

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

On March 13, 2020, March 20, 2020, and April 13, 2020, the United States District Court for the Southern District of Indiana issued General Orders regarding Court operations in light of the ongoing COVID-19 pandemic. These orders, among other things, continued all jury trials, cancelled all naturalization ceremonies, and discussed delays caused by criminal trial continuances with respect to the Speedy Trial Act. To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those prior orders.

I. Court Operational Status

All proceedings except civil and criminal trials and naturalization ceremonies continue. Civil proceedings continue according to the deadlines set out in each case's scheduling order, which deadlines remain in effect, with conferences and hearings occurring by telephone or video teleconference as necessary. Many criminal proceedings continue by video teleconference when permitted by law, including initial hearings, detention hearings, plea hearings, and sentencing hearings. The Probation Office continues to monitor individuals in the community under its supervision and perform all of its core functions.

II. The Pandemic's Impact on Court Operations

As set forth in the April 13, 2020, Order, the Court continues to consider guidance from a variety of sources including the Centers for Disease Control and Prevention (CDC), federal, state, and local public health authorities, and the Administrative Office of the United States Courts, to determine what operations are appropriate given the health risks caused by the pandemic in each of the Court's four divisions.

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

- 1) Full court operations cannot be resumed at this time without presenting substantial health risks to the public;
- 2) In the immediate future, it will not be possible to summon a pool of potential jurors and conduct a jury trial 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;
- 3) 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;
- 4) The aforementioned effects of COVID-19 may be significantly mitigated by temporarily modifying Court operations; and
- 5) Good cause exists to implement temporary changes to Court operations.

III. In-Person Proceedings

The Court's current operational status will remain in place until **at least June 15, 2020**. Other than jury trials, civil and criminal proceedings shall continue to proceed by telephone or video teleconference as ordered in any particular case. No in-person proceedings shall occur until **June 15, 2020**, except under emergency circumstances as ordered in a particular case. This date is subject to change, depending upon the state of the COVID-19 pandemic in each of the Court's four divisions.

IV. Jury Trials

It is hereby ORDERED that, effective immediately in all of the Court's divisions:

- A. All jury trials are **continued** through and including at least **July 20, 2020**;
- B. Pursuant to Section 15(a) of the Court's Plan for the Random Selection of Grand and Petit Jurors and 28 U.S.C. § 1866(c)(1), the Clerk, under supervision of the Court, may temporarily excuse any person summoned for jury service upon a showing of undue hardship or extreme inconvenience, for such a period as the Court deems necessary, at the conclusion of which such person either will be summoned again for jury service or the name of such person will be reinserted into the qualified jury wheel for selection. Through and including **August 24, 2020**, upon a person's written request, the Clerk, through the Jury Administrators, shall temporarily excuse for undue hardship or extreme inconvenience any potential juror who:
 1. At the time of request has ongoing symptoms of COVID-19 or tests positive for COVID-19;
 2. Is in a category deemed at high risk of COVID-19 infection by the CDC or federal, state, or local public health authorities;
 3. Is quarantined due to exposure to a person testing positive for COVID-19;
 4. Is caring for a family member or other dependent with symptoms of COVID-19 or who has tested positive for COVID-19; or
 5. Is a healthcare professional whose current employment is essential to the care and/or treatment of patients occasioned by the COVID-19 pandemic.

V. Speedy Trial Act

- A. Upon a finding that the facts and circumstances of the case and measures outlined in this General Order 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, counsel and parties; significant difficulties in defense counsel's ability to meet with a client; and difficulties in trial preparation caused by the inability to support the necessary close contact with witnesses.

VI. Naturalization Ceremonies

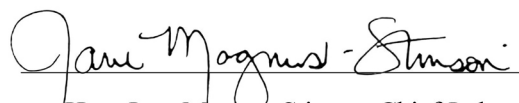
Through and including at least **June 15, 2020**, all Court-officiated naturalization ceremonies are **cancelled**. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will arrange for naturalization of the individual by a judicial officer.

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.

IT IS SO ORDERED.

For the Court,

Date: 5/12/2020



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