

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA



**IN RE:**

**PETITIONS FOR CLEMENCY,  
COMMUTATION, AND PARDON  
APPLICATIONS**

**GENERAL ORDER NO. 547**

Pursuant to the provisions of 18 U.S.C. §§ 3005, 3006A (the Criminal Justice Act), and 4109, 28 U.S.C. § 2255(g), Fed.R.Crim.Proc. 5(d)(1)(B) and 44(a) and (b), *Guide to Judiciary Policy*, Vol.7, Part A, Chap.2, § 210 *et seq.*, and Eastern District of California General Order 323, as amended by G.O. 355 and G.O. 370, and the discretion of the court,

1. In all matters where a defendant convicted in the Eastern District of California District Court wishes to pursue any motions or applications for clemency, commutation, or pardon, to include those responding to the Attorney General 's April 23, 2014, announcement inviting such petitions and setting forth guidelines for such applications, the Office of the Federal Defender for the Eastern District of California is hereby appointed for clemency and pardon consultation to screen its client files and respond to defendant inquiries to identify individuals who may satisfy the criteria established under the Attorney General's initiative.
2. The Federal Defender will determine:
  - a. whether or not the defendant can afford to retain counsel for clemency/commutation or pardon representation,
  - b. whether the defendant presents initial qualifications to obtain clemency/commutation or a pardon;
  - c. whether or not the Federal Defender has a prohibitive conflict where the prospective client's interests are materially adverse to those of a current or former Federal Defender client; and
  - d. whether or not the defendant has previously alleged the Federal Defender afforded ineffective assistance of counsel.
3. In cases where the Federal Defender believes, after the above review, the defendant qualifies for appointment of counsel and may qualify for clemency or pardon, the Office of the Federal Defender is automatically appointed to pursue a *Motion for Judicial Recommendation of Executive Clemency or Pardon*.

4. In instances of a defendant (a) being able to afford to retain counsel or (b) believed by the Federal Defender that no initial qualification for application exist when the potential application is reviewed, the Federal Defender will communicate that decision to the defendant in writing, including the Office of the Pardon Attorney's application forms, policies and rules with the letter;
5. In instances where the defendant cannot afford counsel and the defendant could qualify for clemency/commutation or pardon, but, for filing a *Motion for Judicial Recommendation of Executive Clemency or Pardon*, a conflict exists or the defendant previously alleged the Federal Defender provided ineffective assistance of counsel,
  - a. the Federal Defender will request counsel be appointed under any of the above statutes or rules; and
  - b. if the court denies the request, the Federal Defender will contact Clemency Project 2014 or similar organization offering *pro bono* assistance to those seeking clemency/commutation or pardon to see if that organization will assist the defendant, with copy of the request of the defendant.

The United States Probation Office for the Eastern District of California and the United States District Court Clerk's Office for the Eastern District of California are authorized to disclose *Presentence Investigation Reports* and *Statements of Reasons for Imposing Sentence* to the Federal Defender's Office so they may determine the requesting defendant's eligibility for relief, and to determine whether a conflict of interest precludes the Federal Defender from representing that defendant client.

IT IS SO ORDERED.

FOR THE COURT:

Date: October 01, 2014

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