

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



MAR 14 2008

CLERK, US DISTRICT COURT, WDNY

UNITED STATES OF AMERICA,

INITIAL ORDER
UNDER § 3482(c)(2)

v.

05-CR-6118 CJS

SAUL ROBINSON,

Defendant.

The defendant has filed, *pro se*, a Motion to Modify Sentence [#30] under 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10, as amended. The Court hereby appoints the Federal Public Defender for the Western District of New York to represent the defendant, subject to the defendant's qualification for and consent to representation by the Federal Public Defender.

Within thirty (30) days from the date of this Order:

1. The Federal Public Defender shall obtain a CJA Form 23 Financial Affidavit from the defendant and the defendant's consent to representation by the Federal Public Defender. In the event that the defendant does not consent to or qualify for such representation, or if the Federal Public Defender

determines that it cannot represent the defendant because of a conflict of interest, the Federal Public Defender shall immediately move the Court to withdraw as counsel and, if appropriate, provide the Court with the name of a proposed substitute counsel;

2. The United States Probation Office for the Western District of New York shall prepare and distribute to the Court and counsel a preliminary sentencing guideline recalculation setting forth the anticipated guideline range for the defendant under U.S.S.G. § 1B1.10, as amended; and
3. The government shall file a response to the defendant's *pro se* motion setting forth its position as to whether the defendant's sentence should be reduced under U.S.S.G. § 1B1.10, as amended.

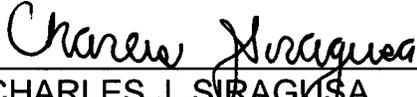
The defendant shall have two weeks from the government's response to file a reply. The Court will advise the parties if it determines that oral argument is necessary.

Subject to the defendant's consent to be represented by the Federal Public Defender, the Court hereby authorizes the United States Probation Office to provide counsel with copies of the original Presentence Investigation Report, the original Judgment, including the Statements of Reasons for the sentence imposed, and any progress reports obtained from the Bureau of Prisons. The

court also authorizes counsel to view the defendant's Sentry report in the probation office.

IT IS SO ORDERED.

Dated: Rochester, NY
March 13, 2008



CHARLES J. SIRAGUSA
United States District Judge