

FILED

JAN 27 2022

**Mark C. McCartt, Clerk
U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

In re:

**COURT OPERATIONS DURING THE
COVID-19 PANDEMIC**

GENERAL ORDER 22-05

This General Order amends and supersedes General Orders 21-39. This General Order is being issued in response to the continuing outbreak of Coronavirus Disease 2019 (COVID-19). The Court incorporates here its prior findings regarding COVID-19 and the state of emergency declarations and public health guidelines as set forth in those prior General Orders.

Therefore, it is hereby ORDERED that the following procedures will be in effect from February 1, 2022 through February 28, 2022.

- 1) **CIVIL HEARINGS AND TRIALS.** The Court will not conduct civil jury trials in February 2022 except under extraordinary circumstances due to COVID-19 and the significant number of criminal cases awaiting trial from the decision of the Supreme Court in *McGirt v. United States*, 140 S. Ct. 2452, 207 L. Ed. 2d 985 (2020).¹ Any civil trial or hearings dates set remain in effect until notified by the court. All other scheduling order deadlines, including discovery cut-off and all motion, response, and reply deadlines, shall remain in effect. Telephonic or video hearings may be scheduled at the discretion of the judge. On-site hearings or jury trials may be held at the discretion of the Judge if the interests of justice outweigh the safety risks.

¹ Criminal cases must be tried before civil cases. Absent extraordinary circumstances, civil cases will not be tried before a district judge in the foreseeable future. The Court will address pending motions in civil cases as its schedule permits; however, the Court's ability to do so will be subject to the demands of its criminal docket. Pursuant to Fed. R. Civ. P. 73, the parties in a civil case may consent to proceeding before a magistrate judge, including for dispositive motions and/or a jury or nonjury trial. The AO-85 consent forms are available on the U.S. District Court website. The parties are advised that they are free to withhold consent to proceed before a magistrate judge without any adverse consequences; the parties are reminded of this option only as a possible means of expediting the final resolution of their civil case. The parties are also advised that they may request an additional settlement conference at any time.

- 2) **CRIMINAL HEARINGS AND TRIALS.** The Court will conduct limited criminal jury trials in February 2022. Counsel will be advised by the presiding judge if their case is set on the February 2022 trial docket. All other criminal jury trials on the February 2022 trial docket are continued, to be reset by the presiding judge who will also address trial related deadlines. All other criminal hearings remain in effect. The criminal hearings may be held on-site or by video with the consent of the defendant. If the defendant consents to a hearing by video, counsel should contact the courtroom deputy of the assigned judge. Magistrate judges will continue to conduct preliminary criminal proceedings. All other scheduling order deadlines, including all motion and response deadlines, shall remain in effect. Due to the Court's reduced ability to obtain an adequate spectrum of jurors, and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of February 1, 2022, inclusive, through the scheduled March trial docket starting March 21, 2022, will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161 (h)(7)(A). Telephonic or video hearings may be scheduled at the discretion of the judge, which may be conducted in a manner consistent with General Order 21-38. On-site hearings or jury trials may be held at the discretion of the judge if the interests of justice outweigh the safety risks.
- 3) **GRAND JURY PROCEEDINGS.** Grand jury proceedings in this District will be held as scheduled.
- 4) **NATURALIZATION.** Naturalization ceremonies will be held but limited to no more than 40 new citizens per ceremony with no spectators.
- 5) **ON-SITE SAFETY PRECAUTIONS.** The U.S. Center for Disease Control has issues updated guidelines on mask wearing, social distancing, and other COVID-19 protocols. Current requirements for the Northern District of Oklahoma can be viewed on our public website at www.oknd.uscourts.gov. Any attorney or party shall promptly notify opposing counsel and the Court if they reasonably suspect that a participant in any scheduled hearing, trial, conference, or other proceeding at the courthouse is in

violation of the precautions published on our website. To the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of these categories. If you are scheduled or required to appear at the courthouse and are denied access or otherwise unable to attend because of the restrictions in this Order, you are directed to proceed as follows:

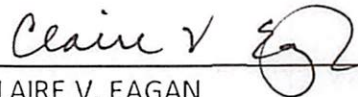
- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact the courtroom deputy of the presiding judge;
- If you are scheduled to meet with a pretrial services officer or a probation officer, please contact the Probation Office;
- For other District Court matters, please contact the Clerk's Office of the U.S. District Court.

The Court will vacate or amend this General Order no later than February 28, 2022.

IT IS SO ORDERED this 27th day of January, 2022.




JOHN F. HEIL, III
CHIEF UNITED STATES DISTRICT JUDGE



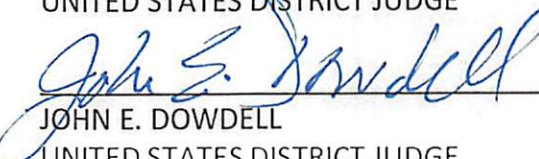
CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE