

**IN THE UNITED STATES DISTRICT & BANKRUPTCY COURTS**  
**FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:  
PLAN FOR CONTINUATION OF OPERATIONS  
DURING A LAPSE IN APPROPRIATIONS

23-MC-00004-18

**ADMINISTRATIVE ORDER**

Pursuant to Volume 13, Chapter 2, § 220.50 of the *Guide to Judiciary Policy*, this court adopts the following plan for operating during a lapse in appropriations for the Judiciary.

**Declaration of Policy.** In the event that an appropriation or a continuing resolution funding the operations of the United States Courts is not passed by the United States Congress and signed by the President, and after notification by the Administrative Office of the U.S. Courts that the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C §§ 1341-1342, the following measures shall take effect until superseded by such appropriation or continuing resolution. Business conducted under the Act includes:

1. Activities necessary to the exercise of the judiciary's constitutional functions (i.e., resolution of cases in which there is a constitutional or statutory grant of jurisdiction);
2. Activities addressing emergency circumstances, such that the suspense of the function would threaten the safety of human life or the protection of property; and
3. Activities otherwise authorized by law, either expressly or by necessary implication, including:

- a. Constitutional guarantees (e.g., the right to counsel under the Sixth Amendment);
- b. operating entitlement programs (e.g., Judicial Survivors Annuities System); and
- c. executing activities needed for an orderly shutdown of other official functions.

The dispensing of justice is mandated by the United States Constitution and is essential to our system of government. The resolution of cases and controversies is the only work and product of the federal courts. Accordingly, all employees of the United States District Court for the District of New Mexico, and of all associated court units including, but not limited to, the United States Bankruptcy Court, the United States Probation and Pretrial Services Office, the United States District Court Clerk's Office, and the United States Bankruptcy Court Clerk's Office are hereby deemed to be excepted as part of or essential support for the exercise of judicial powers.

Notwithstanding the above, the court unit executives of the District Court and each associated court unit will continue to assess the needs of their respective court units and have the discretion to determine on an employee-by-employee basis that the services of individual employees are not essential for all or any part of the period of the lapse in appropriations unless the Chief Judge for the court unit determines otherwise.

**IT IS ORDERED** that all employees of the United States District Court for the District of New Mexico and all associated court units are to report to work for their regularly scheduled hours, and to continue all normal operations of the Court, except as set forth below:

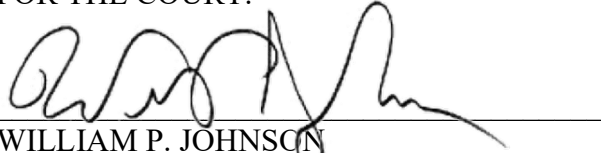
1. All training activity shall be suspended.
2. No new personnel shall be hired without the consent of the Chief Judge of the appropriate court unit.
3. The General Services Administration, the Federal Protective Service and the United States

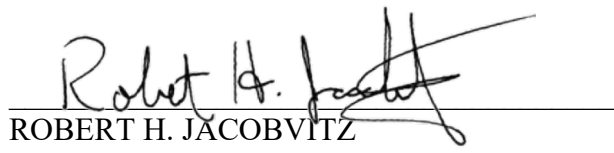
Marshals Service are requested to maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the District of New Mexico.

4. This Court will continue to hear and decide cases without disruption, accept new filings and process them in a timely manner, collect and deposit fees and costs to the Treasury, continue regular administration of the jury system, produce reports on bail or release, supervise persons on federal supervision, provide needed treatment services, and handle new cases or existing cases as necessary to assist the court in implementing its orders and judgments.

This Order supersedes 19-mc-00004 – CONTINUATION OF OPERATIONS DURING A LAPSE IN APPROPRIATIONS and shall take effect the 29th day of September 2023.

FOR THE COURT:

  
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WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE

  
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ROBERT H. JACOBVITZ  
CHIEF UNITED STATES BANKRUPTCY JUDGE