

United States v. Imprisonment

United States District Court for the District of Nevada

March 23, 2021, Decided

Case No. 2:18-cr-103-JAD-CWH

Reporter

2021 U.S. Dist. LEXIS 54461 *

UNITED STATES OF AMERICA, Plaintiff, v. IMPRISONMENT TO TIME SERVED MIKE MIKHA NAGARA, ECF Nos. 25, 31 Defendant.

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Opinion

[*1] ORDER TO REDUCE TERM OF

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)\(i\)](#), seeking a modification of the term of imprisonment of the defendant, Mike Nagara, to time served, and commencement of a three-year term of supervised release previously imposed. The Court finds:

1. On December 10, 2018, this Court sentenced Nagara to 12 months imprisonment consecutive to the sentence imposed by Judge Hicks, followed by three years supervised release, upon his plea of guilty to a criminal indictment charging him with Failure to Surrender for Service of Sentence, [18 U.S.C. §§ 3146\(a\)\(2\)](#), [\(b\)\(1\)\(A\)\(i\)](#), and [\(b\)\(2\)](#).
2. Mr. Nagara is suffering from a terminal medical condition with a life expectancy of less than 18 months and an end-of-life trajectory.
3. Title [18 U.S.C. § 3582\(c\)\(1\)\(A\)\(i\)](#) authorizes the Court, upon motion of the Director of the Federal Bureau of Prisons, to modify a term of imprisonment upon the

finding that extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau of Prisons contends, and this Court agrees, that the defendant's terminal medical condition, limited life expectancy, and end-of-life trajectory constitute extraordinary and compelling reasons [*2] warranting the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served as the motion **[ECF No. 31] is GRANTED.**

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the three-year term of supervised release previously imposed.

DONE AND ORDERED THIS 23rd DAY OF MARCH 2021.

Defendant's Motion for Compassionate Release [ECF No. 25] is **DENIED as moot.**

JENNIFER A. DORSEY

UNITED STATES DISTRICT JUDGE