

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

APPOINTMENT OF COUNSEL  
AND PROCEDURES FOR  
COMPASSIONATE RELEASE  
MOTIONS

EFFECTIVE OCTOBER 25, 2023

**MISCELLANEOUS  
GENERAL ORDER  
23-06**

*This Miscellaneous General Order supersedes the Court’s Miscellaneous General Order 20-30, which appointed counsel for compassionate release motions filed by defendants under 18 U.S.C. § 3582(c)(1)(A).*

On December 21, 2018, the President signed into law the First Step Act of 2018, Pub. L. No 115-391, 132 Stat. 5194 (2018), which revised 18 U.S.C. § 3582(c)(1) to allow certain defendants to seek a reduction of their federal sentences. Specifically, defendants may now file motions for compassionate release with district courts after exhausting their administrative remedies. The Office of the Federal Public Defender for the District of Alaska (“FPD”) reports that it has been contacted by numerous federal defendants who wish to file motions for compassionate release in the District of Alaska pursuant to 18 U.S.C. § 3582(c)(1)(A).

Therefore, to increase judicial efficiency, conserve resources, and better manage the docket, the Court adopts the following procedures in responding to compassionate release motions:

1. Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to process motions or petitions efficiently, the Court shall appoint the FPD to represent any defendant who was previously represented by that agency at the district court level through the completion of sentencing, to determine whether the defendant is eligible to petition the Court for compassionate release in accordance with 18 U.S.C. § 3582(c)(1)(A) and to file any petitions, motions, or applications relating thereto. In any case where the defendant was previously represented by CJA counsel at the district court level at the time of sentencing, the Court shall direct the CJA panel administrator to assign counsel. The Clerk’s Office will notify the FPD or the CJA administrator within 2 days of the filing of a *pro se* motion or petition seeking compassionate release so the appropriate agency can assume timely representation, if appropriate. A CJA Attorney

must file their notice of appearance relating to a compassionate release motion within 2 days of the referral.

2. In the event the FPD is unable to represent a defendant, the FPD may refer the case to CJA Attorneys to be appointed to determine whether the defendant is eligible to petition the Court for compassionate release and to file any petitions, motions, or applications relating thereto. Appointed counsel shall review and evaluate a defendant's eligibility for compassionate release and file either an amended motion for compassionate release, or a notice that no amended motion will be filed, within 30 days of the notice of appearance.

3. The United States Probation Office for the District of Alaska and the Clerk's Office are authorized to disclose Presentence Investigation Reports, Modified Presentence Investigation Reports, Statements of Reasons, Judgments, and any relevant sealed documents to the FPD or appointed counsel to determine eligibility for compassionate release and preparing motions for compassionate release.

4. To enable the FPD or other appointed counsel to determine eligibility and prepare amended compassionate release motions, the Court directs the United States Attorney's Office for the District of Alaska to facilitate the process for appointed counsel to obtain the most recent and relevant documents, including, but not limited to: the defendant's medical records, progress report, sentence computation form, financial responsibility form, inmate education data, disciplinary data, and inmate profile. To the extent necessary, the appointed counsel will assist the defendant in executing a release form authorizing BOP to disclose institutional records to appointed counsel.

5. If appointed counsel is unable to file an amended compassionate release motion within 30 days of the notice of appearance because of delays outside the attorney's control, then appointed counsel shall file a status report stating such within 30 days of the notice of appearance. At that time, counsel shall either request an extension of time, not to exceed 30 days, or voluntarily withdraw the pro se motion without prejudice to enable refiling of another compassionate release motion once all records and information have been received.

6. Generally, the Government need not respond to a compassionate release motion until appointed counsel files an amended motion or notice that none will be filed. The Government then has 14 days to respond pursuant to Local Criminal Rule 47.1(c). However, on the motion of a pro se defendant or appointed counsel, or *sua sponte* upon review of the pending motion(s) for compassionate release and supporting record, the Court may set an expedited briefing schedule.

No reply may be filed unless requested by the Court, pursuant to Local Criminal Rule 47.1(d).

7. Extensions of time will be considered only upon a showing of good cause. It is the intent of the Court that the procedures outlined herein will help efficiently resolve motions for compassionate release. Setting anticipated timeframes and requiring response by the parties will ensure that all compassionate release motions are addressed and resolved in a timely manner.

DATED 24th day of October 2023.

/s/ Sharon L. Gleason  
Hon. Sharon L. Gleason  
Chief United States District Judge

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