

UNITED DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
RICHARD W. NAGEL
CLERK OF COURT

2022 APR 27 PM 2:33

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

**In Re: Appointment of Counsel for
Compassionate Release Motions**

ORDER RESCINDING : **GENERAL ORDER 22-13**
GENERAL ORDER 20-21 :

On July 21, 2020, this Court enacted General Order 20-21, “Appointment of Counsel for Compassionate Release Motions.” The Order designated the Office of the Federal Public Defender and members of the Criminal Justice Act Panel to represent indigent criminal defendants seeking compassionate release. This Court amended General Order 20-21 on September 8, 2020, to specify a timeline for supplementing and responding to compassionate release motions.

Now that COVID-19 vaccinations are widely available, including in the Bureau of Prisons, the Sixth Circuit Court of Appeals has narrowed the circumstances in which COVID-19 may constitute an “extraordinary and compelling reason” for purposes of compassionate release. *See, e.g., United States v. McKinnie*, 24 F.4th 583, 588 (6th Cir. 2022); *United States v. Traylor*, 16 F.4th 485, 487 (6th Cir. 2021); *United States v. Lemons*, 15 F.4th 747, 751 (6th Cir. 2021).

As a result, this Court determines that automatic appointment of counsel for compassionate release motions no longer is warranted. General Order 20-21 is rescinded, including the amendment thereto. As before, incarcerated defendants are free to file *pro se* motions for compassionate release or to engage private counsel. The government’s timeline for responding to such motions shall revert to the default under the Local Rules unless the individual judge modifies that schedule.

IT IS SO ORDERED.

DATED: April 27, 2022

A handwritten signature in blue ink, appearing to read "Algenon L. Marbley", written over a horizontal line.

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