

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STANDING ORDER IN ALL CASES           :**  
**INVOLVING A DEFENDANT                :** **JUDGE ALGENON L. MARBLEY**  
**SEEKING RELEASE FROM                :**  
**CUSTODY DUE TO THE COVID-19       :**  
**PANDEMIC                                :**

**ORDER**


This Court issues this Standing Order in response to the recent outbreak of the COVID-19 virus in the Southern District of Ohio. This virus has sparked a worldwide pandemic, leading to the declaration of a state of emergency at both the federal and state levels of government. In response, health officials have urged the public to practice social distancing, avoidance of close contact with others, and to take appropriate hygiene measures. Given the difficulty in implementing these practices within detention facilities, the Court has seen a surge in criminal defendants filing motions for release from custody.

This Standing Order shall apply to all cases on my docket where a Defendant is seeking release from custody due to the COVID-19 pandemic. Under Local Rule 7.2, a memorandum in opposition to any motion must be filed within twenty-one days after the date of service of the motion, and a reply memorandum must be filed within fourteen days after the date of service of the memorandum in opposition. *See* S.D. Ohio Local Rule 7.2(a)(2). Thus, the government's response to a defendant's motion for emergency release due to COVID-19 would be due three weeks after the defendant's motion, and defendants would have an additional two weeks to reply. That could delay resolution of the defendant's motion by more than one month. Because of the epidemic nature of COVID-19, and the need to afford expeditious relief on a meritorious motion, the Court finds the timeframe contemplated in Local Rule 7.2 to be too long.

Hence, defense motions seeking relief from custody due to the COVID-19 pandemic will no longer be subject to the timeframe under Local Rule 7(a)(2). Instead, until further notice, the briefing schedule that the parties are to follow in these emergency release motions due to COVID-19 is as follows:

- (1) The Government's memorandum in opposition to the Defendant's motion for release **shall be filed within seven (7) days after service of the motion.**
- (2) The Defendant's reply memorandum, if any, **shall be filed within three (3) days after service of the memorandum in opposition.**

**IT IS SO ORDERED.**



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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: April 6, 2020**