

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

United States District Court
Southern District of Texas
ENTERED

October 2 2020

David J. Bradley, Clerk of Court

By Deputy Clerk 

IN RE: COURT OPERATIONS IN
THE MCALLEN DIVISION
UNDER THE EXIGENT
CIRCUMSTANCES CREATED
BY THE COVID-19 PANDEMIC

SPECIAL ORDER M-2020-9

SPECIAL ORDER

This Order applies in the McAllen Division of the Southern District of Texas. The court ORDERS, effective immediately, the following:

1. All jury trials (criminal and civil) scheduled to begin from this date through November 2, 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. Judges in their individual discretion may decide not to hold bench trials, in-person hearings, sentencing proceedings, scheduling conferences, and other court proceedings. Counsel may seek relief by appropriate requests or motions. If any hearings are held, 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.

4. 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.

5. 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.

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

7. 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 November 2, 2020, are canceled. They will be rescheduled as appropriate.

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

9. Unless extended, this Order remains in effect through November 2, 2020. It will expire at midnight on November 2, 2020, absent further order or action.

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

Signed this 2nd day of October, 2020.

Ricardo H. Hinojosa
RICARDO H. HINOJOSA
U.S. DISTRICT JUDGE

Randy Crane
RANDY CRANE
U.S. DISTRICT JUDGE

MICAELA ALVAREZ by RAC
MICAELA ALVAREZ
U.S. DISTRICT JUDGE *w/permission*