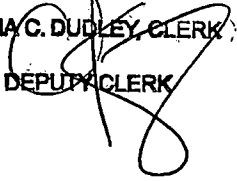


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

MAR 24 2020

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE MATTER OF:

**COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19**

**Amended Standing
Order No. 2020-5**

Given the continuing spread of novel coronavirus COVID-19 and Governor Northam's March 23, 2020 decision to close schools for the academic year and restrict the operation of other businesses, the United States District Court for the Western District of Virginia extends the restriction on in-person court proceedings established in Standing Order 2020-5 to any in-person criminal, civil and bankruptcy proceedings on or before May 1, 2020.

The Centers for Disease Control and Prevention (CDC) and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of disease. The CDC is recommending that people attempt to keep physical distance between themselves and other people. The CDC is also recommending employers attempt to minimize exposure between employees and the public and to limit events and meetings that require close contact.

Participants in court proceedings often are in close proximity with each other. As such, and following the guidance obtained from the Administrative Office of United States Courts, reviewing orders entered by courts from around the country, and consulting Virginia Department of Health officials located in the Western District of Virginia, the court implements the following temporary steps to protect public health, reduce the size of public gatherings and eliminate unnecessary travel.

Effective immediately, it is **ORDERED** as follows:

1. The United States District Court and the United States Bankruptcy Court for the Western District of Virginia will remain open for business, subject to the following limitations.
2. All in-person criminal, civil and bankruptcy proceedings on or before May 1, 2020, are **CONTINUED** and will be rescheduled at a later date, unless a presiding judge in an individual case issues an order after the date of this Order directing that a particular proceeding will be held on or before May 1, 2020.
3. All civil jury trials on or before May 1, 2020, are **CONTINUED** and will be rescheduled. Issues concerning pending pretrial deadlines are to be addressed with the presiding judge.
4. All criminal jury trials on or before May 1, 2020, are **CONTINUED** and will be rescheduled. Issues concerning pending pretrial deadlines are to be addressed with the presiding judge. As regards continuances of criminal trials on or before May 1, 2020, the court, on its own motion, finds that the time of the continuances required by 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 the continuances outweigh the interests of the parties and the public in a speedy trial. In this regard, the court is concerned about the reduced ability during this pandemic to obtain an adequate spectrum of jurors and the effect of existing public health recommendations on the availability of counsel, witnesses, and court staff to be present in the courtroom.
5. All misdemeanor and petty offense dockets on or before May 1, 2020, are **CONTINUED** and will be rescheduled.
6. All Veterans Treatment Court, Reentry Court and Drug Treatment Court sessions on or before May 1, 2020, are **CANCELLED**.
7. Grand jury proceedings scheduled on or before April 17, 2020 are **CONTINUED**.

8. Despite the continuance of in-person court proceedings, judges may continue to conduct proceedings by telephone or video conferencing where practicable and authorized by law.
9. In particular, magistrate judges may conduct initial criminal proceedings by video teleconferencing as authorized under Federal Rules of Criminal Procedure 5(f) and 10(c). Where the circumstances of those rules cannot be met, initial criminal proceedings are to be conducted in person to satisfy constitutional and statutory requirements.
10. Individual judges presiding over criminal proceedings may take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
11. While some court employees may be assigned to work remotely, the district's courthouses will remain open, electronic filings will be processed, and intake desks will remain available for non-electronic filings. Staff in the clerk's offices will be available by telephone and email, and mail will be received. The public and practicing bar are encouraged to continue using court services while following all applicable public health guidance.
12. Consistent with the requirements of the Bail Reform Act, 18 U.S.C. 3145(b), concerning review of a detention orders, and in an effort to reduce the public health risk to federal defendants detained in local jails, any motion for reconsideration or review of a detention order should be made in writing and docketed via ECF. In cases where the defendant and government cannot agree as to terms and conditions of bond necessitated by the present public health crisis, the government shall file a response in writing within 3 (three) days. The motion shall be determined promptly by the court.

13. The court will continue to monitor the COVID-19 public health emergency and will amend this order as appropriate.

Enter this 24th day of March 2020.

1st Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge