

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF THE UNITED :
STATES' MOTION TO CONTINUE ALL : MISC. NO.
CRIMINAL CASES IN THE EASTERN :
DISTRICT OF LOUISIANA :

UNITED STATES' MOTION TO CONTINUE ALL PENDING CRIMINAL CASES
IN THE EASTERN DISTRICT OF LOUISIANA

NOW INTO COURT, through the United States Attorney, Jim Letten, comes the United States of America which respectfully represents the following:

1.

On August 29, 2005, Hurricane Katrina made landfall in the Eastern District of Louisiana.

2.

Prior to making landfall, a mandatory order of evacuation was issued for all of New Orleans, and several surrounding parishes within the Eastern District of Louisiana, by government officials. It is estimated that 80% of New Orleans is submerged in water. Travel to New Orleans, as well as several surrounding parishes within the Eastern District of Louisiana, is prohibited.

3.

The United States Courthouse for the Eastern District of Louisiana, located in downtown New Orleans, is, because of the above, indefinitely inaccessible.

4.

The United States Attorney's Office for the Eastern District of Louisiana, located in New Orleans, is, because of the above, inaccessible. This includes access to all case files as well as electronic access to office computers and computerized documents.

5.

Staff and personnel of the United States Attorneys office, as well as staff and personnel from various local, state and federal law enforcement agencies, have lost access to their homes and offices, and have been and remain unable to communicate effectively with government counsel. An unknown number have had their homes and offices destroyed completely.

6.

Members of the Court's bar, too numerous to count, have lost access to their homes and offices, and have been and remain unable to communicate effectively with government counsel or the Court. An unknown number have had their homes and offices destroyed completely.

7.

Many defendants have been released pending trial. It is assumed that many of these individuals have similarly lost their homes and have also been unable to communicate with their attorneys or prepare for trial.

8.

Due to the extensive destruction throughout the district, the United States assumes that the United States Courthouse personnel are similarly affected.

9.

President George W. Bush has declared the portions of Louisiana affected by Hurricane Katrina a national disaster area.

10.

This Court has an extensive criminal docket with numerous cases at various stages of prosecution. Many of these cases involve defendants who have been charged and are awaiting trial.

11.

The United States respectfully submits that due to the above described circumstances, a continuance in all criminal matters is appropriate and that such delay be deemed excludable under the Speedy Trial Act. The United States further submits that the ends of justice served by the requested continuance outweigh the best interest of the public and any defendants with pending charges in a speedy trial. The United States therefore requests a global Order from this Court that all pending criminal matters in the Eastern District of Louisiana be continued for a period of 90 days, pursuant to Title 18, United States Code, Section 3161(h)(8)(A).

12.

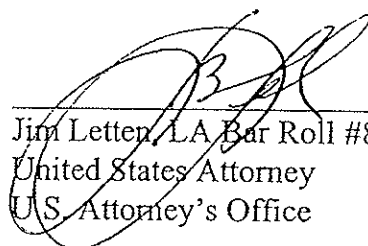
The United States submits that such global Order is proper and was previously employed in the Southern District of New York following the terrorist attacks on the World Trade Center on September 11, 2001. See United States v. Correa, 182 F.Supp.2d 326 (S.D.N.Y. 2001).

13.

The United States further requests that such Order be made retroactive, and exclude all time under the Speedy Trial Act beginning with, and including, August 29, 2005. The United States submits that the Court has, and in these extraordinary circumstances should exercise, authority to make a retroactive exclusion of time in the interests of justice.

WHEREFORE, the United States prays that all criminal cases pending in the Eastern District of Louisiana be continued for a period of 90 days and that the period of delay resulting from such continuance be deemed excludable under the Speedy Trial Act. The United States further requests that such continuance retroactively apply beginning on August 29, 2005.

UNITED STATES OF AMERICA, by



Jim Letter, LA Bar Roll #8517
United States Attorney
U.S. Attorney's Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF THE UNITED :
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CRIMINAL CASES IN THE EASTERN :
DISTRICT OF LOUISIANA :

GLOBAL ORDER


In consideration of the foregoing United States' Motion to Continue All Pending Criminal Cases in the Eastern District of Louisiana,

IT IS ORDERED that all criminal matters currently before this Court be continued and rescheduled at a later date.

THE COURT FINDS that for the reasons set forth in the United States Motion, specifically the widespread destruction caused by Hurricane Katrina, the ends of justice served by granting such continuance outweigh the best interests of the public and any defendants in a speedy trial.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the period of time beginning on August 29, 2005, through November 27, 2005, be and hereby is deemed excludable in computing the time within which the trial must be commenced.

DATED AND SO ORDERED this 31 day of August, 2005.



CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA