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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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IN THE MATTER OF MOTIONS FOR  
COMPASSIONATE RELEASE

**General Order**  
**22-022**

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To ensure the just and speedy resolution of a Motion for Compassionate Release under 18 U.S.C. § 3582 (Motion), the court revises and supersedes the procedures established in [General Order 20-019](#).

**1. Clerk's Office Notice of Pro Se Motions to FPD and USAO.** The Clerk's Office will electronically notify the Federal Public Defender's Office for the District of Utah (FPD), United States Probation Office for the District of Utah (USPO), and the United States Attorney's Office (USAO) for the District of Utah of all newly filed *pro se* Motions seeking compassionate release.

**2. Court Screening of the Motion.** Within 14 days after a Motion is filed, the court will screen the case to:

- a. verify whether the requirements of 18 U.S.C. § 3582(c)(1)(A) have been satisfied; and
- b. determine that, if it plainly appears from the Motion and any attached exhibits, the defendant is not entitled to relief.

If the Motion demonstrates that the defendant is not entitled to relief (e.g., the defendant has failed to exhaust all administrative rights, filed a successive motion to a

previously denied motion without identifying new extraordinary or compelling circumstances), the court will issue an order denying the Motion.

**3. Duty of FPD.** If the court has not entered an order denying the Motion, FPD must, 21 days after the Motion is filed:

- a. review motions filed by defendants who were previously represented by the FPD; or
- b. notify CJA or private counsel who represented defendants of the Motion and this Order and file that notice with the court. The notice shall state whether CJA or private counsel is no longer practicing law or otherwise unavailable to provide representation.

**4. Deadline for Notice Declining to Appear, Appearance of Counsel, or Motion to Appoint Counsel.** 28 days after the Motion is filed, previous counsel must file a:

- a. notice declining to appear in the case, which may identify any conflict or other good cause;
- b. limited appearance (consistent with DUCivR 83-1.3(b)) to assist with briefing and argument at any hearing related to resolution of the Motion. A limited appearance must include a statement, signed by or on behalf of the defendant, confirming that under DUCivR 83-1.3(b) the defendant (i) is aware of and consents to the limited appearance to assist only with briefing and argument at any hearing in this court related to resolution of

the Motion and (ii) understands they are responsible for all matters not specifically identified in the appearance; or

- c. motion requesting appointment of CJA counsel for indigent defendants whom previous counsel cannot represent because of conflict or other good cause. If more time is needed to verify the defendant's financial status, previous counsel must move the court for additional time. Previous counsel may sign a financial affidavit on behalf of the defendant, after receiving the defendant's consent. The clerk shall refer the motion to appoint CJA counsel to the duty magistrate judge.

**5. Appearance of Counsel and Notice Regarding Supplement to Motion.**

A notice must accompany an appearance of counsel, or in the case of newly appointed CJA counsel, the notice must be filed within 14 days of appointment. The notice must state:

- a. whether a supplement to the Motion will be filed; and
- b. the date by which any supplement will be filed which must be within 28 days of the filing of the notice unless the court on motion grants additional time.

**6. Duties of the USPO and USAO.** Upon defense counsel's request, the USPO or USAO are authorized, to the extent permitted by Bureau of Prisons policy, to disclose any Sentry Report data on the defendant's security level, treatment, education, medical conditions, discipline, and any other relevant records for the purpose of determining eligibility for compassionate release. Additionally, upon request, the USPO

may provide counsel with the defendant's Presentence Investigation Report, which is confidential and must be destroyed 7 days after the Motion is decided.

**7. Response to Motion.** Unless the court orders otherwise, 28 days after the notice regarding supplement to motion or supplement to the Motion is filed, whichever occurs last, the United States must respond.

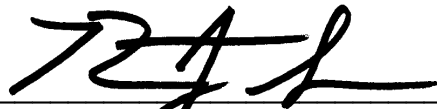
**8. Reply.** Unless the court orders otherwise, any reply must be filed 14 days after a response is filed.

**9. USPO Report.** Unless the court orders otherwise, 14 days after the United States files its response, the USPO is directed to prepare and file its report related to the Motion. The report must be filed as a sealed document in CM/ECF.

**10. Case Management.** All Motions must be filed in the original criminal case. If the presiding judge in the original proceeding is no longer serving as a judge in this District, the case must be reassigned on a random basis consistent with DUCrimR 57-2. The procedures and schedules in this General Order may be modified by an order entered in a specific case.

SO ORDERED this 13th day of December, 2022.

BY THE COURT:



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ROBERT J. SHELBY  
CHIEF UNITED STATES DISTRICT JUDGE