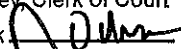


MAR 30 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court
By Deputy Clerk 

ORDER ON SENTENCING HEARINGS
DURING THE COVID-19 NATIONAL
EMERGENCY

§
§
§

GENERAL ORDER NO. 2020-5

ORDER

The COVID-19 national emergency and the severity of the risk to public health have led the federal courts, with added authority granted by Congress and the Judicial Conference of the United States, to enter orders that reduce the need for in-person court appearances when the law permits it and the circumstances justify it. Based on this continuing need in the Southern District of Texas, the following Order is entered:

Effective Monday, March 30, 2020, any sentencing for which the presentence report calculates the lowest end of the Guidelines range at 21 months of imprisonment or more, is continued to a date after May 15, 2020.

A judge has the discretion not to follow this Order in any specific case or in all the cases pending before that judge.

If a presentence report has not yet been prepared, any party may notify the court and opposing counsel that the anticipated lowest end of the Guidelines range is at least 21 months of imprisonment. If defense counsel gives this notice, the sentencing is continued to a date after May 15, 2020. If the prosecution gives the notice, defense counsel has seven days to object to the projected Guideline calculation or to the continuance. If the defense counsel does not object, the sentencing is continued to a date after May 15, 2020. If defense counsel does object, the court may either proceed with the sentencing or decide to defer it.

This Order does not prevent a party from moving for a continuance in other cases for sentencings with lower Guideline ranges, or for other proceedings. Nor does it prevent a party from seeking, or the court from enacting, changes to any applicable conditions of presentence release on bond.

This Order will terminate no later than May 15, 2020, unless extended.

ORDERED this the 30th day of March, 2020.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

LEE H. ROSENTHAL
CHIEF JUDGE