

**FILED IN OPEN COURT**  
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

SEP 7 2011

JAMES N. HATTEN, Clerk  
By *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA, )  
)  
v. )  
)  
LINDA C. SCHRENKO, )  
Defendant. )

CRIMINAL ACTION  
NO. 1:04-CR-568-2-CC

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**MOTION FOR AN ORDER TO SCHEDULE NECESSARY TESTING  
AND TO MOVE PRISONER LINDA SCHRENKO TO GRADY  
MEMORIAL HOSPITAL FOR THE SAID TESTING**

COMES NOW, Linda Schrenko, by and through undersigned Counsel and respectfully moves this honorable Court for an Order directing the United States Marshal's Service to schedule testing as contained in this Motion, and to retain her body in the Northern District of Georgia until same can be scheduled, and then to move her for the same testing before she is returned to Coleman, Florida.

As grounds for this Motion, Counsel state:

1.

Linda Schrenko is in a severely debilitated state of health and is being denied the proper treatment by the Bureau of Prisons. The denial is based on the inability to provide all the necessary treatment for the multitude of ailments from which she suffers.

2.

Attached hereto is an Affidavit as Exhibit 1 of her former physician, Richard E. Melcher, M.D. who has, at the request of Counsel monitored her many health issues.

3.

Ms. Schrenko is at serious risk of stroke, heart attack, and the medical treatment at Coleman is insufficient to protect her from one or more potential medical catastrophies.

4.

Attached hereto as Exhibit 2 is an email from Dr. Melcher (to a member of Counsel's staff) as to the basic studies that are necessary to determine Ms. Schrenko's state of current health and, in so doing, to determine the minimum necessary to keep her alive.

5.

The serious health problems suffered by Ms. Schrenko have been brought to the Court's attention previously; a copy of a letter outlining said problems sent in November 2010 to this Honorable Court is attached hereto as Exhibit 3.

6.

The said tests, if properly scheduled at a hospital such as Grady Memorial Hospital (which has a detention facility), can be accomplished in as little as 36 hours.

7.

Insofar as Ms. Schrenko already is in the Northern District of Georgia (the situs of Grady Hospital), retaining her for the short period of time necessary to complete said tests, is reasonable and would work no hardship on the Government.

**WHEREFORE**, Counsel, on behalf of Ms. Schrenko, respectfully request this honorable Court issue an Order providing for the following tests:

- A. Comprehensive Blood Panel
- B. Basic Metabolic Panel
- C. CBC
- D. Thyroid Function Tests
- E. Lipid Panel
- F. Bone Density (DSA)
- G. Chest XRay
- H. ECG
- I. Polysonogram (PSA)

Respectfully submitted, this 7<sup>th</sup> day of September, 2011.



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Bob Barr  
Georgia Bar No. 039475



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Edwin Marger  
Georgia Bar No. 470400

**Attorneys for Movant**

**Law Offices of Edwin Marger, LLC  
44 North Main Street  
Jasper, Georgia 30143  
706-253-3060**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day filed the within and foregoing document with the Clerk of Court in open court and by hand delivery to Cynthia Smith of the United States Attorneys' Office.

This the 7th day of September, 2011.



Bob Barr

GEORGIA

RICHMOND COUNTY

**AFFIDAVIT**

I, the undersigned, being first duly sworn, do depose and state: My name is Richard Melcher, M.D. and I have previously given affidavits concerning Linda Schrenko's health. I am now in possession of the latest Response to Administrative Remedy Case Number: 642552-F3 and my opinion is:

1.

C-Pap alone is not a remedy for her multi-system diseases.

2.

Ms. Schrenko continues to be at much higher risk of stroke or death.

3.

The Sleep Apnea necessitates follow-up studies to assess progress and may need surgical intervention to relieve the obstruction to breathing.

4.

After her surgery in the late 90's, I spoke with her neurosurgeon, who described her narrowed trachea, which I believe contributes to her obstruction air-flow during the sleep cycle.

*EXHIBIT 1*

5.

She is a multi- disorder person and thus her treatment is extremely complex. I am conversant with her medications, both before and after incarceration, and her medications while incarcerated are inadequate.

6.

Even with the addition of an operative C-Pap, she is still at significant risk of heart attack or stroke. She is 3.3 times more at risk of stroke or death than the average person. If she were to be on home confinement or halfway house confinement near to her doctors, we can extend her life. Otherwise, she is at risk oof death everyday!

Further Affiant sayeth not, this 13 day of July, 2011

Richard E. Melcher  
Richard E. Melcher, M.D.

Sworn to and subscribed before me this 13 day of July 2011.

Steven Beery  
Notary Public

My Commission Expires: 05/28/12

**Bob Fierer**

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**From:** remelcher@comcast.net  
**Sent:** Wednesday, August 31, 2011 7:30 AM  
**To:** Bob Fierer  
**Subject:** Basic Studies

Comprehensive Blood Panel, Basic Metabolic Panel, CBC, Throid Function Tests, Lipid Panel, Bone Density (DXA), Chest XRay, ECG, and Polysonogram (PSA).

*EXHIBIT 2*



November 2, 2010

The Honorable Clarence Cooper  
United States District Court Judge  
Northern District of Georgia  
75 Spring Street  
Atlanta, GA 30303

In Re: A Compassionate Release for Linda Schrenko, Criminal Action  
No. 1:04-CR-568-2-CC

Dear Judge Cooper:

Ed Marger and I have represented Linda Schrenko since January 2007, handling various matters relating to her post-conviction incarceration. In this capacity, I have had a number of meetings on her behalf with the United States Attorney's Office for the Northern District of Georgia (specifically, Gentry Shelnett, Chief of the Criminal Division). Our primary goal has been to seek and obtain a "Compassionate Release" or a reduction of sentence to bring her home and to thereby save her life.

These meetings have covered several issues, including Linda's assistance in a number of very sensitive investigations involving personnel at Tallahassee FCI; but most importantly, the state of Linda's health and the very real risk to her life by her continued incarceration.

I have personally provided documented evidence of the dangers to her health, and the risk of life she currently undergoes while incarcerated, to the U.S. Attorney's Office. (A portion of that documentation is attached hereto as Exhibits.)

Basically all we seek on her behalf, is an open and frank discussion between us (as her counsel) and the United States Attorney's Office's representative, either in open court or in chambers, to have the danger

*EXHIBIT 3*

The Honorable Clarence Cooper  
November 2, 2010  
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to her health discussed. In our view such a discussion of the fact of her continued incarceration, which is endangering her life, is imperative.

Also, in that discussion, I am hopeful this Court, a Court known for its reason and compassion, will suggest it is time, in the interests of Linda's ability to live beyond the time of her incarceration, to suggest and promulgate, in conjunction with the Department of Justice, a "Compassionate Release." The Compassionate release procedure can only be instituted by the government, principally by the Warden of the institution where she currently is housed (Coleman FCI, Florida); once that procedure is instituted, this Court may reduce her sentence accordingly.

I would ask for a scheduled time, at the Court's convenience, to meet with your Honor and the US Attorney's Office so we might outline the very real and life-threatening dangers to Linda Schrenko if she remains incarcerated (incidentally, she already has served 50 months of her 96-month sentence).

With best regards, I remain,

very truly yours,

Bob Barr

cc: Gentry Shelnett, Assistant United States Attorney

## **LIST OF ATTACHED EXHIBITS**

1. Email from Richard Melcher, M.D., to Bob Barr dated May 21, 2010
2. August 3, 2010 letter to Gentry Shelnett from Bob Barr with attachments
3. Bureau of Prisons (BOP) Program Statement on Compassionate Release
4. October 6, 2009 letter to Gentry Shelnett from Bob Barr with attachments