

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TAHMEKAH HENSON,

Defendant.

Case No. 16-20104-CM-1

MEMORANDUM AND ORDER

This matter is before the court on defendant Tamekah Henson's Motion to Reduce a Sentence. (Doc. 39.) Ms. Henson asks the court to grant compassionate release due to her child's placement in foster care.

After imposing a sentence, the court may modify a term of imprisonment in two situations: (1) on motion by the Director of the Bureau of Prisons, or (2) on motion of the defendant after the defendant has fully exhausted all administrative procedures to appeal the failure or refusal by the Bureau to bring a motion on the defendant's behalf. *See* 18 U.S.C. § 3582(c). Ms. Henson filed this motion, so she must show that she exhausted administrative procedures within the Bureau of Prisons.

Ms. Henson brought a similar request on February 8, 2019 (Doc. 32), which the court denied (Doc. 37) because (1) Ms. Henson filed her first motion before attempting to exhaust administrative procedures; and (2) Ms. Henson had not yet completed the Bureau's administrative process as required by both the Code of Federal Regulations and the Bureau's guidance. *See* 28 C.F.R. § 571.61; FEDERAL BUREAU OF PRISONS, PROGRAM STATEMENT NO. 5050.50, COMPASSIONATE RELEASE/REDUCTION IN SENTENCE: PROCEDURES FOR IMPLEMENTATION OF 18 U.S.C. § 3582 AND 4205(G) (Jan. 17, 2019), https://www.bop.gov/policy/progstat/5050_050_EN.pdf.

The Warden's memorandum (Doc. 35-1) shows that Ms. Henson's request for compassionate release was denied because she did not provide sufficient documentation, and informs Ms. Henson that she may appeal this denial through the Administrative Remedy Program. Although Ms. Henson has brought her new request after *beginning* administrative procedures, she does not show that she has fully exhausted all administrative procedures to appeal the failure of the Bureau to bring a motion on her behalf. Because Ms. Henson has not yet exhausted administrative procedures, the court cannot address the merits of her request.

IT IS THEREFORE ORDERED that defendant's Motion to Reduce a Sentence (Doc. 39) is denied without prejudice.

Dated this 8th day of October, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge