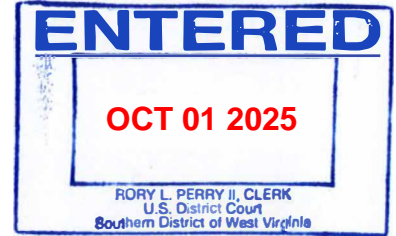


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON  
AT HUNTINGTON  
AT BECKLEY  
AT BLUEFIELD



IN RE: CONTINUATION OF OPERATIONS OF THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST  
VIRGINIA IN THE ABSENCE OF AN APPROPRIATION OR  
CONTINUING RESOLUTION ENACTED BY THE UNITED  
STATES CONGRESS AND PRESIDENT OF THE UNITED STATES

Miscellaneous Case No.: 2:11-ad-11111

ADMINISTRATIVE ORDER

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 when the Administrative Office of the U.S. Courts indicates that the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1342, ("the Act"), the following measures shall take effect until superseded by such appropriation or continuing resolution.

Pursuant to Volume 13, Chapter 2, § 230.50 of the *Guide to Judiciary Policy*, excepted activities that are permitted to be conducted under the Act include:

1. Activities necessary to the exercise of the judiciary's constitutional functions, i.e. the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;

2. Activities addressing emergency circumstances, such that the suspense of the function would threaten the safety of human life or the protection of property; and

3. Activities otherwise authorized by law, either expressly or by necessary implication, including, but not limited to:

a. Constitutional guarantees, e.g. the right to counsel under the Sixth Amendment;

b. Operations of entitlement programs, e.g. Judicial Survivors Annuities System; and

c. 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 operation of the judicial function of the Southern District of West Virginia is a core function of government and must continue unimpaired as long as possible, even if employees who carry out excepted activities are in non-pay status. The full range of normal work activities are restricted while employees are in non-pay status. Because of the limitation on work activities under the Act, judicial offices and some court units can structure work schedules in such a fashion that all excepted activities are fully maintained and supported, while simultaneously some employees, who nevertheless perform valuable functions for the court and the public, are placed on furlough.

Accordingly, it is hereby ORDERED that all employees of the judicial offices of United States District Court for the Southern District of West Virginia, including the

active and senior District Judges, the Magistrate Judges, and the Bankruptcy Judge, are hereby deemed to be essential employees, who are involved in excepted activities, to maintain and perform core judicial functions and must continue all normal operations of the court, subject to the limitations of the Act and the exceptions listed below. Each judge may determine and implement an appropriate rolling furlough work schedule for all employees in their respective chamber—including law clerks, judicial assistants, court reporters, and courtroom deputies—that distributes furlough time as evenly as possible within the judicial office, while maintaining the ability to accomplish excepted activities, as necessary.

It is further ORDERED that the District Clerk, the Chief Probation Officer, and the Bankruptcy Clerk shall make determinations as to which employees are essential employees, who are involved in excepted activities, to maintain and perform core judicial functions and must continue all normal operations of the court, subject to the limitations of the Act and the exceptions listed below. The unit executives of the Probation Office and the District Clerk's Office must conduct an appropriate analysis to determine which employees are necessary to maintain core judicial functions that are excepted activities under the Act and submit the analysis to the Chief District Judge for approval. The unit executive of the Bankruptcy Clerk's Office must conduct a similar analysis and submit it to the Chief Bankruptcy Judge for approval.

It is finally ORDERED that during the period of a lapse in appropriations:

1. Case-related conferences, hearings, jury trials, non-jury trials, and all other judicial proceedings may continue to be conducted at the discretion of the presiding judge, notwithstanding the lapse in appropriations, and new cases may be accepted.

2. Judges may continue to appoint Federal Public Defenders and attorneys from the Criminal Justice Act panel to represent individuals.

3. All non-essential travel and training shall be suspended. Case-related travel may continue, but judges should limit the number of staff accompanying them on case-related travel where possible.

4. No non-critical new personnel shall be hired, and any promotions or pay increases shall be deferred.

5. Obligations of funds may be incurred only for excepted activities.

6. 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 Southern District of West Virginia.


7. 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.

8. Judicial staff and staff designated by court unit executives will perform only excepted activities that are set forth in this Order and that are consistent with the Act, as well as with guidance from the Judicial Council of the Fourth Circuit, the Administrative Office of the United States Courts, and the Judicial Conference of the United States.

The Clerk is directed to transmit a copy of this Order to the General Services Administration, the U.S. Marshals Service, the Federal Protective Service, the Federal Public Defender, the Bankruptcy Clerk, the Chief Probation Officer, and the Criminal Justice Act Attorney Advisor and to publish this Order via the Court's website.

ENTERED: October 1, 2025



  
Frank W. Volk  
Chief United States District Judge