

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: RETROACTIVE APPLICATION OF
UNITED STATES SENTENCING GUIDELINE
AMENDMENT 782, RELATING TO §1B1.10(c),
EFFECTIVE NOVEMBER 1, 2014

ORDER

The United States Sentencing Commission having promulgated an amendment, effective November 1, 2014, to §1B1.10 of the United States Sentencing Guidelines (“USSG”), giving retroactive application to Amendment 782, the Court has determined that the following procedures should be implemented in order to ensure the effective and timely administration of justice:

IT IS ORDERED that the Retroactivity Screening Committee for Amendment 782 (Amendment 782 Screening Committee) is hereby created. The committee shall consist of the Chief Probation Officer for the Eastern District of Louisiana or his designee(s), as chairperson, the United States Attorney for the Eastern District of Louisiana, or his designee(s), and the Federal Public Defender for the Eastern District of Louisiana, or his designee(s). The committee is directed to screen all cases of defendants identified by the United States Administrative Office for the United States Courts (“AO”) and the United States Sentencing Commission (“USSC”) as potentially eligible for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) as a result of the retroactive application of Amendment

782, as included in USSG § 1B1.10(c), effective November 1, 2014. The committee is also directed to screen the cases of all defendants who file motions seeking reductions in sentence under 18 U.S.C. § 3582(c)(2) as a result of the retroactive application of Amendment 782. The committee shall meet, review the cases of potentially eligible defendants identified by the AO and the USSC and defendants who have filed §3582(c)(2) motions, and complete an Amendment 782 Eligibility Information Sheet for each such defendant.

The committee shall forward to the United States District Judge assigned to the case the Amendment 782 Eligibility Information Sheet, as well as pertinent documents listed therein, for each defendant identified by the AO and the USSC whom at least one committee member agrees is eligible for a § 3582(c)(2) reduction in sentence or who files a §3582(c)(2) motion for reduction in sentence as a result of the retroactive application of Amendment 782. In any case that the committee forwards to the District Judge for consideration for reduction in sentence pursuant to 18 U.S.C. §3582(c)(2), any committee member and/or counsel of record in the case shall be allowed to submit a written memorandum in letter form to the District Judge assigned to the case, and any other committee member and/or opposing counsel of record in the case shall be allowed to submit a written response memorandum in letter form. The committee members shall indicate on the Amendment 782 Eligibility Information Sheet a date by which the written memoranda in letter form shall be filed. If an appeal is filed regarding any ruling on an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. §3582(c)(2), the

record on appeal shall include the Amendment 782 Eligibility Information Sheet, pertinent documents included with the Amendment 782 Eligibility Information Sheet, any letter memoranda submitted by committee members and/or counsel of record, and any attachments to the letter memoranda provided to the District Judge.

If the committee members all unanimously agree that a defendant is not eligible for a §3582(c)(2) reduction in sentence as a result of the retroactive application of Amendment 782, and the defendant has not filed a § 3582(c)(2) motion for a reduction in sentence due to the retroactive application of Amendment 782, the committee shall not forward the Amendment 782 Eligibility Information Sheet to the District Judge unless specifically requested to do so by the District Judge.

The Federal Public Defender shall be permitted to file a motion to enroll in any case in which one member of the committee determines that the defendant is eligible to receive a §3582(c)(2) reduction in sentence as a result of the retroactive application of Amendment 782. In the event that the Federal Public Defender determines there is a conflict of interest in enrolling in such case, an attorney may be appointed through the Criminal Justice Act, 18 U.S.C. §3006A(a)(1) and (c).

New Orleans, Louisiana, this 6th day of November, 2014.



SARAH S. VANCE
Chief United States District Judge
Eastern District of Louisiana