

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

To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those Orders.

On March 13, 2020, and March 20, 2020, the United States District Court for the Southern District of Indiana issued General Orders which, among other things, continued all jury trials, cancelled all naturalization ceremonies, and discussed how criminal trial continuances impacted defendants' rights under the Speedy Trial Act. The Orders are effective through and including at least May 1, 2020, in all the Court's divisions. As set forth in the March 20, 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. Based on that guidance, the Court makes the following findings:

- 1) Normal 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) 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;
- 5) The aforementioned effects of COVID-19 may be significantly mitigated by temporarily modifying Court operations; and
- 6) Good cause exists to implement temporary changes to Court operations.

I. 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 **May 29, 2020**;
- B. Through and including June 30, 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.

II. Speedy Trial Act

- A. Upon a finding that the facts and circumstances of the case and measures outlined in this General Order demonstrate that a continuance serves the ends of justice and protects 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 with a client; and difficulties in trial preparation caused by the inability to have close contact with witnesses.

III. Naturalization Ceremonies

Through and including at least **May 29, 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.

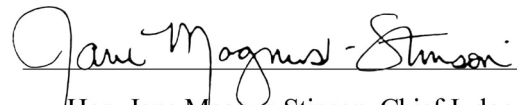
This Order does not affect the Court's previous grant of authority to United States

Citizen 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: 4/13/2020

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line drawn through the middle of the name.

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