

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

IN RE:)
BUSINESS OF THE COURT) PETITIONS FOR RETROACTIVE
) APPLICATION OF NOVEMBER 1,
) 2023 SENTENCING GUIDELINES
) AMENDMENT 821

Administrative Order No. 3 – Scheduling Order

By Administrative Order No. 1, dated October 11, 2023, the Federal Public Defender for the Eastern District of Missouri has been appointed to represent certain defendants who have been included on the list provided by the United States Sentencing Commission of those persons estimated to be eligible for sentence reduction under Part A of Amendment 821, to determine whether or not that defendant may qualify to seek reduction of sentence and to present any motions or applications for reduction of sentence under [18 U.S.C. § 3582\(c\)\(2\)](#) in accordance with 2023 Sentencing Guideline Amendment 821. To address such motions,

The Court orders that with respect to any motion for sentence reduction under [18 U.S.C. § 3582\(c\)\(2\)](#) in accordance with 2023 Sentencing Guideline Amendment 821 filed by any defendant who has been included on the list provided by the United States Sentencing Commission of those persons estimated to be eligible for sentence reduction under Part A of Amendment 821, and covered by Administrative Order No. 1, the following schedule will apply:

- a. The Federal Public Defender or other appointed or retained counsel must promptly enter an appearance and if appropriate, a preliminary notice of intent to seek a reduced sentence, subject to the Amendment 821 becoming effective on November 1, 2023.
- b. Within five (5) weeks of defense counsel entering an appearance and filing a preliminary notice of intent to seek a reduced sentence, the United States Probation Office must file a report, detailing the original Sentencing Guidelines calculations and projected release date; the Sentencing Guidelines calculations under the retroactive amended Guidelines and

amended projected release date if such reduction is granted; and any information it can reasonably obtain regarding the defendant's adjustment post-sentencing (the "Probation Office Report").

- c. Defense counsel will have three (3) weeks from the date of the filing of the Probation Office Report to file any motion for reduced sentence under Amendment 821 ("Defense Motion for Reduced Sentence").
- d. The United States will have three (3) weeks from the date of the filing of any Defense Motion for Reduced Sentence to file any response.
- e. Defense counsel will have seven (7) days to file any reply.
- f. It is not anticipated that the parties will be requesting any sentencing hearings, but any request for a sentencing hearing must be made promptly, and no later than seven days after the response by the United States.

The Court further orders that this Order applies only with respect to motions made by any defendant who has been included on the list provided by the United States Sentencing Commission of those persons estimated to be eligible for sentence reduction under Part A of Amendment 821 and covered by Administrative Order No. 1 dated October 11, 2023. Motions made by other defendants will be addressed by separate order. All motions and pleadings seeking a sentence reduction or in opposition to such a reduction will be filed in the original criminal proceeding.

So Ordered this 11th day of October 2023.


STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE