

**FILED**

**DEC 05 2022**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

**In Re: Petitions for Retroactive )  
Application of Amendment to ) Administrative Order No. 102  
Sentences Previously Imposed for )  
Certain Crack Cocaine Convictions )**

**FIRST AMENDED ADMINISTRATIVE ORDER**

In light of Seventh Circuit precedent, including *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999), which held that a proceeding under 18 U.S.C. § 3582(c) is not an ancillary proceeding mandating counsel under 18 U.S.C. § 3006A(c), and *United States v. Blake*, 986 F.3d 756 (7th Cir. 2021), as well as recent administrative guidance from the Seventh Circuit Court of Appeals, the Court **VACATES** Administrative Orders Nos. 102, 103, and 104, which delineate procedures for handling motions for sentencing reductions based on the retroactive application of the United States Sentencing Guidelines and appoint the Federal Public Defender to represent potentially eligible defendants. Going forward, each presiding judicial officer will review and resolve motions as they are filed and may recruit *pro bono* counsel to represent any indigent defendant, but shall not appoint counsel paid at public expense, including the Federal Public Defender and Criminal Justice Act panel attorneys.

**IT IS SO ORDERED.**

**DATED: December 5, 2022**



**NANCY J. ROSENSTENGEL  
Chief U.S. District Judge**