

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

IN RE ADMINISTRATION OF PRO SE FILINGS  
UNDER SECTION 404 OF THE FIRST STEP ACT

STANDING ORDER 2019-02

This order establishes the administrative procedure for the Middle District of Georgia for the management of pro se filings seeking relief under The First Step Act. Upon the filing of the pro se petition/motion, the Clerk shall notify the United States Probation Office for the Middle District. The Probation Office shall review the petition/motion. If the Probation Office determines that the petitioner/movant is not eligible for relief under section 404 of the First Step Act, the Probation Office shall issue a brief report summarizing its reasons supporting dismissal of the petition/motion and shall forward that report to the Clerk. When the Probation Office recommends dismissal of a pro se petition/motion, the Middle District of Georgia Community Defender organization shall be appointed to represent the petitioner/movant, and the Clerk shall make the assignment without further order of the Court.<sup>1</sup> The Clerk shall forward to the

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<sup>1</sup> The Court observes that petitioners/movants seeking relief under section 404 of the First Step Act do not have the right to counsel. However, the Court exercises its discretion under the unique circumstances presented by the enactment of the First Step Act to provide limited representation by the Community Defender organization as described in this standing order. The

Community Defender with the notice of appointment the Probation Office's report recommending dismissal of the petition/motion, which report shall also be served upon counsel of record for the Government. Within 21 days of receipt of the report, the Community Defender shall show cause in writing why the petition/motion should not be dismissed and shall serve counsel of record for the Government as well as Probation Chief Bob Long. If no filing is made by the Community Defender by the deadline, the Probation Office shall submit to the judge assigned to the matter a proposed order of dismissal along with a supplemental report stating the reasons for dismissal and notification that the Community Defender was served and had not responded as required by this standing order. If the Community Defender files opposition to dismissal, the Government shall have an opportunity to respond within 21 days of service of the opposition. After the briefing is complete, the matter will be submitted to the assigned judge like any other contested matter.<sup>2</sup>

For pro se filings that the Probation Office does not recommend be dismissed based upon ineligibility, the Probation Office shall prepare a supplemental report to the original

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appointment of counsel pursuant to this standing order is limited to the purposes described in this order and shall not be expanded without further order of the court.

<sup>2</sup> Any requests for extensions of any deadlines established in this standing order shall be made to the judge assigned to the matter.

presentence report that describes the new guideline range as modified by the First Step Act. That supplemental report shall be provided to counsel of record for the Government. Government counsel shall respond in writing whether the Government opposes the petitioner/movant receiving the maximum benefit under the amended guideline calculation. If the Government does not object to the petitioner receiving the maximum benefit, the Probation Office shall submit a report along with a proposed order to the assigned judge explaining the amended guideline calculation and notifying the Court that the U.S. Attorney does not oppose a sentence that provides the maximum benefit. If Government counsel opposes petitioner receiving the maximum benefit, the Middle District of Georgia Community Defender organization shall be appointed to represent the petitioner/movant, and the Clerk shall make the assignment without further order of the Court. Within 21 days of appointment, the Community Defender shall file a brief setting forth its position regarding the resentencing of the petitioner. Counsel for the Government shall file a response within 21 days of service of the Community Defender's brief. After the briefing is complete, the matter will be submitted to the assigned judge like any other contested matter. Nothing in this standing order suggests that Petitioner is entitled to be present at any hearing.

This 10<sup>th</sup> day of April, 2019.

S/Clay D. Land  
CLAY D. LAND  
CHIEF U.S. DISTRICT JUDGE  
MIDDLE DISTRICT OF GEORGIA