

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO SANDOVAL,

Defendant.

Case No. 1:15-cr-00022-BLW

**MEMORANDUM DECISION
AND ORDER**

Before the Court is defendant Francisco Sandoval’s motion for compassionate release (Dkt. 561), which the government does not oppose (*see Response*, Dkt. 567). For the reasons below, the Court will grant the motion.

In 2015 Sandoval was sentenced to 188 months in prison for conspiracy to distribute methamphetamine. Sandoval now seeks compassionate release under 18 U.S.C. § 3582(c)(1)(A). To modify a sentence and grant compassionate release, a district court must first consider the 18 U.S.C. § 3553(a) factors. Next, the court must find that “extraordinary and compelling reasons warrant such a reduction.” *See* 18 U.S.C. § 3582(c)(1)(A). The Sentencing Commission has determined that medical conditions constitute “extraordinary and compelling reasons” to release a defendant from BOP custody where the defendant is either terminally ill—which

includes having advanced dementia—or suffers from one of the following: (1) “a serious physical or medical condition”; (2) “a serious functional or cognitive impairment”; or (3) “deteriorating physical or mental health because of the aging process[.]” *See* USSG § 1B1.13, cmt n.1(A). The USSG additionally requires the court to find “the defendant is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g).” *See* USSG § 1B1.13(2).

The government stipulates that Sandoval meets the statutory requirements and presents “extraordinary and compelling reasons” which justify compassionate release: he has moderate to severe dementia as well as other qualifying physical impairments, and, according to the warden at FCC Oakdale, the prison is unable to provide treatment. *See Response* Dkt. 567 at 1. Further, the government agrees that Sandoval poses no threat to the community upon release. *Id.* at 5.

Sandoval concurs with the government’s recommendation that his sentence be reduced to time served, as of April 3, 2020, to be followed by ten years of supervised release. Therefore, the Court will grant the motion for compassionate release, reduce the Defendant’s sentence to time serve, and order him released by the Bureau of Prisons on April 3, 2020.

ORDER

IT IS ORDERED that:

1. Defendant’s Motion for Compassionate Release (Dkt. 561) is

GRANTED.

2. Defendant's sentence is reduced to a sentence of time served pursuant to 18 U.S.C. § 3582(c)(1)(A).
3. The Bureau of Prisons must release Defendant, Francisco Sandoval, on April 3, 2020, at which time Defendant's ten (10) year term of supervised release will begin pursuant to the terms ordered in at the time of sentencing and as set forth in the Court's April 28, 2016. Judgment. Dkt. 446.



DATED: **April 01, 2020**

A handwritten signature in black ink that reads "B. Lynn Winmill".

B. Lynn Winmill
United States District Judge