

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
v.)	Crim. No. 16-0180 (ESH)
)	
BRYNEE BAYLOR,)	
)	
Defendant.)	
)	

ORDER

Defendant Brynee Baylor has filed an emergency motion for release from custody “due to the Bureau of Prison’s failure to provide defendant with adequate medical care that now has created an imminent threat to her posed by the COVID-19 pandemic.” (*See* Mot. for Release, ECF No. 172.). At the outset, the Court recognizes the unprecedented seriousness of the COVID-19 pandemic and appreciates the difficulties faced by the Bureau of Prisons to contain its spread.¹ Moreover, the Court does not doubt that Baylor would not be a danger to her community if released since she is a non-violent offender. Although the Court was aware that Baylor has several medical conditions, it has been unable to obtain any recent medical information regarding her kidney problems, and the only medical report attached to her motion dates back to 2005. (*See id.* at Ex. A.)

However, Baylor’s difficult circumstances cannot change the fact that until she exhausts her administrative remedies, the Court is without power to modify her sentence. *See* 18 U.S.C. 3582(c)(1)(A). While “[t]he First Step Act expanded the criteria for compassionate release and

¹ At least as of today, there are no reported cases of COVID-19 at FCI Alderson. *See* <https://www.bop.gov/coronavirus/> (last visited on March 27, 2020).

provided defendants with the opportunity to challenge the Bureau of Prisons' ('BOP') denial of compassionate release in federal district court[,] . . . the law did not alter the requirement that prisoners must first exhaust their administrative remedies before seeking judicial relief." *United States v. Bolino*, 2020 WL 32461, at *1 (E.D.N.Y. Jan. 2, 2020). Baylor's attorney asserts that she "has attempted to address her serious medical condition internally within her facility with no success." (See Reply at 4, ECF No. 174.) However, Baylor has provided no proof that she has taken any of the steps required to administratively exhaust her claims. See *Bolino*, 2020 WL 32461, at *1 (concluding that a defendant had not shown exhaustion of administrative remedies when he had "attached no documents or proof that he has done so, such as the warden's denial, proof of an appeal, or the BOP's final agency action").

Because Baylor has failed to exhaust her administrative remedies, it is hereby

ORDERED that her motion is **DENIED**.²



Ellen S. Huvelle

ELLEN S. HUVELLE
United States District Judge

Date: March 27, 2020

² If Baylor wishes to return to this Court for further review after exhausting her administrative remedies, the Court will need more up-to-date medical information, as well as proof of exhaustion.