IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	**CRIMINAL ACTION**
	:	
v.	:	
	:	
MEHDI NIKPARVAR-FARD	:	**No. 18-101-1**
a/k/a "Mehdi Armani"	:	

MEMORANDUM

PRATTER, J. APRIL 20, 2020

Mehdi Nikparvar-Fard again seeks release from pre-trial custody with the filing of an Emergency Motion for Release from the Federal Detention Center (FDC) (Doc. No. 219). The primary basis for the motion is the COVID-19 pandemic crisis and attendant conditions relating to the pandemic as they may affect this defendant. The Government disputes the merits of the motion. For the reasons discussed below, the Emergency Motion is denied.

INTRODUCTION AND BACKGROUND

Defendant Nikparvar-Fard, a medical doctor, is charged in a 5-count superseding indictment, along with 12 other defendants. Specifically, he is charged with maintaining a drug-involved premises, and aiding and abetting, in violation of 21 U.S.C. § 856 and 18 U.S.C. § 2, as well as with conspiring to unlawfully distribute oxycodone in violation of 21 U.S.C. § 846. The defendant's criminal conduct allegedly occurred from 2014 through 2017 during which large quantities of oxycodone and methadone were distributed by way of nearly 3,700 illegal prescriptions and even more controlled substances to a great number of clients of the defendant's four medical clinics. A conviction on all counts would subject the defendant to up to 100 years' imprisonment, with an advisory guideline range of 292 to 365 months in prison.

Initially, immediately upon his arrest and then again soon thereafter the Government's detention motion was granted first by Magistrate Judge Jacob P. Hart and then again by Magistrate

Judge Thomas J. Rueter. The defendant appealed Magistrate Judge Rueter's decision under 18 U.S.C. § 3142 and § 3145 and also moved for release because, he claimed, his constitutional due process rights were being violated by his detention. The Court held evidentiary hearings on March 21, 2019 and, after giving the defendant the opportunity to materially supplemental the factual and procedural underpinnings of his application for release, again on June 21, 2019. In all of these pretrial matters, the defendant has been actively and ably represented by a team of retained attorneys. Moreover, as far as the Court has been able to discern, the defendant has himself been fully engaged in the proceedings, then and now.

The Court denied the challenge to detention for the legal and factual reasons set out in a lengthy Memorandum opinion of July 11, 2019 (Doc. No. 137). Among the reasons for the Court's ruling in which the Court addressed 18 U.S.C. § 3142(e)(1), (e)(3), and (g) and due process in detail, was the conclusion that in the course of the defendant's prior substantive involvement in a number of civil and criminal matters, in both state and federal courts, he had engaged in behavior demonstrating "an unabashed disdain for authority and a total lack of respect for courts and law enforcement." July 11, 2019 Mem. at 10 (Doc. No. 137). The Court explained its lack of confidence in the bail package the defendant then proposed (premised as it was primarily on pledged property owned by friends of his wife) and some comparatively small portion of defendant's own considerable liquid assets. The Court also questioned the usefulness of representations that the defendant will surrender both his U.S. and his Iranian passports (and those of his family), even coupled with the testimonial assurance of a lawyer associated with or knowledgeable about the Interests Section of the Iranian government housed in an office in the Washington, D.C.-based Embassy of Pakistan that if the defendant tried to flee to his native country of Iran he would be denied entry. *See* June 21, 2019 hrg. N.T. at 9-28. The Court, after

giving due consideration for all the arguments presented, expressed concern for the defendant's documented record of "blatantly ignoring court orders and disrespecting the Rule of Law . . . . [without offering anything] to suggest that he has renounced his antipathy for authority or that he has developed a newfound likelihood to obey the Court's orders." *See* July 11, 2019 Mem. at 20 (Doc. No. 137).[1]

Without actually attempting to mitigate those earlier conclusions of the Court, in this his fourth attempt to be released prior to trial, the essence of the defendant's Emergency Motion is that the recent state of emergency declared by the Federal and Commonwealth of Pennsylvania governments relating to the COVID-19 pandemic constitutes such a profound change in circumstances generally, and as to him specifically, that he should be released on the strength of a reduced bail package of $40,000 cash (roughly 1% of his wealth according to the Government), the posting of two properties owned by others with a net equity of at most $450,000, home confinement with round-the-clock electronic monitoring, and the surrendering of his American and Iranian passports and all of those of his immediate family members. This is a lesser-valued bail package than that offered by the defendant previously.

Factually, the defendant describes himself in the Emergency Motion papers as a 50-year old man with "pre-existing asthma, [which] makes him extremely vulnerable to serious illness or

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[1] The Court's July 11, 2019 Memorandum was lengthy. It remains fully applicable to the evaluation of the Emergency Motion. It is incorporated *in toto* here without being repeated. Briefly, the Court's prior Memorandum addressed the required judicial considerations, namely, the probable cause basis of the charges and the evidence supporting them, the maximum penalties attendant to those charges, the defendant's judicial record, his ties to the community and his finances. The Court also weighed the conditions proposed to reasonably assure defendant's appearance. The July 11, 2019 Memorandum set out the analytical statutory framework starting with 18 U.S.C. § 3142(e)(1), moving through the rebuttable presumption of detention due to risk of flight set out in § 3142(e)(3) given that the charges against the defendant fall within that presumption per § 3142(e)(3)(A), then consideration of § 3142(g). The July 11, 2019 Memorandum also reviews the defendant's position under 18 U.S.C. § 3145(b). After discussing at length all of the § 3142(g) factors, the Court also addressed the due process issues and factors beyond § 3142(g), as set out in *United States v. Accetturo*, 783 F.2d 382 (3d Cir. 1986). The Court denied the defendant's motion for release.

even death." Def.'s Mot. Mem. at 1 (Doc. No. 219-1).[2] The defendant's motion states that he "has a recorded diagnosis of asthma and received medication from the FDC. He uses his inhaler twice daily." Citing 18 U.S.C. § 3142 and the Fifth Amendment's Due Process Clause, although he suggests that the pandemic changes his "ability to flee," *id.*, the defendant emphasizes instead that the "Government's interest in ensuring his appearance at trial does not outweigh his liberty interest in remaining alive and free from harm. The Government wants to detain him at the cost of his safety, regardless of the consequences." *Id.* at 9.

The Government sees things differently. It points out, implicitly, that the defendant has not actually challenged, let alone rebutted, the Court's previous factual findings; nor has he overcome the statutory presumption of detention. It argues that this defendant is the lead defendant in a dangerous, elaborate conspiracy and that he has strong motivation to intimidate witnesses, to retaliate against at least the 5 cooperating co-defendants who have been disclosed to the defendant, and to flee. The Government suggests that its case against the defendant has "only grown stronger in recent months", Gov't Resp. at 8 (Doc. No. 222); *see also* Apr. 13, 2020 hrg. N.T. at 35, making, according to the Government, the defendant's position as he faces trial all the more dire and, hence, supportive of continued detention.

The Government also highlighted the defendant's criminal record and aggressive prior behavior, including his history of making death threats to a federal law enforcement official as documented in this Court's prior ruling of July 11, 2019. Finally, as to this defendant specifically, the Government has pointed to various discrepancies or reasons for pause, as it were, concerning the defendant's self-description of his condition. Without actually disputing the diagnosis of

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[2] In the course of the hearing held in this matter, defense counsel briefly alluded to conditions of diabetes, epilepsy and depression, but emphasized "[t]he issue is asthma." Apr. 15, 2020 hrg. N.T. at 10. No professional diagnosis of those conditions was presented. No substantive discussion or argument was based on any condition other than asthma.

asthma and use of an inhaler, the Government notes that in the Pre-Sentence Report for an earlier federal criminal prosecution, namely, Criminal Action 17-513-1, the defendant's physical condition was described as including two unremarkable scars and that "defendant indicated that he is healthy and has no history of chronic illness or disease." Gov't Resp. at 6 (Doc. No. 222). During the pendency of that prior criminal matter as the Government states, the defense-retained psychologist's report to the presiding judge reported that the defendant "presents with no significant medical or psychiatric history." *Id.*

The defense offered an additional medical condition submission in this pending matter, that is, records from the Federal Detention Center, offered on behalf of the defendant at the second session of the hearing on this Emergency Motion concerning the defendant's asthma and use of an inhaler. This is recounted on a Bureau of Prisons Health Services Clinical Encounter report from April 7, 2020.[3] The Government did not object formally to the introduction of these medical records. However, the Government did raise the evidentiary distinction between admission of such records as statements for purposes of a medical diagnosis and mere hearsay being offered for the truth of the statements on or in the report. The Government also suggested that it was "an open question", in counsel's words, "about the timing of those medical records and whether it was

[3] All interested parties accept that the April 7, 2020 Encounter report appears to have been a routine follow-up interaction between defendant and BOP nurse practitioner at the Federal Detention Center, not initiated by the defendant, and that the encounter occurred five days after the Court's deputy informed the parties that the Court was calling for an evidentiary hearing on the defendant's Emergency Motion, then set for April 9th. Further to the information on the Clinical Encounter report, the Court notes that the defendant, himself a trained medical professional, apparently was not self-reporting any medical, mental or emotional distress (asthma-related or otherwise) or exigent health condition(s). It appears that on April 7th, the health care provider recorded routine test points and results, *i.e.*, temperature, pulse, respiration rates, oxygen saturation, breath flow, and blood pressure that were unremarkable, or at least not remarked upon. No medically trained witness was called by either party to present any medical-related evidence about either the defendant or COVID-19 in connection with the Emergency Motion. As discussed in this Memorandum elsewhere, for purposes of this matter the Court and counsel have proceeded on the basis of certain published material relating to COVID-19.

purely a statement for purposes of . . . medical diagnosis [or] for this proceeding." April 13, 2020 hrg. N.T. 3.

Turning to the key issue raised by the COVID-19 pandemic and pertinent to both the defense and the prosecution positions on the Emergency Motion, but before discussing COVID-19 generally, at the hearing sessions on this Motion, the Court sought FDC-specific information and called upon Alisha Gallagher, Attorney for the Bureau of Prisons' detention facility in Philadelphia where the defendant is and has been detained. Ms. Gallagher testified that as of April 13, 2020[4] there have been no positive cases of COVID-19, either among inmates or staff. She reported that there have been no circumstances requiring testing of inmates and no inmates have shown any symptoms for COVID-19 at this time. There is no general testing regimen in place for the inmates. With respect to FDC staff, the institution has a protocol by which a health services staff member takes staff members' temperature upon the staff member's arrival for work at the FDC, and each staff member is asked questions about any possible symptoms with cough, fever, known nasal congestion, or other known COVID-19 symptoms. The FDC does not have general test kits. Ms. Gallagher described current operations at the FDC by which only limited movement by inmates is permitted within the housing units, with the inmates staying in their cells for the majority of each day, having the opportunity to go out in limited numbers (roughly 20 or so at a time) for an hour a day to use phones, the computer system, to take a shower, to use the discovery computer, and the law library. The various communal spaces within the FDC are cleaned by orderlies between the groups of inmates coming out from and returning to their cells. Each cell also has cleaning supplies. Supplemental extra time can be arranged for an individual defendant

[4] Ms. Gallagher also testified that there were no changes to conditions at the FDC between April 13, 2020 and the afternoon of April 15, 2020. Apr. 15, 2020 hrg. N.T. 5. To the Court's knowledge there have been no changes from then to the time of the issuance of this Memorandum.

on the discovery computer. In the event a concern arises about an inmate having COVID-19 symptoms, the FDC has a protocol for contacting local public health officials in order to seek testing and/or professional referral to an outside hospital. Any staff member with symptoms is to work with their local communities' services. With respect to newly arriving detainees, all are screened before coming into the facility, including the COVID-19 screening used on a daily basis with the staff. Newly arriving detainees are held in a quarantine unit for at least 14 days where staff continue to monitor them for possible COVID-19 symptoms or exposure.[5]

No party in this matter disputed any of Ms. Gallagher's testimony as to the conditions at the FDC, or the protocols in place there. The only discrepancy was between several unbidden unsworn comments from the defendant that he had been unable to talk to his lawyer despite multiple requests and that he had not been provided any phone to use and had been unable to communicate with anybody in the past two weeks. Apr. 13, 2020 hrg. N.T. 3-5. Ms. Gallagher recounted a contrary understanding on this point, stating that the defendant's unit manager, Christopher Cole, reported that the defendant had been offered an opportunity to speak with his attorney but that the defendant had declined. Apr. 13, 2020 hrg. N.T. 26-27.

One further pertinent observation concerning defendant's treatment at the FDC: the defendant appeared on the video on both days of this hearing on his Emergency Motion wearing a face mask over his nose and mouth for the duration of his participation in the hearing as observable to the Court and counsel. And, as a doctor himself, the defendant is likely better able than many others to be knowledgeable about accurate assessment of any change in his own health so that he can be expected to call attention to any on-set of symptoms he experiences.

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[5] All of Ms. Gallagher' testimony in this matter is consistent in all respects with her written report dated April 13, 2020 and received on to the record in *United States v. Abid Stevens*, 19-CR-350-02 (E.D. Pa. Apr. 16, 2020) (DuBois, J.). In her written report for that case, Ms. Gallagher also stated that all legal and social visitations at the FDC have been suspended.

DISCUSSION

Before addressing the arguments and the evidence, it bears recognizing the unprecedented magnitude of the COVID-19 pandemic. Indeed, to the extent correctional facilities may have successfully dealt with past viruses and outbreaks of communicable diseases, they surely pale in scope with the apparent magnitude and speed of transmission of COVID-19 and the challenges associated with it. This virus comes in the form of a world-wide pandemic, resulting in a declaration of a national emergency and states of emergency by many states, along with various forms of business closures and stay-at-home orders. Without known effective treatment at this time, and vaccines months (or more) away, public health officials have been left to urge people to practice "social distancing",[6] frequent and thorough hand-washing, avoidance of close contact with others, and wearing masks during public interactions—all of which are understandably difficult to implement in a correctional or detention facility.

Certainly, the Court takes this critical health risk seriously and recognizes that something of this magnitude can indeed constitute new information that can have a material bearing on whether there are conditions of release that will reasonably assure the appearance of detained defendants and secure the safety of the community. 18 U.S.C. § 3142(f)(2)(B). Indeed, the Due Process Clause of the Fifth Amendment that the defendant invokes may well be implicated if a defendant awaiting trial can demonstrate that he is being held under conditions of confinement that would subject him to exposure to serious (potentially fatal, if the detainee is elderly and with serious underlying medical complications rendering him especially vulnerable) illness. *See City*

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[6] Some have understandably suggested that this would be better thought of as "physical distancing", insofar as it is also strongly urged that maintenance of social interaction remains important for purposes of counteracting the negative emotional aspects of isolation.

of Revere v. Massachusetts Gen. Hosp., 463 U.S. 239, 244 (1983); *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

But as concerning as the common calamity of COVID-19 is, resolving a challenge to an order of detention still calls upon the Court in the first instance to assess an individual defendant's position under the factors identified by the Bail Reform Act, 18 U.S.C. § 3142(g). Each case, as defense and Government counsel acknowledge and agree, rises and falls on its individual facts as measured against the statutory factors. Even in the face of the enormity of the COVID-19 pandemic, the Court must resist the risk of further commoditizing litigation in general or the criminal justice system in particular.

In this, the Court is mindful of the observation of a panel of the Third Circuit Court of Appeals in *United States v. Roeder*, ___ F. App'x ___, No. 20-1682, 2020 WL 1545872 (3d Cir. Apr. 1, 2020) that "the existence of a widespread health risk is not, without more, a sufficient reason for every individual subject to a properly imposed federal sentence of imprisonment to avoid or substantially delay reporting for that sentence," *id.* at *3, along with that Court's further admonition in its footnote 16 that "the existence of some health risk to every federal prisoner as the result of this global pandemic does not, without more, provide the sole basis for granting release to each and every prisoner within our Circuit," *id.* at *3 n.16. And further:

> While the COVID-19 pandemic has given rise to exceptional and exigent circumstances that require the prompt attention of the courts, it is imperative that they continue to carefully and impartially apply the proper legal standards that govern each individual's particular request for relief.

Id. at *3.

Thus this Court remains mindful of the nature and circumstances of the offenses charged; the weight of the evidence against the defendant-detainee; his history and characteristics; whether

he was on supervision at the time of the alleged offense conduct; how he has interacted with law enforcement and court institutions in the past; the nature and seriousness of the danger to any person or the community posed by the defendant's release; and the realistic concern about the risk that the defendant would fail to appear for trial. Each time this defendant has challenged the detention order holding him at the FDC the Court has, as it is obliged to do, acted promptly. 18 U.S.C. § 3145(c).

On the record now before the Court the previous conclusions of Magistrate Judge Rueter and this Court remain appropriate, including in the face of the COVID-19 pandemic and the spotlight focused by the defendant on his asthma condition. As explained above, the Court will not repeat here the findings recounted in its previous Memorandum opinion of July 11, 2020 because they are part and parcel part of the ruling reflected here. Those findings and conclusions are incorporated here precisely because they remain appropriate. Likewise, because the issue before the Court is in the first and last instance a fact-intensive matter concerned with this defendant in this district's detention facility, cases from around the country involving as many different fact-patterns as there are defendants raising detention challenges are neither controlling nor even necessarily compelling. To be sure, the fast multiplying opinions, cited and uncited, help the Court appreciate how the courts recognize the judicial duty to concentrate on the individual facts before them rather than to apply a one-size-fits-all, blanket approach. As articulate as so many of these cases are, the Court will not be discussing and distinguishing the many cases cited to the Court in this matter.[7]

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[7] Although declining to undertake a case-by-case discussion, the Court does recognize the fully engaged hard work of all counsel in this matter to scour the fast-accumulating body of cases being circulated every day during these recent weeks. Counsel have, by doing so, endeavored to professionally discharge their duties to their respective clients and the Court, and the Court greatly appreciates counsel's hard work to gather and analyze such a body of caselaw. Suffice it to say, these cases come from a myriad of federal districts involving defendants with a host of different medical conditions (single conditions, multiple

Focusing on this defendant, the information and argument presented on his behalf does not lead to a reasoned opinion that this defendant merits release. The Court has no basis on which to alter the previous conclusion that the defendant harbors an attitude of personal entitlement and at least disdain, if not worse, for judicial or law enforcement authority. The case against the defendant in terms of seriousness and potential persuasiveness has certainly not lessened; it remains substantial.

This leaves the discussion where the consideration of the Emergency Motion started, namely, the pandemic triggered by COVID-19, an undeniably highly contagious respiratory virus caused by a novel coronavirus. The data concerning outbreaks in the United States, in Pennsylvania, in Philadelphia and in correctional facilities runs the gamut from staggering and frightening to sobering and cautionary.[8] The available information is that currently there is no approved cure, treatment, or vaccine to prevent COVID-19, and the number of cases and deaths will surely increase as time passes, even as signs develop that the rates of such terrible developments are abating. Even so, this Court remains mindful of the Third Circuit Court of Appeals' recent caution in *United States v. Raia*, No. 20-1033, ___ F.3d ___, 2020 WL 1647922 (3d Cir. Apr. 2, 2020):

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conditions, all of varying degrees of seriousness) and at different ages and stages in life and in proceedings, some pre-trial, some awaiting sentencing, some serving a sentence, some in prisons, others in half-way houses, some close to the conclusion of their sentence, some seeking compassionate early release, etc.

[8] *See, e.g.*, Daily COVID-19 Situation Report, Pennsylvania Department of Health (last updated Apr. 16, 2020, 6:00 p.m.) at https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/COVID-19%20Situation%20Reports/20200416nCoVSituationReportExt.pdf ("As . . . of April 16, 2020, there were 659,263 cases in the U.S., and 2,138,763 worldwide. There have been 32,186 deaths in the U.S. and 143,725 throughout the world."); COVID-19 Data for Pennsylvania, Pennsylvania Department of Health (last updated Apr. 17, 2020, 12:00 p.m.) at https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx (noting 29,441 cases of COVID-19 in Pennsylvania, resulting in 756 deaths; *id.* (noting 8,138 cases of COVID-19 in Philadelphia County, resulting in 136 deaths); Ned Parker et al., *Spread of coronavirus accelerates in U.S. jails and prisons*, REUTERS (Mar. 28, 2020) (noting as of March 22, according to Reuters survey of cities and counties comprised of the nations' 20 largest jails, "jails have reported 226 inmates and 131 staff with confirmed cases of COVID-19").

> We do not mean to minimize the risks that COVID-19 poses in the federal prison system, particularly for inmates [with health risks]. But the mere existence of COVID-19 in society and the possibility it might spread to a particular prison alone cannot independently justify . . . release, especially considering BOP's statutory role, and its extensive and professional efforts to curtail the virus's spread.

Id. at *2.[9]

The individual conditions upon which the defense predicates the Emergency Motion are primarily the defendant's asthma, along with some intermittent references throughout the defense papers to his age (50 years old) and his depression. The Centers for Disease Control and Prevention has advised that people who have an asthma condition can have a heightened risk for serious illness from COVID-19. Neither defendant's age (50) nor his depression trigger similar concerns.[10]

Notwithstanding the defendant's broad description of the dangers of COVID-19,[11] including the increased risks of transmission in detention facilities and how or why he has a high risk for consequences if he contracted COVID-19, neither his personal nor the documented

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[9] The defendant in *Raia* sought early compassionate release from confinement pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) because he was 68 years old and suffers from Parkinson's Disease, diabetes and heart issues. The court denied the release motion for failure to comply with the statutory exhaustion requirement, an issue not involved procedurally in the case at hand.

[10] *See People with Asthma and COVID-19*, CDC (March 17, 2020) at https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/asthma.html. The record and arguments relating to this defendant vacillate as to the degree of severity (mild, moderate, moderate-to-serious, serious) of his asthma at this time. No medical testimony or actual diagnosis was presented to the Court. For purposes of this decision today the Court assumed that the defendant's condition is chronic—not acute—at least moderate and being managed by a conventional inhaler. To date, the defendant has not presented himself for any respiratory emergency.

[11] Among the COVID-19-based arguments posed by the defense is the suggestion that this disease would serve to curtail the defendant's ability to flee, presumably making the idea of release conditions of home confinement and electronic monitoring more efficacious. What the defense does not consider, but what the Court does, is that electronic monitoring requires pretrial services officers to have direct contact with the defendants being monitored, thus making such a condition an option for perhaps only the most compelling cases during the pendency of this health risk to others in addition to defendant.

conditions at the FDC would support granting his Emergency Motion. The conditions and protocols at the FDC have been addressed above. As of the date of this decision, there are no positive cases of COVID-19 among inmates or staff at the FDC, and none shown symptoms. The Court is not unaware of the dangers posed by COVID-19 and is sympathetic to any person's concerns about contracting the virus given various pre-existing health conditions, including asthma, but speculation about possible future events or conditions at the FDC cannot prompt this defendant's release under 18 U.S.C. § 3142.[12]

CONCLUSION

For the foregoing reasons, together with the findings and analysis set out previously in the Court's July 11, 2019 Memorandum in this case, the Emergency Motion for Release is denied.

BY THE COURT:

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

[12] During the COVID-19 pandemic, various courts in different locales have similarly denied the pre-trial release of defendants with asthma. *See, e.g.*, *United States v. Jones*, No. 19-249, 2020 WL 1511221 (W.D. Pa. Mar. 29, 2020); *United States v. Green*, No. 19-85, 2020 WL 1493561 (W.D. Pa. Mar. 27, 2020); *United States v. Legard*, No. 19-137, 2020 WL 1434120 (D. Md. Mar. 24, 2020); *United States v. Martin*, No. 19-140-13, 2020 WL 1274857 (D. Md. Mar. 17, 2020). *But see United States v. Mahan*, No. 19-233, 2020 WL 1846789 (D. Idaho Apr. 10, 2020) (granting pre-trial release for defendant with asthma); *United States v. Lopez*, No. 19-116, 2020 WL 1678806 (S.D.N.Y. Apr. 6, 2020) (granting pre-trial release for defendant with serious asthma, lung damage, and prior kidney failure); *United States v. Hernandez*, No. 19-169, 2020 WL 1503106 (S.D.N.Y. Mar. 30, 2020) (granting pre-trial release for defendant with asthma and high blood pressure); *United States v. Ramos*, No. 18-30009, 2020 WL 1478307 (D. Mass. Mar. 26, 2020) (granting pre-trial release for defendant with diabetes and asthma).

IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA	:	**CRIMINAL ACTION**
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v.	:	
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MEHDI NIKPARVAR-FARD	:	**No. 18-101-1**
a/k/a "Mehdi Armani"	:	

ORDER

AND NOW, this 20th day of April, 2020, upon the consideration of Defendant Mehdi Nikparvar-Fard's Emergency Motion for Reconsideration of Pretrial Detention Order (Doc. No. 219), the Government's Response in Opposition (Doc. No. 222), and Defendant's various replies (Doc. No. 225 and defense counsel's letter of April 14, 2020 and email communication of the same date), and following a video-teleconference hearing undertaken on April 13 and 15, 2020, in which the Court, the defendant, interested counsel for the defendant and for the Government and representatives of the Federal Detention Center and Pretrial Services participated, together with reference to previous hearings of March 21, 2019 and June 21, 2019 at which the defense also challenged the pre-trial detention order in place as to the defendant and sought pre-trial release, it is **ORDERED** that the Emergency Motion (Doc. No. 219) is **DENIED** for the reasons set forth in the accompanying Memorandum.

BY THE COURT:

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE