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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IN RE: PETITIONS FOR RETROACTIVE  
APPLICATION OF *Rehaif v. United States*,  
139 S. Ct. 2191 (2019), and *United States*  
*v. Davis*, 139 S. Ct. 2319 (2019)

GENERAL ORDER 2019-06

On June 21, 2019, the United States Supreme Court issued its opinion in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), and on June 24, 2019, the Court issued its opinion in *United States v. Davis*, 139 S. Ct. 2319 (2019). These decisions may provide certain defendants previously sentenced in this Court with grounds to seek federal habeas relief.

In the interests of justice and the efficient administration of both the Court's docket and public resources, the Court orders that, pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the District of Nevada ("FPD") is hereby presumptively appointed to represent any defendant previously determined to have been entitled to appointment of counsel, or who is now entitled to appointment of counsel, to determine whether that defendant may qualify for relief under 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of *Rehaif* or *Davis*, and to present any petitions, motions or applications relating thereto to the Court for adjudication that the FPD deems appropriate under only *Rehaif* or *Davis*. This Order does not confer additional rights.

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1 If the FPD has a prohibitive conflict and may not represent an individual  
2 defendant, the FPD will file a motion requesting that CJA counsel be appointed to  
3 represent the defendant for the *Rehaif* or *Davis* litigation, according to the regular  
4 procedures of the District of Nevada for the appointment of counsel.

5 The United States Probation Office and the United States District Court Clerk's  
6 Office are authorized to disclose to the FPD, successor counsel, and the United States  
7 Attorney's Office, upon request, documents from the defendants' case files that are not  
8 otherwise available through the judiciary's Public Access to the Court Electronic  
9 Records ("PACER") service to determine defendants' eligibility for relief, to evaluate  
10 conflicts, and to file and litigate any petitions, motions or applications under *Rehaif* or  
11 *Davis*. The Probation Office and the Clerk's Office may disclose any such documents,  
12 including plea agreements, Presentence Investigation Reports, Judgments, and any  
13 sealed documents pertinent to sentencing. No counsel may further distribute such  
14 documents unless so ordered by the Court. However, this Order does not authorize  
15 the disclosure of sealed documents that would not have been accessible to all parties  
16 in the case by the time of entry of judgment or exhaustion of appellate rights.

17 The Probation Office is further authorized to provide the FPD with data as  
18 requested from its PACTS database in order to assist the FPD in identifying the  
19 universe of defendants who may be eligible for relief.

20 IT IS SO ORDERED this 27<sup>th</sup> day of September 2019.

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24 MIRANDA M. DU, CHIEF JUDGE  
25 UNITED STATES DISTRICT COURT