

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

2013 OCT 10 P 12:45

ORDER

U.S. DISTRICT COURT  
N.D. OF ALABAMA

**RE: OPERATION OF THE UNITED STATES DISTRICT COURT AND THE  
UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT  
OF ALABAMA IN THE ABSENCE OF FUNDING AUTHORITY BY THE  
UNITED STATES CONGRESS**

In the event that an appropriation bill or continuing resolution funding the operation of the United States Courts is not enacted into law and other funds are not made available by the Administrative Office of the United States Courts to fund the operation of the courts, this order shall take effect to enable the United States District and Bankruptcy Courts for the Northern District of Alabama to fulfill their constitutional duty to continue to hear and resolve cases and their duty to conduct other activities authorized by law.

1. The decision of federal cases is mandated by the United States Constitution and is an essential part of the function of the government of the United States. All employees of the United States District and Bankruptcy Courts for the Northern District of Alabama, and all of their ancillary units, including all Chambers employees of the United States District, United States Magistrate, and United States Bankruptcy Judges, the offices of the District Clerk, the Bankruptcy Clerk, and the United States Probation Office are necessary and essential support for the exercise of the judicial power of the United States District and Bankruptcy Courts to hear and resolve cases, and to secure and preserve the records, property, and services essential to the continued operation of the Courts during any short term lapse of funding of the judiciary. In the event of an extended lapse in funding for the judiciary, the level of necessary staff and operations will be reviewed on a periodic basis and may be subject to further order.

2. The following factors support the determination that all current employees of the United States District and Bankruptcy Courts are essential to carrying out their duty to hear and resolve cases:

As for the United States District Court for the Northern District of Alabama:

- Only six of the District Court's authorized active judgeships are currently filled.
- In fiscal years 2012 and 2013, the District Court Clerk's Office has operated at a 65% staffing level.
- District Court Clerk employees handle all duties of their respective positions and assume other duties as necessary on a daily basis to meet the needs of the court. If staff is further reduced, the Clerk's Office would be unable to meet the needs of the bench, the bar, and the public.

As for the United States Bankruptcy Court for the Northern District of Alabama (ALNB):

- Between fiscal year 2010 and fiscal year 2013, the total number of personnel employed by ALNB has decreased by approximately 25%. As a result, ALNB currently employs only the minimum essential staff.
- Between fiscal year 2010 and fiscal year 2013, ALNB's budget has decreased by approximately 25% in appropriations for salary and operating expenses.
- For the year ending June 30, 2013, approximately 15,000 new bankruptcy cases were filed with ALNB, and it terminated approximately 16,500 cases during the same period. It has approximately 30,000 pending cases.

As for the United States Probation Office for the Northern District of Alabama (U.S. Probation):

- Between fiscal year 2010 and fiscal year 2013, the total number of personnel employed by the U.S. Probation Office decreased by 16%.
- U.S. Probation is currently staffed at 73% of its full staffing formula.
- U.S. Probation currently has 23 authorized work units that remain unfilled.
- Between fiscal year 2010 and fiscal year 2013, the number of pretrial investigations completed has increased by 12%.
- Between fiscal year 2010 and fiscal year 2013, the number of pretrial supervision cases increased by 33%.
- Between fiscal year 2010 and fiscal year 2013, the number of presentence investigations completed has increased by 3%.
- Between fiscal year 2010 and fiscal year 2013, the number of postconviction offenders under supervision has increased by 2%.
- Between fiscal year 2010 and fiscal year 2013, the annual operating budget for U.S. Probation has decreased by approximately 20% in appropriations for salary and operating expenses.

Consequently, over the past three fiscal years, the staffing and funding for the U.S. Probation Office has significantly decreased while the workload continues to increase.

3. It is therefore **ORDERED** that:

- a. All employees of the United States District and Bankruptcy Courts for the Northern District of Alabama and all of their ancillary units, as described in paragraph 1, are ordered to report to work for their regularly scheduled hours, and to continue all normal operations of the United States District and Bankruptcy Courts, except as set forth below.
- b. Travel, except for court sessions and essential judge-related travel, shall be cancelled. All training activity and training-related travel shall be suspended.
- c. No new personnel shall be hired and no new obligation of funds shall be incurred except for the limited obligations approved by the United States District or Bankruptcy Courts that are essential to support and maintain the continuing exercise of the judicial power of the Courts to fulfill their constitutional duty to continue to hear and resolve cases and their duty to conduct activities otherwise authorized by law.
- d. The General Services Administration, the Federal Protective Service, and the United States Marshals Service shall maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the Northern District of Alabama.
- e. All United States Department of Justice attorneys and all attorneys representing federal agencies scheduled to appear before the District and Bankruptcy Courts are required to appear unless released by order of the court in a specific case.
- f. Except as otherwise specifically provided in this order, all scheduled proceedings in the United States District and Bankruptcy Courts shall continue without interruption.

4. The Federal Defender's Office and the members of the Criminal Justice Act Panel are required to continue to take and accept assigned cases and continue representation during any period of a lapse of appropriation.

**DONE**, this 10th day of October, 2013.

*Sharon Lovelace Blackburn*  
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SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE