

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

Miscellaneous Case No. 2:20-mc-00052



**IN RE: COURT OPERATIONS IN LIGHT OF
THE EXIGENT CIRCUMSTANCES
PRESENTED BY THE COVID-19 PANDEMIC**

GENERAL ORDER #5

On March 13, 2020 a General Order was entered recognizing the exigent circumstances created by the COVID-19 pandemic and continuing all jury matters in the District for a period of two weeks. On March 18, 2020, General Order #2 was entered that imposed certain restrictions upon entry to the courthouses in the District, in light of guidance issued by local and national public health authorities. On March 23, 2020, the Court entered General Order #3, which expanded and extended the measures set forth in the first two orders and made further findings regarding the serious circumstances presented by the pandemic. General Order #3, among other things, postponed or canceled all in person court proceedings and other gatherings in this court and its courthouses through April 24, 2020, and generally closed to the public the courthouses of this district, subject to some exceptions to allow for necessary court business.

The Court now adopts its previous findings on this matter contained in the prior orders. The Court further finds that the pandemic continues worldwide and indeed may not yet have reached its peak in the United States. Likewise, the Court notes that there are hundreds of cases in the State of West Virginia and in this district, indicating community transmission at least in some locations. Nonetheless, the Court finds that the “social distancing” appears to be having a beneficial effect on the spread of the virus but needs to continue for a period of time into the future.

IT IS THEREFORE ORDERED, that all civil and criminal petit jury selections and trials scheduled to commence now through May 31, 2020 before any district or magistrate judge in the Southern District of West Virginia are CONTINUED until further order of the Court; and it is further

ORDERED that with regard to criminal trials, due to the Court’s reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C.

§ 3161(h)(7)(A); and it is further

ORDERED that all other in-person civil and criminal proceedings in the U.S. District Court for the Southern District of West Virginia, including court appearances, trials, hearings, settlement conferences, admission ceremonies, and

grand jury meetings now scheduled to occur through May 31, 2020, are POSTPONED and will be rescheduled at a later date, unless the presiding judge in an individual case issues an order after the date of this Order directing that a particular proceeding will be held on or before May 31, 2020; and it is further

ORDERED that due to the unavailability of a grand jury in this District, the 30-day time period for filing an indictment or an information is TOLLED as to each defendant during the time period March 13, 2020 through May 31, 2020, in alignment with 18 U.S.C. § 3161(b); and it is further

ORDERED that in order to reduce the necessity of handling mail, the requirements of Local Rule of Civil Procedure 7.1(a)(5) and Local Rule of Criminal Procedure 49.1 are hereby suspended through May 31, 2020, and it is therefore unnecessary during this period for counsel to provide a paper courtesy copy to the assigned judicial officer of a document over fifty pages in length that is filed electronically; and it is further

ORDERED that the Court will remain open for emergency criminal, civil, and bankruptcy matters related to public safety, public health and welfare, and individual liberty; and it is further

ORDERED, pursuant to 41 C.F.R. 102-74.375, in order to provide for the orderly conduct of government business, the U.S. Courthouses in the Southern District of West Virginia continue to be closed to the general public. Only litigants with scheduled in-person proceedings, parties who must appear in the courthouse as a direct consequence of a court ruling, counsel of record, investigators or employees

of counsel, credentialed press, and authorized persons who display government or other identifying credentials to Court Security Officers may be present in the courthouses. Members of the public will retain access to drop boxes at the entrance of each courthouse to deposit papers between 8:30 a.m. and 5:00 p.m. Monday through Friday. Postal and common courier deliveries will continue to be processed in the usual fashion; and it is further

ORDERED that this Order does not toll any applicable statute of limitations. Electronic filing through CM/ECF will remain available, and self-represented litigants may deposit papers in drop boxes at each courthouse between 8:30 a.m. and 5:00 p.m., Monday through Friday. For emergency criminal matters, please contact the assigned magistrate judge. For emergency civil matters, please contact the Clerk's Office at (304) 347-3000. For emergency bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (304) 347-3003; and it is finally

ORDERED that the courthouse entry restrictions set forth in General Order #2 continue to remain in effect for any person authorized to enter a courthouse in this District, and General Order #4 remains in effect unchanged.

SO ORDERED this 14th day of April, 2020.


THOMAS E. JOHNSTON, CHIEF JUDGE