

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**IN RE: FIRST STEP ACT OF 2018 (Dec. 21, 2018) APPLICATION OF FAIR  
SENTENCING ACT**

**Miscellaneous No. 3:19-MC- 3**

**STANDING ORDER**

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Northern District of West Virginia is hereby appointed 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 seek reduction of sentence and to present any motions or applications for reduction of sentence in accordance with Section 404 of the First Step Act of 2018.

The United States Probation Office for the Northern District of West Virginia shall provide the Office of the Federal Public Defender and the United States Attorney a complete list, generated by Probation's data quality analyst from the PACTS data base, of all known potential defendants where relief under the First Step Act may be applicable.

For those defendants determined by the United States Probation Office to have potential eligibility for a reduction of sentence in accordance with Section 404 of the First Step Act of 2018, the Probation Office is authorized to disclose Presentence Investigation Reports, Judgment and Commitment Orders, and Statements of Reasons to the Office of the Federal Public Defender and the United States Attorney for the purpose of determining eligibility for relief. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports or Statement of Reasons shall be provided to inmates.

For purposes of filing a motion on behalf of any defendant in a closed criminal case seeking relief under Section 404 of the First Step Act for reduction of sentence, the United States Probation Office is authorized without further order to provide to the Office of the Federal Public Defender and the United States Attorney the Presentence Investigation Report, Statement of Reasons, and the Judgment and Commitment Order. This order does not authorize disclosure of the sentencing recommendations.

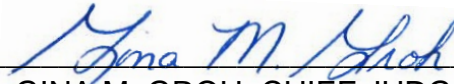
The Office of the Clerk for the Northern District of West Virginia shall notify the Office of the Federal Public Defender of all pro se motions filed seeking relief under

Section 404 of the First Step Act of retroactive application of the Fair Sentencing Act by Notice of Electronic Filing (NEF) through the CM/ECF filing system, so the Federal Public Defender can assume representation in a timely fashion. If the Office of the Federal Public Defender receives directly or otherwise becomes aware of any such pending motions, that office shall so advise the Chief Judge and the United States Probation Office. If the United States Probation Office receives directly or otherwise becomes aware of any such pending motions, that office shall so advise the Chief Judge and the Office of the Federal Public Defender.

In the event that the sentencing Judge in the original proceeding is no longer a member of the Bench of this District, the case shall be reassigned.

**IT IS SO ORDERED.**

Dated: January 17, 2019.

A handwritten signature in blue ink, appearing to read "Gina M. Groh", is written over a horizontal line.

GINA M. GROH, CHIEF JUDGE