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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IN RE: ) GENERAL ORDER NO. 611  
)  
FINDINGS AND ORDER )  
AS TO COURT PROCEEDINGS )  
IN LIGHT OF COVID-19, )  
ALSO KNOWN AS CORONAVIRUS. )  
\_\_\_\_\_ )

WHEREAS, the President of the United States of America has declared a national emergency in response to COVID-19, also known as “Coronavirus,” and encouraged limitations on gatherings of more than 10 persons;

WHEREAS, the Governor of the State of California has declared a public health emergency throughout the State in response to the spread of COVID-19, and strongly encouraged certain segments of the population to remain at home at the current time;

WHEREAS, the Centers for Disease Control and Prevention, California Department of Public Health and other public health authorities have advised the taking of precautions, including limiting gathering sizes and practice social distancing, to reduce the possibility of exposure to the virus and slow the spread of the disease;

WHEREAS local health officials in the Eastern District of California in particular have declared local health emergencies in light of the presence of persons infected with the coronavirus in their jurisdictions, including in Sacramento and Fresno Counties where the court’s two main courthouses are located, and the outbreak of COVID-19 in the Eastern District has reached the point where court operations are affected in that many persons at higher risk of serious or fatal

1 illness are involved in court proceedings as attorneys, parties or court staff or being asked to serve  
2 the court as jurors;

3 WHEREAS slowing the transmission of the virus in the community is an important part of  
4 mitigating the impact of the disease on vulnerable individuals and reducing the immediate burden  
5 on the health care system and the community at large, including members of the federal bar and  
6 their clients as well as pro se litigants;

7 WHEREAS the Eastern District court maintains a robust capacity for conducting business  
8 remotely, and essential court operations can and will continue unimpeded, but not all of the  
9 court's work can be completed at a distance; and

10 WHEREAS the need for in-court hearings and trials must be balanced against the risk  
11 stemming from the associated interpersonal contact; jury proceedings are inadvisable in the  
12 current environment to protect public health and ensure that when juries are seated they represent  
13 a cross-section of the community and constitute the required jury of one's peers to which criminal  
14 defendants in particular are entitled, *see Thiel v. S. Pac. Co.*, 328 U.S. 217, 220 (1946) ("The  
15 American tradition of trial by jury, considered in connection with either criminal or civil  
16 proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the  
17 community."); *Taylor v. Louisiana*, 419 U.S. 522, 537 (1975) ("[T]he Sixth Amendment affords  
18 the defendant in a criminal trial the opportunity to have the jury drawn from venires  
19 representative of the community[.]"); and even if a jury that meets these requirements could be  
20 seated at this point notwithstanding public officials' urging certain populations to remain home,  
21 there is no assurance the jury's deliberations would be unaffected by continuing health and safety  
22 concerns and evolving public health mandates and protocols.

23 Accordingly, with the concurrence of a majority of the District Judges of the court, in  
24 order to protect public health, reduce the size of public gatherings and unnecessary travel, and

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1 ensure the ability to deliver fair and impartial justice to all those who come before the court, the  
2 court orders as follows:

3 1. The United States Courthouses in Sacramento, Modesto (with hearings held in  
4 Sacramento during ongoing remodeling), Fresno, Bakersfield, Yosemite and Redding  
5 will remain open for business, subject to the following limitations.

6 2. Effective immediately, the court will not call in jurors for service in civil or criminal  
7 jury trials until May 1, 2020. All civil and criminal jury trials in the Eastern District of California  
8 scheduled to begin during this time period are continued pending further order of the court. The  
9 court may issue other orders concerning future continuances as necessary and appropriate.

10 3. All courtroom proceedings and filing deadlines in a case will remain in place unless  
11 otherwise ordered by the Judge presiding over that case.

12 4. The time period of any continuance entered in a criminal case as a result of this order  
13 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the court finds based  
14 on the recitals above that the ends of justice served by taking that action outweigh the interests of  
15 the parties and the public in a speedy trial. Absent further order of the court or any individual  
16 judge, the period of exclusion shall be from March 17, 2020, to May 1, 2020. The court may  
17 extend the period of exclusion in a subsequent order as evolving circumstances warrant.

18 5. Individual judges may continue to hold hearings, conferences and bench trials in the  
19 exercise of their discretion, including by teleconference or videoconference, consistent with this  
20 order.

21 6. Criminal matters before Magistrate Judges, such as initial appearances, arraignments,  
22 detention hearings and the issuance of search warrants, shall continue to take place in the ordinary  
23 course, subject to the parties' established ability to seek continuances or, as allowed by law, the  
24 holding of telephonic or videoconference appearances.

25 7. The Bankruptcy Court, Clerk's Office, Probation Office, Pretrial Services Office and all  
26 other court services shall remain open pending further order of the court, although the method of  
27 providing services may be modified to account for COVID-19 and attendant public health  
28 advisories.

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8. This order does not affect grand juries, which are convened by the U.S. Attorney and shall continue to meet as scheduled by his office.

9. This order may be modified, expanded or superseded at any time to account for the developing nature of the COVID-19 public health emergency.

IT IS SO ORDERED.

DATED: March 16, 2020.

  

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CHIEF UNITED STATES DISTRICT JUDGE