

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
REGARDING REPRESENTATION) Misc. No. 2:20-mc-629
BY THE FEDERAL PUBLIC)
DEFENDER AND CJA PANEL)
COUNSEL IN CERTAIN “CARES)
ACT” MATTERS)
)

ADMINISTRATIVE ORDER

AND NOW, this 27th day of April, 2020, pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006(A)(a)(1) and (c), and recognizing that this Court has, by prior Administrative Order at Misc. No. 19-103, appointed the Federal Public Defender for the Western District of Pennsylvania (“Federal Public Defender”) to review and undertake representation of any eligible defendant in the custody of the Federal Bureau of Prisons in order to present motions or applications under the First Step Act of 2018 (“the Act”), including motions for compassionate release under Section 603(b) of the Act and 18 U.S.C. § 3582(c), this Court further ORDERS and directs as follows:

1. Subject to the provisions of paragraph 3 below, the Federal Public Defender is appointed to represent any such defendant in this District who was previously determined to have been entitled to the appointment of counsel, or who is now so eligible, to determine whether that defendant may be eligible for relief under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), and to present any motions or applications related thereto to the Court for disposition.
2. Should the Federal Public Defender conclude that it cannot undertake the representation of an eligible defendant described in the Court’s Administrative Order at Misc. No. 19-103 or this Order, whether due to conflict or capacity, a member of the Criminal Justice Act (“CJA”) Panel for this District shall be appointed to represent such defendant.
3. Notwithstanding the provisions of Paragraph 1 above, in the case of a defendant who was previously represented by a member of the CJA Panel, unless such CJA Panel counsel advises the Court and the Federal Public Defender that such Panel counsel is

- unable or unwilling to further represent such defendant for the matters contemplated by this Order, such CJA Panel counsel is hereby appointed by this Order to determine whether the defendant is eligible to petition the Court for compassionate release under Section 603(b) of the First Step Act of 2018 and 18 U.S.C. § 3582(c), or for relief under the CARES Act, and where such counsel deems appropriate to file a motion for compassionate release and to proceed with such representation. No further Order of appointment or reappointment shall be required for these purposes.
4. The Clerk's Office shall promptly notify the Federal Public Defender and, in the case of defendants previously represented by CJA Panel counsel, the last appointed CJA Panel counsel, of all *pro se* motions from those in Federal Bureau of Prisons custody that seek compassionate release or a recommendation for release to home confinement or other similar relief, whether or not they explicitly reference the First Step Act or the CARES Act. These *pro se* filings will be promptly reviewed by the Federal Public Defender and/or CJA counsel as the case may be and timely addressed in the manner described above.
 5. For purposes of determining eligibility and preparing compassionate release motions and CARES Act applications contemplated by this Order for a given defendant, the United States Probation Office for this District is authorized and directed upon request to disclose the Presentence Investigation Reports and Judgments in a Criminal Case for such defendant to the Federal Public Defender, CJA Panel counsel, or privately retained counsel as the case may be, solely for the purpose of the evaluations and representations contemplated by this Order. No further disclosures to others are authorized or permitted by this Order. To facilitate and address the potential volume of such requests, counsel are requested to first utilize such access as may be permitted via the CM/ECF system for counsel of record.
 6. All requests for compassionate release, release to home confinement or other similar relief contemplated by this Order shall be filed on the docket in the original criminal case. In the event that the presiding judge in the original proceeding is no longer serving as a judge in this District, the case shall be reassigned according to the case assignment procedures of this Court.
 7. This Order shall remain in effect unless and until vacated or modified by further Order of this Court.

s/ **Mark R. Hornak**

Mark R. Hornak
Chief United States District Judge