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Judge McMahon

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: CORONAVIRUS/COVID-19 PANDEMIC

M-10-468 (CM)

_____x

THIS MATTER RELATES TO: Extension of Time
Under the Speedy Trial Act

STANDING ORDER

_____x

McMahon, C.J.:

WHEREAS, the President of the United States has declared a national emergency, and the Governor of New York has banned mass gatherings throughout the state in response to the spread of the coronavirus and COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease; and

WHEREAS, the Governor of the State of New York has extended the expiration of the state's shelter-in-place and non-essential travel ban Executive Order from April 27, 2020 until May 16, 2020; and

WHEREAS, as a precautionary measure for the health of both inmates and

Executive Branch personnel, the United States Bureau of Prisons is not permitting pre-trial detainees to travel off their housing units, and the United States Marshal Service will not produce pre-trial detainees to the courthouse for the conduct of proceedings; and

WHEREAS, in light of the above, neither court staff nor attorneys nor parties to litigation are able to appear at the courthouses until such time as the shelter-in-place order has been lifted at the earliest;

NOW, THEREFORE in order to protect public health, and in order to reduce the size of public gatherings and allow attorneys, litigants and court staff to comply with the Governor's Executive Order, thereby reducing travel, the United States District Court for the Southern District of New York issues the following order:

1. The Daniel Patrick Moynihan United States Courthouse in Manhattan, The Charles L. Briant United States Courthouse in White Plains, and United States Courthouse in Poughkeepsie will remain open for business, but subject to limitations and with most staff working remotely. The Thurgood Marshall Courthouse in Manhattan is closed for Southern District of New York operations, and is subject to the order of the United States Court of Appeals for the Second Circuit for appellate operations.

2. All civil and criminal jury trials are continued pending further order of the court (*see* Third Standing Order relating to the suspension of jury trials, dated April 20, 2020).

3. Compliance with all trial-specific deadlines in civil and criminal cases shall be at the discretion of the presiding judge.

4. Individual judges presiding over civil and criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

5. Existing grand juries will continue in operation.

6. The time period of any continuance entered as a result of this order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. Absent further order of the Court or any individual judge, the period of exclusion shall be from April 27, 2020 to June 15, 2020. The Court may further extend the period of exclusion as circumstances may warrant.

7. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this order in order to exercise that right should be directed to the District Judge assigned to the matter in the first instance; provided, however, that no such exception may be ordered without the approval of the Chief Judge after consultation with the assigned judge.

8. Individual judges may continue to hold hearings, conferences,

and bench trials in the exercise of their discretion, consistent with this order.

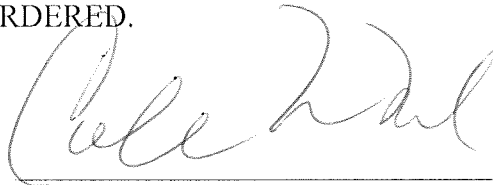
9. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable.

10. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, shall take place in the ordinary course using remote procedures.

11. The Clerk's Office, the District Executive's Office, Pre-Trial Services, Probation, the Bankruptcy Court, and all other Court services shall remain open pending further order of the Court, but with most staff working remotely.

Entered this 20th day of April, 2020

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "Chell Paul", is written over a horizontal line.

Chief Judge