

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MICHAEL GRASSO, JR.

CRIMINAL ACTION  
NO. 17-00436

**ORDER**

**AND NOW**, this 22nd day of May 2020, upon consideration of Michael Grasso's Motion for Compassionate Release (ECF No. 87) and the government's Response (ECF No. 78), it is **ORDERED** that the Motion is **DENIED without prejudice**, and the government shall **MAIL** a copy of this Order to Grasso.

In August of 2017, a grand jury indicted Grasso on twenty-nine counts of mail fraud, eight counts of wire fraud, twenty-two counts of money laundering, six counts of making false statements and one count of aiding and abetting. *See* (Indictment, ECF No. 1). After a bail hearing, Grasso was released pending trial on the conditions that he would submit certain outgoing mail to U.S. Postal Inspectors before distribution and abide by all federal, state and local laws while on release. *See* (Conditions on Release Order, ECF No. 9). After Grasso violated both conditions by trying to unlawfully distribute "mailings using short-paid postage" and without submitting the mailings to U.S. Postal Inspectors, (Mot. to Revoke Bail 1, ECF No. 19), the Court revoked his bail and ordered him remanded into custody. *See* (Order Revoking Bail, ECF No. 27). Grasso eventually pleaded guilty to over twenty counts. *See* (Guilty Plea Agreement ¶ 1, ECF No. 39). And in May of 2019, the Court sentenced him to seventy-eight months' imprisonment. (J. in Crim. Case, ECF No. 64.)

Grasso now moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A). *See* (Mot. for Compassionate Release, ECF No. 87). Compassionate release is warranted, he says, so that he may return home to care for his elderly mother and escape the COVID-19 pandemic, which he claims to be susceptible to as a sixty-one-year-old with hypertension and a history of back problems. *See (id. at 1)*. To manage the back issues, Grasso’s doctor has recommended that he avoid prolonged standing and heavy lifting. *See (id. at 2, 4)*. Grasso has never asked the Bureau of Prisons to move for compassionate release on his behalf or submitted his request via the administrative process. *See (id. at 1)*; (Gov’t Resp. 1–2, ECF No. 89).

The Court lacks authority to grant Grasso compassionate release. A prisoner may move for this relief only after: (1) fully exhausting “all administrative rights to appeal” the Bureau of Prisons’ failure to move for such release on his behalf, or (2) thirty days have lapsed since the Bureau received the prisoner’s request for release. 18 U.S.C. § 3582(c)(1)(A). Grasso satisfies neither criterion. That failure “presents a glaring roadblock foreclosing compassionate release at this point.” *United States v. Raia*, 954 F.3d 594, 597 (3d Cir. 2020).

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.