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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Miscellaneous Order 2019.01.11

**CONTINUATION OF OPERATIONS IN THE ABSENCE OF APPROPRIATION**

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In the event that an appropriation or continuing resolution funding the operations of the United States Courts is not passed by the United States Congress and signed by the President, the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, and the following measures shall take effect until superseded by such appropriation or continuing resolution.

Activities conducted under the Act include:

1. Those necessary to support the exercise of the Article III judicial power, i.e., the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;
2. Emergency activities necessary for the safety of human life and the protection of property; and
3. Activities otherwise authorized by law, either expressly or by necessary implication, including:
  - (A) Items guaranteed by the Constitution.
  - (B) Activities funded with available no-year appropriations.
  - (C) Minimal activities needed for an orderly shutdown of other official functions.

Accordingly,

All employees of the United States Pretrial Services Office and the United States Probation Office are hereby declared to be essential as part of or essential support for the exercise of judicial powers. In the United States District Court for the Northern District of California, all chambers staff and pro se and death penalty law clerks are hereby declared to be essential as part of or essential support for the exercise of judicial powers, unless a judge determines in writing

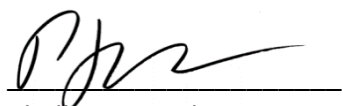
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that one or more members of his or her chambers staff is not essential, in which case non-essential staff will be furloughed. The Clerk of the District Court will determine, on an ongoing basis, which Clerk's Office employees are essential as part of or essential support for the exercise of judicial powers.

This Court will continue to hear and decide cases without disruption, accept new filings and process them in a timely manner, collect and deposit fees and costs to the Treasury, continue regular administration of the jury system, produce reports on bail or release, supervise potentially dangerous offenders, provide needed treatment services, and handle new cases or existing cases as necessary to assist the court in implementing its orders and judgments.

The United States General Services Administration, the Federal Protective Service, and the United States Marshals Service have confirmed that they will maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the Northern District of California.

Date: January 11, 2019

  
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Phyllis J. Hamilton  
Chief Judge