

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED
DEC 05 2022
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

In Re: Petitions for Retroactive)
Application of United States) **Administrative Order No. 148**
Sentencing Guidelines for Certain)
Crack Cocaine Convictions)

FIRST AMENDED ADMINISTRATIVE ORDER

In light of Seventh Circuit precedent, including *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999), which held that a proceeding under 18 U.S.C. § 3582(c) is not an ancillary proceeding mandating counsel under 18 U.S.C. § 3006A(c), and *United States v. Blake*, 986 F.3d 756 (7th Cir. 2021), as well as recent administrative guidance from the Seventh Circuit Court of Appeals, the Court **VACATES** Administrative Order No. 148, which delineates procedures for handling motions for sentencing reductions based on the retroactive application of the United States Sentencing Guidelines and authorizes the Federal Public Defender to enter an appearance on behalf of defendants who file such motions. Going forward, each presiding judicial officer will review and resolve motions as they are filed and may recruit *pro bono* counsel to represent any indigent defendant, but shall not authorize counsel paid at public expense, including the Federal Public Defender and Criminal Justice Act panel attorneys.

IT IS SO ORDERED.

DATED: December 5, 2022



NANCY J. ROSENSTENGEL
Chief U.S. District Judge