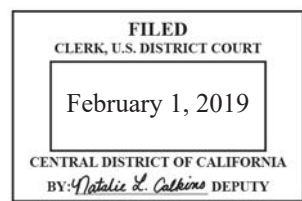


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF } GENERAL ORDER NO. 19-02
APPOINTMENT OF COUNSEL AND }
ACCESS TO SEALED DOCUMENTS }
IN CRIMINAL CASES POTENTIALLY }
AFFECTED BY THE FIRST STEP ACT }

On December 21, 2018, the First Step Act of 2018 (FSA) was enacted. Section 404 of the Act may provide certain defendants previously sentenced in this Court with grounds to seek post-conviction relief.

Pursuant to 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to efficiently process petitions under Section 404 of the FSA, IT IS HEREBY ORDERED that the Federal Public Defender for the Central District of California is appointed to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now entitled to the appointment of counsel, to determine whether that defendant may qualify for post-conviction relief under Section 404 of the FSA, and to present any petitions, motions, or applications relating thereto to the Court for disposition.

If the Federal Public Defender’s Office (FPDO) or previously appointed counsel believes there is a conflict that would prevent the FPDO from assuming appointment for an individual defendant, counsel shall bring such conflict to the attention of the

1 Court for adjudication of the issue.

2 To evaluate a defendant's eligibility, counsel may need access to sealed case
3 records, which requires a written order of the Court. See L.R. 79-7.1. Rather than
4 entertain applications for such orders in each individual case, see L.R. 79-7.2, the
5 Court has determined that it would be more efficient to address the disclosure of all
6 such records through this General Order.

7 Accordingly, IT IS HEREBY ORDERED that the Clerk is authorized to provide
8 the United States Attorney's Office (USAO) with copies of sealed case records when:

- 9 (1) the USAO submits a written request for copies of sealed records,
10 identifying the case number(s) and defendant(s) to which the request
11 relates; and
12 (2) the request is made expressly pursuant to this General Order, with a
13 certification that it is being made for purposes of contemplated litigation
14 regarding a defendant's eligibility for post-conviction relief pursuant to
15 Section 404 of the FSA.

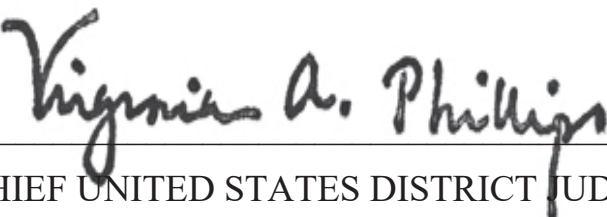
16 To the extent possible, the request should be limited to documents that are
17 relevant to determining whether a defendant may qualify for post-conviction relief, and
18 should identify those documents by their docket numbers or by a date range within
19 which all sealed filings are requested. Because it may not always be possible to
20 identify the relevant sealed documents from the docket, however, the USAO may
21 request all sealed documents filed in such a case. Notwithstanding the foregoing, the
22 Clerk is not authorized to provide to the USAO copies of any documents filed "in
23 camera" by a defendant, or of any transcripts or minutes of proceedings held outside
24 the presence of counsel for the government.

25 Requests submitted pursuant to this General Order may be submitted UNDER
26 SEAL and may seek records from multiple cases in one request. Requests should be
27 submitted in paper format, and the Clerk's Office shall not file or docket a request in
28 any case, but shall maintain all such requests UNDER SEAL. The USAO need only

1 provide one copy of a request to the Clerk's Office, regardless of the number of cases
2 addressed in the request. It is not necessary to electronically file a Notice of Manual
3 Filing for any such request.

4 The United States Probation and Pretrial Services Office for the Central District
5 of California is authorized to disclose Presentence Investigation Reports and
6 Judgments to the USAO and FPDO for the purpose of determining eligibility for post-
7 conviction relief under the FSA. The USAO and FPDO are each authorized to provide
8 copies of any records obtained pursuant to this General Order to the other for purposes
9 of evaluating and litigating any defendant's eligibility for post-conviction relief under
10 the FSA. The USAO and FPDO are also authorized to provide copies of records
11 relating to a specific defendant obtained pursuant to this General Order to that
12 defendant's counsel of record; defense counsel, in turn, is authorized to provide those
13 records to the defendant and to any successor counsel. Counsel shall not otherwise
14 disseminate any such sealed records. If the records are to be re-presented to this Court,
15 the Ninth Circuit, or the Supreme Court, they must be presented under seal.

16
17 IT IS SO ORDERED.

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19 _____
20 CHIEF UNITED STATES DISTRICT JUDGE

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22 *Date of Approval by the Court:* February 1, 2019

23 *Date of Filing by the Clerk:* February 1, 2019
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