

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re: Motions for *Johnson* Sentencing
Reductions Pursuant to 28 U.S.C. § 2255

ADMINISTRATIVE ORDER
2016-05

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In light of the United States Supreme Court decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015), and the fact that several hundred petitions are expected to be filed by federal prisoners seeking relief under 28 U.S.C. § 2255 before the statute of limitations expires on June 27, 2016, the one-year anniversary of the decision, this Order is issued to facilitate the orderly administration of justice.

As agreed by the United States Attorney's Office for the Eastern District of New York ("USAO") and the Federal Defenders of New York ("FDNY"), who were appointed to represent eligible prisoners pursuant to Administrative Order 2016-01, and in order to:

- 1) afford the effective representation of counsel;
- 2) allow the Second Circuit Court of Appeals to clarify the application of *Johnson* to particular issues so that the District Courts may render consistent rulings; and
- 3) prevent this Court and parties from being overwhelmed by the filing of hundreds of habeas petitions on this issue at one time, the FDNY and other counsel appointed to *Johnson* matters pursuant to the Criminal Justice Act, will be permitted to file initial "form" petitions under 28 U.S.C. § 2255 on or before June 27, 2016, which will act as "placeholder" petitions. The petitions are to be supplemented at a future date by a brief that more fully sets forth the basis for the requested relief.

It is further suggested that individual judges defer consideration of form petitions until the filing of the supplemental petition or until a fully briefed petition is filed pursuant to a briefing schedule set by the Court *sua sponte* or at the request of a party or parties.

In order to expedite the filing of form petitions, supplemental petitions and responses by the USAO, it is further ORDERED that the U.S. Probation Department for the Eastern District of New York (“Probation”) and the Clerk of this Court are authorized to disclose to the FDNY and USAO Presentence Investigation Reports, Statements of Reasons, Judgment and Commitment Orders, and any document offering cognizable proof of conviction for any crime relevant to petitioner’s claim for relief pursuant to *Johnson*, if it is within the possession of Probation.

SO ORDERED.

Dated: Brooklyn, New York
June 9, 2016

HON. DORA L. IRIZARRY
Chief Judge