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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 RICHARD ANTHONY WILFORD,
10 Petitioner,
11 vs.
12 JAMES ENGLEMAN,
Respondent.

Case No.: 2:24-CV-01470-DDP-GJS

NOTICE OF FILING:
DECLARATION OF MICHELLE
FULGUM

13 Respondent submitted a response to the ACLU’s *amicus* brief indicating that the Bureau
14 of Prisons had no authority to transfer Wilford to home confinement when it did because by then
15 its CARES Act authority had expired. (ECF 28 at p. 4). The Respondent’s filing is inconsistent
16 with representations by Bureau of Prisons staff in other cases. Specifically, on April 12, 2024,
17 Michelle Fulgum, the Nashville Residential Re-Entry Manager, advised the Court in *Mays v.*
18 *Bowers*, No. 2:23-cv-02506-SHL (W.D. Tenn.) that the BOP interpreted its CARES Act
19 authority as follows:
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21 At 11:59 p.m. on May 10, 2023, the expanded authority that the CARES Act granted
22 BOP to review inmates and place them on home confinement ended. If an RRM granted a
23 referral for home confinement on or before that date and time, the inmate was still eligible to be
24 released to go to home confinement after 11:59 p.m. on May 10, 2023. Thus, as long as the RRM
25 had made a decision regarding an inmate’s home confinement request on or before 11:59 p.m. on
26 May 10, 2023, the BOP could effect that decision and refer the inmate for home confinement
27 after 11:59 p.m. on May 10, 2023.

28 Fulgum Decl. ¶ 3. Notably, the Respondent does not assert that Wilford was not approved
by the RRM for home confinement after 11:59 p.m. on May 10, 2023. In light of the Fulgum

1 declaration, the Court should disregard the Respondent’s assertions concerning the BOP’s
2 *physical* placement of Wilford on home confinement after May 10, 2023. The Court may also
3 treat the Respondent’s latest argument as waived considering it waited to raise the matter until it
4 filed its response to the ACLU’s *amicus* brief.
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7 Respectfully submitted,

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9 /s/ Brandon Sample
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