

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA           §  
  §  
V.   §           CAUSE NO. 1:08-CR-337-LY-1  
  §  
GEORGE LEWIS ESCAMILLA, SR.       §

**MOTION TO WITHDRAW CORRECTED EMERGENCY MOTION FOR REDUCTION  
IN SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)(i)**

TO THE HONORABLE LEE YEAKEL, UNITED STATES DISTRICT JUDGE:

Mr. George Lewis Escamilla, Sr. moves to withdraw his Corrected Emergency Motion for Compassionate Release, Doc. 1293. Because Mr. Escamilla passed away on May 8, 2020, his motion for compassionate release is now moot.

Could Mr. Escamilla’s death have been avoided? Was Mr. Escamilla’s demise a necessary consequence of his incarceration at FCI Oakdale? Is such a fatal outcome to be expected for future medically compromised inmates in B.O.P custody as Covid-19 spreads throughout the inmate population? Mr. Escamilla’s children hope that their father’s death will serve the purpose of preventing other needless inmate deaths.

When Mr. Escamilla became infected with Covid-19, he was afflicted with pre-existing conditions that made a poor outcome likely. He suffered from diabetes, high blood pressure, and anemia. He was a double amputee and wheel-chair bound. FCI Oakdale, the facility where Mr. Escamilla contracted Covid-19, had become one of the Bureau of Prisons facilities most affected by the COVID-19 pandemic.<sup>1</sup>

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<sup>1</sup> See Janet Reitman, ‘*Something is Going to Explode*’: When Coronavirus Strikes a Prison (Apr. 18, 2020), <https://www.nytimes.com/2020/04/18/magazine/oakdale-federal-prison-coronavirus.html> (last accessed Apr. 19,

Prior to becoming infected, FCI Oakdale found Mr. Escamilla eligible to be released to home confinement. The BOP scheduled him to go home May 6, 2020. *See* Exhibit 1, p. 2; Declaration of K. Maxey, BOP Executive Assistant and Camp Administrator at the BOP's Federal Correctional Complex in Oakdale, Louisiana (FCC Oakdale). Although the precise date the BOP made this decision was not disclosed, counsel knows from his son, Michael, that Mr. Escamilla phoned him March 18, 2020, to report he expected to be released soon. Doc. 1293 at p. 3. Counsel further knows that on March 27, 2020, the US Probation Office denied the BOP's request to allow Mr. Escamilla to participate in their federal location monitoring program because it ran contrary to the USPO's policies and because Mr. Escamilla was a double amputee (making ankle monitoring impossible).<sup>2</sup> Counsel also knows from family that staff from the Austin Reentry Center paid them a visit in early April 2020 to inspect their home and found it acceptable to serve for Mr. Escamilla's place of home confinement.

But the BOP acted without the necessary urgency to release Mr. Escamilla. With Covid-19 spreading through the facility, the BOP kept Mr. Escamilla locked up inside. On April 15, 2020, Mr. Escamilla went into respiratory failure. *See* Exhibit 2, BOP Press Release. On April 18, 2020, he tested positive for Covid-19. *See* Exhibit 1, p. 2. On April 22, 2020, he was taken to a local hospital. *See* Exhibit 1, p. 2. On April 30, 2020, he was placed on a ventilator. On May 8, Mr. Escamilla was pronounced dead.

What is also heartbreaking about Mr. Escamilla's passing is that his family was kept in the dark about his diagnosis and treatment. Counsel learned from BOP that Mr. Escamilla was hospi-

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2020) (documenting the coronavirus outbreak at FCI Oakdale, including the staff and inmates observations regarding lack of directive, protocol, and equipment).

<sup>2</sup> This denial did not have an impact on Mr. Escamilla's release date. The information is provided to show that the BOP was working to release Mr. Escamilla at the time he became infected.

talized on April 22. The news came in response to counsel's request for help obtaining Mr. Escamilla's signature on a medical release form. The BOP told counsel that Mr. Escamilla's hospitalization made this impossible. Citing rules and regulations, the BOP would not provide counsel with any details concerning Mr. Escamilla's condition or prognosis. Mr. Escamilla's family was stunned when counsel reported the news to them. Surprisingly, the BOP did not deem Mr. Escamilla's hospitalization a serious condition that warranted notifying them.

The family remained in the dark about Mr. Escamilla's medical condition until all that remained was for them to help doctors decide if he should be kept alive artificially. Counsel learned this from his family on May 8. By then, of course, it was too late for the family to say their goodbyes.

### **CONCLUSION**

For the reasons stated above, Mr. Escamilla moves to withdraw his Corrected Emergency Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

Respectfully submitted.

MAUREEN SCOTT FRANCO  
Federal Public Defender

/s/ JOSE GONZALEZ-FALLA  
Assistant Federal Public Defender  
Western District of Texas  
594 Lavaca Street, Ste. 960  
Austin, Texas 78701-2860  
Phone: (512) 916-5025  
Fax: (512) 916-5035  
Bar No: 8135700

*Attorney for George Lewis Escamilla, Sr.*

**CERTIFICATE OF SERVICE**

I certify that on the 11th day of May, 2020, I electronically filed this Motion to Withdraw Corrected Emergency Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) with the Clerk of Court using the CM/ECF system and the system will email notification of such filing to:

Mark Marshall  
Assistant United States Attorney  
903 San Jacinto Blvd., Suite 334  
Austin, Texas 78701

/s/ JOSE GONZALEZ-FALLA

*Attorney for George Lewis Escamilla, Sr.*

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CAUSE NO. 1:08-CR-337-LY-1
	§	
GEORGE LEWIS ESCAMILLA, SR.	§	

**ORDER**

Defendant's Motion to Withdraw Corrected Emergency Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), is **GRANTED**.

**SO ORDERED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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LEE YEAKEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA  
Plaintiff,

Vs.

GEORGE LEWIS ESCAMILLA, SR.  
Defendant

§  
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§  
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§  
§  
§

CASE NO. 1:08-CR-337-LY-12

DECLARATION OF K. MAXEY

In accordance with 28 U.S.C. § 1746, I, K. Maxey, make the following unsworn declaration, under penalty of perjury, pertinent to the above styled and numbered cause:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons (BOP). I am the Executive Assistant and Camp Administrator at the BOP's Federal Correctional Complex in Oakdale, Louisiana (FCC Oakdale).

2. The statements I make hereinafter are made based on my review of the official files and records of the BOP, my personal knowledge, and information acquired by me through the performance of my official duties. As the Executive Assistant, I am a key advisor to the Warden on matters of policy, programs, and operations. I provide direct administrative support to the Warden through continuing assignments and special projects as well as assistance to institution department heads in achieving specific program management objectives. As the Camp Administrator, part of my official duties and responsibilities include planning, organizing, supervising and evaluating diversified programs within FCC Oakdale directed toward the institution's mission.

3. I have access to and use of the BOP's SENTRY computer database. SENTRY contains information regarding inmates incarcerated within the BOP. Through the FCC Oakdale Case Management Coordinator, I have access to the BOP's Business Process Management System (BPMS) that tracks an inmate's request for Reduction in Sentence / Compassionate Release (RIS).

4. I have reviewed SENTRY for information concerning inmate George Lewis Escamilla, Sr., federal register number 43385-080. Escamilla is currently incarcerated at FCI Oakdale 1. *See* Attachment 1, a true and correct copy of Escamilla's Inmate Profile from the SENTRY database system. Escamilla has a projected release date of May 14, 2022, via Good Conduct Time release. *Id.*

5. Escamilla tested positive for COVID-19 on April 18, 2020. *See Id.* at 2. On April 22, 2020, Escamilla was transported to a local hospital for care related to his positive COVID-19 test. *Id.* To date, Escamilla remains there for treatment related to COVID-19. *Id.*

6. Through the Case Management Coordinator, I have reviewed BPMS to determine if Escamilla filed a RIS request with the Warden. The BPMS system indicates Escamilla filed a RIS request with the Warden on February 1, 2019. *See* Exhibit 2 at 1, a true and correct copy of Escamilla's RIS filing. The Warden denied the request on February 15, 2019. *Id.* at 2. The RIS database does not show any other requests submitted by Escamilla.

7. Escamilla appealed the denial of his RIS request through the BOP's administrative remedy system. *See* Exhibit 3, a true and correct copy of Escamilla's administrative remedy filings. A review of Exhibit 3 reveals Escamilla filed an administrative remedy request with the FCC Oakdale Warden and the Regional Director of the BOP's South Central Region (SCRO) (FCC Oakdale is under the oversight of the SCRO). Further examination of the remedies reveals Escamilla failed to file an administrative remedy appeal with the BOP's Office of General Counsel. *Id.* Thus, Escamilla did not exhaust his administrative remedies regarding the Warden's denial of his RIS request.

8. FCC Oakdale Unit Management evaluated Escamilla for Home Confinement and determined he is eligible. Escamilla is currently scheduled to go to Home Confinement on May 6, 2020. Upon Escamilla's return to the institution from the local hospital, he will undergo a 14-day

quarantine. Upon completion of the 14-day quarantine, it is anticipated the BOP would still place Escamilla on Home Confinement. This is contingent on FCC Oakdale Health Services' determination Escamilla has made a full recovery and further determination he is no longer infectious.

I declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this \_\_5th\_\_\_\_ day of May, 2020.

A handwritten signature in blue ink, appearing to read "K. Maxey", is written over a horizontal line.

K. Maxey  
Executive Assistant / Camp Administrator  
FCC Oakdale  
Oakdale, Louisiana



# ATTACHMENT 1

INMATE PROFILE

\* 04-30-2020

PAGE 001

17:48:30

43385-080

REG

REGNO: 43385-080

FUNCTION: PRT DOB/AGE.: [REDACTED] / 67

NAME.: ESCAMILLA, GEORGE LEWIS SR

R/S/ETH.: W/M/H [REDACTED]

RSP.: OAK-OAKDALE I FCI

MILEAGE.: 301 MILES

ARS ASSIGNMENT.: ESC TRIP TO LOCAL HOSP W/RETN [REDACTED]

PROJ REL METHOD: GOOD CONDUCT TIME RELEASE [REDACTED]

PROJ REL DATE.: 05-14-2022 [REDACTED]

RELEASE DESTINATION

AGENCY.....:

DST ASSIGNMENT.....: HOME CONFINEMENT LOC FOR RA1

ADDRESS.....: 330 MASONIC DR

ALEXANDRIA, LOUISIANA 71301

OFFN/CHG RMKS: 21:841 & 2 PWITD 5 KG OR MORE OF COCAINE; AIDING AND ABETTING.

OFFN/CHG RMKS: A-08-CR-337(1)-LY 192 MONTHS CBOP AND 5 YRS SRT DGA REDUCTION

FACL	CATEGORY	-----	CURRENT ASSIGNMENT	-----	EFF DATE	TIME
OAD	ADM-REL	TEMP REM	TEMPORARY REMOVAL		04-22-2020	1139
OAK	ADM-REL	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN		04-22-2020	1141

OAK	CASE MGT	ELD OFF HC	ELDERLY OFFENDER DIRECT HC		05-06-2020	0600
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OAK	DESTINATION	CSA RA1 HC	HOME CONFINEMENT LOC FOR RA1		05-06-2020	0600
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OAK	MED DY ST	C19-QUAR	COVID-19 QUARANTINED		04-07-2020	1103
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G0002

MORE PAGES TO FOLLOW . . .



# ATTACHMENT 2



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

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P. O. Box 5060  
Oakdale, LA 71463

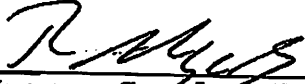
Name: George Lewis Escamilla Sr.  
Register Number: 43385-080  
Housing Unit: Camp

RE: Inmate Request to Staff Member

This is in response to your Inmate Request to Staff Member received on February 1, 2019, at the Federal Correctional Complex (Satellite Camp Prison), Oakdale, Louisiana, in which you request a Reduction in Sentence/Compassionate Release based on your status as an Elderly Inmate with Medical Conditions.

Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C §§ 3582 and 405(g), outlines the following criteria for consideration of a Compassionate Release based on an Elderly Inmate with Medical Conditions, "age 65 and older, suffer from chronic or serious medical conditions related to the aging process, experiencing deteriorating mental or physical health that substantially diminishes their ability to function in a correctional facility, conventional treatment promises no substantial improvement to their mental or physical condition, and have served at least 50% of their sentence." You state you are a double amputee as a result from chronic diabetes and suffer from high blood pressure and are anemic. These medical conditions are not solely related to the aging process and you are able to function in a correctional setting. In addition, you were at a Medical Center and due to your health progress you were released to return to FCC Oakdale. Furthermore, you failed to provide reasoning why conventional treatment promises no substantial improvement to your mental or physical condition. As such, your request for a Compassionate Release is denied at this time.

I trust this response adequately addresses your concerns.

  
R. Myers, Complex Warden  
FCC Oakdale

2-11-19  
Date

BP-A0148  
JUNE 10

**INMATE REQUEST TO STAFF CDFRM**

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

TO: (Name and Title of Staff Member) <b>WARDEN R Myers</b>	DATE: <b>1-22-19</b>
FROM: <b>George Escamilla</b>	REGISTER NO.: <b>43385080</b>
WORK ASSIGNMENT:	UNIT: <b>Comp</b>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

FROM: 43385080  
TO:  
SUBJECT: REDUCTION IN SENTENCE/COMPASSIONATE RELEASE  
DATE: 01/22/2019 12:09:53 PM

BECAUSE OF THE NEW POLICY UPDATE BY THE BOP THIS IS AN OFFICIAL REQUEST FOR REDUCTION IN SENTENCE /COMPASSIONATE RELEASE FROM GEORGE ESCAMILLA.DUE TO UNSEEN CIRCUMSTANCES I HAVE BECOME A DOUBLE AMPUTEE AS A RESULT FROM CHRONIC DIABETES.IM 66YEARS OLD AND HAVE COMPLETED 2/3 OF MY SENTENCE .IM COMMITTED TO A WHEEL CHAIR 100%.I HAVE HIGH BLOOD PRESSURE AND ANEMIC .THIS POLICY PERTAINS TO ME IN EVERY ASPECT SO PLEASE CONSIDER AND REVIEW MY SITUATION AND PROVIDE COMPASSIONATE RELEASE,THANK YOU

(Do not write below this line)

DISPOSITION:

RECEIVED  
 WARDEN'S OFFICE  
 2019 JAN 32 P 2:58  
 OAKDALE, LA.

Signature Staff Member	Date
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Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511

This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRODUCTIVE FOLDER

**SECTION 6**

# ATTACHMENT 3

HOUGY \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 04-30-2020  
PAGE 001 17:32:33

FUNCTION:   LST   SCOPE:   REG     EQ   43385-080 OUTPUT FORMAT:   SAN  

-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----

DT RCV: FROM        THRU        DT   STS  : FROM        THRU       

DT   STS  : FROM    TO    DAYS BEFORE "OR" FROM    TO    DAYS AFTER DT   RDU  

DT   TDU  : FROM    TO    DAYS BEFORE "OR" FROM    TO    DAYS AFTER DT   TRT  

STS/REAS:                              

SUBJECTS:                                             

EXTENDED:  REMEDY LEVEL:   RECEIPT:    "OR" EXTENSION:

RCV OFC :   EQ                       

TRACK: DEPT:                                          

PERSON:                        

TYPE:                        

EVNT FACL:   EQ                       

RCV FACL.:   EQ                       

RCV UN/LC:   EQ                       

RCV QTR.:   EQ                       

ORIG FACL:   EQ                       

ORG UN/LC:   EQ                       

ORIG QTR.:   EQ                       

G0002 MORE PAGES TO FOLLOW . . .



HOUGY \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 04-30-2020  
PAGE 002 OF 002 \* SANITIZED FORMAT \* 17:32:33

REMEDY-ID	SUBJ1/SUBJ2	-----ABSTRACT-----			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
971385-F1	13GJ/ OAD	COMPASSIONATE RELEASE REQUEST OAD	03-19-2019	CLD	04-08-2019
971385-R1	13GJ/ SCR	COMPASSIONATE RELEASE REQUEST OAD	04-22-2019	REJ	04-23-2019
971385-R2	13GJ/ SCR	COMPASSIONATE RELEASE REQUEST OAD	05-09-2019	CLD	05-28-2019

3 REMEDY SUBMISSION(S) SELECTED  
G0000 TRANSACTION SUCCESSFULLY COMPLETED



**U.S. Department of Justice  
Federal Bureau of Prisons**

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**FOR IMMEDIATE RELEASE**  
May 9, 2020

Contact: Office of Public Affairs  
202-514-6551

**Inmate Death at FCI Oakdale I Satellite Camp**

WASHINGTON, D.C.: On Wednesday, April 15, 2020, inmate George Escamilla went into respiratory failure at the Satellite Prison Camp (SPC) in Oakdale, Louisiana. He was evaluated by institutional medical staff and transported to a local hospital for further treatment and evaluation. While in the hospital, Mr. Escamilla tested positive for COVID-19. On Thursday, April 30, 2020, his condition declined and he was placed on a ventilator. On Friday, May 8, 2020, Mr. Escamilla, who had long-term, pre-existing medical conditions which the CDC lists as risk factors for developing more severe COVID-19 disease, was pronounced dead by hospital staff.

Mr. Escamilla was a 67 year-old male who was sentenced in the Western District of Texas to a 192-month sentence for Possession with Intent to Distribute 5 kilograms or more of Cocaine and Aiding and Abetting. He had been in custody at Federal Correctional Complex (FCC) Oakdale since May 9, 2018.

SPC Oakdale is a Minimum security facility adjacent to the Federal Correctional Institution I Oakdale and currently houses 71 male offenders.

The Bureau will continue to provide daily updates and information on actions related to COVID-19 at [www.bop.gov/coronavirus/index.jsp](http://www.bop.gov/coronavirus/index.jsp)

Additional information about the Federal Bureau of Prisons can be found at [www.bop.gov](http://www.bop.gov).

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