

United States Court of Appeals for the Fifth Circuit

Order
General Docket No. 2023-9

IN RE: OPERATION OF THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT IN THE ABSENCE OF AN
APPROPRIATION OR CONTINUING RESOLUTION

The court adopts the following plan to fulfill its constitutional duty to hear and resolve cases during any period when there is an absence of an appropriation or continuing resolution funding judiciary operations.

During any period when the Judiciary is able to sustain paid operations using its fee authority and no-year appropriations, court operations will continue, including scheduled hearings and arguments, and employees will report to work or continue with approved leave plans as normal.

When such funds are no longer available, the court will reduce operations as required by the Anti-Deficiency Act, 31 U.S.C. § 1341, 1342. Only activities that are necessary to support the exercise of the court's constitutional duty to hear and resolve cases, to address emergency circumstances necessary for the safety of human life and the protection of property, and to perform activities otherwise authorized by law, either expressly or by necessary implication, will be performed. As a result of this reduction in operation, some court services will be delayed, but the court will continue to operate consistent with its constitutional mandate.

At all times, the General Services Administration must provide the level of services and building maintenance normally provided, and the United States Marshals Service and the Federal Protective Service must maintain all functions necessary for the appropriate security of all judges and court employees and for the safe use of all Court of Appeals facilities in the Fifth Circuit.

This order supersedes the provisions of the Chief Judge's orders dated November 9, 1995, and April 7, 2011, regarding court operation during a lapse in appropriation.

FOR THE COURT:



PRISCILLA RICHMAN,
Chief Judge

Austin, Texas
September 28, 2023