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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF } GENERAL ORDER NO. 19-11
APPOINTMENT OF COUNSEL AND }
ACCESS TO SEALED DOCUMENTS }
IN CRIMINAL CASES POTENTIALLY }
AFFECTED BY THE FIRST STEP ACT }

On December 21, 2018, the First Step Act of 2018 (FSA) was enacted. Section 603 of the Act may provide certain defendants previously sentenced in this Court with grounds to seek sentence reductions under 18 U.S.C. § 3582(c)(1)(A).

Pursuant to 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to efficiently process petitions under Section 3582(c)(1)(A) as amended by Section 603 of the FSA, IT IS HEREBY ORDERED that the Federal Public Defender for the Central District of California is appointed to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now entitled to the appointment of counsel, to evaluate whether that defendant may qualify for a sentence reduction under Section 3582(c)(1)(A) as amended by Section 603 of the FSA, and to present any motions relating thereto to the Court for disposition.

If the Federal Public Defender’s Office (FPDO) or previously appointed counsel believes there is a conflict that would prevent the FPDO from assuming appointment

1 for an individual defendant, counsel shall bring such conflict to the attention of the
2 Court for adjudication of the issue.

3 To evaluate a defendant's eligibility, counsel may need access to sealed case
4 records, which requires a written order of the Court. *See* L.R. 79-7.1. Rather than
5 entertain applications for such orders in each individual case, *see* L.R. 79-7.2, the
6 Court has determined that it would be more efficient to address the disclosure of all
7 such records through this General Order.

8 Accordingly, IT IS HEREBY ORDERED that the Clerk is authorized to provide
9 the United States Attorney's Office (USAO) with copies of sealed case records when:

- 10 (1) the USAO submits a written request for copies of sealed records,
11 identifying the case number(s) and defendant(s) to which the request
12 relates; and
13 (2) the request is made expressly pursuant to this General Order, with a
14 certification that it is being made for purposes of contemplated litigation
15 regarding a defendant's eligibility for a sentence reduction pursuant to
16 Section 3582(c)(1)(A) as amended by Section 603 of the FSA.

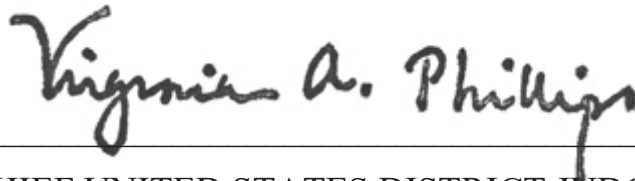
17 To the extent possible, the request should be limited to documents that are
18 relevant to determining whether a defendant may qualify for a sentence reduction, and
19 should identify those documents by their docket numbers or by a date range within
20 which all sealed filings are requested. Because it may not always be possible to
21 identify the relevant sealed documents from the docket, however, the USAO may
22 request all sealed documents filed in such a case. Notwithstanding the foregoing, the
23 Clerk is not authorized to provide to the USAO copies of any documents filed "in
24 camera" by a defendant, or of any transcripts or minutes of proceedings held outside
25 the presence of counsel for the government.

26 Requests submitted pursuant to this General Order may be submitted UNDER
27 SEAL and may seek records from multiple cases in one request. Requests should be
28 submitted in paper format, and the Clerk's Office shall not file or docket a request in

1 any case, but shall maintain all such requests UNDER SEAL. The USAO need only
2 provide one copy of a request to the Clerk's Office, regardless of the number of cases
3 addressed in the request. It is not necessary to electronically file a Notice of Manual
4 Filing for any such request.

5 The United States Probation and Pretrial Services Office for the Central District
6 of California is authorized to disclose Presentence Investigation Reports and
7 Judgments to the USAO and FPDO for the purpose of determining eligibility for a
8 sentence reduction under Section 3582(c)(1)(A) as amended by Section 603 of the
9 FSA. The USAO and FPDO are each authorized to provide copies of any records in
10 their possession or obtained pursuant to this General Order to the other for purposes of
11 evaluating and litigating any defendant's eligibility for such a sentence reduction. The
12 USAO and FPDO are also authorized to provide copies of records relating to a specific
13 defendant obtained pursuant to this General Order to that defendant's counsel of
14 record; defense counsel, in turn, is authorized to provide those records to the defendant
15 and to any successor counsel. Counsel shall not otherwise disseminate any such sealed
16 records. If the records are to be re-presented to this Court, the Ninth Circuit, or the
17 Supreme Court, they must be presented under seal.

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19 IT IS SO ORDERED.

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23 CHIEF UNITED STATES DISTRICT JUDGE

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25 *Date of Approval by the Court:* October 22, 2019

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27 *Date of Filing by the Clerk:* October 22, 2019