

**FILED**

**Sept 30, 2014**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**IN RE:**

**RETROACTIVE APPLICATION OF  
UNITED STATES SENTENCING  
COMMISSION AMENDMENT 782**

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**GENERAL ORDER NO. 546**

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1) and (c), and in accordance with the retroactive application of United States Sentencing Commission's Amendment 782, the Office of the Federal Defender for the Eastern District of California ("Federal Defender's Office") is appointed to represent any defendant previously determined to have been entitled to appointment of counsel or found indigent by the Court (1) whose name appears on the lists of defendants, potentially qualifying for a reduction of sentence, supplied by the United States Sentencing Commission, Administrative Office of the United States Courts, United States Probation Office ("Probation Office"), Federal Public Defender's Office, or Office of the United States Attorney for the Eastern District of California ("U.S. Attorney's Office") or (2) who files a pro se motion for relief seeking a sentence reduction under retroactive application of U.S.S.G. Amendment 782. The Federal Defender's Office shall represent those defendants with respect to any possible motions for reductions of sentence pursuant to U.S.S.G. Amendment 782 and 18 U.S.C. § 3582(c)(2). The appointment is limited to those cases affected or potentially affected by this amendment and will terminate upon the district court's ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

The 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's Office or retained counsel, and the U.S. Attorney's Office. The Federal Defender's Office shall ascertain the defendants' eligibility for relief and whether conflicts of interest preclude it from representation. The Federal Defender's Office 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's Office shall provide the Presentence Investigation Report or Modified Presentence Investigation Report, Judgment, and Statement of Reasons to any subsequently appointed 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.

The Office of the Clerk of Court for the Eastern District of California ("Clerk's Office") is authorized to disclose to the Federal Defender's Office, CJA counsel, 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 defendants' 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, in cases where it is determined that the Federal Defender's Office previously represented the defendant and no subsequent conflict is identified. In all other cases, the Federal Defender's Office shall

determine whether there is a conflict prior to obtaining documents from the defendants' case file that are not otherwise available through PACER. If there is a conflict, the information may be released to the subsequently-appointed attorney. The Federal Defender's Office or any appointed attorney receiving any documents from the defendants' case file that are not otherwise available through PACER shall not distribute such documents, unless otherwise ordered by the Court.

IT IS SO ORDERED.

Date: September 30, 2014

FOR THE COURT:

A handwritten signature in blue ink, appearing to read "Morrison C. England, Jr.", written over a horizontal line.

MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT