

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

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

WHEREAS, the President of the United States of America has declared a national emergency in response to COVID-19;

WHEREAS, the Governor of the State of North Dakota has declared a state of emergency to coordinate North Dakota’s strategy to protect North Dakotans from COVID-19;

WHEREAS, the Centers of Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus and to slow the spread of disease;

NOW THEREFORE, 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. **Beginning, Monday, March 23, 2020**, the United States Courthouses in Bismarck, Fargo, Minot, and Grand Forks, North Dakota ~~will remain open for business, subject to the following limitations.~~ **are closed to the public, except for scheduled appointments.**
2. 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 traveled to any of the following countries within the previous 14 days: China, South Korea, Italy, or Iran;
 - b. Persons who reside or have had close contact with someone who has traveled to one of the countries listed above within the previous 14 days;
 - c. Persons who have been asked to self-quarantine by any doctor or other medical provider, hospital, or health agency if they are still within that time of self-quarantine;
 - d. 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 period;
 - e. Persons with fever, cough, or shortness of breath, or are presently suffering from an elevated body temperature or chills.

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.

3. Effective immediately, all jury trials presently scheduled between March 16, 2020 and April 10, 2020, in the District of North Dakota are continued. The Court may issue other orders concerning future continuances as necessary and appropriate.
4. 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.
5. 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.
6. 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 April 10, 2020. The Court may extend the period of exclusion as circumstances may warrant.
7. **All hearings, with the exception of those listed in paragraph 8, are suspended through April 3, 2020. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, consistent with this order.** Judges may conduct court proceedings by telephone or video conferencing where practical and consistent with the law.
8. Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, will continue to take place in the ordinary course.
9. Grand jury proceedings in this District presently scheduled through April 21, 2020, are continued. Due to the unavailability of a grand jury in the District from March 16, 2020, to April 21, 2020, the 30-day time period for filing an indictment is tolled as to each defendant through April 21, 2020. See 18 U.S.C. § 3161(b).
10. **The Clerk's Office, Probation and Pretrial Services Office, and other Court services remain available. The Clerk's Office will continue to be staffed by employees who are teleworking. Electronic filings may still be made through CM/ECF. Please consult the District Court's Website at www.ndd.uscourts.gov for current information.**

~~The Clerk's Office, the Probation and Pretrial Services Office, and all other Court services remain open pending further order of the Court. The Clerk's Office intake desk and ECF helpdesks will continue to be staffed and mail will be received and processed. Electronic filing may still be made through CM/ECF. Please consult the District Court's Website at www.ndd.uscourts.gov for current information regarding the Clerk's Office locations and available services.~~

11. The Court will vacate, amend, or extend this order no later than April 10, 2020.

Dated ~~March 16, 2020, at 4:30 p.m.~~ **March 20, 2020, at 10:00 a.m.**

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