

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 18-cr-20180-001

v.

Judith E. Levy

United States District Judge

Roosevelt Knight,

Defendant.

_____ /

**ORDER PARTIALLY GRANTING MOTION TO
REVOKE ORDER OF DETENTION [96]**

On March 23, 2020, Defendant Roosevelt Knight filed a motion to revoke his order of detention. After being on supervised release for over a year, Defendant was arrested on violation of his supervised release and the Magistrate Judge detained him in Livingston County Jail, where he currently resides. The Court is authorized to revisit the Magistrate Judge's order pursuant to 18 U.S.C. § 3145(b).

Defendant argues that he has suffered from bronchial asthma since early childhood. He seeks release because, while in prison, he is in danger of deadly illness due to the COVID-19 pandemic. As the Center for Disease Control (CDC) acknowledged on March 23, 2020, prison

confinement conditions create a serious risk for the spread of COVID-19, even among a healthy population. *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, CENTER FOR DISEASE CONTROL (March 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>. Defendant's serious respiratory condition puts him at even greater risk. *Id.*

On March 24, 2020, the United States requested via email that it be permitted to respond to Defendant's motion by the end of the week. The United States cited several factors about Defendant's case that render the government "grave[ly] concern[ed]" about a pretrial release, including the nature of Defendant's probation violation. The Court appreciates these concerns, and is very familiar with Defendant's case. However, the Court finds the danger to Defendant to be dire and that time in this case does not permit a response. *See United States v. Travis*, 129 F.3d 1266, at *1 (6th Cir. Oct. 28, 1997) (Table decision) (finding that 18 U.S.C. § 3 "the district court has jurisdiction to reopen the bail issue on its own motion" under 18 U.S.C. § 3142, even though the statute "does not expressly provide for *sua sponte* review of a magistrate judge's

detention order”); *see also* Fed. R. Crim. P. 2 (“These rules are to be interpreted . . . to eliminate unjustifiable [] delay.”)

The Court is permitted to temporarily release an individual in custody “to the extent that the judicial officer determines such release to be necessary for the preparation of the person’s defense or for another compelling reason.” 18 U.S.C. § 3142(i)(4). Because of the particular danger that the COVID-19 pandemic presents to detainees as determined by the CDC, and because of Defendant’s respiratory condition that makes him particularly vulnerable to this disease, the Court finds that Defendant has set forth compelling reasons for his temporary release amidst this growing public health emergency.

Accordingly, the Court grants Defendant’s motion. Defendant is immediately released into the custody of his family on the same terms and conditions that existed prior to his recent arrest, (ECF No. 85), with the following bond modifications:

- Defendant will have weekly contact with the Probation Department as directed;
- Defendant will provide his release address and phone number to the Probation Department within 24 hours of his release from custody; and
- Defendant is required to attend his scheduled treatment appointment at Team Wellness to the extent that it is safe for all parties to do so.

The Court will revisit this Order in six months.

IT IS SO ORDERED.

Dated: March 24, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 24, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager