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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IN RE: COMPASSIONATE RELEASE
REQUESTS UNDER THE FIRST STEP
ACT

GENERAL ORDER 2020-06

On December 21, 2018, the President signed into law the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act, Pub. L. 115-391, 132 Stat. 5194 (2018) (“the FIRST STEP Act” or “the Act”). Section 603(b) of the FIRST STEP Act reforms 18 U.S.C. § 3582(c)(1)(A) and allows a defendant to directly request compassionate release from a federal court. In particular, a defendant may move a federal court “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C. § 3582(c)(1)(A)(i). Under the provisions of the Criminal Justice Act, 18 U.S.C. § 3600(a)(1) and (C), the Court issues this Order to ensure that motions for compassionate release are timely and efficiently addressed to fulfill the purposes of the FIRST STEP Act.

The Federal Public Defender’s office (“FPD”) is hereby appointed to represent a defendant if that defendant files a *pro se* section 3582(c)(1)(A) motion directly with this Court pursuant to section 603(b) of the FIRST STEP Act. FPD must file a supplement to the defendant’s *pro se* motion within seven days. If FPD determines that a defendant’s motion needs no supplementation, then FPD must file a notice stating so within three

1 days. FPD must also notify the defendant that it will not file a supplemental motion in
2 those cases.

3 FPD is also appointed if a defendant contacts FPD to file the motion on the
4 defendant's behalf, and FPD determines the motion would not be frivolous.

5 If FPD has a prohibitive conflict and may not represent an individual defendant
6 seeking compassionate release where FPD determines the motion would not be
7 frivolous, FPD will file a motion requesting that CJA counsel be appointed according to
8 the regular procedures of the District of Nevada for the appointment of counsel.

9 Any defendant not previously represented by FPD or a CJA attorney will need to
10 complete a financial affidavit. In accordance with Temporary General Order 2020-05
11 while it remains effective, defense counsel may sign on behalf of the defendant, after
12 receiving the defendant's consent, and file the financial affidavit electronically.

13 The United States Attorney's Office ("USAO") must file a response within five
14 days of the FPD filing a motion pursuant to Section 603(b) of the Act. In the event of a
15 *pro se* motion, the USAO must file a response within seven days of the FPD's
16 supplement or notice of non-supplementation.

17 USAO must also promptly notify FPD of *pro se* filings seeking relief under section
18 603(b) of the Act so FPD can satisfy its obligations under this Order.

19 Finally, the United States Probation Office is authorized to disclose the
20 defendant's Presentence Investigation Report to FPD for the purpose of determining
21 eligibility for compassionate release.

22 DATED THIS 16th day of April 2020.



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