

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

UNITED STATES OF AMERICA,)
)
 v.)) No. IP 94-CR-0147-1-H/F
)
 LAVANTA GARTH,)
)
 Defendant.)

**Entry Appointing Counsel and
Directing Development of Motion for
Modification of Sentence Pursuant to 18 U.S.C. § 3582**

I.

A copy of the defendant's motion for modification of sentence pursuant to 18 U.S.C. § 3582 shall be sent to the following with a copy of this Entry:

Office of the United States Attorney
10 West Market Street Suite 2100
Indianapolis, IN 46204-3048

United States Probation Office
Room 101
Birch Bayh Federal Building and United States Courthouse
46 East Ohio Street, Indianapolis,
Indianapolis, IN 46204

James McKinley
Indiana Federal Community Defender Program
111 Monument Circle #752
Indianapolis, Indiana 46204

II.

The Indiana Federal Community Defender (“IFCD”) is **appointed** to represent the defendant in connection with the § 3582 motion referenced in Part I of this Entry. This appointment is made pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, but does not prevent the defendant from employing private counsel. If the IFCD is unable to represent the defendant pursuant to this Entry, a notice to that effect shall be filed and representation by a panel attorney or other counsel shall be arranged. The duration of the appointment made herein is through a final disposition of the motion for modification of sentence pursuant to 18 U.S.C. § 3582 or until further order, whichever occurs first.

III.

The United States Probation Office is requested to provide the Presentence Investigation Report, Judgment and Commitment Order, Statement of Reasons, and Plea Agreement (if applicable) whereby it can be determined whether the defendant is eligible for modification of the sentence imposed in this case because of the revised Drug Quantity Table in U.S.S.G. § 2D1.1 as amended on November 1, 2007, through Amendment 706, as further amended on November 11, 2007, by Amendment 711.

IV.

The defendant shall have a period of **21 days after the issuance of this Entry** in which to supplement the § 3582 motion, though this may be done promptly after the information described in Part III of this Entry is actually supplied. The United States shall file a response to the § 3582 motion **within 60 days** of the notification made by the Probation Office described in Part III of this Entry, and the defendant shall have **21 days** thereafter in which to reply.

In addition, if the parties are not in agreement concerning the resolution of the § 3582 motion but are of the view, either jointly or individually, that an evidentiary hearing will be required to resolve the motion, this position shall be noted through an appropriate filing as soon as that view becomes evident.

So ordered.

DAVID F. HAMILTON, Chief Judge
United States District Court

Date: _____

Distribution:

Office of the United States Attorney
10 West Market Street Suite 2100
Indianapolis, IN 46204-3048

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James McKinley
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111 Monument Circle #752
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def's address