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JULY 19, 2023	
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE: PETITIONS FOR
RETROACTIVE APPLICATION OF
Dubin v. United States, 143 S. Ct.
1557 (2023)

GENERAL ORDER 2023-05

On June 8, 2023, the United States Supreme Court issued its opinion in *Dubin v. United States*, 143 S. Ct. 1557 (2023). This decision may provide certain defendants previously charged, convicted, or sentenced under 18 U.S.C. § 1028A 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, under 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, 28 U.S.C. § 2241, or the writ of coram nobis in light of *Dubin*, and to present any petitions, motions, or applications relating thereto to the Court for adjudication that the FPD deems appropriate under *Dubin*. This Order does not confer additional rights.

If the FPD has a prohibitive conflict and may not represent an individual defendant, the FPD will move to request that CJA counsel be appointed to represent the defendant for the *Dubin* litigation, according to the regular procedures of the District of Nevada for the appointment of counsel.

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1 The United States Probation Office and the United States District Court Clerk's
2 Office are authorized to disclose to the FPD, successor counsel, and the United States
3 Attorney's Office, upon request, documents from the defendants' case files not otherwise
4 available through the judiciary's Public Access to the Court Electronic Records ("PACER")
5 service to determine defendants' eligibility for relief, to evaluate conflicts, and to file and
6 litigate any petitions, motions, or applications under *Dubin*. The Probation Office and the
7 Clerk's Office may disclose any such documents, including plea agreements,
8 Presentence Investigation Reports, judgments, and any sealed documents pertinent to
9 the 18 U.S.C. § 1028A charge and sentencing. No counsel may further distribute such
10 documents unless so ordered by the Court. However, this Order does not authorize the
11 disclosure of sealed documents that would not have been accessible to all parties in the
12 case by the time of entry of judgment or exhaustion of appellate rights.

13 The Probation Office is further authorized to provide the FPD with data as
14 requested from its PACTS database or any similar such database to assist the FPD in
15 identifying the universe of defendants who may be eligible for relief.

16 DATED THIS 19th Day of July 2023.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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