

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EI PASO DIVISION

2014 OCT 31 AM 10:55

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY TFW
DEPUTY

In re: Potential Sentence Reductions
for Drug Defendants under 18 U.S.C.
§ 3582(c)

STANDING APPOINTMENT ORDER

Before the Court is the Sentencing Commission's retroactive reduction of the guideline range for many drug offenses. *See* U.S.S.G. App. C., amend. No. 782; U.S.S.G. §1B1.10, p.s. (eff. Nov. 1, 2014). In the interest of applying the retroactive amendment fairly, expeditiously, and without undue expenditure of judicial resources, the Court has decided to appoint the Federal Public Defender's Office to represent defendants in these cases. Such appointment does not extend to cases of conflict, non-eligibility for appointed counsel under 18 U.S.C. § 3006A, or where other counsel has already been appointed or retained. The appointment is limited to those cases affected or potentially affected by this amendment and will terminate upon the district court's ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

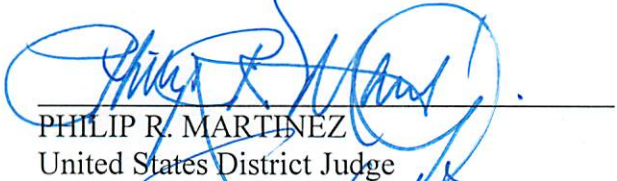
Accordingly, it is hereby ORDERED that the Federal Public Defender is appointed to represent any defendant seeking a reduction of sentence under 18 U.S.C. § 3582(c) based on the reduction authorized by Guideline Amendment No. 782 and Policy Statement §1B1.10. This order does not extend to a defendant (1) who has retained counsel, or had other counsel appointed to pursue the reduction, (2) who is not financially eligible for appointment of counsel under 18 U.S.C. § 3006A, or (3) whose case presents a conflict that would prevent the Federal

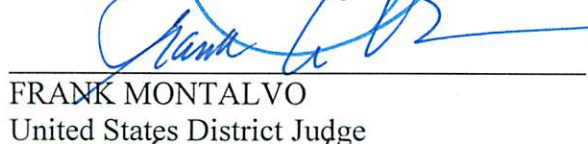
Public Defender from acting on the defendant's behalf. If a conflict prevents the Federal Public Defender from acting on behalf of a financially eligible defendant, the Defender must file a motion to substitute another counsel.

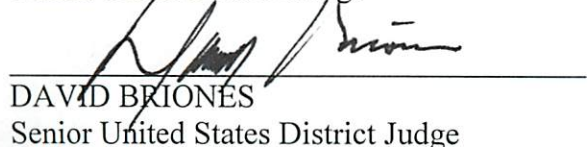
The Probation Office is authorized to disclose the defendant's Presentence Investigation Reports, Judgments, Statements of Reasons, and Bureau of Prison's Sentry reports to the Federal Public Defender's Office and the U.S. Attorney's Office.


The Office of the Clerk of Court for the Western District of Texas ("Clerk's Office") is authorized to disclose to the Federal Public Defender's Office and the U.S. Attorney's Office, documents from the defendant's case file that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendant's eligibility, the extent for relief, and conflicts. Specifically, the Clerk's Office may disclose U.S.S.G. §5K1.1 motions and orders, motions and orders related to Rule 35 of the Federal Rules of Criminal Procedure, plea agreements, charging documents, notices of enhancement under 18 U.S.C. § 851, verdicts, and motions under 28 U.S.C. § 2255. The Federal Public Defender's Office may not disclose these materials except to subsequently appointed counsel, unless otherwise ordered by the Court.


Signed this 31 day of October, 2014.


PHILIP R. MARTINEZ
United States District Judge


FRANK MONTALVO
United States District Judge


DAVID BRIONES
Senior United States District Judge


KATHLEEN CARDONE
United States District Judge


DAVID GUADERRAMA
United States District Judge