
62			FINN		21:841 & 846 SEC 841-851	High recidivism risk; IR suspended pending AUSA referral for Code 102A
63			FIAN		21:841 SCH II NONNARC, NONFSA	High recidivism risk; IR for Code 331 (March 2020)
64			FILS		OBSCENE MATTER TRANSPORT	Sex offender; High recidivism risk; Current and prior sex offenses
65			FILS		18:2251-2,2260 OBSCENE MATTR	Sex offender; COVID Refer CMA
66			FMW		21:846 SEC 841-851 ATTEMPT	Low recidivism risk; IR for Code 219 (January 2020)
67			FOHS		21:846 SEC 841-851 ATTEMPT	Low recidivism risk
68			FALS		18:2251-2,2260 OBSCENE MATTR	Sex Offender - to be reviewed for RIS
69			FILS		21:841 SCH II NARCOTC, NONFSA	Medium recidivism risk; History of violence (1998)
70			FILS		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk

	A	B	C	D	E	F
71			FND		21:841 & 846 SEC 841-851	Low recidivism risk; IR for Code 201 (Jul 2019)
72			FINS		18:922(G) FIREARMS,3 PRI CNV	History of violence (1983 and 1995); Medium recidivism risk; IR for Code 212 (April 1, 2020) and 203 (December 2019)
73			FWIE		18:2113(D) ROBBERY,ASSLT,BANK	Low recidivism risk; Current violence of Bank Robbery, Prior violence for Robbery
74			FMD		18:2113 ROBBERY BANK	Low recidivism risk; Current and prior violence for Bank Robbery
75			FWVN		21:843 USE FICT,REV,SUSP NBR	High recidivism risk; Prior violence; IR for Code 112 (November 2019)
76			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
77			FPAW		18:1344 BANK FRAUD	High recidivism risk
78			FILS		18:2251-2,2260 OBSCENE MATTR	Sex offender
79			FINS		18:2251-2,2260 OBSCENE MATTR	Sex offender (current and prior convictions)
80			FKYW		18:2241-2248 SEXUAL ABUSE	Sex offender (current and prior convictions)
81			FWVN		18:922(G) FIREARMS,CARR CRIM	Sex offender due to prior conviction; History of violence for Murder (1997)
82			FMIW		21:841 & 846 SEC 841-851	Prior violence 2008; Medium recidivism risk
83			FRQ		18:2119 ROBBERY OF AUTO	Current violence offense; Low recidivism risk
84			FKYW		18:2251-2,2260 OBSCENE MATTR	Sex offender; History of violence for prior sex offense
85			FFLM		21:846 SEC 841-851 ATTEMPT	Low recidivism risk; IR for Code 397 (October 2019); PRD 09-07-2028
86			FIAN		18:2251-2,2260 OBSCENE MATTR	Sex offender
87			FWVN		21:841 SCH II NONNARC,NOFSA	Low recidivism risk; RRC DST on 09-16-2020
88			FINS		21:846 SEC 841-851 ATTEMPT	Medium recidivism risk; HX of violence for Battery (1997)
89			FILS		21:846 SEC 841-851 ATTEMPT	Low recidivism risk; Escape history for Absconding (2004)
90			FMIW		18:286,371 FRAUD, OTHER	Sex offender due to prior convictions; Low recidivism risk
91			FINS		18:2251-2,2260 OBSCENE MATTR	Sex offender; PRD 2035
92			FND		18:2241-2248 SEXUAL ABUSE	Sex offender
93			FVAW		18:922(G) FIREARMS,CARR CRIM	Prior Violence 2003; Medium recidivism risk
94			FPAM		18:924(C) FIREARMS LAWS	Low Risk; PRD: 2035
95			FILC		18:1344 BANK FRAUD	Latin King enforcer; PSF Greatest Severity, Current violent offense; Low recidivism risk
96			FINN		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk; History of violence (Battery-1995)
97			FVAW		21:846 SEC 841-851 ATTEMPT	Escape from SCP in 2006; Low recidivism risk
98			FKYW		18:922(G) FIREARMS,3 PRI CNV	Sex offender due to prior convictions; Low recidivism risk
99			FWIE		OBSCENE MATTER TRANSPORT	Sex offender; Low recidivism risk
100			FINS		18:2251-2,2260 OBSCENE MATTR	Sex offender; History of violence for prior sex offense
101			FINS		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk; Current and prior sex offense
102			FWIW		18:2251-2,2260 OBSCENE MATTR	Sex offender
103			FILS		18:2251-2,2260 OBSCENE MATTR	Sex offender; Low recidivism risk; History of violence for prior sex offenses
104			FWIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
105			FIAS		21:841 & 846 SEC 841-851	IR 8/2010, Domestic Battery (2 charges) 2000,
106			FINS		18:922(G) FIREARMS,3 PRI CNV	IR 2-2020
107			FME		18:922(G) FIREARMS,CARR CRIM	IR 3/2020
108			FWIW		LARCENY/THEFT I/S TRANS	Disorderly conduct 2007, Pattern Score High, 48.9%
109			FINS		18:924(C) FIREARMS LAWS	IR 1/2020
110			FNWV		21:841 SCH I NARCOTIC,NOFSA	Resist arrest 1994, firearm discharge 2001, Pattern - Medium, 100%
111			FILS		21:846 SEC 841-851 ATTEMPT	No I/Rs, High Risk, 41, CAR2, 41%, PRD 3/2021
112			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
113			FKS		18:922(G) FIREARMS,CARR CRIM	Common assault 1978, Battery 2000,Pattern Medium 80%
114			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
115			FKYW		21:841 & 846 SEC 841-851	3rd degree rape 1980, 85%
116			FRI		18:2251-2,2260 OBSCENE MATTR	Sex Offender
117			FRI		18:2251-2,2260 OBSCENE MATTR	Sex Offender
118			FVAW		18:924(C) FIREARMS LAWS	No I/Rs, Current Off: Murder for Hire, Min Risk, 67, CAR2, 51%, 10/2030
119			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
120			FIAN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
121			FVAW		21:846 SEC 841-851 ATTEMPT	No I/Rs, MIN Risk, 08/26/2021; Detainer State of Virginia Consecutive Sent.
122			FLAW		21:846 SEC 841-851 ATTEMPT	Battery 1997 and 1998, Pattern Medium
123			FND		21:846 SEC 841-851 ATTEMPT	No I/Rs, LOW Risk, 30, CAR1, 43%, 2/2/2030
124			FFLN		21:841 & 846 SEC 841-851	No I/Rs, PV-Aggr Batt w/Deadly Weapon, Batt., Att. Murder w/Deadly Weapon, Low Risk, 71, CAR2, 67%, 06/17/2026
125			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
126			FVAW		21:846 SEC 841-851 ATTEMPT	No I/Rs, MED Risk, 30, CAR1, 54%, 11/10/2023
127			FWVN		18:2251-2,2260 OBSCENE MATTR	Sex Offender; to be reviewed for RIS
128			FDCS		DC HOMICIDE MURDER	Detainer - USMS
129			FWIE		21:841 SCH I NARCOTIC,NOFSA	MED Risk, 53, CAR2, 66%, 1/7/2024; Distributed Heroin Resulting in Death
130			FWVN		18:924(C) FIREARMS LAWS	IR 203 - 2/2020
131			FINN		21:846 SEC 841-851 ATTEMPT	MED Risk, 44, CARE2, 84%, 11/18/2021
132			FWVN		18:286,371 FRAUD, OTHER	MIN Risk, 58, CARE2, 95%, 6/6/2020
133			FMIW		OBSCENE MATTER TRANSPORT	Sex Offender
134			FND		18:2241-2248 SEXUAL ABUSE	Sex Offender
135			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
136			FWIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
137			FWVN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
138			FWVN		21:846 SEC 841-851 ATTEMPT	IR 316 1/2020
139			FWVS		18:922(G) FIREARMS,CARR CRIM	IR 112 3/2020
140			FWVN		21:841 & 846 SEC 841-851	MED Risk, 29, CARE1, 19%, 12/20/2028

	A	B	C	D	E	F
141			FWVN		21:841 SCH II NONNARC,NONFSA	HIGH Risk, 29, CARE 1, 15%, 11/17/26
142			FWVN		18:922(G) FIREARMS,CARR CRIM	IR 219 11/2019
143			FMT		18:2251-2,2260 OBSCENE MATTR	Sex Offender
144			FWVN		21:841 SCH II NONNARC,NONFSA	IR 113 2/2020
145			FINS		21:841 SCH I NARCOTIC,NONFSA	IR 112 1/2020
146			FMN		21:846 SEC 841-851 ATTEMPT	IR 108 1/2020
147			FKYE		21:846 SEC 841-851 ATTEMPT	IR 112 3/2020
148			FWVN		18:922(G) FIREARMS,CARR CRIM	HIGH Risk, 28, CARE 2, 15%, 2/1/2023
149			FALS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
150			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
151			FWVN		21:841 & 846 SEC 841-851	LOW Risk, 43, CARE 1, 48% 7/23/2021; Active Warrants in D.C. full extradition
152			FWVN		21:841 SCH II NONNARC,NONFSA	MED Risk, 37, CARE 2, 15%, 9/7/2026 - 04 Domestic Batter, 08 Assault
153			FWVN		21:841 & 846 SEC 841-851	LOW Risk, 56, 10/1/2022; 97 Assault Bodily Injury; Several Unknown Disposition
154			FTXS		8:1327 ALIEN SMUGGLE/IMPORT	IR 316 11/2019, LOW risk, CARE 2, 33, 74%,11/16/2020
155			FELS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
156			FILC		OBSCENE MATTER TRANSPORT	Sex Offender
157			FTNE		18:922(G) FIREARMS,3 PRI CNV	HIGH Risk, 58, CARE 2, 49%, 12-29-2020 Sexual Assault 1978
158			FILS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
159			FILS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
160			FNCM		18:2113 ROBBERY BANK	LOW Risk, CARE 2, 56, 54%, 4/24/2021
161			FINN		21:846 SEC 841-851 ATTEMPT	IR 11 2/2020
162			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
163			FKYE		21:841 SCH II NONNARC,NONFSA	LOW Risk, CARE 2, 62, 14%, 4/2031
164			FIAN		18:922(G) FIREARMS,CARR CRIM	IR 113 3/2020
165			FPAM		21:846 SEC 841-851 ATTEMPT	HIGH Risk, CARE 2, 46, 47%, 4/10/2027
166			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
167			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
168			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
169			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
170			FGAM		21:841 SCH II NONNARC,NONFSA	MIN Risk, 43, CAR1, 68%, 03/2022; Submitted for HC
171			FMIW		18:922(G) FIREARMS,CARR CRIM	PV-85 Asslt, MED Risk, 54, Car2, 55%, 03/2029; 4 Firearms in current offense
172			FWAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
173			FIAS		OBSCENE MATTER TRANSPORT	Sex Offender
174			FNWV		18:2251-2,2260 OBSCENE MATTR	Sex Offender
175			FMN		18:286,371 FRAUD, OTHER	PV-04 Asslt, LOW Risk, 55, CAR2, 20.7%, 07/2025
176			FWVS		OBSCENE MATTER TRANSPORT	Sex Offender
177			FCAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
178			FKYW		OBSCENE MATTER TRANSPORT	Sex Offender
179			FILC		21:841 & 846 SEC 841-851	PV-94 Armed Violence, LOW Risk, 45, CAR2, 65%, 05/2027 Gangster Disciple,
180			FWVS		21:841 & 846 SEC 841-851	PV-Asslt, Sexual Assault, Homeless, RRC: 5/19/2020
181			FWVS		21:846 SEC 841-851 ATTEMPT	MED Risk, 40, CAR2, 21.4%, 11/2030
182			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
183			FSC		18:2251-2,2260 OBSCENE MATTR	Sex Offender
184			FIAS		21:841 & 846 SEC 841-851	PV-95 Robbery, 04 Asslt LEO, Detm: 2019 10yrs CC IA DOC, LOW, CAR2
185			FWVS		OBSCENE MATTER TRANSPORT	Sex Offender
186			FALS		OBSCENE MATTER TRANSPORT	Sex Offender
187			FNYN		18:922(G) FIREARMS,CARR CRIM	Homeless? PV-06 Child Endangerment, 02 Stalking, 00 Asslt, MED Risk, 40, CAR2, 41%, 11/2023
188			FAK		OBSCENE MATTER TRANSPORT	Sex Offender
189			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
190			FWVS		21:846 SEC 841-851 ATTEMPT	PV-Battery LEO, Batt., Mal. Wound., MED Risk, 40, CAR2, 41%, 11/2023
191			FKYE		21:846 SEC 841-851 ATTEMPT	Sex Offender - Prior
192			FILN		18:922(G) FIREARMS,CARR CRIM	PV-11 Batt., 92 Robb., MIN Risk, 47, CAR2, 56%, 05/2023; DST - DTH RDAP
193			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
194			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
195			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
196			FWVS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
197			FWVS		18:924(C) FIREARMS LAWS	I/R - 112-11/2019, 331-09/2019, 113-7/2019, HIGH Risk
198			FWVS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
199			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender
200			FWVS		21:841 SCH I NARCOTIC,NONFSA	LOW Risk, 43, CAR2, 54%, 3621e date: 1/11/2021 - RDAP Part
201			FINS		21:846 SEC 841-851 ATTEMPT	PV-99 Batt., Med Risk, 42, CAR1, 25%, 04/2033
202			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
203			FWVS		21:841 SCH I NARCOTIC,NONFSA	LOW Risk, 23, CAR2, 32%, 10/2021
204			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
205			FWVS		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
206			FWVS		21:841 SCH I NARCOTIC,NONFSA	PV-15 Obstr. Officer, 05 Mal. Asslt, Wanton Endangerment, 02 Batt., Dom Viol., 00 Agg. Robb, MED Risk, 40, CAR2, 87%
207			FKYE		21:841 & 846 SEC 841-851	LOW Risk, 45, CAR2, 70%, 03/2024
208			FWVS		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
209			FMD		18:924(C) FIREARMS LAWS	I/R - 224-02/2020, Homeless
210			FMIW		21:846 SEC 841-851 ATTEMPT	PV-00 Agg. Asslt., LOW Risk, 41, CAR1, 76%, 06/2023: Comp Rel on 5/15/20

	A	B	C	D	E	F
211			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
212			FINS		21:846 SEC 841-851 ATTEMPT	I/R - 113-02/2020 (x2), 108-02/2020 (x2)
213			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
214			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
215			FKYW		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
216			FALM		OBSCENE MATTER TRANSPORT	Sex Offender
217			FNYN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
218			FINS		18:1962 RACKETEER (RICO)	Current Violence-RICO, GAF: the Mob, MED Risk, 25, CAR1
219			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
220			FWIE		18:924(C) FIREARMS LAWS	PV-13 Disord. Con, 06 Obstruct, 05 Subst Batt., 02 Escape, MED Risk, 41, CAR2, 63%, 07/2022
221			FILC		OBSCENE MATTER TRANSPORT	Sex Offender
222			FWIE		OBSCENE MATTER TRANSPORT	Sex Offender
223			FVAE		21:846 SEC 841-851 ATTEMPT	I/R - 108-10/2019, DST: CNK EB1 - 05/12/2020
224			FINS		21:846 SEC 841-851 ATTEMPT	I/R - 310-1/28/2020, PV-08 Criminal reckless, MED Risk, 41, CAR1, 13%, 11/5/2038
225			FINS		21:846 SEC 841-851 ATTEMPT	Residence-Mexico, LOW Risk, 44, CAR2, PSF- Alien, 23%, 06/2029
226			FOKN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
227			FMIW		OBSCENE MATTER TRANSPORT	Sex Offender
228			FKYE		21:846 SEC 841-851 ATTEMPT	LOW Risk, 57, CAR1, 44%, 12/2029
229			FWIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
230			FKYE		21:846 SEC 841-851 ATTEMPT	MIN Risk, 51, CAR2, 40%, 06/2030
231			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
232			FKYE		21:846 SEC 841-851 ATTEMPT	I/R - 113-5/5/2020, 331-2/6/2020, MED Risk, 36, CAR1, 83%, 11/2021
233			FINS		18:924(C) FIREARMS LAWS	I/R - 201-3/17/20, HIGH Risk, 33, CAR1, 52%, 10/2022
234			FKYE		18:2113 ROBBERY BANK	Current Violence - Accessory After the Fact, MIN Risk, 53, CAR2, 83%, 10/2021
235			FINS		COMMUNICATIONS ACT	PV - 07 Batt. w/Felony, 03 Dom. Battery, LOW Risk, 47, CAR2, 51%, 3621e date: 06/12/2021
236			FMIW		OBSCENE MATTER TRANSPORT	Sex Offender
237			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
238			FNCW		18:1956 RACKETEERING	LOW Risk, 36, CAR2, 13%, 03/2024
239			FWIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
240			FMIW		18:2113 ROBBERY BANK	Current Violence - Armed Robbery, PV-Armed Robbery 80,79,65,61, MIN Risk, 77, CAR2, 70%, 06/2022, CV-Deny
241			FSC		18:922(G) FIREARMS,3 PRI CNV	Homeless? PV-1994 Voluntary Manslaughter, MED Risk, 56, CAR2, RRC: CRL 4WR - 7/7/20
242			FINS		21:846 SEC 841-851 ATTEMPT	I/R - 112-3/25/20, MED Risk, 41, CAR2, 14%, 08/2029
243			FKYE		21:846 SEC 841-851 ATTEMPT	I/R - 115-11/19/2019, HIGH Risk, 38, CAR2, 55%, 01/2021
244			FINN		18:2113(D) ROBBERY,ASSLT,BANK	Current Violence - Bank Robbery by Force or Violence, RRC: 05/19/2020
245			FWIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
246			FWIE		18:922(G) FIREARMS,CARR CRIM	MED Risk, 26, CAR2, RRC: CCH 5HY 10/27/2020
247			FMIW		21:841 & 846 SEC 841-851	PV - 80 Armed Robbery, 86/95 Resist LEO/BATT, 03 Batt/Dom Viol., MED risk, 57, CAR2, 29%, 05/2038
248			FND		21:846 SEC 841-851 ATTEMPT	Homeless? 02 Crim.Endangerment, Disorderly Conduct, 01 Fam. Aslt, MED risk, 57, CAR2, 55%, 09/2022
249			FMIW		21:846 SEC 841-851 ATTEMPT	PV-76 Aslt&Batt, LOW Risk, 66, CAR2, 64%, 06/2024: Greatest Severity Offense
250			FNYN		FRAUD POSTAL	I/R - 310-03/09/2020, 17 Pending Charges; MIN Risk, 63, CAR2, 95%, 10/29/2020
251			FOHN		21:841 & 846 SEC 841-851	PV - 78 Rob, 88 Dom Viol., MED Risk, 59, CAR2, 56%, 09/2024
252			FINN		21:841 & 846 SEC 841-851	PV - 94 Att Murder, 95 Battery, MED Risk, 49, CAR2, 28%, 02/2028
253			FINS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
254			FMIW		OBSCENE MATTER TRANSPORT	Sex Offender
255			FMIW		21:846 SEC 841-851 ATTEMPT	HIGH Risk, 47, CAR2, 33%, 09/2034
256			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
257			FMIE		21:846 SEC 841-851 ATTEMPT	MIN Risk, 60, CAR2, 3%, 09/2032; Prior Arson; STG Compr Staff, Introd Drugs
258			FNCM		21:841 & 846 SEC 841-851	MED Risk, 50, CAR2, 94%, 12/2021; Instant Offense is Violent/ Gang Related
259			FMT		21:846 SEC 841-851 ATTEMPT	PV - Threatened to Kill with brick 15 Disorderly Conduct, MIN Risk, 42%, 2023,
260			FNYS		18:499/702 IMPERSONATION	I/Rs - 306 (x2) 10/19 & 8/19, MED Risk, 52, CAR2, 83%, 03/2021, W CCC ACT
261			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
262			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
263			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
264			FILC		21:841 & 846 SEC 841-851	I/R - 201-9/30/19, PV-02 Batt, Dis. Cond, 04, Resist LEO, Batt., HIGH Risk, 42, CAR1, 80%, 3621e: 08/2021
265			FWY		18:2251-2,2260 OBSCENE MATTR	Sex Offender
266			FKYE		21:846 SEC 841-851 ATTEMPT	I/Rs - 201-1/23/20, 306(x3)-2020, Homeless, MED Risk, 46, CAR2, 46%, 02/2021
267			FTNM		18:2113(D) ROBBERY,ASSLT,BANK	Current Violence-Consp. Bank Robbery, F/A in Violent Crime, LOW Risk, 65, CAR2, 95%, 04/2021
268			FIAN		21:841 SCH I NARCOTIC,NONFSA	PV - 02 Armed Robb., 90 Robb., LOW Risk, 53, CAR2, 15%, 09/2032
269			FKYE		21:841 SCH II NONNARC,NONFSA	PV - 92 Wanton Endangerment, LOW Risk, 55, CAR2, 46%, 08/2027
270			FINN		18:922(G) FIREARMS,CARR CRIM	Homeless, PV - 00 Armed Robbery (x3), GAF: Black Gangster Disciples, MED Risk, 44, CAR1, 11%, 12/2036
271			FINN		18:924(C) FIREARMS LAWS	Current Violence-Hobbs Act Robbery, F/A, LOW Risk, 31, CAR2, 30%, 08/2024
272			FIAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
273			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
274			FINN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
275			FINN		OBSCENE MATTER TRANSPORT	Sex Offender
276			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender
277			FLAW		SEX OFFENSES	Sex Offender
278			FMIW		18:924(C) FIREARMS LAWS	Compassionate Release - 05/05/2020
279			FKYE		21:846 SEC 841-851 ATTEMPT	PV - 98 Dom. Viol., LOW Risk, 50, CAR2, 52%, 04/2025; Pending Charges in OH
280			FILN		21:846 SEC 841-851 ATTEMPT	LOW Risk, 54, CAR2, 42%, 01/2026; Has Pending Charge in Illinois

	A	B	C	D	E	F
281			FKYE		21:846 SEC 841-851 ATTEMPT	PV - 05 Assault No Injury, LOW Risk, 57, CAR2, 49%, 08/2025
282			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
283			FMIW		18:2241-2248 SEXUAL ABUSE	Sex Offender
284			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
285			FKYE		21:846 SEC 841-851 ATTEMPT	PV - 02 Wanton Endangerment, Involving LEO; LOW Risk, 47, CAR1, 74%,
286			FKYE		21:846 SEC 841-851 ATTEMPT	I/Rs - 108, 331-01/2020, 219-11/19, PV - 10 Asstt, 01 Aggr. Asstt., MED Risk, 47, CAR2, 78%, 08/2021, DST: GIL
287			FNCM		COMMUNICATIONS ACT	I/Rs, 224-02/20, 307, 312-01/20, MIN Risk, 68, CAR2, 55%, 03/2026
288			FIAS		21:846 SEC 841-851 ATTEMPT	PV - 99 Common Law Robbery, MED Risk, 42, CAR2, 20%, 07/2030
289			FKYE		18:922(G) FIREARMS,CARR CRIM	I/Rs - 112 02/20 & 05/29/19, HIGH Risk, 31, CAR1, 51%, 10/2024
290			FKYE		21:846 SEC 841-851 ATTEMPT	LOW Risk, 56, CAR2, 28%, 02/2033
291			FILC		21:846 SEC 841-851 ATTEMPT	I/Rs - 112-10/19, 113-05/19, Homeless, MED Risk, 42, CAR2, 87%, RRC: CCH 5TJ - 9/15/2020
292			FVAW		21:846 SEC 841-851 ATTEMPT	I/Rs - 113-01/20, 331-11/19, Homeless? LOW Risk, 42, CAR2, 62%, 3621e: 06/2023
293			FMIW		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
294			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
295			FILC		21:841 SCH I NARCOTIC, NONFSA	High Risk, STG: BGD, PV-Dom. Violence ('90) (66.6%)
296			FMIW		21:846 SEC 841-851 ATTEMPT	PV-Dist the Peace ('12) (59.4%)
297			FMIW		21:846 SEC 841-851 ATTEMPT	Approved for HC 5/14/20 (73.7%)
298			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (54.2%)
299			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (28.9%)
300			FVAW		COMMUNICATIONS ACT	Medium Risk, < 12 mo. CC, PV: Kdnep, Apv RRC 10/29/20 (68.5%)
301			FILN		21:846 SEC 841-851 ATTEMPT	Low Risk, STG: People Nation Assoc., Detmr: Murder (95.7%)
302			FNYN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (63.6%)
303			FND		21:846 SEC 841-851 ATTEMPT	Low Risk PV: Dom Asst ('01), Dis Con ('05) 32.7 %> 18 mos.
304			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (81.5%)
305			FDCD		18:1962 RACKETEER (RICO)	Medium Risk STG: Escape/Drp Intr, IO incl Murder x 4 (83.4%)
306			FILC		21:846 SEC 841-851 ATTEMPT	Low Risk, STG: BGD (55.5%)
307			FKYE		21:846 SEC 841-851 ATTEMPT	Low Risk, 36.5% > 18 mos. PV:Crim Misch ('96)
308			FKYW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (18.2%)
309			FVAW		21:846 SEC 841-851 ATTEMPT	Medium Risk, PV: A&B ('94), V Prot. Ord ('14) (75.7%)
310			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (40.9%)
311			FVAW		21:846 SEC 841-851 ATTEMPT	Medium Risk, < 12 mo. CC (104/112), (27.2%)
312			FMIW		18:286,371 FRAUD, OTHER	Released to RRC on 4/30/20 (80.1%)
313			FKYE		21:846 SEC 841-851 ATTEMPT	Low Risk 33.2% > 18 mos.; Criminal History; Possible Pending Charge; 4/4/29
314			FGAS		18:2251-2,2260 OBSCENE MATTR	Sex Offender (76.5%)
315			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (81.6%)
316			FMIE		FRAUD POSTAL	Possible PC for failing to pay child sup(56.4%)
317			FNYN		21:841 & 846 SEC 841-851	Medium risk (48.8%); 01/25/29 PRD
318			FIAS		21:841 & 846 SEC 841-851	Low Risk, STG: BGD PV: Current Offense Greatest and prior Agg. Assault ('93) (
319			FMA		18:1512 OBSTRUCT JUSTICE	Low Risk, IO incl stabbing PV: Arm Rob, PC: Asstt to Murdr (39.7%)
320			FILC		21:841 SCH I NARCOTIC, NONFSA	Low Risk, PV: Agg. Asstt, STG: BGD (49.8%)
321			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (47.7%)
322			FNYN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (70.5%)
323			FNYS		18:2251-2,2260 OBSCENE MATTR	Sex Offender (82.3%)
324			FKYE		18:924(C) FIREARMS LAWS	Sex Offender (69.1%)
325			FMN		18:111 ASSLT/RESIST FED OFFER	Approved for RRC 5/19/20 (87.8%)
326			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (39.3%)
327			FKYE		21:841 SCH I NARCOTIC, NONFSA	33.3% > 18 mos.; Greatest Severity - Victim overdosed and almost died
328			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (32.8%)
329			FTXE		21:846 SEC 841-851 ATTEMPT	Medium Risk (81.8%); Serious History of Violence; Tango Blast Gang
330			FKYE		21:846 SEC 841-851 ATTEMPT	Low Risk, <12 mos CC (112) (49.8%); In SHU for Use of Drugs; Recent IR
331			FNYS		21:846 SEC 841-851 ATTEMPT	Low Risk, PV: Assault ('97), <12 mos. CC (305) (42.7%)
332			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender (25.6%)
333			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (39.8%)
334			FTNE		OBSCENE MATTER TRANSPORT	Sex Offender (80.4%)
335			FMN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (41.1%)
336			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender (40.1%)
337			FMIW		18:2241-2248 SEXUAL ABUSE	Sex Offender (17.0%)
338			FCT		21:841 & 846 SEC 841-851	High Risk ; 05/20/28 PRD; Criminal History
339			FKYE		21:846 SEC 841-851 ATTEMPT	23.3% ; 10/31/30 PRD; Age-; Criminal History
340			FVAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (37.4%)
341			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (91.6%)
342			FNCW		21:846 SEC 841-851 ATTEMPT	Medium Risk, PV: Vol Manslaughter ('90) (82.0%)
343			FNCM		21:841 & 846 SEC 841-851	Medium Risk, STG: Escape (4 hr RRC), 19.7% > 18 mos
344			FMIW		OBSCENE MATTER TRANSPORT	Sex Offender (32.3%)
345			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (21.1%)
346			FMIW		18:1201 KIDNAPING	Sex Offender (56.9%)
347			FKYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender (39.2%)
348			FKYE		21:846 SEC 841-851 ATTEMPT	Released to RRC on 4/29/20 (84.8%)
349			MAR		MILITARY COURT SEX OFFENSE	Sex Offender (77.6%)
350			FNCM		21:841 & 846 SEC 841-851	Medium Risk, <12 mo CC (108), STG: Bloods, 35.8% > 18 mos

	A	B	C	D	E	F
351			FMA		21:846 SEC 841-851 ATTEMPT	Low Risk (76.9%)
352			FVAW		21:846 SEC 841-851 ATTEMPT	(10.7%) Age-67; Prescribed medications to Patients; Patients died due to o.d.
353			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (37.2%)
354			FMIW		18:924(C) FIREARMS LAWS	Medium Risk, IO incls Brandish FA, 34.7% > 18 mos
355			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (51.3%)
356			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (70.1%)
357			FILN		OTHER/UNCLASSIFIABLE	Low Risk, IO inc Murder for Hire, STG: Vice Lords (85.5%)
358			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (32.7%)
359			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (36.3%)
360			FMIW		18:2250 FAIL REG AS SEX OFFN	Sex Offender, Detn (98.5%)
361			FILC		21:841 SCH II NONNARC,NONFSA	Low Risk, PV: Asst w Deadly Wpn (95), 32.3% > 18 mos
362			FKYE		21:841 SCH II NONNARC,NONFSA	Medium Risk, <12 mo CC (331x2) (18.7%)
363			FVAW		21:846 SEC 841-851 ATTEMPT	Low Risk, PV: Dom Aslt ('99) Aslt('08), 33.7% > 18 mos
364			FMIW		21:841 SCH II NARCOTC,NONFSA	Medium Risk, (8.7%)
365			FNW		21:846 SEC 841-851 ATTEMPT	Medium Risk (46.9%) 06/23/28 PRD; Criminal History
366			FMIW		21:846 SEC 841-851 ATTEMPT	PV: Murder ('94), Age -66 (13.1%)
367			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (88.9%)
368			FKYE		OBSCENE MATTER TRANSPORT	Sex Offender (13.8%)
369			FMIW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (6.1%)
370			FKYE		18:1028 FRAUD IDENTITY THEFT	Low Risk, < 12 mo. CC (201), IO incl Threat Comm (67.9%)
371			FKYE		18:924(C) FIREARMS LAWS	High Risk, PV: Robbery/Aslt, > 18 mos remain (24.8%)
372			FILC		18:2251-2,2260 OBSCENE MATTR	Sex Offender (28.6%)
373			FVAW		18:922(G) FIREARMS,CARR CRIM	Sex Offender (15.4%)
374			ENJ		21:846 SEC 841-851 ATTEMPT	Age-69 (70.8%); Minimum Risk
375			FFLN		18:2251-2,2260 OBSCENE MATTR	Sex Offender (87.2%)
376			FCT		18:2251-2,2260 OBSCENE MATTR	Sex Offender (66.9%)
377			FOHN		21:846 SEC 841-851 ATTEMPT	High Risk (62.0%)
378			FCAN		18:924(C) FIREARMS LAWS	Low Risk, STG: Nortenos, PV: AWDW ('05) (40.3%)
379			FINS		21:846 SEC 841-851 ATTEMPT	Medium Risk, STG: Aslt on CO, PV: Aslt ('05), 39.0% > 18 mos
380			FNCW		18:1344 BANK FRAUD	High Risk, STG: Fraud (30.1 %)
381			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (28.1%)
382			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (89.8%)
383			FNCE		21:841 & 846 SEC 841-851	High Risk, <12 mo. CC (312x2), (69.3%)
384			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (89.4%)
385			FMOE		21:846 SEC 841-851 ATTEMPT	High Risk, <12 mo. CC (112x2, 224,115) (75.4%)
386			FLAE		21:846 SEC 841-851 ATTEMPT	Low Risk, <12 mo. CC (108/113), 41.9% > 18 mos.
387			FTNW		OBSCENE MATTER TRANSPORT	Sex Offender (55.1%)
388			FTNM		18:922(G) FIREARMS,3 PRI CNV	Low Risk, PV: Aggravated Aslt ('95) (6.9%)
389			FNYN		SEX OFFENSES	Sex Offender (51.6%)
390			FMOW		21:846 SEC 841-851 ATTEMPT	Released to RRC on 4/30/20 (87.3%)
391			FNM		21:841 & 846 SEC 841-851	High Risk, STG: Forgery (85.9%)
392			FNW		21:846 SEC 841-851 ATTEMPT	Medium Risk, 32.6% > 18 mos. ; Prior Robbery
393			FNCM		21:841 & 846 SEC 841-851	High Risk, PV: AWDW ('91), Assault ('96,'04) (77.5%)
394			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender (67.5%)
395			FMD		21:841 SCH I NARCOTIC,NONFSA	Sex Offender (65.3%)
396			FSC		18:2251-2,2260 OBSCENE MATTR	Sex Offender
397			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
398			FTXW		21:846 SEC 841-851 ATTEMPT	High Risk
399			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
400			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
401			FNCW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
402			FFLS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
403			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
404			FNW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
405			FMIE		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence
406			FNYS		NAT'L DEFENSE SEDITION	Terrorist; Alien; Low Risk
407			FNCM		18:2251-2,2260 OBSCENE MATTR	Sex Offender
408			FNCM		18:922(G) FIREARMS,CARR CRIM	Sex Offender; Low Risk
409			FNW		21:841 & 846 SEC 841-851	High Risk' Prior Violence
410			FMD		18:2251-2,2260 OBSCENE MATTR	Sex Offender
411			FALN		OBSCENE MATTER TRANSPORT	Sex Mffender
412			FNCM		18:2251-2,2260 OBSCENE MATTR	Sex offender
413			FSC		COMMUNICATIONS ACT	Low Risk; Prior Violence
414			FILN		21:841 SCH I NARCOTIC,NONFSA	Low Risk; 200-Series IR February 2020
415			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
416			FILN		COMMUNICATIONS ACT	Low Risk
417			FOHN		COMMUNICATIONS ACT	High Risk; Prior Violence; Sex Offender
418			FDSC		DC SEX OFFENSE	Sex Offender
419			FMIE		21:841 & 846 SEC 841-851	High Risk; (2) 300-Series IR April/January 2020
420			FOHN		21:846 SEC 841-851 ATTEMPT	Medium Risk; 100-Series IR December 2019

	A	B	C	D	E	F
421			FLAE		21:841 SCH II NONNARC, NONFSA	High Risk; 100-Series IR February 2020
422			FNCM		21:841 & 846 SEC 841-851	Low Risk; Prior Violence
423			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
424			FTXN		21:841 SCH II NONNARC, NONFSA	Low Risk; Alien
425			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
426			FARE		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
427			FMIE		18:924(C) FIREARMS LAWS	
428			FARE		18:1951 RACKETEER, VIOLENCE	Sex Offender
429			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
430			FMD		18:1925(B) RACKETEERING	Low Risk; Violent Crime
431			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
432			FOHN		21:841 SCH II NARCOTC, NONFSA	Low Risk
433			FOHN		OBSCENE MATTER TRANSPORT	Sex Offender
434			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
435			FMOW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
436			FFLM		18:2251-2,2260 OBSCENE MATTR	Sex Offender
437			FPAW		18:922(G) FIREARMS, CARR CRIM	Medium Risk
438			FSC		18:2251-2,2260 OBSCENE MATTR	Sex Offender
439			FOHN		21:841 SCH I NON-NARC, NONFSA	Furloughed to RRC 04-29-2020
440			FOHN		21:843 USE FICT, REV, SUSP NBR	Low Risk; Prior Violence
441			FNCM		18:1028 FRAUD IDENTITY THEFT	High Risk
442			FPAW		21:846 SEC 841-851 ATTEMPT	Low Risk
443			FVAE		18:924(C) FIREARMS LAWS	Medium Risk
444			FPAW		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence
445			FNCM		21:846 SEC 841-851 ATTEMPT	Low Risk
446			FNCW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
447			FNCW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
448			FNCW		18:924(C) FIREARMS LAWS	Medium Risk; 100-Series IR June 2019
449			FLAW		SEX OFFENSES	Sex Offender
450			FNCW		18:1028 FRAUD IDENTITY THEFT	Sex offender
451			FMOE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
452			FDCD		18:2251-2,2260 OBSCENE MATTR	Sex Offender
453			FFLM		21:331 NARCOTICS	Medium Risk
454			FNCM		18:922(G) FIREARMS, CARR CRIM	High Risk
455			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
456			FPAW		OBSCENE MATTER TRANSPORT	Sex Offender
457			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
458			FWAW		18:1201 KIDNAPING	Violent Crime
459			FTXS		21:841 SCH I NON-NARC, NONFSA	Low Risk; Prior Violence
460			FPAW		21:841 SCH I NARCOTIC, NONFSA	Medium Risk
461			FMIW		18:1701-3,7,8,12,13 LRCN PST	Medium Risk
462			FPAW		21:846 SEC 841-851 ATTEMPT	Medium Risk
463			FMOE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
464			FPAW		21:841 & 846 SEC 841-851	Low Risk; Prior Violence; 200-Series IR March 2020
465			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
466			FVAE		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence; 100-series IR February 2020
467			FRQ		18:922(G) FIREARMS, CARR CRIM	Medium Risk
468			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
469			FPAW		21:846 SEC 841-851 ATTEMPT	100-Series IR December 2019
470			FPAW		18:924(C) FIREARMS LAWS	Prior Violence
471			FPAW		18:2113 ROBBERY BANK	Low Risk; Current Violence
472			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
473			FTXS		8:1327 ALIEN SMUGGLE/IMPORT	Low Risk; Current Violence
474			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
475			FPAW		21:841 SCH II NONNARC, NONFSA	
476			FPAW		21:841 & 846 SEC 841-851	Medium Risk
477			FPAW		18:1344 BANK FRAUD	Low Risk; Prior Violence
478			FPAW		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence
479			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
480			FMD		21:841 & 846 SEC 841-851	
481			FPAW		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence
482			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
483			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
484			FPAW		21:841 & 846 SEC 841-851	High Risk; Prior Violence
485			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
486			FPAW		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence
487			FILN		21:846 SEC 841-851 ATTEMPT	RRC DST on 05-06-2020
488			FMIE		21:841 & 846 SEC 841-851	High Risk; Prior Violence and Escape; 100-Series IR November 2019
489			FPAW		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence
490			FILN		18:286,371 FRAUD, OTHER	Low Risk; Current and Prior Violence

	A	B	C	D	E	F
491			FINN		21:841 SCH II NARCOTIC, NONFSA	Low Risk
492			FMOE		21:841 SCH II NONNARC, NONFSA	Low Risk; Prior Sex offense
493			FILN		FRAUD POSTAL	581 Victims; 59 Million in loss; 48% 07/11/30 PRD
494			FCAS		21:841 SCH II NARCOTIC, NONFSA	High Risk
495			FILN		OBSCENE MATTER TRANSPORT	Sex Offender - to be reviewed for RIS
496			FILN		OBSCENE MATTER TRANSPORT	Sex Offender
497			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
498			FMOE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
499			FNJ		18:2251-2,2260 OBSCENE MATTR	Sex Offender
500			FMIE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence
501			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
502			FLAW		OBSCENE MATTER TRANSPORT	Sex Offender
503			FMIE		21:841 SCH II NARCOTIC	Medium Risk; Prior Violence; Covid+
504			FTNE		OBSCENE MATTER TRANSPORT	Sex Offender
505			FILN		21:846 SEC 841-851 ATTEMPT	Low Risk; 200-series IR (Escape) January 2020
506			FOHN		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence
507			FMIE		18:2113 ROBBERY BANK	HC DST on 05-05-2020
508			FTNE		21:846 SEC 841-851 ATTEMPT	High Risk; PRD March 20136
509			FDCS		DC SEX RAPE	Sex Offender
510			FTNE		21:846 SEC 841-851 ATTEMPT	High Risk; PSF Greatest Severity
511			FMIE		18:922(G) FIREARMS, CARR CRIM	High Risk
512			FILN		21:841 & 846 SEC 841-851	Placed on HC on 04-24-2020
513			FMOE		18:1962 RACKETEER (RICO)	Low Risk; PSF Greatest Severity
514			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
515			FILN		21:846 SEC 841-851 ATTEMPT	High Risk
516			FILN		18:2113 ROBBERY BANK	Current and Prior Violence; Low Risk; 100-Series IR November 2019
517			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
518			FOHS		18:924(C) FIREARMS LAWS	Covid Deny CMA; Current and Prior Violence
519			FRQ		46:1903 MARITIME DRUG	RRC DST on 05-06-2020
520			FCO		18:2251-2,2260 OBSCENE MATTR	Sex Offender
521			FMIE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence; Sex Offender
522			FMIE		18:922(G) FIREARMS, CARR CRIM	High Risk; Prior Violence
523			FILN		18:1344 BANK FRAUD	Low Risk; 300-Series IR March 2020; Prior Violence
524			FILN		COMMUNICATIONS ACT	Low Risk; Escape from SCP July 2015
525			FOHS		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence
526			FMIE		21:841 SCH I NARCOTIC, NONFSA	High Risk; Prior Violence and Escape; 100-Series IR November 2019
527			FTNE		21:841 SCH I NARCOTIC, NONFSA	100-Series IR March 2020; High Risk; Prior Violence; RRC DST on 07-29-2020
528			FWAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender
529			FNV		18:2250 FAIL REG AS SEX OFFN	Sex Offender
530			FMIE		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence
531			FILN		18:924(C) FIREARMS LAWS	Medium Risk; Prior Violence
532			FTNE		21:846 SEC 841-851 ATTEMPT	High Risk; Prior Violence; 100-Series IR September 2019
533			FILN		21:846 SEC 841-851 ATTEMPT	Covid Deny CMA; Minimum Risk; Greatest Severity Offense
534			FGAN		18:2113 ROBBERY BANK	Medium Risk; Current and Prior Violence
535			FTNE		18:924(C) FIREARMS LAWS	Low Risk; Prior Violence/ incident report for Threatening; IR in past 12 months
536			FMIE		18:922(G) FIREARMS, GUN CNTL	Sex Offender; Covid+
537			FTNE		21:846 SEC 841-851 ATTEMPT	Medium Risk; 41%
538			FMIE		21:841 & 846 SEC 841-851	High Risk
539			FILN		21:841 SCH I NARCOTIC, NONFSA	Low Risk; 100-Series IR December and September 2019
540			FMIE		18:1344 BANK FRAUD	High Risk; 300-series IR September 2019
541			FMIE		18:922(G) FIREARMS, CARR CRIM	Medium Risk; PRD December 2020; No RRC
542			FTNE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
543			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
544			FMIE		21:841 SCH I NARCOTIC, NONFSA	Low Risk; 67%; 100-Series IR January 2018
545			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
546			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
547			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
548			FTNE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
549			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
550			FKYE		18:2250 FAIL REG AS SEX OFFN	Sex Offender
551			FTNE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence; 200-Series IR October 2019
552			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
553			FTNE		21:846 SEC 841-851 ATTEMPT	Medium Risk; DST to LEW SCP; Fighting IR February 2018
554			FNIE		21:846 SEC 841-851 ATTEMPT	Minimum Risk; Care 3 Medical; 25%; DST to BUF
555			FMIE		18:2113 ROBBERY BANK	Low Risk; Current and Prior Violence
556			FMIE		18:2241-2248 SEXUAL ABUSE	Sex Offender
557			FMIE		33:1311 DISCHRG POLLUT	Covid Deny CMA; Intimidated a Witness during instant offense; Prior Assault
558			FMIE		21:841 & 846 SEC 841-851	Low Risk; Prior Violence; Prior Murder
559			FILN		18:922(G) FIREARMS, CARR CRIM	Medium Risk; Prior Violence; 100-Series IR April 2020
560			FMIE		18:924(C) FIREARMS LAWS	Current and Prior Violence; Sex Offender; Low Risk

	A	B	C	D	E	F
561			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
562			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
563			FMIE		18:286,371 FRAUD, OTHER	
564			FNCE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
565			FKYE		21:841 SCH II NARCOTC,NONFSA	
566			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
567			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
568			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
569			FMIE		21:841 SCH I NARCOTIC,NONFSA	Low Risk; 25%
570			FMIE		21:846 SEC 841-851 ATTEMPT	Medium Risk; 100-Series IR September 2019
571			FMIE		21:846 SEC 841-851 ATTEMPT	Low Risk; 200-Series IR October 2019
572			FMIE		18:1962 RACKETEER (RICO)	Low Risk; Current Violence
573			FMIE		18:1957 RACKETEERING	Current Violence; 34%
574			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
575			FILN		18:922(A) FIREARMS FED ACT	Low Risk; RRC DST in September 2020; 100-Series IR December 2019
576			FILN		18:1925(A) RACKETEERING	Current Violence; 14%
577			FRQ		18:924(C) FIREARMS LAWS	Low Risk; Prior Violence; 29%
578			FTNE		21:846 SEC 841-851 ATTEMPT	High Risk; 100-Series IR October 2019
579			FTNE		18:922(G) FIREARMS,CARR CRIM	Prior Violence ; Serious Prior Assault; Several Probation Violations
580			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
581			FILN		21:841 SCH II NARCOTC,NONFSA	Low Risk; 43%; Instant offense involved selling 2,400 pounds of Explosives
582			FTNE		21:846 SEC 841-851 ATTEMPT	Covid Deny CMA; Prior Violence
583			FILN		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
584			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
585			FTNE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
586			FOHN		21:846 SEC 841-851 ATTEMPT	Low Risk; 38%
587			FTNE		18:922(G) FIREARMS,CARR CRIM	Covid Deny CMA; Curent Violence
588			FTNE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
589			FILN		18:922(G) FIREARMS,CARR CRIM	High Risk; Prior Violence
590			FILN		COMMUNICATIONS ACT	High Risk; Prior Violence
591			FTNE		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
592			FTNE		21:846 SEC 841-851 ATTEMPT	Medium Risk; 18%
593			FTNE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
594			FILN		18:922(G) FIREARMS,CARR CRIM	High Risk; 14%
595			FMD		21:841 & 846 SEC 841-851	High Risk; Prior Violence
596			FMIE		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
597			FOHN		18:2113 ROBBERY BANK	Covid Deny CMA; Current Violence; 50%; PRD 2036
598			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
599			FPAW		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence
600			FILN		18:924(C) FIREARMS LAWS	Low Risk; 21%
601			FILN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
602			FWAE		18:2250 FAIL REG AS SEX OFFN	Sex Offender
603			FTNE		21:841 SCH II NONNARC,NONFSA	Low Risk; Prior Violence; 29%
604			FTNE		21:841 & 846 SEC 841-851	Low Risk; 100-Series IR January 2020 and September 2019
605			FTNE		21:846 SEC 841-851 ATTEMPT	Low Risk; 11%
606			FMIE		21:841 & 846 SEC 841-851	Low Risk; Prior Violence; 17%
607			FMIE		21:841 SCH I NARCOTIC,NONFSA	High Risk; Prior Violence
608			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
609			FMIE		21:841 SCH II NARCOTC,NONFSA	Minimum Risk; 16%
610			FMIE		21:846 SEC 841-851 ATTEMPT	100-Series IR January 2020; 25%
611			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
612			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
613			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
614			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
615			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
616			FMIE		21:846 SEC 841-851 ATTEMPT	Low Risk; PSF Greatest Severity; 36%
617			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
618			FTNE		21:846 SEC 841-851 ATTEMPT	Low Risk; Prior Violence; 300-Series (tobacco) IR February 2020 and December 2019; Detainer
619			FMIE		OBSCENE MATTER TRANSPORT	Sex Offender
620			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
621			FMIE		18:1962 RACKETEER (RICO)	300-Series IR September 2019; IR Pending FBI Code 108
622			FMIE		18:924(C) FIREARMS LAWS	Low Risk; Prior Violence; 34%
623			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
624			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
625			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
626			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
627			FMIE		21:846 SEC 841-851 ATTEMPT	
628			FMIE		18:924(C) FIREARMS LAWS	Current Violence; Sex Offender
629			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
630			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender

	A	B	C	D	E	F
631			FMIE		ASSAULT	High Risk; Current Violence; Sex Offender; RRC Date of May 27, 2020
632			FOHN		18:922(G) FIREARMS,3 PRI CNV	Low Risk; Prior Violence; Sex Offender
633			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
634			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
635			FKYE		21:846 SEC 841-851 ATTEMPT	Low Risk; 12%
636			FNWV		OTHER/UNCLASSIFIABLE	Covid Deny CMA; Current Violence
637			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
638			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
639			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
640			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
641			FFLM		18:2251-2,2260 OBSCENE MATTR	Sex Offender
642			FOHN		18:1962 RACKETEER (RICO)	Covid Deny CMA; 29%
643			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
644			FMIE		21:846 SEC 841-851 ATTEMPT	Low Risk; 52%
645			FMIE		18:924(C) FIREARMS LAWS	Medium Risk
646			FMIE		18:924(C) FIREARMS LAWS	High Risk; Prior Violence; 23%
647			FVAE		21:846 SEC 841-851 ATTEMPT	Medium Risk
648			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
649			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
650			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
651			FMIE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence
652			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
653			FOHN		21:846 SEC 841-851 ATTEMPT	High Risk; Sex Offender; Prior Violence
654			FMIE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence; 22%
655			FNCE		COMMUNICATIONS ACT	Low Risk; 100-series IR December 2019
656			FMIE		21:846 SEC 841-851 ATTEMPT	
657			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
658			FMIE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
659			FGAN		18:2421-29 I/S TRN IMRL PRPS	Sex Offender
660			FOHN		18:2250 FAIL REG AS SEX OFFN	Sex Offender
661			FOHN		21:841 & 846 SEC 841-851	High Risk; Prior Violence; 41%
662			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
663			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
664			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
665			FOHN		18:2241-2248 SEXUAL ABUSE	Sex Offender
666			FOHN		21:841 & 846 SEC 841-851	RRC DST on 05-08-2020
667			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
668			FOHN		18:922(G) FIREARMS,CARR CRIM	High Risk; PRD May 20, 2020
669			FTXN		21:841 SCH II NONNARC,NONFSA	Detainer; Prior Violence; Sex Offender
670			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
671			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender - to be reviewed for RIS
672			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
673			FOHN		21:841 & 846 SEC 841-851	Low Risk; Escape History;
674			FTXW		21:841 SCH II NONNARC,NONFSA	Medium Risk; Prior Violence
675			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
676			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
677			FOHN		21:846 SEC 841-851 ATTEMPT	Furloughed to RRC 04-23-2020
678			FOHN		21:846 SEC 841-851 ATTEMPT	High Risk; Prior Violence
679			FPAE		OTHER/UNCLASSIFIABLE	Sex Offender
680			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
681			FOHN		COMMUNICATIONS ACT	Low Risk; Covid+; Detainer State of Ohio
682			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
683			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
684			FOHN		18:2113 ROBBERY BANK	Violent Crime; Medium Risk; RRC DST 08-18-2020
685			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
686			FOHN		18:286,371 FRAUD, OTHER	Covid Deny CMA; 21%; Local Fraud Case with 623 Victims
687			FCAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
688			FINS		21:846 SEC 841-851 ATTEMPT	Sex Offender; 100-series IR January 2020
689			FINN		21:841 SCH II NARCOTC,NONFSA	Covid Deny CMA; Prior Violence Domestic Assault
690			FOHN		18:2119 ROBBERY OF AUTO	RRC on 04-29-2020
691			FOHS		21:841 SCH II NARCOTC,NONFSA	Covid Deny CMA; Prior Violence
692			FCAC		OBSCENE MATTER TRANSPORT	Sex Offender
693			FTXW		21:841 SCH II NONNARC,NONFSA	Low Risk; 22%
694			FMD		18:924(C) FIREARMS LAWS	Medium Risk; Prior Violence
695			FOHN		21:846 SEC 841-851 ATTEMPT	Review for Submission
696			FNCE		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Sex Offense; Prior Violence
697			FPAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender
698			FMD		18:2251-2,2260 OBSCENE MATTR	Sex Offender
699			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
700			FOHN		21:846 SEC 841-851 ATTEMPT	Low Risk; 46%; Covid+; Criminal History and 2 Prior Domestic Violence

	A	B	C	D	E	F
701			FMD		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence
702			FMD		18:2251-2,2260 OBSCENE MATTR	Sex Offender
703			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
704			FOHS		21:841 & 846 SEC 841-851	Low Risk; Prior Violence; Detainer; to be reviewed for RIS
705			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
706			FOHN		21:841 SCH I NARCOTIC, NONFSA	Low Risk; Prior Violence
707			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
708			FOHN		21:841 & 846 SEC 841-851	Low Risk
709			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
710			FOHN		21:841 SCH I NARCOTIC, NONFSA	High Risk; Prior Violence; Sex Offender
711			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
712			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
713			FPAE		21:846 SEC 841-851 ATTEMPT	Low Risk; 300-Series IR September 2019
714			FOHN		21:841 & 846 SEC 841-851	Medium Risk; Prior Violence; 100-Series IR October 2019
715			FGAN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
716			FMD		21:841 & 846 SEC 841-851	High Risk
717			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
718			FOR		18:2113(D) ROBBRY, ASSLT, BANK	Violent Crime
719			FOHN		21:841 SCH II NARCOTIC, NONFSA	Medium Risk
720			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
721			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
722			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender
723			FNCE		21:841 SCH II NONNARC, NONFSA	Medium Risk; Sex Offender
724			FOHN		18:1344 BANK FRAUD	Low Risk; 300-Series IR May 2019
725			FTXN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
726			FOHN		21:841 SCH II NON-NARCOTIC	Died 04-26-2020
727			FFLM		18:545 CUSTOMS LAWS SMUGGLNG	
728			FOHN		21:841 & 846 SEC 841-851	High Risk; Detainer
729			FOHN		21:841 & 846 SEC 841-851	Medium Risk; 300-Series (Tobacco) IR December 2019
730			FOHN		21:846 SEC 841-851 ATTEMPT	Medium Risk; Prior Violence
731			FOHN		18:922(G) FIREARMS, CARR CRIM	Low Risk; Prior Violence
732			FNJ		18:922(G) FIREARMS, CARR CRIM	Medium Risk
733			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
734			FOHN		21:846 SEC 841-851 ATTEMPT	Low Risk
735			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
736			FOHN		18:922(G) FIREARMS, 3 PRI CNV	Low Risk; Sex Offender
737			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
738			FOHN		18:924(C) FIREARMS LAWS	Medium Risk; 100-Series IR February 2020
739			FOHN		18:922(G) FIREARMS, CARR CRIM	Low Risk
740			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
741			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender
742			FOHN		COMMUNICATIONS ACT	Low Risk
743			FOHN		18:922(G) FIREARMS, CARR CRIM	High Risk
744			FOHN		18:924(C) FIREARMS LAWS	100-Series IR January 2020
745			FOHN		21:846 SEC 841-851 ATTEMPT	High Risk; Served 22.8%
746			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 14.2%
747			FOHN		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 13.6%
748			FFLM		21:846 SEC 841-851 ATTEMPT	Low Risk; 100-Series IR June 2019; Served 44.6%; Past Violence - Battery
749			FMIE		21:846 SEC 841-851 ATTEMPT	Low Risk; Served 48.2%; Has Detainer with State of Michigan 40 Sentence for Assault
750			FMT		OBSCENE MATTER TRANSPORT	Sex Offender; Served 42%
751			FPAE		18:924(C) FIREARMS LAWS	Low Risk; 100-Series IR February 2020; Served 89.4%
752			FTXS		COMMUNICATIONS ACT	Is being reviewed for a compassionate release; trying to develop a release plan
753			FOHS		SEX ILLEGAL COHABIT	Sex Offender; Served 94.5%
754			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 77.8%
755			FOR		18:1112-3 HOMICIDE MANSLGHTR	Sex Offender; Violent Crime; Served 57.2%
756			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 75%
757			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 37.1%
758			FNH		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 58%
759			FOHS		OBSCENE MATTER TRANSPORT	Sex Offender; Served 97.7%
760			FOHS		21:846 SEC 841-851 ATTEMPT	Medium Risk; Served 39.8%; Past History of violence
761			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 80.5%
762			FFLM		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 25.1%
763			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 64.7%
764			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 96.8%
765			FOHS		21:841(E) DRUGS	Medium Risk; Served 87.6%; Prior Assault with a Dangerous Weapon
766			FPAE		OBSCENE MATTER TRANSPORT	Sex Offender; Served 86.9%
767			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 57.9%
768			FNCE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 79.1%
769			FNYS		21:846 SEC 841-851 ATTEMPT	Low Risk; Served 93.3%
770			FPAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 46.1%

	A	B	C	D	E	F
771			FPAM		21:841 & 846 SEC 841-851	High Risk; Served 61.3%
772			FPAE		18:286,371 FRAUD, OTHER	Low Risk; (4) 300-Series IR October - December 2019
773			FPLM		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 9%
774			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 66.5%
775			FTXW		21:841 SCH II NONNARC,NONFSA	Low Risk; 100-Series IR February 2020; Served 38.6%
776			FPAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 30.6%
777			FNJ		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 28%
778			FVAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 15.6%
779			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 69.7%
780			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 70.1%
781			FOHS		18:1956 RACKETEERING	Low Risk; Served 59.8%; Prior violence
782			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 16.6%
783			FOR		18:2421-29 I/S TRN IMRL PRPS	Sex Offender; served 82.7%
784			FPAM		21:841 & 846 SEC 841-851	High Risk; 100-Series IR October 2019; Served 33.9%
785			FTXS		18:924(C) FIREARMS LAWS	Committed 6 separate Armed Robberies; Served 89.7%
786			FOR		18:2421-29 I/S TRN IMRL PRPS	Sex Offender; Served 20.2%
787			FPAM		21:846 SEC 841-851 ATTEMPT	Sex Offender; Served 68.8%
788			FPAE		OBSCENE MATTER TRANSPORT	Sex Offender; Served 27%
789			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 70.5%
790			FPAM		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 53.4%
791			FOHS		21:846 SEC 841-851 ATTEMPT	Medium Risk; Served 57.8%; Past Violence; Robbery; Kidnapping; Assault
792			FOHS		18:922(G) FIREARMS,CARR CRIM	High Risk; Releases 5/11/20; Served 100%
793			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 30.3%
794			FNCW		21:841 SCH II NONNARC,NONFSA	Medium Risk; Served 52.2%; Prior Simple Assault (org was Sexual Battery)
795			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 42%
796			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 30.2%
797			FNYE		18:1962 RACKETEER (RICO)	Conspiracy to Murder and Assault; Pagans Motorcycle Gang; Served 70.3%
798			FINN		18:1962 RACKETEER (RICO)	Medium Risk; Served 40.6%; Latin King Gang; Supplied Drugs and Weapons to gang
799			FPAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 38.7%
800			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 37.5%
801			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 15.4%
802			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 37.4%
803			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 19.5%
804			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 36.4%
805			FWVS		21:846 SEC 841-851 ATTEMPT	High Risk; Served 34.7%; incident report in past year
806			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 71.3%
807			FOHS		18:922(G) FIREARMS,CARR CRIM	Medium Risk; Prior Attempted Felonious Assault; Served 60.3%
808			FNYS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 39.3%
809			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 17.7%
810			FOHS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 18.1%
811			FOHS		18:1591 SEX TRAFFICK CHILD	Sex Offender; Served 7%
812			FOHS		18:922(G) FIREARMS,CARR CRIM	Low Risk; Prior Manlaughter; Served 19.2%
813			FOHS		18:924(C) FIREARMS LAWS	Low Risk; 53.8% served; Several violent priors; Domestic Violence and Robbery
814			FNYS		21:841 & 846 SEC 841-851	Medium Risk; discipline in past 12 months - cell phone and assault; Served 42.4%
815			FOHS		18:1028 FRAUD IDENTITY THEFT	Low Risk; Prior Domestic Violence; Served 37.2%
816			FOHS		18:1344 BANK FRAUD	High Risk; Served 6.6%; Prior Robbery
817			FNYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 65%
818			FPAW		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 27.2%
819			FVAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 95.3%
820			FVAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 82.1%
821			FNYS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 37.8%
822			FNYS		COMMUNICATIONS ACT	High Risk; Served 16.4%; 2 100 series incident reports in past 12 months
823			FAZ		OBSCENE MATTER TRANSPORT	Sex Offender; Served 75.7%
824			FAZ		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 34.6%
825			FNYS		OBSCENE MATTER TRANSPORT	Sex Offender; Served 89.8%
826			EMIE		21:841 SCH I NON-NARC,NONFSA	Medium Risk; Served 82.7%
827			FVAE		18:924(C) FIREARMS LAWS	Medium Risk; Served 63%
828			FNYE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 28.4%
829			FNYS		21:846 SEC 841-851 ATTEMPT	Medium Risk; Served 68.8%; 3 incident report in past 12 months
830			FNYS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 22%
831			FVAE		21:846 SEC 841-851 ATTEMPT	High Risk; Served 16.8%
832			FNM		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 13.4%
833			FVAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; served 71.6%
834			FSC		21:841 & 846 SEC 841-851	High Risk; 43.6%
835			FVAE		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 9.3%
836			FFLS		18:2251-2,2260 OBSCENE MATTR	Sex Offender; Served 56.1%
837			FPAE		18:286,371 FRAUD, OTHER	(2) 300-Series IR February 2020/September 2019; Served 55%
838			FSC		21:846 SEC 841-851 ATTEMPT	Served 48.5%; Wanted Person Full Extradition to GA
839			FTXN		OBSCENE MATTER TRANSPORT	Sex Offender; Served 76.2%
840	N = 837					

	A	B	C	D	E	F
841		Color Key:				
842		SUBMITTED CASES				
843		PREVIOUSLY PENDING FURTHER REVIEW				
844		I/M Released				
845		REVIEWING FOR RIS				
846		LATER DETERMINED INELIGIBLE				

Exhibit B

	A	B	C	D	E	F	G
1	Register Number	Name	Court of	Docket Number	RIS Request Made	Decision	Denial Reason
2			FMIE		Yes	Denied	Does not meet medical criteria
3			FIAN		No		
4			FRQ		No		
5			FINN		No		
6			FOHN		Yes	Denied	Does not meet medical criteria
7			FDCD		No		
8			FINS		No		
9			FILN		No		
10			FMN		No		
11			FMIW		No		
12			FTXN		No		
13			FMIW		No		
14			FGAM		No		
15			FOHN		No		
16			FPAE		Yes	Denied	Does not meet medical criteria
17			FVAW		No		
18			FMOE		No		
19			FOKN		Yes	Denied	Does not meet medical criteria
20			FILS		No		
21			FMIE		No		
22			FWVN		Yes	Denied	Does not meet medical criteria
23			FMN		Yes	Denied	Does not meet medical criteria
24			FILS		Yes	Denied	Does not meet medical criteria
25			FKYE		No		
26			FALS		No		
27			FMIW		No		
28			FVAE		Yes	Denied	Does not meet medical criteria
29			FTNE		No		
30			FNCM		Yes	Denied	Does not meet medical criteria
31			FMD		No		
32			FNYN		No		
33			FNJ		No		
34			FOHS		No		
35			FNCW		No		
36			FFLN		No		

	A	B	C	D	E	F	G
37			FVAW		No		
38			FINS		No		
39			FNYW		Yes	Denied	Does not meet medical criteria
40			FKYW		Yes	Denied	Does not meet medical criteria
41			FWVN		No		
42			FNYW		No		
43			FWVN		Yes	Denied	Does not meet medical criteria
44			FPAW		No		
45			FOHN		No		
46			FND		No		
47			FINS		No		
48			FOHN		No		
49			FKYE		No		
50			FINS		No		
51			FMIE				
52			FMIE		Yes	Denied	Does not meet medical criteria
53			FMIE				
54			FPAE		No		
55			FNCM		Yes	Denied	Does not meet medical criteria
56			FOHN		Yes	Denied	Does not meet medical criteria
57			FMIE		No		
58			FILS		No		
59			FNYE		No		
60			FMIE		No		
61			FINS		No		
62			FKYW		No		
63			FPAM		No		
64			FTXN		No		
65			FWVS		No		
66			FOHN		No	Being Considered	Pending further review
67			FPAW				
68			FMIE		Yes	Denied	Does not meet medical criteria
69			FWVS				
70			FILC		No		
71			FMIE		Yes	Denied	Does not meet medical criteria
72			FLAW		No		

	A	B	C	D	E	F	G
73			FMIE		No		
74			FOHS		No		
75			MAR		No		
76			FMIE		Yes	Denied	Does not meet medical criteria
77			FVAW		Yes	Denied	COVID-19 only
78			FILC		Yes	Denied	Does not meet medical criteria
79			FMT		Yes	Denied	Does not meet medical criteria
80			FFLS		No		
81			FWVN		No		
82			FILC		No		
83			FPAW		Yes	Denied	COVID-19 only
84			FPAM		Yes	Denied	Does not meet medical criteria
85			FIAS		No		
86			FKYE		No		
87			FILN		No		
88			FMIW		No		
89			FARE		Yes	Denied	Does not meet medical criteria
90			FNCM		No		
91			FILS		No		
92			FIAN		No		
93			FVAW		No		
94			FKYW		No		
95			FDCS		No		
96			FPAW		No		
97			FGAN		No		
98			FOHN		No		
99			FPAW		Yes	Denied	Does not meet medical criteria
100			FNYS		No		
101			FPAW		Yes	Denied	Does not meet medical criteria
102			FOHN		No		
103			FOHN		No		
104			FILN		No		
105			FMIW		Yes	Denied	Does not meet medical criteria
106			FINN		No		
107			FILN		Yes	Denied	Does not meet medical criteria
108			FOHN		Yes	Denied	Does not meet medical criteria

	A	B	C	D	E	F	G
109			FMOE		Yes	Denied	Does not meet medical criteria
110			FALS		Yes	Denied	Does not meet medical criteria
111			FGAN		No		
112			FPAW		Yes	Denied	Does not meet medical criteria
113			FNJ		No		
114			FTNE		No		
115			FILS		Yes	Denied	Does not meet medical criteria
116			FOHN		No		
117			FNWY		Yes	Denied	Does not meet medical criteria
118			FWIE		No		
119			FILS		No		
120			FILN		No		
121			FINN		No		
122			FMIE		No		
123			FPAW		No		
124			FIAS		No		
125			FPAW		No		
126			FILN		No		
127			FMOW		No		
128			FMN		No		
129			FARE		Yes	Denied	Does not meet medical criteria
130			FINS		No		
131			FOHN		No		
132			FND		No		
133			FTXS		Yes	Denied	COVID-19 only
134			FOR		No		
135			FAZ		No		
136			FWVN		No		
137			FPAE		Yes	Denied	Does not meet medical criteria
138			FILS		Yes	Denied	Does not meet medical criteria
139			FNCW		Yes	Denied	Does not meet medical criteria
140			FPAW		Yes	Denied	Does not meet medical criteria
141			FNCM		Yes	Denied	Does not meet medical criteria
142			FNVE		No		
143			FMN		No		
144			FMIE		Yes	Denied	Does not meet medical criteria

	A	B	C	D	E	F	G
145			FOHN		Yes	Denied	Does not meet medical criteria
146			FINN		Yes	Denied	Does not meet medical criteria
147			FOHN		No		
148			FMIW		Yes	Denied	Does not meet medical criteria
149			FFLM		No		
150			FMOE		No		
151			FILN		Yes	Denied	Does not meet medical criteria
152			FIAS		No		
153			FOHS		No		
154			FWVS		No		
155			FINS		No		
156			FMIE		No		
157			FOHN		No		
158			FINS		No		
159			FOHN		No		
160			FILN		No		
161			FNJ		No		
162			FLAE		No		
163			FINN		Yes	Denied	Does not meet medical criteria
164			FVAW		No		
165			FGAN		No		
166			FILC		No		
167			FOHS		No		
168			FOHN		No		
169			FVAW		No		
170			FOHS		Yes	Denied	Does not meet medical criteria
171			FINS		No		
172			FINN		Yes	Denied	Does not meet medical criteria
173			FIAS		Yes	Denied	Does not meet medical criteria
174			FMOW		No		
175			FMIW		No		
176			FWIE		Yes	Denied	Does not meet medical criteria
177			FKYW		No		
178			FMIE		No	Denied	Does not meet medical criteria
179			FRQ		No		
180			FMD		No		

	A	B	C	D	E	F	G
181			FINS		No		
182			FWY		Yes	Denied	Does not meet medical criteria
183			FOHN		No		
184			FOHN		No		
185			FOHS		Yes	Denied	Does not meet medical criteria
186			FTNE		No		
187			FMIE		Yes	Denied	Does not meet medical criteria
188			FMIE		No		
189			FOHS		No		
190			FMIW		Yes	Denied	Does not meet medical criteria
191			FMIE		No		
192			FVAE		Yes	Denied	Does not meet medical criteria
193			FKYE		No		
194			FMOE		No		
195			FMD		No		
196			FMIE		No		
197			FNYN		No		
198			FILC		No		
199			FSC		Yes	Denied	Does not meet medical criteria
200			FMD		No		
201			FOHN		No		
202			FDCS		No		
203			FILC		No		
204			FNYN		No		
205			FVAW		No		
206			FINS		Yes	Denied	Does not meet medical criteria
207			FKYE		No		
208			FOHS		No		
209			FVAE		No		
210			FOHS		No		
211			FINS		No		
212			FOHN		No		
213			FOHN		Yes	Denied	Does not meet medical criteria
214			FMN		No		
215			FNYS		No		
216			FND		No		

	A	B	C	D	E	F	G
217			FKYE		No		
218			FNCM		No		
219			FWVN		No		
220			FIAS		No		
221			FOHN		Yes	Denied	Does not meet medical criteria
222			FOHN		Yes	Denied	Does not meet medical criteria
223			FPAE		Yes	Denied	Does not meet medical criteria
224			FKYE		No		
225			FMN		No		
226			FWAE		No		
227			FILC		No		
228			FTNE		No		
229			FKYE		Yes	Denied	Does not meet medical criteria
230			FDE		Yes	Denied	Does not meet medical criteria
231			FMD		No		
232			FOHN		Yes	Denied	Does not meet medical criteria
233			FWIE		Yes	Denied	Does not meet medical criteria
234			FKYE		Yes	Denied	Does not meet medical criteria
235			FMD		Yes	Denied	Does not meet medical criteria
236			FOHN		No		
237			FNCE		No		
238			FOHN		No		
239			FOHN		No		
240			FNCM		No		
241			FOHN		No		
242			FPAE		Yes	Denied	Does not meet medical criteria
243			FMD		No		
244			FTNE		No		
245			FAZ		Yes	Denied	Does not meet medical criteria
246			FOHN		No		
247			FSC		No		
248			FKYE		No		
249			FNCM		No		
250			FMIE		No		
251			FTXE		Yes	Denied	Does not meet medical criteria
252			FCAS		No		

	A	B	C	D	E	F	G
253			FMN		No		
254			FCAS		Yes	Denied	Does not meet medical criteria
255			FILN		No		
256			FFLM		Yes	Denied	Does not meet medical criteria
257			FWVN		No		
258			FILN		No	Being Considered	Dependant on family responsibility
259			FTXW		No		
260			FNM		No		
261			FOHN		Yes	Denied	Does not meet medical criteria
262			FOHN		No		
263			FMIE		No		
264			FWIE		No		
265			FKYE		No		
266			FTNE		No		
267			FILN		Yes	Denied	Does not meet medical criteria
268			FWAW		Yes	Denied	Does not meet medical criteria
269			FWVS		No		
270			FKYE		No		
271			FMIW		Yes	Denied	COVID-19 only
272			FNWY		No		
273			FTNE		No		
274			FPAE		No		
275			FCAN		Yes	Denied	Does not meet medical criteria
276			FOHN		No		
277			FOHS		Yes	Denied	Does not meet medical criteria
278			FNYS		Yes	Denied	Does not meet medical criteria
279			FMIE		No		
280			FWVS		No		
281			FTNE		Yes	Denied	Does not meet medical criteria
282			FMIE		Yes	Denied	Does not meet medical criteria
283			FPAW		No		
284			FDCD		No		
285			FKYE		No		
286			FKYE		No		
287			FILN		No		
288			FOHN		No		

	A	B	C	D	E	F	G
289			FDCS		No		
290			FPAW		No		
291			FMIW		Yes	Denied	Does not meet medical criteria
292			FALN		No		
293			FILN		No		
294			FILC		No		
295			FTNE		No		
296			FIAS		No		
297			FOHN		Yes	Denied	Does not meet medical criteria
298			FNYW		No		
299			FMIW		No		
300			FILN		Yes	Denied	Does not meet medical criteria
301			FWVN		No		
302			FKYE		No		
303			FKYW		No		
304			FILC		No		
305			FMN		No		
306			FMIE		No		
307			FOHN		No		
308			FNCM		Yes	Denied	Does not meet medical criteria
309			FOHS		No		
310			FTXS		Yes	Being Considered	Working on release plan
311			FOHS		No		
312			FINN		No		
313			FMIE		No		
314			FOHN		No		
315			FTXS		No		
316			FNYE		No		
317			FILN		No		
318			FTNE		No		
319			FINN		No		
320			FKYE		No		
321			FMIE		No		
322			FWIE		No		
323			FMIW		No		
324			FMIW		Yes	Denied	Does not meet medical criteria

	A	B	C	D	E	F	G
325			FSC		No		
326			FPAE		Yes	Denied	Does not meet medical criteria
327			FMIE		Yes	Denied	Does not meet medical criteria
328			FMIE		Yes	Denied	Does not meet medical criteria
329			FCAC		No		
330			FINS		No		
331			FMN		No		
332			FKYE		No		
333			FIAS		No		
334			FWIW		Yes	Denied	Does not meet medical criteria
335			FINS		Yes	Denied	Does not meet medical criteria
336			FMOW		Yes	Denied	Does not meet medical criteria
337			FMIE		No		
338			FTNE		Yes	Denied	Does not meet medical criteria
339			FOHN		No		
340			FNYW		No		
341			FTNM		No		
342			FWVS		No		
343			FMD		No		
344			FSC		No		
345			FNCM		No		
346			FNYN		No		
347			FOHN		No		
348			FALS		No	Being Considered	Pending further review
349			FTNE		Yes	Denied	Does not meet medical criteria
350			FOHN		No		
351			FVAE		No		
352			FIAS		No		
353			FPAM		No		
354			FPAM		No		
355			FINN		No		
356			FKYW		No		
357			FINS		No		
358			FMIE		No		
359			FMSS		No		
360			FKYE		No		

	A	B	C	D	E	F	G
361			FTNE		Yes	Denied	Does not meet medical criteria
362			FPAE		No		
363			FVAE		No		
364			FMA		No		
365			FCAE		No		
366			FOHN		Yes	Denied	Does not meet medical criteria
367			FILC		No		
368			FOHN		No		
369			FMIW		No		
370			FILC		Yes	Denied	Does not meet medical criteria
371			FPAW		No		
372			FMIE		Yes	Denied	Does not meet medical criteria
373			FMIE		No		
374			FPAW		Yes	Denied	Does not meet medical criteria
375			FINS		No		
376			FIAN		No		
377			FINN		No		
378			FKYE		Yes	Denied	COVID-19 only
379			FMIE		Yes	Denied	Does not meet medical criteria
380			FOHN		No		
381			FOHS		No		
382			FILS		Yes	Denied	Does not meet medical criteria
383			FILN		No		
384			FVAW		Yes	Denied	Does not meet medical criteria
385			FLAW		Yes	Denied	Does not meet medical criteria
386			FMIE		No		
387			FLAW		No		
388			FVAE		No		
389			FPAM		No		
390			FKYE		Yes	Denied	Does not meet medical criteria
391			FILC		Yes	Denied	Does not meet medical criteria
392			FTNM		Yes	Denied	COVID-19 only
393			FNCW		No		
394			FPAW		No		
395			FPAW		No		
396			FMIE		No		

	A	B	C	D	E	F	G
397			FMIE		No		
398			FINN		No		
399			FKYE		Yes	Denied	Does not meet medical criteria
400			FCT		No		
401			FOHN		No		
402			FILN		Yes	Denied	Does not meet medical criteria
403			FMIE		No		
404			FWAW		No		
405			FILN		Yes	Denied	Does not meet medical criteria
406			FWIE		Yes	Denied	Does not meet medical criteria
407			FOHN		No		
408			FILS		Yes	Denied	Does not meet medical criteria
409			FLAW		No		
410			FMIE		No		
411			FPAW		Yes	Denied	Does not meet medical criteria
412			FWVS		Yes	Denied	Does not meet medical criteria
413			FOHS		Yes	Denied	COVID-19 only
414			FMOW		No		
415			FWVN		No		
416			FOHS		No		
417			FMIW		No		
418			FMIE		Yes	Denied	Does not meet medical criteria
419			FNYW		No		
420			FMOE		No		
421			FFLS		No		
422			FND		Yes	Denied	Does not meet medical criteria
423			FINS		Yes	Denied	Does not meet medical criteria
424			FWIE		No		
425			FNCW		No		
426			FWVN		No		
427			FMIE		No		
428			FOHN		No		
429			FINS		No		
430			FCO		No		
431			FPAW		No		
432			FFLS		No		

	A	B	C	D	E	F	G
433			FTXW		No		
434			FWVS		No		
435			FNWY		Yes	Denied	Does not meet medical criteria
436			FMIE		No		
437			FOHS		No	Being Considered	Working on release plan
438			FFLN		No		
439			FTNE		No		
440			FOHS		No		
441			FFLN		Yes	Denied	Does not meet medical criteria
442			FMN		Yes	Denied	Does not meet medical criteria
443			FOHS		No		
444			FWVN		Yes	Denied	Does not meet medical criteria
445			FKYE		Yes	Denied	Does not meet medical criteria
446			FNCE		Yes	Denied	Does not meet medical criteria
447			FOR		No		
448			FPAM		No		
449			FNYS		Yes	Denied	Does not meet medical criteria
450			FPAW		No		
451			FINS		Yes	Denied	Does not meet medical criteria
452			FFLM		No		
453			FMIE		No		
454			FMIW		No		
455			FNCW		Yes	Denied	Does not meet medical criteria
456			FILN		No		
457			FWVS		No		
458			FMIW		No		
459			FOHN		No		
460			FOHN		No		
461			FTNE		No		
462			FOHS		No		
463			FWAW		No		
464			FWIE		Yes	Denied	Does not meet medical criteria
465			FMIW		No		
466			FOHN		Yes	Denied	Does not meet medical criteria
467			FOHN		No		
468			FNCW		No		

	A	B	C	D	E	F	G
469			FWIE		No		
470			FPAW		Yes	Denied	Does not meet medical criteria
471			FOHS		No		
472			FND		Yes	Denied	Does not meet medical criteria
473			FIAN		Yes	Denied	Does not meet medical criteria
474			FPAE		No		
475			FINS		No		
476			FOHN		No		
477			FTNE		Yes	Denied	Does not meet medical criteria
478			FTNE		No		
479			FTXN		No		
480			FTXW		Yes	Denied	Does not meet medical criteria
481			FOHN		Yes	Denied	Does not meet medical criteria
482			FTXS		No		
483			FMSN		No		
484			FKYE		No		
485			FIAN		Yes	Denied	Does not meet medical criteria
486			FPAW		No		
487			FNWY		Yes	Denied	Does not meet medical criteria
488			FDE		No		
489			FOHN		No		
490			FMIE		Yes	Denied	Does not meet medical criteria
491			FMIE		Yes	Denied	Does not meet medical criteria
492			FFLN		No		
493			FSC		No		
494			FILN		No		
495			FILN		No		
496			FOHN		No		
497			FMIW		No		
498			FILC		No		
499			FMIE		No		
500			FOHN		Yes	Denied	Does not meet medical criteria
501			FMIW		Yes	Denied	COVID-19 only
502			FOHN		Yes	Denied	Does not meet medical criteria
503			FMIE		No		
504			FKYE		No		

	A	B	C	D	E	F	G
505			FMIW		No		
506			FTXN		No		
507			FILN		No		
508			FOHN		No		
509			FPAW		No		
510			FTNE		No		
511			FMIW		No		
512			FKYE		Yes	Denied	Does not meet medical criteria
513			FOHN		No		
514			FOHS		No		
515			FMIE		No		
516			FVAE		No		
517			FWIW		No		
518			FMIE		Yes	Denied	Does not meet medical criteria
519			FILN		Yes	Denied	Does not meet medical criteria
520			FWVN		No		
521			FMOW		No		
522			FINN		Yes	Denied	Does not meet medical criteria
523			FNWY		No		
524			FWVS		No		
525			FMIE		No		
526			FMIE		No		
527			FINS		No		
528			FIAS		Yes	Denied	COVID-19 only
529			FILN		No		
530			FMIW		No		
531			FMIW		No		
532			FMIE		Yes	Denied	Does not meet medical criteria
533			FOHS		No		
534			FPAW		No		
535			FOHS		Yes	Denied	Does not meet medical criteria
536			FNM		No		
537			FWVS		Yes	Denied	Does not meet medical criteria
538			FOHN		Yes	Denied	Does not meet medical criteria
539			FNYS		No		
540			FOHN		Yes	Denied	Does not meet medical criteria

	A	B	C	D	E	F	G
541			FOHN		No		
542			FWVN		No	Being Considered	Pending further review
543			FNYS		No		
544			FTNM		No		
545			FNYS		Yes	Denied	Does not meet medical criteria
546			FILN		No		
547			FOHS		No		
548			FMOE		No		
549			FMN		No		
550			FOHN		No		
551			FOHN		Yes	Denied	COVID-19 only
552			FRQ		No		
553			FILN		No		
554			FNYS		Yes	Denied	Does not meet medical criteria
555			FPAW		No		
556			FMD		No		
557			FNCE		No		
558			FINN		No		
559			FMIE		No		
560			FILN		Yes	Denied	Does not meet medical criteria
561			FWVS		No		
562			FWVN		Yes	Denied	Does not meet medical criteria
563			FOHN		No		
564			FNIE		No		
565			FNVS		No		
566			FMIW		Yes	Denied	Does not meet medical criteria
567			FINS		No		
568			FINN		No		
569			FOHS		No		
570			FVAE		No		
571			FMT		No		
572			FPAW		Yes	Denied	Does not meet medical criteria
573			FMIE		No		
574			FINN		Yes	Denied	Does not meet medical criteria
575			FPAW		No		
576			FKYE		No		

	A	B	C	D	E	F	G
577			FNCM		Yes	Denied	Does not meet medical criteria
578			FOHS		No		
579			FMIW		No		
580			FFLM		Yes	Denied	Does not meet medical criteria
581			FWVS		Yes	Denied	Does not meet medical criteria
582			FMD		No		
583			FFLS		No		
584			FOHS		Yes	Denied	Does not meet medical criteria
585			FMN		Yes	Denied	Does not meet medical criteria
586			FMIE		No		
587			FILN		No	Being Considered	Working on release plan
588			FIAN		No		
589			FMIW		No		
590			FVAW		Yes	Denied	Does not meet medical criteria
591			FMD		No		
592			FNCM		No		
593			FKYW		No		
594			FILN		Yes	Denied	Does not meet medical criteria
595			FINN		Yes	Denied	Does not meet medical criteria
596			FINN		Yes	Denied	Does not meet medical criteria
597			FMIW		No		
598			FMIW		No		
599			FWIE		Yes	Denied	Does not meet medical criteria
600			FOHN		No		
601			FNYW		Yes	Denied	Does not meet medical criteria
602			FINN		Yes	Denied	Does not meet medical criteria
603			FMIW		No		
604			FIAN		Yes	Denied	Does not meet medical criteria
605			FOHS		Yes	Denied	Does not meet medical criteria
606			FPAE		No		
607			FKYE		Yes	Denied	Does not meet medical criteria
608			FPAW		No		
609			FMIE		No		
610			FTNW		No		
611			FOHN		No		
612			FNYW		No		

	A	B	C	D	E	F	G
613			FWAE		No		
614			FCT		No		
615			FVAW		No		
616			FPAW		No		
617			FVAW		Yes	Denied	Does not meet medical criteria
618			FMIE		Yes	Denied	Does not meet medical criteria
619			FWVS		Yes	Denied	Does not meet medical criteria
620			FILN		No		
621			FNCE		Yes	Denied	Does not meet medical criteria
622			FTNE		Yes	Denied	Does not meet medical criteria
623			FILN		Yes	Denied	Does not meet medical criteria
624			FKYE		No		
625			FNYS		No		
626			FMOW		No		
627			FMIE		No		
628			FNCW		No		
629			FTXS		Yes	Denied	Does not meet medical criteria
630			FINS		No		
631			FILN		No		
632			FWVN		No		
633			FOHS		No		
634			FMIE		No		
635			FND		No		
636			FOHS		No		
637			FOHN		No		
638			FVAE		Yes	Denied	Does not meet medical criteria
639			FILC		No		
640			FSC		No		
641			FILC		Yes	Denied	Does not meet medical criteria
642			FWIE		Yes	Denied	COVID-19 only
643			FMIE		No		
644			FME		No		
645			FMIE		No		
646			FNYS		No		
647			FMIE		No		
648			FNYS		No		

	A	B	C	D	E	F	G
649			FOHN		Yes	Denied	Does not meet medical criteria
650			FWIW		No		
651			FOHN		No		
652			FMIE		No		
653			FOHS		Yes	Denied	Does not meet medical criteria
654			FND		Yes	Denied	Does not meet medical criteria
655			FNYW		Yes	Denied	Does not meet medical criteria
656			FVAE		Yes	Denied	Does not meet medical criteria
657			FILN		No		
658			FOHN		No		
659			FFLM		No		
660			FFLN		No		
661			FMIW		No		
662			FMIE		No		
663			FDCD		No		
664			FSC		Yes	Denied	Does not meet medical criteria
665			FMIW		No		
666			FGAS		Yes	Denied	Does not meet medical criteria
667			FOHS		No		
668			FRI		No		
669			FMIE		Yes	Denied	Does not meet medical criteria
670			FNCE		No		
671			FMOW		No		
672			FWVN		Yes	Denied	Does not meet medical criteria
673			FTNE		Yes	Denied	Does not meet medical criteria
674			FOHN		No		
675			FMIE		No		
676			FTNE		Yes	Denied	Does not meet medical criteria
677			FOHN		No		
678			FILC		No		
679			FINS		Yes	Denied	Does not meet medical criteria
680			FWVN		No		
681			FILS		Yes	Denied	Does not meet medical criteria
682			FKYE		No		
683			FOHN		No		
684			FFLN		No		

	A	B	C	D	E	F	G
685			FLAE		No		
686			FILS		No		
687			FILC		Yes	Denied	Does not meet medical criteria
688			FKYE		Yes	Denied	Does not meet medical criteria
689			FINS		No		
690			FKYE		No		
691			FVAW		Yes	Denied	Does not meet medical criteria
692			FMD		No		
693			FNCW		No		
694			FPAW		Yes	Denied	Does not meet medical criteria
695			FMIE		No		
696			FMIE		Yes	Denied	Does not meet medical criteria
697			FMIE		Yes	Denied	Does not meet medical criteria
698			FMIE		No		
699			FMIE		No		
700			FOHN		Yes	Denied	Does not meet medical criteria
701			FMIE		No		
702			FKYE		Yes	Denied	Does not meet medical criteria
703			FMIE		No		
704			FMN		No		
705			FMN		No		
706			FIAS		No		
707			FOHS		No		
708			FOHN		No		
709			FOHS		No		
710			FVAE		No		
711			FWVN		No		
712			FKYE		No		
713			FNCE		No		
714			FMIW		No		
715			FMIE		No		
716			FOHN		No		
717			FMIW		No		
718			FWVS		No		
719			FILC		No		
720			FWVN		No		

	A	B	C	D	E	F	G
721			FWIW		No		
722			FWVN		Yes	Denied	Does not meet medical criteria
723			FOHS		No		
724			FOHN		No		
725			FIAS		No		
726			FNYS		Yes	Denied	Does not meet medical criteria
727			FMIE		No		
728			FFLM		No		
729			FKYE		No		
730			FKYE		No		
731			FFLM		No		
732			FNYN		No		
733			FINS		No		
734			FNCM		Yes	Denied	Does not meet medical criteria
735			FINN		No		
736			FOHS		No		
737			FOHS		Yes	Denied	Does not meet medical criteria
738			FTXW		No		
739			FDCS		No		
740			FWIW		No		
741			FPAW		No		
742			FINN		No		
743			FINN		No		
744			FPAW		No		
745			FMIE		Yes	Denied	Does not meet medical criteria
746			FMIE		No		
747			FOHN		No		
748			FWIE		Yes	Denied	Does not meet medical criteria
749			FMIE		No		
750			FMIE		No		
751			FMIE		Yes	Denied	Does not meet medical criteria
752			FOHS		No		
753			FKYE		No		
754			FMIE		No		
755			FNM		No		
756			FMIW		No		

	A	B	C	D	E	F	G
757			FIAS		No		
758			FTNE		No		
759			FRQ		Yes	Denied	COVID-19 only
760			FMIW		Yes	Denied	Does not meet medical criteria
761			FOHN		No		
762			FOHN		Yes	Denied	Does not meet medical criteria
763			FVAW		Yes	Denied	Does not meet medical criteria
764			FND		No		
765			FTNE		No		
766			FILC		No		
767			FMIE		No		
768			FMIW		No		
769			FILN		No		
770			FMIE		No		
771			FNJ		No		
772			FIAN		Yes	Denied	Does not meet medical criteria
773			FKYE		Yes	Denied	Does not meet medical criteria
774			FMA		No		
775			FILN		No		
776			FOHS		Yes	Denied	Does not meet medical criteria
777			FIAS		No		
778			FILS		No		
779			FINS		No		
780			FVAW		No		
781			FOHS		No		
782			FMIE		Yes	Denied	Does not meet medical criteria
783			FNCM		Yes	Denied	Does not meet medical criteria
784			FOHN		Yes	Denied	Does not meet medical criteria
785			FKYE		No		
786			FMT		No		
787			FMIE		Yes	Denied	Does not meet medical criteria
788			FMN		No		
789			FKYE		No		
790			FOR		No		
791			FTNE		No		
792			FWVS		No		

	A	B	C	D	E	F	G
793			FNYN		Yes	Denied	COVID-19 only
794			FMD		No		
795			FOHS		Yes	Denied	Does not meet medical criteria
796			FMIE		Yes	Denied	Does not meet medical criteria
797			FMIE		No		
798			FILS		No		
799			FINS		No		
800			FMN		Yes	Denied	Does not meet medical criteria
801			FWVS		Yes	Denied	Does not meet medical criteria
802			FKYW		No		
803			FILN		Yes	Denied	Does not meet medical criteria
804			FPAW		Yes	Denied	Does not meet medical criteria
805			FTNE		No		
806			FILN		Yes	Denied	Does not meet medical criteria
807			FOHN		No		
808			FOHS		Yes	Denied	Does not meet medical criteria
809			FOR		No		
810			FINN		No		
811			FOHN		No		
812			FPAW		Yes	Denied	Does not meet medical criteria
813			FILN		Yes	Denied	Does not meet medical criteria
814			FNYS		No		
815			FMN		No		
816			FIAN		No		
817			FPAM		Yes	Denied	Does not meet medical criteria
818			FAK		No		
819			FKS		No		
820			FPAW		No		
821			FTNE		Yes	Denied	Does not meet medical criteria
822			FPAW		No		
823			FMOW		No		
824			FWVS		Yes	Denied	Does not meet medical criteria
825			FNYN		Yes	Denied	Does not meet medical criteria
826			FMIE		No		
827			FRI		Yes	Denied	Does not meet medical criteria
828			FNCW		No		

	A	B	C	D	E	F	G
829			FMIW		No		
830			FALM		No		
831			FFLM		No		
832			FOHN		Yes	Denied	Does not meet medical criteria
833			FOHN		No		
834			FMIE		Yes	Denied	Does not meet medical criteria
835			FILN		No		
836			FINS		No		
837			FFLN		No		
838			FDE		No		