

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: UPDATED GUIDANCE TO COURT OPERATIONS
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19

GENERAL ORDER
No. 9

WHEREAS, the Court has issued a series of General Orders re: Court Operations Under the Exigent Circumstances Created by COVID-19, which are available on the Court's website at www.mnd.uscourts.gov;

WHEREAS, the President of the United States of America has declared a national emergency in response to COVID-19;

WHEREAS, the Governor of the State of Minnesota has declared a peacetime emergency to coordinate Minnesota's strategy to protect Minnesotans from COVID-19 and extended the peacetime emergency through May 13, 2020;

WHEREAS, the Governor of the State of Minnesota has issued Emergency Executive Order 20-33, Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, through May 3, 2020;

WHEREAS, the Emergency Executive Order 20-33, Extending Stay at Home Order, does not limit, prohibit, or restrict in any way the operations of the federal government, or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial staff and personnel;

WHEREAS, local detention facilities continue to implement several COVID-19 related restrictions that impact the ability of pretrial detainees to consult with legal counsel; and the Bureau of Prisons has implemented modified operations that suspends most inmate movement;

WHEREAS, the Judges of the United States District Court, District of Minnesota, have considered and extensively discussed the various interests implicated by the COVID-19 outbreak and any court response to the outbreak, including: the health of jurors, witnesses, parties, attorneys, the public, court staff, and judges; the constitutional rights of criminal defendants and other parties, and the ability to conduct certain criminal

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KATE M. FOGARTY

JUDGMENT ENTD
DEPUTY CLERK



proceedings via videoconference or telephone conference under the CARES Act; and the public's interest in, and the court's duty to ensure, the effective and expeditious administration of justice;

NOW THEREFORE, to continue to protect public health and respond to the COVID- 19 outbreak, **IT IS HEREBY ORDERED**, that:

Criminal Matters:

1. All criminal proceedings that cannot be conducted using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, with the consent of the defendant after consultation with counsel are continued until May 17, 2020.
 - a. The Court is implementing the use of videoconferencing for criminal proceedings and plans to conduct criminal proceedings using videoconferencing as soon as it has the capability to successfully do so.
 - b. Only the criminal proceedings outlined in General Order No. 5 may be conducted by videoconference, or telephone conference if videoconferencing is not reasonably available. Please consult General Order No. 5 for more information on using videoconferencing or telephone conferencing in criminal proceedings.
 - c. If the proceeding must be continued, all existing pretrial deadlines are also continued until May 17, 2020.
 - d. If the proceeding must be continued, the Court finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judge, the period of exclusion shall be from March 17, 2020, to May 17, 2020. The Court may extend the period of exclusion as circumstances may warrant.
 - e. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act. The presiding judge may extend deadlines and exclude time under the Speedy Trial Act in cases even when certain proceedings are held by video conference or telephone to address delays attributable to COVID-19.
2. All criminal jury trials are continued through June 14, 2020.
3. All trial-specific deadlines in criminal cases are continued through June 14, 2020.

4. Grand jury proceedings will continue to be suspended until further order of the Court. Due to the unavailability of a grand jury in this District, starting on March 16, 2020, the 30-day time period for filing an indictment is tolled as to each defendant until such time that the Court orders that grand jury proceedings may proceed. See 18 U.S.C. § 3161(b).
5. All Central Violations Bureau or petty offense hearings are continued until May 17, 2020.

Civil Matters:

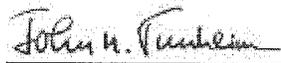
1. All civil jury trials are continued through June 14, 2020.
2. All civil trial-specific deadlines are continued through June 14, 2020.
3. All civil hearings that cannot be conducted using videoconference or telephone conference are continued through May 17, 2020.
4. Any requirement of the U.S. Marshals Service to effect personal service of process under Federal Rule of Civil Procedure 4(c)(3) or 28 U.S.C. § 1915(d) continues to be suspended from March 23, 2020, until further notice. This order does not apply to waivers of service under Federal Rule of Civil Procedure 4(d) or service by electronic means. In any case in which the U.S. Marshals Service has been ordered to serve process, the time for service under Federal Rule of Civil Procedure 4(m) will be tolled until this order has been vacated.

Other:

1. The Continuity of Operations (COOP) Plan for the United States District Court for the District of Minnesota continues to be activated, effective March 23, 2020, through and including May 17, 2020. The COOP Plan may be extended or inactivated as necessary. The activation of the COOP Plan is necessary to ensure the continuous performance of essential functions and operations of the Court.
2. Concerning the Clerk's Office:
 - a. The Clerk's Office intake desk will remain closed to the public.
 - b. The Clerk's Office continues to not accept cash payments; persons needing to make payment may do so by check, money order, or online (where applicable).

- c. Please consult General Order No. 4 for guidance on how to conduct business with the Clerk's Office.
3. The requirement that the filing party must provide courtesy copies to the judge hearing the motion, as required in section I.E. of the Civil and Criminal ECF Guides, continues to be suspended from March 23, 2020, until this order is vacated.
4. Attorney admission ceremonies are continued through May 17, 2020; attorneys that must be admitted on an emergency basis may contact the Clerk's Office for assistance.
5. Exceptions to this order may be approved by the Chief Judge if special circumstances so require.
6. This order vacates the General Orders entered on March 13, 2020, March 17, 2020, and March 23, 2020. The series of General Orders entered by this Court since March 26, 2020, remain in effect, except for any changes addressed in this Order.
7. The Court will vacate or amend this order no later than May 17, 2020.

Dated in Minneapolis, Minnesota, April 15, 2020 at 3:25 PM.



JOHN R. TUNHEIM
Chief Judge
United States District Court