

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:
CONTINUANCE OF CIVIL AND
CRIMINAL JURY TRIALS DUE TO COVID-19

22-MC-00004-10

ADMINISTRATIVE ORDER

The Court has entered numerous Administrative Orders in response to the ongoing Coronavirus Disease (COVID-19) outbreak in New Mexico and around the nation¹. Current active orders are:

- **Superseding Administrative Order 21-MC-00004-44**, entered on August 2, 2021, requiring all persons entering court facilities to wear facemasks, designating the determination of facemask protocols in courtrooms to presiding judges, and permitting audio and video streaming of hearings for public and media access, subject to the discretion of the presiding judge.
- **Administrative Order 21-MC-00004-58**, entered on December 17, 2021, authorizes the use of video conferencing, or teleconferencing in criminal proceedings under the Coronavirus Aid, Relief and Economic Security Act.
- **Administrative Order 21-MC-00004-59**, entered on December 17, 2021, authorizes the use of video conferencing, or teleconferencing in felony plea proceedings before magistrate judges under the Coronavirus Aid, Relief and Economic Security Act.

Conditions related to the Omicron variant and its impact in the District require immediate modification of the Court's current activities. For the reasons explained below, civil and criminal jury trials scheduled between now and February 13, 2022, are continued.

New Mexico and the nation remain in the midst of the most serious global pandemic in over a century. The rapid increase of cases resulting from the widespread circulation of the highly contagious Omicron variant presents the possibility that the next several weeks may see

¹ These administrative Orders and additional information can be found on the Court's website: <https://www.nmd.uscourts.gov/COVID-19>

the highest daily count totals in New Mexico since the pandemic began. The Judicial Conference of the United States has found that emergency conditions due to the national COVID-19 crisis have affected and continue to materially affect the functioning of the federal courts. The Centers for Disease Control and Prevention (CDC) continues to issue and modify guidance to combat the spread of the disease. The Court is closely monitoring the CDC's guidance as well as various directives from all branches and levels of government.

WHEREAS, the Court continues to evaluate its response to the spread of Coronavirus Disease 2019 (COVID-19) and in order to provide authoritative information to litigants and prospective jurors;

WHEREAS, the Court recognizes that the rising number of COVID-19 cases in the State of New Mexico and surrounding areas due to the Omicron variant has the potential to adversely affect those who enter any of the federal courthouses within the District of New Mexico;

IT IS HEREBY ORDERED, effective immediately all civil and criminal jury trials scheduled before any judge in any courthouse in the District of New Mexico through February 13, 2022 are CONTINUED.

IT IS FURTHER ORDERED that all trial-specific deadlines in criminal cases scheduled to begin before February 13, 2022 are CONTINUED pending further order of the Court. Individual judges may continue trial-specific deadlines in civil cases at their discretion.

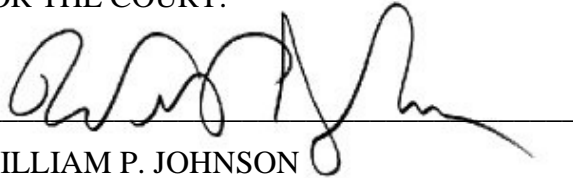
IT IS FURTHER ORDERED that, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this Order shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice served by ordering the continuances of all criminal jury trials outweigh each defendant's right to and the public's interest in speedy indictment or trial. Therefore, the time period of the continuances implemented by this Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding judge in each case. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties, particularly where defendants

are detained pending trial. Any motion by a criminal defendant seeking an exception to any provisions of this Order should be directed to the presiding District Judge. Absent further order of the Court, the period of the exclusion shall be from January 14, 2022 through February 13, 2022.

IT IS FURTHER ORDERED that this Order does not address or limit the scheduling of non-jury criminal and civil trials, hearings, and events in the District of New Mexico.

DONE this 14th day of January 2022.

FOR THE COURT:

A handwritten signature in black ink, appearing to read 'William P. Johnson', is written over a horizontal line. The signature is fluid and cursive.

WILLIAM P. JOHNSON

CHIEF UNITED STATES DISTRICT JUDGE

Notices

[1:22-mc-00004 Administrative Orders](#)

U.S. District Court**United States District Court - District of New Mexico****Notice of Electronic Filing**

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Case Name: Administrative Orders

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ADMINISTRATIVE ORDER: In the Matter of Continuance of Civil and Criminal Jury Trials due to COVID-19 (cg)

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