

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

**RE: RETROACTIVE APPLICATION  
OF U.S.S.G. AMENDMENT 821**

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**STANDING ORDER**

Pursuant to 18 U.S.C. § 3006A(a)(1) and (c) of the Criminal Justice Act, and in accordance with the retroactive application of U.S.S.G. Amendment 821, the Court hereby appoints the Office of the Federal Public Defender for the Northern District of Alabama (“FPD”) to represent any defendant previously determined to have been entitled to appointment of counsel or found indigent by the Court (i) whose name appears on the lists of defendants potentially qualifying for a reduction of sentence supplied by the United States Sentencing Commission, Administrative Office of the United States Courts, United States Probation Office, FPD, or Office of the United States Attorney for the Northern District of Alabama or (ii) who files a *pro se* motion for relief seeking a sentence reduction under the retroactive application of U.S.S.G. Amendment 821. The Probation Office shall assess whether these defendants may qualify for a reduction of sentence, and the FPD shall represent those defendants with respect to any possible motions for reductions of sentence pursuant to U.S.S.G. Amendment 821 and 18 U.S.C. § 3582(c)(2). The appointment is limited to those cases affected or potentially affected by this amendment and will terminate upon the district court’s ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

The Probation Office is authorized to disclose the defendants’ Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons to the FPD or retained counsel, and to the U.S. Attorney’s Office. The FPD shall ascertain each defendant’s eligibility for relief and whether conflicts of interest preclude it from representation. The FPD shall notify the Court upon identifying a prohibitive conflict in which the prospective

client's interests are materially adverse to those of a current or former client, in which case the Court will consider appointing a member of the Criminal Justice Act panel of this district. The FPD shall provide the Presentence Investigation Report or Modified Presentence Investigation Report, Judgment, and Statement of Reasons to any subsequently appointed counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Reports, Modified Presentence Investigation Reports, or Statements of Reasons shall be provided to inmates.

The Office of the Clerk of Court for the Northern District of Alabama is authorized to disclose to the FPD or retained counsel, and the U.S. Attorney's Office, documents from the defendants' case file that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendants' eligibility, the extent of relief, and conflicts. Specifically, the Clerk's Office may disclose U.S.S.G. § 5K1.1 motions and orders, motions and orders related to Fed. R. Crim. P. 35, plea agreements, charging documents, notices of enhancement under 21 U.S.C. § 851, transcripts available pursuant to Judicial Conference policy, verdicts, orders related to prior § 3582(c)(2) proceedings, and motions under 28 U.S.C. § 2255. The FPD may not distribute such documents.

SO ORDERED this, the 7th day of December, 2023.



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Hon. L. Scott Coogler  
Chief District Judge