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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

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IN RE: CASE MANAGEMENT OF  
MOTIONS BASED UPON  
*Rehaif v. United States*,  
\_\_\_ U.S. \_\_\_, 139 S. Ct 2191 (2019)

**GENERAL ORDER**

**No. 20-018**

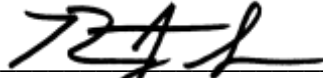
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Pursuant to the discretion of the Court and the Court's obligation to promote judicial economy and the orderly working of the judiciary, and based on agreement between the Office of the Federal Public Defender and the U.S. Attorney's Office for the District of Utah, the Court establishes the following case-management procedures to address the motions expected to be filed under 28 U.S.C. § 2255 in light of *Rehaif v. United States*, 139 S. Ct. 2191 (2019). As authorized by the Court's Standing Order No. 20-013, the Office of the Federal Public Defender for the District of Utah has reviewed the cases of defendants previously declared indigent to assess whether the defendants may qualify for relief under *Rehaif*. The Federal Defender's Office expects to file approximately 150 motions with the district court on or before June 25, 2020. These motions will challenge the validity of convictions based upon the failure to advise defendants of an element of the offense, as described in *Rehaif*. Currently, the basis for many of these claims is foreclosed by Tenth Circuit precedent. *United States v. Trujillo*, \_\_\_ F.3d \_\_\_, 2020 WL 2745526 (May 27, 2020). Thus, the Federal Defender Office is filing these petitions to preserve the claims in the event that the Tenth Circuit or Supreme Court rejects this rule on en banc review or on certiorari. See *United States v. Gary*, 954 F.3d 194 (4<sup>th</sup> Cir. 2020).

Because these motions are being filed without having first consulted with individual petitioners, all motions filed pursuant to this standing order will be automatically stayed by the

Clerk of Court for three months in order to allow the Federal Public Defender to ascertain the petitioners' desire to pursue the motion. Further stays as necessary to accomplish this task may be sought as necessary either by motion in individual cases or by agreement.

IT IS SO ORDERED this 19<sup>th</sup> day of June, 2020.

A handwritten signature in black ink, appearing to read 'RJS', is written above a horizontal line.

Robert J. Shelby  
Chief United States District Judge