

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, and May 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, 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 previous General 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 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) The aforementioned effects of COVID-19 may be significantly mitigated by temporarily modifying Court operations; and
- 3) Good cause exists to implement temporary changes to Court operations.

III. In-Person Proceedings

Other than jury trials, civil and criminal proceedings shall continue to proceed by telephone or video teleconference as ordered in any particular case. In all divisions, limited in-person criminal proceedings shall begin on **June 15, 2020**. This date is subject to change, depending upon the state of the COVID-19 pandemic in each of the Court's four divisions. Individuals who are necessary participants in any in-person proceeding will be permitted entry into the courthouse for these proceedings and will be subject to the screening and other requirements set forth in General Orders issued on March 20, 2020, and May 20, 2020, and any other General Orders issued by the Court. The public may access these proceedings by telephone as set forth by Order in each case.

IV. 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.

V. Naturalization Ceremonies

Through and including at least **July 6, 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.

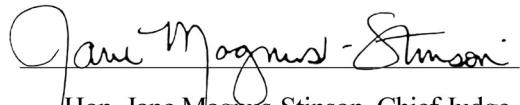
VI. Central Violations Bureau

The Central Violations Bureau dockets in all divisions are continued through at least **September 1, 2020**. Payments will continue to be processed via pay.gov.

IT IS SO ORDERED.

For the Court,

Date: June 5, 2020

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

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