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

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

IN THE MATTER OF

ADMINISTRATIVE PROCEDURES RE:
MOTIONS FILED UNDER
18 U.S.C. § 3582(c)(2) RELATING TO THE 2007
COCAINE BASE SENTENCING GUIDELINE
AMENDMENT



ORDER

Public Administrative Order

No. 08 - AO - 4 - P

The Court hereby establishes the following procedures for reviewing motions filed under 18 U.S.C. § 3582(c)(2), relating to the retroactivity of the 2007 amendments to the cocaine base sentencing guideline (effective March 3, 2008).

PRIORITY OF CASES

It is the policy of the Court that first priority shall be given, to the maximum extent possible, to those offenders with the closest potential release date as calculated by the United States Sentencing Commission. All counsel, as well as the United States Probation Office, are requested to prioritize these cases accordingly.

INITIAL REVIEW/APPOINTMENT OF COUNSEL

If a defendant files a motion, CJA 23 financial affidavit, or other application under 18 U.S.C. § 3582(c)(2), the Court will proceed as follows:

If the defendant is named on the list provided to the Court by the United States Sentencing Commission of defendants potentially entitled to relief under the retroactive guideline amendment, the Clerk shall automatically appoint counsel for that defendant (unless the defendant has already appeared through counsel). Counsel shall then proceed as set forth in the following section.

For all other defendants, the Court shall review the motion or other application to determine whether the defendant may be entitled to relief, based on the face of the pleadings and other Court documents, including the judgment and the Presentence Report. If it plainly appears that the defendant is not entitled to relief, the Court may issue an order summarily denying the motion, which shall constitute a final order of the Court. In all other cases, the Court will appoint counsel, for the purposes of filing a more detailed motion under § 3582(c)(2), and counsel shall then proceed as set forth in the following section.

Whenever counsel is appointed, the Clerk shall notify the Probation Office, and the Probation Office shall provide a copy of the defendant's presentence report and the court's judgment and conviction with statement of reasons to counsel for the defendant and counsel for the government. Within 30 days of such appointment or appearance of counsel, the United States Probation Office shall provide counsel and the court with a summary memorandum addressing whether defendant is entitled to relief under § 3582(c)(2); and providing any supplemental information that may be pertinent to the Court's assessment of defendant's motion.

PROCEDURE FOLLOWING APPEARANCE OF COUNSEL

Once a defendant appears through counsel, counsel shall file any appropriate pleadings, motions, or applications that may be appropriate. Counsel may, but is not required to, await receipt of the Probation Office's summary memorandum before the filing of such pleadings, motions, or other applications.

Within 21 days of defense counsel's filing of the appropriate pleadings, motions, or applications noted above in this section, counsel for the United States shall file a statement with the Court setting forth its position, along with any pertinent legal memorandum or other briefing that the United States believes may be appropriate.

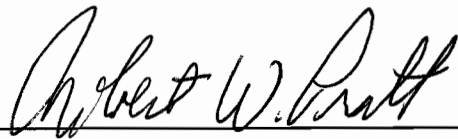
Upon receipt of the statement of the United States, the Court will set the matter for hearing, rule on the face of the pleadings, or proceed in whatever manner the Court deems appropriate.

The Court may extend or accelerate the deadlines in this section for good cause on application of any party, including the Probation Office, or upon the Court's own motion.

APPLICABILITY TO PENDING CASES

To the extent that any cases have been filed by *pro se* litigants, the Clerk of Court shall proceed as set forth herein, and the United States shall not be required to file a response unless and until required pursuant to the procedures set forth in this Order, or as required by other order of the Court.

DATED this 30th day of January, 2008.



ROBERT W. PRATT, Chief Judge
United States District Court
Southern District of Iowa