

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

IN RE: COURT OPERATIONS IN §
THE BROWNSVILLE DIVISION §
UNDER THE EXIGENT § SPECIAL ORDER. B-2020-001
CIRCUMSTANCES CREATED §
BY THE COVID-19 PANDEMIC §

ORDER

This Order applies in the Brownsville Division of the Southern District of Texas. The Order responds to the recent novel coronavirus outbreak in the United States and the State of Texas. The World Health Organization has declared that the disease it causes, “coronavirus disease 2019,” or COVID-19, is a global pandemic. The United States District Court for the Southern District of Texas is closely monitoring the outbreak and the developing guidance from the Centers for Disease Control and Prevention, the Administrative Office of the United States Courts, and state and local health authorities. This includes strategies generally aimed at reducing or avoiding exposure to infected individuals, and limiting the size of groups.

As of the date of this Order, there have been several confirmed cases of COVID-19 within the Southern District of Texas. The CDC and other public health entities have recommended social distancing to limit further community spread. To protect the health and safety of the public, court employees, staff of other entities with whom court personnel interact, litigants, counsel, interpreters, law-enforcement officials, and jurors, the court enters the following:

1. All jury trials (criminal and civil) scheduled to begin from this date through May 1, 2020, are continued, to a date to be reset by each presiding judge. Those continuances do not affect any deadlines other than the jury trial dates. Attorneys should contact the presiding judges in their cases if they want to modify other 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 risks, the periods 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 interest of the public and of each defendant in a speedy trial. Indeed, the best interests of the public are served by these continuances.

3. Unless the parties in a particular case are notified otherwise, guilty plea proceedings scheduled to take place after March 23, 2020, through May 1, 2020, are continued to a date to be reset by each presiding judge, and guilty pleas not yet set will not be scheduled to occur during this period. The time period of the continuances and delay in setting guilty plea proceedings as implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h). The Court finds that the ends of justice served by ordering these continuances and delays outweigh the best interests of the public and each defendant's right to a speedy trial.

4. Any currently scheduled sessions of the Grand Jury in the Brownsville Division through May 1 are continued. Related deadlines are suspended and tolled for all purposes, including the statute of limitations, from this date through May 1, 2020.

5. Individual judges may continue to hold bench trials, in-person hearings, sentencing proceedings, scheduling conferences, and other court proceedings. Counsel may seek relief by appropriate requests or motions. The use of telephone or video conferencing in these proceedings is encouraged when feasible, deemed appropriate by the presiding judge, and permitted by legal and technology constraints.

6. This Order does not impact any judge's continuing discretion to consider and decide particular matters on the pleadings alone. This Order is intended to give each judge discretion to handle his or her docket on a case-by-case basis, aside from the general continuance of jury trials ordered above.

7. Magistrate judges will continue to preside over criminal and civil matters, other than jury trials, including initial appearances, arraignments, detention hearings, the issuance of warrants, and referred civil matters.

8. Any judge may limit the number of individuals present in a courtroom, as circumstances warrant.

9. Any events involving the court that are not case-specific, including continuing legal-education courses, public tours, administration of oaths to attorneys, and naturalization ceremonies conducted by the court, scheduled to occur between this date and May 1, 2020, are canceled. They will be rescheduled as appropriate.

10. This Order does not apply to Bankruptcy Court proceedings. Separate Bankruptcy Court Orders address those proceedings.

11. The Brownsville courthouse, including the Clerk's Offices and Probation Offices, remain open. Certain court employees, including some chambers staff, may be teleworking, but they will usually be accessible by phone or email. Electronic filings will continue to be made through the CM/ECF system.

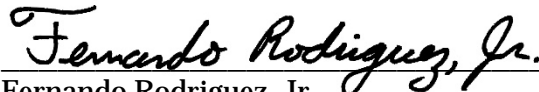
12. The Court Security Officers ("CSOs") and Deputy Marshals will visually screen all those seeking entrance to the courthouse. The CSOs and Deputy Marshals have the authority to exclude entrance to the courthouse or any part of the courthouse to anyone observed to be symptomatic or who reports recent relevant travel, contacts, or health issues. Signs and handouts will set out this authority, which will also be addressed in a Special Order. The CSOs and Deputy Marshals will keep a record of those denied access and advise the courts of any person who cannot attend a hearing he or she is required to attend as a result.

13. Any delivery directed to chambers, aside from the U.S. Mail, FedEx, and UPS, will be delivered instead to the Clerk's Office in each courthouse.

14. Unless extended, this Order remains in effect through May 1, 2020. It will expire on May 2, 2020 absent further order or action.

15. Our court will continue to meet its constitutional obligations while taking steps to protect the public and our employees.

SIGNED this 18th day of March, 2020.



Fernando Rodriguez, Jr.
United States District Judge