

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MICHAEL LESLIE COHEN,

Defendant.

ORDER

17-CR-544 (NGG)

NICHOLAS G. GARAUFIS, United States District Judge.

On November 19, 2019, this court sentenced Defendant Michael Cohen to a three-month term of imprisonment following his plea of guilty to one count of making false statements in violation of 18 U.S.C. § 1001. (*See* Judgment (Dkt. 10).) Mr. Cohen is currently serving that sentence at FCI Berlin in Berlin, Maine, and is scheduled to be released upon its expiration on April 27, 2020.

Mr. Cohen now moves this court to order that his sentence be modified so that he may be released on April 20, 2020 and serve the balance of his sentence on unsupervised home confinement at his parents' home in Maine. (*See* Dkt. 69.) Mr. Cohen has advised the court that the Bureau of Prisons anticipated releasing him on that date to serve the last week of his sentence on supervised home release in light of the ongoing COVID-19 pandemic, but that this plan fell apart due to the unavailability of a probation officer to supervise him. (*Id.* at 2.)

In preparation for his release, Mr. Cohen was quarantined in the special housing unit on April 7, 2020, and, unless released, will be required to remain in the special housing unit until his prison term expires. (*Id.*) While in the special housing unit, Mr. Cohen is confined alone in his cell for 23 hours per day and is unable to communicate with his family or anyone else. (*Id.*) The Government takes no position on Mr. Cohen's request. (*Id.* at 1.)

Having reviewed Mr. Cohen's submission, the court concludes that Mr. Cohen's present circumstance qualifies as an "extraordinary and compelling reason" within the meaning of 18 U.S.C. § 3582(c)(1)(A)(i).

Accordingly, Mr. Cohen's (Dkt. 69) Motion is GRANTED.

The Bureau of Prisons is ORDERED to release Mr. Cohen from custody on April 20, 2020. Mr. Cohen shall remain on unsupervised home confinement at his parents' home until the expiration of his sentence on April 27, 2020.

SO ORDERED.

Dated: Brooklyn, New York
April 17, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge