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**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: FURTHER EXTENSION OF
POSTPONED COURT PROCEEDINGS IN
STANDING ORDER 20-9 AND LIMITING
COURT OPERATIONS IN EXIGENT
CIRCUMSTANCES CREATED BY THE
COVID-19 PANDEMIC

Standing Order No. 20-29 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of ongoing circumstances relating to the Coronavirus Disease 2019 (COVID-19) pandemic, including the circumstances set out in this Court’s prior Standing Orders, *see In Re: Court Operations in Exigent Circumstances Created by the Covid-19 Pandemic*, Standing Order No. 20-9 (BAH) (March 16, 2020), ¶¶ (a)–(f); *In Re: Extension of Postponed Court Proceedings in Standing Order 20-9 and Limiting Court Operations in Exigent Circumstances created by the COVID-19 Pandemic*, Standing Order No. 20-19 (BAH) (April 2, 2020), ¶¶ (g)–(i), and supplemented by: (j) the May 13, 2020 extension of the “stay-at-home” order by the Mayor of the District of Columbia, which order requires residents to remain at home until June 8, 2020 unless engaged in essential activities, as well as the ongoing stay-at-home orders in the District of Columbia metropolitan area counties in Northern Virginia and Maryland, reflecting the seriousness of the pandemic in this region as of this date¹; (k) the “Opening Up

¹ *Mayor Bowser Extends Stay at Home Order and Public Health Emergency Through June 8*, OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA, <https://coronavirus.dc.gov/node/1477371> (extending DC stay-at-home order through June 8, 2020 and identifying criteria for beginning phased reopening) (last visited May 26, 2020); *County Executive Signs Continuing Stay at Home Order*, MONTGOMERY COUNTY GOVERNMENT, https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=25327 (continuing Montgomery County, MD stay-at-home order until further notice) (last visited May 26, 2020); *Amended Executive Order Number Sixty-Two (2020) and Amended Order of Public Health Emergency Four*, OFFICE OF THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA, <https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-62-and-Order-of-Public-Health-Emergency-Four-AMENDED.pdf> (continuing Northern Virginia stay-

American Again” guidelines announced by the White House on April 13, 2020 in conjunction with the Centers for Disease Control and Prevention (CDC), which guidelines identify criteria that each state or region should meet before beginning a three-phased return to normal operations and provide that during the **first phase** of reopening vulnerable individuals should continue to stay home, precautions should be taken by family members of vulnerable individuals to avoid putting them at risk, appropriate social distancing (6 feet) should be practiced, gatherings of more than 10 people should be limited, and employers should continue to encourage telework,² and that during the **second phase** of reopening precautions should continue with respect to vulnerable individuals, physical distancing should continue to be maximized in public spaces, and telework should continue to be encouraged,³ and (I) recognizing that the District of Columbia has not yet begun the **first phase** of reopening and the current uncertainty as to when the District of Columbia will enter the **first** and then the **second phase** of reopening and how long those phases will last, it is hereby **ORDERED**:

1. **Court Operations.** The U.S. District and Bankruptcy Courts for the District of Columbia will remain OPEN but with LIMITED OPERATIONS to support essential functions in criminal, civil and bankruptcy matters in a manner to ensure public safety, public health and welfare, with additional details regarding Clerk’s Office operations described, *infra* in paragraph 11. The criminal duty Magistrate Judge will continue to conduct remote proceedings, including initial appearance, arraignments, detention hearings, preliminary hearings, and competency hearings, as necessary, with defendants

at-home order) (last visited May 26, 2020); *Prince George’s County Stay-at-Home Executive Order*, OFFICE OF THE COUNTY EXECUTIVE OF PRINCE GEORGE’S COUNTY, <https://www.princegeorgescountymd.gov/DocumentCenter/View/30593/Extended-Stay-Home-Order---English>, (extending Prince George’s County, MD stay-at-home order until June 1, 2020) (May 26, 2020).

² *Opening Up America Again*, OFFICE OF THE PRESIDENT OF THE UNITED STATES, <https://www.whitehouse.gov/openingamerica/> (last visited May 26, 2020).

³ *Id.*

appearing by videoconference or teleconference from the D.C. Jail, Central Cell Block or other detention facility, as authorized by this Court's Standing Order 20-17, *In Re: Use of Video Teleconferencing and Teleconferencing for Certain Criminal and Juvenile Delinquency Proceedings*, Standing Order No. 20-17 (March 30, 2020), and the findings therein, and by the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), H.R. 748, enacted March 27, 2020.

2. **Jury Selections and Trials.** In light of the current stay-at-home orders, public health and safety guidance regarding protecting vulnerable individuals, limits on gatherings and physical distancing, the fact that the District of Columbia has not yet entered the first two phases of reopening with many businesses and childcare facilities remaining closed, and the recognition that the current circumstances would make it difficult to obtain a diverse and representative pool of prospective jurors, all civil and criminal petit jury selections and jury trials scheduled to commence before **August 1, 2020** are POSTPONED and CONTINUED pending further Order of the Court.
3. **Speedy Trial Act Exclusion For Postponed Criminal Trials.** In Standing Order 20-9, this Court found that, due to the exigent circumstances created by the COVID-19 pandemic and, in particular, the Court's reduced ability to obtain an adequate spectrum of prospective jurors due to circumstances and juror concerns regarding health and safety, the time period from **March 17, 2020 through May 11, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, because the ends of justice served by the continuances needed to protect public health and safety and the fair trial rights of the defendant outweighed 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). *See* Standing

Order 20-9, ¶ 3. In Standing Order 20-19, the Court found that the additional time period from **May 11, 2020 through June 11, 2020**, would also be excluded under the Speedy Trial Act due to the seriousness of the ongoing situation and because the ends of justice served by the continuances to protect public health and safety and the fair trial rights of the defendant outweighed 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). *See* Standing Order 20-19, ¶ 3. Due to the ongoing circumstances, as detailed above, and because the failure to postpone jury trials until at least **August 1, 2020** would likely make continuation of the case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the Court now finds that the additional time period from **June 11, 2020 through August 1, 2020** is also excluded under the Speedy Trial Act as the ends of justice served by the continuances to protect public health and safety and the fair trial rights of the defendant 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). The presiding Judge in any criminal case for which a jury trial is postponed under this Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

4. **Proceedings Other Than Criminal Trials.** With the exception of criminal jury trials, all other civil, criminal and bankruptcy proceedings in this Court, including court appearances, non-jury trials, hearings, settlement conferences, and misdemeanor, traffic and petty offense dockets, scheduled to occur before **July 15, 2020** are POSTPONED and will be scheduled for a later date, unless the presiding Judge in an individual case issues an order after the date of this Order directing that a particular proceeding will be

held by teleconference or videoconference on or before **July 15 2020**. As noted, *supra* in paragraph 1, authority to conduct certain criminal proceedings via teleconference or videoconference is provided by Standing Order 20-17, *In Re: Use Of Video Teleconferencing And Teleconferencing For Certain Criminal And Juvenile Delinquency Proceedings*, Standing Order No. 20-17 (March 30, 2020).

5. **Speedy Trial Act Exclusion For Postponed Proceedings Other Than Trial In Criminal Cases.** In Standing Order 20-9, this Court found that due to the exigent circumstances created by the COVID-19 pandemic, the time period from **March 17, 2020 through April 17, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, as the Court found that the ends of justice served by the continuances to protect public health and safety outweighed 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). *See* Standing Order 20-9, ¶ 5. In Standing Order 20-19, this Court further found that due to the considerations as detailed in that Order and because failure to further postpone criminal case proceedings other than trials until at least June 1, 2020 would likely make continuation of the case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the time period from **April 17, 2020 through June 1, 2020** also would be excluded as the ends of justice served by the additional continuances to protect public health and safety outweighed 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).⁴ The Court now finds that due to the circumstances and considerations above, for criminal proceedings further

⁴ Standing Order 20-19 stated that time under the Speedy Trial Act was excluded during "the time period from **April 27, 2020 through June 11, 2020**," Standing Order 20-19, ¶ 5, but the latter date was a typographical error and should have stated "**June 1, 2020**."

postponed under paragraph 4 the time period from **June 1, 2020 through July 15, 2020** will also be excluded as the Court finds that the ends of justice served by the additional continuances to protect public health and safety 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). The presiding Judge in any criminal case for which a proceeding is postponed under this Order may make additional findings and exclude additional time, as necessary and appropriate, regarding the new date for such proceeding.

6. **Public Access To Court Proceedings.** Standing Order 20-20 authorized public and media access to court proceedings via video or audio conference, notwithstanding the general ban on broadcasting of proceedings in federal district courts, during this public health emergency. *See In Re: Public and Media Access to Judicial Proceedings During COVID-19 Pandemic*, Standing Order No. 20-20 (BAH) (April 8, 2020). Pursuant to that authority, this Court has established dedicated public access teleconference lines for each Judge that enable public access to court proceedings held by video or teleconference during this public health emergency.
7. **Grand Juries.** Pursuant to Standing Orders 20-9 and 20-19, all grand jury sessions in this district have been suspended from **March 17, 2020 through June 11, 2020**. The Court anticipates the possibility of resuming grand jury sessions the week of **June 15, 2020**, with special conditions and accommodations to ensure compliance with all pertinent health and safety guidance from local and federal health authorities, in addition to the steps already taken by the Court to protect public health and safety during the COVID-19 pandemic, including restricting access to the E. Barrett Prettyman United States Courthouse and the William B. Bryant Annex (the "Courthouse") to judges, court

staff, members of the media and persons with official business with the United States District and Bankruptcy Courts for the District of Columbia and the United States Court of Appeals for the D. C. Circuit, *see In Re: Restrictions on Courthouse Visitors*, Standing Order No. 20-8 (BAH) (March 13, 2020); prohibiting access to the Courthouse by persons who have been diagnosed with or who have had known contact with a person with the COVID-19 virus or who have been asked to self-quarantine or who are experiencing flu-like symptoms from entering the Courthouse, *id.*; and requiring all authorized visitors to the Courthouse, including vendors, contractors, litigants, attorneys and members of the public, to wear a mask or face covering, and requesting that Court staff wear a mask or face covering when in common or public areas of the Courthouse and anywhere when appropriate physical distancing (6 feet) is not possible, *see In Re: Use of Face Coverings or Masks in Public Areas of the E. Barrett Prettyman Courthouse and the William B. Bryant Annex During COVID-19 Pandemic*, Standing Order No. 20-26 (BAH) (April 27, 2020).

8. **Speedy Trial Act Exclusion For Filing of Indictments.** Pursuant to Standing Orders 20-9 and 20-19, and due to the considerations referenced therein and above, which make it “unreasonable to expect return and filing of [an] indictment within the period specified in section 3161(b),” 18 U.S.C. § 3161(h)(7)(B)(iii), and the unavailability of a grand jury in this district arising from the suspension of grand jury sessions in the interest of public health and safety, *see supra* paragraph 7 and Standing Order 20-9, ¶ 4, the 30-day time period for filing an indictment, under 18 U.S.C. § 3161(b), which previously had been TOLLED for the time period from **March 17, 2020 through April 17, 2020** by Standing Order 20-9, and further TOLLED until **June 11, 2020** by Standing Order 20-19, is now

further tolled until **July 15, 2020**, unless the requisite quorum of grand jurors is obtained to consider the matter, in which event the time period is TOLLED to the time earlier than July 15, 2020 when the grand jury meets to consider the matter. *See also* 18 U.S.C. § 3161(h)(7)(A). To ensure that this finding applies solely to those criminal cases in which the government intends to seek an indictment, the government shall file bi-weekly status reports in all criminal matters in which an indictment is delayed due to the absence of a sitting grand jury. If, after initiating a criminal case by obtaining a complaint, the government determines that it does not intend to seek an indictment, the government shall immediately file a motion to dismiss the pending complaint.

9. **Statute of Limitations Unaffected.** This Order does not toll any applicable statute of limitations.
10. **Naturalization Ceremonies:** In order to follow public health and safety guidance regarding the size of gatherings and appropriate physical distancing, naturalization ceremonies at the Courthouse have been postponed until further order of the Court, with authority granted to the United States Citizenship and Immigration Services (USCIS) to administer the oath of allegiance administratively during this public health crisis. *See In the Matter of: The Temporary Suspension of Exclusive Authority To Administer the Oath of Allegiance to New Citizens*, Standing Order 20-13 (BAH) (March 23, 2020). This Court will resume conducting naturalization ceremonies as of **August 1, 2020**.
11. **Limited Clerk's Office Operations.** The operations of the Clerk's Office are continuing but have been limited to support essential functions in criminal, civil and bankruptcy matters in a manner that ensures public safety, public health and welfare.

Limited operations are as follows, with further details and updates available on the Court's website:

- a. Public Access. The public has no access to the Clerk's Office intake counters or public terminals inside the courthouse.
- b. Electronic Filing Ongoing. Electronic filing through the Federal Judiciary's Case Management/Electronic Case Filing (CM/ECF) system is available.
- c. Filings by Pro Se (Self-Represented) Litigants. *Pro Se* litigants may submit filings to the Court either (1) by sending the filing via email to the Court's email address: dcdml_intake@dcd.uscourts.gov; or (2) by date-stamping and depositing papers in drop boxes located at the entrance to the Courthouse.
- d. Sealed and Emergency Filings. Sealed submissions in criminal cases and emergency or sealed filings in civil cases may be submitted via email to the Court for prompt docketing. Further information about the specific email addresses to be used may be found on the Court's website.
- e. Payments. Cash payments will not be accepted by the Court during this period of limited operations, with only credit cards and personal checks accepted as payment methods. Restitution payments may be made online by following the procedures outlined at: <https://www.dcd.uscourts.gov/payment-information>. Payments in bankruptcy matters should be made in accordance with General Order No 2020-2 (SMT), *In re: Providing Further Direction Regarding What Are the Acceptable Forms of Payments in Bankruptcy Cases and Proceedings in Light of the District Court's Standing Order No. 20-9* (March 18, 2020).

- f. Certificates of Good Standing. Certificates of good standing for attorneys will continue to be provided. Requests should be submitted electronically in accordance with directions posted on the Court's website.
- g. Attorney Admissions. Attorney admission ceremonies scheduled through **September 7, 2020** are cancelled. Petitions for admission to the bar of this Court will continue to be accepted via PACER and will be processed by the Motions Judge without the need for an in-person hearing referenced in Local Civil Rule 83.8(d). Applicants are permitted to swear to the oath required by Local Civil Rule 83.8(e) in writing. Further information, including the written oath form and the monthly deadlines for submission of petitions for admission, may be found on the Court's website at: <https://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information>. The dates for submission of completed petitions for admission remain unchanged. See <https://www.dcd.uscourts.gov/sites/dcd/files/2020%20Atty%20Adm%20Dates.pdf>

12. Further Orders. Further orders addressing court operations in the exigent circumstances created by the COVID-19 pandemic will be issued as circumstances warrant.

SO ORDERED.

Date: May 26, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge