

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED

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U.S. DISTRICT COURT
NEW HAVEN, CT.

ADMINISTRATIVE ORDER
2019-5

In Re:
Order of the Chief Judge Regarding the
Operations of the United States District Court
for the District of Connecticut in the
Absence of an Appropriation or Continuing
Resolution Enacted by the United States
Congress and the President

In the event that an appropriation or continuing resolution funding the operations of the United States Courts is not passed by the United States Congress and signed by the President before notification by the Administrative Office of the U.S. Courts (currently anticipated at close of business on Friday, February 1, 2019) that the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C. § 134 , et seq., the following measures shall take effect until superseded by such appropriation or continuing resolution or further Order of the Court.

Pursuant to Volume 13, Chapter 2, § 220.30 of the Guide to Judiciary Policy, business conducted under the Act includes:

1. Activities necessary to support the exercise of the Article III judicial power, i.e., the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;
2. Emergency activities necessary for the safety of human life and the protection of property; and
3. Activities otherwise authorized by law, either expressly or by necessary implication, including:
 - a. Items guaranteed by the Constitution;
 - b. Activities funded with available no-year appropriations;
 - c. Minimal activities needed for an orderly shutdown of other official functions.

The dispensing of justice is mandated by the Constitution and essential to government, and the resolution of cases and controversies is the only work and product of the federal courts.

Accordingly, upon review by the Judges of this Court of staffing levels and work necessary to support the exercise of Article III Judicial Powers, the Court has determined that all employees of the United States District Court for the District of Connecticut are hereby deemed to be performing work necessary to support the essential work of the Court, that is the exercise of judicial powers. Although all employees are deemed to be performing essential work, the Court recognizes that not all employees are required to report for duty every day during the shutdown. Accordingly, consistent with the requirements of the Anti-Deficiency Act, the following measures are ordered beginning on February 4, 2019, and for the duration of the shutdown:

1. All employees of the Clerk's Office of the United States District Court for the District of Connecticut are ordered furloughed on Fridays and on a rotating basis one additional day, for a total of two furlough days each week.

2. The Court is ordered closed on Fridays, during which time no court proceedings are to be held. The Court is ordered open Monday through Thursday, from 9:00 a.m. to 5:00 p.m.

3. Travel, except as approved by the Chief District Judge, must be avoided.

4. No new personnel can be hired, and no new expenditures of funds shall be made without the consent of the Chief Judge.

5. Training is suspended.

6. The General Services Administration, the Federal Protective Service, and the United States Marshal, District of Connecticut, are requested to maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the District of Connecticut. The Court will not require maintenance services or security on Fridays and after normal business hours or on weekends, unless essential to the exercise of its Article III Judicial function.

The Court has determined that all employees of the United States Probation Office for the District of Connecticut are hereby deemed to be performing essential work. Accordingly, due to the nature of their work, all employees of the U.S. Probation Office are ordered to report to work for their regularly scheduled hours, Monday through Friday, and to continue all normal operations of the office.

This Court will continue to 1) hear and decide cases without interruption; 2) timely file and process all filings, motions, orders, emergency applications, and other litigation documents; 3) collect and deposit fees and costs into the Treasury; 4) accept and process new civil and criminal cases; 5) continue regular administration of the jury system; 6) produce reports on bail or release, and sentencing, or provide other services required by judges in the performance of their constitutional duties; 7) supervise potentially dangerous offenders (i.e., individuals under supervised release, probation, and parole) and provide needed treatment services; and 8) handle new cases or maintain existing cases, as necessary to assist the court in implementing its orders and judgments.

The Chief Judge will periodically review the work of staff to determine if all staff continues to perform work necessary to support the exercise of its Article III Judicial Powers. In the event staff is not so employed, they would, as required by law, be furloughed.

Staff will only perform essential functions as set forth in this Order and which are consistent with the Anti-Deficiency Act and guidance from the Judicial Council of the Second Circuit, the Administrative Office, and the Judicial Conference of the United States. The Clerk of Court and Chief U.S. Probation Officer are directed to provide staff with guidance so as to avoid any non-essential work.

SO ORDERED.

Dated at Bridgeport, Connecticut this 25th day of January 2019.

/s/ Stefan R. Underhill
Stefan R. Underhill
Chief United States District Judge