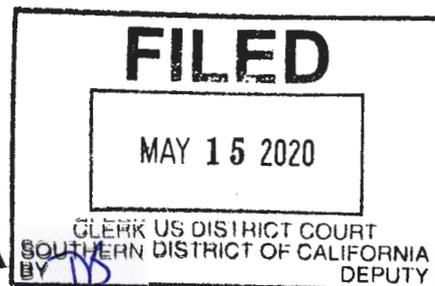


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of )  
 )  
 )  
**CRIMINAL CASE** )  
**PROCEEDINGS DURING THE** )  
**COVID-19 PUBLIC** )  
**EMERGENCY** )  
 )

**Order of the**  
**Chief Judge No. 27**

On March 17, 2020, the Chief Judge issued Order of the Chief Judge (OCJ) 18, declaring a judicial emergency for a period of 30 days under 18 U.S.C. § 3174 and setting forth Emergency Orders for the Southern District of California due to the COVID-19 public health emergency. That Order was subsequently amended and modified by OCJs 18-A and 22. On April 2, 2020, the Judicial Council of the Ninth Circuit ratified the judicial emergency declared in OCJ 18, and extended it for an additional period of up to one year. On April 15, 2020, the Chief Judge issued OCJ 24, extending the Emergency Orders for an additional period of 30 days.

Many of the circumstances giving rise to the judicial emergency have not abated since April 15, 2020. And while the Court has implemented measures to protect the public, counsel, litigants, and Court staff, a state of public health emergency continues in the nation, the State of California, and the City of San Diego. In consideration of the factors outlined in OCJ 18, and to protect the public safety and prevent the spread of COVID-19, the Chief Judge, after seeking the recommendations of the Southern District of California planning group, hereby extends the judicial emergency for an additional period of 30 days and extends the Emergency Orders set forth in OCJ 18, as modified in OCJs 18-A and 26, and extended by OCJ 24. The Chief Judge further finds this extension serves the ends of justice under 18 U.S.C. § 3161(h)(7)(A).

Beginning June 1, 2020, Judges of this Court, in their discretion and after considering the ongoing need to protect the health and safety of all persons in the federal Courthouse complex, and consistent with their respective authority, may conduct the following in-person proceedings in criminal cases where the defendant is **out of custody**: Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure (“Rule(s)”); Preliminary hearings under Rule 5.1; Waivers of indictment

under Rule 7(b); Arraignments under Rule 10; Contested Probation and Supervised Release Proceedings under Rule 32.1; Pretrial release revocation proceedings (18 U.S.C. § 3148); Proceedings in connection with out-of-district arrests under Rule 40; Misdemeanor pleas and sentencing under Rule 43(b)(2); Proceedings under the Federal Juvenile Delinquency Act (18 U.S.C., Chapter 403); Evidentiary and non-evidentiary motion hearings; and non-jury trials in felony, misdemeanor, and petty offense cases.

Where the defendant in a criminal case is **in custody**, all the above-described proceedings, except for non-jury trials, may be conducted by video conferencing or by a combination of in-person proceedings and video conferencing.

The United States Attorney for the Southern District of California has informed the Court that a quorum of grand jurors may be available to serve during limited periods starting on May 20, 2020. Grand jury proceedings may be conducted subject to limitations imposed by the Court in consultation with the United States Attorney's Office. Additionally, recognizing the anticipated resumption of grand jury proceedings, Magistrate Judges of this Court shall give scheduling priority to conducting preliminary hearings under Rule 5.1 in all criminal cases in which the grand jury has not returned an Indictment and the defendant is being held in custody.

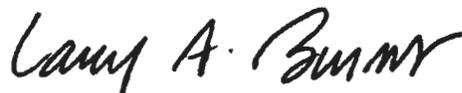
Beginning on the effective date of this Order, Judges of this Court, in their discretion and after considering the ongoing need to protect the health and safety of all persons in the federal Courthouse complex, may conduct proceedings except jury trials in all civil cases. The extension of deadlines in some civil cases previously approved by the Chief Judge remains in effect, and Judges should consider whether conducting proceedings in such cases is feasible and advisable.

This Order is effective immediately and will remain in place until June 15, 2020 absent further order of the Court.

\* \* \*

IT IS SO ORDERED.

Dated: May 15, 2020



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LARRY ALAN BURNS,  
Chief United States District Judge