

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE:

CASE NO: 2:20-MC-3-38FtM

CORONAVIRUS PUBLIC EMERGENCY

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**ORDER CONCERNING JURY TRIALS AND OTHER PROCEEDINGS**

As the Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce exposure to the coronavirus and to slow the spread of COVID-19, the Court issues this Order to protect public health, reduce the size of public gatherings, and prevent unnecessary travel. The United States courthouse in Fort Myers, including the Bankruptcy Court and Probation and Pretrial Services, will remain open for business, subject to these limitations:

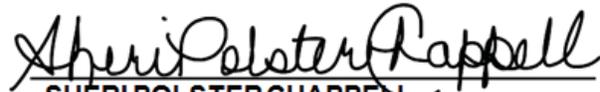
1. Effective immediately, all jury trials in the Fort Myers Division scheduled to begin before May 31, 2020, are continued pending further order of the Court. The Court may issue other orders concerning future continuances as appropriate.
2. All trial-specific deadlines in criminal cases scheduled for trial to begin before May 31, 2020, are continued pending further order of the Court.
3. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
4. The Court is cognizant of the right of criminal defendants to a speedy and public trial, and the application of that right in cases against defendants detained pending trial. 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 case.

5. The time period of any continuance entered because of this Order is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the best interests of the defendant and the public in a speedy trial. Absent further order of the Court or any individual judge, the period of exclusion is from the date of this Order to May 31, 2020. The Court may extend the period of exclusion as circumstances warrant.
6. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and search-warrant requests, shall continue to take place in the ordinary course. Magistrate Judges may conduct criminal proceedings by videoconference consistent with the Federal Rules of Criminal Procedure.
7. Grand juries shall continue to meet as directed by the United States Attorney's Office pending further order of the Court. Absent emergencies, additional Grand Jury empanelment will be postponed pending further order of the Court.
8. All trial-specific deadlines in civil cases scheduled for trial to begin before May 31, 2020, are continued pending further order of the Court.
9. Individual judges presiding over civil proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
10. Individual judges will continue to conduct hearings, conferences, and bench trials in the exercise of discretion, consistent with this Order.
11. Judges are strongly encouraged to conduct court proceedings by telephone or videoconference where practicable.

12. The Clerk's Office, Probation Office, Bankruptcy Court, and all other Court services in the Fort Myers Division shall remain open pending further order of the Court.

Consult these offices directly for more information.

**DONE AND ORDERED** in Fort Myers, Florida, on this 19th day of March 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

Hon. Steven Merryday, Chief Judge  
All Fort Myers Division District Judges,  
Bankruptcy Judges, and Magistrate Judges  
James T. Skuthan, Acting Federal Defender  
Roger B. Handberg, Criminal Chief, U.S. Attorney's Office  
Elizabeth M. Warren, Clerk of Court