

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

IN RE)

Section 404 of the First Step Act of 2018,)

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Administrative Order

No. 19-40-1-P

Congress has recently enacted the First Step Act of 2018. Section 404 of the First Step Act provides that the Fair Sentencing Act of 2010 shall be retroactive to defendants sentenced before August 3, 2010. It is anticipated that there will be a significant number of inmates previously sentenced in the Southern District of Iowa who may be eligible to have the Court entertain a motion to reduce their sentence. The Court finds that it would be in the interest of justice and the orderly disposition of these cases to appoint the Office of the Federal Public Defender for the Northern and Southern Districts of Iowa (“FPDO”) to represent any defendant, previously determined to have been entitled to appointment of counsel, to determine whether that defendant may be eligible to file a motion for relief under Section 404 of the First Step Act. If the FPDO determines that the defendant may qualify for relief under Section 404 of the First Step Act, the FPDO is authorized to present any petition, motion, or application for such relief to the Court for disposition. If the FPDO determines that the defendant does not have a colorable claim for relief under the First Step Act, the FPDO shall so advise the defendant, and also advise the defendant of their right to file pro se.

If the FPDO determines that it would be more appropriate for the Criminal Justice Act (“CJA”) panel attorney who previously represented the defendant to resume his or her



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appointment to investigate and pursue any claim for relief under Section 404 of the First Step Act, and if the FPDO determines that the CJA attorney is willing and available to do so, the FPDO shall notify the Clerk of Court. Should the FPDO determine that it has a conflict with regard to the representation of a particular defendant, the FPDO will request the clerk to appoint CJA counsel.

In addition, the Court shall promptly notify the FPDO of all pending pro se motions or petitions seeking relief under Section 404 of the First Step Act so that the FPDO can assume representation in a timely fashion.

It is further ordered that the United States Probation Office and the Clerk of Court are authorized, without further order, to provide to the FPDO records in their possession, including the judgment, statement of reasons, and presentence report, for purposes of determining eligibility for relief under Section 404 of the First Step Act.

SO ORDERED this 17th day of January 2019.



JOHN A. JARVEY
CHIEF DISTRICT JUDGE