

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

IN RE: Litigation seeking relief under *Johnson v. United States*,
135 S. Ct. 2551 (2015)

ADMINISTRATIVE STANDING ORDER

AND NOW, this 23rd day of December, 2015, in light of the United States Supreme Court's recent decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015) and the United States Sentencing Commission's consequent proposal to amend U.S.S.G. § 4B1.2, it is hereby ORDERED, pursuant to 18 U.S.C. § 3006A, that:

(1) the Federal Community Defender Office for the Eastern District of Pennsylvania ("Federal Defender") is appointed to represent all persons potentially eligible for relief under *Johnson* who were originally sentenced in the Eastern District of Pennsylvania, for the limited purpose of reviewing cases, assessing eligibility for *Johnson* relief, and notifying the defendants or their counsel of the status of such review;

(2) for those persons deemed eligible for *Johnson* relief whom the Federal Defender previously represented, the Federal Defender shall consult with them to determine whether they wish to pursue *Johnson* relief and whether they consent to the representation of the Federal Defender in doing so;

(3) for those persons deemed eligible for *Johnson* relief whom the Federal Defender did not previously represent, the Federal Defender shall consult with them to determine whether they wish to pursue *Johnson* relief and whether they consent to the representation of the Federal

Defender in doing so; and, if so, the Federal Defender shall request appointment and submit requisite financial affidavits;

(4) the United States Probation Office is hereby authorized to disclose to the Federal Defender the judgment, statement of reasons, and presentence report of those individuals identified by the Federal Defender as subject to the review described in paragraph (1) of this Order, and any other relevant additional documents necessary for such review; and

(5) the Clerk's Office shall notify the Federal Defender of all past, present, and future *pro se* motions or petitions to seeking *Johnson* relief, so the Federal Defender may take appropriate action consistent with this Order.

BY THE COURT:



Petrese B. Tucker
Chief United States District Court Judge

FEDERAL COMMUNITY DEFENDER OFFICE
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL COURT DIVISION - DEFENDER ASSOCIATION OF PHILADELPHIA

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LEIGH M. SKIPPER
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HELEN A. MARINO
FIRST ASSISTANT FEDERAL DEFENDER

December 16, 2015

Michael:
As discussed
(u)

The Honorable Petrese B. Tucker
Chief Judge, United States District Court
for the Eastern District of Pennsylvania
Room 16613 - United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

Re: *Johnson v. United States*, 135 S. Ct. 2551 (2015)

Dear Chief Judge Tucker:

Thank you again for your assistance earlier this year in securing for us information from the Sentencing Commission related to defendants sentenced in the Eastern District of Pennsylvania who are potentially eligible for relief under the Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015), which voided the residual clause of the Armed Career Criminal Act. That information, coupled with our own internal records of closed cases, has allowed us to begin reviewing our files to identify eligible defendants.

I am writing now to seek your further assistance in two respects, so that our review may proceed with the goal of identifying all eligible defendants so they may petition for relief before the one-year deadline in June 2016. First, to proceed with the review and properly account for our resources, we would require an appointment order. I have enclosed a form order for your consideration, and respectfully request that you enter it as an administrative standing order. The order is based on the appointment order you entered in August 2014 with respect to our office for the review triggered by the "drugs-minus-two" Sentencing Guidelines amendment. The order is also consistent with the October 28, 2015 memorandum from the Administrative Office of the United States Courts, encouraging the efficient identification and processing of *Johnson* claims.

Second, I noted that the information provided by the Sentencing Commission in October pursuant to your request (on our behalf) was incomplete. In his transmittal e-mail, Mr. Reedt, of the Commission, explained that lists of defendants sentenced under the following guidelines were still being compiled: U.S.S.G. §§ 2K1.3(a)(1)-(2), 2K2.4, 2S1.1(b)(1)(B)(ii), 3B1.5, and 4A1.1(e). We would kindly request that you confirm with Mr. Reedt that we still need that information. Also, there is one additional list of defendants that is needed to allow us to complete our *Johnson* review: defendants

The Honorable Petrese B. Tucker
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convicted of 18 U.S.C. § 924(c). We would greatly appreciate it if you would request that information from Mr. Reedt, as well.

Thank you again, and I appreciate the Court's assistance as my office undertakes this important review. Please let me know if Your Honor has any questions, or would like to discuss this matter.

Respectfully,



LEIGH M. SKIPPER
Chief Federal Defender

cc: The Honorable Legrome D. Davis, Chair, Criminal Business Committee
Louis D. Lappen, First Assistant United States Attorney
Peter F. Schenck, Criminal Chief, United States Attorney's Office
Matthew R. MacAvoy, Chief Probation Officer