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HASSAN SHABAN KANYIKE

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, **Plaintiff,** **vs.** **HASSAN SHABAN KANYIKE** **Defendant.**	**Dist. Ct. No. 2:21-CR00081**

DEFENDANT'S MOTION FOR SECOND EXTENSION OF TIME TO SURRENDER TO SERVE CUSTODY SENTENCE

Defendant HASSAN SHABAN KANYIKE moves and requests that this Court continue the date for him to voluntarily surrender to the Bureau of Prisons ("BOP") to begin serving his sentence. He requests an approximate 90-day continuance of this self-surrender date, which is currently scheduled for Monday, February 22, 2022, to on or before May 22, 2022.

This motion/request is based on the following extraordinary circumstances:

1. Defendant has a chronic sinus condition and currently is suffering from a sinus infection. See Declaration of Hassan Shaban Kanyike, attached, and Letter/Medical Records from Allen N. Cohen, M.D., Exhibit "A."

2. Defendant currently has difficulty breathing in the morning hours, repeated nose bleeding, constant headaches, nasal congestion, and constant pain and pressure in the sinuses. He suffers from regular fevers. See Declaration of Hassan Shaban Kanyike, attached, and Letter/Medical Records from Allen N. Cohen, M.D., Exhibit "A."

3. Defendant has had the condition since approximately 2015. When he recently contracted Covid, it appears to have gotten worse. When Defendant visited his physician on January 20, 2022, he recommended that Defendant get the surgery because his sinus was swollen. Currently, his surgery is scheduled for March 17, 2022. He will require a two-month recovery period after that. See Declaration of

Hassan Shaban Kanyike, attached, and Letter/Medical Records from Allen N. Cohen, M.D., Exhibit "A."

4. During the recovering period after surgery, and in order to prevent infection which may cause further damage, Defendant must be in an extremely clean environment and make sure that he attends the appropriate follow up appoints.

5. After surgery, Defendant must rinse his sinuses twice daily with distilled water or tap water that has been previously boiled in order to avoid infections. See Declaration of Hassan Shaban Kanyike, attached, and Letter/Medical Records from Allen N. Cohen, M.D., Exhibit "A."

6. On November 15, 2021, this Court sentenced the defendant to 51 months in prison. At the time of sentencing, and in its Judgment and Commitment Order (dated November 16, 2021), this Court ordered the defendant to voluntarily surrender on January 14, 2022. On or about January 13, 2022, this Court ordered Defendant's surrender date changed to February 22, 2022 following his Motion for Extension of Time to Serve Custodial Sentence.

Thus, to allow time for Defendant to receive his surgery and to recover, Defendant respectfully requests the Court to permit him to surrender no later than May 22, 2022.

DATE: February 16, 2022

Respectfully Submitted,

OKABE AND HAUSHALTER

By: /s Mark J. Haushalter
Mark J. Haushalter
Attorneys for Defendant Hassan Shaban Kanyike

DECLARATION OF HASSAN SHABAN KANYIKE

I, Hassan Shaban Kanyike, declare:

1. I am the Defendant in this action.

2. On November 15, 2021, this Court ordered me to surrender on or before January 14, 2022 to begin serving the custody portion of my sentence: 51 months.

3. On January 9, 2022, I tested positive for Covid-19. I have since recovered.

4. I have a chronic sinus condition and currently suffer from a sinus infection. I have difficulty breathing in the morning hours, repeated nose bleeding, constant headaches, nasal congestion, and constant pain and pressure in the sinuses. I suffer from regular fevers.

5. I have had the condition since approximately 2015. When I recently contracted Covid, it appears to have gotten worse. When I visited my physician on January 20, 2022, he recommended that I get the surgery because my sinuses were swollen. Currently, my surgery is scheduled with Dr. Alen N. Cohen, M.D., in West Hills, California, for March 17, 2022. Dr. Cohen advised I will require a two-month recovery period after that.

6. During the recovering period after surgery, and in order to prevent infection which may cause further damage, I must be in an extremely clean environment and make sure that I attend the appropriate follow up appointments.

7. After surgery, I must rinse my sinuses twice daily with distilled water or tap water that has been previously boiled in order to avoid infections.

8. In order to allow me time to receive surgery and to recover from it, I respectfully request the Court to permit me to surrender no later than May 22, 2022.

I declare that the foregoing is true and correct to the best of my knowledge and belief. Executed this 16th day of February 2022 in Los Angeles, California.

HASSAN KANYIKE
HASSAN KANYIKE (Feb 16, 2022 10:29 PST)

Hassan Shaban Kanyike

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion of Defendant to Continue the Date for the Defendant to Surrender to the Bureau of Prisons has been filed on ECF and thus served upon:

Richard E. Robinson, Assistant U.S. Attorney
Office of the United States Attorney
312 North Spring Street, 11th Floor
Los Angeles, CA 90012

DATE: February 16, 2022

/s/ Mark J. Haushalter
Mark J. Haushalter

kanyike.motion.extend.time.surrender.2.15.2022

Final Audit Report 2022-02-16

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