

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: DISTRICT COURT AND )  
PROBATION OFFICE )  
OPERATIONS DURING )  
ABSENCE OF APPROPRIATIONS )

SHUT DOWN ORDER

In accordance with The Guide to Judiciary Policy, Vol. 13, Ch. 2, § 220.30.10(e), Court units are directed to maintain a shutdown plan for use in the event of a lapse in appropriations.

In the event of a Government "shut down," which is currently expected to exist beginning on Saturday, January 26, 2019, the District of Delaware has determined that the functions performed by all judicial officers and staffs of judicial officers, as well as all employees of this Court and its Clerk's Office, are necessary and essential to address the Court's constitutional duty to hear and decide cases without interruption.

Additionally, any proceeding regarding potential deprivation of an individual's liberty will be deemed most essential of all judicial functions and will require support staff. Such proceedings include, but are not limited to:

- a) Sentencing hearings;
- b) Hearings re: Petition for Revocation of Supervised Release;
- c) Hearings re: Petition for Revocation of Pre-trial Release;
- d) Criminal trials in which the speedy trial rights of a defendant are at issue; and,
- e) Any other proceeding involving potential deprivation of liberty.

The Court will determine, on a case-by-case basis, action required on remaining pending civil and criminal cases. All such matters, including cases classified by parties as emergent, will be referred to the assigned judge or duty judge for review and determination if emergency court action

is required.

It remains within the discretion of each judicial officer to manage his or her own docket, which may or may not include granting requests for stays or other relief.

Clerk's Office operations, which are hereby deemed essential to support the constitutionally-mandated duties of the Court, will remain in effect. These activities include, but are not limited to, the following:

- a) Ensuring the proper and timely processing of all filings, motions, orders, emergency applications, and other documents;
- b) Accepting and processing new civil and criminal cases;
- c) Collecting and depositing of fees, costs, and criminal debt payments into the Treasury;
- d) Performing regular administration and support to both petit and grand juries;
- e) Upkeep and maintenance of the Court's information technology systems; and,
- f) Timely processing of the Court's financial, budget, and human resources records and reports.

During a shutdown, the Court will continue to accept electronically filed documents via CM/ECF. The Clerk's Office will determine what procedures will be in place to receive and process paper filed documents such as pro se complaints, pleadings, and social security records.

Additional information regarding the shutdown will be posted and periodically updated on the Court's website at: [www.ded.uscourts.gov](http://www.ded.uscourts.gov). This Order is subject to modification at any time.

SO ORDERED this 16th day of January, 2019, at Wilmington, Delaware:

BY:



HONORABLE LEONARD P. STARK  
Chief Judge

United States District Court for the District of Delaware