

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Defender Motions for Sentence Reductions Under
 Section 404 of the First Step Act**

ADMINISTRATIVE ORDER

1) Section 404 of the First Step Act, enacted December 21, 2018, applies to “a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010,” and provides that the court may “impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 . . . were in effect at the time the covered offense was committed.”

2) A committee consisting of representatives of the United States Attorney’s Office, the Federal Defenders Association, and the Probation Office (“the committee”) reviewed the files of all defendants who may be eligible for relief under Section 404, in order to assess eligibility. The parties agreed that a number of defendants were eligible for a sentence reduction, and submitted proposed orders to the courts to this effect.

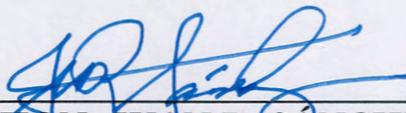
3) The parties have identified many additional cases that present various unresolved legal issues that must be resolved by the courts. These issues include, inter alia, the scope of a proceeding under the Fair Sentencing Act, the extent of the permissible reduction, if any, and the applicability of *Apprendi/Alleyne* and *Booker* in this context. The Defenders have advised that

they will file motions for sentence reductions in 30 cases, and may file motions in an additional 30 to 40 cases. The Defenders have filed more than 20 motions since April 4, 2019.

4) Although the government intends to file its responses as expeditiously as possible, in order to allow the government sufficient time to organize and respond to the motions in an orderly fashion, the government shall have a minimum of 45 days from the date of this Order to respond to the pending motions, and at least 45 days from the date of filing to respond to any future motions. No hearing shall be scheduled in any case until the government has filed a response and the court has had the opportunity to assess the issues and determine if a hearing is warranted. The government will advise in its response if it agrees that a hearing should be scheduled.

Accordingly, on this 26th day of April, 2019, it is hereby **ORDERED** that the government shall have 45 days from the date of this Order to respond to any pending Defender motions for sentence reductions under Section 404 of the First Step Act, and shall have at least 45 days from the date of filing to respond to any future Defender motions. No hearings shall be scheduled until the government has filed a response and the court has determined that a hearing is warranted.

BY THE COURT:



HON. JUAN R. SANCHEZ
Chief United States District Judge