

Apr 20 2020

United States District Court
Northern District of Ohio
General Order

AMENDED GENERAL ORDER NO. 2020-05

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

In Re:)	
)	
)	ORDER NO. 2020-05-2
CORONAVIRUS (COVID-19))	
PUBLIC EMERGENCY)	
)	

On March 23, 2020, this Court issued Amended General Order No. 2020-05-1, In Re: CORONAVIRUS (COVID-19) PUBLIC EMERGENCY. This Order was in response to the exponential spread of COVID-19 and the declaring of a public emergency by the President of the United States and the Governor of the State of Ohio.

The Centers for Disease Control and Prevention and other public health authorities have continued to advise the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease.

Jury selection in this District involves large jury venire pools. These pools often consist of many individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic.

Attorneys are severely limited, or in some cases prohibited, from physical visitation of detained clients for purposes of consultation and trial preparation.

NOW, THEREFORE, in order to continue to protect the health and safety of the public, court personnel, counsel, litigants, jurors, and all other case participants; in order to reduce the size of public gatherings necessarily attendant to jury selection and reduce unnecessary travel; and in order to permit effective trial preparation of counsel, the United States District Court for the Northern District of Ohio hereby extends the operative effect of Amended General Order No. 2020-05-1 through June 12, 2020 as follows:

ALL COURTHOUSES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, SHALL BE CLOSED TO THE PUBLIC THROUGH JUNE 12, 2020. ONLY PERSONS HAVING OFFICIAL BUSINESS AUTHORIZED BY THIS GENERAL ORDER OR BY THE CHIEF JUDGE OR A PRESIDING JUDGE, INCLUDING CREDENTIALLED MEDIA, MAY ENTER COURTHOUSE PROPERTY. THIS APPLIES TO ALL DIVISIONAL LOCATIONS.

Akron

John F. Seiberling Federal
Building & U.S. Courthouse
2 South Main Street
Akron, OH 44308

Toledo

James M. Ashley and
Thomas W.L. Ashley U.S. Courthouse
1716 Spielbusch Avenue
Toledo, OH 43604

Cleveland

Carl B. Stokes U.S. Court House
801 West Superior Avenue
Cleveland, OH 44113

Youngstown

Thomas D. Lambros Federal
Building & U.S. Courthouse
125 Market Street
Youngstown, OH 44503

Howard M. Metzenbaum
U.S. Courthouse
201 Superior Avenue, East
Cleveland, OH 44114

CIVIL CASES:

1. No jury trial will be commenced until after June 12, 2020. Any trial dates currently scheduled through June 12, 2020 are vacated.
2. All scheduled civil matters will be conducted by telephone or videoconference unless otherwise canceled by the assigned judge. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences, and Alternative Dispute Resolution (ADR) proceedings.

CRIMINAL CASES:

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 implemented by the General Order will be excluded under Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial pursuant to 18 U.S.C. Section 3161(h)(7)(A). Accordingly,

1. No jury trial will be commenced until after June 12, 2020. Any trial dates currently scheduled through June 12, 2020 are vacated.

2. Initial appearances, arraignments, and detention hearings will proceed and will be conducted by telephone or videoconference where practicable.
3. Criminal pretrials with defense counsel and United States attorneys may proceed, but by telephone only.
4. Criminal sentencings are postponed and will not proceed unless the defendant is in custody and (a) the presiding judge determines that an imposed sentence would be equal to or less than the time in which the defendant has been in pretrial custody; or (b) where the presiding judge determines that there is a liberty interest, public safety, or other case-specific compelling reason that makes an immediate sentencing necessary.
5. Change of plea hearings may proceed in compliance with General Order 2020-06. Otherwise, to the extent possible and with the agreement of the defendant, after filing a notice to enter an open guilty plea or plea agreement signed by the defendant and/or defense counsel, the taking of the plea of guilty and the sentencing shall be consolidated for a date after the presentence report has been prepared.
6. All grand jury proceedings are suspended through June 12, 2020, unless absolutely necessary and with the approval of the Chief Judge.
7. All in-person re-entry court sessions are suspended through June 12, 2020.
8. All petty offense (CVB) proceedings are suspended through June 12, 2020.
9. Consistent with recently implemented procedures, all detainees, upon arrival at a courthouse and before appearance in court, will undergo screening for fever and other symptoms of COVID-19 contamination. Such screening will be administered by and/or at the direction of the United States Marshals Service (USMS) or its agencies or designees. The presiding judge must be notified if the detainee exhibits risk factors and will have the discretion to order the detainee returned to the facility from which they came.

OTHER:

1. All mass public gatherings are suspended, including, but not limited to, group tours and visits, moot courts and mock trials, bar group meetings, seminars, and naturalization ceremonies.
2. All employees of the District Court are directed to telework through June 12, 2020, except when directed by their supervisors/judges to report to the courthouse to perform essential functions.

3. The Clerk's Office intake windows will be closed. Electronic filings may still be made through the CM/ECF system. For those without access to CM/ECF, documents may be submitted by mail, or in the event of an emergency, may be submitted by email to: EmergencyFiling@ohnd.uscourts.gov. All emergency filings must include an email address and phone number where the filer may be reached. Filings submitted by mail and email will be processed each business day. Mail will be received and processed each business day. Clerk's Office staff will be available by telephone from 9:00 a.m. to 4:00 p.m. each business day as follows:

Akron: (330) 252-6020
Cleveland: (216) 357-7011
Toledo: (419) 213-5521
Youngstown: (330) 884-7420

Payments by attorneys using 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 when received.

Cash payments will not be accepted during this period. Any *pro se* litigant filing a case via email 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 courthouses reopen.

4. All Pretrial Services & Probation Offices will operate on skeleton crew. For information or assistance, a duty officer will be available at 216-357-7300.

The Court will vacate or amend this Amended General Order no later than June 12, 2020.

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge