

FILED

JUN 22 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

IN RE:

POTENTIAL RETROACTIVE
APPLICATION OF THE SUPREME
COURT'S DECISION IN *SESSIONS V.*
DIMAYA

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STANDING ORDER

Pursuant to the provisions of the Criminal Justice Act, Title 18 U.S.C. § 3006A(a)(1) and (c), and because of the need to efficiently process cases affected by *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018), it is hereby ordered that the Federal Public Defender for the Western District of Texas is appointed to review the case of any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine whether that defendant may qualify for federal habeas relief under either 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of *Dimaya*.

The United States Probation Office for the Western District of Texas and the United States District Court Clerk's Office for the Western District of Texas are authorized to disclose Presentence Investigation Reports, Statements of Reasons, and Judgments to the Federal Public Defender's Office for the purpose of determining eligibility for relief under *Dimaya*.

Should the Federal Public Defender's Office determine that a defendant may be eligible for relief under *Dimaya*, the Federal Defender's Office will move to be appointed to represent that defendant and present any petitions, motions, or applications relating thereto to the Court for disposition.

If the Federal Public Defender's Office or previously appointed counsel believes there is a conflict that would prevent the Federal Public Defender's Office from reviewing the case of an individual defendant, counsel shall bring such conflict to the attention of the Court for adjudication of the issue.

SIGNED this 22nd day of June, 2018.

FOR THE COURT:



ORLANDO L. GARCIA
Chief United States District Judge