

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

IN THE MATTER OF )  
MOTIONS SEEKING RELIEF )  
UNDER *REHAIF V. UNITED STATES* )  
OR *UNITED STATES V. DAVIS* )

**GENERAL ORDER**

In *Rehaif v. United States*, 588 U.S. \_\_\_, 139 S.Ct. 2191 (2019), the United States Supreme Court held that in 18 U.S.C. § 922(g), the “word ‘knowingly’ applies both to the defendant’s conduct and to the defendant’s status.” 204 L. Ed. 2d at 599. Days later, the Court held in *United States v. Davis*, 588 U.S. \_\_\_, 139 S.Ct. 2319, 2336 (2019) that the residual clause of 18 U.S.C. § 924(c)(3)(B) is unconstitutionally vague.

The Court expresses no opinion as to whether or how these decisions might affect any previously adjudicated case. However, to promote the efficient processing of motions for relief in any closed case as a result of the *Rehaif* and *Davis* decisions, the United States District Court for the Southern District of Indiana hereby appoints the Office of the Indiana Federal Community Defenders to represent any defendant previously determined to have been entitled to appointment of counsel, or who was previously represented by retained counsel and is presently indigent, to determine whether that defendant may qualify to relief under *Rehaif* or *Davis*. Any such appearance is voluntary on the part of counsel initially, but the attorney-client relationship attaches upon appearance. Such appointment will not prevent counsel from later seeking to withdraw from the representation.

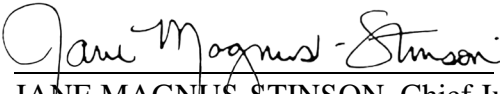
Upon counsel’s appearance on behalf of a defendant seeking relief under *Rehaif* or *Davis*, the United States Probation Office for the Southern District of Indiana and the United States

District Court Clerk's Office for the Southern District of Indiana are authorized to disclose to counsel, without further order, case records including Presentence Investigation Reports, Judgments in a Criminal Case, Statements of Reasons, criminal history records, and any sealed documents for purposes of determining whether to file, or filing, a motion on behalf of any defendant. However, this Order does not apply to and does not authorize disclosure of the United States Probation Office's sentencing recommendation. In accordance with Federal Bureau of Prisons policy, counsel is prohibited from providing Presentence Investigation Reports or Statements of Reasons to inmates.

SO ORDERED.

*All of which is done at Indianapolis, Indiana, this 21st Day of August, 2019.*

For the Court,

  
JANE MAGNUS-STINSON, Chief Judge  
United States District Court