

JAN 05 2016

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ELIZABETH A. SMITH  
CLERK, DISTRICT OF IDAHO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

IN RE:

GENERAL ORDER NO. 306

Retroactive Application of *Johnson v.*  
*United States*, 135 S. Ct. 2551 (2015)

Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006A(a)(2)(B) and (c), and because of the need to efficiently process petitions under *Johnson v. United States*, 135 S. Ct. 2551 (2015), **IT IS HEREBY ORDERED** that the Federal Defender Services of Idaho (FDSI) is **APPOINTED** to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for federal habeas relief under either 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of *Johnson*, and to present any petitions, motions, or applications relating thereto to the Court for disposition. The appointment is limited to those cases affected or potentially affected by *Johnson*, and will terminate upon the District Court’s ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

FDSI will identify defendants with a claim for relief and represent such defendants in filing motions. FDSI shall identify any conflicts of interest and notify the Court so new counsel can be appointed. Any defendant who was not previously represented by FDSI or a CJA

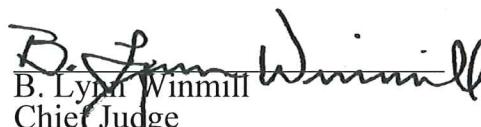
attorney will need to complete an in forma pauperis application. In cases where former CJA counsel requests reappointment in the case, the CJA administrator will re-appoint former CJA counsel to represent the defendant.

**IT IS FURTHER ORDERED** that the United States Probation Office and the United States District Court Clerk's Office are **AUTHORIZED** to disclose relevant information to FDSI, CJA panel or retained counsel, including the identities of defendants it has identified as being affected by *Johnson*, presentence investigation reports, statements of reasons and judgments. The Probation Office, defense counsel, and the United States Attorney's Office are encouraged to assist the Court in identifying those cases deserving of priority treatment, i.e., those cases where a defendant's release date is near.

**IT IS FURTHER ORDERED** that motions in any cases originally assigned to the late Judge Harold L. Ryan or to the late Judge Marion J. Callister and which have not previously been reassigned will be **ASSIGNED** on a rotating basis to Chief Judge B. Lynn Winmill and Judge Edward J. Lodge.



DATED: January 5, 2016

  
B. Lynn Winmill  
Chief Judge  
United States District Court