UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

General Order 2016- 15

IN RE: REQUEST FOR RELIEF IN LIGHT OF *Johnson v. United States*, 135 S.CT. 2551 (June 26, 2015), WHICH WAS MADE RETROACTIVE BY THE UNITED STATES SUPREME COURT IN *Welch v. United States*, 136 S.Ct. 1257 (2016)

AMENDED
STANDARD PROCEDURAL ORDER

This Amended Standard Procedural Order governs requests for relief in light of *Johnson v. United States*, 135 S.Ct. 2551 (June 26, 2015), which was made retroactive by the United States Supreme Court in *Welch v. United States*, 136 S.Ct. 1257 (2016), and supersedes the Standard Procedural Order signed by the Court on September 7, 2016. General Order No. 2016-12.

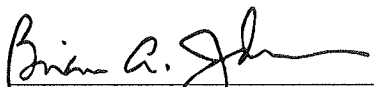
By Administrative Order signed by the Court on May 6, 2016, No. 2016-08, the Office of the Federal Public Defender for the Middle and Western Districts of Louisiana ("FPD") was appointed to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, and who has been identified as possibly qualifying for federal habeas relief in light of *Johnson v. United States.* As a result of this appointment, the FPD reviewed over 60 criminal cases arising from the United States District Court for the Middle District of Louisiana in which the defendant was potentially eligible for relief under *Johnson.* Based on this review, the FPD filed by the June 27, 2016 *Johnson* filing deadline a number of initial Section 2255 motions in the Middle District of Louisiana, as well as requests to file successive Section 2255 motions in the U.S. Fifth Circuit for those defendants the FPD identified as potentially eligible for relief under *Johnson* and who had not filed for such

relief *pro se*. In addition, with respect to the defendants who filed *pro se* for relief under *Johnson*, the FPD has reviewed those cases and is monitoring them for the purpose of enrolling and filing supplemental pleadings as needed.

Beginning in July 2016, a *Johnson* Review Committee, made up of representatives of the FPD and the U.S. Attorney's Office, in consultation with representatives of the U.S. Probation Office, began meeting in an effort to identify and review all cases, whether *pro se* or represented by the FPD, in which filings were made in the Middle District of Louisiana requesting relief under *Johnson*. The goal of this review has been to determine which requests for relief can be resolved by a proposed agreement of the parties, which requests will require litigation and which requests should await further guidance from the Fifth Circuit or the Supreme Court before being resolved by agreement or litigation. This review process has taken several months and the committee believes that, despite its best efforts thus far, will take several more months to complete.

Accordingly, IT IS ORDERED that, with respect to all criminal cases with filings requesting relief under *Johnson*, the deadlines for filing supplements, amendments, responses or answers to the filings, as well as the Court's decisions on all requests, are hereby STAYED until February 1, 2017, or until the FPD and the U.S. Attorney's Office have notified the presiding judicial officials of their agreed upon recommendations for the resolution of the filings in the particular cases, whichever is sooner.

BATON ROUGE, LOUISIANA, this 7th day of November, 2016.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA