

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: MOTIONS FOR
COMPASSIONATE RELEASE DURING
THE COVID-19 PANDEMIC

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Apr 21, 2020
SUE BEITIA, CLERK

**APRIL 21, 2020 TEMPORARY GENERAL ORDER REGARDING
MOTIONS FOR COMPASSIONATE RELEASE DURING THE
COVID-19 PANDEMIC**

On December 21, 2018, the FIRST STEP Act was signed into law. The FIRST STEP Act amended 18 U.S.C. § 3582(c)(1)(A) to permit a defendant to request compassionate release from a federal court as permitted by law. Specifically, a defendant may file a motion in federal court to reduce a term of imprisonment “after the defendant has 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.” 18 U.S.C. § 3582(c)(1)(A). Under the provisions of the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, and in the interests of justice, the court issues this Order to ensure that motions for compassionate release are timely and efficiently addressed to fulfill the purposes of the FIRST STEP Act.

The Federal Public Defender’s Office for the District of Hawaii (“the FPD”) is hereby appointed to represent a defendant, and file a motion on behalf of that defendant, pursuant to section 3582(c)(1)(A).

Further, if a defendant files a pro se motion with the court pursuant to section 3582(c)(1)(A), the FPD will make efforts to contact that defendant to determine if the FPD should represent that defendant, including the filing of any supplemental motion. The United States Attorney’s Office (“the USAO”) must also promptly notify the FPD of pro se filings seeking relief so the FPD can satisfy its obligations under this order. Further, this order does not require the FPD to represent any defendant seeking representation. Instead, the FPD shall exercise its sound discretion to determine whether to represent any particular defendant in

filing a section 3582(c)(1)(A) motion. If the FPD has a prohibitive conflict and cannot represent an individual defendant seeking compassionate release, the FPD will request that CJA counsel be appointed.

Any defendant not previously represented by the FPD or CJA counsel will need to complete a financial affidavit. Defense counsel may sign a financial affidavit on behalf of a defendant, after receiving that defendant's consent.

Upon request, the United States Probation Office is authorized to disclose a defendant's Presentence Investigation Report, any Bureau of Prisons Sentry Report, or any other relevant records to the FPD, CJA counsel, and the USAO for the purpose of determining eligibility for compassionate release.

This order will remain in effect until repealed by the court.

ORDERED ON BEHALF OF THE COURT:

DATED: Honolulu, Hawaii, April 21, 2020.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

In Re: Motions for Compassionate Release During the COVID-19 Pandemic, April 21, 2020
Temporary General Order Regarding Motions for Compassionate Release During the COVID-19
Pandemic