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United States District Court
Central District of California

Jeremy Pinson,
Petitioner,

v.

Michael Carvajal - BOP Director,
Respondent

5:20-CV-02599-PSG-SP

EMERGENCY PETITION FOR
Writ of Habeas Corpus
Under 28 U.S.C. 2241

I. Parties

1. Jeremy Pinson # 16267-064 is a petitioner in the SHU of USP Victorville, PO Box 3900, Adelanto, CA, 92301.
2. Michael Carvajal is Director of the BOP at 320 First Street NW, Washington D.C. 20534

II. Jurisdiction

1. Jurisdiction is proper under 28 U.S.C. 2241 and 1391 as USP Victorville is located in San Bernardino, County, CA.

III. Claims

1. Claim One = Violation of 8th Amendment
2. Claim Two = Violation of 1st Amendment
3. Violation of 42 U.S.C. 1971d

IV. Facts

On Dec. 3, 2020 U.S. District Judge Rosemary Marquez entered an Order setting a hearing in a longstanding Court Case Challenging BOP's failure to protect inmates from Covid-19 (See Ex. 1, hereto). At 5:00 AM on Dec. 4, 2020 petitioner was awakened by Acting USP Tucson Warden Michael Segal who stated to her "We gotta get you out of here before that Judge officially enters an injunction so we are sending you to California." Petitioner was then placed into a caravan of

vehicles and driven directly to USP Victorville, CA where she was brutally attacked in 2008 when she was last here. (See e.g. Pinson v. Prieto, No. 10-cv-811-PSG-SP (C.D. Cal.)). Upon arrival the SHU Lieutenant threatened to physically harm her if she "tried to start some lawsuit fuck-fuck games" and then separated her from all of her legal papers. Shortly after arrival to USP Victorville a positive COVID-19 outbreak began. Plaintiff-Petitioner lacks any PPE (i.e. mask, gloves, face shield, etc.) whatsoever, nor the means to wash her hands, use hand sanitizer, or engage in social distancing. Petitioner has multiple comorbidities that elevate the lethal risk of COVID-19 (asthma, obesity, risk of estrogen-related blood clots) but has been unsuccessful getting any screening for COVID-19 here.


Petitioner's life is in grave danger.

V. Relief Sought

1. Writ of Habeas Corpus ordering petitioner's release or home confinement to protect her from COVID-19, as her continued incarceration violates the 8th Amendment.
2. Injunction ordering the Respondent to take measures to protect USP Victorville inmates from COVID-19 to include the measures listed in Sec. IV above.
3. Emergency adjudication of this Motion.

I verify all facts herein are true under penalty of perjury pursuant to 28 U.S.C. 1746; 18 U.S.C. 1621.

12-8-20


Jeremy Pinson



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex


Office of the Complex Warden

Victorville, California

July 13, 2020

MEMORANDUM FOR USP INMATE POPULATION

FROM:


Felipe Martinez Jr., Complex Warden
FCC Victorville

SUBJECT: Update on Modified Operations

USP Victorville is continuing modified operations at this time due to inmates testing positive for the Coronavirus (COVID-19). We are working diligently to try and prevent the spread of this virus by limiting movement.

It is understandably difficult to be in the current state of modified operations; however, this is not a punitive action in any way. No decision is taken without considerable thought for your health and safety. FCC Victorville has brought in a medical team to test and assess our current COVID-19 situation, as well as help stop the spread. We do not want to risk a widespread infection; therefore, we plan to open slowly, following the advice of the subject matter experts. We should know our next phase at the end of this week. As we receive information, we will work to keep the inmate population updated.

Further, we are currently working on a plan to re-initiate the use of the telephones and emails. However as a result of the positive cases within the USP, as a precautionary measure it was determined to temporarily halt the use of the telephones and emails. I assure you that I am evaluating all avenues for you to reestablish communication and will make every effort to expedite this process.

As always, thank you for your continued patience as we navigate through this unique time.

Jeremy Pinson # 116267-064
United States Penitentiary Tucson
PO Box 24550
Tucson AZ 85784

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