

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. 26

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 declared a peacetime emergency to coordinate Minnesota's strategy to protect Minnesotans from COVID-19 and the Governor has continued to extend the COVID-19 peacetime emergency through the date of this order;

WHEREAS, the Governor of the State of Minnesota has issued a series of emergency executive orders which impose certain restrictions on Minnesota residents to prevent and respond to the COVID-19 pandemic;

WHEREAS, the Governor's emergency executive orders do 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 appear in-person at a U.S. Courthouse; and the Bureau of Prisons continues to impose modified operations;

WHEREAS, the Court developed a protocol for in-person hearings and resumed limited in-person hearings in July 2020 and the Court developed a protocol for jury trials to ensure the health and safety of all participants and resumed limited jury trials in September 2020;

FILED 2/12/21
KATE M. FOGARTY

JUDGMENT ENTD
DEPUTY CLERK

[Handwritten Signature]

WHEREAS, in response to Minnesota's COVID-19 pandemic situation, since November 30, 2020, the Court has suspended all in-person jury trials that had not already commenced and suspended in-person hearings, unless the presiding judge determined the in-person hearing was necessary, until March 15, 2021;

WHEREAS, Minnesota continues to be in an area of high risk for further COVID-19 spread and there are concerns about the potential increased transmissibility of emerging strains of the COVID-19 virus;

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 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, reduce the size of public gatherings, reduce unnecessary travel, and respond to the COVID-19 outbreak, **IT IS HEREBY ORDERED**, that:

Criminal Matters:

1. The Court will continue to hold criminal proceedings using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, when the defendant consents to appearing at the proceeding remotely. Unless otherwise authorized by law, only the criminal proceedings outlined in General Order No. 24 may be conducted by videoconference, or telephone conference if videoconferencing is not reasonably available. The Court encourages the use of videoconferencing for criminal proceedings.
2. All criminal proceedings that cannot be conducted using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, are continued until May 2, 2021, unless the presiding judge determines that an in-person hearing is necessary.
 - a. If the proceeding must be continued, all existing pretrial deadlines are also continued until May 2, 2021, unless otherwise ordered by the presiding judge.

- b. 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, or the date of the indictment, whichever is later, to the date that the criminal proceeding takes place. The Court may extend the period of exclusion as circumstances may warrant.
 - c. 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 using videoconferencing or telephone conferencing to address other delays attributable to COVID-19.
 - d. No in-person hearings may be held if the hearing involves multiple parties or multiple witnesses, or if the hearing is expected to be lengthy, unless the presiding judge consults with the Chief Judge. For all other hearings, if the presiding judge determines that an in-person hearing is necessary, such a hearing may be scheduled, provided that the hearing is conducted in accordance with the Court's in-person hearing protocol.
3. No new criminal trials may commence before May 3, 2021.
- a. If the criminal jury trial 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, or the date of the indictment, whichever is later, to the date that the criminal jury trial commences.
 - b. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act.
 - c. All trial-specific deadlines in criminal cases may be continued as ordered by the presiding judge.

Civil Matters:

1. All civil hearings or trials that cannot be conducted using videoconferencing or telephone conferencing are continued through May 2, 2021.
2. No new in-person civil trials may commence before May 3, 2021. All civil trial-specific deadlines may be continued as ordered by the presiding judge.

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 2, 2021. 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 be closed to the public through May 2, 2021.
 - b. The Clerk's Office will remain open to assist attorneys and the public by telephone, email, and online chat from 8:00 a.m.-4:30 p.m., Monday-Friday.
 - c. The Clerk's Office will continue to not accept cash payments; persons needing to make payment may do so by check, money order, or online (where applicable).
 - d. The Clerk's Office will continue to accept electronic filings in civil and criminal cases through its electronic case filing system (CM/ECF) and online payments through www.pay.gov.
 - e. Members of the public may submit paper documents or payments by check or money order in locked drop boxes at the courthouses in Minneapolis, St. Paul, and Duluth. The drop boxes are located at:

Minneapolis: In the lobby, on a table located between the security screening station and the elevators.

St. Paul: In the lobby immediately outside of the Clerk's Office.

Duluth: On the 4th floor, immediately outside of the Clerk's Office.

- f. Mail to the District Court should be directed to:

Diana E. Murphy U.S. Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

g. To reach the Clerk's Office:

- Main line: 612-664-5000
- Electronic Case Filing (ECF) Helpdesk: 866-325-4975 or 612-664-5155
- Electronic Case Filing (ECF) Helpdesk email: ecfhelpdesk@mnd.uscourts.gov
- Online chat: www.mnd.uscourts.gov


3. The requirement that the filing party must provide courtesy copies to the judge hearing the motion, as required in the Civil and Criminal ECF Guides, continues to be suspended from March 23, 2020, until further order of the Court.

Please note that courtesy copies are required when filing sealed documents with HSI, as specified in General Order No. 1, In Re: Procedures for the Filing, Service, and Management of Sealed Documents with Highly Sensitive Information (January 8, 2021), and General Order No. 2, In Re: Procedures to Ask the Court to Remove Sealed Documents with Highly Sensitive Information (HSI) from CM/ECF (January 28, 2021).

4. In-person attorney admission ceremonies are continued through May 2, 2021; the Court will continue to hold attorney admission ceremonies using videoconference. 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 or the presiding judge if special circumstances so require.
6. This order vacates General Order No. 25, entered on January 28, 2021; General Order Nos. 7-8, 10-13, 15, and 23-24 remain in effect, except for any changes addressed in this order.

7. The Court will vacate or amend this order no later than May 2, 2021.

Dated in Minneapolis, Minnesota, February 12, 2021 at 9:00 a.m.

A handwritten signature in cursive script, reading "John R. Tunheim", is positioned above a horizontal line.

JOHN R. TUNHEIM
Chief Judge
United States District Court