

DEC - 4 2018

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Memphis

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

**In Re: CONTINUED OPERATION OF THE)
UNITED STATES DISTRICT COURT)
FOR THE WESTERN DISTRICT OF)
TENNESSEE IN THE ABSENCE OF)
AN APPROPRIATION BILL OR)
CONTINUING RESOLUTION BY)
THE UNITED STATES CONGRESS)**

Administrative Order No. 2018-34

In the event that an appropriations bill or continuing resolution funding the operations of the United States Courts is not passed by Congress and signed by the President prior to the expiration of the current continuing resolution funding the United States Courts, or in the event that there is a lapse in funding, regardless of the reason, for failing to provide such funding to the U.S. Courts, this Order shall take effect.

I. CONTINUATION OF ARTICLE III DUTIES.

The United States District Court for the Western District of Tennessee shall continue to perform its Constitutional duty to hear and decide cases without interruption. All sessions of the Court will be held in accordance with the Court's previously adopted schedule, and special sessions may be scheduled as necessary during any such lapse in appropriations. All cases shall continue to be processed according to normal schedules and priorities as determined from time to time by the Judge presiding over each case. To this end, the United States Attorney, the Federal Public Defender, CJA Panel Attorneys, other attorneys handling matters set before this Court and litigants involved in matters before this Court are hereby notified that court proceedings will continue as currently scheduled.

II. OPERATING DISTRICT COURTS DURING A LAPSE IN APPROPRIATIONS.

A. Retention of Personnel.

The guidelines governing the operation of United States Courts without appropriations are set forth in the *Guide to Judiciary Policy*, Vol. 13, Finance and Budget, Ch. 2 §§ 220.30, *et seq.* These guidelines leave the actual decisions for retention of personnel to each local court, and each local court is to exercise its discretion in deciding which court-related activities are sufficiently related to the performance of essential court functions and therefore need to be continued during an appropriation lapse.

B. Designation of Court Staff as Essential Personnel.

Based on the foregoing exercise of discretion by the Court, it has been determined that all court employees of the United States District Court for the Western District of Tennessee, including all employees of the Office of the Clerk of the District Court, all employees of the Probation Unit and the Pretrial Services Unit, all Official Court Reporters, and all Pro Se Staff Attorneys are hereby deemed to be essential personnel for the continued operation of the District Court and are hereby declared to be such until such time that this determination is modified by the Court or, if so delegated by the Court, modified by the Clerk of Court. It is therefore,

ORDERED that all court employees of the United States District Court for the Western District of Tennessee shall report for duty as normally scheduled and that all regular operations in support of essential court functions shall continue until further order. In the event of an extended lapse in appropriations for the Judiciary, the level of necessary staff and operations will be reviewed on a periodic basis by the Court and/or the Clerk of Court and may be subject to further order, including subsequent designations of which court employees will be considered to be essential personnel and which, if any, might be deemed as non-essential and subject to being furloughed.

III. DISTRICT JUDGES AND THEIR STAFF.

In accordance with the above Guidelines for operating United States Courts in the absence of appropriations, each District Judge shall determine the necessary level of service of chambers support staff and designate which chambers employees will be considered as essential personnel and which, if any, will be subject to furlough.

IV. MAGISTRATE JUDGES AND THEIR STAFF.

In accordance with the above guidelines, the Court will determine the degree to which Magistrate Judge staff is needed to perform essential court functions. Magistrate Judges will continue to perform all routine judicial duties normally handled by them.

V. RESTRICTIONS ON EXPENDITURES NOT RELATED TO THE RESOLUTION OF CASES OR OTHERWISE ABSOLUTELY NECESSARY.

During any lapse in funding for the Judiciary, no new obligations, such as acquisition of equipment, shall be made unless absolutely essential to the resolution of cases or unless expressly authorized by the Clerk of Court as to District Court expenditures or by the Chief Judge or his/her designee as to other court units. Travel and other miscellaneous expenses utilizing appropriated funds, other than those necessary to hear cases, shall be avoided unless absolutely necessary and as approved by the Clerk of Court, the Chief Judge or his/her designee.

VI. CONTINUED FACILITIES AND SECURITY OPERATIONS.

The General Services Administration shall provide the same level of services and building maintenance normally provided and shall ensure that all court facilities are kept open for regular hours plus any extended hours while court is in session, and that routine services, utilities, ingress and egress, general building operations as they affect the Court and court staff, and both plaza and garage parking will be available without interruption. The United States Marshals Service, the Federal Protective Service and other security providers shall maintain all functions necessary for the appropriate security of all judges and court employees and for the safe use of all United States District Court facilities within the District.

FOR THE COURT this 4th day of December, 2018.

 s/ S. THOMAS ANDERSON
S. THOMAS ANDERSON
CHIEF U.S. DISTRICT JUDGE