

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

IN RE: GENERAL ORDER  
AMENDMENT 821 TO NO. 2023-20  
SENTENCING GUIDELINES

**RETROACTIVE APPLICATION OF AMENDMENT 821  
TO THE SENTENCING GUIDELINES**

By Order of the Court, the procedures sets forth herein will apply to all proceedings in the U.S. District Court for the Middle District of Louisiana which arise as a result of Amendment 821 to the U.S. Sentencing Guidelines. These procedures pertain to motions or actions filed for reductions of sentence, pursuant to 18 U.S.C. § 3582(c)(2), or as otherwise determined by the Court.

I. IDENTIFICATION OF ELIGIBLE OFFENDERS

Offenders who are potentially eligible for sentence reduction have been identified by the U.S. Sentencing Commission, the Administrative Office of the U.S. Courts, and by search of the presentence database of the U.S. Probation Office (USPO), Middle District of Louisiana. The probation office is hereby authorized to review all cases in this district identified by the U.S. Sentencing Commission, Administrative Office of the U.S. Courts, and the Middle District of Louisiana U.S. Probation Office database, and identify offenders who are potentially impacted by Amendment 821.

II. PROCEDURE

The following is the exclusive procedure for addressing all cases which present a request for a retroactive sentence reduction pursuant to Amendment 821.

- A. The Court will enter its own Motion to Consider Reduction of Sentence for all offenders identified on the "Eligibility Report" referenced in Section II.C. upon entry of this General Order. Notice of Motion will be filed in the associated record and served on all parties.

- B. The Court hereby appoints Assistant Federal Public Defender Cristie Gautreaux-Gibbens to represent the defendants served with the Court's Motion. In the event of a conflict, the Court authorizes appointment of counsel from the CJA panel members.
- C. The probation office will submit an Eligibility Report to the presiding judge indicating a defendant's eligibility or qualification for retroactive sentence reduction under Amendment 821. The Eligibility Report will be filed in the CM/ECF record, the filing of which shall constitute notice of the eligibility determination to the parties. The parties shall have thirty (30) days from the date of filing of the Eligibility Report to submit objections to the Court. Objections shall be filed in CM/ECF with a copy to the presiding judge, the opposing party and the probation office. Objections shall be limited to the defendant's eligibility to be considered for a retroactive reduction of sentence under Amendment 821. No other objections or motions for sentence reduction will be considered by the Court under the process set forth in this General Order.
- D. The Court shall have the discretion to apply Amendment 821 retroactively to the sentence, whether identified by the U.S. Sentencing Commission, the Administrative Office of the U.S. Courts, or by search of the presentence database of the U.S. Probation Office, Middle District of Louisiana.

### III. MOTIONS BY COUNSEL OR PRO SE

- A. Cases may also be brought before the Court on a pro se motion or motion of counsel. When a motion to reduce sentence is filed pro se or by counsel, the Clerk of Court's Office will docket the motion and refer the matter to the U.S. Probation Office to make a preliminary eligibility determination under Amendment 821.
- B. The probation office will submit an Eligibility Report to the presiding judge indicating a defendant's eligibility or qualification for retroactive sentence reduction under Amendment 821. The Eligibility Report will be filed in the CM/ECF record, the filing of which shall constitute notice of the eligibility determination to the parties. The parties shall have

thirty (30) days from the date of filing of the Eligibility Report to submit objections to the Court. Objections shall be filed in CM/ECF with a copy to the presiding judge, the opposing party and the probation office. Objections shall be limited to the defendant's eligibility to be considered for a retroactive reduction of sentence under Amendment 821. No other objections or motions for sentence reduction will be considered by the Court under the process set forth in this General Order.

- C. If at any time, a defendant filing a motion pro se requests the appointment of counsel, the Court hereby appoints Assistant Federal Public Defender Cristie Gautreaux-Gibbens to represent these defendants. In the event of a conflict, the Court authorizes appointment of counsel from the CJA panel members.

#### IV. SCHEDULING ORDER

For those cases potentially impacted by Amendment 821, the following Scheduling Order is issued:

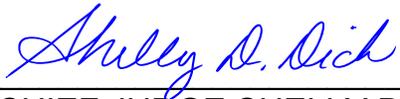
- A. **ENROLLMENT OF GOVERNMENT COUNSEL:** Upon the filing of a Notice of Motion or a pro se or counseled motion, the Office of the Clerk of Court shall enroll Assistant United States Attorney M. Patricia Jones as counsel for the United States.
- B. **THE USPO ELIGIBILITY REPORT:** The date by which the probation office shall provide the Eligibility Report will be prioritized and determined by the anticipated release date of each defendant identified as eligible for reduction. The USPO shall make the original Presentence Investigation Report and Addendum available to counsel through CM/ECF at the time of the disclosure of the USPO Eligibility Report.
- C. **SENTENCING MEMORANDUM:** The parties may submit sentencing memorandums in support of their position. The memorandum shall be submitted to the Court simultaneously with any objections.
- D. **HEARING REQUESTS:** In cases where the defendant is represented by counsel, counsel for the parties shall consult with each other prior to the deadline for filing objections to the

Eligibility Report regarding whether the matter can be resolved based on the pleadings submitted or whether a hearing is necessary to resolve the issue. Any counsel requesting a hearing shall indicate, in a separate headed section of their sentencing memorandum, the factual and legal basis for that request. No hearings will be granted unless specifically ordered by the presiding judge in the matter.

IT IS SO ORDERED.

Signed in Baton Rouge, Louisiana, this 23<sup>rd</sup> day of October, 2023

FOR THE COURT:



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CHIEF JUDGE SHELLY D. DICK  
MIDDLE DISTRICT OF LOUISIANA