IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE: THE NOVEL CORONAVIRUS (COVID-19)   3:20-MC-9

STANDING ORDER

Earlier this year, the World Health Organization, along with the Centers for Disease Control

and Prevention, declared a global pandemic related to the spread of the COVID-19 virus, commonly

known as the "coronavirus."[1] Additionally, the Mississippi Department of Health has recommended

that the public avoid large gatherings and limit face to face contact when possible.[2] On March 13,

2020, this Court entered a Standing Order[3] providing, in pertinent part, that "[v]ideo or telephonic

conferencing technology, should be used for any and all court proceedings if at all possible."

Additionally, various states and municipalities across the country have issued shelter in place orders

restricting gatherings of large numbers of people.[4]

On March 27, 2020, Congress authorized, and the President of the United States signed, the

"CARES Act" in response to the COVID-19 pandemic. On March 29, 2020, the Judicial Conference

of the United States found, "pursuant to the CARES Act, 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 COVID-19 have materially affected and will materially affect the functioning

of the federal courts generally."[5]

In light of the passage of this Act, this action by the Judicial Conference, and the current health

emergency in the Northern District of Mississippi, this Court upon its own motion, specifically finds

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[1] *See Marroquin v. Pfizer, Inc.*, 367 F. Supp. 3d 1152, 1167 n.10 (E.D. Cal. 2019) (taking judicial notice of World Health Organization's List of Essential Medicines); *Webb v. Jessamine Cty. Fiscal Ct.*, 802 F. Supp. 2d 870, 878 n.3 (E.D. Ky. 2011) (taking judicial notice of data collected by World Health Organization).
[2] https://msdh.ms.gov/msdhsite/_static/14,21866,420.html; s*ee Coleman v. Dretke*, 409 F.3d 665, 667 (5th Cir. 2005) (taking judicial notice of factual information on state website).
[3] Case No. 3:20-MC-9 [1].
[4] *See Coleman*, 409 F.3d at 667.
[5] *See* Director's Memo from James C. Duff to All United States Judges March 29, 2020.

that most criminal court proceedings, including all those enumerated in the Act, and felony pleas and sentencings, cannot be conducted in person anywhere in the District without seriously jeopardizing public health and safety.

Pursuant to Section 15002(b)(1) of the Act, I hereby authorize the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation. Pursuant to Section 15002(b)(2), I further specifically 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 be conducted in person in this district without seriously jeopardizing public health and safety.

As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B). Pursuant to Section 15002(b)(3) of the Act, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, I will review this authorization and determine whether to extend it.

It is SO ORDERED, on this the 2nd day of April, 2020.

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CHIEF UNITED STATES DISTRICT JUDGE

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