

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT EDWARD WHITESIDE, :
Petitioner, : Civ. No. 20-5544 (NLH)
v. :
: MEMORANDUM ORDER
FORT DIX FEDERAL PRISON, :
: Respondent. :
:

APPEARANCES:

Robert Edward Whiteside
59278-056
Fort Dix Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 2000
Joint Base MDL, NJ 08640

Petitioner Pro se

Craig Carpenito, United States Attorney
Elizabeth Ann Pascal, Assistant United States Attorney
Office of the U.S. Attorney
401 Market Street
P.O. Box 2098
Camden, NJ 08101

Counsel for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Robert Edward Whiteside brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 asking to be released to home confinement due to the coronavirus COVID-19 pandemic, see ECF No. 1; and

WHEREAS, the United States opposes the petition, ECF No. 16; and

WHEREAS, on November 2, 2020, Petitioner filed a letter with the Court stating the Bureau of Prisons transferred 60 inmates from FCI Elkton to FCI Fort Dix. ECF No. 23. FCI Elkton was identified by Attorney General William Barr as being particularly hard-hit by COVID-19, Memorandum for Director of Bureau of Prisons, Apr. 3, 2020, available at <https://www.justice.gov/file/1266661/download> (last visited Nov. 2, 2020) ("April 3 Memorandum"); and

WHEREAS, Petitioner reports that the prisoners from Elkton were placed in a unit that later had 10 inmates test positive for COVID-19, ECF No. 23 at 2; and

WHEREAS, Petitioner states 4 Elkton inmates were transferred into Petitioner's unit, id.; and

WHEREAS, in a supplemental filing ordered by the Court, the United States denies that any prisoners from FCI Elkton were transferred into Petitioner's unit, ECF No. 26; and

WHEREAS, Petitioner requests the appointment of counsel. ECF No. 19. the Court finds that it would be beneficial to have counsel appointed; and

WHEREAS, the Court finds Petitioner to be financially eligible for the appointment of counsel as he was represented by the Federal Public Defender during his criminal proceedings; and

WHEREAS, appointed counsel shall file a response within 21 days of his or her appointment addressing whether Petitioner has shown the required standing to challenge the transfer of inmates,

Therefore, IT IS on this 17th day of November, 2020,
ORDERED that Petitioner's motion for the appointment of counsel, ECF No. 19, is granted. 18 U.S.C. § 3006A(2)(B); and it is further

ORDERED that appointed counsel shall file a response within 21 days of his or her appointment addressing whether Petitioner has shown the required standing to challenge the transfer of inmates; and it is finally

ORDERED that the Clerk shall serve a copy of this Order on Petitioner by regular U.S. mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.