

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
OFFICE OF THE CLERK
800 Market Street, Suite 130
Knoxville, Tennessee 37902
(865) 545-4228

DEBRA C. POPLIN
Clerk of the Court

JOHN L. MEDEARIS
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(e), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's amendments to Eastern District of Tennessee Local Rule 83.9, Sentencing Proceedings. Additions are underlined; deletions are struck through.

(c) Objections to Report. Within 14 days after receiving the presentence report, counsel shall communicate to the probation officer any objections they may have as to any material information, sentencing classification, sentencing guideline ranges, and policy statements contained in or omitted from the report. Such communication must be in writing and shall be entitled "Objections of (Defendant) (Government) to Presentence Report." The party filing such a statement with the probation officer shall provide a copy to all other parties. Each objection to a factual determination shall be supported by an affidavit in support thereof. Objections that are not resolved must be filed with the Court not later than 14 days prior to the date of the sentencing hearing.

(k) Motions for Departure or Variance from Guidelines. The government shall file all motions for a departure under 18 U.S.C. § 3553(e) or section 5K1.1 of the UNITED STATES SENTENCING GUIDELINES or for a sentence below a statutory mandatory minimum at least 7 days before the sentencing hearing. Defendants seeking a downward departure must also in writing notify the Court and the government of any request for a downward departure or variance, and the grounds therefor, at least ~~7~~ 14 days before a sentencing hearing. All sentencing memoranda must be filed at least 14 days before a sentencing hearing. Failure to timely comply with this rule may result in a denial of a sentence reduction..

The foregoing amendments took effect on October 19, 2012. Comments should be directed in writing to Debra C. Poplin, Clerk of Court, by November 23, 2012, at the above address.