

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

In Re: Appointment of Counsel in Cases)
Potentially Involving Retroactive Application)
of the Fair Sentencing Act of 2010 Pursuant to)
the First Step Act of 2018)

ORDER

Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. §§ 3006A(a)(1) and (c), the Office of Federal Public Defender for the Middle District of North Carolina is hereby appointed to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent, and (1) who files a motion seeking retroactive application of the Fair Sentencing Act of 2010 pursuant to Section 404 of the First Step Act of 2018, or (2) whose name appears on lists supplied by the United States Sentencing Commission or the U.S. Probation Office as potentially affected by Section 404 of the First Step Act, or (3) who has been identified by the Federal Public Defender's Office for the Middle District of North Carolina as being potentially affected by Section 404 of the First Step Act. This appointment is for the limited purpose of providing general information to such defendants regarding Section 404 of the First Step Act.

In addition, the Court will enter a separate Order Appointing Counsel for purposes of pursuing relief under Section 404 of the First Step Act in each individual case for any defendant: (1) whose name appears on lists supplied by the United States Sentencing Commission or the U.S. Probation Office as potentially affected by Section 404 of the First Step Act; or (2) whose name appears on lists supplied to the Clerk's Office by the Federal Public Defender's Office for the Middle District of North Carolina as being potentially affected by Section 404 of the First Step Act of 2018; or (3) who files a motion seeking relief

pursuant to Section 404 of the First Step Act if the Court determines that appointment of counsel would be appropriate to the proceedings or in the interests of justice. The Court will appoint the Federal Public Defender's Office in each such case, but the Federal Public Defender's Office may move for substitution of counsel if necessary in a particular case. This appointment includes filing a Motion and pursuing any relief that would be warranted or appropriate in connection with the Motion.

The Clerk's Office and the U.S. Probation Office for the Middle District of North Carolina are authorized to disclose Presentence Investigation Reports and Statements of Reasons to the Federal Public Defender's Office for any such defendant included in this Order. The Federal Public Defender's Office shall provide the Presentence Investigation Reports and Statements of Reasons to any subsequently appointed or retained counsel. The U.S. Probation Office shall also provide copies of the Presentence Investigation Reports and Statements of Reasons in these cases to the Office of the U.S. Attorney for the Middle District of North Carolina. In accordance with the policy of the Federal Bureau of Prisons, Presentence Investigation Reports shall not be provided to inmates. Any Recalculation Worksheets or Supplemental Reports created by the U.S. Probation Office will be treated as Supplements to the Presentence Investigation Reports for purposes of these disclosure provisions.

IT IS SO ORDERED.

This, the 20th day of February, 2019.

 /s/ Thomas D. Schroeder
Chief United States District Judge