

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 95-605-CR-SEITZ

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO SALDANA,

Defendant.

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**ORDER APPOINTING FEDERAL PUBLIC DEFENDER  
AND REQUIRING RESPONSES**

The defendant has filed a motion pursuant to 18 U.S.C. § 3582(c)(2) based upon the retroactivity of the crack amendment to the sentencing guidelines effective March 3, 2008.

Therefore, it is

ORDERED as follows:

1. Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006A, the Office of the Federal Public Defender (FPD) is **APPOINTED** to represent the defendant, who is now indigent. The Court's appointment of counsel shall not be interpreted as an indication by the Court of the defendant's eligibility for the relief requested.

2. **Within 25 days** of the date of this Order, the FPD shall determine whether the defendant qualifies to seek a reduction of sentence and, if so, shall supplement the application for reduction of sentence, in accordance with the revised base offense levels for crack cocaine, U.S.S.G.


§ 2D1.1.

3. If the FPD determines the defendant is not eligible for a reduction of sentence, it shall file a notice so indicating in lieu of a supplement to the motion.

4. If the FPD files a supplement, **within 21 days** thereafter, U.S. Probation shall provide the Court with an updated short memo indicating whether the defendant is eligible for a reduction. In that short memo to the Court, U.S. Probation shall include information as to the projected release date from prison, as well as any issues as to behavior in prison or danger to society if released.

5. **With in 10 days** after U.S. Probation files its memo, the United States Attorney shall respond to the FPD's supplement and U.S. Probation's memo.

DONE AND ORDERED in Chambers at Miami, Florida, this 21<sup>st</sup> day of July, 2008.

  
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PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Defendant  
United States Attorney  
Federal Public Defender  
U.S. Probation Office