

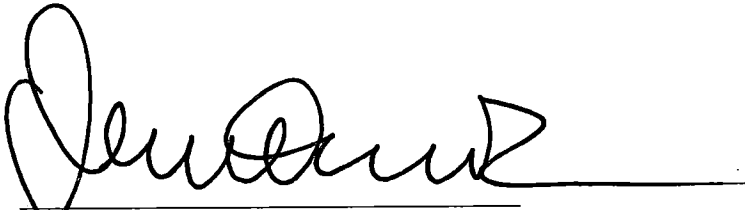
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PETITIONS FOR APPLICATION)
OF REHAIF V. UNITED STATES,) Misc. No. 19-1195
139 S.CT. 2191 (2019))

ADMINISTRATIVE ORDER

AND NOW, this 15th day of November, 2019, pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to efficiently process petitions under *Rehaif v. United States*, 139 S.Ct. 2191 (2019). IT IS HEREBY ORDERED that the Federal Public Defender for the Western District of Pennsylvania is appointed to represent any defendant who was previously determined to be entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for federal habeas relief under either 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of *Rehaif*, and to present any petitions, motions or applications relating thereto to the Court for disposition.

In addition, the Court shall promptly notify the Federal Public Defender of all pending *pro se* motions and petitions appearing to seek relief under *Rehaif*, so that the Federal Public Defender can conduct its review in a timely fashion. If the Federal Public Defender is aware of any such pending petitions, it is to so advise the Court. The Court will also promptly notify the Federal Public Defender when any new petition for a writ of habeas corpus appearing to involve a claim under *Rehaif* is filed by an inmate *pro se*.



Mark R. Hornak
Chief United States District Judge

Protocol for Review and Litigation of Post-Conviction Cases
Under *Rehaif v. United States*, 139 S.Ct. 2191 (2019)
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 Nov. 15, 2019 Administrative Order, entered at Misc. No. 19-1195
 - The Federal Public Defender has been appointed to represent any 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 *Rehaif*, and to present any motions or applications related thereto to the Court for disposition.
 - In addition, the Order provides that the Court shall promptly notify the Federal Public Defender of any pending *pro se* motions appearing to seek relief under *Rehaif*, so that the Federal Public Defender can determine whether the assumption of representation is appropriate. The Court will also promptly notify the Federal Public Defender when any new petition for relief appearing to seek relief under *Rehaif* is filed *pro se*.

II. *Pro Se* Filers

- Upon receipt of a *pro se* motion or letter appearing to raise *Rehaif*, the Court should notify the Federal Public Defender of the filing and provide notice pursuant to *United States v. Miller*, 197 F.3d 644, 652 (3d Cir. 1999)
- The Federal Public Defender will undertake a review of the case and notify the filer of the Federal Public Defender's determination regarding their eligibility for relief. The Court should otherwise withhold action on these *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, or if appointment of CJA counsel is recommended.
- If no counseled motion will be filed, the Court should act on the motion as it deems appropriate.