

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

IN RE: FAIR SENTENCING ACT CASES)

SO-12-03

STANDING ORDER

The Fair Sentencing Act of 2010 (“FSA”) went into effect on August 4, 2010. On June 22, 2012, the United States Supreme Court held that the FSA applies retroactively, *Dorsey v. United States* and *Hill v. United States*, 132 S.Ct. 2321 (2012).

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

FDSET will identify defendants with a claim for relief under the FSA and represent defendants in filing for relief. FDSET shall identify any conflicts of interest and notify the Court so new counsel can be appointed. Any defendant who was not previously represented by FDSET 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 FDSET, including the identities of defendants it has identified as being affected by FSA and presentence investigation reports. The Probation Office, FDSET, 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 assigned to Judge James H. Jarvis will be **REASSIGNED** on a rotating basis to Judge Thomas W. Phillips and Judge Thomas A. Varlan. Motions in cases originally

