

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Larry Cochran,)	CASE NO. 4:20 CV 1975
)	
Petitioner,)	JUDGE PAMELA A. BARKER
)	
v.)	
)	Memorandum of Opinion and Order
Mark K. Williams.,)	
)	
Respondent.)	

Petitioner Larry Cochran is a federal inmate confined at the Elkton Federal Correctional Institution (“Elkton”). Acting *pro se*, he has filed a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, seeking immediate release from prison due to the COVID-19 pandemic and the outbreak of the virus at Elkton and other federal correctional institutions.

Petitioner filed a Motion to Proceed *In Forma Pauperis* (Doc. No. 2). That Motion is granted.

In his Petition, Petitioner contends the conditions under which he is incarcerated at Elkton violate his rights under the Eighth Amendment. He contends the coronavirus is spreading rapidly in Elkton and other prisons, and that the Bureau of Prisons (“BOP”) is failing to take appropriate steps to provide him a healthy and safe environment. (Doc. No. 1 at 2.) He contends that the environment in prison is not conducive to implementing any of

the CDC guidelines for preventing the spread of the virus. He states he is medically vulnerable because he is blind and physically disabled. He does not represent that he has exhausted his administrative remedies with respect to his claim; however, he indicates that medical personnel at Elkton deemed him eligible for Compassionate Release under the First Step Act.¹ Petitioner also indicates the Bureau of Prisons (“BOP”) listed him among the vulnerable inmates at Elkton in *Wilson v. Williams*, No. 4:20 CV 794 (N.D. Ohio filed Apr. 13, 2020)(Gwin, J.). Petitioner asserts that the only way to ensure his safety is for this Court to order his release from prison.

This is the second 2241 Petition that Petitioner filed to obtain release from Elkton due to COVID-19. He first filed *Cochran v. Williams*, No. 4:20 CV 1943 (N.D. Ohio filed Aug. 31, 2020)(Oliver, J.) which is still pending in this Court before United States District Judge Solomon Oliver, Jr. He asserts the same claims based on the same factual circumstances in both cases. His claims and concerns can be addressed in the case before Judge Oliver. This case is dismissed as duplicative of that action.

Conclusion

Accordingly, this action is dismissed without prejudice in accordance with 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Habeas Corpus Cases. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

¹ Petitioner was charged with escape for submitting a falsified compassionate release document. *See Cochran v. Schaffer*, No. 4:20 CV 818 (N.D. Ohio filed Apr. 16, 2020)(Lioi, J.).

IT IS SO ORDERED.

Date: October 28, 2020

s/Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE