

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No.
)	
)	
Defendant.)	

ORDER

This matter is before the Court on the request for appointment of counsel contained in the letter indicating that she feels she is eligible for resentencing "under the amended cocaine base guidelines," filed by Defendant, _____, on _____, 20 ____ Defendant's request for appointment of counsel is **GRANTED**.

This cause is assigned to the Northern District of Indiana Federal Community Defenders, Inc., 31 E. Sibley Street, Hammond, Indiana 46320 (219/937-8020), for referral of counsel to represent the Defendant with respect to Defendant's pursuit of a reduction of sentencing pursuant to 18 U.S.C. § 3582(c)(2). The Federal Community Defenders, Inc. is directed to determine whether it can represent the Defendant. If not, an attorney from the Criminal Justice Act (CJA) panel should be assigned to represent the Defendant. If the Federal Community Defenders, Inc. accepts the case, this order constitutes their appointment upon their filing an appearance with the Court.

Once counsel is assigned, the U.S. Probation Office is directed

to provide the Government and defense counsel a copy of the Judgment & Commitment Order, Statement of Reasons for the sentence entered, and the Presentence Report (PSR) immediately. Any previous motions filed pro se by the Defendant seeking a reduction pursuant to Title 18 U.S.C. section 3582(c)(2) is hereby stricken. After receiving a copy of the Judgment & Commitment Order, Statement of Reasons, and the Presentence Report from the U.S. Probation Office, counsel for the Defendant is given 10 days within which to file a formal Motion for Reduction of Sentence pursuant to 18 U.S.C. section 3582(c)(2), if counsel feels it is appropriate. In the event that counsel for the Defendant does not feel a reduction is warranted, then a brief Notice to the Court should be filed explaining why such a reduction is inappropriate.

The U.S. Probation Office is also directed to promptly prepare a short, factual report setting forth the original guideline range and the new guideline range calculated under the amended guideline. Included within the report will be any information obtained by the U.S. Probation Office regarding public safety considerations and post-sentencing conduct while incarcerated.

If a motion for reduction of sentence is filed by Defendant's counsel, the government shall file a response within 10 days after the motion is filed or when the parties have been provided a copy of the short, factual report referenced above, whichever occurs later.

DATED: January 30, 2008

**/s/RUDY LOZANO, Judge
United States District Court**