

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

October 14, 2015

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

IN RE:)
)
RETROACTIVE APPLICATION OF)
THE SUPREME COURT'S *JOHNSON*)
v. *UNITED STATES* DECISION)
_____)

GENERAL ORDER NO. 563

Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to efficiently process petitions under *Johnson v. United States*, 135 S. Ct. 2551 (2015), it is hereby ordered that the Federal Public Defender for the Eastern District of California is appointed to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for federal habeas relief under either 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of *Johnson*, and to present any petitions, motions, or applications relating thereto to the Court for disposition.

If the Federal Public Defender's Office or previously appointed counsel believes there is a conflict that would prevent the Federal Public Defender's Office from assuming appointment for an individual defendant, counsel shall bring such conflict to the attention of the Court for adjudication of the issue.

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, Statements of Reasons, and Judgments to the Federal Public Defender's Office for the purpose of determining eligibility for relief under *Johnson*.

The Court shall promptly notify the Federal Defender of all pending pro se motions and petitions seeking relief under *Johnson*, so the Federal Public Defender can assume representation in a timely fashion, and shall notify the Federal Public Defender when any new petition for a writ of habeas corpus is filed involving a claim under *Johnson*.

Dated: October 14, 2015

FOR THE COURT:

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

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