

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
GENERAL ORDER NO. 15 - 03

FILED  
RICHARD W. NAGEL  
CLERK OF COURT  
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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

IN RE:

APPOINTMENT OF SOUTHERN DISTRICT OF OHIO FEDERAL  
PUBLIC DEFENDER/CJA PANEL ATTORNEYS TO REPRESENT ALL FEDERAL INMATES  
ORIGINALLY SENTENCED IN THIS DISTRICT WHO MAY BE  
ELIGIBLE FOR REDUCTION IN THEIR SENTENCES PURSUANT TO  
JOHNSON v. UNITED STATES, --- U.S. ---, 135 S.Ct 2551 (2015).

On June 26, 2015, the United States Supreme Court held unconstitutional the so called "residual clause" of the Armed Career Criminal Act. *Johnson v. United States*, --- U.S. ---, 135 S.Ct. 2551 (2015). Following this ruling, on July 6, 2015, the Sixth Circuit Court of Appeals held that the United States Sentencing Guidelines "residual clause" provision for Career Offenders (found in U.S.S.G. § 4B1.1 *et seq.*) is unconstitutionally vague based on the rationale in *Johnson*. *United States v. Darden*, 605 Fed Appx. 545 (6<sup>th</sup> Cir. 2015).

The changes brought on by these cases may affect many defendants who will be, or have been previously, sentenced in this district. The Court has reviewed a preliminary listing of inmates who are potentially eligible for reduction of their sentences and concludes that further screening of these inmates for eligibility is appropriate.

The Court in this Order appoints the Federal Public Defender to review the list of potential defendants who may be eligible for relief. If that office determines that it has no conflict of interest, then pursuant to this Order the Federal Defender's office will be appointed to represent those defendants. If that office determines that it cannot represent a particular defendant, it will so notify the Court and Criminal Justice Act counsel shall be selected and appointed to determine the eligibility for relief and any necessary representation arising therefrom.

IT IS SO ORDERED.

DATE: 12-15-2015

  
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EDMUND A. SARGUS, JR.  
CHIEF JUDGE, UNITED STATES DISTRICT COURT