

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

**IN THE MATTER OF
§ 3582 PROCEDURES**

**ADMINISTRATIVE ORDER
No. 14-AO-9-P**

In view of the United States Sentencing Commission's decision to make certain amendments to the drug quantity table retroactive, and in anticipation of a large number of applications for sentencing reductions under 18 U.S.C. § 3582(c), the following procedures will be observed in this district:

1. Upon the filing of an application under Section 3582(c), the United States Probation Office shall prepare a memorandum analyzing whether the defendant appears eligible for a sentencing reduction. The Probation Office also shall identify any pertinent information concerning the defendant's disciplinary history or accomplishments while in the custody of the Bureau of Prisons, and the Probation Office shall append a copy of the original Presentence Report and Judgment to the memorandum. The Probation Office should give priority to those cases with the earliest projected release date.
2. A copy of each memorandum prepared by the Probation Office shall be disseminated to the assigned judge, the United States Attorney's Office, and the Federal Public Defender's Office.
3. If the Probation Office determines that the defendant is eligible for a sentencing reduction, and if the United States Attorney's Office does not object to the sentencing reduction, the United States Attorney's Office shall notify the assigned judge within 21 calendar days of the release of the Probation Office's memorandum. The Court may then elect to act on the motion without further briefing.
4. If the Probation Office determines that the defendant is eligible for a sentencing reduction, and if the United States Attorney's Office objects to a sentencing reduction (including the

extent of the proposed reduction) or otherwise disagrees with the Probation Office's analysis, the United States Attorney's Office shall file a resistance to the motion within 21 calendar days of the release of the Probation Office's memorandum. The Court may then elect to appoint counsel to represent the defendant and may elect to require further briefing or other proceedings as it deems appropriate. The Court also retains the discretion and authority to rule on the motion without requiring additional briefing, including in those situations where the Court elects *sua sponte* to overrule the Government's objections.

5. If the Probation Office determines that the defendant is not eligible for a sentencing reduction, and if either the Federal Public Defender's Office or the United States Attorney's Office believes that the defendant may be eligible for a reduction – or that the case otherwise presents one or more issues that might benefit by further briefing or argument – the Federal Public Defender's Office and/or the United States Attorney's Office shall notify the assigned judge within 21 calendar days of the release of the Probation Office's memorandum. The Court may then elect to appoint counsel to represent the defendant and may further elect to require additional briefing or other proceedings as it deems appropriate.

6. If the Probation Office determines that the defendant is not eligible for a sentencing reduction, and if neither the Federal Public Defender nor the United States Attorney's Office indicates that additional proceedings might be required (as stated above), the assigned judge may elect to rule on the motion based upon the Probation Office's recommendation. Alternatively, the assigned judge may determine *sua sponte* that further proceedings are necessary and may appoint counsel, require a response from the Government, or otherwise proceed as the Court deems appropriate.

7. If the last day of any of the 21-day periods described above falls on either a weekend or federal holiday, then any applicable response, notification, or pleading must be submitted no later than the first business day after the 21-day period has elapsed.

8. The Court may deviate from these procedures within its discretion in any particular case as it deems appropriate and in the interests of justice.

Dated this 19th day of September, 2014.



JAMES E. GRITZNER, Chief Judge
U.S. DISTRICT COURT