UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

In re: Court Operations Under the Exigent Circumstances Created by COVID-19	)))	**ADMINISTRATIVE ORDER**

In order to protect public health, and in order to reduce the size of public gatherings and reduce unnecessary travel, **IT IS HEREBY ORDERED,** that;

1. The following persons, including but not limited to federal employees and contractors, shall not enter any United States Courthouse in the District of North Dakota:

   a. Persons who have been asked to self-quarantine or self-isolate by any doctor or other medical provider, hospital, or health agency if they are still within that time of self-quarantine or self-isolation;
   b. Persons who have been diagnosed with, or who have any contact with, anyone who has been diagnosed with COVID-19 unless and until they have completed a quarantine or self-isolation period, as required by the North Dakota Department of Health guidelines; and
   c. Persons with fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat or new loss of taste or smell.

   Court Security Officers may question any courthouse visitor to determine whether they fall into any of these categories. Anyone attempting to enter in violation of these protocols will be denied entry by a Court Security Officer.

   In addition, persons granted admission to a courthouse must abide by the public safety policies enacted by each buildings' Facility Security Committee, which include the wearing of facial masks in common spaces and physical distancing.

2. Effective immediately, all criminal jury trials presently scheduled to start between **October 27, 2020**, and **January 31, 2021**, and all civil jury trials presently scheduled to start between **October 27, 2020**, and **February 28, 2021**, in the District of North Dakota are continued. The Court may issue other orders concerning future continuances as necessary and appropriate.

3. All trial-specific deadlines in the afore-referenced criminal cases are continued. All trial-specific deadlines in civil cases remain. Due to the fluid nature of the outbreak and the need for flexibility in responding thereto, counsel may request modification to pleading-related and discovery-related deadlines as needed. Individual judges

may continue trial-specific deadlines in civil cases in the exercise of their discretion.

4. Individual judges presiding over 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. For criminal trials, the Court on its own motion finds that the time 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 are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judges, the period of exclusion shall be from **March 16, 2020**, to **July 31, 2020**, and from **October 22, 2020,** to **January 31, 2021.** The Court may extend the period of exclusion as circumstances may warrant.

6. Grand jury proceedings in this District presently scheduled through **December 31, 2020**, are continued. Due to the unavailability of a grand jury in the District from **October 27, 2020,** to **December 31, 2020**, the 30-day time period for filing an indictment is tolled as to each defendant through December 31, 2020. See 18 U.S.C. § 3161(b).

7. Pursuant to Section 15002(b)(1) of the CARES Act, H.R. 748, the Chief Judge authorizes the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation:

   a. Detention Hearings under Section 3142 of title 18, United States Code.
   b. Initial Appearances under Rule 5 of the Federal Rules of Criminal Procedure.
   c. Preliminary Hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
   d. Waivers of Indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
   e. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
   f. Probation and Supervised Release Revocation Proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
   g. Pretrial Release Revocation Proceedings under Section 3148 of title 18, United States Code.
   h. Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
   i. Misdemeanor Pleas and Sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
   j. Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to Section 15002(b)(2), the Chief Judge further specifically finds that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedures cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also us this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

The Chief Judge has determined, pursuant to Section 15002(b)(3) of the legislation, that emergency conditions continue to exist, and that this authorization will remain in effect until **June 23, 2021**, unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, the Chief Judge will review this authorization and determine whether to extend it.

8. Please consult the District Court's Website at www.ndd.uscourts.gov for current information.

9. This order supercedes the Court's Administrative Order issued on January 8, 2021. The Court will vacate, amend, or extend this order no later than **June 23, 2021.**

Dated: March 22, 2021, at 8:00 a.m.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court