

# 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

During the months of March, April, May, and June 2020, 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, closed all Courthouses in the Southern District of Indiana to the public, 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 Orders.

The Court also issued a General Order on June 12, 2020, on behalf of the Facility Security Committees for each courthouse in the Southern District of Indiana that requires, with limited exceptions, all persons entering a courthouse to wear a face covering. That General Order remains in effect and should be read in detail before arriving at a courthouse.

### **I. The Pandemic's Impact on Court Operations**

As set forth in the June 5, 2020, Order, 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 health risks presented by the COVID-19 pandemic continue, but have abated to some degree in each of the Court's divisions;
- B. Under certain circumstances, modified Court operations can be resumed without presenting substantial health risks to the public given the safeguards the Court has enacted to maximize the health and safety of anyone entering a courthouse; and
- C. Good cause exists to resume modified Court operations as described below.

## **II. Civil Service by United States Marshals Service**

In a General Order issued April 3, 2020, the Court suspended any requirement that the United States Marshals Service, or anyone contracted on its behalf, effect personal service of process under Fed. R. Civ. P. 4(c)(3), 28 U.S.C. § 1915(d), or 28 U.S.C. § 1916, for cases pending in this district or any other district. That suspension is **TERMINATED** and civil service ordered by the Court is **REINSTATED**.

## **III. In-Person Proceedings**

- A. In-person criminal plea and sentencing hearings will resume in all divisions beginning **July 6, 2020**.
- B. Single defendant criminal jury trials will resume in all divisions beginning **July 20, 2020**. The public may attend trials by remote viewing inside the courthouse and/or in the courtroom galleries. The public is advised that due to space limitations and social distancing requirements, seating for the public may be more limited.
- C. In-person civil proceedings, including civil jury trials, will commence in all divisions beginning **August 17, 2020**.

Notwithstanding the above, in light of the ongoing health risks posed by the pandemic and the space limitations on the Court's ability to conduct all proceedings safely in person, parties are encouraged to consider conducting proceedings remotely as

permitted by law and previous orders of the Court. In addition, parties are encouraged to conduct depositions remotely to the extent permitted by law.

#### **IV. 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 by the inability to support the necessary close contact with witnesses.


#### **IV. Naturalization Ceremonies**

Court-officiated naturalization ceremonies will resume beginning **August 13, 2020**. Before that date, 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.

IT IS SO ORDERED.

June 26, 2020

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