

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

FILED
CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: **Mar 26, 2019, 2:51 pm**

IN RE:)
 Section 603(b) of the) No: SO-19-04
 FIRST STEP ACT of 2018)

STANDING ORDER

On December 21, 2018, the President signed into law the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act (“the FIRST STEP Act” or “the Act”), Pub. L. 115-391, 132 Stat. 5194 (2018). Section 603(b) of the FIRST STEP Act reforms Title 18 United States Code section 3582(c)(1)(A) and allows a defendant to move a federal court directly for compassionate release. The defendant may move a federal court “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.”

Federal Defender Services of Eastern Tennessee (“FDSET”) is hereby **APPOINTED** to represent a defendant if that defendant files a section 3582(c)(1)(A) motion directly with this Court pursuant to section 603(b) of the FIRST STEP Act. FDSET shall file a supplement to defendant’s pro se motion without delay. If FDSET determines that defendant’s motion needs no supplementation, then FDSET shall file a notice stating so. FDSET shall also notify the defendant that it will not file a supplemental motion.

FDSET is also **APPOINTED** if a defendant contacts FDSET to file the motion on the defendant’s behalf and if FDSET determines the motion would not be frivolous. In addition, previously-appointed CJA counsel may file a motion on behalf of their clients if contacted to do so and if the previously-appointed CJA counsel determines the motion would not be frivolous.

FDSET or another attorney appointed pursuant to this Order shall file a non-frivolous motion on the defendant's behalf without delay.

FDSET shall identify any conflicts of interest and notify the Court so that other counsel can be appointed. Any defendant not previously represented by FDSET or a CJA attorney will need to complete an *in forma pauperis* application.

The United States Attorney's Office ("USAO") shall respond to a motion filed by counsel or FDSET's notice within five days.

Finally, the USAO shall promptly notify FDSET of pro se filings seeking relief under section 603(b) of the Act and maintain a list of such filings, so FDSET can satisfy its obligations under this Order. The United States Probation Office is **AUTHORIZED** to disclose relevant information to FDSET or another attorney appointed pursuant to this Order.

ENTER:

s/ Thomas A. Varlan
Thomas A. Varlan
Chief United States District Judge