

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

IN THE MATTER OF:)	
)	AMENDED STANDING ORDER
PROVIDING COUNSEL FOR)	
PERSONS POTENTIALLY ELIGIBLE)	
FOR RELIEF UNDER AMENDMENT)	
821 TO THE UNITED STATES)	
SENTENCING GUIDELINES)	

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 provisions of that Act, the Office of the Federal Public Defender for the Districts of North Dakota and South Dakota is hereby appointed to represent all defendants in criminal cases in this district who may be eligible to seek a reduced or modified sentence based upon Amendment 821 to the United States Sentencing Guidelines.

The purposes of this appointed representation are as follows:

- 1) To identify all persons with a potential claim for relief under Amendment 821, which was made retroactive on August 24, 2023, including persons who may have filed a pro se pleading for relief.
- 2) To seek any available sentencing relief for such persons through appropriate pleadings, including motions under 18 U.S.C. § 3582(c)(2).
- 3) To prioritize those persons with a claim for relief which 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 which 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 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 inclusion set forth above and in providing the Office of the Federal Public Defender with relevant information about the affected

persons, including the Court's Statement of Reasons, Presentence Investigation Reports, and any defense or prosecution objections thereto.

The following standardized response and reply times apply, unless otherwise ordered by the presiding judge.

1) Motions to Reduce Sentence pursuant to Amendment 821 filed by pro se movants:

Within 7 days of the receipt of a motion to reduce sentence pursuant to amendment 821 filed by a pro se movant, the Office of the Federal Public Defender must notify the Court whether it will file a supplement to the motion by filing a "Notice of Intent to Supplement" or a "Notice of Intent to Not Supplement."

2) Response Deadlines:

a. Upon the filing of supplemental briefing by the Federal Public Defender, the United States Attorney's Office must file its response within 28 days.

b. Upon the filing of a "Notice of Intent Not to Supplement, the United States Attorney's Office must file its response within 28 days.

c. Upon the filing of a motion to reduce sentence pursuant to amendment 821 by counsel (either the Federal Public Defender or other counsel), the United States Attorney's Office must file its response within 28 days.

3) Reply Deadlines:

In all instances, the Federal Public Defender's Office may file its reply within 14 days.

IT IS SO ORDERED.

Dated this 6th day of December, 2023.

/s/ Peter D. Welte

Peter D. Welte, Chief District Judge
United States District Court