

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

In re: Temporary Procedure For Motions
To Extend Self-Report Dates And
To Review Detention Orders

Administrative Order

20-AO-024

ADMINISTRATIVE ORDER

A survey of the dockets of the judges of this Court discloses that 44 defendants who have been sentenced are at liberty, subject to conditions of release, awaiting designation to a facility by the United States Bureau of Prisons (BOP). In addition, 429 defendants presently are detained awaiting trial. Because of the exigent circumstances created by the novel coronavirus, the COVID-19 pandemic, and related coronavirus health conditions, the Centers for Disease Control and Prevention (CDC) and numerous federal and state governmental agencies have ordered measures to reduce person-to-person contact. Those directives present unique challenges for prisons and detention facilities, because “[i]ncarcerated/detained persons live, work, eat, study, and recreate within congregate environments, heightening the potential for COVID-19 to spread once introduced.” *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html> (last visited March 24, 2020). In the interest of reducing population density in BOP and detention facilities, the following procedures will govern motions to delay or extend dates for a defendant to self-report to a designated BOP facility, and motions to review detention orders:

1. Before a motion to delay self-reporting or a motion to review a detention order is filed, counsel for the defendant must convene a conference with the assigned assistant United States attorney to seek concurrence in the relief requested. See E.D. Mich. LR 7.1(a). If an agreement is reached, counsel for the defendant promptly must submit a stipulation to the assigned judge.
2. If no agreement is reached, a motion must be filed and counsel should notify the assigned judge that the motion has been filed.
3. Counsel for the defendant must simultaneously provide a copy of the motion to the assigned Pretrial Services Officer.
4. The government must respond to the motion within 72 hours, unless a different date is fixed by the assigned judge.
5. The government must discharge its duty under 18 U.S.C. § 3771 to notify crime victims when appropriate.

6. The motion will be decided on the papers submitted, unless the assigned judge orders otherwise.

The procedures established by this administrative order shall remain in effect until rescinded by the Court.

IT IS ORDERED.

FOR THE COURT:

s/Denise Page Hood
Denise Page Hood
Chief Judge