



1 In accordance with Criminal Local Rule 44-2(a), counsel may inform the Court of  
2 his or her appearance on behalf of the defendant by electronically filing a notice of  
3 appearance. No separate court appearance for identification of counsel is required.

4 Probation shall provide the FPD a complete list, generated by Probation's data  
5 quality analyst from the PACTS database, of all known defendants sentenced for any drug  
6 offense on or before June 21, 2012 (the date of *Dorsey v. United States*, 567 U.S. 260  
7 (2012)), whether still incarcerated or on supervised release.

8 The Clerk's Office shall promptly notify the FPD of all pending *pro se* motions  
9 seeking relief under Section 404 of the First Step Act. The Clerk's Office also shall  
10 promptly notify the FPD when any new motion under the First Step Act for retroactive  
11 application of the Fair Sentencing Act is filed by an inmate *pro se*. The FPD will then  
12 have 21 days to decide whether to assume representation of the defendant. The  
13 assigned Judge should not take any action on the defendant's *pro se* filing until either the  
14 21 days expire or the parties file a status report, motion, or stipulation, whichever is  
15 earlier.

16 For purposes of determining whether to file, or litigating, a motion seeking relief  
17 under Section 404 or Section 603 of the First Step Act, Probation and the Clerk's Office  
18 are authorized without further order to provide to the FPD, CJA counsel, and the United  
19 States Attorney's Office any and all records from the court file, including: plea agreement,  
20 Presentence Report, Statement of Reasons, criminal history records, and sealed  
21 documents. Counsel shall not further distribute such documents unless so ordered by the  
22 Court.

23 Upon the filing of a motion or a proposed stipulation seeking relief under Section  
24 404 of the First Step Act, the Clerk's Office shall docket the matter under the case number  
25 of the underlying case and assign it to the Judge who presided over the underlying case  
26 for disposition pursuant to Criminal Local Rule 47-1 (Motion in a Criminal Case) or 47-4  
27 (Stipulation), respectively. In the event that the Judge in the original proceeding is no  
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longer a member of the Bench of this District, the case shall be reassigned pursuant to  
General Order 44.D.

**IT IS SO ORDERED.**

ADOPTED: January 25, 2019  
AMENDED: April 27, 2020



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Phyllis J. Hamilton  
Chief Judge