

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:
COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY THE CORONAVIRUS DISEASE 2019

20-MC-00004-15

ADMINISTRATIVE ORDER

This Order supersedes Administrative Orders 20-MC-00004-8 and 20-MC-00004-9.

WHEREAS, the President of the United States has declared a state of emergency in response to the spread of Coronavirus Disease 2019 (COVID-19) and has issued social distancing guidelines through April 30, 2020;

WHEREAS, the Governor of the State of New Mexico has declared a state of public health emergency in response to the spread of COVID-19 and has issued a state-wide “Stay at Home” instruction through April 10, 2020;

WHEREAS, the Judicial Conference of the United States Courts has found that emergency conditions caused by COVID-19 will materially affect the functioning of the Courts and has made an emergency declaration covering the District of New Mexico;

WHEREAS, the Centers for Disease Control and Prevention and the New Mexico Department of Health have advised taking measures to slow the spread of COVID-19 and precautions to reduce the possibility of exposure to COVID-19;

WHEREAS, gatherings of people pose a threat to public health and safety, there are limitations, due to various public health directives and general health concerns, on the ability of the Court to obtain an adequate cross-section of the community for jury selection, and there are difficulties in maintaining appropriate distance from other people during both jury trials and bench trials; and

WHEREAS, this Court continues to evaluate its response to the spread of COVID-19 and recognizes the need to assist in the preservation of public safety and health while effectively administering justice during this period of national emergency; it is hereby

ORDERED that, effective immediately and until May 1, 2020, only those persons with official court business shall enter the courthouses of the United States District Court, the United States Bankruptcy Court, United States Probation and Pretrial Services Office and the United States Marshal's Service for the District of New Mexico.

Persons having official court business include:

- Court employees and contractors,
- Couriers, package and postal workers,
- Sureties or individuals posting bond,
- Parties/Litigants,
- Counsel of record,
- Investigators or employees of counsel,
- Law Enforcement Officers and witnesses participating in hearings,
- Contract Court Interpreters,
- Individuals under supervision of the U.S. Probation Office, and
- Others specifically authorized by a presiding judge.

IT IS FURTHER ORDERED that the Clerks' Offices and Probation Offices are closed to public entry. Procedures for the filing of documents and submission of payments can be found on the web sites of the [United States District Court](#) and the [United States Bankruptcy Court](#).

The Clerks' Offices are not deemed "inaccessible" for purposes of computing filing deadlines under Fed. R. Civ. P. 6(a)(3) or Fed. R. Crim. P. 45(a)(3) and is deemed "open" for the purposes of Fed. R. Civ. P. 77(c).

IT IS FURTHER ORDERED that, effective immediately, all civil and criminal jury trials scheduled to commence now through May 1, 2020 before any judge in any courthouse in the District of New Mexico are **CONTINUED** subject to further order of the presiding judge. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances for criminal trials shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice served by ordering continuances outweigh each defendant's right to and the public's interest in a speedy trial. Therefore, the time period of the continuances implemented by this Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding judge. Defendants seeking an exception should file a motion with the presiding judge.

IT IS FURTHER ORDERED that all grand jury proceedings are **SUSPENDED** through May 1, 2020 and therefore, pursuant to 18 U.S.C. § 3161, a grand jury within the District of New Mexico is not available during that period.

IT IS FURTHER ORDERED that, in light of Administrative Order 20-MC-00004-12 authorizing the use of video and audio teleconferencing in civil and criminal proceedings, family members of defendants, victims (as provided in 18 U.S.C. § 3771 (2020)), media, and members of the public may attend such hearings via teleconference. Procedures for obtaining telephonic access to these hearings on the web sites of the [United States District Court](#) and the [United States Bankruptcy Court](#). All persons participating in a court proceeding remotely by teleconference are prohibited, under penalty of contempt, from recording or broadcasting the proceeding in any manner.

IT IS FURTHER ORDERED that any requirement that personnel in the United States Marshals Service assigned to the District of New Mexico effect personal service of process under Federal Rule of Civil Procedure 4(c)(3), 28 U.S.C. § 1915(d), or 28 U.S.C. § 1916, for any cases pending in this District or any other district, is **SUSPENDED** until May 1, 2020. This Order shall not apply to service of process by mail, waivers of service under Federal Rule of Civil Procedure 4(d), or service by electronic means.

IT IS FURTHER ORDERED that, in any civil case in which the United States Marshals Service has been ordered to serve process, the time for service under Federal Rule of Civil Procedure 4(m) is **TOLLED** until May 1, 2020.

IT IS FURTHER ORDERED that Central Violations Bureau calendars set through May 1, 2020 are **CONTINUED**. New dates for the cases scheduled on such dockets shall be reset without the need to file any motions with the Court.

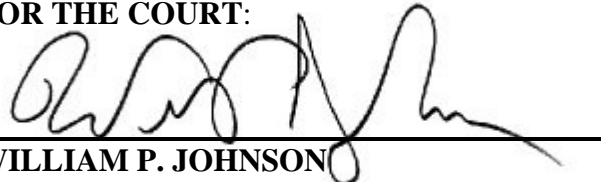
IT IS FURTHER ORDERED that all naturalization ceremonies scheduled through May 1, 2020, are **CANCELED**.

IT IS FURTHER ORDERED that all public and bar-related functions scheduled to take place in any courthouse facility in the District of New Mexico through May 1, 2020 are **CANCELED**.

The Court also provides notice to litigants, attorneys, and the public that the Courts' judges, to the extent practicable and at their discretion, will endeavor to reschedule hearings or to convert hearings to telephonic and/or video appearances in an effort to minimize the need for persons to travel to court, understanding that certain hearings may nevertheless require personal appearances.

SO ORDERED this 30th day of March, 2020.

FOR THE COURT:

A handwritten signature in black ink, appearing to read 'William P. Johnson', is written over a solid horizontal line.

WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE