

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**In Re: Filing of State Court** :  
**Records in Habeas Corpus** :  
**Cases Under the Exigent** : **STANDING ORDER**  
**Circumstances Created** :  
**By Covid-19** :

**WHEREAS**, on March 18, 2020, in response to the COVID-19 outbreak and the emergencies declared by the State and Federal governments, the Court adopted a Standing Order regarding court operations under the exigent circumstances created by COVID-19; and

**WHEREAS**, pursuant to ¶ 3 of the March 18, 2020 Standing Order, the Court or assigned judicial officer “may apply the principles of flexibility and accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable and fact-based travel, health or safety concerns” and modify “deadlines set by Federal or Local Rules or Court Orders”; and

**WHEREAS**, on March 22, 2020, also in response to the COVID-19 outbreak, the Chief Justice of the Delaware Supreme Court issued an order reducing staffing in all Delaware court facilities to focus on emergency and essential matters; and

**WHEREAS**, as a result of the reduced staffing in the Delaware court facilities and the focus on emergency and essential judicial matters, Delaware judiciary employees have limited ability to access and compile the state court records that are required to be filed simultaneously with the State’s response to a petition for writ of habeas corpus under 28 U.S.C. § 2254;

**NOW THEREFORE**, at Wilmington, this 27<sup>th</sup> day of March, 2020, IT IS **ORDERED**

**THAT:**

1. All existing filing deadlines (including deadlines that have been modified by any standing or case-specific order) for responses to § 2254 petitions as of the date of this Order remain in effect. However, the deadline for filing the state court records related to those responses is extended through June 1, 2020. The assigned judicial officer may extend the June 1, 2020 deadline upon request for a COVID-19 related cause.
2. During the COVID-19 outbreak, orders directing the Attorney General to respond to a § 2254 petition will set the 45-day filing deadline for the response in accordance with the existing procedure delineated in the August 27, 2014 Standing Order Regarding E-Service in Habeas Corpus Cases. However, the deadline for filing the related state court records will be set for a later date (up to a maximum of 90 days) as determined by the assigned judicial officer. The filing deadline for the response and for the state court record may be extended upon request for a COVID-19 related cause.

FOR THE COURT:

/s/ Leonard P. Stark  
Leonard P. Stark  
Chief, United States District Judge