

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

IN THE MATTER OF:
CONTINUED COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES CREATED
BY COVID-19 AND RELATED
CORONAVIRUS

GENERAL ORDER

In recent months, the United States District Court for the Southern District of Indiana issued several General Orders regarding Court operations in light of the ongoing COVID-19 pandemic. These orders, among other things, cancelled naturalization ceremonies, continued all jury trials, and discussed delays caused by criminal trial continuances with respect to the Speedy Trial Act. On August 24, 2020, the Court issued a General Order providing for the resumption of modified Court operations in certain circumstances, including the resumption of some jury trials beginning September 1, 2020. To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those Orders.

I. The Pandemic's Impact on Court Operations

As set forth in prior orders, the Court continues to consider guidance from a variety of sources including the Centers for Disease Control and Prevention (CDC) and federal, state, and local public health authorities to determine what operations are appropriate given the health risks caused by the pandemic.

Based on that guidance, the Court makes the following findings:

- A. The significant health risks presented by the pandemic continue;
- B. In many locations in the United States, including Indiana, there are signs of increased coronavirus spread and evidence of resurgence;
- C. Large gatherings of people exacerbate community spread and put attending individuals at greater risk of exposure to COVID-19;
- D. In the immediate future, it will not be reasonably possible to summon a pool of potential jurors and conduct a jury trial in person in a manner that does not expose potential jurors, counsel, court staff, and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
- E. For an extended time, it is likely that a significant number of potential jurors may request that their service on a jury be deferred or excused for reasons related to COVID-19;
- F. The effects of COVID-19 may be significantly mitigated by temporarily modifying Court operations; and
- G. Good cause exists to modify Court operations as described below.

II. Jury Trials

It is hereby ORDERED that, effective immediately in all of the Court's divisions, all **in person** jury trials are **continued** until at least **January 25, 2021**. Jury trials conducted by video teleconference may proceed upon motion and/or Order of the presiding Judge.

III. Speedy Trial Act

- A. Upon a finding that the facts and circumstances of the case and measures outlined in this and other General Orders of the Court support a continuance as serving the ends of justice and protection of the public; and
- B. upon particularized findings in the case that a continuance serves the ends of justice, and such action outweighs the best interest of the public and the defendant to a speedy trial,

any delay of a criminal trial in conjunction with this Order shall be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Particularized reasons for delay may include, but are not limited to: the aforementioned health risks to jurors, court personnel, and parties; significant difficulties in defense counsel's ability to meet a client; and difficulties in trial preparation caused the inability to support the necessary close contact with witnesses.

IV. Naturalization Ceremonies

Until at least **January 25, 2021**, all Court-officiated naturalization ceremonies are **cancelled**. Individuals may be naturalized by a judicial officer when and under what circumstances the Court deems appropriate. This Order does not affect the Court's previous grant of authority to United States Citizenship and Immigration Services to administer the Oath of Allegiance in compliance with statute, notwithstanding the Court's exclusive jurisdiction as specified in 8 U.S.C. § 1421.

V. Other Proceedings

Other than jury trials and naturalization ceremonies, court proceedings shall continue to proceed by telephone, by video teleconference, or in person, as ordered in a particular case.

IT IS SO ORDERED.

For the Court,

Date: 11/13/2020


Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana