

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
- against -	:
	:
JOAQUIN ARCHIVALDO GUZMAN	:
LOERA,	:
	:
Defendant.	:
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ORDER
09-cr-0466 (BMC)

COGAN, District Judge.

By letter dated November 6, 2018 [422], defendant asks the Court for permission to greet and embrace his wife before opening statements begin on November 13, 2018. Defendant’s request is essentially a motion for an exception to the Special Administrative Measures (“SAMs”) that are currently imposed on him.

The Court is sympathetic to the request. As defense counsel points out, defendant’s conduct during what are surely difficult proceedings and conditions of confinement for him has been exemplary, and he has displayed considerable grace under pressure. Nevertheless, having conferred extensively with the U.S. Marshals Service about defendant’s request, the Court is constrained to deny it. The Marshals have stressed that acceding to the request would be contrary to all the security procedures that have been put in place, including the SAMs, and would treat defendant differently than any other person in the Marshals’ custody who is subject to such measures.

In addition, the Court previously reviewed and upheld a majority of the SAMs on May 4, 2017, including the restriction that prohibits defendant from communicating with or having any physical contact with his wife. Specifically, in that order, the Court recognized that the SAMs are tailored to the Government’s legitimate objectives of preventing defendant from coordinating

any escape from prison or directing any attack on individuals who might be cooperating with the Government. These restrictions remain “reasonably related to a legitimate penological interest,” Turner v. Safley, 482 U.S. 78, 89 (1987), because the same concerns that warranted their implementation in the first place still exist today. If anything, this is especially true on the eve of trial, when the reality of the potential liability defendant faces if convicted may be setting in and his motivation to escape or threaten witnesses might be particularly strong.

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
November 8, 2018