

Mar 16, 2020

Vicki Kinkade
Chief Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
COURT OPERATIONS UNDER THE) ADMINISTRATIVE ORDER
EXIGENT CIRCUMSTANCES CREATED) NO. 209
BY COVID-19)

ORDER

This Order is issued in response to the recent outbreak of the novel coronavirus known as COVID-19 in the United States and the State of Tennessee. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across more than 120 countries with more than 1,600 confirmed cases in the United States. To date, there are more than 50 confirmed cases in the state of Tennessee, the majority of which are in the Middle District of Tennessee. On March 12, 2020, the Governor of Tennessee declared a state of emergency over concerns related to COVID-19. On March 13, 2020, the Chief Justice of the Tennessee Supreme Court declared a state of emergency for the Judicial Branch of Tennessee government and suspended, with exceptions, all in-person proceedings through March 31, 2020.

The United States District Court for the Middle District of Tennessee has been closely monitoring the outbreak of COVID-19, including careful monitoring of the developing guidance from the Centers for Disease Control and Prevention (“CDC”). The CDC has described the outbreak in the United States as a “rapidly evolving situation” and is continuously providing updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC’s guidance includes multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals. The CDC and other public health entities have recommended social distancing as a means to limit further community spread of COVID-19. The Court also acknowledges state and local guidance regarding the need to limit large gatherings of persons.

Therefore, consistent with actions taken by numerous federal, state and local entities, it is hereby **ORDERED** as follows:

1. Civil and criminal jury selections and jury trials scheduled to begin March 17, 2020 through March 30, 2020, before any district or magistrate judge in the Middle District of Tennessee are **CONTINUED** pending further order by the presiding judge in the matter.
2. Regarding criminal trials set during the period identified in paragraph 1, based on the projection that the Court will face a reduced ability to secure an adequate number of jurors and the concerns related to the public health declarations made by the Governor of Tennessee and the World Health Organization, the Court finds that the time period of the continuances implemented by this Administrative Order shall 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 each defendant's right to a more speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The period of exclusion shall be from March 17, 2020 to March 30, 2020. The district judge assigned to the matter may extend this period if circumstances warrant.

The Court recognizes the right of criminal defendants to a speedy and public trial under the Sixth Amendment to the United States Constitution and the particular application of that right in cases involving defendants who are detained pending trial. Therefore, in the event any affected party disagrees with the Court's analysis regarding the time excluded under the Speedy Trial Act, he or she may move for reconsideration in the individual cases. Likewise, the government may seek reconsideration. Any motion for reconsideration shall be directed to the district judge assigned to the matter.

3. Criminal matters scheduled before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of warrants, shall continue to take place in the ordinary course of business. At the discretion of the Magistrate Judge, such proceedings may be conducted remotely or by video conference where practicable and as permitted by Federal Rules of Criminal Procedure 4.1 and 5(f).
4. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, subject to intervening orders of the judge assigned to the matter. Such court proceedings may be conducted by telephone or video conference where practicable and consistent with the law.
5. Any matter involving an attorney or party who is ill or in a high-risk category may be rescheduled by the presiding judge. However, counsel shall be responsible for advising the presiding judge of such illness or high-risk by filing an appropriate notice or motion containing sufficient information to allow the presiding judge to make an informed decision regarding any cancellation or continuance.
6. For the detailed reasons described above, all grand jury proceedings scheduled to take place between March 17, 2020 and April 30, 2020, are continued. Accordingly, all related deadlines are suspended and tolled for all purposes, including the statute of limitations, from March 17, 2020 through April 30, 2020.

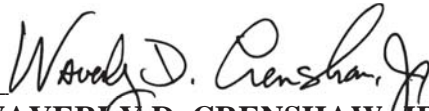
7. All attorney admissions ceremonies are continued through April 30, 2020. Attorneys that must be admitted on an emergency basis may contact the Clerk's office for assistance.
8. As set forth in Administrative Order 150-1 entered on March 11, 2020, the Court will not conduct public naturalization ceremonies between now and April 30, 2020.
9. The Office of the Clerk of Court shall remain open for business, and the public is encouraged to continue to utilize Court services while following all emerging public health guidelines and recommendations. Likewise, the United States Probation Office, and all other court services shall remain open, subject to intervening orders of the Court.

The Court recognizes that it is impossible to cover all possible public health contingencies.

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

This Order may be extended or modified on or before March 30, 2020.

FOR THE COURT



WAVERLY D. CRENSHAW, JR.
Chief United States District Judge