

Judicial Council  
of the Third Judicial Circuit  
of the United States

United States Court of Appeals  
For the Third Circuit

Order of the Chief Circuit Judge Regarding the Operations of the Courts  
in the Absence of an Appropriation or Continuing Resolution  
Enacted by the United States Congress and Signed by the President

An appropriation or continuing resolution funding the operations of the United States Courts was not passed by the United States Congress and signed by the President by midnight September 30, 2013. Accordingly, this Order governing operations in the absence of appropriations is in effect until superseded by an appropriation or continuing resolution enacted by the United States Congress and signed by the President.

1. The dispensing of justice is mandated by the Constitution and essential to government, and the resolution of cases and controversies is the principal work and product of the federal courts. The Federal Judiciary is an independent, co-equal branch of government. The Court of Appeals and the District Courts are in their third year of budgeting austerity, with significant reductions in workforce already required by fiscal restraints despite steady or increasing workloads. Accordingly, all functions, with few limited exceptions, are essential to the administration of justice by the federal courts in the Third Circuit. Employees of the United States Court of Appeals for the Third Circuit and all of the ancillary units (including, but not limited to, the Circuit Executive's Office, the Clerk's Office and Appellate Mediation Program, the Legal Division, and the Circuit Librarian's Office) are hereby deemed to be essential as part of the support for the exercise of judicial powers. District Court Chief Judges will determine the essential functions and the essential staff for all court units within their respective courts.

2. All employees of the United States Court of Appeals for the Third Circuit and all ancillary units shall report to work for their regularly scheduled hours to continue all normal operations of the Court of Appeals, except as set forth below.

3. Travel for the Court of Appeals, except as approved by the Chief Circuit Judge, shall be avoided. All training activity shall be suspended.

4. No new personnel shall be hired and no new expenditures of funds shall be made by the Court of Appeals without the consent of the Chief Circuit Judge.

5. The General Services Administration, the Federal Protective Service, and the United States Marshal's Service are requested to maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the Third Circuit. District Court Chief Judges will advise the General Services Administration, the Federal Protective Service, and the United States Marshal's Service of the level of services that will be required in their respective courts.

The Judges of the Court of Appeals express their appreciation for the excellent and dedicated manner in which the employees and staffs of the Court, as well as those of all courts in the Third Circuit, discharge their responsibilities.

SO ORDERED:

/s/ Theodore A. McKee  
Chief Judge

Dated:           October 10, 2013  
                    Philadelphia, Pennsylvania