



2020. ECF No. 45, p. 2.

5. Mr. Ferguson has satisfied in full the aforesaid monetary penalties and restitution, and has been fully in compliance with all of the other conditions of release, pending surrender, set forth in the aforesaid Judgment.

6. As the Court is aware, as a result of the current developments and risks surrounding the ongoing COVID-19 pandemic, including paramount risks— developments that were not anticipated at the time of sentence – there have been extraordinary measures required in the functioning and operations of a large number of agencies and institutions in the United States, in order to address the unprecedented, paramount risks to public health and public safety of the United States.

7. As set forth in the March 26, 2020 letter of Robert A. Martinez, Assistant General Counsel of the Federal Bureau of Prisons, addressed to Assistant United States Attorney Douglas P. Morabito with reference to Mr. Ferguson’s case and impending self-surrender to the Bureau of Prisons currently scheduled for this coming month, the BOP has just requested that a motion be filed with the Court in this case for a three month extension of the time before Mr. Ferguson’s self-surrender date – i.e., to July 28, 2020. *See Ex. A*, attached hereto.

8. As further indicated in Assistant General Counsel Martinez’s letter, this request from the BOP has been presented in connection with measures implemented by the BOP, consistent with guidelines provided by the Center for Disease Control, to identify incoming inmates for specific exposure risk factors.

9. As further indicated in Assistant General Counsel Martinez’s letter, there are case-specific factors pertaining to Mr. Ferguson – including the “specific risk factors” that the BOP has identified with respect to Mr. Ferguson, and the difficulties attendant to accommodating the quarantine requirements that would be necessary in his case given the unavailability of restrictive housing at the minimum security facility appropriate for his BOP classification/designation – that make it necessary in the BOP’s judgment, for the requested three-month extension of his self-surrender date.

10. The undersigned has contacted AUSA Morabito, who indicates that the Government does not object to the granting of this Motion.

Based on the foregoing, it is respectfully requested, in accordance with the matters and concerns set forth in the March 26, 2020 letter from the BOP (**Ex. A**), and Mr. Ferguson's status as a nonviolent offender with virtually no prior involvement in the carinal justice system, that the Court extend the date by which Mr. Ferguson is to surrender to the Bureau of Prisons from the current date of April 28, 2020 to July 28, 2020.

DEFENDANT LEE FERGUSON

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*Counsel for Defendant, Lee Ferguson*

**CERTIFICATE OF SERVICE**

I hereby certify that, on March 27, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

*/s/ Kenneth Rosenthal*

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Kenneth Rosenthal (ct05944)