

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

FILE  
RICHARD W. MAGILL  
CLERK OF COURT  
2023 DEC 20 PM 2:04  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

**In Re:** :  
: **GENERAL ORDER NO. 23-05**  
: **MOTIONS FILED PURSUANT TO** :  
: **18 U.S.C. § 3582(c)(2) BY FEDERAL** :  
: **INMATES WHO MAY BE ELIGIBLE** :  
: **FOR REDUCTION IN THEIR** :  
: **SENTENCES PURSUANT TO** :  
: **UNITED STATES GUIDELINE** :  
: **AMENDMENTS 821(A) AND (B)** :  
: **AND REQUIREMENTS OF** :  
: **LOCAL RULE 7.2(a)(2)** :

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On November 1, 2023, the United States Sentencing Commission amended U.S.S.G. § 4A1.1 and promulgated U.S.S.G. § 4C1.1, which pertain to the calculation of a defendant’s criminal history score and base offense level. Further, pursuant to U.S.S.G. § 1B1.10, the Sentencing Commission has made these amendments applicable retroactively pursuant to 18 U.S.C. § 3582(c)(2), with an effective date of February 1, 2024.

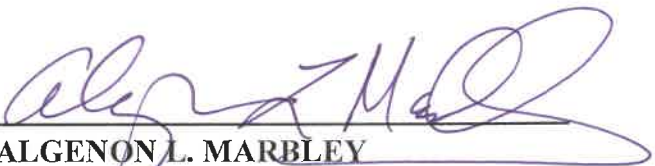
On November 16, 2023, this Court promulgated General Order 23-04, which appoints the Federal Public Defender (“FPD”) to review the list of potential defendants who may be eligible for relief. The FPD is currently meeting with representatives from the United States Attorney’s Office (“USAO”) and United States Probation (“USP”) to determine eligibility of inmates as to these Amendments.

Since the promulgation of these Sentencing Guidelines Amendments, courts in this District have received motions filed by both *pro se* defendants and by private counsel on behalf of clients seeking application of the Amendments. Pursuant to Local Rule 7.2(a)(2), a response by the USAO is due within twenty-one (21) days of the filing of any such motion. Since, however, the process of the FPD, USAO, and USP meeting to confer on eligible inmates will result in a more efficient

and speedy resolution of these matters, the Court in this Order hereby suspends Local Rule 7.2(a) as to these motions until such time as the FPD notifies the Court that the review process of eligible inmates is complete. Once the Court is notified that the review process is complete, the Court will issue a subsequent order rescinding this Order. The USAO will then have twenty-one (21) days from the date of the rescinding order to respond to any outstanding motions. Any reply shall then be filed within fourteen (14) days after the date of service of the response.

For any motions that have been filed and twenty-one days have already passed, the USAO will still have an opportunity to respond in accordance with this Order. Lastly, nothing in this Order shall prevent the USAO from filing a response or agreed upon motion during this time period in which Rule 7.2(a)(2) is suspended.

**IT IS SO ORDERED.**

  
**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: December 20, 2023**