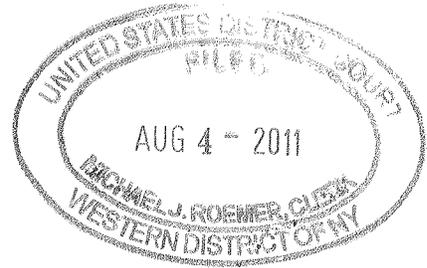


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



IN RE: 2011 Retroactive Application of
Cocaine Base Amendments to the United States
Sentencing Guidelines

ORDER

WHEREAS, on November 1, 2010, United States Sentencing Guidelines § 2D1.1(c) was amended, lowering the base offense level for some cocaine base offenses, and

WHEREAS, on June 30, 2011, the U.S. Sentencing Commission voted to make this amendment retroactive effective November 1, 2011, and

WHEREAS, consistent with its *sua sponte* authority under 18 U.S.C. § 3582(c)(2), the court has conducted an initial examination of defendants sentenced in this district and determined that a number of them are potentially eligible for application of this retroactive amendment, and

WHEREAS, potentially eligible defendants are currently incarcerated with no significant source of income, and

WHEREAS, the Federal Public Defender's Office for the Western District of New York will undertake the representation of many of these defendants, some of whom are not its former clients, and

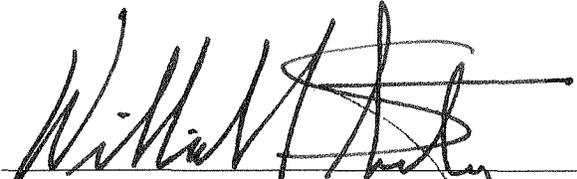
WHEREAS, the Federal Public Defender's Office and the United States Attorney's Office need access to each defendant's Presentence Report, Judgment of Conviction with Statement of Reasons, and Plea Agreement, to determine whether any particular defendant is actually eligible for a sentence reduction, it is therefore

ORDERED, that the United States Probation Office for the Western District of New York provide to the Federal Public Defender's Office and the United States Attorney's Office a copy of the Presentence Report, Judgment of Conviction with Statement of Reasons, and Plea Agreement for any defendant identified as potentially eligible for such reduction, and it is further

ORDERED, that the Federal Public Defender's Office accept assignment of the defendants in the absence of the filing of a Financial Affidavit for the purposes of determining eligibility and filing of any motion for a reduction of sentence.

SO ORDERED.

Dated: August 4, 2011
Buffalo, NY


WILLIAM M. SKRETNY
CHIEF JUDGE
UNITED STATES DISTRICT COURT