

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**In Re: TWELFTH EXTENSION OF AUTHORIZATION TO
USE VIDEO AND TELEPHONE CONFERENCING FOR
CRIMINAL PROCEEDINGS PURSUANT TO THE
CARES ACT**

**GENERAL ORDER
NO. 23-03**

On March 30, 2020, this Court entered General Order 20-5, authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES ACT”), P.L. 116-136, H.R. 748. As Chief Judge, I reviewed and extended this authorization on June 29, 2020, September 25, 2020, December 24, 2020, March 24, 2021, June 22, 2021, September 20, 2021, December 17, 2021, March 17, 2022, June 14, 2022, September 12, 2022, and December 9, 2022, by way of General Orders 20-13, 20-20, 20-28, 21-09, 21-12, 21-17, 21-22, 22-03, 22-07, 22-11, and 22-16.

Just under 90 days have passed since the issuance of General Order 22-16 and, in the interim, the undersigned judge has continued to monitor COVID-19 data from within and outside this District, as well as guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. The national emergency declared by the President as a consequence of the COVID-19 pandemic remains in effect, and the Judicial Conference of the United States has found that it continues to materially affect the functioning of the federal courts.¹

The effects of the pandemic admittedly appear to be easing, and the Court has resumed normal operations in most respects. However, due to the continued risks associated with the housing and transportation of federal prisoners, and based upon the periodic emergence of new variants, and fluctuations in positivity rates, the continued ability to use video teleconferencing or telephone conferencing for hearing certain criminal matters is imperative for public safety and to minimize the risk of exposure to the public, detention facilities, defendants, staff, and counsel.

¹ [Continuation of the National Emergency Concerning the Coronavirus Disease 2019 \(COVID-19 Pandemic\)](#), 87 Fed. Reg. 10289 (Feb. 22, 2022) (citing [Proclamation No. 9994](#), 85 Fed. Reg. 15,337 (Mar. 13, 2020)); Memorandum from the Director of the Administrative Office of the United States Courts to all United States Judges (Mar. 1, 2022) (on file with the Administrative Office of the United States Courts).

Accordingly, this Court concludes that conditions warrant an additional extension of the video and teleconferencing authorization under the CARES Act. Such finding does not suggest that it is necessary to conduct a large percentage of approved criminal hearings remotely, but rather acknowledges the continued need for flexibility to use such hearings in appropriate cases.

NOW THEREFORE, acting pursuant to section 15002(b) of the CARES Act and having conducted the necessary review, I hereby extend all findings and authorizations made in General Orders 20-13, 20-20, 20-28, 21-09, 21-12, 21-17, 21-22, 22-03, 22-07, 22-11, and 22-16 for an additional 90 days, unless earlier terminated. The authorization allowed by this General Order will be again reviewed at or near its date of termination to determine if a further extension is warranted based on conditions existing at that time. Should the President's National Emergency declaration, or the Judicial Conference's finding that this national emergency materially affects the function of the federal courts, terminate or be revoked prior to the expiration of 90 days from the date of this Order, then this Order may then be vacated according to law.

IT IS SO ORDERED this 9th day of March, 2023.



GREG N. STIVERS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

ENTERED
JAMES J. VILT, JR. - CLERK


MAR - 9 2023

U.S. DISTRICT COURT
WEST'N. DIST. KENTUCKY