

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

**FILED**  
CLERK'S OFFICE  
United States District Court  
Eastern District of Tennessee  
Date: *May 19, 2021, 10:42 am*

**In Re:** )  
 ) SO-21-09  
 )  
**Motions Filed under 18 U.S.C. §** )  
**3582(c)(1)(A)** ) Chief District Judge  
 ) Travis R. McDonough  
 )

---

**STANDING ORDER**

---

Under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act, Pub. L. 115-391, § 603(b), 132 Stat. 5194, 5239 (2018), defendants may seek modification of an imposed term of imprisonment after having “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.”

This Order replaces Standing Order 19-04 and provides for the appointment of counsel for motions filed under section 3582(c)(1)(A).


Federal Defender Services of Eastern Tennessee (“FDSET”) is appointed to represent each defendant who files a pro se motion under section 3582(c)(1)(A), who requests counsel for filing such a motion, or who contacts FDSET about filing such a motion, if FDSET determines the motion would not be frivolous. Similarly, CJA counsel may file a motion under section 3582(c)(1)(A) for any defendant for whom that CJA counsel was previously appointed, if contacted to do so and if CJA counsel determines the motion would not be frivolous. FDSET shall promptly identify conflicts of interest and notify the Court so other counsel may be appointed. A defendant not previously represented by FDSET or CJA counsel must complete an

application to proceed *in forma pauperis*. FDSET shall promptly notify the Court if it determines based on the number of its pending cases that a case should instead be handled by a non-FDSET attorney, and the Court may elect to appoint an attorney from a specialty panel of attorneys qualified to handle compassionate-release litigation.

The United States Probation Office is authorized to disclose relevant information to FDSET or any other attorney appointed pursuant to this order.

The United States Attorney's Office ("USAO") shall promptly notify FDSET of pro se motions under section 3582(c)(1)(A). If the USAO receives medical records from the Bureau of Prisons in connection with a motion filed pursuant to section 3582(c)(1)(A), the USAO shall file the medical records under seal without delay. The USAO shall not be required to respond to a pro se motion filed pursuant to section 3582(c)(1)(A) until the earlier of the following: (1) the Court orders the USAO to respond by a date certain; or (2) 14 days after FDSET or CJA counsel files a supplemental motion or notice that no such motion will be filed. The district judge assigned to the defendant will set all other applicable deadlines.

**SO ORDERED.**

  
\_\_\_\_\_  
TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE