

JUNE 19, 2020

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

BY s/ M. Everett DEPUTY

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In the matter of

APPOINTMENT OF THE
FEDERAL PUBLIC DEFENDER FOR
THE PURPOSE OF SCREENING CASES
FOR POTENTIAL CLAIMS FOR A
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)

GENERAL ORDER 20-28

Pursuant to 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018 (Pub. L. No. 115-391, § 603(b), 132 Stat. 5194, 5239-41), after having exhausted administrative remedies, a detainee in the Bureau of Prisons may seek a sentence reduction from a federal district court. Such courts have the discretion to reduce sentences at the request of a detainee if “extraordinary and compelling reasons warrant such a reduction.” Under the discretion afforded by 18 U.S.C. § 3006A(c), IT IS HEREBY ORDERED:

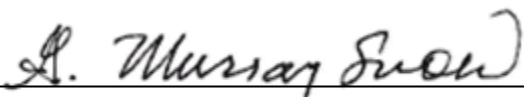
1. The Federal Public Defender is hereby appointed to the task of screening pro se requests for relief filed with the Court pursuant to 18 U.S.C. § 3582(c)(1)(A). Such screening may include consultation with the petitioner, screening of petitioner’s files, responding to petitioner’s inquiries, identifying potential conflicts of interest, determining whether administrative remedies have been exhausted, and, where appropriate, filing a motion for appropriate relief under § 3582(c)(1)(A) unless a conflict of interest precludes the Federal Public Defender from doing so.
2. In appropriate cases, after conducting such screening, the Federal Public Defender’s Office will:

- a. determine whether the United States Attorney for the District of Arizona will oppose a sentence reduction in a particular case;
 - b. if the United States Attorney does oppose a sentence reduction, determine whether a motion for a sentence reduction should be filed on behalf of a particular petitioner; and
 - c. whether a conflict of interest prevents the Federal Public Defender from representing that petitioner in connection with a motion for a sentence reduction under § 3582(c)(1)(A).
3. When the Federal Public Defender's Office determines, upon review, that a petitioner may qualify for a sentence reduction under § 3582(c)(1)(A), the Federal Public Defender is hereby appointed to represent that petitioner before this Court and in any necessary appeal from an order of this Court in accordance with 9th Cir. R. 4-1(a), subject to the qualifications described below.
4. When the Federal Public Defender's Office determines, upon review, that a petitioner may qualify for a sentence reduction under § 3582(c)(1)(A), but also that a conflict of interest prevents its representation of that petitioner, the Federal Public Defender shall locate counsel in accordance with the CJA Plan for this District and file a motion for appointment of CJA counsel. Appointment of CJA counsel shall extend to any necessary appeal from an order of this Court in accordance with 9th Cir. R. 4-1(a).
5. Upon determination by the Federal Public Defender's Office that a motion will be filed, or in the event that the Federal Public Defender's Office and the U.S. Attorney's Office agree that a petitioner may qualify for release, assigned counsel will notify the U.S. Probation Office regarding any release plan for the petitioner. The Probation Office will advise the parties and the Court whether the release plan is suitable. The Probation Office will evaluate the release plan within a reasonable time period in light of the conditions created by COVID-19, making its best effort to complete the review within 30 days.

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- 6. The Clerk shall make reasonable efforts to provide pro se filings that can fairly be read to seek relief under § 3582(c)(1)(A) to the Federal Public Defender so that those filings can be screened for potential claims.
- 7. The United States Probation Office for the District of Arizona is hereby authorized to disclose presentence investigation reports and statements of reasons for imposing sentence to the Federal Public Defender for purposes of screening cases for potential claims for a sentence reduction and for conflicts of interest. The United States Attorney and the Federal Public Defender will make their best efforts to use documents they already have in their possession before requesting documents from the United States Probation Office.
- 8. Pursuant to 5 U.S.C. § 552a(b)(11) and 45 C.F.R. § 164.512(e)(1), the United States Attorney is hereby authorized to collect relevant medical records from the Bureau of Prisons and share them with the Federal Public Defender or with appointed CJA counsel for purposes of carrying out the screening function and representation described in this order. The Federal Public Defender and appointed CJA counsel shall take measures to keep these records confidential and shall limit the number of staff members who are permitted to view them.

DATED this 19th Day of June, 2020.



G. Murray Snow
Chief United States District Judge