

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE: COURT OPERATIONS UNDER)
THE EXIGENT CIRCUMSTANCES) CIVIL MISC. NO. 2:20-mc-3910-ECM
CREATED BY COVID-19 AND)
RELATED CORONAVIRUS)

This General Order is being issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) within the Middle District of Alabama, and the rapidly evolving threat to health and safety posed by the outbreak. The Court notes the increase in confirmed cases within the District and the Centers for Disease Control’s (CDC) conclusion regarding the likelihood of more cases. The President of the United States has declared a national emergency, and on March 13, 2020, the Governor of Alabama declared a state public health emergency. As of the date of this Order, there have been over 36 confirmed cases of COVID-19 in the State of Alabama, including several within this District. For many, this disease poses a serious risk of severe illness or even death. Populations identified by the CDC who are particularly vulnerable include many members of the public who form our jury pools, members of our Bar, Court staff, and Judges.

The Judges of the United States District Court for the Middle District of Alabama have considered the various interests implicated by the COVID-19 outbreak, including the health and safety of the public and the many individuals involved in court proceedings, the constitutional rights of criminal defendants and others, and the need for the effective and expeditious administration of justice. In recognition of the number of identified and projected cases of COVID-19 in this District, the preventative measures being

implemented throughout the District, and the severity of risk posed to the Court, its Bar, and to the public, and given the public health recommendations from public health authorities, it is hereby

ORDERED that, effective Tuesday, March 17, 2020:

1. No jurors will be summoned for civil or criminal jury trials in any division of the Middle District of Alabama for 30 days from the date of this Order. All jury trials currently scheduled during that period, including any trial specific deadlines, are CONTINUED for 30 days pending further Order of the Court;

2. Initial Appearances, arraignments, and detention hearings before the Magistrate Judges will continue, but will be conducted by telephone or by video-conference. Any proceedings before the Magistrate Judges which cannot be conducted telephonically or via video-conference will be coordinated with the duty magistrate judge. Presentence investigations may begin upon the filing of a notice of intent to change plea;

3. All grand jury proceedings in this District are CONTINUED for 30 days pending further Order of the Court;

4. With regard to criminal matters, due to the Court's reduced ability to obtain an adequate numbers of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice 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);

5. 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;

6. Case-by-case exceptions to any of these procedures may be ordered for non-jury matters at the discretion of the Court after consultation with counsel;

7. This Order does not affect the Court's consideration of civil or criminal motions that can be resolved without oral argument. Any requirement for the provision of the delivery of courtesy copies to judges' chambers in civil and criminal cases is suspended pending further notice.

8. For questions about an individual case, the attorney should contact the chambers of the presiding judge.

The Montgomery, Dothan, and Opelika Courthouses will remain open. Staff in the Clerk's Office will be available by telephone, mail will be received, and intake desks remain open for filing although social distancing measures will be enforced. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines. However, the Court's *Restrictions on Visitors to the Courthouse*, implemented March 12, 2020 and currently found on the Court's Website and via posted notice at the FMJ Courthouse, shall continue and remain in place, unless otherwise modified.

DONE this the 17th day of March, 2020.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE