

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
BOWLING GREEN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**CRIMINAL ACTION NO. 1:22-CR-4-GNS**

**MANDY ELLEN BAUER**

**DEFENDANT**

**MEMORANDUM AND ORDER**

This matter is before the Court upon a letter filed by Defendant Mandy Ellen Bauer, which the Court construes as a motion, in which she requests “compassionate release” (DN 27). Defendant indicates that she has had “a steady job in the kitchen” and “has taken and completed 19 Programs and Education Classes, earning myself many FSA credits, certificates and Good Time.” Defendant further states that her incarceration is causing hardship for her husband and son. She asks for “compassionate release so that I can go home and do my part in taking care of my family.”

Under 18 U.S.C. § 3582(c), as amended by the First Step Act, a defendant may make a direct request to the Court for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons [(BOP)] 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[.]” 18 U.S.C. § 3582(c)(1)(A)(i). The requirement in § 3582(c)(1)(A) is “mandatory” and is not subject to any “judge-made exceptions.” *United States v. Alam*, 960 F.3d 831, 834 (6th Cir. 2020) (approving denial without prejudice where defendant did not meet the statutory requirements of § 3582(c)(1)(A) before filing a motion for compassionate release).

Because Defendant gives no indication that she complied with the exhaustion requirements of § 3582(c)(1)(A) before filing the motion for compassionate release, **IT IS HEREBY ORDERED** that the motion (DN 27) is **DENIED without prejudice**. Defendant may refile her motion after she complies with the statute's exhaustion requirements.

Date: November 2, 2022



Greg N. Stivers, Chief Judge  
United States District Court

cc: Defendant, *pro se*  
U.S. Attorney  
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