

Apr 07, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES
CREATED BY THE
CORONAVIRUS (COVID-19)

GENERAL ORDER NO. 20-101-4

This General Order is being issued pursuant to 28 U.S.C. § 2071(e) and in response to the evolving public health crisis caused by the outbreak of the Coronavirus Disease (COVID-19). In response to the continued spread of COVID-19, President Trump has declared a national emergency and issued guidelines directing at-risk individuals, including those 60 and older, to stay home and away from other people, and encouraging everyone to work from home whenever possible, to avoid discretionary travel, and to avoid social gatherings in groups of more than ten people. Washington State Governor Inslee has declared a state of emergency, and on March 23, 2020, he issued a “stay at home” order that requires Washington residents to stay home unless they need to pursue an essential activity, bans all social, religious, and recreational gatherings, and closed all businesses except essential businesses. The Court finds it necessary in the interest of justice to

1 take proactive measures to slow the spread of the virus and ensure the safety of
2 litigants, counsel, Court staff, grand jurors, petit jurors, witnesses, and the public.

3 This Order supersedes General Order Nos. 20-101-1 and 20-101-2.

4 Accordingly, **IT IS HEREBY ORDERED** that, effective immediately:

5 **1.** All hearings in civil and criminal cases scheduled for in-court
6 appearance before any District Judge in the Eastern District of Washington
7 through **May 15, 2020**, are VACATED, subject to Orders from the presiding
8 judge in each of those cases. All associated case management deadlines
9 related to those affected civil and criminal cases are SUSPENDED, subject
10 to Orders from the presiding judge in each of those cases;

11 **2.** All grand jury sessions through **May 15, 2020** are VACATED.
12 Determinations of excludable delay for the time period in which to file an
13 Indictment will be made in each individual case according to 18 U.S.C. §
14 3161(b) and (h);

15 **3.** As to pending criminal cases, the Court finds, given the outbreak of
16 the COVID-19, that rescheduling in-person hearings set in the near future
17 would result in minimizing undue risk to defendants, counsel, law
18 enforcement, Court staff, grand jurors, petit jurors, witnesses, and the public
19 at large. The Court also finds current public health advisories reduce the
20 Court's ability to obtain an adequate spectrum of jurors and curtails the

1 availability of counsel and Court staff to be present in the courtroom.
2 Therefore, the Court finds, based on the widespread nature of the risks posed
3 by COVID-19, that the ends of justice served by resetting hearings in all
4 pending criminal cases during this period outweigh the best interest of the
5 public and each affected defendant in speedy trials, and the period between
6 the date of entry of this Order and **May 15, 2020**, may be excluded from
7 Speedy Trial Act calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of
8 excludable delay will be contemporaneously entered by the presiding judge
9 in each individual case, along with an amended scheduling order;

10 **4.** Counsel need not object to this General Order to preserve any issues
11 for litigation, including an alleged violation of a client's constitutional rights,
12 as objections will be required in each individual case;

13 **5.** Excepted from this General Order are essential Magistrate Judge
14 hearings and functions which will be evaluated on a case-by case basis at the
15 discretion of the presiding Magistrate Judge after consultation with counsel;

16 **6.** Hearings in civil or criminal matters set for telephonic appearance by
17 all parties or hearings set without oral argument are not affected by this
18 General Order;

19 **7.** The Clerk's Office in each of the three court locations will not be
20 physically accessible to the public, but will remain open. Staff will be

1 available by telephone, mail will be received, and new filings will be
2 processed. Those seeking to make in-person filings or payments are directed
3 to leave such materials in designated drop-boxes at the Court Security
4 Officer locations (guard stations) in the entryway of each courthouse. The
5 Court encourages electronic filings made through the CM/ECF filing
6 system, use of the electronic payment system, and use of mail and delivery
7 services. The Clerk's Office is not closed, it is operational, and you may
8 contact the office by telephone during business hours;

9 **8.** The United States Probation and Pretrial Service Office in each of the
10 three court locations will be closed to the general public. Staff will be
11 available by telephone and drug testing and supervision will continue as
12 directed by Probation and Pretrial Service officers;

13 **9.** STEP Court participants will be advised separately when they are to
14 appear for proceedings;

15 **10.** Naturalization Ceremonies are CANCELLED through **May 15, 2020**.
16 The Citizen and Immigration Service (CIS) is authorized to administer the
17 oath of Citizenship during this period of time;

18 **11.** Physical access to proceedings scheduled during this time are limited
19 to persons required and necessarily allowed to attend as directed by the
20 presiding judge, which include parties, counsel, witnesses, and victims. If

1 the courtroom is not open to the public or press, the live audio content of the
2 hearing will be available in real-time to members of the public and press, via
3 a dedicated teleconference line. Dial-in information will be available on the
4 PACER system in the docket of each scheduled case that does not allow
5 public access. Hearing content provided in such manner must NOT be
6 recorded or rebroadcast; and

7 **12.** This Order does not pertain to Bankruptcy proceedings. Please consult
8 or contact the Bankruptcy Court for information and specific directions.

9 The public is encouraged to use online Court resources, contact the
10 Court/Clerk's Office by telephone, and continue utilizing Court services while
11 following all applicable public health guidelines.

12 The District Court Executive is directed to post this General Order to the
13 Court's website and distribute a copy to each attorney registered in the CM/ECF
14 system and each pro se litigant with a case pending before this Court.

15 This Order is subject to public comment by directing all concerns to the
16 District Court Executive.

17 **DATED** this 7th day of April 2020.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge
on behalf of the full Court