UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARTIN CHAVEZ-ZARATE, Defendant.	Case No. 1:98-CR-005149-(1)-LJO ORDER REFERRING CASE TO FEDERAL DEFENDER'S OFFICE (Doc. 315)

The Court is in receipt of Defendant Martin Chavez Zarate's *pro se* request for counsel to assist him in the filing of a motion to reduce sentence pursuant to Title 18, United States Code, Section 3582(c)(2) ("§ 3582 Motion") and Amendment 782 to the United States Sentencing Guidelines. *See* Doc. 315. Pursuant to Eastern District of California General Order 546, the Federal Defender's Office ("FDO") is hereby appointed to represent Defendant in this matter.[1] Should the FDO determine it is not appropriate for the FDO to file a § 3582 Motion on behalf of Defendant, Defendant is entitled to file such a motion *pro se*. The Court will not construe Defendant's request for counsel as a § 3582 Motion. Accordingly,

[1] The Court previously issued an order referring this case to the FDO. Doc. 316. Due to a clerical error, this order was not served on the FDO and was not served on Defendant.

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IT IS HEREBY ORDERED that the FDO shall have until **April 11, 2017** to notify the Court whether it will file a § 3582 motion on behalf of Defendant or to notify the Court that it seeks withdrawal as counsel in this matter. Upon receipt of the FDO's filing, the Court will determine whether it is appropriate to issue an order setting a further briefing schedule. The Clerk of Court is **DIRECTED to add the FDO's Panel Administrator, Connie Garcia (Connie_Garcia@fd.org), to the service list** prior to the docketing of this Order.

IT IS SO ORDERED.

Dated: **March 7, 2017**

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE