

FILED

JAN 29 2019

AT 8:30
WILLIAM T. WALSH
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: FIRST STEP ACT OF 2018 (Dec. 21, 2018), APPLICATION OF FAIR SENTENCING
ACT.

STANDING ORDER

19-2

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the District of New Jersey is hereby appointed to represent any defendant previously determined to have been entitled to appointment of counsel, or who was previously represented by retained counsel and is presently indigent, to determine whether that defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with Section 404 of the First Step Act of 2018.

The United States Probation Office for the District of New Jersey and the United States District Court Clerk's Office for the District of New Jersey are authorized to disclose Presentence Investigation Reports, Judgments in a Criminal Case, and Statements of Reasons to the Office of the Federal Public Defender for the purpose of determining eligibility for relief, and for determining whether a conflict of interest precludes the Federal Public Defender from representing a client. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports or Statements of Reasons will be provided to inmates. Should the Federal Public Defender determine that there is a prohibitive conflict in which the prospective client's interests are materially adverse to those of a current or former client with regard to representation of a defendant in the litigation, the Court shall be notified and the Clerk of the Court is authorized to appoint a member of the Criminal Justice Panel of this District.

The United States Probation Office shall provide the Office of the Federal Public Defender a complete list, generated by Probation's data quality analyst from the PACTS database, of all known defendants sentenced for any drug offense on or before June 21, 2012 (the date of *Dorsey v. United States*, 132 S. Ct. 2321 (2012)), whether still incarcerated or on supervised release.

The Court shall notify the Federal Public Defender of all pending pro se motions seeking relief under Section 404 of the First Step Act for retroactive application of the Fair Sentencing Act so the Federal Public Defender can assume representation in a timely fashion. If the Federal Public Defender or the United States Probation Office receives directly or otherwise becomes aware of any such pending motions, that office shall so advise the Court. The Court also will notify the Federal Public Defender when any new motion under the First Step Act for retroactive application of the Fair Sentencing Act is filed by an inmate pro se.


For purposes of determining whether to file, or filing, a motion on behalf of any defendant in a closed criminal case seeking relief under Section 404 of the First Step Act for reduction of sentence, the U.S. Probation Office and the Clerk of Court are authorized without

further order to provide to the Office of the Federal Public Defender any records from the court file, including the Presentence Report, Statement of Reasons, criminal history records, and any sealed documents, with the exception that this order does not authorize disclosure of the sentencing recommendation.

In the event that the sentencing Judge in the original proceeding is no longer a member of the Bench of this District, the case shall be reassigned at the discretion of the Court.

IT IS SO ORDERED

January 29, 2019



Jose L. Linares
Chief United States District Judge

Dated in Newark, New Jersey this 29th day of Jan, 2019