

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
REGARDING COMPUTATION)
OF TIME FOR FILING OF) Misc. No. 2:20-mc-401-MRH
INFORMATIONS OR)
INDICTMENTS DUE TO)
COVID-19 MATTERS)

ADMINISTRATIVE ORDER

WHEREAS, due to the continuing COVID-19 pandemic, the National Emergency, first declared on March 13, 2020, remains in effect, as does the national public health emergency, renewed again by the federal government on October 18, 2021; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and other public health authorities continue to advise taking precautions to reduce the possibility of exposure to COVID-19 and to slow the spread of the disease by, among other things, wearing masks fully covering the nose and mouth, and limiting sustained group gatherings of people; and

WHEREAS, in part due to the impact of the “Omicron” variant of the COVID-19 virus, the public health data for each of the Divisions of the Court over the past fourteen (14) days has demonstrated a dramatic upward incidence in positive COVID-19 cases, testing positivity, and transmission factors, all consistent with high levels of community spread of the COVID-19 virus such that immediate enhanced mitigation measures are prudent to ensure the health and safety of all those who are in contact with the Court; and

WHEREAS, individuals who may be carrying the virus with or without symptoms – including grand jurors, court staff, court reporters, attorneys, witnesses, security personnel, and

the general public – may come into close proximity with other persons notwithstanding appropriate mitigation measures; and

WHEREAS, this Court, in consultation with the Office of the United States Attorney in this District, and in consideration of the currently available public health conditions and guidance, has cancelled the grand jury sessions scheduled to convene in the Pittsburgh and Erie divisions during the week of January 10, 2022; and

NOW, THEREFORE, in order to further public health and safety,

IT IS HEREBY ORDERED that all grand jury sessions are hereby suspended through January 31, 2022.

IT IS FURTHER ORDERED that the time from January 4, 2022 to the earlier of February 1, 2022, or the date the grand jury reconvenes, is excludable time in terms of calculating the thirty-day period by which, pursuant to 18 U.S.C. § 3161(b), an indictment must be filed after an arrest on a complaint.

IT IS FURTHER ORDERED that, for the reasons set forth in this and other Administrative Orders filed at Docket Numbers 2:20-mc-401-MRH; 2:20-mc-466-MRH; 2:20-mc-394-MRH; and 2:20-mc-593-MRH, the Court specifically finds and concludes that the ends of justice served by taking this action and by the resulting delay materially outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In making this decision, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iii), the Court considered and determined that, due to the suspension of the grand jury, the arrests occurred at a time such that it is unreasonable to expect the return and filing of such indictments within the period specified in Section 3161(b).

IT IS FURTHER ORDERED that the Court may extend the period of exclusion by further
Order as circumstances warrant.

January 10, 2022

/s/ Mark R. Hornak
Honorable Mark R. Hornak
Chief United States District Judge