

**FILED**

**MAR 15 2020**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE: )  
COURT OPERATIONS UNDER THE )  
EXIGENT CIRCUMSTANCES CREATED )  
BY THE COVID-19 VIRUS. )

**Administrative Order No. 261**

**ADMINISTRATIVE ORDER**

This Administrative Order is being issued relative to cases and proceedings before the District Court in response to the recent outbreak of the coronavirus COVID-19 in the Southern District of Illinois and surrounding area, impacting school and business closures. Bankruptcy cases and proceedings are not subject to this Order and will be addressed separately by the Bankruptcy Court.

As of the date of this Order, there have been confirmed cases of COVID-19 in this judicial district. Although for many this disease appears to cause only flu-like symptoms, for others it can pose a serious risk, even death.

The Centers for Disease Control and Prevention ("CDC") has issued guidance recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials. National and local public health officials issued a recommendation that individuals at higher risk (e.g., those over 60 years of age, those with underlying health conditions, those who are pregnant) stay at home and away from large groups of people. Employers also were advised to maximize telecommuting and to feasibly avoid bringing large groups of people together. Specific CDC guidance can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

Given the significant number of identified and projected cases of COVID-19 nationwide and in this district, the severity of risk posed to the public, and the public health recommendations

from national and local public health authorities, it is **ORDERED** that, effective **March 16, 2020**:

- The federal courthouses in East St. Louis and Benton remain open to the public, subject to limitations aimed at maintaining the public health and allowing the Court to meet its constitutional duties.
- All public events and ceremonies (with the exception of Naturalization ceremonies) are **CANCELED**, subject to being reset.
- Naturalization ceremonies will proceed pending further Order of the Court, but only necessary officials and applicants may attend for the administration of the oath of citizenship.
- Filings will continue to be processed in civil and criminal cases via the Case Management/Electronic Case Filing ("CM/ECF") system and by mail. Paper documents will be received in drop boxes located just inside the East St. Louis and Benton courthouses, until further Order of the Court. Payments will be processed via credit card utilizing Pay.gov. Payments by check or money order will be accepted by mail or the courthouse drop boxes. Cash payments will **NOT** be accepted during this period of exigent circumstances.
- All civil matters, including trials, hearings, and settlement conferences, scheduled for an in-court appearance before any district or magistrate judge in the East St. Louis or Benton courthouses are **CONTINUED** pending further Order of the Court. Judges shall have discretion to utilize videoconferencing or teleconferencing.
- All grand jury proceedings in this district will proceed pending further Order of the Court.
- The Central Violations Bureau docket in East St. Louis and Benton is **CONTINUED** until further Order of the Court. Payments will continue to be processed electronically (instructions appear on each citation).
- Court Assistance Program ("CAP") meetings are **CANCELED** until further notice.
- With regard to criminal matters before the Court, only essential in-court proceedings will occur. Initial appearances, arraignments, detention hearings, and proceedings where in-person attendance is constitutionally required are deemed essential. As to all other currently set matters during this period, judges shall have sole discretion to determine what proceedings are essential and should go forward, or whether videoconferencing or teleconferencing can be utilized. Each judge will notify the affected parties and reset the matters as appropriate. These continuances will not affect any other deadlines unless the presiding judge so indicates.
- For all matters deemed essential, counsel must notify the presiding judge and opposing counsel if that attorney or any individuals the attorney intends to bring to

the courthouse have any of the following risk factors:

- Persons who have traveled outside the United States within the last 14 days;
- Persons who have traveled within the last 14 days within the United States;
- Persons who reside or have had close contact with someone who has traveled abroad or to a location with a known outbreak within the last 14 days;
- Persons who a doctor, hospital, or health agency has asked to self-quarantine;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- Persons with fever (low grade or high), cough, or shortness of breath;
- Persons who will be required to fly for the schedule proceeding;
- Any other persons who would raise a reasonable concern of exposure.

Attorneys are **DIRECTED** to contact persons they wish to bring to the courthouse and ask whether they have these risk factors. If so, counsel must give notice as soon as possible, but no later than 24 hours before the proceeding, if possible. The presiding judge will have sole discretion to determine whether the proceeding should be delayed or can go forward, perhaps by alternative means.

- All pre-trial detainees, upon arrival at the East St. Louis or Benton courthouses and before appearance in Court, are **ORDERED** to undergo nonintrusive screening for fever and other outward signs of COVID-19 contamination; such screening shall be administered by and/or at the direction of the United States Marshals Service (USMS), or its agents or designees. The presiding judge must be notified if the detainee exhibits risk factors. The judge shall have the discretion to order the detainee returned to the facility from which they came. Videoconferencing and other technologies may also be utilized as practicable.
- Due to the possibility that the Court's ability to obtain an adequate spectrum of jurors will be reduced, and the effect of public health recommendations and restrictions on the availability of defendants, counsel, court staff, and witnesses to be present in the courtroom, the Court will assess proceeding with jury trials on a case-by-case basis. Any time period of the continuances implemented by this Administrative Order or other Orders of the Court will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice—in terms of the nationally recognized public health dangers and constitutional aspects of summoning a jury—are 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). All necessary Orders will be entered in each case.
- This Order does not affect the Court's consideration of civil or criminal motions that can be resolved without in-court proceedings.
- All judges and counsel are encouraged to utilize videoconferencing and teleconferencing to the extent possible to avoid unnecessary disruption in the cases. The Court recognizes that it is impossible to cover all possible contingencies and that

the situation remains fluid. This Order is therefore designed to give the presiding officers flexibility to address issues as they arise while implementing necessary safeguards.

- Staff in the East St. Louis and Benton Clerk's Office will be available by telephone, and mail will be received for as long as deliveries from the United States Postal Service and other carriers can be received at the courthouses. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.
- Announcements regarding any further restrictions to Court services will be posted on the Court's public webpage <https://www.ilsd.uscourts.gov>, and attorneys will receive updates and notices via the CM/ECF system.

The Court will vacate or amend this Administrative Order no later than **April 3, 2020**.

**IT IS SO ORDERED.**

Dated this 15<sup>th</sup> day of March, 2020.

A handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style and is positioned above a horizontal line.

---

NANCY J. ROSENSTENGEL  
Chief U.S. District Judge