



1 appropriations may not lawfully provide uncompensated services on behalf of the  
2 Government.

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

11 31 U.S.C. § 1342. As a result, on December 22, 2018, non-supervisory Assistant  
12 U.S. Attorneys and support staff assigned to the Civil Division of the U.S. Attorney’s  
13 Office, funded by direct appropriations, went into furlough status. Furlough means  
14 the placing of an employee in a temporary status without duties because of lack of  
15 work or funds or other nondisciplinary reasons. 5 U.S.C. § 7511(a)(5). If the  
16 funding situation does not change, some Assistant U.S. Attorneys may be called  
17 back from furlough status, but only on a critical need basis to protect life or property.

18           3. The United States Attorney’s Office has sought a stay of all civil cases  
19 within the Southern District of California wherein the United States or an agency,  
20 corporation, officer or employee of the United States is a party until Congress  
21 restores appropriations to the Department of Justice. This includes those cases  
22 involving federally funded facilities (and their officers, employees, and contractors)  
23 that the U.S. Department of Health and Human Services Secretary has deemed to be  
24 employees of the U.S. Public Health Service pursuant to the Federally Supported  
25 Health Centers Assistance Act (“FSHCAA”), 42 U.S.C. § 233(g)-(n), as amended  
26 by the Federally Supported Health Centers Assistance Act of 1995, Pub. L. No. 104-  
27 73, 109 Stat. 777 (1995). These entities are shielded under the Federal Tort Claims  
28 Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-2680 from liability while acting within  
the scope of their duties, with the United States assuming liability for any negligent

1 acts they may commit. 42 U.S.C. § 233(g)(l). Further, the United States Attorney's  
2 Office has requested that the Court extend all current deadlines commensurate with  
3 the duration of the lapse in appropriations. This includes but is not limited to the  
4 electronic filing of all Social Security Administration Transcripts and the delivery  
5 of courtesy copies of the transcripts to the Court.

6 4. Based on the number of cases involved, consulting all parties to all  
7 litigation in which the United States, or an agency, corporation, officer or employee  
8 of the United States is a defendant, is impracticable. Likewise, requesting individual  
9 extensions of time or stays in such cases, at a time when U.S. Attorney's Office  
10 personnel may not lawfully work, is impracticable.

11 5. To preserve the status quo until restoration of funding, all civil cases  
12 within the Southern District of California wherein the United States or an agency,  
13 corporation, officer or employee, deemed or otherwise, of the United States is a  
14 defendant are stayed unless otherwise ordered by the assigned district judge. All  
15 deadlines, due dates or cut-off dates in such cases are extended for a period of time  
16 commensurate with the duration of the lapse in appropriations.

17 6. Civil hearings involving the United States or an agency, corporation,  
18 officer or employee, deemed or otherwise, of the United States as a defendant will  
19 be reset at a time after the lapse in appropriations.

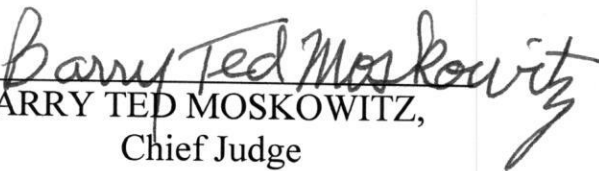
20 7. This Order does not alter, vacate or stay any obligation of individuals  
21 to pay amounts previously lawfully determined to be owed to the United States or to  
22 an agency or office of the United States.

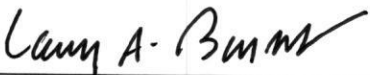
23 8. This Order does not prohibit, in any manner, the ability of parties to file  
24 claims or commence actions against the United States. However, the cases or  
25 matters commenced while there is a lapse in appropriations will be immediately  
26 stayed, pending restoration of appropriations. All deadlines, response dates, due  
27 dates or cut-off dates in such cases will be extended for a period of time  
28 commensurate with the duration of the lapse in appropriations.

1           9.     The United States Attorney's Office shall notify the Court when  
2 Congress restores appropriations to the Department of Justice, and the Court will  
3 enter additional instructions and guidance at that time.

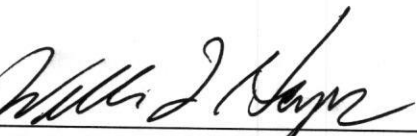
4           **IT IS SO ORDERED.**


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6 DATED: January 9, 2019

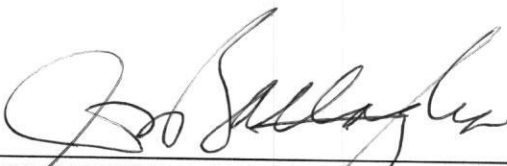
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11 BARRY TED MOSKOWITZ,  
12 Chief Judge  
13 United States District Court


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11 LARRY A. BURNS, Judge  
12 United States District Court

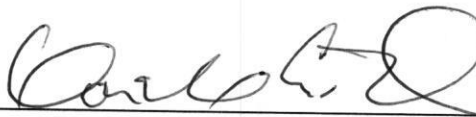
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16 see attached  
17 DANA M. SABRAW, Judge  
18 United States District Court

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17 WILLIAM Q. HAYES, Judge  
18 United States District Court


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22 JANIS L. SAMMARTINO, Judge  
23 United States District Court

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21 ANTHONY J. BATTAGLIA, Judge  
22 United States District Court

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26 CATHY ANN BENCIVENGO, Judge  
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26 GONZALO P. CURIEL, Judge  
27 United States District Court

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CYNTHIA BASHANT, Judge  
United States District Court

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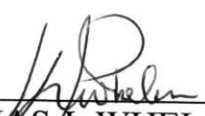
WILLIAM B. ENRIGHT, Judge  
United States District Court



MARILYN L. HUFF, Judge  
United States District Court

*see attached*

JEFFREY T. MILLER, Judge  
United States District Court



THOMAS J. WHELAN, Judge  
United States District Court

*see attached*


M. JAMES LORENZ, Judge  
United States District Court



JOHN A. HOUSTON, Judge  
United States District Court

*see attached*

ROGER T. BENITEZ, Judge  
United States District Court



MICHAEL M. ANELLO, Judge  
United States District Court

1           9.    The United States Attorney's Office shall notify the Court when  
2 Congress restores appropriations to the Department of Justice, and the Court will  
3 enter additional instructions and guidance at that time.

4           **IT IS SO ORDERED.**

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6 DATED: \_\_\_\_\_  
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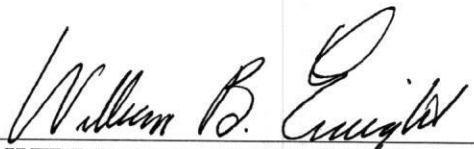
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32 CATHY ANN BENCIVENGO, Judge  
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36 United States District Court

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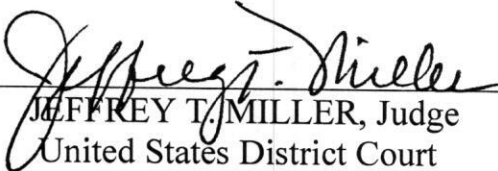
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CYNTHIA BASHANT, Judge  
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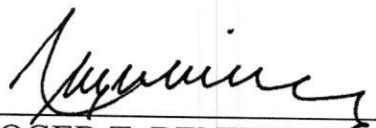
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