

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF:)
)
)
MOTIONS SEEKING RETROACTIVE)
APPLICATION OF AMENDMENT 821 TO THE)
UNITED STATES SENTENCING GUIDELINES)
)
)
)

No. 23-mc-00001

GENERAL ORDER /
ADMINISTRATIVE POLICY
2023-41

GENERAL ORDER

Proposed Amendment 821 to the United States Sentencing Guidelines ("Amendment 821") will go into effect on November 1, 2023, unless Congress rejects or modifies the Amendment before that date. Once effective, Amendment 821 will reduce the impact of criminal history points on certain criminal defendants' sentences and will apply retroactively to previously sentenced defendants. The vehicle for seeking Amendment 821 relief will be by motion or petition filed pursuant to 18 U.S.C. § 3582(c)(2). Although motions and proceedings for Amendment 821 relief may occur beginning November 1, 2023, orders granting relief will not be effective until February 1, 2024.

To promote the efficient processing of motions for relief in any closed case as a result of Amendment 821, the United States District Court for the Southern District of Indiana hereby appoints the Office of the Indiana Federal Community Defenders to represent any currently incarcerated 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 for Amendment 821 relief. 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.

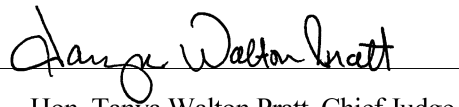
Upon counsel's appearance on behalf of a defendant seeking Amendment 821 relief, the United States Probation Office for the Southern District of Indiana and the United States District

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.

SO ORDERED.

For the Court,

Date: 10/26/2023

A handwritten signature in black ink, reading "Tanya Walton Pratt", is written over a horizontal line.

Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana