

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

In Re:

**Procedure for Filings Made Pursuant to
the Bail Reform Act in Response to
Coronavirus (COVID-19) Pandemic**

GENERAL ORDER NO. 364

This General Order, No. 364, effective April 2, 2020, is issued in response to the coronavirus (COVID-19) pandemic. This standing order incorporates and supplements General Order Nos. 360, 362, and 363, and sets forth the procedure for any filing made pursuant to the Bail Reform Act, 18 U.S.C. § 3141 *et seq.*, in response to COVID-19. All other motions regarding detention or release not based on COVID-19, will proceed in the regular course. A copy of this order will be provided to the offices of the Federal Public Defender, the United States Attorney, the CJA attorney coordinator, United States Probation and Pretrial Services, and posted publicly on the Court's web page.

IT IS HEREBY ORDERED: the procedure for filings made pursuant to the Bail Reform Act in response to COVID-19 shall be as follows until further order of the Court:

1. Prior to filing any motion, Counsel for the Government and the accused must:
 - a. Confer with one another to determine whether they agree on the accused's detention or request for release and the conditions of release; and
 - b. Notify United States Probation and Pretrial Services as to the parties' respective positions concerning detention or release. Probation and Pretrial Services may give the parties and the Court preliminary input or its recommendation, if any, on detention, release, and the possible conditions of release based on the information currently known about the accused and the case.

2. The Government must provide notice and an opportunity to confer and be reasonably heard to any crime victim as necessary.
3. Any stipulation or motion and all supporting materials must be filed in the CM/ECF system.
4. The stipulation or motion should state whether the defendant consents to appearing telephonically or by videoconference.
5. The stipulation or motion and all supporting materials must be provided by email to United States Probation and Pretrial Services and both the applicable judge's Courtroom Deputy and law clerk.
6. If there is an objection to the motion, the opposing party must file a response not later than five (5) days after the date of service of the motion, unless otherwise ordered by the Court.
7. The Court will review the stipulation or motion, and any response, and notify the parties as to whether any additional information is needed from the parties or from United States Probation and Pretrial Services; whether the Court will approve the stipulation; or whether a hearing on either the stipulation or motion will be held.
8. In accordance with General Order Nos. 360, 362, and 363, any hearing will not be held in person unless the parties demonstrate a particular need warranting an in-person hearing. Counsel, clients, and crime victims will be allowed to participate by telephone or video to the extent practicable.
9. The parties are encouraged to communicate throughout this process with all persons and entities involved as necessary to facilitate these procedures, including the applicable judge's Courtroom Deputy and law clerk.

IT IS HEREBY ORDERED.

DATED this 2nd day of April, 2020



David C. Nye
Chief District Judge
District of Idaho