

November 2, 2023

**Amendment 821 to the Sentencing Guidelines
Protocol for Review and Litigation of Motions for Relief
U.S. District Court, Western District of PA**

I. Standing Order – Appointment of Federal Public Defender to determine eligibility and present counseled motions, and notification of Federal Public Defender regarding the filing of *pro se* motions

- Per Chief Judge Hornak's November 2, 2023 Administrative Order, entered at Misc. No. 2:23-mc-1227:
 - The Federal Public Defender has been 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.
 - In addition, the Order provides that the Clerk's Office shall promptly notify the Federal Public Defender of all past, present, and future *pro se* motions for a reduction of sentence under 18 U.S.C. § 3582(c)(2) relating to Parts A and B, Subpart 1 of Amendment 821 when filed. As stated in the Order, any motions filed prior to November 1, 2023, should be held in abeyance until the November 1, 2023, effective date.

II. Federal Public Defender Review

- The Federal Public Defender's office is currently reviewing the cases of potentially eligible individuals sentenced in this district.
- Priority for review and filing is being given to persons potentially eligible for imminent release pursuant to Amendment 821.
- The Federal Public Defender will undertake the representation and filing for individuals determined to be potentially eligible for relief under Amendment 821, and refer appropriate cases for the appointment of CJA counsel.

III. Pro Se Filers

- Upon receipt of a *pro se* motion or letter under Amendment 821, the Clerk's Office should send the *pro se* filer a letter informing the filer that their motions or correspondence has been forwarded to the Federal Public Defender for review.
- The Clerk's Office will enter a staff note on the docket so that chambers staff will know that the *pro se* motion or letter has been forwarded to the Federal Public Defender for review.

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- Once notified of a *pro se* filing, the Federal Public Defender will undertake a review of the case and notify the filer of the determination regarding their eligibility for relief. The Court should hold in abeyance the *pro se* filings during this review period.
- After completing its review, the Federal Public Defender will notify the relevant Deputy Clerk that the case is ripe for action and if it intends to file a counseled motion on the person's behalf.
- If no counseled motion will be filed, the Court may, at that time, order the government to respond.

IV. Counseled Motions

- Upon the filing of a contested motion by the Federal Public Defender or other counsel pursuant to Amendment 821, the Court should enter a briefing order indicating a time for the government to respond and a date for reply.
- If a counseled motion indicates that the case is appropriate for expedited consideration, the Court should issue an expedited briefing schedule and give the motion priority for consideration.