

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF)
MOTIONS SEEKING RETROACTIVE)
APPLICATION OF AMENDMENT 782 TO THE)
UNITED STATES SENTENCING GUIDELINES)

GENERAL ORDER

Proposed Amendment 782 to the United States Sentencing Guidelines (“Amendment 782”) will go into effect on November 1, 2014, unless Congress rejects or modifies the Amendment before that date. Once effective, Amendment 782 will reduce the base offense levels for most drug offenses by two levels and will be applied retroactively. The vehicle for seeking Amendment 782 relief will be by motion or petition, filed pursuant to 18 U.S.C. § 3582(c)(2).

The district court cannot appoint a Criminal Justice Act attorney or private counsel to represent a defendant seeking a sentence reduction pursuant to Amendment 782. *See United States v. Foster*, 706 F.3d 887 (7th Cir. 2013) (district court was not authorized to appoint counsel for a defendant seeking relief pursuant to 18 U.S.C. § 3582(c)(2)).

As a service to the affected defendants, the Indiana Federal Community Defenders Office, Inc. (“IFCD”), is willing to enter its appearance on behalf of defendants sentenced in the Southern District of Indiana who file a motion or petition seeking an Amendment 782 sentence reduction. Any such appearance is voluntary on the part of the IFCD initially, but once the IFCD appears the attorney-client relationship attaches. Such appointment will not prevent the IFCD from seeking to withdraw from

representation on the basis of a conflict or because it determines that an Amendment 782 petition is frivolous.

The Clerk is directed to notify the IFCD of any 18 U.S.C. § 3582(c)(2) petitions, motions or requests for an Amendment 782 sentence reduction filed on or after November 1, 2014.

SO ORDERED.

All of which is done at Indianapolis, Indiana, this 4th day of September, 2014.

For the Court,



RICHARD L. YOUNG, Chief Judge
United States District Court