

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:)	
COURT OPERATIONS UNDER THE)	Administrative Order No. 261
EXIGENT CIRCUMSTANCES CREATED)	(First Amendment)
BY THE COVID-19 VIRUS.)	

AMENDED ADMINISTRATIVE ORDER

This Administrative Order amends and supersedes Administrative Order No. 261 dated March 15, 2020, relative to cases and proceedings before the District Court and the operation of the federal courthouses in East St. Louis and Benton, Illinois. Bankruptcy Court proceedings also are addressed below.

I. Implementation of the COOP/COVID-19 Plan

The current outbreak of the coronavirus 2019 disease (“COVID-19”) has impacted the Southern District of Illinois, all 50 states, and countries around the world. Although for many this disease appears to cause only flu-like symptoms, for others it can pose a serious risk, even death. The seriousness of this outbreak and need for special measures is evidenced by: the Centers for Disease Control and Prevention (“CDC”) guidance and nationwide effort, *15 Days to Slow the Spread*; the declaration of a national emergency by the President of United States; and the Governor of Illinois’ declaration of a disaster and entry of a “stay-at-home” Executive Order on March 20, 2020, extending through April 7, 2020.

There is currently no vaccine to prevent COVID-19. The CDC and local public health officials have advised that the best way to prevent illness is to avoid opportunities

for exposure. The virus is thought to spread mainly from person-to-person, particularly between people who are in close contact with one another (within about 6 feet) and through contact with contaminated surfaces. Although Illinois Executive Order 2020-10 is, by its terms and under the Tenth Amendment, not applicable to the federal courts, its restrictions prohibiting all but essential business and governmental activity are prudent. The Court cannot apply the recommended social distancing measures and simultaneously continue its operations in the usual way.

IT IS THEREFORE ORDERED that the undersigned Chief Judge and chair of the district's Security Committee—after consultation with the judges of this district, the United States Marshals Service, the Federal Protective Service, and the General Services Administration building managers—activates and implements the district's COOP/COVID-19 Plan, effective immediately and through April 7, 2020. In accordance with the Plan, and pursuant to 41 C.F.R. § 102-74.375(b), access to the federal courthouses in East St. Louis and Benton will be limited, and the operations of the District Court, Bankruptcy Court, and the Probation and Pretrial Services Office will be altered accordingly.

IT IS FURTHER ORDERED that, consistent with the COOP/COVID-19 Plan, and after consultation with the Human Resources Division of the Administrative Office of the United States Courts, all employees of the District Court are directed to telework from March 23 through April 7, 2020, except when directed by their supervisors to report to the courthouse to perform essential functions. All District Court employees who, after consultation with their supervisors, are deemed unable to telework or perform alternate duties, will be

placed on administrative leave.

II. Courthouse Closures and Restrictions

It is hereby **ORDERED** that, **effective immediately and through April 7, 2020:**

- The federal courthouses in East St. Louis and Benton will be **CLOSED** to the public, subject to exceptions allowing the Court to meet its constitutional duties and handle emergencies related to public safety, public health and welfare, and individual liberty. No members of the public, other than litigants with a scheduled proceeding, counsel of record in that matter, investigators or employees of counsel, court interpreters and contract court reporters, and credentialed press, may enter the U.S. District Courthouses in East St. Louis and Benton without prior permission from a judge of this district, the Probation and Pretrial Services Office, or other agency housed in the courthouse(s).
- Any person falling into one of the following categories **SHALL NOT ENTER** this courthouse:
 - Persons who, in the last 14 days, traveled to the following countries or regions:
 - Austria, Belgium, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Iran, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City, United Kingdom, or Ireland.
 - Any other country or region that is the subject of a Level 3 Travel Health Notice issued by the CDC or any domestic area subject to a lawfully issued quarantine order or functional equivalent.
 - Persons who reside or have had close contact within the last 14 days with someone who has been in one of the countries listed above or any other country CDC-labeled Level 3.
 - Persons who have been asked to self-quarantine by any doctor, hospital, or health agency.
 - Persons who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19.

- The Federal Protective Service and Court Security Officers will enforce the posted building restrictions. Visitors must review signage regarding the criteria for exclusion from the courthouse and answer whether they meet the criteria for restriction. Those answering “yes” to any of the criteria for restriction will be denied access to the courthouse. All other security requirements for entrance, such as showing proper identification and passing through a magnetometer, remain in effect.
- Members of the public not permitted access to the courthouse may call for assistance:
 - East St. Louis District Court Help Desk: 866-867-3169
 - Benton District Court Help Desk: 866-222-2104
 - East St. Louis Bankruptcy Court: 618-482-9400
 - Benton Bankruptcy Court: 618-435-2200
 - East St. Louis United States Marshals Service: 618-482-9336
 - Benton United States Marshals Service: 618-439-7701
 - Federal Public Defender’s Office:
 - . Steve Welby, Federal Public Defender: 314-409-3172
 - . Preston Humphrey, First Assistant: 314-496-3883
 - . Laura Wildermuth, Administrative Officer: 618-910-7427
- Additional information will be posted on each Court or agency’s public webpage.
- All public events and ceremonies, such as school tours and civic events, are canceled, subject to being reset.

III. District Court Filings and Proceedings

- Filings will continue to be processed in civil and criminal cases via the Case Management/Electronic Case Filing (“CM/ECF”) system. For those without access to CM/ECF, documents may be submitted by mail, or in the event of emergency, may be submitted by email to: **EmergencyFiling@ilsd.uscourts.gov**. All emergency filings must include an email address and phone number where the filer may be reached. Filings submitted by mail will be processed upon receipt after the courthouses reopen. (The impact of this delay is addressed below.) Payments by attorneys utilizing the CM/ECF system will be processed via credit card utilizing Pay.gov. Payments by check or money order will be accepted by mail and will be processed upon receipt after the courthouses reopen. **Cash payments will not be accepted during this period of exigent circumstances.** Any *pro se* litigant

filing a case via mail should who cannot secure a check or money order should submit his or her filing by mail, and the Clerk's Office will send a notice directing payment be submitted after the courthouses reopen. Any questions may be directed to:

- **East St. Louis District Court Help Desk: 866-867-3169**
- **Benton District Court Help Desk: 866-222-2104**

- All civil matters, including trials, hearings, and settlement conferences, scheduled from March 23 through April 7, 2020, for an in-court appearance before any district or magistrate judge in the East St. Louis or Benton courthouses are continued pending further Order of the Court. Judges shall have discretion to utilize videoconferencing or telephone conferencing and will send the appropriate notice to counsel.

- In all civil cases, all deadlines, whether set by the Court, the Federal Rules of Civil Procedure, or Local Rules, are extended by **30 days** from the current deadline set. This extension does not apply to deadlines the Court is not permitted to extend. *See* Fed. R. Civ. P. 6(b)(2). If the COVID-19 public emergency results in the Clerk's Office being inaccessible, deadlines will be extended as set forth in Federal Rule of Civil Procedure 6(a)(3). **Litigants are cautioned that this Order does not affect the rights to, or deadlines concerning, any appeal from any decision of this Court. The deadlines for filing a notice of appeal remain in place and must be followed to preserve appellate rights.** The Court invites parties to file an extension of time to appeal under Appellate Rule 4(a)(5)(A) no later than 30 days after the time prescribed by Rule 4(a). If a timely extension motion is filed, then the Court deems that good cause exists for the extension in light of current public health concerns.

- This Order does not affect the Court's consideration of civil or criminal motions that can be resolved without in-court proceedings.

- With regard to criminal matters before the Court, only essential in-court proceedings will occur. Initial appearances, arraignments, detention hearings, and proceedings where in-person attendance is constitutionally required are deemed essential and will be conducted in person, absent any waiver permitted under the law. As to all other currently set matters during this period, judges shall have sole discretion to determine what proceedings are essential and should go forward, or whether videoconferencing or telephone conferencing can be utilized. Each judge will so notify the affected parties and reset the matters as appropriate. Delays will be kept to a minimum, particularly with respect to pretrial detention. These continuances will not affect any other deadlines unless the presiding judge so indicates.

- For all matters deemed essential, counsel must make the necessary inquiries and notify the presiding judge and opposing counsel if that attorney or any individuals the attorney intends to bring to the courthouse meet any of the criteria for restriction from the courthouse. The presiding judge will have sole discretion to determine whether the proceeding should be delayed or can go forward, perhaps by alternative means.
- All detainees, upon arrival at the East St. Louis or Benton courthouses and before appearance in Court, shall undergo screening for fever and other outward signs of COVID-19 contamination; such screening shall be administered by and/or at the direction of the United States Marshals Service (USMS), or its agents or designees. The presiding judge must be notified if the detainee exhibits risk factors. The judge shall have the discretion to order the detainee returned to the facility from which they came. Videoconferencing and other technologies may also be utilized as practicable.
- Due to the possibility that the Court's ability to obtain an adequate spectrum of jurors will be reduced, and the effect of public health recommendations and restrictions on the availability of defendants, counsel, court staff, and witnesses to be present in the courtroom, the Court will assess proceeding with jury trials on a case-by-case basis.
- Any time period of the continuances implemented by this Administrative Order or other Orders of the Court will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice—in terms of the nationally recognized public health dangers and constitutional aspects of summoning a jury—are served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial pursuant to 18 U.S.C. §3161(h)(7)(A). All necessary Orders will be entered in each case.
- Deadlines in criminal cases, including motions, briefing, and discovery deadlines, whether set by the Court, by the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or Local Rules, are not impacted by this Order. Motions for extension of time, and all other motions in criminal cases will be entertained by the Court as usual.
- All grand jury proceedings in this district will proceed absent further Order of the Court.
- Court Assistance Program ("CAP") meetings are canceled until further notice.

- The Central Violations Bureau docket in East St. Louis and Benton is continued until further Order of the Court. Payments will continue to be processed electronically (instructions appear on each citation).
- Naturalization ceremonies will proceed pending further Order of the Court. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for the expedited administration of the judicial oath, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will arrange for naturalization of that individual by a judicial officer.
- All judges and counsel are encouraged to utilize videoconferencing and teleconferencing to the extent possible to avoid unnecessary disruption in the cases. The Court recognizes that it is impossible to cover all possible contingencies and that the situation remains fluid. This Order is therefore designed to give the presiding judicial officers flexibility to address issues as they arise while implementing necessary safeguards.
- Announcements regarding any further restrictions to Court services will be posted on the District Court's public webpage <https://www.ilsd.uscourts.gov>, and attorneys will receive updates and notices via the CM/ECF system.

IV. Bankruptcy Court Filings and Proceedings

All scheduled bankruptcy hearings, including emergency matters, will be held telephonically. The Court will provide call in information to the parties prior to the hearing. For those without access to CM/ECF, documents may be submitted by mail, or in the event of emergency, may be submitted by email to: ilsbwebmaster@ilsb.uscourts.gov. All emergency filings must include an email address and phone number where the filer may be reached.

V. Probation and Pretrial Services

The United States Probation and Pretrial Services Office will continue to investigate and supervise individuals as ordered by the Court.

VI. Expiration of this Order

The Court will closely monitor the COVID-19 outbreak and any changes to the guidance offered by the CDC and local public health officials and make necessary adjustments in the interest of public health and administration of justice. The Court will vacate or amend this Administrative Order no later than **April 7, 2020**.

IT IS SO ORDERED.

Dated this 21st day of March, 2020.

Handwritten signature of Nancy J. Rosenstengel in black ink, written over a faint circular seal of the U.S. District Court.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge