

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

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WESTERN U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MS James  
DEPUTY CLERK

**In re: Potential Sentence Reductions for Cocaine Base Defendants  
Under 18 U.S.C. § 3582(c)**

**STANDING APPOINTMENT ORDER**

Before the Court is the Sentencing Commission's retroactive reduction of the guideline range for many crack cocaine offenses. See U.S.S.G. App. C, amend. No. 706 (Nov. 1, 2007); U.S.S.G. 1B1.10, p.s. (eff. Mar. 3, 2008). In the interest of applying the retroactive amendment fairly, expeditiously, and without undue expenditure of judicial resources, the Court has decided to appoint the Federal Public Defender's Office to represent defendants in these cases. Such appointment does not extend to cases of conflict, non-eligibility for appointed counsel under 18 U.S.C. § 3006A, or where other counsel has already been appointed or retained.

Accordingly it is hereby ORDERED that the Federal Public Defender is appointed to represent any defendant seeking a reduction of sentence under 18 U.S.C. § 3582(c) based on the reduction authorized by Guideline Amendment No. 706 and Policy Statement 1B1.10. This Order does not extend to a defendant (1) who has retained counsel, or had other counsel appointed, to pursue the reduction, (2) who is not financially eligible for appointment of counsel under 18 U.S.C. § 3006A; or (3) whose case presents a conflict that would prevent the Federal Public Defender from acting on the defendant's behalf.

If a conflict prevents the Federal Public Defender from acting on behalf of a financially eligible defendant, the Defender must file a motion to substitute other counsel.

SIGNED this 13<sup>th</sup> day of February , 2008.

  
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ROYAL FURGESON  
U.S. District Judge

  
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FRED BIERY  
U.S. District Judge

  
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ORLANDO L. GARCIA  
U.S. District Judge

  
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XAVIER RODRIGUEZ  
U.S. District Judge