

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER
23 – 0043**

**In Re: Petitions for Reduction of Imposed Sentences for
Retroactive Application of Amendment 821
Regarding Criminal History
(amending §4A1.1; creating §4C1.1)**

On April 27, 2023, the United States Sentencing Commission voted to (1) reduce by two levels the offense levels for offenders who did not receive any criminal history points under Chapter Four and whose instant offense did not involve specified aggravating factors; and (2) limit the overall impact of “status points” on certain offenders’ criminal history by amending 4A1.1. (Amendment 821); and

On August 24, 2023, the Commission voted to amend Sentencing Guideline 1B1.10 to extend Amendment 821’s reductions retroactively to defendants who are serving a sentence, with a requirement that any such reduced sentence cannot take effect until February 1, 2024; and

Both amendments are effective November 1, 2023, absent Congressional action, and it is in the interest of efficient judicial administration for consistent procedures be followed in the handling of requests seeking a reconsideration of a sentence pursuant to Amendment 821; therefore,


It is hereby ordered that the procedures listed below will apply to any such request filed with this Court in both the Eastern and Western Divisions.

1. It is ordered that the Federal Defender Program for the Northern District of Illinois is appointed generally for all cases arising in this district under 18 U.S.C. § 3582 where the defendant desires appointment of counsel and financially qualifies for such appointment.
2. It is ordered that, upon request, the Probation Office, United States Attorney’s Office, and the Federal Defender Program (or privately retained attorney) shall be permitted to disclose to each other documents necessary for resolution of any motion made or to be made pursuant to 18 U.S.C. § 3582 to any attorney of record at the time of the § 3582 litigation. Such documents may include 1) pre-sentence investigation reports; 2) judgment orders; 3) statements of reasons; and 4) Bureau of Prison records. All other restrictions that normally apply to dissemination of any of these types of records remain in effect.
3. Representatives from the United States Attorney’s Office for the Northern District of Illinois and the Federal Defender Program shall confer to identify petitioners who may be eligible for sentence reconsideration. In cases where an agreement is reached as to a specific sentence, the parties shall file a statement with the Court indicating the agreement of the parties. In cases in which there is no agreement, defense counsel may file any document defense counsel deems appropriate. Government counsel should be given an opportunity to respond to whatever motion defendant files. The court will then take appropriate action.

4. For cases where the sentencing judge is no longer sitting, and an agreed motion to reduce the sentence is filed by the United States Attorney and the Federal Defender Program, the agreed motion will be considered by the Amendment 821 Committee judges. All other cases subject to this order shall be assigned pursuant to Local Rule 40.3(b)(5).
5. The Clerk of Court is directed to send copies of this order to the Federal Defender Program and the United States Attorney, and to post this order to the Court's website.
6. The Clerk of Court is further directed to provide to the Federal Defender and the United States Attorney notice of each case/motion filed pro se that raises issues relevant to the issues discussed in this order and to send a copy of this order to the petitioner seeking a reduced sentence under Amendment 821.
7. The United States Attorney's Office shall provide the Court the following information with their agreed motions for sentence reduction when requested by the Court: The defendant's current term of imprisonment and projected release date, the total offense level, criminal history category, guideline range applicable to the defendant at the time of sentencing, and the total offense level and guideline range applicable to the defendant as a result of Amendment 821.

ENTER:

FOR THE COURT

A handwritten signature in black ink, appearing to read "Rebecca R. Pallmeyer", written over a horizontal line.

Hon. Rebecca R. Pallmeyer, Chief Judge

Dated at Chicago, Illinois this 23 day of October 2023