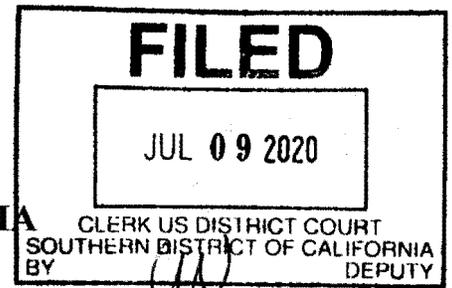


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of)
)
MODIFYING COVID-19 PUBLIC)
EMERGENCY USE OF VIDEO)
AND TELEPHONIC)
CONFERENCE TECHNOLOGY)
IN CERTAIN CRIMINAL)
PROCEEDINGS)
_____)

Order of the
Chief Judge No. 31-A

Section 15002(b)(2) of the CARES Act, Pub. L. 116-136, temporarily authorizes courts to conduct felony plea and sentencing proceedings by video or telephonic conference if the chief judge of a district court finds that such proceedings “cannot be conducted in person without seriously jeopardizing public health and safety, and the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” This temporary exception was predicated on the assumption that access to the federal courthouse would be restricted and that courts would be unable to conduct in-person guilty pleas and sentencing proceedings. Accordingly, on March 30, 2020, after considering the nature and extent of the COVID-19 public emergency, the Chief Judge issued Order of the Chief Judge (OCJ) 20 authorizing the use of video and telephonic conferencing in certain criminal proceedings pursuant to Section 15002(b)(1)-(2) of the CARES Act. The Order was subsequently extended for a period of 90 days by OCJ 31.

On June 29, 2020, the undersigned was notified by the Chief Deputy U.S. Marshal for the Southern District of California that the Federal Bureau of Prisons (BOP) has authorized the U.S. Marshals to resume bringing in-custody criminal defendants into court beginning July 6, 2020, subject to the requirement that such defendants will be quarantined for 14 days following their court appearances. Given the availability of criminal defendants to now appear in person for guilty pleas and sentencing, and in light of the implementation of extensive public safety measures taken by the Court, by BOP, and by the U.S. Marshals to prevent the spread of COVID-19 within the Court complex,

the Chief Judge now withdraws the previous finding under the CARES Act that guilty plea and sentencing proceedings “cannot be conducted in person without seriously jeopardizing public health and safety.” Absent further order of the Court, effective July 20, 2020 all guilty plea and sentencing proceedings will be conducted in person. Continuing authorization under OCJ 31 to conduct all other criminal proceedings either by telephone or by video conference is not affected by this Order.

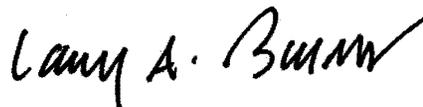
Attorneys who for health or other exceptional reasons are unable to appear in-person with their clients may file a motion with the Court prior to the plea or sentencing seeking leave to appear telephonically or by videoconference. An approved version of a standard form motion to appear remotely is available on the Court’s website at https://www.casd.uscourts.gov/_assets/pdf/forms/Motion%20to%20Appear%20VTC.pdf.

This Order is effective Monday, July 20, 2020, provided, however, that Magistrate and District Judges, in their individual discretion, may begin scheduling in person guilty plea and sentencing proceedings before that date.

* * *

IT IS SO ORDERED.

Dated: 7-9-2020



LARRY ALAN BURNS
Chief United States District Judge