

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY

KS

JAN 04 2022

Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

IN RE: CONTINUED COURT )  
OPERATIONS UNDER THE ) Administrative Order No. 2022-01  
EXIGENT CIRCUMSTANCES )  
RESULTING FROM COVID-19 )  
OUTBREAK )

---

The CARES Act, Title V, § 15002(b)(3)(A), provides that upon the determination of the Judicial Conference of the United States “that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States,” the chief judge of any judicial district covered by the finding is permitted to authorize the use of video teleconferencing (or telephone conferencing where video teleconferencing is not reasonably available) for certain proceedings. The Judicial Conference of the United States made such a determination on March 29, 2020. Following the presidential declaration of a state of emergency under the National Emergencies Act and the determination of the Judicial Conference under the CARES Act, the Court issued a series of Administrative Orders between March 17, 2020 and November 12, 2021, regarding continuing court operations under the exigent circumstances resulting from the COVID-19 outbreak in the Western District of Tennessee.

At all times during the declared state of emergency, the Court has continued to monitor the spread of COVID-19 in this District and received updated guidance from the CDC and federal, state, and local public health authorities. Based on the best information available about the state of the public health in the Western District of Tennessee and for the sake of the health and safety of all court staff and others with business before the Court, the Court hereby extends and otherwise modifies its previous Administrative Orders regarding continuing court operations under the exigent circumstances resulting from the COVID-19 outbreak as follows:

- 1) All civil and criminal jury selections and jury trials scheduled to begin between January 10, 2022, and January 28, 2022, are hereby CONTINUED until further notice.

- 2) For all criminal jury trials heretofore continued by previous Administrative Orders and any other criminal jury trial set to commence between January 10, 2022, and January 28, 2022, the Court finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

Therefore, just as the Court did in Administrative Order No. 2020-12 (which excluded time from March 17, 2020 to April 17, 2020), and Administrative Order No. 2020-19 (which excluded time from April 17, 2020 to May 1, 2020), and Administrative Order No. 2020-21 (which excluded time from May 1, 2020 to May 30, 2020), and Administrative Order No. 2020-26 (which excluded time from May 30, 2020 to July 31, 2020), and Administrative Order No. 2020-30 (which excluded time from July 31, 2020 to August 28, 2020), and Administrative Order No. 2020-33 (which excluded time from August 28, 2020 to September 11, 2020), and Administrative Order No. 2020-34 (which excluded time from September 14, 2020 to October 2, 2020), and Administrative Order No. 2020-37 (which excluded time from October 5, 2020 to October 30, 2020), and Administrative Order No. 2020-39 (which excluded time from November 2, 2020 to November 30, 2020), and Administrative Order No. 2020-42 (which excluded time from December 1, 2020 to January 15, 2021), and Administrative Order No. 2020-45 (which excluded time from January 18, 2021 to January 29, 2021), and Administrative Order No. 2021-01 (which excluded time from January 29, 2021 to February 12, 2021), and Administrative Order No. 2021-06 (which excluded time from February 12, 2021 to March 31, 2021), and Administrative Order No. 2021-08 (which excluded time from March 26, 2021 to April 30, 2021),<sup>1</sup> and Administrative Order No. 2021-12 (which excluded time from May 3, 2021 to June 4, 2021), and Administrative Order No. 2021-18 (which excluded time from June 7, 2021 to September 7, 2021), and Administrative Order No. 2021-27 (which excluded time from September 8, 2021 to October 8, 2021), and Administrative Order No. 2021-30 (which excluded time from October 11, 2021 to November 12, 2021) and Administrative Order No. 2021-31 (which excluded time from November 15, 2021, through January 14, 2022), the time from January 10, 2022 through January 28, 2022 will be excluded for speedy trial purposes.

- 3) The empanelment of new grand juries is suspended pending further orders of the Court. All other grand jury proceedings are suspended through January 28, 2022, except in certain time sensitive cases, including cases where the statute of limitations will run and cases where an indictment is necessary to comply with the 30-day time limit under 18 U.S.C. § 3161.
- 4) The Court will continue to hold other in-person proceedings in accordance with the protocols and procedures detailed in Administrative Order 2020-26. These limited in-person

---

<sup>1</sup> Administrative Order No. 2021-08 amended Administrative Order No. 2021-06 to continue jury selections and jury trials through March 25, 2021. Administrative Order No. 2021-08 therefore amended the time excluded for speedy trial purposes to run from March 26, 2021 to April 30, 2021.

proceedings, including non-jury trials, should continue to involve no more than fifteen (15) people in a courtroom unless directed otherwise by the presiding judge.

The Court will continue to evaluate existing circumstances and updated guidance from the CDC and federal, state, and local public health authorities. The public is encouraged to continue utilizing available Court services while following all applicable public health guidelines.

FOR THE COURT this 4th day of January, 2022,

s/ S. Thomas Anderson

S. THOMAS ANDERSON

CHIEF UNITED STATES DISTRICT JUDGE