

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD ADRIAN SANCHEZ,

Defendant.

Case No. 11-40085-JAR-01

ORDER

Defendant Richard Adrian Sanchez is currently serving a sentence of 262 months' imprisonment for possession with intent to distribute more than 500 grams of methamphetamine, in violation of 21 U.S.C. § 841(a)(1).¹ Sanchez is incarcerated at FCI Big Spring in Texas, and his anticipated release date is July 28, 2026. The Court previously dismissed without prejudice Sanchez's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A).² The Court concluded that it lacked jurisdiction to rule on the motion because Sanchez did not allege that he had exhausted his administrative remedies.³ This matter is now before the Court on Sanchez's letter (Doc. 133), which the Court liberally construes as a motion to reconsider that dismissal.⁴

In support of his motion to reconsider, Sanchez submits a letter he sent to the warden of FCI Big Spring requesting compassionate release.⁵ Sanchez also submits a letter, dated

¹ Docs. 64, 74.

² Doc. 132. That order also denied Sanchez's motion for appointment of counsel. *Id.* at 4–5.

³ *Id.* at 4.

⁴ *See, e.g., United States v. Kinard*, No. 1:17-CR-00067-MR-WCM, 2020 WL 5513423 (W.D.N.C. Sept. 14, 2020) (construing the defendant's letter providing proof of exhaustion as a motion to reconsider the court's denial of his compassionate release motion for failure to exhaust his administrative remedies); *United States v. Cassada*, No. 617CR0034GFVTHAI, 2020 WL 5111213 (E.D. Ky. Aug. 31, 2020) (same); *United States v. Jones*, No. 1:15-CR-10072-JDB-1, 2020 WL 2573250 (W.D. Tenn. May 21, 2020) (same).

⁵ Doc. 133 at 3–6.

November 5, 2020, from the warden of his facility denying his request for compassionate release.⁶ The letter indicates that the warden received Sanchez's letter requesting compassionate release on October 22, 2020.⁷

In light of Sanchez's letter providing proof of exhaustion, the government shall file a response addressing the merits of Sanchez's request for compassionate release on or before January 18, 2021.

IT IS THEREFORE ORDERED BY THE COURT that the government shall file a response to Defendant Richard Adrian Sanchez's Motion to Reconsider (Doc. 133) addressing the merits of Sanchez's request for compassionate release on or before January 18, 2021.

IT IS SO ORDERED.

Dated: January 4, 2021

S/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE

⁶ *Id.* at 2.

⁷ *Id.*