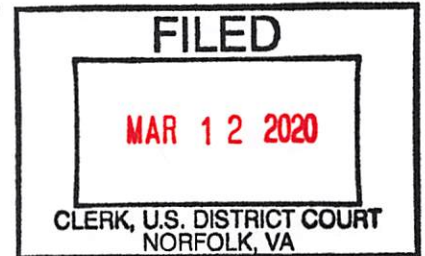


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

In re:

COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY THE OUTBREAK
OF CORONAVIRUS DISEASE 2019 (COVID-19):
MISDEMEANOR, TRAFFIC, AND PETTY OFFENSE
DOCKETS FOR ALL DIVISIONS OF THE EASTERN
DISTRICT OF VIRGINIA



General Order No. 2020-01

This Order is being issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the Commonwealth of Virginia. The United States District Court for the Eastern District of Virginia has been closely monitoring the outbreak of COVID-19 for several weeks, to include careful monitoring of the developing guidance from the Centers for Disease Control and Prevention ("CDC"). The CDC has described the outbreak in the United States as a "rapidly evolving situation" and is providing continuously updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC's guidance includes multiple types of mitigation strategies for communities with local COVID-19 transmission, with such strategies generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been confirmed and/or "presumptive positive" cases of COVID-19 within the Alexandria,

Richmond, and Norfolk Divisions of this Court. Additionally, the Court has received reports of individuals scheduled to appear in this Court that are presently under self-quarantine based on possible exposure to COVID-19.

Consistent with the evolving CDC advisories,¹ the Court has spent the last several weeks implementing a strategy for a staged response to the ongoing public health emergency, and has done so with the input from multiple stakeholders and in conformity with this Court's Continuity of Operations Plan. Yesterday, on March 11, 2020, the World Health Organization categorized COVID-19 as a worldwide "pandemic," and subsequently, the President of the United States announced updated international travel restrictions aimed at further curbing the pandemic within the United States.

Given the expanding number of COVID-19 cases within this District, the Commonwealth of Virginia, and the surrounding areas, as well as the rising number of U.S. and worldwide fatalities underscoring the severity of the risk to the public, and given the fact that our misdemeanor, traffic, and petty offense dockets often involve multiple matters being heard during the same proceeding, it is hereby **ORDERED** that, effective **Monday, March 16, 2020**:

All misdemeanor, traffic, and petty offense dockets scheduled in all Divisions of this Court through April 30, 2020, are hereby

¹ See <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

CONTINUED. New dates for cases scheduled on such dockets shall be reset without the need to file any motions with this Court. The Court anticipates that the various Divisions of this Court will issue their own individual Orders identifying the names and/or dates of the specific dockets that are covered by the instant District-wide General Order.

In light of the evolving public health emergency, and the severity of the risk to litigants, counsel, court employees and the public—a risk that is exacerbated when a large number of defendants, family members, and witnesses from all segments of the community are brought together in a courtroom—as well as concerns about the ongoing availability of counsel to be present in the courtroom, the time period of the continuances granted by this Order will be excluded under the Speedy Trial Act, to the extent such Act is applicable.² Specifically, the time is excluded under 18 U.S.C. § 3161(h)(7)(A), as it is abundantly clear that the “ends of justice served” by this continuance outweigh the best interest of the public and the affected defendants’ right to a speedy trial.

Although the instant Order continues all misdemeanor proceedings scheduled through April 30, 2020, in exceptional

² See 18 U.S.C. § 3172(2) (defining “offense” to exclude “Class B or C misdemeanor[s]” and “infraction[s]”); United States v. Nickerson, 731 F.3d 1009, 1014 (9th Cir. 2013) (rejecting the defendant’s contention that 18 U.S.C. § 3161(d)(2) applies to a Class B misdemeanor).

circumstances, any judge of this Court may make a case-specific exception to this District-wide continuance if the parties and counsel agree that there is a valid case-specific reason to proceed with a hearing. Additionally, should any speedy trial motions/challenges associated with the findings in this District-wide Order be challenged in any individual case, the presiding Judge is encouraged to make any necessary case-specific assessment and findings and memorialize such findings in the record of such case. Cf. 18 U.S.C. § 3161(h)(7)(A).

As dictated by ever-changing circumstances and the anticipated increasing threat of community spread of COVID-19, the Court may issue further staged responses regarding other scheduled Court proceedings. At this time, no changes have been made to this Court's ongoing civil case docket or criminal felony docket.

The Courthouses and Clerks' Offices of the Eastern District of Virginia remain open in all Divisions, and the public is encouraged to continue to utilize Court services while following all emerging public health guidelines and recommendations.

It is so ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 12, 2020