

FILED

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CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY 7470
DEPUTY

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

**SUPPLEMENTAL ORDER REGARDING
COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC**

This Order is being issued in response to the recent outbreak of novel coronavirus in the United States and the State of Texas. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across no less than 120 countries with more than 2,100,000 confirmed cases in the United States, as of June 16, 2020, according to the Centers for Disease Control (CDC). The United States District Court for the Western District of Texas has been closely monitoring the outbreak of novel coronavirus (which causes the disease designated as COVID-19), including careful monitoring of the developing guidance from the CDC. The CDC has described the outbreak in the United States as a “rapidly evolving situation” and is providing continuously updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The state of Texas has seen an increase in COVID-19 cases from 63 on March 15, 2020, to 93,600 as of June 16, 2020. The CDC’s guidance includes multiple types of migration strategies generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been thousands of confirmed cases of coronavirus within the Western District of Texas. The State of Texas has made a disaster declaration in response. The CDC and other public health entities have recommended social distancing as a means to limit further community spread of COVID-19. The Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom the Court personnel interact, litigants, including defendants in criminal matters, counsel, interpreters, law enforcement officials, and jurors who must work in close quarters to hear evidence and to deliberate.

Therefore, given the continued severity of the risk to the persons listed above by the spread of COVID-19 in the Western District of Texas, and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court orders as follows:

1. All civil and criminal bench and jury trials scheduled to begin on any date from now through July 31, 2020, are continued, to a date to be reset by each Presiding Judge. Those continuances do not continue any pending deadlines other than the trial dates. Attorneys should contact the Presiding Judges in the continued cases if they seek to modify such deadlines.
2. Due to the Court’s reduced ability to obtain an adequate spectrum of jurors and due to the reduced availability of attorneys and Court staff to be present in courtrooms because of the public health considerations described above, the time period of the continuances implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweigh the best interests of the public and each defendant’s right to a speedy trial. In fact, the best interests of the public are served by these continuances.

Google Exhibit 1037

3. The Court recognizes that not every division within the district is similarly situated. The Western District of Texas is geographically large and encompasses approximately 93,000 square miles and 68 counties with many counties far more populous than others. The public health situation related to the novel coronavirus in each division may differ and judges in individual divisions may determine that the conditions in their communities safely allow for an adequate spectrum of jurors and sufficient availability of attorneys. Accordingly, courts in the district may opt to conduct jury trials within their respective division subject to a determination, based upon the facts and circumstances unique to the division, that conducting jury trials would not compromise the health and safety of Court personnel, litigants, counsel, law enforcement, witnesses, and jurors. If judges in a specific division determine jury trials can be safely conducted, the most senior district judge within the relevant division may enter an order making those findings and resuming jury trials for the division despite this order and with notice to the Chief Judge.

Grand Juries will resume in every division on or after July 1, 2020 as determined and scheduled by the United States Attorney's Office.

4. Individual judges may continue to hold in-person hearings, sentencing proceedings, and conferences, but counsel may seek relief from those matters by appropriate motions. The parties are encouraged to seek to participate in non-sentencing hearings and conferences by telephone or video. This Order does not impact any court's consideration of particular matters on the papers alone.
5. Magistrate Judges will continue to preside over criminal matters, such as initial appearances, arraignments, detention hearings, pleas, and the issuance of warrants.
6. Any events involving the Court that are not case-specific, including, but not limited to, continuing legal education courses, public tours, administration of oaths to attorneys, and naturalization ceremonies conducted by the Court which are scheduled to occur between now and July 31, 2020, are hereby cancelled and will be rescheduled as appropriate.
7. All of the courthouses of the Western District of Texas will remain open for business subject to any restrictions imposed by a judge or judges in each division. However, many employees, including some of chambers staff, will be teleworking, but they will be accessible by phone. Electronic filings may continue to be made through the CM/ECF system.
8. Any delivery directed to chambers shall be delivered instead to the Clerk's offices in each courthouse.
9. Unless vacated, modified, or extended, this Order will remain in effect through July 31, 2020, and will then expire.

FOR THE COURT.

So **ORDERED** and **SIGNED** this 18th day of June, 2020.



ORLANDO L. GARCIA
Chief United States District Judge