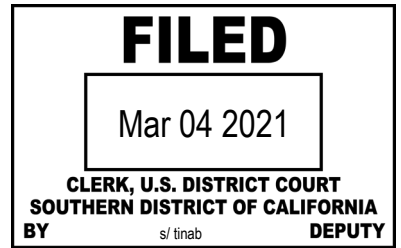


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**



In the matter of)
) General Order No. 692-B
DISTRICT PROTOCOL FOR)
PROCESSING APPLICATIONS)
UNDER FIRST STEP ACT § 603)
(2018))
_____)

This Order amends and replaces General Order No. 692-A, which was signed and implemented on November 20, 2019. In light of the emergency conditions created by the spread of COVID-19 into the federal prison system, the number of sentence reduction motions under 18 U.S.C. § 3582(c)(1)(A) (also known as “compassionate release”) has increased significantly, and the urgency of some cases to be heard and adjudicated has grown. The Court, for good cause, therefore adopts the following procedures:

- (1) Section 603(b) of the First Step Act of 2018, PL 115-391, 132 Stat. 5194 (2018), may provide certain defendants previously sentenced in this Court with grounds to seek sentence reductions under 18 U.S.C. § 3582(c)(1)(A). Pursuant to the provisions of the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A(a)(1) and (c), and due to the need to efficiently process petitions under § 3582(c)(1)(A) as amended by § 603, the Court hereby appoints

Federal Defenders of San Diego, Inc. (“Federal Defenders”) to evaluate whether any defendant previously determined to have been entitled to appointment of counsel, or now entitled to appointment of counsel, is eligible to petition the Court for compassionate release in accordance with § 603(b).

- (2) Except for cases where the judge finds, *sua sponte*, the matter appropriate for disposition on the Petition alone, the judge considering the motion will promptly notify Federal Defenders of all pending pro se motions seeking compassionate release, so that Federal Defenders can conduct a timely evaluation.
- (3) Within 21 days of being informed of a pro se motion or receiving a direct request for assistance by a defendant, Federal Defenders will evaluate the case to determine whether the person may qualify for a sentence reduction under § 3582 (c)(1)(A).
- (4) Within the 21-day period stated above, and for all pro se motions, and any direct request that may qualify for a sentence reduction, Federal Defenders will file a status report with the judge considering the motion. The status report will contain the following information:

- (a.) For pro se motions, whether the judge considering the motion can decide the motion on the existing record without further assistance of counsel;
- (b.) For pro se motions and direct requests that may qualify for a sentence reduction, where the defendant was previously represented by Federal Defenders:
 - (1) whether Federal Defenders requests reappointment of counsel or whether due to conflict of capacity, an attorney on the CJA Criminal Defense Panel or the CJA Appellate Panel (hereinafter, “the CJA Panel”) for the Southern District of California should be appointed; and
 - (2) whether the government agrees to a suggested briefing and hearing schedule;
- (c.) For pro se motions and direct requests that may qualify for a sentence reduction, where the defendant was previously represented by an attorney on the CJA Panel:
 - (1) whether the original CJA Panel attorney is available for reappointment, or if reappointment to Federal Defenders or another CJA Panel attorney is appropriate; and

- (2) whether the government agrees to a suggested briefing and hearing schedule;
- (d.) For defendants not previously determined to have been entitled to appointment of counsel:
 - (1) whether the defendant is eligible for appointment of counsel;
 - (2) whether appointment to Federal Defenders or another CJA Panel attorney is appropriate; and
 - (3) whether the government agrees to a suggested briefing and hearing schedule.
- (5) Upon receiving a status report from Federal Defenders, the judge considering the motion will issue an order (1) appointing Federal Defenders or a CJA Panel attorney or determining that appointment of counsel is unnecessary to adjudicate the motion, and (2) setting briefing and hearing dates.
- (6) Appointments must be distributed fifty percent to Federal Defenders and fifty percent to CJA Panel attorneys, and Federal Defenders is required to maintain records in this regard and submit reports to the Chief Judge every 90 days from the adoption of this order confirming the proportionate distribution ordered.

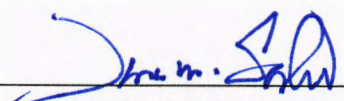
- (7) Payment of CJA Panel counsel will be processed according to the CJA Plan, and fees are limited to the statutory maximum under 18 U.S.C. § 3006A, *see* Guide to Judiciary Policy, Vol 7 Defender Services, Chapter 2, (“Guide”) § 230.23.20 (i), currently \$2,600.00.
- (8) Any request to waive the case compensation maximum is subject to § 230.23.40 of the Guide. However, in light of the complexity involved with a typical motion for compassionate release, the Court finds that waiver requests submitted on form CJA-26 for up to a maximum of \$3,500.00 in attorney fees are presumptively reasonable and will be approved without further justification, subject to a reasonableness review of subsequent CJA-20 payment vouchers to determine that excess payment is necessary to provide fair compensation.
- (9) The United States Probation Office of the Southern District of California and the United States District Court Clerk’s Office for the Southern District of California are authorized to disclose Presentence Investigation Reports, Statements of Reasons and Judgments to Federal Defenders and appointed CJA Panel counsel for determining eligibility for compassionate release and preparing compassionate release motions.

(10) Federal Defenders, appointed CJA Panel counsel, and the United States Attorney's Office are authorized to provide copies of any records in their possession or obtained pursuant to the Amended General Order to each other for purposes of evaluating and litigating a defendant's eligibility for such a sentence reduction.

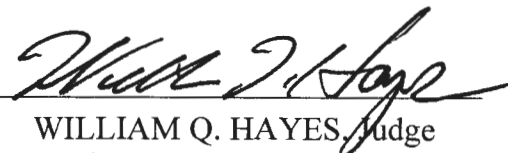
(11) To enable Federal Defenders and appointed CJA Panel counsel to determine eligibility and prepare amended or supplemental compassionate release motions, the Court directs the United States Attorney's Office to facilitate the process for Federal Defenders and appointed CJA Panel counsel to obtain the most relevant documents, including, but not limited to, the defendant's progress report, sentence computation forms, financial responsibility form, inmate education data, disciplinary data, and inmate profile and medical records.

IT IS SO ORDERED.

Dated: 3-4-21




DANA M. SABRAW, Chief Judge
United States District Court



WILLIAM Q. HAYES, Judge
United States District Court


see attached

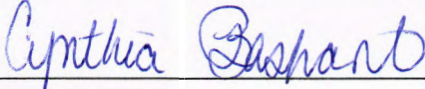
JANIS L. SAMMARTINO, Judge
United States District Court


ANTHONY J. BATTAGLIA, Judge
United States District Court

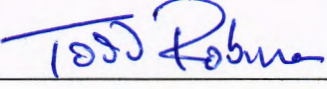
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CATHY ANN BENCIVENGO, Judge
United States District Court


GONZALO P. CURIEL, Judge
United States District Court

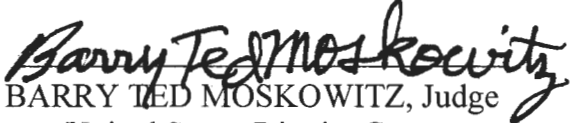


CYNTHIA BASHANT, Judge
United States District Court


TODD W. ROBINSON, Judge
United States District Court


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MARILYN L. HUFF, Judge
United States District Court


BARRY TED MOSKOWITZ, Judge
United States District Court

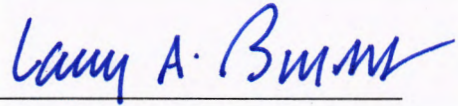


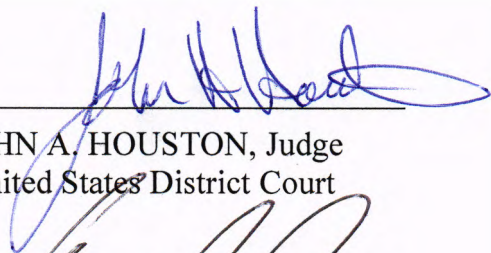
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United States District Court


THOMAS J. WHELAN, Judge
United States District Court

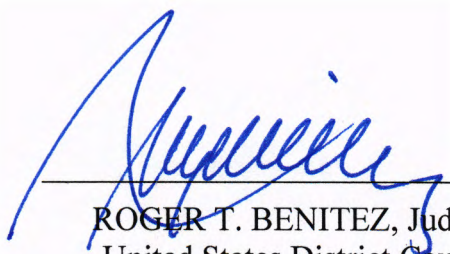
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M. JAMES LORENZ, Judge
United States District Court

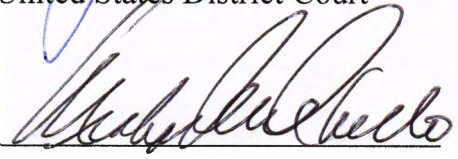

LARRY ALAN BURNS, Judge
United States District Court



JOHN A. HOUSTON, Judge
United States District Court



ROGER T. BENITEZ, Judge
United States District Court



MICHAEL M. ANELLO, Judge
United States District Court

Janis L. Sammartino

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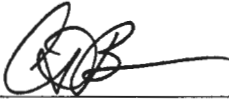
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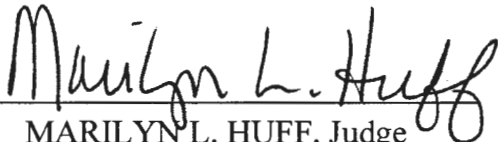
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