

Effective Monday, July 6, 2020, operations in the Southern District of New York will be modified in response to the COVID virus. Please see below the status of court operations moving forward and until further notice.

THURGOOD MARSHALL COURTHOUSE

Judicial Proceedings, including some emergency matters, will continue to be held remotely and may be held on-site. Grand Jury matters are heard in the Marshall Courthouse.

For activity of the United States Court of Appeals for the Second Circuit, please see that court's website.

DANIEL PATRICK MOYNIHAN COURTHOUSE

Judicial Proceedings, including some emergency matters, will continue to be held remotely and may be held on-site at 500 Pearl Street.

A duty roster will be posted on the court's web page by close of business each Friday, listing everyone who will be on duty during the following week: The Part I Judge, Arraignment Magistrate Judge, and regular Criminal Duty Magistrate Judge.

CHARLES L. BRIEANT COURTHOUSE OPEN

There will be no presentments or arraignments in White Plains. Bail appeals for defendants in White Plains cases who are arraigned in Manhattan will be handled by the assigned district judge, or the Part I judge on duty. Other criminal matters in White Plains, including applications from incarcerated defendants in their assigned cases for bail in light of COVID, will be handled as determined by the assigned judge.

Emergency civil applications may be made in White Plains directly to the assigned judge. If the assigned judge is unavailable, please contact the White Plains Clerk's Office at (914) 390-4000.

Please call the Clerk's Office at 914-390-4000 to alert staff to incoming emergency applications for sealing or for temporary restraining orders. Paper filings left without advance notice in the Drop Box at security on the first floor of Brieant and incoming mail will be processed between the hours of 8:30 AM and 4:00 PM Monday through Friday. There may be delays in responding to items left in the Drop Box or sent by mail.

PART I

It is anticipated that most if not all matters will be handled remotely.

CIVIL MATTERS REQUIRING THE IMMEDIATE ATTENTION OF A JUDGE

TEMPORARY RESTRAINING ORDERS (TROs):

TROs must be filed in ECF (unless the application for TRO is being filed in conjunction with a new matter being filed under seal (see further below for instructions to file new matters under seal).

TROs filed in ECF in **pending matters** will be handled by the assigned judge or referred to the Part I judge. Parties are directed to review the assigned judge's individual practices for instructions on emergency filings and contacting chambers.

For TROs filed in ECF contemporaneously with **new matters**, parties must bring the filing to the attention of the Clerk of Court by calling 212-805-0140 during the hours of 8:30 AM and 4:00 PM in order to expedite assignment of a judge. Parties will receive a notice of electronic filing when a judge has been assigned. Once a judge has been assigned, parties are directed to review the assigned judge's individual practices for instructions on emergency filings and contacting chambers.

NEW MATTERS TO BE FILED UNDER SEAL

New matters filed with applications to seal must be submitted in hard copy in person to the Orders and Judgments Unit in room 250 during the public counter service hours of 9:30 AM to 1:00 PM (or via drop box outside the public counter service hours). When documents are submitted via drop box, parties must bring the matter to the attention of the Clerk of Court by calling 212-805-0140, between the hours of 1:00 PM and 4:00 PM Monday through Friday **after** the documents have been deposited in the drop box. Applications for sealing will be brought immediately to the Part I judge, who will either grant or deny the sealing request. Parties will be notified by the Clerk's Office if their sealing request has been granted or denied and will be provided the case number and assigned judge. Parties are directed to review the Checklist for Filing New Matters Under Seal on the court's website before submitting documents via drop box.

PLEASE NOTE: To seal a case in its entirety means that case will not be viewable in ECF and all future filings in that case will be submitted in hard copy (see the Court's website for instructions on submitting hard copies of documents under seal). Requests to partially seal an initiating document in a civil matter must specify which document(s) are to be filed under seal and if the party is requesting a redacted version of the sealed document to be filed in ECF. Partial sealing applications must include the redacted version (to be filed on ECF) and unredacted version (to be filed under seal) of the document(s) for the Part I judge to grant or deny the sealing request. Cases with partial sealings will be viewable on PACER and available for future filings via ECF. Parties are directed to review the Checklist for Filing New Matters Under Seal on the Court's website for further instructions.

CRIMINAL MATTERS

Post-presentment or arraignment bail appeals addressed to the Part I judge will be handled with all participants working remotely. The Part I judge may choose to be present in the courtroom.

For Title III applications, sealings or wires, and other criminal matters for Part I, contact the deputy clerk for the judge on duty, whose contact information can be found on the Duty Roster.

ARRAIGNMENTS/NEW ARRESTS/BAIL APPLICATIONS

Presentment and Arraignment Court will operate from Courtroom 24B, with all participants working remotely, except that the Arraignment Magistrate Judge may or may not be present in Courtroom 24B. Press and family members who wish to be present will be seated in Courtroom 24B, subject to social distancing protocols and the capacity of the room. For CourtCall proceedings, press and family members who wish to listen to the proceedings should dial (855) 268-7844, enter Access code 67812309# and then enter PIN 9921299#. For AT&T teleconference proceedings, press and family members who wish to listen to the proceedings should dial (877) 336-1829, enter access code 9129042.

All arraignments district-wide will take place out of the Moynihan Courthouse; there will be no arraignments in White Plains. If the grand jury returns an indictment and no Magistrate Judge is in the courthouse, the indictment will be returned before the Part I judge.

OTHER CRIMINAL MATTERS HANDLED BY U.S. MAGISTRATE JUDGES

Aside from arraignments, the Magistrate Judges will follow the regular duty roster for Criminal Duty. All *ex parte* applications from the United States Attorney's Office (warrants, complaints, pen registers, etc.) will be handled using remote procedures that have been worked out between the Magistrate Judges and the USAO.

COURT REPORTING/INTERPRETING

These services will be provided remotely. The Reporters Assignment Desk will be staffed in Moynihan; requests for court reporting should be made through the courtroom deputy clerk. Requests for interpreters in criminal matters must be emailed to interpreters@nysd.uscourts.gov.

JURY TRIALS

All jury calls, with the exception of current grand jury panels, have been suspended. Due to the lead time needed to call jurors, no jury trial, either civil or criminal, can be held until further notice.

ATTORNEY VISITATION

The Robert L. Carter Attorney Lounge will be utilized for remote emergency visits between defendants incarcerated at the MCC or MDC and their attorneys. The court is not involved in arranging for such visits; Federal Defenders of New York will provide CJA and retained counsel with information needed to schedule such a visit. Visitation slots are few.

MAIL/DROP BOX

While mail is delivered daily to the Courthouse, mail distribution within the courthouse will take place only three times a week. There may be delays in receiving responses to documents that are mailed to the courthouse (by USPS, UPS or FedEx).

Documents will be retrieved from the Drop Box several times daily between the hours of 8:30 AM to 4:00 PM, but there may be delays in processing filings and getting Drop Box materials to the assigned judge.

PRO SE DOCKETING

There will be delays in docketing Pro Se filings, whether received via Drop Box or by mail.

EXTENSIONS OF TIME IN CIVIL CASES

Counsel and pro se litigants are urged to check the web pages of individual judges, who have been instructed to post thereon any orders of general applicability extending time in civil matters, adjourning conferences, and the like. We are unable to docket these orders of general applicability in each individual open case. Checking the judge's web page may save you the time and trouble of making application for an extension of time or an adjournment.

PROBATION DEPARTMENT

Presentence Division:

All presentence interviews will be conducted telephonically.

Supervision Division:

Two Probation Officers are on-site each day in Foley Square. One Probation Officer is on-site in White Plains each day.

An intake team consisting of four employees is on-site to schedule appointments for supervisees who have been released but have not reported for intake. Five appointments are being scheduled each day, beginning at 11:00 AM, and continuing until 3:00 PM, on an hourly basis.

Regular intake has resumed for all new cases.

Fieldwork/home visits are being conducted for supervisees who were released after the COVID-19 restrictions were put in place. Field work for other high- risk cases are taking place with the approval of a deputy chief probation officer.

Office visits by persons under supervision are being conducted with the approval of a deputy chief probation officer.

PRETRIAL SERVICES

Until further notice, bail interviews will continue to be performed telephonically and bail reports will be disseminated electronically by Pretrial Services. Electronically received bail reports must be appropriately discarded by counsel in compliance with local rule: M 10--468 (CM). Bail related court proceedings will be covered remotely by teleworking officers; however, a limited number of officers will be in each courthouse to cover any in-person bail related hearings.

Defendants under Pretrial Services supervision will continue to report as instructed and be visited in the community by Pretrial Services as needed.

For any inquiries or requests related to the processing of new arrests or supervision of pretrial defendants please contact pretrial services bail investigation department at **212-805-4344**.

Until further notice, Pretrial Services will have minimal staff in the office, including a duty manager and 2-3 officers, necessary to support the current level/phase of restored courthouse operations.