

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOISIn Re: Appointment of Counsel for
Clemency Petitions

No. 14 MC 1040

ADMINISTRATIVE ORDER

On January 30, 2014, the Deputy Attorney General announced an initiative to encourage inmates to petition for executive clemency, a process by which the President of the United States may reduce terms of imprisonment. Since the announcement of that initiative, the Court has received requests in various forms from inmates seeking the appointment of counsel to assist in the preparation of clemency petitions.

The Court may not appoint counsel paid from public funds where such appointment is not authorized by the Criminal Justice Act, Title 18, United States Code, Section 3006(A). See *United States v. Foster*, 706 F3d 887, 888 (7th Cir 2013), cert denied by *Foster v. United States*, 134 SCt 249 (2013). The Act *requires* the appointment of counsel under a number of clearly defined circumstances in criminal proceedings, but assistance with the filing clemency petitions is not among them. 18 USC § 3006A(a)(1)(A)-(J). The Act *allows* the appointment of counsel when “the interests of justice so require” for any financially eligible person who “(A) is charged with a Class B or C misdemeanor, or an infraction for which a sentence to confinement is authorized; or (B) is seeking relief under Section 2241, 2254, or 2255 of title 28.” 18 USC § 3006(A)(a)(2)(A)-(B). As the text makes clear, assistance with the filing of a clemency petition does not fall within a court’s permissive appointment power either.

Because the Criminal Justice Act neither requires nor allows the appointment of counsel for the purpose of assisting an inmate with a clemency petition, the Clerk of the Court shall, pursuant to this Administrative Order, deny any such requests and send a copy of this Administrative Order to the inmate along with notice of the denial of the request for the appointment of counsel.

Entered on June 27, 2014

s/James E. Shadid
JAMES E. SHADID, Chief Judge
United States District Court
Central District of Illinois