

**GENERAL ORDER 18-01, AMENDED
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
GENERAL ORDER**

RICHARD W. MAC...
FRS OF COURT
2018 JAN 16 AM 11:46
DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

**GENERAL ORDER HOLDING IN ABEYANCE GENERAL ORDER 18-01, AMENDED
REGARDING AUTOMATIC SEALING AND UNSEALING OF APPLICATIONS FOR
SEARCH WARRANTS, PEN REGISTERS, TRAP AND TRACE DEVICES OR COURT
ORDERS UNDER 18 U.S.C. § 2703(d)**

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 for the Southern District of Ohio. 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 for the Southern District of Ohio and other federal agencies.

In General Order 18-01, the Court adopted a procedure to be used when an attorney for the government or a Federal law enforcement officer presents an application for a warrant (excluding arrest warrants), a pen register and trap and trace device, or an application for a court order under 18 USC § 2703(d) to a Magistrate Judge for issuance. Under the terms of General Order 18-01, upon the docketing of any return of the warrant, the Clerk of Court must immediately unseal the case unless the return is accompanied by an order directing that the matter remain sealed. For cases that are sealed, the Clerk is required to automatically unseal the case as to search warrants, pen registers, trap and trace devices, and applications under § 2703(d) on the July 31st or January 31st which next follows the filing of the return. Because of the reduction in workforce, the United States Attorney's Office does not have sufficient staff to

review the cases presently scheduled to be unsealed and to file appropriate motions before January 31, 2019 so as to meet its obligations under General Order 18-01.

The Court, in response, and with the intent to avoid any default or prejudice to the United States occasioned by the lapse in funding, *sua sponte* enters this General Order. As a result of the cited workforce reductions, it is hereby

ORDERED, effective January 16th, 2019, that General Order 18-01 is immediately suspended, postponed and held in abeyance for a period of forty-five (45) days from January 16th, 2019. The Court may renew or modify this General Order depending on developments during the stay period.

This General Order suspends and continues, during the stay, any and all obligations of the United States Attorney to file appropriate motions to keep cases under seal and of the Clerk of Courts to automatically unseal search warrants, pen registers, trap and trace devices and Court Orders under 18 U.S.C. § 2703(d) on January 31, 2019.

The Court shall clarify the status of General Order 18-01 upon expiration of the stay and dependent on the timing of the funding resolution.

ENTER:
FOR THE COURT



Edmund A. Sargus, Jr.
Chief District Judge

Dated at Columbus, Ohio this 16th day of January, 2019