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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MFO
DEPUTY CLERK

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

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

This Order is being issued in response to the continued 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 29,319,000 confirmed cases in the United States, as of March 17, 2021 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 2,721,000 as of March 17, 2021. 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 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 jury trials scheduled to begin on any date from now through April 30, 2021, are continued to a date to be reset by each Presiding Judge. Civil and criminal bench trials may proceed provided all safety provisions are considered. Attorneys should contact the Presiding Judges in the continued cases if they seek to modify any pretrial 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.

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 circumstance 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 continue in every division as determined and scheduled by the United States Attorney's Office.

4. 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 participate in sentencing hearings, detention hearings, and pleas and civil or criminal motion hearings and conferences by telephone or video. This Order does not impact any court's consideration of particular matters on the pleadings alone.

5. Magistrate Judges will continue to preside over criminal matters, such as initial appearances, arraignments, detention hearings, pleas, and the issuance of warrants. The use of video or telephone for these matters is encouraged.

6. Any events involving the Court that are not case-specific, including, but not limited to, continuing legal education courses, public tours, and administration of oaths to attorneys which are scheduled to occur between now and April 30, 2021, are hereby cancelled and will be rescheduled as appropriate. Naturalization ceremonies may be convened if appropriate social distancing measures can be ensured.

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 Office in each courthouse.

9. Unless vacated, modified, or extended, this Order will remain in effect through April 30, 2021, and will then expire.

FOR THE COURT.

So ORDERED and SIGNED this 17th day of March, 2021.

ORLANDO L. GARCIA
Chief United States District Judge