

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

FILED

§  
§  
§

JUN 16 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MFO  
DEPUTY CLERK

**FIFTH SUPPLEMENTAL GENERAL ORDER REGARDING  
EMERGENCY PROCEDURES AUTHORIZED BY THE CORONAVIRUS  
AID, RELIEF, AND ECONOMIC SECURITY ACT, H.R. 748, P.L. 116-136,  
134 Stat.281, (CARES ACT) INCLUDING THE USE OF VIDEO AND  
TELEPHONIC CONFERENCE FOR VARIOUS CRIMINAL EVENTS  
DURING THE COVID-19 EMERGENCY**

Acting under § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, as Chief Judge of the United States District Court for the Western District of Texas, I make the following findings and enter the following Order:

1. Emergency conditions due to the COVID-19 virus outbreak have affected and will continue to materially affect the functioning of the courts within this judicial district. Under the authority of § 15002(b)(1) of the CARES Act, I hereby authorize judges in this district, with the consent of the defendant or the juvenile after consultation with counsel and a waiver of personal appearance made on the record, to use video conferencing, or telephonic conferencing if video conferencing is not reasonably available for use, for the following events:
  - (A) Detention hearings under section 3142 of title 18, United States Code.
  - (B) Initial appearance under Rule 5 of the Federal Rules of Criminal Procedure.
  - (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
  - (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
  - (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
  - (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.

(G) Pretrial release revocation proceedings under section 3148 of title 18, United States Code.

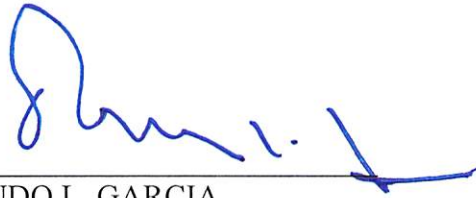
(H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.

(I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.

(J) Proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act.”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

2. Under § 15002(b)(2) of the CARES Act, I further find that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot in most cases be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons stated on the record in those cases, that felony pleas or sentencing in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant or the juvenile after consultation with counsel and a waiver of personal appearance stated on the record, conduct those proceedings by video conference, or by telephonic conference if video conferencing is not reasonably available. This authority extends to equivalent plea, sentencing, or disposition proceedings under 18 U.S.C. 403 (the “Federal Juvenile Delinquency Act.”).
3. This authorization is effective until September 16, 2021 unless earlier terminated. If the emergency lasts past September 16, 2021, the Court will review the situation for possible extension of authority under the provisions of the CARES Act. In any event, this authority will terminate on the earlier of the last day of the covered emergency period or the date when the Judicial Conference of the United States finds that emergency conditions from the COVID-19 virus national emergency declared by the President under National Emergencies Act no longer materially affect the functioning of either the federal courts generally or the courts within this district.

SIGNED this 16 day of June, 2021.



---

ORLANDO L. GARCIA  
CHIEF UNITED STATES DISTRICT JUDGE