

NOV 01 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
BY: _____
DEPUTY

IN RE: **PROCEDURE FOR RETROACTIVE APPLICATION OF AMENDMENT
821 TO THE UNITED STATES SENTENCING GUIDELINES EFFECTIVE
NOVEMBER 1, 2023**

PROCEDURAL ORDER

Below are the procedures the U.S. District Court for the Western District of Louisiana will employ to address the issues presented by Amendment 821 to the U.S. Sentencing Guidelines. These procedures pertain to motions or actions filed for reductions of sentence, pursuant to 18 U.S.C. §3582(c)(2) and U.S.S.G. §1B1.10, or as otherwise determined by the Court.

I. CASE INITIATION PROCEDURE

Potentially impacted cases for sentence reduction have been identified by the U.S. Sentencing Commission and the Administrative Office of the U.S. Courts. The U.S. Probation Office (“USPO”) will provide this list of cases to the Clerk’s Office who will then enter (1) an administrative motion to reduce sentence and (2) this order into the original criminal proceeding for each case.

Cases may also be brought before the Court on a *pro se* motion or motion of counsel. When a motion to reduce sentence is filed *pro se* or by counsel, the Clerk’s Office will enter this order into the original criminal proceeding.

In the event that the sentencing judge in the original criminal proceeding is no longer a member of the Bench and the case has not been previously reassigned, the case shall be reassigned pursuant to this Court’s Standing Order 1.62.

II. APPOINTMENT OF COUNSEL

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §3006A(a)(1) & (c), the Office of the Federal Public Defender (“FPD”) is hereby appointed to represent any criminal defendant identified who may qualify for relief under Amendment 821 to the U.S. Sentencing Guidelines. In the event of a conflict, the Court authorizes appointment of counsel from the Criminal Justice Act panel members. The appointment will terminate upon the district court’s ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

The USPO is authorized to disclose sentencing documents to the FPD, including the plea agreement, plea agreement addendum, presentence investigation report (“PSR”) with any addendums, revisions, or objections, judgment, statement of reasons, and previous retroactivity reports.

III. RETROACTIVITY REPORT PROCEDURE

The USPO is authorized to review all cases in this district potentially impacted by Amendment 821 whether identified by the U.S. Sentencing Commission and the Administrative Office, if brought on a *pro se* motion or motion of counsel, or as otherwise determined by the Court.

Within 30 days of the filing of a motion to reduce sentence pursuant to Amendment 821, the USPO will prepare and file under seal a Retroactivity Report and provide a copy to a representative of the United States Attorney's Office and FPD’s Office. The Report shall include:

1. The defendant’s eligibility for a reduction in sentence under Amendment 821;
2. The Guideline calculation from the original sentencing;
3. Any revised Guideline calculation under a previous retroactive amendment;
4. A revised Guidelines calculation under Amendment 821;

5. The defendant's current projected release date;
6. Factors for consideration under U.S.S.G. § 1B1.10:
 - a. Public safety considerations;
 - b. Post-sentencing conduct in the B.O.P. including significant disciplinary reports, rehabilitation programs, and education/vocational programs;
7. Any other information deemed relevant by the USPO.

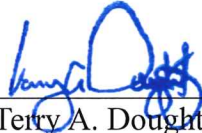
In addition to the above, the USPO shall attach the PSR, judgment, and statement of reasons for the defendant to the Retroactivity Report.

IV. CASE RESOLUTION PROCEDURE

Once the Retroactivity Report has been filed, each party shall have 45 days to file any objections and/or any sentencing memorandum setting forth his/her position. In due course, the Court will review all filings in connection with the motion for reduction in sentence and issue a ruling.

It is so ordered.

Monroe, Louisiana, this 1st day of November, 2023.



Honorable Terry A. Doughty
Chief U. S. District Judge