

FILED

October 1, 2025

**KAREN MITCHELL
CLERK, U.S. DISTRICT
COURT**

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

SPECIAL ORDER NO. 13-20

**PLAN FOR LAPSE IN APPROPRIATIONS FOR THE DISTRICT COURT
AND THE UNITED STATES PROBATION OFFICE**

Pursuant to Volume 13, Chapter 2, § 230.50 of the *Guide to Judiciary Policy*, this court adopts the following plan for operating during a lapse in appropriations for the judiciary after the judiciary has exhausted funds from fees and no-year appropriations.

1. Declaration of Policy. The United States District Court for the Northern District of Texas is constitutionally and statutorily required to continue to exercise judicial power regardless of the status of appropriations. The Court, however, is bound by the strictures of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1342, in the event of a lapse of appropriations.
 - a. In accordance with the Act, the Court is required to limit its activities only to recognized exceptions to the Act, such as:
 - i. activities 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;
 - ii. activities addressing emergency circumstances, such that suspension of the function would threaten the safety of human life or the protection of property;
 - iii. activities otherwise authorized by law, either expressly or by necessary implication, including:
 - A. Constitutional guarantees (e.g., the right to counsel under the Sixth Amendment to the United States Constitution);
 - B. operating entitlement programs; and
 - C. executing activities needed for an orderly shutdown of other official functions.
 - b. In accordance with these limitations the Court will continue to:
 - i. hear and decide cases without interruption;

- ii. timely file and process all filings, motions, orders, emergency applications, warrants, and other litigation documents;
 - iii. collect and deposit fees and costs into the Treasury;
 - iv. disburse restitution or registry funds pursuant to Court order;
 - v. accept and process new civil and criminal cases;
 - vi. continue regular administration of the jury and grand jury system, including approving payment of jurors through the Jury Management System;¹
 - vii. appoint attorneys for eligible criminal defendants, authorize expert and other services as appropriate, and review and approve vouchers for payment;²
 - viii. produce reports on bail, sentencing, or release, and provide other services required by Judges for the performance of their constitutional duties in criminal cases;
 - ix. supervise individuals who have been released on conditions pending trial or sentencing;
 - x. supervise offenders under supervised release, probation, or parole and provide needed treatment services; and
 - xi. file new cases and maintain existing cases, as necessary to assist the Court in implementing its orders and judgments.
- c. The Court suspends all activities not specifically authorized in this plan, including:
- i. hiring employees, including in-processing new interns and/or pro bono law clerks;
 - ii. purchasing equipment, supplies, and contractual services;³

¹ Payment of jurors, however, will be suspended until funding is available.

² Payment of CJA vouchers will be suspended until funding is available.

³ Even if a contract is currently in place, any actions that would result in further expenses under the contract will be curtailed unless they are clearly in support of designated essential activities. Further, payment on any goods and services acquired during a lapse in appropriations will be delayed until funds become available. The Court's Contracting Officer will notify contractors prior to an appropriations lapse as directed by the Procurement Management Division.

- iii. entering into new contractual obligations;
 - iv. non-essential training;
 - v. non-case-related travel;⁴
 - vi. supporting public and private non-adjudicative functions such as naturalization ceremonies, bar organization meetings and functions, and moot courts; and
 - vii. attendance of judicial officers at public functions/appearances requiring security personnel.
- d. Those employees performing tasks essential to the constitutional and statutory mission of the Court are deemed to be excepted employees. Excepted employees must report to work during any lapse of appropriations unless granted leave.⁵ Employees who are not deemed to be excepted employees will be placed in furlough status for the duration of the lapse in appropriations; employees in furlough status may not report to work. Pursuant to 31 U.S.C. § 1341(c)(2), all employees, whether excepted or in furlough status, shall be paid for the period of the lapse in appropriations at their standard rate of pay when funding is available.
- e. The Court will advise the United States Marshals Service and the United States General Services Administration of the level of services required to maintain continuing operation of the Court system.

2. Judges and Their Staff

- a. Each Judge is mandated either by the Constitution or a federal statute to continue working despite a lapse of appropriations. Each Judge may employ staff, such as law clerks and judicial assistants, who are essential to the resolution of cases. Each Judge must notify the Clerk of Court if any staff member is to be placed in furlough status. Otherwise, all chambers staff will be deemed excepted.
- b. During any lapse in appropriations, chambers staff may only perform functions essential to the constitutional and statutory mission of the Court. Thus, chambers

⁴ Travel reimbursement for case-related and senior judge duty station travel will be suspended until funding is available.

⁵ Pursuant to 31 U.S.C. § 1341(c)(3), excepted employees are entitled to take leave during any lapse in funding.

staff may not work on ancillary projects, such as preparing materials for an article or speech, or perform non-essential administrative tasks.

3. Clerk's Office

- a. Clerk's Office staff perform functions that are essential to the Court's constitutional and statutory mission, such as:
 - i. ensuring the proper and timely processing of all pleadings, motions, orders, emergency applications, and other litigation documents;
 - ii. collecting and depositing fees, costs and criminal debt payments into the Treasury;
 - iii. disbursing restitution and registry funds pursuant to Court order;
 - iv. accepting and processing new civil and criminal cases;
 - v. maintaining the Court's information technology ("IT") systems, including the Court's systems network, CM/ECF system, courtroom technology, e-mail, internal and external websites, and IT security;
 - vi. performing regular administrative duties and support to both petit and grand juries, including processing payment of jurors in accordance with pre-existing procedures.
- b. The employees performing these functions are listed by title below.
 - i. Administration and Oversight of Office's Statutory Duties
 - A. Clerk of Court
 - B. Administrative Assistant
 - ii. Court Operations
 - A. Chief Deputy
 - B. Courtroom Deputies
 - C. Case Administrators
 - D. Court Reporters
 - iii. Jury Administrator
 - iv. Financial Administrator
 - v. Pro Se and Death Penalty Law Clerks
 - vi. IT Support
 - A. Systems Manager

B. Assistant Systems Manager

C. IT Security Officer

- c. The Clerk of Court will determine the employees needed to support the court, including properly and promptly processing all filings, motions, orders, emergency applications, and other court documents.

4. Probation Office

- a. Probation Office staff perform functions that are essential to the Court's constitutional and statutory mission, such as:

- i. producing reports on bail, sentencing, or release, and providing other services required by Judges for the performance of their constitutional duties;
- ii. supervising individuals who have been released on conditions pending trial or sentencing; and
- iii. supervising offenders under supervised release, probation, or parole and providing needed treatment services.

- b. The employees performing these functions are listed by title below.

- i. Administration and Oversight of Office's Statutory Duties

C. Chief

D. Deputy Chief

E. Administrative Manager

- ii. Bail Reports, Presentence Reports, and Related Investigations

A. Supervising Probation Officers

B. Probation Officers

C. Probation Technicians

- iii. Supervision

A. Supervising Probation Officers

B. Probation Officers

C. Probation Technicians


- iv. IT Support

A. Systems Manager

B. IT Specialist

- c. The Chief Probation Officer will determine number of staff necessary to maintain service to the court.

SO ORDERED this the 1st day of October, 2025.


REED O'CONNOR
CHIEF JUDGE