

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

*

v.

*

Crim. No. CCB-18-18

*

RYAN FARACE

*

*

* * * * *

MEMORANDUM AND ORDER

Now pending is Ryan Farace’s motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), in which he also requests transfer to home confinement pursuant to the CARES Act. (ECF 98).

As the court explained in a June 19, 2020 letter to Farace, the court may not consider a motion for compassionate release until “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.” (ECF 102 (quoting 18 U.S.C. § 3582(c)(1)(A)). Farace has not supplemented his motion, and there is no evidence that he has exhausted administrative remedies. The court is thus unable to consider Farace’s arguments for compassionate release.

To the extent that Farace also seeks relief under the CARES Act, the court is without authority to grant it. While the CARES Act authorizes the Bureau of Prisons, in certain circumstances, to lengthen the amount of time a defendant may be placed on home confinement, *see* CARES Act of 2020, Pub. L. No. 116-136, § 12003(b)(2), 134 Stat. 281, 516, “[t]his provision does not authorize the court to order [a] defendant’s placement in home confinement,” *see United States v. Gray*, No. 4:12-CR-54-FL-1, 2020 WL 1943476, at *3 (E.D.N.C. Apr. 22, 2020). Indeed, “[t]he discretion to release a prisoner to home confinement lies solely with the Attorney General.” *See*

United States v. Byers, No. 118CR00036MRWCM1, 2020 WL 3513703, at *2 (W.D.N.C. June 29, 2020) (citing 18 U.S.C. § 3624(c)(2) and 34 U.S.C. § 60541(g)).

Accordingly, Farace's motion for compassionate release (ECF 98) is DENIED WITHOUT PREJUDICE.

So Ordered this 28th day of July, 2020.

/S/
Catherine C. Blake
United States District Judge