

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
MAR 17 2020
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *TD* DEPUTY

In the matter of)
)
SUSPENSION OF JURY TRIALS)
AND OTHER PROCEEDINGS)
DURING THE COVID-19 PUBLIC)
EMERGENCY)

Order of the
Chief Judge No. 18

This Order is predicated on the following: The President of the United States of America, the Governor of the State of California, and the Mayor of the City of San Diego have declared states of emergency in response to the spread of the coronavirus (COVID-19). The Centers for Disease Control and Prevention and other public health authorities have advised that public gatherings be limited to no more than ten people. The United States Attorney for the Southern District of California has informed the Court that he expects that a quorum of grand jurors will not be available to serve during this period of national emergency. And the Metropolitan Correctional Center in San Diego has restricted access by defense counsel to their incarcerated clients. The effect of these public health recommendations and the concerns and restrictions that they have generated has greatly jeopardized the Court's ability to obtain an adequate spectrum of trial and grand jurors, and impairs the availability of counsel, witnesses, parties, the public, Probation and Pretrial Services, and Court staff to be present in the courtroom. In consideration of these factors and others, and to protect public safety and prevent the spread of COVID-19, the Chief Judge, after seeking the recommendations of the Southern District of California planning group, hereby declares a judicial emergency for a period of 30 days under 18 U.S.C. § 3174 and issues the following Emergency Orders:

1. The Edward J. Schwartz and James M. Carter & Judith N. Keep United States Courthouses in San Diego, and the United States Courthouse in El Centro will remain open for business, subject to the limitations of this Order and those set out previously in Order of the Chief Judge No. 17.

2. All jury trials in civil and criminal cases in the Southern District of California are continued until April 16, 2020. New trial or status dates will be set in individual cases on or before April 16, 2020, unless this emergency suspension of trials is extended.
3. All trial-specific deadlines in pending criminal cases, including those for filing motions in limine and jury instructions, exchanging exhibits, providing notice of expert witnesses, and completing the depositions of material witnesses, are continued until April 16, 2020. Individual district judges may continue trial-specific deadlines in civil cases at their discretion. New dates will be set in individual cases on or before April 16, 2020, unless the emergency suspension of trials is extended.
4. Except for convening jury trials, individual district judges will retain discretion, on a case by case basis, to schedule criminal and civil proceedings, hold hearings, conferences, and bench trials, and otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties. Judges may conduct court proceedings by telephone or video conferencing where practicable and consistent with the law.
5. On its own motion, the Court finds that the period of suspension of criminal trials and other criminal proceedings implemented by this Order is excluded under the Speedy Trial Act. Specifically, for the reasons articulated in the initial paragraph of this Order, the Court finds that the current COVID-19 pandemic constitutes a “judicial emergency” under 18 U.S.C. § 3174. As an alternate basis for this exclusion, the Court finds that, under 18 U.S.C. § 3161(h)(7)(A), these continuances serve the ends of justice and outweigh the interests of the public, of the government, and of criminal defendants in a speedier trial. The period of exclusion will be from March 17, 2020 to April 16, 2020 absent further order of the Court or that of any individual district judge. The Court may extend the period of exclusion as circumstances may warrant. However, this order does not toll any statutes of limitations, nor any statutory deadline for the filing of an appeal.
6. Except as directed by an individual district judge, criminal proceedings including sentencings, supervised release revocation hearings, motion hearings, arraignments, plea hearings, misdemeanor bench trials, and all

proceedings under Federal Rule of Criminal Procedure Rule 5.1, are suspended until April 16, 2020. However, the issuance of criminal complaints and arrest and search warrants, initial appearances, and bail and detention hearings will continue in the ordinary course before the magistrate judges.

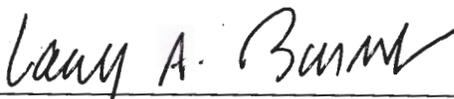
7. All grand jury proceedings are suspended until April 16, 2020, or until further order of this Court.
8. All Central Violations Bureau (CVB), Veterans Court, and Alternatives to Prison Solution Program proceedings are suspended until April 16, 2020, or until further order of this Court.
9. The requirement under Civil Local Rule 16.1.a. that Early Neutral Evaluation (ENE) Conferences be conducted in person is suspended until April 16, 2020. During this period, ENE Conferences may be conducted by telephone or video conferencing.
10. The requirement under Criminal Local Rule 46.1.a. that a defendant posting bail in a criminal case deliver physical copies of bail documents to the Clerk is suspended until April 16, 2020. During this period, all bail documents may be delivered to the Clerk electronically.
11. The Clerk's Office, United States Probation Office, United States Pretrial Services Office, and United States Bankruptcy Court will remain open pending further order of the Court.

This Order is effective immediately and will remain in place until April 16, 2020 absent further order of the Court.

* * *

IT IS SO ORDERED.

Dated: 3.17.2020



LARRY ALAN BURNS,
Chief United States District Judge