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JUDGE KAPLAN'S CHAMBERS

MEMO ENDORSED

(21-CR-729
2-26-25

~~To: Judge~~ (~~Courtroom~~)

Dear Honorable Lewis A Kaplan:

My name is Chanette Lewis & Im currently serving my sentence of 36 months I was sentence February 8th 2024. I pled guilty to two counts of Conspiring to Commit wire fraud. Ive self surrender to Hazelton FCI July 15 2024 and came to Danbury FSL November 2, 2024. During my time in Hazelton within the 4 months I have completed a self-study American History, Finance Literacy, Career Exploration & I had a job as a tutor and unit orderly. I transfer to Danbury CT for the "Fit/Rdap" program. Im doing Fit currently because Ive no substance abuse history so I only qualify for Fit "Female Intergrated Treatment". Im currently still enroll in this program. within 3 months of being in this facility I completed "Wellness & Recovery", "Anger management" "Community Journal" "Parenting" "Re-entry & many more". Ive completed Phrase 1 of "FIT" program. ive 2 more phrases to be completed. The reason Im writing this letter is because the caregiver of my children "Cynthia Lewis" which is my mother is now in Chronic Care, my children is 14, 4, 2 & 11 months. The 14 yr old dad is in BOP Custody Kareem Brown 4-26-1993, & the other children dad pass away while I was on pre-trail the information is in my PSI, with the death certicate. During my time while serving

Memorandum Endorsement — United States v. Lewis, 21-cr-729 (LAK)

Defendant moves for a sentence reduction, release to home confinement, or compassionate release. "A court may not modify a term of imprisonment once it has been imposed except pursuant to statute." *United States v. Gotti*, 433 F. Supp. 3d 613, 614 (S.D.N.Y. 2020). Under 18 U.S.C. § 3582(c)(1)(A)(i), the compassionate release statute, a court may reduce a term of imprisonment if it finds that extraordinary and compelling reasons warrant such reduction, provided that the factors set forth at 18 U.S.C. § 3553 do not outweigh those extraordinary and compelling reasons. *See United States v. Merlo*, No. 17-CR-0738 (LAK), 2020 WL 3001039, at *3 (S.D.N.Y. June 4, 2020).

A court may grant compassionate release only "upon motion of the Director of the Bureau of Prisons" or "upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." Here, the BOP Director has not filed a motion and defendant has not submitted a request for compassionate release to the warden of the institution where she is incarcerated. For the reasons set forth in *United States v. Roberts*, 612 F. Supp. 3d 351 (S.D.N.Y. 2020), the Court lacks the authority to waive the statutory exhaustion requirement.

Accordingly, defendant's motion is denied without prejudice to renewal after defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or after the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier.

SO ORDERED.

Dated: March 3, 2025

Lewis A. Kaplan
United States District Judge

USDC SDNY
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Copies mailed Chambers of Judge Kaplan

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