

FILED

MAR 16 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY MTJ DEPUTY

ADDITIONAL ORDER REGARDING  
GRAND JURY PROCEEDINGS UNDER THE EXIGENT  
CIRCUMSTANCES CREATED BY THE COVID-19 PANDEMIC

This additional Order is issued in response to the recent outbreak of novel coronavirus in the United States and the State of Texas and to specifically address grand jury proceedings. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across more than 120 countries with more than 3,000 confirmed cases in the United States. The United States District Court for the Western District of Texas has been closely monitoring the outbreak of novel coronavirus (which causes the disease designated as COVID-19), including 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 generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been several confirmed cases of coronavirus within the Western District of Texas, specifically in the Austin, Del Rio, El Paso and San Antonio Divisions, with additional cases being reported daily. Six counties within the Western District of Texas have declared local states of disaster or emergency and the Governor of Texas declared a state wide disaster due to COVID-19. The President of the United States has also declared a national emergency due to COVID-19 and stated additional measures are needed to successfully contain and combat the virus in the United States. In addition to social distancing, the CDC has recommended that all events consisting of 50 people or more be canceled to limit community spread of COVID-19. There have been hundreds of school closures throughout Texas and within each division of the district schools have been closed due to COVID-19. The Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, litigants, counsel, interpreters, law enforcement officials, and jurors, who must work in close quarters to hear evidence and to deliberate.

Therefore, given the severity of the risk to the persons listed above by the spread of COVID-19 in the Western District of Texas, and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court orders as follows:

1. Effective immediately all grand jury proceedings between now and through May 1, 2020 are continued. All deadlines are suspended and tolled for all purposes, including the statute of limitations, from today through May 1, 2020. The U.S. Attorney may schedule grand jury for emergency or essential matters.

2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and because of the public health considerations described above, the time period of the continuances implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweigh the best

interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances.

3. With this addition, all other terms of the Court's March 13, 2020 order remain in effect.

4. Unless extended or curtailed, this Order will remain in effect through May 1, 2020, and will then expire.

**FOR THE COURT.**

So **ORDERED** and **SIGNED** this 16th day of March, 2020.

  
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ORLANDO L. GARCIA  
Chief Judge