

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL PIERRE JOHNSON, II

Defendant.

Case No. 3:03-cr-00153-JKS

ORDER APPOINTING COUNSEL
and SETTING SCHEDULE

On April 15, 2008, Michael Pierre Johnson, II, representing himself, filed a motion for appointment of counsel, for the purposes of re-sentencing under 28 U.S.C. § 3582(c), in light of the new sentencing guidelines with respect to "crack" cocaine.¹

IT IS THEREFORE ORDERED that:

1. The Clerk of Court shall confirm that the United States Attorney has received a copy of Docket Nos. 48 and 49, along with this Order.
2. Mr. Johnson's application for appointment of counsel, at Docket No. 48, is GRANTED. The Federal Public Defender for the District of Alaska will

¹ See Docket Nos. 48, 49; see also *Kimbrough v. United States*, 128 S.Ct. 558, 569 (2007), citing Amendments to the Sentencing Guidelines for United States Courts, 72 Fed.Reg. 28571-28572 (2007); *United States v. Ross*, 511 F.3d 1233, 1237 n. 2 (9th Cir. 2008) ("On March 3, 2008, time reductions for crack cocaine offenders sentenced prior to November 1, 2007, will be authorized pursuant to 18 U.S.C.A. § 3582(c) (2)").

designate counsel from the CJA Panel or the Federal Public Defender's office to represent Mr. Johnson in this case, for the purposes of filing a motion under section 3582(c).

3. Counsel for Mr. Johnson shall review the record, confer with him, and file a motion under section 3582(c), or other appropriate document, within sixty days from the date of this Order.
4. The Government is permitted to file a response within sixty days from the time counsel for Mr. Johnson files the motion.
5. Counsel for Mr. Johnson may file a reply within thirty days of the filing of the response.
6. A time for imposition of re-sentencing may be scheduled at a later date.

DATED this 17th day of April 2008, at Anchorage, Alaska.

/s/JAMES K. SINGLETON, JR.
United States District Judge