UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE: *United States v. Boles*

STANDING ORDER

In *United States v. Boles*, 914 F.3d 95 (2d Cir. 2019), the Second Circuit held that the standard "risk" condition of supervised release is vague and affords too much discretion to the probation officer. The United States District Court for the Western District of New York currently uses a standard condition (number 12) that is worded identically. In light of the *Boles* decision, the United States District Court for the Western District of New York will amend the Judgment and Commitment order in all criminal cases in which a term of probation or supervised release is imposed by removing the standard "risk" condition and replacing it with the following language (additions to the old condition in bold):

> *If the probation officer determines,* ***based on your criminal record, personal history or characteristics, and the nature and circumstances of the offense****, that you pose a risk to another person (including an organization), the probation officer,* ***with the prior approval of the Court****, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.*

IT IS SO ORDERED.

Dated: February 14, 2019
Rochester, New York

HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court