
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

IN RE; RENEWAL OF FINDINGS AND
EXTENSION OF AUTHORIZATION
UNDER THE CARES ACT

**GENERAL ORDER
22-018**

On March 31, 2020, the Court entered General Order 20-011, authorizing and implementing for up to 90 days certain emergency provisions under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. 748.

The Court has since entered a number of General Orders authorizing additional 90 day extensions:

- General Order 20-020 on June 26, 2020
- General Order 20-028 on September 28, 2020
- General Order 20-033 on December 28, 2020
- General Order 21-004 on March 24, 2021
- General Order 21-006 on June 21, 2021
- General Order 21-014 on October 1, 2021
- General Order 22-001 on January 4, 2022
- General Order 22-007 on April 1, 2022
- General Order 22-011 on June 28, 2022

As explained more fully in General Order 22-010, entered June 28, 2022, the COVID-19 pandemic continues to present a nationwide public health emergency. The emergency declaration adopted by the President of the United States in 2020 remains in place, and the Judicial Conference of the United States has found that emergency conditions due to the national COVID-19 crisis have affected and continue to materially affect the operations of the federal courts. The Centers for Disease Control continues

to promulgate guidance concerning public health risks and recommended safety measures. The pandemic remains a global, national, and local threat.

Conditions in the District of Utah improved significantly in the wake of the spring Omicron variant surge and rapid decline. However, the COVID-19 pandemic continues to pose serious health risks to the Court and the District of Utah more broadly. These risks are especially acute for in-custody defendants in criminal cases. Particularly relevant to judicial operations in the District of Utah, local jails with whom the United States Marshal Service contracts for pretrial and post-sentencing detention continue to experience case surges at times requiring quarantine of federal inmates. The local jails remain particularly susceptible to rapid spread of the disease, which causes the availability of federal detainees for in-person hearings to constantly change.

The vast majority of federal detainees held in the local jails in the District have for at least the last year voluntarily exercised their right under the emergency provisions of the CARES Act to waive their right to appear in person for critical hearings. This reflects the continuing reality that transportation in and out of the jail facilities presents health risks to our detained defendants and those servicing the local jails. In-person hearings also expose our federal detainees to elevated risk of unwanted quarantine or isolation, and other consequences defendants want to avoid.

For the reasons articulated in General Order 21-006, and further supported by the COVID-19 related findings made by the Court in General Order 22-010, exercising my authority as Chief Judge, I find that the emergency provisions under Section 15002(b) of the CARES Act remain necessary and appropriate in the District of Utah. I renew the findings made in General Orders 20-011, 20-020, 20-028, 20-033, 21-004, 21-006, 21-014, 22-001, 22-007, and 22-011, and extend the authorizations made therein for 90 days unless earlier terminated or modified by further order of the Court.

SO ORDERED this 23rd day of September, 2022.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE