

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

IN RE: RETROACTIVE APPLICATION
OF U.S.S.G. AMENDMENT 782

STANDING ORDER 2014-6

Pursuant to 18 U.S.C. § 3006A, it is hereby ORDERED that:

(1) The Federal Public Defender's Office ("Federal Defender") for the District of Oregon is appointed to represent all inmates potentially eligible for sentence reductions under Amendment 782 to the Sentencing Guidelines for the limited purpose of screening cases, assessing eligibility for relief pursuant to the retroactive amendment, and notifying defendants or their counsel of the status of their cases;

(2) The Federal Defender shall contact prior counsel (if prior counsel was not the Federal Defender) to determine if prior counsel intends to represent the inmate. If prior counsel cannot or will not assume this responsibility, the Federal Defender shall contact the judge in that case to request appointment of counsel;

(3) The Federal Defender shall represent all inmates it previously represented at the original sentencing, and it shall submit financial affidavits for other inmates whom it seeks to represent. If there is a conflict with regard to representation of a particular defendant, the Federal Defender shall inform the judge and request appointment of counsel from the Criminal Justice Act Panel;

(4) The United States Probation Office ("Probation Office") is authorized to disclose the defendants' Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons to the Federal Defender or retained counsel, and the U.S. Attorney's Office. The Federal Defender shall ascertain the defendants' eligibility for relief and whether conflicts of interest preclude it from representation. The Federal Defender

shall notify the Court upon identifying a prohibitive conflict in which the prospective client's interests are materially adverse to those of a current or former client, and the Court will consider appointing a member of the Criminal Justice Act panel of this district. The Federal Defender shall provide the Presentence Investigation Report or Modified Presentence Investigation Report, Judgment, and Statement of Reasons to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Reports, Modified Presentence Investigation Reports, or Statements of Reasons shall be provided to inmates; and

(5) The Office of the Clerk of Court for the District of Oregon ("Clerk's Office") is authorized to disclose to the Federal Defender or retained counsel, and the U.S. Attorney's Office, documents from the defendants' case file that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendant's eligibility, the extent for relief, and conflicts. Specifically, the Clerk's Office may disclose U.S.S.G. § 5K1.1 motions and orders, motions and orders related to Fed. R. Crim. P. 35, plea agreements, charging documents, notices of enhancement under 21 U.S.C. § 851, transcripts available pursuant to Judicial Conference policy, verdicts, orders related to U.S.S.G. Amendment 505, and motions under 28 U.S.C. § 2255. The Federal Defender may not distribute such documents except to subsequently appointed or retained counsel, unless otherwise ordered by the Court. Subsequently appointed or retained counsel may not further distribute such documents, unless otherwise ordered by the Court.

SO ORDERED. This 29th day of September 2014.


ANN AIKEN
Chief United States District Judge