

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GENERAL ORDER No. 72-3

IN RE: Coronavirus Disease Public Health Emergency

WHEREAS, the COVID-19 (Coronavirus Disease) outbreak remains a national public health emergency; and the Judges of the United States District Court for the Northern District of California continue to balance the various interests implicated by the COVID-19 public health emergency, and find that the current guidance of public health officials allows for a modification in court operations to permit the resumption of limited in-court proceedings;

NOW THEREFORE, the United States District Court, Northern District of California, hereby issues the following Order, effective immediately:

Civil Cases:

1. No new jury trial will be conducted through September 30, 2020. Any jury trial dates currently scheduled to commence during that period will be postponed or vacated. However, individual judges may offer bench trials by videoconference in lieu of postponement.
2. Through September 30, 2020, all civil matters will be decided on the papers, or if the assigned judge believes a hearing is necessary, the hearing will be by telephone or videoconference. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences, Alternative Dispute Resolution (“ADR”) proceedings, and bench trials. For specific instructions on telephone or video appearances, see the docket on PACER, the assigned judge’s schedule of upcoming proceedings (located on each judge’s web page at cand.uscourts.gov/judges), or the [ADR webpage](#).

Criminal Cases:

1. No new jury trial will be conducted through June 30, 2020. Any jury trials currently scheduled to commence during that period will be postponed or vacated.
2. Each judge assigned to a criminal trial scheduled before July 1, 2020 will make appropriate findings and enter an order tolling time under the Speedy Trial Act.
3. Initial appearances and other proceedings before the magistrate judges will continue and will be conducted by telephone or by videoconference. New arrestees shall be booked at Santa Rita Jail and produced for court appearance the following day instead of being presented for booking at the U.S. Marshals Service lockup.
4. Appearances before the district judges may be waived or postponed, or may be conducted by telephone or videoconference. See [General Order 74](#) for procedures pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). For the month of June, in-court proceedings are permitted only for 1) guilty pleas, 2) sentencings, and 3) evidentiary hearings requiring witness testimony (such as motions to suppress or supervised release evidentiary hearings). This applies to both in-custody and out-of-custody defendants.
5. To the extent possible, after lodging/filing an application to enter an open guilty plea or a plea agreement, guilty pleas and sentencing shall be consolidated for a date after the presentence report has been prepared.
6. Grand jury proceedings in this district will resume in June on a date and in a manner to be determined.

Other:

1. All local rules requiring that a courtesy copy be provided to the chambers of the assigned judge are suspended pending further notice, unless a judge orders otherwise in a specific case.
2. The requirement under Civil Local Rule 5-1(b) that a pro se party must request permission from the assigned judge to use the court's Electronic Case Filing (ECF) system is suspended pending further notice.
3. Pending further notice, the courthouses and law libraries are closed for public events, tours, and visits.
4. Effective immediately, this General Order supersedes General Order 72-2.

ADOPTED: May 21, 2020

FOR THE COURT:



Phyllis J. Hamilton
Chief Judge