

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN THE MATTER OF THE FEDERAL) G.O. 18-013
LAPSE IN APPROPRIATIONS)

GENERAL ORDER

As of midnight on December 21, 2018, a lapse in appropriations has occurred whereby neither an appropriations bill nor a continuing resolution has been enacted to provide appropriate funding for the operation of the Department of Justice. Consequently, the United States Attorney's Office for the Eastern District of Oklahoma has moved the Court for a stay of certain civil actions pending in the Eastern District of Oklahoma wherein the United States or an agency, corporation, officer or employee of the United States is a party. The stay is requested until Congress restores appropriations to the Department of Justice.

The Court has reviewed the request and finds a stay to be appropriate in light of the lapse of funding to the Department of Justice. It is therefore ordered that the Motion for Stay of Cases in Light of Lapse in Appropriations is granted and that the Clerk of Court enter a stay in all cases listed in the attachment to the Motion. All such cases are hereby stayed until such time as an appropriations bill or a continuing resolution is enacted restoring funding to the Department of Justice. All deadlines and due dates in the listed cases are extended for a period of time commensurate with the duration of the lapse in appropriations.

This Order does not prohibit, in any manner, the ability of parties to file claims or commence actions against the United States or an agency, corporation, officer or employee of the United States. However, any cases commenced while there is a

lapse in appropriations will be immediately stayed, pending restoration of appropriations.

The United States Attorney is directed to notify the Court when Congress restores appropriations to the Department of Justice.

It is so ordered this 26th day of December, 2018.

Ronald A. White

Ronald A. White
United States Chief District Judge
Eastern District of Oklahoma

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN THE MATTER OF) G.O. 18-013
THE FEDERAL LAPSE)
IN APPROPRIATIONS)

MOTION FOR A STAY OF CASES IN LIGHT OF LAPSE IN APPROPRIATIONS

COMES NOW the United States Attorney's Office for the Eastern District of Oklahoma and moves to stay certain civil cases pending in the Eastern District of Oklahoma for the reasons set forth below.

1. At midnight on December 21, 2018, funding for the Department of Justice expired and appropriations to the Department lapsed. Many other Executive agencies are also experiencing a lapse in appropriations.

2. Absent funding, Department of Justice attorneys and employees of the federal government are prohibited from working, even on a voluntary basis, except in very limited circumstances.

An officer or employee of the United States Government . . . may not accept voluntary services . . . exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property . . . [T]he term "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

31 U.S.C. § 1342. As a result, on December 26, 2018, several Assistant United States Attorneys in the United States Attorney's Office will be in furlough status. Furlough means the placing of an employee in a temporary status without duties because of lack of work or funds or other non-disciplinary reasons. 5 U.S.C. § 7511(a)(5). If the funding situation does not change, some Assistant United States Attorneys may be called back from furlough status, but only on a critical

need basis to protect life or property. The practical application of this situation will result in Criminal Assistant United States Attorneys reporting to work during the shutdown and Civil Assistant United States Attorneys being furloughed.

3. The United States Attorney is seeking a stay of certain civil cases within the Eastern District of Oklahoma wherein the United States or an agency, corporation, officer or employee of the United States is a party until Congress restores appropriations to the Department of Justice. The Social Security Administration (SSA) has been funded in a separate appropriations bill and is not subject to the current shutdown. SSA attorneys have been designated as Special Assistant United States Attorneys. Therefore, a stay in Social Security cases is not requested.

4. Requesting individual extensions of time or stays in cases, at a time when United States Attorney's Office personnel may not lawfully work, is impracticable. Attached hereto is a chart showing the cases, the case number, whether opposing counsel has been contacted and opposing counsels' responses. In those § 2255 cases with opposing counsel, said counsel has been contacted and no one has voiced an objection to the requested stay. The vast majority of §2255 cases are litigated *pro se* by the prisoners. Such prisoners have not been contacted because they are not customarily contacted regarding extensions.

WHEREFORE, the United States Attorney's Office for the Eastern District of Oklahoma requests a stay of the attached civil cases within the Eastern District of Oklahoma where the United States or an agency corporation, officer or employee of the United States is a party until Congress restores appropriations to the Department of Justice.

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Case Number	Case Name	Opposing Counsel's Position
6:16-cv-00552-RAW	Webber v. Mark Esper	No objection
6:17-cv-00186-RAW	Stokes, et al v. United State of America	No response
6:17-cv-00329-RAW	Carshall v. Dept of Health & Human Services	No objection
6:17-cv-00454-RAW	Santiago v. Robert Wilkie	No objection
6:18-cv-00040-RAW	Crisp v. United States of America	No objection
6:18-cv-00078-RAW	United States v. Williams, et al.	No response
6:18-cv-00086-RAW	Williams v. United States of America	No objection
6:18-cv-00131-RAW	United States of America v. Vaughn	No response
6:18-cv-00165-JHP	Mayberry v. United States of America	No objection
6:18-cv-00196-RAW	Archev v. United States Corp of Engineers	No objection
6:18-cv-00241-JHP	Rafiq v. B. Baker	Pro se
6:18-cv-00256-RAW	Shelton v. United States of America	Objection
6:18-cv-00233-RAW	Lewis v. United States of America	No objection
6:18-cv-00249-RAW	Gonzalis v. United States of America	No objection
6:18-cv-00324-RAW	United States of America v. Ward	No response
6:18-cv-00357-RAW	Key v. United States of America	Objection
6:18-cv-00353-RAW	Steven Earl Perry v. United States of America	Pro se
6:18-cv-00344-RAW	Duane R. Bryant v. United States of America	Pro se
6:18-cv-00180-RAW	Ike Alexander v. United States of America	Pro se
6:17-cv-00119-	Ricky Dale Barron v. United States of America	Pro se
6:17-cv-0058-RAW	Kevin Bernard Green v. United States of America	Pro se
6:17-cv-00444-RAW	Jeremy Dwayne Lavorchek v. United States of America	Pro se
6:16-cv-00176-RAW	Elmer Don Whitaker v. United States of America	Pro se
6:17-cv-00361-RAW	Richard Leno Bonat v. United States of America	Pro se
6:16-cv-00433	Maurice Edwards v. United States of America	Pro se