

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN RE:

CORONAVIRUS PUBLIC EMERGENCY
AUTHORIZING VIDEO-
TELECONFERENCING AND TELEPHONE
CONFERENCING FOR CRIMINAL
PROCEEDINGS UNDER SECTION 15002
OF THE CORONAVIRUS AID, RELIEF,
AND ECONOMIC SECURITY (CARES)
ACT

GENERAL ORDER NO. 655

WHEREAS on March 30, 2020, General Order No. 614 authorized the use of videoconference and teleconference technology in certain criminal proceedings under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (the “Act”);

WHEREAS all findings in General Order No. 614 have been previously extended for additional 90-day periods through General Order Nos. 620, 624, 628, 630, 632, 635, 640, 649 and 652;

WHEREAS the coronavirus pandemic has not officially been declared over and the virus and multiple variants are still present in populations throughout the United States, including in the Eastern District of California;

WHEREAS given the continuance of the coronavirus pandemic, the emergency authority granted under the CARES Act has not been terminated;

WHEREAS the current Centers for Disease Control (CDC) COVID-19 Community Level for many counties in the Eastern District of California, including Sacramento, Fresno, Bakersfield, Shasta and Mariposa Counties, remain at a medium or high community level and it is too early to tell whether these rates will continue to subside with the emergence of newer variants;

WHEREAS the Eastern District of California recognizes the need for ongoing adherence to best public health practices in order to ensure the protection of the public, litigants, jurors, counsel and court staff and to that end recently has adopted for common areas of its courthouses the CDC's Community Level approach to face-covering guidance, with Community Levels updated regularly to correspond to the level of COVID-19 community transmission in a particular county as well as COVID-19 related hospitalizations, deaths, and hospital capacity;

WHEREAS the Eastern District of California hears criminal cases arising from 34 counties in Sacramento's vast Central Valley, with court proceedings involving counsel and parties and jurors from diverse locations, and pretrial detainees housed in multiple local detention facilities throughout the Central Valley;

WHEREAS certain persons participating in court proceedings and working for the court may reside with high-risk individuals or are themselves at high risk if they were to contract COVID-19;

WHEREAS the complex nature of the populations involved in court proceedings and the differing public health circumstances that may be present in different courthouses and courtrooms throughout the Eastern District mean that at any given time a judge of the court may find the circumstances applicable in that judge's courtroom support invoking the authorizations granted initially in General Order No. 614;

WHEREAS each individual judge has full authority to determine all aspects of any and all proceedings in his or her assigned courtroom, as that judge deems appropriate in his or her sole discretion; and


WHEREAS continuing the authorizations granted initially in General Order No. 614 for an additional 90 days provides the court and each of judges the tools if needed to continue conducting the court's essential business without undue delay.

NOW THEREFORE as Chief Judge, under the authority granted by Section 15002(b) of the CARES Act and having conducted the necessary review, I find the authorizations granted initially in General Order No. 614 continue to be warranted in the Eastern District of California and hereby extend all authorizations in General Order No. 614 for another 90 days, unless terminated earlier. If emergency conditions continue to exist when this 90-day extension is due to expire, I will again review this authorization and determine whether to extend it. If the national emergency is formally terminated under Section 15002(b)(5) of the CARES Act, the authorization for expanded use of video and audio conferencing in criminal matters will terminate 30 days after the national emergency ends or when the Judicial Conference determines that the emergency no longer materially affects the federal courts.

IT IS SO ORDERED.

DATED: September 19, 2022.

FOR THE COURT:



KIMBERLY J. MUELLER
CHIEF UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA