

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

IN RE:)
)
Johnson v. United States,) NO. 15-MC-1016
)
__U.S.__, 2015 WL 2473450 (June 26, 2015)

ADMINISTRATIVE ORDER

In *Price v. United States*, ___ F.3d ___, 2015 WL 4621024 (7th Cir. Aug. 4, 2015), the Seventh Circuit clarified that where a defendant has pursued an initial motion pursuant to 28 U.S.C. § 2255 or is otherwise barred from bringing such a motion at this time, relief sought pursuant to *Johnson v. United States*, ___ U.S. ___, 135 S.Ct. 2551 (June 26, 2015), should be sought by obtaining permission to bring a second or successive § 2255 motion. Accordingly, petitions brought pursuant to 28 U.S.C. § 2241 or under other non-§ 2255 nomenclature that are filed in this District based on *Johnson* will be dismissed without prejudice to seek permission from the Court of Appeals in the Circuit where the petitioner was sentenced to bring a second or successive § 2255 motion in the district where the defendant was convicted and sentenced.

When a petitioner was sentenced in this District and files a § 2255 motion, the Clerk shall transmit the motion to the appropriate chambers for review and determination of whether the motion is successive and, if so, whether petitioner has received permission to file. If the motion is not successive or is successive but permission to file has been received from the Court of Appeals, the Clerk shall docket the petition and open a new case. If the motion is successive and permission to file has not been received, the filing will be construed as a request for permission from the Court of Appeals pursuant to § 2255(h)(2), and the Clerk shall promptly transmit the

filing to the Court of Appeals, along with any relevant documents, for ruling.

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. § 3006A(a)(1) and (c), and the discretion of the Court, when a properly authorized second or successive § 2255 motion based on *Johnson* is filed in this District, the Office of the Federal Public Defender for the Central District of Illinois (“FPD”) is hereby appointed to represent any defendant who was previously determined to have been entitled to appointment of counsel or who is now indigent, to determine whether that defendant may qualify for federal habeas relief under § 2255 in light of *Johnson*. Should the FPD determine that a conflict exists with a particular petitioner, it shall file with the Court a motion to withdraw as counsel for the petitioner, and CJA counsel shall be appointed. All cases subject to this Order shall be assigned to the initial sentencing judge, and if not available, by reassignment through the Chief Judge.

The U.S. Probation Office for the Central District of Illinois and the United States District Court Clerk’s Office for the Central District of Illinois are authorized to disclose Presentence Investigation Reports, Statements of Reasons, and Judgments to the Federal Public Defender’s Office for the purpose of determining eligibility for relief under *Johnson*.

IT IS SO ORDERED this 9th day of September, 2015.

s/ James E. Shadid
James E. Shadid
Chief United States District Judge