

**FILED**

11/2/2023

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIAIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PETITIONS FOR RETROACTIVE	)	
APPLICATION OF NOVEMBER 1, 2023	)	
SENTENCING GUIDELINES AMENDMENTS	)	Miscellaneous No. 2:23-mc-1227
REGARDING STATUS POINTS	)	
AND ZERO-POINT OFFENDERS	)	
	)	

**ADMINISTRATIVE ORDER**

AND NOW, this 2<sup>nd</sup> day of November, 2023, 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 for relief pursuant to 18 U.S.C. § 3582(c)(2) and Parts A and B, Subpart 1 of Amendment 821 to the Guidelines Manual, IT IS HEREBY ORDERED that the Federal Public Defender for the Western District of Pennsylvania is appointed to represent any defendant sentenced in this District who might be eligible for a reduction of sentence under Parts A and B, Subpart 1 of Amendment 821, effective November 1, 2023, to evaluate whether the 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 these instances, the Federal Public Defender will notify the Court and request that the Court reappoint prior counsel to represent the defendant.

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, or if such previously retained counsel is unavailable to proceed for any reason, 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.

Upon request, the United States Probation Office and/or the Clerk of Court for the Western District of Pennsylvania are hereby authorized to disclose to (1) the Federal Public Defender's Office, (2) other newly appointed CJA counsel, and (3) the U.S. Attorney's Office, the Presentence Investigation Report and/or other relevant sentencing documents (including the Judgment, Statement of Reasons, plea agreement, sealed supplement to the plea agreement, and Addendum) relating to any defendant who might be eligible for a reduction of sentence based on Parts A and B, Subpart 1 of Amendment 821. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports or Addenda, sealed supplements to the plea agreement, or Statements of Reasons will be provided to inmates.

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 and B, Subpart 1 of Amendment 821 when filed. It shall then be the responsibility of the Federal Public Defender

to determine whether these pro se motions to reduce sentence under 18 U.S.C. § 3582(c)(2) relate to Parts A and B, Subpart 1 of Amendment 821. However, any such motion filed prior to November 1, 2023, is premature and will be held in abeyance until the November 1, 2023 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:



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Mark R. Hornak  
Chief United States District Judge