

**FILED**  
APR 09 2020  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of )  
)  
**FELONY CRIMINAL** )  
**SENTENCINGS DURING THE** )  
**COVID-19 PUBLIC** )  
**EMERGENCY** )  
\_\_\_\_\_ )

**Order of the  
Chief Judge No. 22**

Following consultation with the United States Attorney for the Southern District of California, the Executive Director of Federal Defenders of San Diego, Inc., and the Lead Liaison Attorney representing the Criminal Justice Act Panel, and with the consent of all District Judges, the Chief Judge hereby issues the following Order:

Beginning April 13, 2020, and extending through May 8, 2020, all felony criminal sentencings in which the Government is recommending a “time-served” or probationary sentence for in-custody defendants will be given scheduling priority on the Court’s calendars. Consistent with Criminal Local Rule 57.2, the Clerk of the Court will reassign such sentence-ready cases to District Judges based on: (1) the availability of individual judges; and (2) the videoconferencing capabilities at the Court and pretrial detention facilities. Magistrate Judges will be assigned to conduct plea proceedings in these cases. The Clerk is also authorized to prioritize cases in which in-custody defendants being held on alleged violations of Supervised Release or Probation are prepared to admit the violations. Such cases will be scheduled on the calendar of the District Judge who was originally assigned to the case.

The Court takes this action in the interests of justice. The COVID-19 pandemic has placed special burdens on the federal court system, including requiring social distancing, imposing a statewide “stay at home” order, preventing empanelment of trial and grand jurors, locking down all pretrial detention facilities in the Southern District of California, and quarantining detainees. At present, in-custody defendants can appear in Court only by video conference, and the Court’s videoconferencing capability is limited to no more than three courtrooms at one time. Videoconferencing capability at pretrial detention facilities is even more

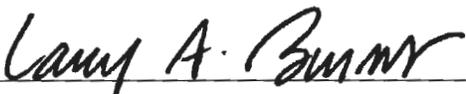
limited, with most facilities able to conduct only one video conference at a time. These burdens preclude conducting regular court operations for the time being. Meanwhile, there is a growing number of defendants who are presently incarcerated and who have served, or shortly will have served, sentences for their offenses that are sufficient but not greater than necessary, as authorized under the United States Sentencing Guidelines and 18 U.S.C. § 3553(a). Continued confinement of these defendants may result in injustices. These factors warrant acting now to prioritize the Court's calendars as outlined in this Order.

This authorization will remain in effect until May 8, 2020, at which time I will review the conditions outlined above and determine whether to extend it. During the pendency of this authorization, hearings in all other criminal matters will be deferred.

\* \* \*

IT IS SO ORDERED.

Dated: April 9, 2020

  
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LARRY ALAN BURNS,  
Chief United States District Judge