

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

SUSPENSION OF COURT  
PROCEEDINGS EFFECTIVE  
MARCH 22, 2020

**MISCELLANEOUS  
GENERAL ORDER 20-10**

This Miscellaneous General Order supersedes the Court’s Miscellaneous General Orders 20-05, 20-06, 20-07, 20-08, and the Temporary General Order re: Restrictions on Visitors to the Courthouse concerning court access and operations under the exigent circumstances created by coronavirus disease (COVID-19).

As of the date of this Order, the President of the United States has declared a national emergency in response to the outbreak of COVID-19. The Governor of the State of Alaska declared a public health disaster emergency in anticipation of the outbreak of COVID-19 in Alaska. Additionally, several municipalities throughout Alaska have declared states of emergency in response to confirmed cases of COVID-19 in Alaska. Federal, state, and local authorities have urged and—in the case of Anchorage residents—have ordered individuals to avoid leaving their homes and to practice “social-distancing” when in public.

In order to comply with the guidance issued by federal, state, and local public health officials intended to slow the transmission of COVID-19, it is necessary to limit in-court proceedings and encourage court staff to telework whenever possible. This will significantly disrupt normal court operations. Accordingly, Court operations and deadlines are modified as follows:

**A. Criminal Matters**

1. All Grand Jury proceedings scheduled to be held from February 18, 2020, through May 1, 2020, are continued. Pursuant to 18 U.S.C. § 3161(b), any case charged by complaint from February 18, 2020, to May 19, 2020, shall have an additional 30 days from the date of arrest for filing of the indictment. Due to health and safety concerns regarding the COVID-19 virus and the requirement of grand jurors to travel, the Court finds that the resulting

period of delay from February 18, 2020, through May 19, 2020, serves the ends of justice in a manner that outweighs the best interest of the public and the defendant in a speedy trial. Accordingly, the delay shall be excluded in computing the time within which an indictment must be filed pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(i). Accordingly, unless further delay is excluded by order of the Court, the government shall have a total of 60 days from May 19, 2020, to file an indictment in any case charged by complaint from February 18, 2020, to May 19, 2020.

2. To protect the constitutional right of defendants to a speedy trial and pursuant to Federal Rules of Criminal Procedure 5 and 10, the Court will continue to hold initial appearances and arraignments in criminal cases without unnecessary delay. Judges should conduct such proceedings by telephone or video teleconference where practicable and consistent with the law.
3. Initial Appearance for individuals arrested in the District of Alaska pursuant to a federal complaint will occur at 9:00 a.m. the day following the arrest. The arresting agency will transport and maintain custody of the defendant until he or she is placed in the custody of the U.S. Marshals Service at the end of the Initial Appearance. The Detention Hearing will be scheduled for 2:00 p.m. or later that same day, depending upon the Court's availability. This schedule will allow the pretrial officer to interview the defendant between the time of the Initial Appearance and the Detention Hearing if the officer has been unable to obtain access to the defendant prior to that time. Where defendants are to appear via telephone or video teleconference, the assigned judge may need to adjust the timing for such appearances to accommodate defendants' limited access to telephone or video teleconference equipment.
4. All criminal jury trials scheduled to commence on or before May 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial-specific deadlines in criminal cases scheduled to begin before May 1, 2020, are continued pending further order of the assigned judge.
5. Except as directed by an individual judge, criminal proceedings, including sentencings, supervised release revocation hearings, motion hearings, plea hearings, misdemeanor

bench trials, and all proceedings under Federal Rule of Criminal Procedure 5.1, are suspended until May 1, 2020.

6. All in-person status hearings for criminal cases are vacated. In those cases, counsel shall file a written joint status report within fourteen (14) days of this Order. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.
7. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. In each case, the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i), and (B)(iv). Any motion by a criminal defendant seeking an exception to this Order to exercise that right, should be directed to the District Judge assigned to the matter. Absent further order of the Court, the period of the exclusion shall be from March 16, 2020, through May 1, 2020.
8. Judges may hold, and shall prioritize, any critical criminal proceeding which cannot be postponed without substantially prejudicing either party or irreversibly impeding the fair administration of justice. Judges should conduct such proceedings by telephone or video teleconference where practicable and consistent with the law.
9. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**B. Civil Matters:**

1. All civil jury trials scheduled to commence on or before May 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial-specific deadlines in civil cases scheduled to begin before May 1, 2020, are continued pending further order of the assigned judge.

2. In civil cases, no hearings scheduled between March 23, 2020, and May 1, 2020, will go forward except for emergency matters, such as requests for temporary restraining orders and preliminary injunctions, as ordered by the assigned judge. Any hearings on emergency civil matters will proceed by telephone or video only.
3. All in-person status hearings for civil cases scheduled between March 23, 2020, and May 1, 2020, are vacated. In those cases, counsel shall file a written joint status report. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.
4. The Clerk's Office will no longer accept physical filings in-person. Parties seeking to submit a physical filing may do so in drop boxes located in the lobby of each court facility near court security.
5. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**C. Bankruptcy Matters**

1. General Order 2020-3 issued by the United States Bankruptcy Court for the District of Alaska remains in effect.
2. No hearings in bankruptcy appeals pending before the District Court scheduled from March 23, 2020, through May 1, 2020, will go forward except for emergency time-sensitive matters. In such case, counsel shall file a written joint status report describing the emergency circumstances and, if practicable, requesting a telephonic hearing.

**D. Access by the Public:**

1. All non-case related activities scheduled in the James M. Fitzgerald U.S. Courthouse in Anchorage, and U.S. Courthouses in Fairbanks and Juneau, are canceled until further notice. This includes naturalization ceremonies, attorney admission ceremonies, mock trials, CLE events, school tours, and all other non-case related gatherings.
2. In light of the guidance issued by the federal, state, and local government and to protect the health and safety of defendants, counsel, and court staff, the James M. Fitzgerald U.S. Courthouse in Anchorage, and U.S. Courthouses in Fairbanks and Juneau shall be closed

to the public except as described below.

3. If criminal proceedings must be held, family members and friends of defendants may enter the courthouse to observe said proceedings unless the assigned judge finds that such attendance presents an undue risk to the health and safety of defendants, counsel, or court staff. To the extent possible, these visitors shall practice “social distancing” when attending in-court proceedings.
4. If criminal proceedings must be held, victims and family members of victims may enter the courthouse to observe said proceedings unless the assigned judge finds that such attendance presents an undue risk to the health and safety of defendants, counsel, or court staff. Family members are meant to include immediate family, spouses, and significant others. In the case of a release hearing, plea, or sentencing proceeding, the victim shall be given reasonable opportunity to be heard either in-person or telephonically.
5. If criminal or civil proceedings must be held, members of the press may enter the courthouse to observe said proceedings unless the assigned judge finds that such attendance presents an undue risk to the health and safety of defendants, counsel, or court staff.
6. If you have a scheduled appointment or are otherwise required to appear in-person but believe you have mistakenly been denied entry, you should proceed as follows:
  - If you are represented by an attorney, please contact your attorney;
  - If you are an attorney or a pro se litigant and you are scheduled to appear in court before a judge, please contact that judge's chambers or courtroom deputy (see court website at [www.akd.uscourts.gov](http://www.akd.uscourts.gov));
  - For all other matters or questions, please contact the Clerk's Office at (907) 677-6100 (Anchorage), (907) 451-5791 (Fairbanks), or (907) 586-7458 (Juneau).
7. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties and members of the public.

**E. Court Services and Employees:**

1. The Clerk’s Office lobby shall be closed to the public except for those submitting physical filings in the drop boxes located in the lobby of each court facility near court security. Cash payments will not be accepted. The Clerk’s Office will remain available by telephone, mail will be received, and new filings will be processed.
2. All U.S. Probation and U.S. Pretrial Services offices will be closed to the public but will remain in operation. Drug testing and other supervisory activities will continue. A probation or pretrial services duty officer will answer questions telephonically at (907) 677-6170.
3. All court employees, including Clerk’s Office staff, U.S. Probation and Pretrial Services staff, and Chambers staff, shall telework whenever possible except as otherwise directed by their supervisor. While teleworking, all employees shall contact their direct supervisor daily, or as directed by their supervisor, for accountability and information dissemination.

DATED this 22nd day of March, 2020

/s/ Timothy M. Burgess  
Hon. Timothy M. Burgess  
Chief United States District Judge

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