

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

FILED
CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: **Feb 19, 2019, 3:27 pm**

IN RE:)
 Section 404 of the) No.: SO-19-01
 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 404 of the FIRST STEP Act allows a court to reduce the sentence of a defendant who committed an offense before August 3, 2010, if the statutory penalties for the offense were modified by sections 2 or 3 of the Fair Sentencing Act of 2010.

Because of the need to efficiently process motions pursuant to Section 404 of the Act, the Court **DIRECTS** Federal Defender Services of Eastern Tennessee (“FDSET”) to coordinate with the Court, the United States Probation Office, and the United States Attorney’s Office (“USAO”) to identify cases that may be affected by Section 404. The Court further **DIRECTS** FDSET to evaluate all such cases and maintain a list of the cases evaluated. If FDSET determines a defendant may qualify for relief under Section 404, then FDSET is hereby **APPOINTED** to represent that defendant and shall file a motion on the defendant’s behalf. 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. If FDSET determines that it will not file a motion in any case evaluated pursuant to this Order,

FDSET shall file a notice of no intention to file a motion for relief pursuant to Section 404 of the Act.

If FDSET or another attorney appointed pursuant to this Order files a motion or notice based on Section 404 of the Act, the USAO shall respond to the motion or notice within 45 days. However, if the motion filed by FDSET or another attorney states that the defendant is potentially eligible for immediate release, then the USAO shall respond within 14 days. In addition, the USAO shall promptly notify FDSET of pro se filings seeking relief under Section 404 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, including a complete list generated by Probation's PACTS database of all defendants potentially impacted by Section 404 of the Act, whether still incarcerated or on supervised release. The Probation Office, FDSET, and the USAO are encouraged to assist the Court in identifying any cases deserving of priority treatment, especially those defendants who may be eligible for immediate release.

ENTER:

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE