

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

IN RE: PETITIONS FOR RETROACTIVE)
APPLICATION OF NOVEMBER 1, 2011)
AMENDMENTS TO THE DRUG QUANTITY)
TABLE FOR OFFENSES INVOLVING) **Miscellaneous No. 11-267**
CRACK COCAINE AND TO PENALTIES)
FOR SIMPLE POSSESSION OF CRACK)
COCAINE)

ADMINISTRATIVE ORDER

AND NOW, this 15th day of September, 2011, pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), because of the need to efficiently process motions to reduce crack cocaine sentences under 18 U.S.C. § 3582(c)(2) and Amendment 750 to the Guidelines Manual, IT IS HEREBY ORDERED that the Federal Public Defendant for the Western District of Pennsylvania is hereby appointed to represent any defendant sentenced in this district who might be eligible for a reduction of sentence under Parts A or C of Amendment 750 (the permanent Fair Sentencing Act of 2010 amendments), effective November 1, 2011, to evaluate whether that defendant may seek and receive a reduction of sentence and to present any motions or applications relating thereto.

If a defendant will be better served by being represented by prior counsel appointed under the Criminal Justice Act, said counsel will be appointed to investigate and

pursue a sentence reduction on behalf of that individual. In the event the Criminal Justice Act panel attorney is no longer available to provide such representation, the Federal Public Defender will represent said defendant, except in cases involving a conflict of interest, in which case another CJA panel attorney will be appointed.

Should the Federal Public Defender determine that a defendant, previously represented by retained counsel, is potentially eligible for a reduction of sentence, the Federal Public Defender shall notify said defendant and prior counsel. In the event that the defendant is financially unable to currently retain counsel, the Federal Public Defender will be appointed to represent said defendant, except in cases involving a conflict of interest, in which case a CJA panel attorney will be appointed.

The United States Probation Office is hereby authorized to disclose to the Federal Public Defender's Office and other newly appointed CJA counsel, the Presentence Investigation Report of any defendant who might be eligible for a reduction of sentence based on Parts A or C of Amendment 750.

The Clerk's Office shall notify the Federal Public Defender of all past, present, or future pro se motions to reduce sentence under 18 U.S.C. § 3582(c)(2) relating to Parts A

or C of Amendment 750 when filed. However, any such motion filed prior to November 1, 2011 is premature and will be held in abeyance until the November 1, 2011 effective date.

All motions and pleadings seeking a sentence reduction or in opposition to such reduction shall be filed at the original criminal docket number. 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 randomly reassigned.

SO ORDERED:

A handwritten signature in black ink, appearing to read "G L Lancaster", written over a horizontal line.

GARY L. LANCASTER, Chief Judge
United States District Court
Western District of Pennsylvania