

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

IN THE MATTER OF:
VIDEO AND TELECONFERENCES IN CRIMINAL
PROCEEDINGS UNDER FED. R. CRIM. P. 62 DUE
TO MEASLES PUBLIC HEALTH EMERGENCY

26-MC-00004-06

ADMINISTRATIVE ORDER

This matter comes before the Court, on its own Motion, regarding the procedures for conducting video and telephone conferences in criminal proceedings under **Federal Rule of Criminal Procedure 62**.

The Court has been informed by the New Mexico Department of Health (NMDOH) and the United States Marshals Service (USMS) of a measles outbreak impacting carceral facilities within this District. Under the authority of **Fed. R. Crim. P. 62(b)**, the Chief Judge finds:

1. **Facility Status:** The Luna County and Hidalgo County detention facilities are currently under **full quarantine**. The Dona Ana County facility is under **partial quarantine** with a high likelihood of transitioning to full quarantine. These facilities are currently scheduled for quarantine through March 18, 2026, subject to a 21-day restart for any new positive test.
2. **Precautionary Inclusion:** While the Otero County facility has not yet reported symptoms, it is included in this Order as a “point of origin” precaution to contain the spread, as defendants there frequently originate from the same processing facilities as those in the impacted locations.
3. **Public Health Risk:** A defendant exhibited measles symptoms shortly after an in-person appearance on February 24, 2026. Given the highly contagious nature of the virus and its ability to remain airborne for up to two hours, in-person proceedings currently “substantially impair the court’s ability to perform its functions” in compliance with the Rules of Criminal Procedure. Fed. R. Crim. P. 62 (a)(1).
4. **Interests of Justice:** These emergency conditions prevent the Court from conducting in-person felony pleas and sentencings safely. Such hearings cannot be further delayed

without serious harm to the interests of justice, as delays may result in defendants serving terms of incarceration exceeding their likely sentences.

In accordance with **Fed. R. Crim. P. 62(e)**, the Court hereby **ORDERS**:

- **Felony Pleas and Sentencings:** The Court authorizes the use of video conferencing—or telephone conferencing if video is not reasonably available—for **felony pleas** under **Rule 11** and **felony sentencings** under **Rule 32**. Fed. R. Crim. P. 62(e)(3).
 - **Requirement:** The presiding judge must find that the proceeding cannot be further delayed without serious harm to the interests of justice.
 - **Consent:** The defendant must consult with counsel and provide **written or on-the-record consent** to proceed remotely.
- **Other Criminal Proceedings:** Pursuant to **Fed. R. Crim. P. 62(e)**, video conferencing is authorized for all proceedings listed in **Rules 5, 10, and 40**, provided the defendant consents.
- **Misdemeanor Proceedings:** Pursuant to **Fed. R. Crim. P. 43(b)(2)**, the Court authorizes remote video or telephonic appearances for all misdemeanor initial appearances, pleas, and sentencings, provided the defendant consents or provides a written waiver.
- **Limitation on Movement:** The USMS is directed to suspend all defendant transports between northern and southern facilities to prevent further viral transmission.

This Order is effective immediately. Pursuant to Fed. R. Crim. P. 62(b)(1), this declaration of emergency and the resulting authorizations shall terminate **90 days** from the date of this Order unless renewed by the Chief Judge or terminated.

IT IS SO ORDERED, effective this 27th day of February, 2026.

FOR THE COURT:¹

/s/

KENNETH J. GONZALES²
CHIEF UNITED STATES DISTRICT JUDGE

¹ For the court, pursuant to Administrative Order Misc. No. 83-252.

² Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.

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U.S. District Court

United States District Court - District of New Mexico

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ADMINISTRATIVE ORDER: In the Matter of Video and Teleconferences in Criminal Proceedings Under Fed. R. Crim. P. 62 Due to Measles Public Health Emergency (cg)

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