

# Federal Defenders OF NEW YORK, INC.

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September 3, 2024

By ECF and Email

The Honorable Nina R. Morrison  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Dwayne Pickett, 22-CR-486 (NRM)

Dear Judge Morrison:

We write to update the Court as to Mr. Pickett's medical condition and to request a hearing. We file this letter publicly with Mr. Pickett's express authorization. As Your Honor is aware, Mr. Pickett was admitted to Brooklyn Hospital Center after complaining of debilitating pain in his leg. An examination of his leg revealed a mass, and Mr. Pickett underwent a biopsy on August 15, 2024 to determine the pathology of the mass. Unfortunately, the results of the biopsy indicate that the mass is cancerous, and chemotherapy is required. Though we learned of Mr. Pickett's diagnosis, the MDC has not provided information regarding the stage of Mr. Pickett's cancer, a treatment plan, or prognosis. On August 16, 2024, Mr. Pickett was returned to the MDC where he has not received cancer treatment.

In addition, we are extremely concerned that the MDC is failing to provide Mr. Pickett with adequate medical care. On August 14, 2024, the Court ordered the MDC to provide the defense with Mr. Pickett's requests for medical treatment. The Court again issued an order on August 26, 2024, directing the MDC to provide the defense with Mr. Pickett's requests for medical treatment by August 28, 2024. To date, the MDC has failed to comply with the Court's orders. However, Mr. Pickett provided defense counsel with a printout of his sick call requests dating back to June,<sup>1</sup> and they reveal numerous unanswered complaints of severe pain in his leg.

MDC Brooklyn's troubling history of insufficient medical care is well documented. *See, e.g., United States v. Chavez, 22-CR-303 (JMF), 2024 WL 50233, at \*1 (S.D.N.Y. Jan. 4, 2024)* (citing a lengthy array of documented cases of delayed medical care). As recently as May 2024, Judge DeArcy Hall held an Order to Show Cause Hearing regarding the MDC's failure to provide medical care to defendant Jonathan Goulbourne, resulting in a ruptured appendix. *See Ricketts, et al., 22-CR-106 (LDH), ECF No. 330.*

So that we may ensure Mr. Pickett is receiving the necessary medical care to which he is constitutionally entitled, we respectfully request that the Court schedule a hearing this week, or

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<sup>1</sup> Mr. Pickett is unable to access his sick call requests submitted before June; however, he has been requesting medical attention for his leg since February 2024.

as soon as practicable, for the MDC to appear and provide an explanation for its delay in addressing the mass in Mr. Pickett's leg, and to provide a treatment plan. Thank you for your consideration.

Respectfully submitted,

/s/

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