

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

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

General Order No. 2021-33

GENERAL ORDER

This Order SUPPLEMENTS General Orders 2021-31, 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, the significant increase the State of Indiana has experienced recently in COVID-19 cases, 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.

As of December 21, 2021, the CDC website (<https://covid.cdc.gov/covid-data-tracker/#county-view>) reports that during the past seven days, the State of Indiana had 30,164 new COVID-19 cases and 405 deaths due to COVID-19. Further, the CDC website states the COVID-19 positivity rate for Lake County is 19.23%; St. Joseph County is 14.22%; Tippecanoe County is 11.65% and Allen County is 21.15%. On December 17, 2021, the CDC stated: “In recent weeks, COVID-19 cases and hospitalizations have increased, with many parts of the country experiencing substantial or high levels of community transmission. These increases and the recent emergence of the Omicron variant highlight the importance of prevention strategies to help people stay safe and reduce the spread of the virus that causes COVID-19.” (<https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html>) Due to the Delta variant and the recent emergence of the Omicron variant, the threat that it will spread has greatly increased and again has created exigent circumstances, which may make it impractical to empanel a jury for trial.

Therefore, the following is hereby ORDERED in all of the Court’s divisions:

1. All jury trials scheduled to begin before March 10, 2022, are subject to being continued due to the threat presented by COVID-19, based on the discretion of the presiding judge.
2. For criminal trials, delay caused by the continuances implemented by this General Order will be **excluded** under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), 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.

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

Dated this 29th day of December 2021.

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