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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT LOUISIANA
BY: 

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**IN RE: PROCEDURE FOR HANDLING CASES IDENTIFIED AS POTENTIALLY
ELIGIBLE FOR RELIEF UNDER THE FIRST STEP ACT OF 2018**

STANDARD PROCEDURAL ORDER

This Standing Procedural Order governs motions for reduction of sentence pursuant to the First Step Act of 2018 (the First Step Act or FSA).

I. CASE INITIATION PROCEDURE

The United States Probation Office is authorized to review all cases in this district identified by the U.S. Sentencing Commission, Administrative Office of the U.S. Courts, U.S. Probation Office Database, Federal Public Defender's Office, or a motion to reduce sentence filed *pro se* or by counsel. This Standard Procedural Order and the Administrative Order appointing the Federal Public Defender shall be filed by the Clerk of Court's Office in each case.

II. RETROACTIVITY REPORT PROCEDURE

Once a case is identified, the United States Probation Office is to prepare a retroactivity report and serve that report on a representative of the United States Attorney's Office and counsel of record for the Defendant. Reports shall include the following:

- a. Defendant's eligibility for reduction in sentence under the First Step Act;
- b. The Guideline calculation from the original sentencing;
- c. Any revised Guideline calculation under a previous retroactive amendment;
- d. A revised Guideline calculation under the FSA;
- e. The quantity of drugs used in the revised Guideline calculation;

- f. Defendant's current projected release date;
- g. Factors for consideration under U.S.S.G. § 1B1.10:
 - i. Public safety consideration;
 - ii. Post-sentencing conduct in the B.O.P. including significant disciplinary reports, rehabilitation programs, and education/vocational programs;
- h. Any other information deemed relevant by the probation office.

As soon as practicable after issuance of the report, a representative from the United States Attorney's Office, the United States Probation Office, and counsel for the Defendant shall conference to determine if there is any objection to the report and to determine if all parties agree as to a joint sentencing recommendation to the district court. In order to expedite this conference and to allow all parties to have access to needed information, the Clerk's Office is authorized to provide copies of any sealed motions seeking sentencing reductions based on the defendant's cooperation (U.S.S.G. § 5K1, 18 U.S.C. § 3553(e), or FED. R. CRIM. P. 35(b)) upon request to a representative of the United States Attorney's Office and counsel for the Defendant.

If a joint resolution is reached at the conference, the probation office shall prepare an addendum to the retroactivity report stating that all parties are in agreement as to the revised guideline calculation and setting out the joint sentencing recommendation.

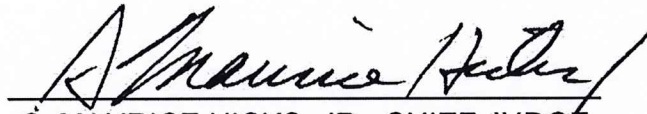
If a joint resolution is not reached at the conference, any objecting party shall submit its written objection(s) to the United States Probation Office. The United States Probation Office shall then prepare an addendum to the retroactivity report that includes these written objections and any response to them by the Probation Office.

After the addendum to the retroactivity report is prepared, the Probation Office shall serve a copy on a representative from the United States Attorney's Office, counsel for the defendant, and the Court.

III. DISTRICT COURT PROCEDURE

Once the retroactive report and addendum are submitted to the Court and all parties, each party shall have 30 days to file a sentencing memorandum with the Court setting forth his/her position. After the district court acts, either granting or denying the reduction, the retroactive report and addendum shall be filed into the record under seal.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 8th day of July, 2019.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT