

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

ADMINISTRATIVE ORDER
2013-09

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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 that the Federal Judiciary must operate under the Antideficiency Act, the following measures shall take effect until superseded by such appropriation or continuing resolution.

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, all employees of the United States District Court for the Eastern District of New York, and all of associated court units including, but not limited to the United States Bankruptcy Court, United States Pretrial Office, United States Probation Office and the Office of the District Executive, are hereby deemed to be essential as part of or essential support for the exercise of judicial powers.

1. All employees of the United States District Court for the Eastern District of New York and all associated court units are ordered to report to work for their regularly scheduled hours, and to continue all normal operations of the Court, except as set forth below.
2. Travel, except as approved by the Chief District Judge, shall be avoided. All training activity shall be suspended.
3. No new personnel shall be hired and no new expenditures of funds shall be made without the consent of the Chief Judge.
4. The General Services Administration, the Federal Protective Service and the United States Marshals Service are requested to maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the Eastern District of New York.

This Court will continue to hear and decide cases without disruption, accept new filings and process them in a timely manner, collect and deposit fees and costs to the Treasury, continue regular administration of the jury system, produce reports on bail or release, supervise potentially dangerous offenders, provide needed treatment services, and handle new cases or existing cases as necessary to assist the court in implementing its orders and judgments.

Staff will only perform essential functions as set forth in this order and which are consistent with the Antideficiency Act and guidance from the Judicial Council of the Second Circuit, the Administrative Office, and the Judicial Conference of the United States.

SO ORDERED.

Dated: October 10, 2013
Brooklyn, N.Y.


Carol Bagley Amon
Chief United States District Judge