

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

The Continuation of 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 President of the United States

**ADMINISTRATIVE ORDER**  
**2018-07**

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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, and before notification by the Administrative Office of the U.S. Courts that the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C §§ 1341, 1342, the following measures shall take effect until superseded by such appropriation or continuing resolution.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 United States Constitution and is essential to our system of government. 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 of all associated court units including, but not limited to, the United States Bankruptcy Court, United States Pretrial Services 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. Accordingly, it is hereby

ORDERED that all employees of the United States District Court for the Eastern District of New York and all associated court units are to report to work for their regularly scheduled hours, and to continue all normal operations of the Court, except as set forth below:

1. Travel, except as approved by the Chief District Judge, shall be avoided. All training activity shall be suspended.
2. No new personnel shall be hired and no new expenditures of funds shall be made without the consent of the Chief Judge.
3. 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.
4. 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.

5. Staff will perform only essential functions as set forth in this Order and that are consistent with the Anti-Deficiency Act as well as with guidance from the Judicial Council of the Second Circuit, the Administrative Office of the United States Courts, and the Judicial Conference of the United States.

SO ORDERED.

Dated: Brooklyn, New York  
December 26, 2018

DORA L. IRIZARRY  
Chief Judge