

ENTERED

August 18, 2021

Nathan Ochsner, Clerk of Court

By Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

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

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SPECIAL ORDER V-2021-5

SUPPLEMENTAL ORDER

This Order applies in the Victoria Division of the Southern District of Texas and supersedes Special Order V-2021-02.

The current surge of COVID-19 cases and Delta variant infections has increased the risks to public health and those involved in selecting juries and conducting jury trials. The following Order is entered:

1. The United States District Court and related facilities located on the third and fourth floors of the Martin Luther King Jr Federal Building in Victoria, Texas are closed to the public until further notice (Special Order V-2021-02). Upon reopening, or at any time prior, the public, employees, and contractors who enter the Martin Luther King Jr Federal Building 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 until September 30, 2021, 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.

3. Due to 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 technological constraints.

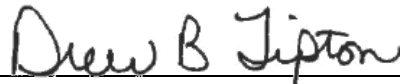
5. This Order does not impact any judge's continuing discretion to consider and decide particular matters on the pleadings alone. This Order is intended to give each judge discretion to handle his or her docket on a case-by-case basis, aside from the general continuance of jury trials ordered above.

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

7. Unless extended, this Order remains in effect until September 30, 2021, absent further order or action.

8. Our court will continue to meet its constitutional obligations while taking steps to protect the public and our employees. The courts are working to address pending matters and keep the cases moving toward resolution.

Signed this 18th day of August 2021.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE