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Vicki Kinkade
Chief Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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

ORDER

This Administrative Order amends and supersedes Administrative Order 209 dated March 16, 2020, relative to cases and proceedings before the District Court in light of the outbreak of the novel coronavirus known as COVID-19. The global pandemic has impacted more than 120 countries and all 50 U.S. states, with more than 130,000 confirmed cases worldwide and more than 15,000 confirmed cases in the United States. To date, there are 615 confirmed cases in the state of Tennessee, the majority of which are in the Middle District of Tennessee.

The seriousness of this outbreak and need for special measures is evidenced by the Centers for Disease Control and Prevention (“CDC”) guidance and nationwide effort, *15 Days to Slow the Spread*; the declaration of a national emergency by the President of the United States; the Governor of Tennessee’s declaration of a state of emergency; and the Mayor of Nashville’s “Safer at Home Order” issued on March 22, 2020, closing all businesses not performing essential services for 14 days and urging all residents to stay home.

The United States District Court for the Middle District of Tennessee is 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’s guidance includes multiple types of mitigation strategies aimed at reducing or avoiding exposure to infected individuals. The CDC and other public health entities have advised that the best way to prevent illness is to avoid opportunities for exposure, including, among other things, maintaining social distancing and cleaning

contaminated surfaces. The Court also acknowledges state and local guidance regarding the closing of non-essential businesses and urging all residents to stay home.

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 now through April 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 April 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 through April 30, 2020, are continued. Accordingly, all related deadlines are suspended and tolled for all purposes, including the statute of limitations, 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. All petty offense dockets scheduled through April 30, 2020, are hereby continued. New dates for the cases scheduled on such dockets shall be reset without the need to file any motions with the Court. Payments will continue to be processed electronically.
10. The Office of the Clerk of Court remains open for business, subject to intervening orders of the Court. However, the Clerk's Office intake window will not be available to accept manual filings and criminal debt payments. All manual filings must be either mailed to the court or deposited in the Clerk's Office drop box located on the first floor at the Ninth Avenue entrance. All such filings will be stamped filed as of the day they are placed in the drop box. A public notice with specific instructions is posted at the Clerk's Office intake window, at the drop box at the Ninth Avenue entrance, and on the Court's website at <https://www.tnmd.uscourts.gov>.
11. The United States Probation and Pretrial Services Office remains open, subject to intervening orders of the Court.
12. Announcements regarding restrictions to Court services are posted on the District Court's website at <https://www.tnmd.uscourts.gov>.

The Court will continue to closely monitor the COVID-19 outbreak and any changes to the guidance offered by the CDC, as well as guidance from local public health officials, and make necessary adjustments in the interest of public health and the administration of justice.

This Order gives the presiding judicial officers flexibility to address issues as they arise while implementing necessary safeguards and may be extended or modified on or before April 30, 2020.

FOR THE COURT



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