

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN SUAREZ, *et al.*,

Defendants.

CASE NO. 5:13-CR-00420

JUDGE PATRICIA A. GAUGHAN

**EMERGENCY MOTION OF BENJAMIN SUAREZ FOR SHORT, TEMPORARY
RELEASE TO ADDRESS EXIGENT MEDICAL SITUATION**

Because of the exigent medical situation described herein, Benjamin Suarez respectfully requests that the Court enter an order releasing him from prison until one day after the earliest date by which the necessary testing can be completed and the results obtained.

A letter from Mr. Suarez's physician, Matthew J. Licause, MD, is attached as Exhibit A. Dr. Licause faxed this letter to Mr. Suarez's counsel this morning. Dr. Licause examined Mr. Suarez yesterday for chest pain. Mr. Suarez had been experiencing intermittent chest pain for six months. (Ex. A.) He had thought it was from acid reflux. (*Id.*) In recent days, it has become clear to Mr. Suarez that he would have to report to prison today. On Wednesday, January 21 (two days ago), a panel of the Sixth Circuit denied his motion for release on bond pending appeal. The panel denied an emergency motion for reconsideration yesterday.

"Mr. Suarez's symptoms . . . bec[a]me more pronounced" during the two days leading up to yesterday, which is why he saw Dr. Licause. The doctor found that Mr. Suarez's blood pressure is significant elevated – specifically, 150/90, which the doctor deemed "remarkable." (*Id.*) After examining Mr. Suarez, Dr. Licause determined that he needs further tests "as soon as

possible” to “rule out angina/coronary artery disease.” (*Id.*) Dr. Licause is “concerned that the stress of [Mr. Suarez’s] present legal situation of impending incarceration will only aggravate his symptoms and subject him to substantial risk.” In Dr. Licause’s medical opinion, *the “[s]tress of being incarcerated today could result in heart attack or death.”* (*Id.* (emphasis added).)

Mr. Suarez is now on his way to FCI Morgantown and will report there by noon, as this Court has ordered. He respectfully seeks a short, temporary release from prison so that he can obtain the medical testing that Dr. Licause has deemed necessary to rule out a life-threatening heart issue. Dr. Licause has advised that such testing can be completed, and the results obtained, by no later than January 31.

For the foregoing reasons, Mr. Suarez requests release until one day after the date that Dr. Licause receives the testing results.

January 23, 2015

Respectfully submitted,

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Counsel for Benjamin Suarez

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January 2015, copies of the foregoing document and any exhibits thereto were filed through the Court's ECF system, which will provide notice to all parties indicated on the electronic filing receipt.

/s/ Brian M. Pierce