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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

IN THE MATTER OF  
THE DEPARTMENT OF JUSTICE'S  
2014 CLEMENCY INITIATIVE

**ORDER**

**PUBLIC ADMINISTRATIVE ORDER**

**No. 15 - AO - 1 - P**

The Court, having been advised of the Clemency Initiative announced by the Department of Justice on April 13, 2014, and being furthered advised that at least 276 defendants serving sentences imposed by courts in the Southern District of Iowa have, by filling out a form provided by the Bureau of Prisons (BOP), requested legal assistance to prepare applications for clemency, hereby enters the following Administrative Order regarding appointment of counsel and access to records in clemency inquiry cases.

The Court is aware of the July 31, 2014, memorandum from Judge John Bates, Director, Administrative Office of the United States Courts, summarizing the opinion of the General Counsel of the Administrative Office that "there is no authority under the CJA or any other provisional law for courts to appoint Federal Defenders or CJA Panel Attorneys to represent non-capital clemency applicants under the new Executive Branch initiative." The Court is also aware that the Director's memo provides that "nothing precludes Federal Public Defender Offices from screening their own client files to identify individuals who may satisfy the criteria established under this initiative or from reviewing files to assist another attorney representing a clemency applicant."

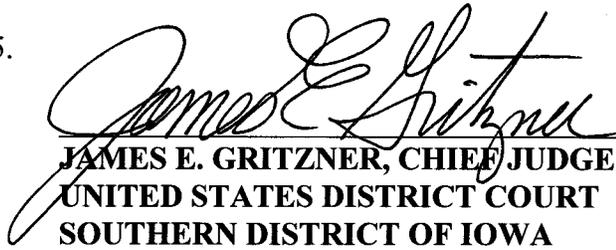
Consistent with the Director's memo, the Court also finds that the involvement of the Federal Defender's Office will have practical benefits to the Court, the probation office, and clemency applicants. The Court further finds that in order to conduct this limited review of documents to determine whether a defendant meets the criteria for the Clemency Initiative, it will be necessary for the Federal Defender's Office to access documents, including sealed documents, and other

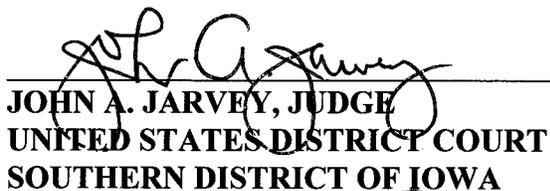
documents not available on PACER, including, but not limited to, the pre-sentence report, and Statement of Reasons.

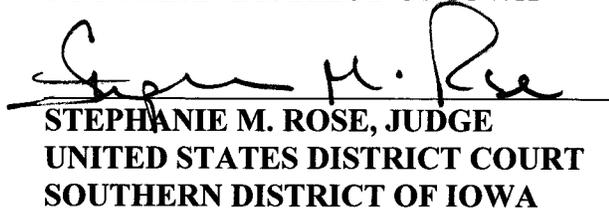
**IT IS ORDERED** that the United States Probation Office and the United States District Court Clerk's office for the Southern District of Iowa shall, upon filing of a Limited Appearance by the Federal Defender's Office, disclose Pre-Sentence Reports and Statements of Reasons, and other sealed documents, or documents not readily available on PACER, to the Federal Defender's Office for the purpose of determining the eligibility of defendants for relief under the United States Department of Justice's Clemency Initiative. This Order provides for disclosure of documents reasonably available to the United States Probation Office and the United States District Court Clerk and does not require extraordinary measures to recover documents from archives. Cases involving such extraordinary measures will be addressed individually and by separate Order of the Court.

**IT IS FURTHER ORDERED** that the Federal Defender's Office may disclose such documents to Clemency Project 2014 (CP2014) or similar organizations, or to pro-bono attorneys assigned by CP2014 or similar organizations to represent defendants seeking clemency.

Dated this 28<sup>th</sup> day of January, 2015.

  
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**JAMES E. GRITZNER, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA**

  
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**JOHN A. JARVEY, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA**

  
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**STEPHANIE M. ROSE, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA**