

UNITED STATES DISTRICT COURT

for the
District of Alaska

In the matter of

MISCELLANEOUS GENERAL ORDER
HOLDING IN ABEYANCE
CIVIL MATTERS INVOLVING THE
UNITED STATES AS A PARTY

**MISCELLANEOUS
GENERAL ORDER
NO. 19-01**

This matter is before the Court due to the lapse of congressional appropriations funding the federal government, including the Department of Justice and the United States Attorney's Office. Absent an appropriation, the United States represents that certain Department of Justice attorneys and employees of the federal government are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office and other federal agencies, particularly with respect to prosecution and defense of civil cases. The Court, in response, and with the intent to avoid any default or prejudice to the United States or other civil litigants occasioned by the lapse in funding, enters this Miscellaneous General Order. As a result of the cited workforce reductions,

IT IS HEREBY ORDERED THAT:

Effective December 28, 2018, that all civil litigation involving as a party the United States of America, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees), or any other party represented by the Department of Justice or the United States Attorney's Office is immediately suspended, postponed and held in abeyance continuing until funding for Department of Justice operations is fully restored. The Court may renew or modify this Miscellaneous General Order depending on developments in the stay period. "Civil litigation" includes all pending non-criminal cases in which the United States, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees) is in any way a named party and any non-criminal cases in which the United States Attorney's Office or the Department of Justice is counsel of record. This includes, without limitation, all pending Social Security cases and all cases seeking monetary or equitable relief in which the United States is involved as a civil litigant. The Court will address matters seeking expedited injunctive relief on a case by case basis. The Miscellaneous General Order does not affect habeas corpus cases pending or filed under Chapter 153 of Title 28.

This Miscellaneous General Order suspends and continues, during the stay, any and all events and deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled proceedings, hearings, or discovery and pleading dates. No party will be required to take any steps in civil litigation affected until expiration of the stay. The Court warns litigants that this Miscellaneous General Order does not purport to affect rights to or deadlines concerning appeal from any decision of this Court, which will continue to operate and issue orders in the normal course.

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Any litigant affected by this Miscellaneous General Order may seek relief from the order by motion. The Court may, in any particular case, vary the effect or operation of this Miscellaneous General Order by a separate ruling. Once federal government operations are restored, this stay will automatically be lifted, and any and all deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled discovery and pleading dates, will be extended without further order by the number of days of the shutdown, counting from the first day (December 22, 2018) through the last day, plus fourteen days, unless otherwise ordered by the Court. Trial dates in affected cases will stand, although they may need to be adjusted in individual cases to account for a suspension of civil trials during the lapse in appropriations or, after the stay is lifted, to account for the extension of other dates.

The Clerk shall distribute this Miscellaneous General Order:

- (a) by electronic service to all registered CM/ECF users; and
- (b) by posting the Miscellaneous General Order on the Court's public website.

DATED at Anchorage, Alaska this 14th day of January 2019.

/s/ Timothy Burgess
TIMOTHY BURGESS, Chief Judge
United States District Court

/s/ Sharon Gleason
SHARON GLEASON
Judge, United States District Court

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