

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19

General Order No. 2021-31

GENERAL ORDER

This Order SUPPLEMENTS General Orders 2021-24, 2021-19; 2020-05; 2020-06; 2020-07; 2020-08; 2020-10; 2020-14B; 2020-18; 2020-20; 2020-29; 2020-32; 2020-35; 2020-39; 2021-03; 2021-04; and 2021-10. To the extent this Order differs from those Orders, this Order supersedes and replaces those Orders.

IT IS HEREBY ORDERED that based on the information available to date, including the estimated number of persons infected currently with COVID-19 and the number of cases projected to occur in the immediate future, the Court REAFFIRMS the following findings made in General Order 2020-05:

1. The gatherings of people in close proximity to one another that occur during Court operations presents the potential for substantial health risks to the public;
2. Such risks may be significantly mitigated by temporarily modifying Court operations; and
3. Good cause exists to implement temporary changes to Court operations.

Therefore, it is hereby ORDERED that the authorization for use of video teleconferencing, or telephone conferencing if video conferencing is not reasonably available, for the instances described in General Order 2020-08 is **EXTENDED** from December 10, 2021, until **March 10, 2022**, in all of the Court's divisions:

1. In criminal proceedings:
 - a. The United States District Court for the Northern District of Indiana resumed jury trials and reopened the Clerk's offices of the District to the public on March 1, 2021. However, the State of Indiana website [coronavirus.in.gov](https://www.coronavirus.in.gov) as of December 2, 2021, at 11:59 p.m., shows the statewide positivity rate from November 20, 2021, until November 26, 2021, was 13.1% based upon all tests. The new deaths reported from October 29 until December 2, 2011, stand at 57. The 7-day all tests positivity rate for Lake County was 11.93% and in Advisory Level Orange; Jasper County was 10.51% and in Advisory Level Orange; St. Joseph County was

12.92% and in Advisory Level Orange; Elkhart County was 18.56% and in Advisory Level Red; Whitley County was 16.04% and in Advisory Level Red; and Allen County was 14.03% and in Advisory Level Orange. Twelve counties within the Northern District of Indiana are at Advisory Level Red; the rest of them are at Advisory Level Orange. In addition, the web site reports the seven-day moving average of statewide positive cases rose to 3,889 by December 2, 2021. Moreover, the President of the United States notified Congress on February 24, 2021, that the pandemic continues to cause significant risk to the public health and safety of the nation and, on February 26, 2021, published formal notice in the Federal Register continuing the national emergency concerning COVID-19. The threat presented by COVID-19 and its spread remain very real concerns and continue to create exigent circumstances; therefore, the Chief Judge finds that felony pleas and felony sentencings cannot be conducted in person without seriously jeopardizing public health and safety. As such, the presiding judge should be given discretion in determining whether to conduct such matters in person.

- b. To the extent criminal proceedings may be conducted via phone or videoconference in accordance with General Order 2020-08 and Section 15002 of the CARES Act, in-person proceedings may be converted to telephonic or videoconference proceedings by the assigned District or Magistrate Judge after consultation with counsel. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, criminal proceedings may be conducted in person after consultation with counsel and the United States Marshal Service.

General Orders 2020-07 and 2020-08 further address criminal proceedings held before the Magistrate Judges in light of the exigent circumstances created by the COVID-19 pandemic. The Chief Judge extends the authorization for use of video teleconferencing, or telephone conferencing if video conferencing is not reasonably available, for the instances described in General Order 2020-08 from December 10, 2021, until **March 10, 2022**.

IT IS FURTHER ORDERED that this Order is in effect until further order of the Court.

Dated this 7th day of December 2021.

/s/ JON E. DEGUILIO
Jon E. DeGuilio, Chief Judge
United States District Court
Northern District of Indiana