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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON

9 In Re:)
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11 RETROACTIVE APPLICATION OF) GENERAL ORDER 05-14
12 U.S.S.G. AMENDMENT 782)
13)
14)

15 To promote the efficient processing of motions for a sentence reduction under the
16 retroactive application of U.S.S.G. Amendment 782, the U.S. District Courts for the
17 Western District of Washington adopt the following standing order:
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19 Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1)
20 and (c), and in accordance with the retroactive application of U.S.S.G. Amendment
21 782, the administrators for the Criminal Justice Act in the Western District of
22 Washington (“CJA”) are authorized to appoint counsel for any defendant previously
23 determined to have been entitled to appointment of counsel or found indigent by the
24 Court (i) whose name appears on the lists of defendants, potentially qualifying for a
25 reduction of sentence, supplied by the United States Sentencing Commission,
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1 Administrative Office of the United States Courts, United States Probation Office
2 ("Probation Office"), Federal Public Defender's Office, or Office of the United States
3 Attorney for the Western District of Washington ("U.S. Attorney's Office") or (ii) who
4 files a pro se motion for relief seeking a sentence reduction under the retroactive
5 application of U.S.S.G. Amendment 782. The appointment is limited to those cases
6 affected or potentially affected by this amendment and will terminate upon the district
7 court's ruling or the conclusion of the appellate process, unless otherwise ordered by the
8 Court.
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10 The Probation Office is authorized to disclose the defendants' Presentence
11 Investigation Reports or Modified Presentence Investigation Reports, Judgments, and
12 Statements of Reasons to the Federal Public Defender's Office or retained counsel, and
13 the U.S. Attorney's Office. CJA will presumptively re-appoint the attorney who last
14 represented the defendant. When that is not feasible, the Federal Public Defender's
15 Office shall be appointed unless there is a prohibitive conflict in which the prospective
16 client's interests are materially adverse to those of a current or former client. In such
17 cases, new counsel from the CJA panel will be appointed.
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19 The Office of the Clerk of Court for the Western District of Washington ("Clerk's
20 Office") is authorized to disclose to appointed or retained counsel, and the U.S.
21 Attorney's Office, documents from the defendants' case file that are not otherwise
22 available through the judiciary's Public Access to Court Electronic Records ("PACER")
23 service to determine the defendants' eligibility, the extent for relief, and conflicts.
24 Specifically, the Clerk's Office may disclose U.S.S.G. §5K 1.1 motions and orders,
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1 motions and orders related to Fed. R. Crim. P. 35, plea agreements, charging
2 documents, notices of enhancement under 21 U.S.C. § 851, transcripts available
3 pursuant to Judicial Conference policy, verdicts, orders related to U.S.S.G. Amendment
4 505, and motions under 28 U.S.C. § 2255. Appointed or retained counsel may not
5 further distribute such documents, unless otherwise ordered by the Court.
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7 Dated this 22nd day of September, 2014.
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10 Marsha J. Pechman
11 United States Chief District Judge
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