

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

IN RE: CRACK RETROACTIVITY CASES)
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Chief Judge Curtis L. Collier
SO-11-07

STANDING ORDER

The United States Sentencing Commission promulgated a temporary, emergency amendment to the sentencing guidelines regarding crack cocaine offenses on October 15, 2010. On April 6, 2011, the Commission re-promulgated the temporary amendment as a permanent amendment, effective November 1, 2011. On June 30, 2011, the Commission voted to give retroactive effect to the permanent guideline amendment, also effective November 1, 2011.

Because of the large number of defendants who may be affected by this retroactive amendment, the Court **APPOINTS** Federal Defender Services of Eastern Tennessee (“FDS”) to represent all defendants unless the defendant has retained counsel or the previously appointed CJA attorney wishes to represent the defendant.

FDS will identify defendants with a claim for relief under the amended guidelines and represent such defendants in filing motions for reduced sentences under the amendment. FDS shall identify any conflicts of interest and notify the Court so new counsel can be appointed. Any defendant who was not previously represented by FDS or a CJA attorney will need to complete an in forma pauperis application.

The United States Probation Office is **AUTHORIZED** to disclose relevant information to FDS, including the identities of defendants it has identified as being affected by the amendment and presentence investigation reports. The Probation Office, FDS, and the United States Attorney’s

Office are encouraged to assist the Court in identifying those cases deserving of priority treatment, i.e., those cases where a defendant's release date is near.

Motions in cases originally assigned to Judge Jarvis and which have not been previously reassigned will be **ASSIGNED** on a rotating basis to Judges Thomas Phillips and Thomas Varlan. Motions in cases originally assigned to Judge Edgar will be **ASSIGNED** on a rotating basis to Chief Judge Curtis L. Collier and Judge Harry S. Mattice.

SO ORDERED.

ENTERED BY THE COURT OCTOBER 14, 2011:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE