

The Court further finds that the sentencing factors in 18 U.S.C. § 3553(a) weigh in favor of compassionate release at this time. The 144-month sentence imposed in this case was unusually long for an individual like Mr. Rivernider, a non-violent, first-time offender with strong family ties. The advisory Guidelines range, which suggested an even longer sentence, was driven in large part by losses stemming from fraudulent loan applications submitted to mortgage lenders in 2006-07. Mr. Rivernider has served over 50% of the sentence (65% with credit for good time) with no disciplinary issues.

Mr. Rivernider's incarceration has been particularly difficult for him because of his medical condition. While incarcerated, he has undergone triple bypass surgery. In addition, his incarceration has been especially difficult for him because of his strong family ties. While incarcerated, he has been separated from his two young children (who depended on him for support prior to his incarceration). In addition, his mother has passed away and, as a result, his elderly father has been left alone.

Mr. Rivernider's risk for recidivism is low. He is subject to a five-year term of supervised release with numerous conditions. He plans to reside with his father in his father's home. He is able to earn an honest living. He has no known

issues relating to substance abuse. His need for medical care and treatment can be best addressed in the community.

Accordingly, it is hereby ordered:

1. The motion for compassionate release is granted.

2. Mr. Rivernider will be released from the custody of the Bureau of Prisons, as soon as reasonably possible, subject to the following: prior to his release, and as soon as reasonably possible, Mr. Rivernider will be tested by BOP for COVID-19; if he tests negative, he will be released forthwith from BOP custody; if he tests positive, he will be placed in quarantine and provided with medical treatment until he is able to be safely released to his family.

3. Mr. Rivernider will spend the first six months of his supervised release on home confinement as a substitute for incarceration. He will be subject to monitoring using SmartLink technology or the equivalent. He will remain in his home except that he may leave to obtain medical care and treatment, seek and maintain employment, participate in religious services, perform community service, and at such other times as may be approved by the U.S. Probation Office.

4. All the terms of the Judgment, ECF No. 583, remain in effect.

So ordered this 12th day of May 2020.

/s/ RNC
Robert N. Chatigny
United States District Judge