

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF PROVIDING
COUNSEL FOR PERSONS ELIGIBLE
FOR RELIEF UNDER RETROACTIVE
APPLICATION OF AMENDMENT 782
TO SENTENCING GUIDELINES

STANDING ORDER

Pursuant to the Criminal Justice Act, 18 U.S.C. §§ 3006(a)(1) and (c), and finding that persons presently serving prison terms are financially eligible for appointed counsel under the provision of that Act, the Office of the Federal Public Defender for the Districts of South Dakota and North Dakota is hereby appointed to represent all defendants in criminal cases in this district who may be eligible to seek a reduced sentence based upon retroactive application of Amendment 782 to the United States Sentencing Guidelines if the drug quantity table of U.S.S.G. § 2D1.1. was used in calculating their sentence.

The purposes of this appointed representation are as follows:

1. To identify all persons with a claim for relief under the permanent guideline amendment, which was made retroactive on July 18, 2014, including persons who may have filed a pro se pleading for relief pursuant to the amendment.
2. To seek any available sentencing relief for such persons, including sentencing relief pursuant to 18 U.S.C. § 3582(c)(2).
3. To prioritize those persons with a claim for relief that must be acted upon immediately.
4. To maintain communications with all such persons to learn their wishes and

to advise them.

5. To identify any conflict of interest that would require the withdrawal of the Federal Public Defender and the appointment of new counsel.

To give effect to the purposes of this order, the United States Pretrial Services and Probation Office for the District of North Dakota is hereby authorized and directed to cooperate with the Office of the Federal Public Defender in identifying the persons who meet the criteria of inclusions set forth above and in providing the Federal Public Defender with relevant information about the affected persons, including copies of their Presentence Investigation Reports and any defense or prosecution objections thereto.

Dated this 29th day of August, 2014.

/s/ Ralph R. Erickson

Ralph R. Erickson
Chief District Judge