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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

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IN RE: PETITIONS FOR RETROACTIVE )  
APPLICATION OF *REHAIF V. UNITED )* GENERAL ORDER NO. 07-19  
*STATES*, No. 17-9560, 588 U.S. \_\_\_\_ (2019) ) RE: *REHAIF V. UNITED STATES*

13 In *Rehaif v. United States*, 588 U.S.\_\_\_\_, 139 S.Ct. 2191, 204 L. Ed. 2d 594 (2019) the  
14 United States Supreme Court held that in 18 U.S.C. § 922(g), the “word ‘knowingly’ applies  
15 both to the defendant’s conduct and to the defendant’s status.” 204 L. Ed. 2d at 599. This holding  
16 abrogates *United States v. Enslin*, 327 F.3d 788, 798 (9th Cir. 2003) (citing *United States v.*  
17 *Miller*, 327 F.3d 788 (9th Cir. 1997)), among other cases.

18 To promote the efficient processing of motions for relief pursuant to 28 U.S.C. § 2255 as  
19 a result of the *Rehaif* decision, the United States District Court for the Western District of  
20 Washington adopts the following order:

21 Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1)(H) and  
22 (I) and 3006A(c), the administrators for the Criminal Justice Act in the Western District of  
23 Washington (“CJA”) are authorized to appoint counsel for any defendant previously determined  
24 to have been entitled to appointment of counsel or found indigent by the Court, or who is now  
25 indigent, to determine whether that defendant may qualify to seek relief under the *Rehaif*  
26 decision.

1 CJA will presumptively appoint the Federal Public Defender's Office unless there is a  
2 prohibitive conflict in which the prospective client's interests are materially adverse to those of  
3 a current or former client. In such cases, new counsel from the CJA panel will be appointed. In  
4 cases where former CJA counsel requests reappointment in a case, the CJA Administrator will  
5 reappoint former CJA counsel to represent the defendant.

6 The Probation Office is authorized to disclose defendants' Presentence Investigation  
7 Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons  
8 to the Federal Public Defender's Office, CJA panel attorney or retained counsel, and the U.S.  
9 Attorney's Office. The Probation Office is further authorized to provide the FPD with data from  
10 its PACTS database in order to assist the FPD in identifying the universe of defendants who may  
11 be eligible for relief.

12 The United States District Court Clerk's Office is authorized to notify the Federal Public  
13 Defender of any pro se motions for relief filed pursuant to the decision in *Rehaif*. The FPD shall  
14 assist the Clerk's Office in determining whether a particular pro se motion for relief is based on  
15 *Rehaif*.

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17 Dated this 19<sup>th</sup> day of July 2019.

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20 RICARDO S. MARTINEZ  
21 CHIEF UNITED STATES DISTRICT JUDGE  
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