

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:  
COUNSELED MOTIONS TO REDUCE  
SENTENCE UNDER THE FIRST STEP ACT

19-MC-00004-08

**ADMINISTRATIVE ORDER REGARDING FIRST STEP ACT**

This administrative order addresses the procedures for handling counseled motions for relief under the First Step Act, PL 115-391, and 18 U.S.C. § 3582. The First Step Act authorizes certain offenders to seek retroactive sentencing relief, compassionate release, or a change in prison conditions. By an Order entered September 17, 2018, the Court appointed the Office of the Public Defender and qualified members of the Criminal Justice Act Panel to represent defendants who may qualify for a sentence reduction under the First Step Act.

Pursuant to local custom, defense counsel is hereby directed to transmit a copy of any motion to reduce sentence to the Office of the United States Attorney before filing it with the Court. The parties shall confer in good faith to determine whether the defendant is entitled to relief under the First Step Act. If the parties stipulate to relief, defense counsel shall file a joint motion for resentencing. If the parties cannot reach an agreement, defense counsel may file a § 3582 motion to reduce sentence. Defense counsel is also reminded that any First Step Act challenges involving the BOP's execution of a sentence must be styled as a habeas corpus petition under 28 U.S.C. § 2241.

**IT IS SO ORDERED** this 4<sup>th</sup> day of March, 2019.



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WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE

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