



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

SPECIAL ORDER

In response to the coronavirus pandemic, district courts throughout the country have postponed all criminal and civil settings—some indefinitely. The Board of Judges for the Southern District of Mississippi has concluded that a more incremental approach is appropriate given the conditions in this district, which currently include four reported cases near one courthouse. Accordingly, this Order takes certain actions through the end of March, at which point the measures will be re-evaluated based on the then-available information.

IT IS, THEREFORE, ORDERED AS FOLLOWS:

1. Effective immediately, and through March 31, 2020, all non-essential civil and criminal matters set for hearing or trial in any federal courthouse within the Southern District are hereby continued. Initial appearances, arraignments, detention hearings, and issuance of warrants are deemed essential. As to all other currently set matters during this period, the presiding judge shall have sole discretion to determine whether they are essential and should go forward, or whether they can be conducted by videoconference or telephone. Each judge will so notify the affected parties and reset the matters as appropriate. These continuances will not affect any other deadlines unless the presiding judge so indicates. Bankruptcy proceedings are not subject to this section and are discussed below.
2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors, the reduced availability of attorneys, and a desire to protect those called as jurors, the period of the continuances implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C § 316(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances

outweigh the best interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances.

3. For all matters deemed essential, and all bankruptcy proceedings, counsel must notify the presiding judge (or bankruptcy trustee) and opposing counsel if that attorney or any individuals the attorney intends to bring to the courthouse have any of the following risk factors:

- Persons who have travelled abroad within the last 14 days;
- Persons who have travelled within the last 14 days to any location within the United States with known outbreaks;
- Persons who reside or have had close contact with someone who has travelled abroad or to a location with a known outbreak within the last 14 days;
- Persons who a doctor, hospital, or health agency has asked to self-quarantine;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- Persons with fever, cough, or shortness of breath;
- Persons who will be required to fly for the schedule proceeding;
- Any other persons who would raise a reasonable concern of exposure.

Counsel must contact persons they wish to bring to the courthouse and ask whether they have these risk factors.¹ If so, counsel must give notice as soon as possible, but no later than 24 hours before the proceeding. The presiding judge or trustee will have sole discretion to determine whether the proceeding should be delayed or can go forward, perhaps by alternative means. If

¹ This requirement may not be possible for initial appearances, arraignments, and related proceedings. Counsel is therefore instructed to comply to the extent practicable.

counsel is set to appear for a creditors' meeting, then notice must be provided to the trustee and not the judge.

4. All pre-trial detainees must be taken to the appropriate holding facility as determined by the United States Marshals Service (USMS), or its agents or designees, for medical screening before appearing in court. The presiding judge should be notified before transport to the courthouse if the detainee exhibits risk factors.

5. The USMS, in conjunction with the Court Security Officers (CSOs), shall have the authority to screen any visitors to a federal courthouse within the district and prevent them from entering if they present a risk of contamination. The USMS is directed to prepare recommended best practices for screening visitors and is hereby authorized to implement those procedures once developed. If an individual is stopped, the USMS or CSO must immediately notify the presiding officer by telephone. This could include the presiding federal judge, the Clerk of Court, the presiding bankruptcy trustee, the Chief Probation Officer, United States Attorney, or head of any other building tenant. The presiding officer will then have authority to decide how the matter should be handled, including entry with appropriate precautions.

6. All judges and counsel are encouraged to utilize videoconferencing and teleconferencing to the extent possible to avoid unnecessary disruption in the cases.

The Court recognizes that it is impossible to cover all possible contingencies and that the situation remains fluid. This Order is therefore designed to give the presiding officers flexibility

to address issues as they arise while implementing necessary safeguards. This order may be extended or modified on or before March 31, 2020.

SO ORDERED, this the 13th day of March, 2020.

s/ Daniel P. Jordan III

CHIEF UNITED STATES DISTRICT JUDGE