

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Crim. No. 07-137-LPS
	:	
JEFFREY GRAY,	:	
	:	
Defendant.	:	

ORDER

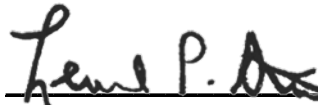
At Wilmington this **9th** day of **November, 2020**, having reviewed Defendant Jeffrey Gray’s July 16, 2020 Motion to Reinstate Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A) for Immediate Release (D.I. 138), and the Government’s Response (D.I. 140), as well as Mr. Gray’s recent affidavit (D.I. 141),

IT IS HEREBY ORDERED that the motion (D.I. 138) is DENIED WITHOUT PREJUDICE to renew, for the reasons stated below.

Mr. Gray petitions this Court for compassionate release based upon his age, the COVID-19 national emergency, and post-conviction rehabilitation. (D.I. 138 at 1) Mr. Gray’s March 17, 2020 compassionate release request to the Bureau of Prisons (“BOP”) specified grounds of “significant changes in the law and [his] post-conviction rehabilitation.” (D.I. 136 Ex. A) Mr. Gray has failed to exhaust his administrative remedies with respect to the COVID-19 and age grounds, as these contentions were not first presented to the BOP. See *United States v. Valenta*, 2020 WL 1689786, at *1 (W.D. Pa. Apr. 7, 2020) (“[T]he administrative complaint must raise the same claims asserted in the federal court filing.”).¹ The Court cannot consider Mr. Gray’s

¹ For this reason, Mr. Gray’s affidavit, highlighting the government’s acknowledgment that he

motion until he first exhausts his administrative remedies by presenting to the BOP the same compassionate release request he wants to press here and obtaining a decision on that request or allowing 30 days to expire. *See* 18 U.S.C. § 3582(c)(1)(A); *United States v. Raia*, 954 F.3d 594, 597 (3d Cir. 2020).



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT JUDGE

filed his pending motion 31 days after he filed a compassionate release motion with the BOP, does not alter the Court's conclusion. (*See* D.I. 141; *see also* D.I. 136 at 2)