UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

ENTERED
FEB - 4 2019
RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West Virginia

IN RE: FIRST STEP ACT OF 2018 (December 21, 2018)
APPLICATION OF FAIR SENTENCING ACT OF 2010

STANDING ORDER

Pursuant to certain provisions of the Criminal Justice Act, Title 18, United States Code Sections 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Southern District of West Virginia is hereby appointed to represent any defendant previously determined to have been entitled to appointed counsel, or who was previously represented by retained counsel and is presently indigent, to determine whether the defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with Section 404 of the First Step Act of 2018.

The United States Probation Office for the Southern District shall provide the Office of Federal Public Defender for the Southern District and the United States Attorney for the Southern District a list of all known potential defendants where relief under the First Step Act may be applicable.

For those defendants determined by the United States Probation Office to have potential eligibility for a reduction of sentence in accordance with Section 404 of the First Step Act of 2018, the Probation Office is authorized to disclose presentence Investigation reports, Judgment and commitment order, and Statements of Reasons to the Office of the Federal Public Defender and the United

States Attorney for purposes of determining eligibility for relief. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports or Statements of Reasons shall be provided to inmates.

For purposes of filing a motion on behalf of any defendant in a closed criminal case seeking relief under Section 404 of the First Step Act of 2018 for reduction of sentence, the United States Probation Office is authorized without further order to provide to the Office of the Federal Public Defender and the United States Attorney the Presentence Investigation Report, Statement of Reasons, and the Judgement and Commitment Order. In accordance with Local Rule of Criminal Procedure 32.2(d), this order does not authorize disclosure of the probation officer's recommendation as to sentence to anyone other than the court.

The Office of the Clerk of the Southern District of West Virginia shall notify the Office of the Federal Public Defender of all pro se motions filed seeking relief under Section 404 of the First Step Act by Notice of Electronic Filing (NEF) through the CM/ECF system, so the Federal Public Defender can assume representation in a timely fashion. If the Office of the Federal Public Defender receives directly or otherwise becomes aware of any such pending motions, that office shall advise the Probation Office. If the Probation Office receives directly or otherwise becomes aware of any such pending motions, that office shall advise the Office of the Federal Public Defender.

In the event that the sentencing Judge in the original proceeding is no longer a member of the Bench of this District, the case shall be reassigned.

SO ORDERED this **4th** day of **February**, 2019.

THOMAS E. JOHNSTON, CHIEF JUDGE

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

John T. Copenhaver, Jr.
Senior United States District Judge

David A. Faber
Senior United States District Judge