

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: the application of the Federal
Defender for disclosure of
Presentence Reports and other
data from the United States
Probation Office and Clerk of Court

PROTECTIVE ORDER

WHEREAS, the Office of the Federal Defender for the District of Minnesota has moved this Court for a Protective Order (1) authorizing the United States Probation Office for the District of Minnesota to release to the Federal Defender's Office and the United States Attorney's Office in Minneapolis Pre-Sentence Reports (PSRs), Judgement and Commitment Orders (J & Cs), Statements of Reasons (SORs), related sentencing documents, and information from the Bureau of Prisons' Sentry database, and (2) authorizing the Clerk of Court to disclose sealed records from the court file for defendants who may be eligible for a reduction in sentence as outlined below (except that this Protective Order does not authorize disclosure of sentencing recommendations);

WHEREAS, these documents are requested in order for the Federal Defender to determine whether incarcerated persons are eligible to have their sentences reviewed in light of 18 U.S.C. § 3582(c)(1)(A);

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KATE M. FOGARTY
JUDGMENT ENTD
DEPUTY CLERK AKS

WHEREAS, the Federal Defender's Office and the Court have already received many requests for assistance in seeking relief from persons currently serving sentences who may qualify for compassionate release reductions in sentence and in many of these cases do not have the information necessary to determine who might be eligible for relief;

WHEREAS, the United States Probation Office works to assist the District Judges in determining appropriate sentences, and possesses and has access to documents which contain the necessary information to assess the eligibility for sentencing relief under § 3582(c)(1)(A);

WHEREAS, the United States Attorney's Office must also assess prisoners' eligibility for sentence reductions under § 3582(c)(1)(A) in cases prosecuted in this district, particularly when the Federal Defender's Office identifies cases as eligible or when pro se petitioners seek relief;

WHEREAS, the Federal Defender shared a copy of the Motion for a Protective Order and this Proposed Protective Order with the United States Attorney's Office and the United States Attorney's Office agrees that the Court should grant the Motion and enter this Proposed Protective Order; and

WHEREAS, it is in the best interest of all parties for there to be efficient use of judicial resources and for the Federal Defender's Office and the United States Attorney's

Office to be supplied with the information necessary to make determinations about the application of § 3582(c)(1)(A) to individual cases and assist the persons who may benefit from its application;

IT IS HEREBY ORDERED that:

The United States Probation Office for the District of Minnesota shall release to the Federal Defender's Office and the United States Attorney's Office any PSRs, J & Cs, Statements of Reasons for Sentencing, information from the Bureau of Prisons' Sentry database and other documents necessary for the Federal Defender's Office to determine whether incarcerated persons are eligible for sentencing reductions.

IT IS FURTHER ORDERED that:

- (1) The Office of the Federal Defender use this information only for the purpose of identifying eligible incarcerated persons, determining the extent of the relief they may seek, and preparing appropriate motions and documents where necessary;
- (2) The Office of the Federal Defender and the United States Attorney's Office shall limit the dissemination of these materials and disclosure of the information they contain to those persons within the Offices working directly on the evaluation of cases with the potential of seeking relief under § 3582(c)(1)(A);
- (3) The Office of the Federal Defender shall not disseminate these sentencing materials or disclose the information they contain to personnel outside of the Office of the Federal Defender, except to turn over all copies of the documents to counsel who undertakes direct representation of the individual in a proceeding seeking relief;
- (4) Release of materials pursuant to this Order is limited to the Office of The Federal Defender, members of the District of Minnesota Criminal Justice Act Panel designated by the Federal Defender to work on § 3582(c)(1)(A) cases, and the United States Attorney's Office and is limited to such materials as are necessary for determining the impact of § 3582(c)(1)(A) on cases prosecuted in the District of Minnesota; and

- (5) The Office of the Federal Defender will work in good faith and limit its inquiries to those cases that the Federal Defender reasonably believes might be affected by § 3582(c)(1)(A) and therefore the Federal Defender believes that its services might be necessary to assist the incarcerated defendants in their efforts to seek relief.

IT IS FINALLY ORDERED that the Federal Defender's Office, the United States Attorney's Office and the United States Probation Office cooperate fully in this endeavor so that persons eligible for relief are identified and represented in an efficient and orderly fashion.

Dated in Minneapolis, Minnesota, April 24 2020 at 4:00 p.m.



JOHN R. TUNHEIM

Chief Judge

United States District Court