

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

IN RE: APPLICATION OF DRUG OFFENSE
LEVEL GUIDELINES AS AMENDED
RETROACTIVELY ON NOVEMBER 1, 2014

15-MC-04-04

ADMINISTRATIVE ORDER

This Administrative Order on application of the 2014 Amendments to the Sentencing Guidelines supersedes prior Administrative Order 08mc0004-16 filed on February 26, 2008, without prejudice to any motions based on previous retroactive amendments to the Sentencing Guidelines.

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§3006A(a)(1) and (c), the Office of the Federal Public Defender for the District of New Mexico and qualified members of the Criminal Justice Act Panel, are hereby appointed to represent defendants previously determined to have been entitled to appointment of counsel, to determine whether or not an individual defendant may qualify to seek reduction of sentence, and to present any motions or applications for reduction of sentence in accordance with the amended base offense levels for drug offenses (§§ 2D1.1(c), 1B1.10 U.S.S.G. Manual 2014).

Federal Public Defender and Criminal Justice Act panel attorneys who were previously appointed to represent defendants will be reappointed to investigate and pursue claims for their clients. In the event a former or current panel attorney is no longer available to provide such representation or wishes to decline this representation, the

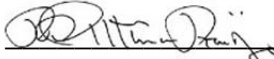
Office of the Federal Public Defender is hereby appointed to represent that client previously represented by Criminal Justice Act panel attorney. Should the Office of the Federal Public Defender determine that there is a conflict with regard to the representation of a particular defendant, the Court shall appoint another member of the Criminal Justice Act panel of this Court.

All motions and pleadings seeking or opposing reduction will be filed in the original criminal proceeding.

Under Rule 47.8 of the Court's Local Rules of Criminal Procedure, the United States should respond to each motion, and Defendant may reply.

For each Defendant who may be eligible for reduction, the United States Probation Department shall prepare a Memorandum for the Court and therein shall address the relevant factors to be considered by the Court, to include sentencing history, new guideline calculations, criminal history, immigration status, and adjustment to incarceration/term of imprisonment. A copy of the Memorandum shall be provided to counsel of record. Upon submission of the Memorandum, the United States Attorney and each Defendant's counsel shall confer on application of the amendments to the sentence being served and submit stipulations to the Court, where appropriate. Otherwise, the Court may order briefing on disputed issues.

IT IS SO ORDERED this 27th day of January, 2015.



HONORABLE M. CHRISTINA ARMIJO
Chief United States District Judge

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U.S. District Court

District of New Mexico - Version 6.1

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ADMINISTRATIVE ORDER: In Re: Application of Drug Offense Level Guidelines As Amended Retroactively on November 1, 2014 (ng)

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