

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2019 JAN 29 PM 1:08

OFFICE OF THE CLERK

GENERAL ORDER NO. 2019-01

IN THE MATTER OF CASES
INVOLVING A POTENTIAL
REDUCTION IN SENTENCE
PURSUANT TO SECTION 404 OF
THE FIRST STEP ACT OF 2018.

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is hereby appointed to represent for screening purposes any defendant who is financially eligible and may be entitled to relief under § 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018), which gives retroactive effect to §§ 2 and 3 of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010).
2. In the event the Federal Public Defender should decline this appointment in a specific case because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district. In the event the Federal Public Defender or CJA Panel attorney becomes aware of information indicating the defendant is financially able to retain counsel, the Federal Public Defender or CJA Panel attorney shall notify the Court of the financial circumstances of the defendant.

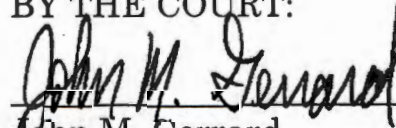
3. Upon determining that a defendant may qualify for relief under § 404 of the First Step Act, the Federal Public Defender or CJA Panel Attorney shall promptly file a separate entry of appearance and a motion asserting that the matter is ready for progression. The Federal Public Defender or CJA Panel Attorney shall consult with the Supervising United States Probation Officer for presentence reports before filing any such motion. Upon the filing of such a motion, a progression order will be entered.
4. The Office of U.S. Probation and Pretrial Services for the District of Nebraska is authorized to disclose Presentence Investigation Reports, Statements of Reasons, and Judgments to the Federal Public Defender and the United States Attorney for the purpose of determining eligibility for relief under the First Step Act. The Federal Public Defender shall provide the Presentence Investigation Report, Statement of Reasons, and Judgment to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Reports or Statements of Reasons shall be provided to inmates.
5. The Clerk of the Court is authorized to disclose documents from a defendant's case file that are not otherwise available through the judiciary's PACER service to the Federal Public Defender, CJA-appointed counsel, and the United States Attorney, to allow counsel to determine the defendant's eligibility for relief, the extent of relief, and any conflicts. Specifically, the Clerk may disclose U.S.S.G. § 5K1.1 motions and orders, motions and orders related to Fed. R. Crim. P. 35, plea agreements, charging documents, notices of enhancement under 21 U.S.C. § 851, transcripts available pursuant to Judicial Conference

policy, verdicts, orders related to U.S.S.G. Amendment 505, and motions under 28 U.S.C. § 2255. The Federal Public Defender may not distribute such documents except to subsequently appointed or retained counsel, unless otherwise ordered by the Court. Subsequently appointed or retained counsel may not further distribute such documents, unless otherwise ordered by the Court.

6. The Federal Public Defender shall provide any subsequently appointed or retained counsel with a copy of this General Order.
7. The Clerk shall provide the United States Attorney, the Federal Public Defender, and the Supervising United States Probation Officer for presentence reports with a copy of this General Order.

Dated this 29th day of January, 2019.

BY THE COURT:



John M. Gerrard

Chief United States District Judge