

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Re: Petitions for Retroactive Application :  
of November 1, 2023 Amendments : STANDING ORDER 23-04  
to Criminal History Guidelines :

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(l) 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, or who is now indigent or files a motion seeking relief, or whose name appears on lists supplied by the United Sentencing Commission or the Administrative Office of the United States Courts, 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 the November 1, 2023 Criminal History Amendments (Amendment 821, Part A – Status Points and Part B, Subpart 1 – Zero Criminal History Points), USSG §§1B1.10, 4A1.1, 4C1.1, and 18 U.S.C. § 3582(c)(2). This appointment is limited to cases affected or potentially affected by these retroactive amendments, pursuant to which the Court shall not order a reduced term of imprisonment unless the effective date of the order is February 1, 2024, or later.

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 Act Panel of this District.

The Court shall notify the Federal Public Defender of all pending *pro se* motions seeking relief under Amendment 821 Part A – Status Points and Part B, Subpart 1 – Zero Criminal History Points, 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 Amendment 821 Part A – Status Points and Part B, Subpart 1 – Zero Criminal History Points 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 Amendment 821 Part A – Status Points and Part B, Subpart 1 – Zero Criminal History Points, 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 pursuant to L. Crim. R. 18.1(b).

In cases affected by Amendment 821, and in response to *pro se* motions filed by inmates, the U.S. Probation Office will prepare and file a memo for the Court electronically to the Court's Case Management/Electronic Case Files (CM/ECF) system.

IT IS SO ORDERED.

This 13th day of October, 2023.

A handwritten signature in cursive script, reading "Renée Marie Bumb". The signature is written in black ink and is positioned above a horizontal line.

HONORABLE RENÉE MARIE BUMB  
Chief, United States District Judge