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2014 AUG 29 AM 9:21

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

**GENERAL ORDER NO. 2014-07**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

APPOINTING THE OFFICE OF THE )  
FEDERAL PUBLIC DEFENDER FOR )  
THE NORTHERN DISTRICT OF OHIO )  
TO POTENTIALLY ELIGIBLE INMATES )  
WITH THE FUTURE POSSIBILITY OF )  
HAVING PRIVATE OR CJA COUNSEL )  
REPRESENT THESE INMATES AS THE )  
CLIENT, LAWYER, OR COURT MAY )  
LATER DECIDE )

**ORDER NO. 2014-07**

The Court hereby appoints the Office of the Federal Public Defender for the Northern District of Ohio to represent those inmates who have been identified as being potentially eligible for sentence reductions pursuant to the decision of the United States Sentencing Commission on July 18, 2014, to give retroactive applicability to drug trafficking sentencing guideline amendments, specifically U.S.S.G. § 2D1.1, as amended and codified as U.S.S.G. Amendment 782 (effective November 1, 2014). This Order shall also entitle the Office of the Federal Public Defender to have access to defendants' presentence investigation reports. In the event private counsel or previously-appointed CJA counsel wish to enter an appearance on behalf of a particular inmate, or the Court deems it more appropriate for prior counsel to represent the inmate, the attorney will file a notice of appearance on behalf of the inmate, and the Federal Public Defender will then seek to withdraw from the representation.

IT IS SO ORDERED.

FOR THE COURT



SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE THE INMATES SERVING : GENERAL ORDER NO. 2014-7  
SENTENCES FOR DRUG OFFENSES :  
WHO MAY BE ELIGIBLE FOR A : CHIEF JUDGE SOLOMON OLIVER JR.  
SENTENCE REDUCTION UNDER :  
UNITED STATES SENTENCING : UNOPPOSED REQUEST FOR A  
GUIDELINE AMENDMENT 782 : GENERAL ORDER  
:

On April 30, 2014, the Sentencing Commission passed an amendment to the sentencing guidelines. This amendment has become codified as U.S.S.G. Amendment 782, and revises the base offense levels for all drug trafficking offenses and the corresponding drug quantity table found in U.S.S.G. § 2D1.1 and § 2D1.11. On July 18, 2014, the Sentencing Commission voted to give Amendment 782 retroactive effect beginning November 1, 2014. The Sentencing Commission and the Office of Research and Data have found there are 46,376 inmates nationwide who are eligible for a sentence reduction under this amendment. As of August 7, 2014, the Bureau of Prisons currently houses 173,159 inmates.<sup>1</sup> This means that approximately 27% of all federal prisoners are eligible for a sentence reduction under Amendment 782. Attached is a memorandum from the Sentencing Commission detailing additional statistics. In the Northern District of Ohio alone, there are 512 eligible inmates. See Attachment, p. 5.

These 512 inmates need the guiding hand of counsel to properly advise them on their rights and eligibility for a sentence reduction motion under 18 U.S.C. § 3582(c)(2). We now seek a general

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<sup>1</sup> Available at: [http://www.bop.gov/about/statistics/population\\_statistics.jsp](http://www.bop.gov/about/statistics/population_statistics.jsp).

order from this Court to appoint the Office of the Federal Defender for the Northern District of Ohio (“FPD”) to represent all potentially eligible inmates under this amendment. The government has indicated to us that it does not oppose this request. A proposed order is attached.

This Court has granted a similar order in regards to previous retroactive guideline amendments. On October 4, 2011, this Court appointed the FPD to represent all potentially-eligible inmates who qualified for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S.S.G. Amendment 750 (eff. Nov. 1, 2011). See General Order 2011-24. The FPD asserted the legal interest of inmates who were potentially-eligible under that amendment. The FPD kept detailed files on all potentially-eligible inmates, and was even able to identify and represent inmates not identified by the Bureau of Prisons. By being the central location for all inmate inquiries on the effect of this amendment, the FPD was able to aid all inmates, the CJA panel, the Court itself, and the government in our collective efforts to apply the amended guidelines. The FPD believes these efforts to organize all potentially-eligible inmates made communication with all inmates much easier, and as a result, the number of *pro se* filings was reduced.

The FPD, however, recognizes an inmate may want their original counsel on this matter, or that a conflict arises in which the FPD is unable to represent the inmate. In that event, if private counselor previously appointed CJA counsel wishes to enter an appearance on behalf of a particular inmate, or the Court deems it more appropriate for prior counsel to represent the inmate, the Office of the Federal Defender will then seek to withdraw from the representation. The proposed order addresses this concern.

Accordingly, for the reasons set forth above, undersigned counsel moves this Court for a general order to appoint the Office of the Federal Defender for the Northern District of Ohio to

represent all potentially eligible inmates under U.S.S.G. Amendment 782. A proposed order is included with this motion.

Respectfully submitted,

s/ Dennis G. Terez

DENNIS G. TEREZ

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2014, a copy of the foregoing was filed with the Clerk's Office by means of hand-delivery. A copy was hand-delivered to United States Attorney, Steven M. Dettelbach, and Assistant United States Attorneys David Sierleja and Joseph Pinjuh.

s/ Dennis G. Terez

DENNIS G. TEREZ

Federal Public Defender

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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IT IS SO ORDERED.

FOR THE COURT

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SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

UNITED STATES SENTENCING COMMISSION  
ONE COLUMBUS CIRCLE, NE  
SUITE 2-500, SOUTH LOBBY  
WASHINGTON, DC 20002-8002  
(202) 502-4500  
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July 25, 2014

**MEMORANDUM**

**TO:** Chair Saris  
Commissioners  
Kenneth Cohen

**FROM:** Office of Research and Data

**SUBJECT:** Summary of Key Data Regarding Retroactive Application of the  
2014 Drug Guidelines Amendment

I. INTRODUCTION

On April 30, 2014, the United States Sentencing Commission submitted to Congress an amendment to the federal sentencing guidelines that would revise the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the drug quantity tables in sections 2D1.1 and 2D1.11 of the *Guidelines Manual*<sup>1</sup> incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).<sup>2</sup> Specifically, the amendment would reduce by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and make conforming changes to section 2D2.11. On July 18, the Commission voted to give retroactive effect to Amendment 782 beginning on the effective date of the amendment, which will be November 1, 2014, unless Congress acts to modify or disapprove the amendment.

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<sup>1</sup> U.S. SENTENCING COMMISSION, GUIDELINES MANUAL §2D1.1 (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

<sup>2</sup> References in this memorandum to the “2014 drug guidelines amendment,” “the amendment,” or any similar references mean the amendment the Commission submitted to Congress on April 30, 2014, that would modify the drug quantity tables in USSG §§2D1.1 and 2D1.11.

As part of the Commission's decision to retroactively apply Amendment 782, it required that no offender may be released pursuant to the retroactive application of the amendment until November 1, 2015 or later. This memorandum provides information concerning the effect of this limitation.

## II. FURTHER ANALYSES OF THE IMPACT OF RETROACTIVE APPLICATION OF THE 2014 DRUG GUIDELINES AMENDMENT

### A. Summary of Data on the Eligible Offenders

ORD previously estimated that 51,141 offenders sentenced between October 1, 1991 and October 31, 2014,<sup>3</sup> would be eligible to seek a reduction in their current sentence if the Commission were to make the 2014 drug guidelines amendment retroactive.<sup>4</sup> Of this group, there are 46,376 offenders who would not be released under their current sentence until on or after November 1, 2015, and so could benefit from the Commission's decision to retroactively apply Amendment 782.

The current average sentence for the 46,376 offenders who could benefit under retroactive application of the amendment is 133 months. Applying the amendment retroactively to these offenders the new average sentence would be 108 months. This is a difference of 25 months, which represents an 18.8 percent reduction in the sentence. The number of bed years saved by this reduction is 79,740 bed years, which would be realized by the Bureau of Prisons over a period of years, of course.

The most common drug types involved in these cases are methamphetamine (28.8%), powder cocaine (27.8%), crack cocaine (19.3%), marijuana (11.6%), heroin (7.6%), and other drugs (5.0%). Attached to this memorandum is a summary of selected offender characteristics about these offenders as well as information about their criminal history.

### B. Summary of Data on the Projected Release Dates of the Eligible Offenders

We estimate that on November 1, 2015 there would be 7,953 offenders eligible for immediate release. Another 8,550 offenders would be released during the year that begins on November 1, 2015 and ends on October 31, 2016. That is, a total of 16,503 offenders will be released during the first year in which offenders may be released pursuant to retroactive application of the amendment. If the Commission had not authorized the amendment to be applied retroactively, we estimate that 7,609 offenders would still have been released during that year, as their current terms of incarceration expired. Attached to this memorandum is a table that provides additional information concerning the release years of these offenders and the districts in which they were sentenced.

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<sup>3</sup> The analysis was limited to data from fiscal year 1992 and later because the Commission's data collection efforts prior to fiscal year 1992 were not as complete as in later years.

<sup>4</sup> Memorandum from the Office of Research and Data and the Office of General Counsel to Chair Saris, Commissioners, and Kenneth Cohen (May 27, 2014), *available at* [www.ussc.gov](http://www.ussc.gov).

**Selected Characteristics of Eligible Offenders**  
**Retroactive Application of Amendment 782 With**  
**Release On or After November 1, 2015**  
**(FY1992 through FY2015)**

<b><u>Race/Ethnicity</u></b>		
White	10,734	23.2%
Black	14,427	31.2%
Hispanic	19,958	43.1%
Other	1,171	2.5%
<b>Total</b>	<b>46,290</b>	<b>100.0%</b>

<b><u>Citizenship</u></b>		
U.S. Citizen	34,928	75.4%
Non-Citizen	11,411	24.6%
<b>Total</b>	<b>46,339</b>	<b>100.0%</b>

<b><u>Gender</u></b>		
Male	42,759	92.2%
Female	3,615	7.8%
<b>Total</b>	<b>46,374</b>	<b>100.0%</b>

<b><u>Criminal History Category</u></b>		
I	17,580	37.9%
II	6,320	13.6%
III	9,232	19.9%
IV	5,473	11.8%
V	3,417	7.4%
VI	4,354	9.4%
<b>Total</b>	<b>46,376</b>	<b>100.0%</b>

<b><u>Projected Year of Release</u></b>	<b>Retroactive*</b>	<b>If Not Retroactive</b>
November 1, 2015	7,953	--
within 1 yr	8,550	7,609
within 2 yr	6,938	7,461
within 3 yr	5,473	6,207
within 4 yr	4,177	5,291
within 5 yr	2,909	3,923
more than 5 yr	9,350	14,859
<b>Total</b>	<b>45,350</b>	<b>45,350</b>

The analysis involves a total of 46,376 cases, however, cases missing information for any specific analysis are excluded from that analysis. Total percentages may not add to exactly 100% due to rounding.

\* A total of 16,503 offenders are estimated to be eligible for release during the first year in which offenders may be released under retroactive application of the amendment. This is 8,894 more than will be released upon expiration of their current sentence.

SOURCE: U.S. Sentencing Commission, 1992 - 2005 Datafiles, USSCFY92 - USSCFY13.



### Possible Release Timing for Retroactive Eligible Offenders by District (FY1992 through FY2015)

CIRCUIT District	Eligible for Immediate Release 11/01/85		Eligible for Release in Year One*		Eligible for Release in Year Two		Eligible for Release in Year Three		Eligible for Release in Year Four		Eligible for Release in Year Five		Eligible for Release in Six or More Years		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,893</b>	<b>17.5</b>	<b>8,550</b>	<b>18.9</b>	<b>6,938</b>	<b>15.3</b>	<b>5,478</b>	<b>12.1</b>	<b>4,177</b>	<b>9.2</b>	<b>2,909</b>	<b>6.4</b>	<b>9,350</b>	<b>20.6</b>	<b>45,350</b>	
<b>D.C. CIRCUIT</b>																
District of Columbia	25	12.7	37	18.8	38	19.3	27	13.7	12	6.1	8	4.1	50	25.4	197	
	25	12.7	37	18.8	38	19.3	27	13.7	12	6.1	8	4.1	50	25.4	197	
<b>FIRST CIRCUIT</b>																
Maine	231	10.8	412	19.3	387	18.1	342	16.0	356	12.0	147	6.9	364	17.0	2,139	
Nashua	30	18.1	45	21.1	31	18.7	22	13.3	19	11.4	7	4.2	7	7.2	166	
Northampton	27	14.9	37	20.4	33	18.2	19	10.5	16	8.8	9	5.0	40	22.1	181	
New Hampshire	11	12.7	21	33.9	14	22.6	5	8.1	3	1.6	3	4.8	7	11.3	62	
Puerto Rico	149	9.1	245	17.9	200	17.6	280	17.0	214	13.0	122	7.4	294	17.9	1,644	
Rhode Island	14	16.3	14	16.3	19	22.1	16	18.6	6	7.0	6	7.0	11	12.8	86	
<b>SECOND CIRCUIT</b>																
Connecticut	344	17.2	380	19.0	328	16.4	264	13.2	196	9.8	118	5.9	371	18.5	2,001	
New York	45	16.7	67	34.8	51	16.9	31	11.5	32	11.9	18	6.7	26	9.6	270	
Eastern	51	17.4	49	16.7	66	22.5	43	14.7	21	7.2	14	4.8	49	16.7	293	
Northam	48	17.9	38	21.6	53	19.8	39	14.6	29	10.8	10	3.7	31	11.6	268	
Southern	136	18.0	132	17.4	104	13.7	101	13.3	65	8.6	48	6.3	171	23.6	757	
Western	55	16.3	52	15.4	43	12.8	43	12.8	37	11.0	22	6.5	85	25.2	337	
Vermont	9	11.3	22	28.9	11	14.5	7	9.2	12	15.8	6	7.9	9	11.8	76	
<b>THIRD CIRCUIT</b>																
Delaware	207	15.8	267	20.4	198	15.1	160	12.2	120	9.2	74	5.6	284	21.7	1,310	
New Jersey	9	22.5	9	22.5	8	20.0	2	5.0	1	2.5	0	0.0	11	27.5	40	
Pennsylvania	54	17.1	82	26.0	58	18.4	38	12.1	26	8.3	16	5.1	41	13.0	315	
Eastern	55	11.7	73	15.5	64	17.6	64	13.6	46	9.8	33	7.0	135	28.7	470	
Middle	65	23.1	59	21.0	40	14.2	36	12.8	31	11.0	7	2.5	43	15.3	281	
Western	19	11.1	36	22.2	23	13.5	15	8.8	12	7.0	15	8.8	49	28.7	171	
Virgin Islands	5	15.2	6	18.2	5	15.2	5	15.2	4	12.1	3	9.1	5	15.2	33	
<b>FOURTH CIRCUIT</b>																
Maryland	1,026	17.0	954	15.8	813	13.5	683	11.3	559	9.3	454	7.5	1,543	25.6	6,035	
North Carolina	85	15.3	102	18.3	102	18.3	80	14.4	49	8.8	37	6.6	102	18.3	537	
Eastern	140	12.6	147	13.2	143	12.8	123	10.9	112	10.0	111	10.0	340	30.5	1,115	
Middle	86	20.1	89	20.8	50	11.7	44	10.3	36	8.4	29	6.8	92	21.8	427	
Western	150	23.1	118	18.2	82	12.6	60	9.2	63	9.7	40	6.2	137	21.1	650	
Virginia	133	14.1	117	12.4	116	12.3	118	12.3	109	11.6	85	9.0	264	25.0	942	
Eastern	170	14.9	127	11.1	145	12.7	121	10.6	98	8.6	65	7.4	396	34.7	1,142	
Western	134	20.8	100	15.6	63	12.9	75	11.4	49	7.6	44	6.8	160	24.9	643	
West Virginia	88	26.4	87	26.1	51	15.3	37	11.1	29	8.7	13	3.9	28	8.4	333	
Northern	42	18.6	67	29.6	40	17.7	28	13.4	14	6.2	10	4.4	25	11.1	226	

\* For example, in the District of Columbia, 66 offenders are eligible for release between November 1, 2015 and October 31, 2016.

**Possible Release Timing for Retroactive Eligible Offenders by District  
(FY1992 through FY2015)**

CIRCUIT District	Eligible for Immediate Release 11/01/15		Eligible for Release in Year One		Eligible for Release in Year Two		Eligible for Release in Year Three		Eligible for Release in Year Four		Eligible for Release in Year Five		Eligible for Release in Six or More Years		TOTAL
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
<b>FIFTH CIRCUIT</b>	<b>1,853</b>	<b>18.3</b>	<b>2,023</b>	<b>20.0</b>	<b>1,562</b>	<b>15.4</b>	<b>1,180</b>	<b>11.6</b>	<b>901</b>	<b>8.9</b>	<b>608</b>	<b>6.0</b>	<b>2,013</b>	<b>19.9</b>	<b>10,140</b>
Louisiana															
Eastern	46	14.8	56	18.0	46	14.8	38	12.2	31	10.0	28	9.0	66	21.2	311
Middle	22	19.3	24	21.1	20	17.5	12	10.5	8	7.0	6	5.3	22	19.3	114
Western	57	21.3	35	13.1	49	18.4	29	10.9	19	7.1	14	5.2	64	24.0	267
Mississippi															
Northern	34	21.4	33	20.8	23	14.5	22	13.8	14	8.6	7	4.4	26	16.4	159
Southern	46	13.8	52	15.6	52	15.6	44	13.2	24	7.2	24	7.2	92	27.5	334
Texas															
Eastern	210	14.3	209	14.8	203	14.3	183	12.9	142	10.0	101	7.1	367	25.9	1,413
Northern	220	16.1	179	13.1	183	13.4	150	11.0	124	9.1	109	8.0	403	29.5	1,368
Southern	559	19.5	660	23.7	462	16.1	334	11.6	255	8.9	145	5.1	432	15.1	2,867
Western	659	19.9	755	22.6	524	15.9	368	11.1	284	8.6	174	5.3	541	16.4	3,305
<b>SIXTH CIRCUIT</b>	<b>739</b>	<b>17.9</b>	<b>913</b>	<b>22.1</b>	<b>709</b>	<b>17.1</b>	<b>514</b>	<b>12.4</b>	<b>362</b>	<b>8.7</b>	<b>265</b>	<b>6.4</b>	<b>637</b>	<b>15.4</b>	<b>4,139</b>
Kentucky															
Eastern	92	16.8	123	22.5	116	21.2	64	11.7	48	8.8	30	5.5	73	13.4	546
Western	49	19.9	61	24.8	37	15.0	34	13.8	23	9.3	12	4.9	30	12.2	246
Michigan															
Eastern	73	19.3	77	20.3	52	13.7	57	15.0	32	8.4	16	4.2	72	19.0	379
Western	55	15.9	61	17.6	48	13.6	39	11.2	27	7.8	30	8.6	87	25.1	347
Ohio															
Northern	95	18.6	131	25.6	90	17.6	63	12.3	45	8.8	29	5.7	59	11.5	512
Southern	87	20.3	101	23.5	76	17.7	57	13.3	36	8.4	27	6.3	45	10.5	429
Tennessee															
Eastern	179	16.2	231	20.9	203	18.4	131	11.9	104	9.4	88	8.0	168	15.2	1,104
Middle	32	21.2	30	19.9	21	13.9	23	15.2	17	11.3	6	4.0	22	14.6	151
Western	77	18.1	98	23.1	66	15.5	46	10.8	30	7.1	27	6.4	81	19.1	425
<b>SEVENTH CIRCUIT</b>	<b>455</b>	<b>16.7</b>	<b>437</b>	<b>16.0</b>	<b>389</b>	<b>14.3</b>	<b>292</b>	<b>10.7</b>	<b>252</b>	<b>9.1</b>	<b>210</b>	<b>7.7</b>	<b>689</b>	<b>25.3</b>	<b>2,734</b>
Illinois															
Central	79	19.4	51	12.5	38	9.3	32	7.9	30	7.4	29	7.1	148	36.4	407
Northern	123	18.2	93	13.7	101	14.9	75	11.1	59	8.7	55	8.1	171	25.3	677
Southern	51	10.6	63	13.1	48	10.0	58	12.0	77	16.0	58	12.0	127	26.3	482
Indiana															
Northern	56	17.0	73	22.2	68	20.7	28	8.5	21	6.4	20	6.1	63	19.1	329
Southern	63	14.7	53	12.4	72	16.8	50	13.1	35	8.2	23	5.4	126	29.4	428
Wisconsin															
Eastern	45	17.9	76	30.2	48	19.0	30	11.9	10	4.0	16	6.3	27	10.7	252
Western	38	25.5	28	16.8	14	9.4	13	8.7	20	13.4	9	6.0	27	18.1	149

**Possible Release Timing for Retroactive Eligible Offenders by District  
(FY1992 through FY2015)**

CIRCUIT District	Eligible for Immediate Release 11/01/15		Eligible for Release in Year One		Eligible for Release in Year Two		Eligible for Release in Year Three		Eligible for Release in Year Four		Eligible for Release in Year Five		Eligible for Release in Six or More Years		TOTAL
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
<b>EIGHTH CIRCUIT</b>	<b>742</b>	<b>17.5</b>	<b>739</b>	<b>17.5</b>	<b>628</b>	<b>14.8</b>	<b>501</b>	<b>11.8</b>	<b>401</b>	<b>9.5</b>	<b>285</b>	<b>6.7</b>	<b>931</b>	<b>22.1</b>	<b>4,229</b>
Arkansas															
Eastern	51	15.5	75	22.7	45	13.6	45	13.6	42	12.7	21	6.4	51	15.5	350
Western	45	17.4	44	17.0	47	18.1	42	16.2	21	8.1	19	7.3	41	15.8	359
Iowa															
Northern	123	19.8	80	12.9	74	11.9	65	10.5	80	12.9	47	7.6	152	24.5	621
Southern	82	15.0	87	15.6	78	14.3	63	11.6	41	7.5	38	7.0	158	29.0	545
Minnesota	75	24.1	55	17.7	39	12.5	36	11.6	23	7.4	32	7.1	61	19.6	311
Missouri															
Eastern	130	23.4	123	22.1	96	17.3	53	9.5	42	7.6	24	4.3	88	15.8	556
Western	89	16.4	88	16.2	86	15.8	70	12.9	47	8.7	43	7.9	120	22.1	543
Nebraska	91	12.6	127	17.6	113	15.7	93	12.9	73	10.1	47	6.5	176	24.4	720
North Dakota	30	14.2	38	18.0	32	15.2	21	10.0	17	8.1	12	5.7	61	28.9	211
South Dakota	26	19.5	24	18.0	18	13.5	13	9.8	15	11.3	12	9.0	25	18.8	133
<b>NINTH CIRCUIT</b>	<b>889</b>	<b>17.2</b>	<b>1,153</b>	<b>22.3</b>	<b>873</b>	<b>16.9</b>	<b>667</b>	<b>12.9</b>	<b>465</b>	<b>9.0</b>	<b>273</b>	<b>5.3</b>	<b>849</b>	<b>16.4</b>	<b>5,169</b>
Alaska	36	19.9	34	18.8	27	14.9	24	13.3	19	10.5	11	6.1	30	16.6	181
Arizona	172	25.3	223	32.7	111	16.3	59	8.7	33	4.8	14	2.1	69	10.1	681
California															
Central	114	15.7	134	18.5	103	14.2	88	12.2	72	9.9	44	6.1	169	23.3	724
Eastern	92	13.4	132	19.2	124	18.1	98	14.3	82	12.0	44	6.4	114	16.6	686
Northern	58	20.1	52	18.0	49	17.0	37	12.8	28	9.7	20	6.9	45	15.6	289
Southern	77	11.2	176	25.7	135	19.7	128	18.7	68	9.9	33	4.8	69	10.1	686
Guam	6	16.2	9	24.3	5	13.5	5	13.5	1	2.7	1	2.7	10	27.0	37
Hawaii	55	19.7	54	19.4	37	13.3	29	10.4	28	10.0	15	5.4	61	21.9	279
Idaho	48	16.6	60	20.8	43	14.9	37	12.8	23	8.0	10	3.5	68	23.5	289
Montana	49	13.2	65	17.5	60	16.1	50	13.4	34	9.1	19	5.1	95	25.5	372
Nevada	55	18.9	56	19.2	59	20.3	36	12.4	17	5.8	18	6.2	50	17.2	291
Northern Mariana Islands	0	0.0	3	50.0	0	0.0	0	0.0	2	33.3	1	16.7	0	0.0	6
Oregon	40	18.9	50	23.6	43	20.3	28	13.2	13	6.1	14	6.6	24	11.3	212
Washington															
Eastern	39	19.1	41	20.1	35	17.2	23	11.3	24	11.8	17	8.3	25	12.3	204
Western	43	20.7	64	27.6	42	18.1	25	10.9	21	9.1	12	5.2	20	8.6	232

## Possible Release Timing for Retroactive Eligible Offenders by District (FY1992 through FY2015)

CIRCUIT	Eligible for Immediate Release 6181/15		Eligible for Release in Year One		Eligible for Release in Year Two		Eligible for Release in Year Three		Eligible for Release in Year Four		Eligible for Release in Year Five		Eligible for Release in Six or More Years		TOTAL
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>TENTH CIRCUIT</b>															
District	419	18.5	428	18.9	322	14.2	263	11.6	185	8.2	151	6.7	492	21.8	2,261
Alabama	37	14.6	48	19.0	46	19.2	33	13.0	18	7.1	17	6.7	54	21.3	253
Colorado	54	13.7	104	17.0	81	13.2	76	12.4	64	10.4	46	7.5	158	23.8	613
Kansas	89	21.3	92	24.1	61	16.0	39	10.2	21	5.5	23	6.0	57	14.9	382
New Mexico															
Oklahoma	21	19.3	20	18.3	8	7.3	14	12.8	14	12.8	5	4.6	27	34.8	109
Eastern	24	16.7	31	21.5	21	14.6	22	15.3	9	6.3	9	6.3	25	19.3	144
Northern	51	22.3	40	17.5	29	12.7	23	10.0	15	6.6	16	7.0	55	24.0	229
Western	72	23.3	64	20.7	53	17.2	39	12.6	23	7.4	16	5.2	42	13.6	109
Utah	41	18.5	29	13.1	23	10.4	17	7.7	32	9.9	19	8.6	71	32.0	222
Wyoming															
<b>EL FIFTEENTH CIRCUIT</b>	1,021	30.4	807	16.1	692	13.8	580	11.6	467	9.3	316	6.3	1,125	22.4	5,006
Alabama	45	26.3	17	9.9	29	17.0	21	12.3	18	10.5	5	2.9	36	21.1	171
Middle	78	26.9	40	13.8	34	11.7	33	11.4	31	10.7	17	5.9	57	19.7	290
Northern	80	23.3	70	20.3	49	14.2	29	8.4	31	9.0	25	7.3	60	17.4	314
Southern															
Florida	235	17.6	207	15.5	196	14.7	155	11.6	128	9.6	115	8.6	298	22.3	1,334
Middle	97	21.5	48	10.6	45	9.5	45	10.0	37	8.2	28	6.2	153	31.9	451
Northern	249	19.4	234	18.2	198	15.4	152	11.8	115	9.0	69	5.4	266	20.7	1,283
Southern															
Georgia	31	13.1	57	24.2	45	19.1	37	15.7	21	8.9	9	3.8	36	15.3	236
Middle	100	19.3	61	11.8	49	9.5	67	13.0	55	10.6	32	6.2	153	29.6	517
Northern	106	27.9	73	19.2	49	12.9	41	10.8	31	8.2	16	4.2	64	16.8	380
Southern															

Of the 46,376 offenders identified as eligible for relief under the amendments, conviction records contained sufficient information to perform this analysis for 45,150 offenders. Individual release dates are determined using the Commission's prison and sentencing impact model which applies proposed guideline changes to proposed offenders and re-sentences these offenders on a hypothetical basis. (Under the model, offenders currently sentenced at the midpoint of the original guideline range will be sentenced to the midpoint of the new guideline range; and 41 percent of offenders currently sentenced at the midpoint of the original guideline range will be sentenced to the midpoint of the new guideline range; and 41 percent of offenders currently sentenced at the midpoint of the original guideline range will be sentenced to the midpoint of the new guideline range.) Other assumptions incorporated into the model include: 1) offenders earn the maximum allowable good conduct time (currently 54 days per year served for imposed sentences greater than one year but not life imprisonment) and 2) offenders serve the lesser of A) the sentence imposed less the maximum allowable good conduct time or B) their estimated remaining life expectancy, based upon an actuarial table incorporating age, race, and sex.

SOURCE: U.S. Sentencing Commission, 1997-2013 Datafile, USSC FY93 - USSC FY13.