

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

United States District Court
Southern District of Texas
ENTERED

January 08 2021

Nathan Ochsner, 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-2021-1

SPECIAL ORDER

This Order applies in the McAllen Division of the Southern District of Texas and supplements and incorporates by reference Special Order M-2020-3. The Court enters the following:

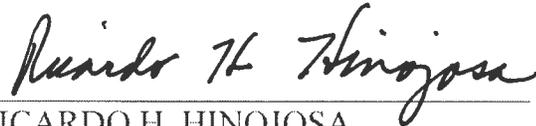
1. The U.S. Courthouse in McAllen, Texas, remains closed to the public until further notice (Special Order M-2020-3). Upon reopening, or at any time prior, the public, employees, and contractors who enter the McAllen courthouse must wear masks or face coverings in public areas and in shared workspaces where safe social distancing is not possible. The U.S. Marshal's Service may exclude from the courthouse anyone who does not wear a mask or maintain social distancing. Those coming to the courthouse must provide their own masks; they will not be available at the courthouse.
2. Jury trials (criminal and civil) scheduled to begin from this date through February 28, 2021, are continued to a date to be reset by each presiding judge, with the limited exception of those referenced in paragraph 6. 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.
3. 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.

4. 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.
5. 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.
6. By agreement of the district judges, and on a very limited basis, certain short, non-complex jury trials may be conducted only if adequate health and safety measures can be implemented to accommodate same. The Court will use a phased-in approach to resume jury trials that recognizes the need to protect the health and safety of all participants and to minimize the risk of COVID-19 exposure.
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 February 28, 2021, 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. Unless extended, this Order remains in effect through February 28, 2021. It will expire on March 1, 2021, absent further order or action.

Signed this 8th day of January 8, 2021.



RICARDO H. HINOJOSA
U.S. DISTRICT JUDGE



RANDY CRANE
U.S. DISTRICT JUDGE



MICAELA ALVAREZ
U.S. DISTRICT JUDGE

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