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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

YONNEDIL CARROR TORRES, et cl.,
Plaintiffs-Petitioners,
v.
LOUIS MILUSNIC, Warden, et al.,
Defendants-
Respondents.

Case No. CV 20-4450 CBM (PVCx)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed Petitioners’ Motion to Enforce Compliance with Preliminary Injunction, all the related records and files herein, the Amended Report and Recommendation of the United States Magistrate Judge, Respondents’ Objections to the Amended Report and Recommendation, and Petitioners’ Reply to the Objections. After having made a *de novo* determination of the portions of the Amended Report and Recommendation to which Objections were directed, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge.

Respondents are ORDERED to take the following actions:

- 1 1. Within 28 days, Respondents shall re-evaluate any class member who was denied
2 home confinement where the only reason given for the denial was the amount of
3 time served or percentage of sentence served, or some other variation of a time
4 component. On such a re-evaluation, Respondents shall:
- 5 (a) assign substantial weight to the class member’s risk factors for severe
6 illness and death from Covid-19 based on age (over 50) or Underlying
7 Health Conditions, and
 - 8 (b) if home confinement is denied, provide a declaration explaining in detail
9 why the class member’s length of time served or percentage of sentence
10 served, solely or in combination with other newly-found factors,
11 substantially outweighs the class member’s risk factors for severe illness
12 and death from COVID-19.

13 This requirement shall also apply to future class members and those who have yet
14 to be evaluated for home confinement.

- 15
- 16 2. Within 28 days, Respondents shall re-evaluate any class member who was denied
17 home confinement where the only stated reason was a prior offense. On such a re-
18 evaluation, Respondents shall:
- 19 (a) assign substantial weight to the class member’s risk factors for severe illness
20 and death from Covid-19 based on age (over 50) or Underlying Health
21 Conditions, and
 - 22 (b) if home confinement is denied, provide a declaration explaining in detail
23 why the class member’s prior offense, solely or in combination with other
24 newly-found factors, substantially outweighs the class member’s risk factors
25 for severe illness and death from COVID-19.

26 This requirement shall also apply to future class members and those who have yet
27 to be evaluated for home confinement.

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1 3. Respondents shall complete all steps necessary to finalize the transfer of class
2 members granted home confinement within one month of each grant. Respondents
3 shall not quarantine any class member granted home detention for longer than
4 eighteen days. If Respondents are unable to meet these deadlines for any particular
5 class member, they shall submit a declaration to this Court showing good cause as
6 to why they are unable to do so no later than one month and one week after the
7 grant of home detention.

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9 4. For all individuals currently in BOP custody who are designated to be transferred
10 to FCC-Lompoc in the future, Respondents shall:

- 11 (a) provide those individuals with a notice of the class definition as soon as
- 12 reasonably practicable prior to their arrival at FCC Lompoc,
- 13 (b) inform them that they are entitled to submit documentation showing their
- 14 eligibility to be a class member,
- 15 (c) immediately add eligible inmates to the class list if it is possible to
- 16 determine eligibility for class membership from the face of the inmates’
- 17 submissions and other prison records, and
- 18 (d) initiate a review of the inmates for home confinement within fourteen days
- 19 after the inmate arrives at FCC Lompoc, and complete the review fourteen
- 20 days after the review is initiated.

21 For those individuals who are to surrender to FCC Lompoc but are not in BOP

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custody or at another institution, this process is to occur once they physically arrive at the institution within the same deadlines.

IT IS SO ORDERED.

DATED: AUGUST 27, 2021



CONSUELO B. MARSHALL
UNITED STATES DISTRICT JUDGE