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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION
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8 MISCELLANEOUS ORDER 2015.11.17
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10 IN RE: APPOINTMENT OF FEDERAL PUBLIC DEFENDER
11 FOR JOHNSON LITIGATION
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13 Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a) (1)
14 and (c), and because of the need to efficiently process habeas petitions under Johnson v. United
15 States, 135 S. Ct. 2551 (2015), IT IS HEREBY ORDERED that the Federal Public Defender for
16 the Northern District of California is presumptively appointed to represent any defendant who
17 was previously determined to have been entitled to appointment of counsel, or who is now
18 indigent, to determine whether that defendant may qualify for federal habeas relief under either
19 28 U.S.C. § 2255 or 28 U.S.C. § 2241 in light of Johnson, and to present any petitions, motions
20 or applications relating thereto to the Court for disposition.

21 If a defendant potentially entitled to relief under Johnson was previously represented by a
22 CJA panel attorney, the CJA panel attorney is reappointed to represent the defendant for the
23 Johnson habeas petition and related litigation (such as resentencing on remand). If the original
24 CJA panel attorney is unavailable or otherwise declines the appointment, the Federal Public
25 Defender's Office is appointed to represent the defendant, provided there is no conflict. If the
26 Federal Defender's Office cannot represent the defendant, a new CJA panel attorney shall be
27 appointed according to the regular procedures of the Northern District of California for the
28 appointment of a CJA panel attorney.

1 The Court will promptly notify the Federal Public Defender of all pending and new *pro*
2 *se* motions and petitions seeking relief under Johnson so the Federal Public Defender can decide
3 whether to assume representation in those cases. The Federal Public Defender shall inform the
4 court of its decision in a timely fashion.

5 The Probation Office is authorized to disclose, upon request, the inmate's Presentence
6 Investigation Reports and Modified Presentence Investigation Reports, Judgments, and
7 Statements of Reason to the Federal Public Defender, the CJA panel attorney, or retained
8 counsel, and to the U.S. Attorney's Office.

9 The Office of the Clerk of Court for the Northern District of California ("Clerk's Office")
10 is authorized to disclose to the Federal Public Defender's Office, CJA panel attorney, or retained
11 counsel, and to the U.S. Attorney's Office, upon request, documents from the defendants' case
12 files that are not otherwise available through the judiciary's Public Access to the Court
13 Electronic Records ("PACER") service to determine defendants' eligibility, extent of relief, or to
14 evaluate conflicts. Specifically, the Clerk's Office may disclose motions and orders, plea
15 agreements, charging documents, transcripts, and any other documents that relate to a
16 defendant's sentencing. Neither appointed nor retained counsel may further distribute such
17 documents unless so ordered by the Court.

18 **IT IS SO ORDERED.**

19 Dated: November 17, 2015

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22 PHYLLIS J. HAMILTON
23 CHIEF JUDGE
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