

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>v.</b>	)	
	)	<b>CRIMINAL No. 2:04-CR-94-DBH</b>
<b>ROBERT W. MARION, III,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER ON DEFENDANT’S MOTION FOR APPOINTMENT OF COUNSEL**

The defendant Robert Marion is serving a lengthy federal prison sentence imposed by this Court. He has filed a motion requesting appointment of counsel to seek a sentence reduction based upon the United States Sentencing Commission’s recent decision to make retroactive a reduction in penalties for drug-related sentences. Letter from Robert Marion to Clerk of Court dated July 22, 2014 (ECF No. 76). He believes he may be entitled to “almost receive an immediate release.” Id. He refers specifically to the new amendment to the Sentencing Guidelines, Amendment 782.

Amendment 782 by its specific language, however, directs that any release based upon its terms can occur no earlier than November 1, 2015, some 15 months from now. This District, like many others, will devise processes and procedures to review the cases of federal prisoners sentenced here who may be covered by Amendment 782, and will appoint counsel as necessary. The defendant’s motion is premature at this time and is **DENIED WITHOUT PREJUDICE.** (Marion may also not qualify for Amendment 782 because he was sentenced as

a career offender in the first instance. Sentencing Tr. at 24 (ECF No. 41); Order on Def.'s Mot. to Reduce Sentence (ECF No. 49); and Judgment of United States Court of Appeals for the First Circuit (ECF No. 60).)

**SO ORDERED.**

**DATED THIS 28<sup>TH</sup> DAY OF JULY, 2014**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CRIMINAL DOCKET No. 2:04-CR-94-DBH**

**United States of America**

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**v.**

**Robert W. Marion, III,  
Defendant**

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