

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
SACRAMENTO IMMIGRATION COURT**

21 August, 2020

**STANDING ORDER 01a-20: SPECIAL PROCEDURES DURING THE COVID-19 NATIONAL  
EMERGENCY**

IT IS ORDERED, effective immediately and continuing until further notice:

**FILING OF MOTIONS, APPLICATIONS, BRIEFS, EVIDENCE, AND OTHER DOCUMENTS**

First class mail, express delivery services, or email sent in compliance with the guidelines posted at <https://www.justice.gov/eoir/filing-email> are strongly preferred over in-person submission of motions, applications, briefs, evidence, and any other documents, to reduce the risk of COVID-19 transmission.

Routine Filings; Prehearing Filings: Prehearing submissions remain due 15 days before the individual hearing, as usual. The parties are reminded that submissions filed less than 15 days prior to the individual hearing are untimely and will be excluded from the evidentiary record, unless the Court determines that there is good cause to excuse the late filing and that there is no undue prejudice to the opposing party.

Page Limit: For background/country conditions documents that do not relate to Respondent(s), their family, or others with whom they have a personal connection, a maximum of 150 pages may be submitted. The relevance of each background/country conditions document shall be set forth in the table of contents or by citation in the prehearing statement. A party wishing to submit more than 150 pages of such documentation must establish good cause in a written motion that identifies the documents sought to be submitted, why they are believed to be necessary, and what they show that is not already established by any prior submissions. The State Department's most recent Country Report on Human Rights Practices and Report on International Religious Freedom may be submitted, or made part of the record by motion, without counting against this page limit.

In-Court Filings: Until such time as this Standing Order is rescinded or superseded, documents physically submitted at a hearing will not be handled or considered by the Court at the hearing. In the case of a merits hearing, such filings will be considered in the adjudication of the matter only upon a showing that 1) There is good cause to excuse the late filing, 2) There is no undue prejudice to the opposing party, *and* 3) The document is necessary for the appropriate resolution of the case, and is not cumulative, inconsequential, or otherwise unnecessary.

Emergency Motions: In the case of an emergency motion (e.g., motion for stay of removal), counsel may alert the Court to the need to review and process the filing immediately; in such cases, filing the motion by email will greatly assist the Court to expeditiously process the motion.

**MOTIONS TO CONTINUE**

It is unnecessary to file a motion to continue any individual hearing or any master calendar hearing during Court closure. Scheduled cases during Court closure will be reset by the Court. A motion to continue any hearing scheduled after the Court reopens shall contain a statement that the party seeking the continuance has communicated with the opposing party regarding the motion, and shall state the position of the opposing party.

**TELEPHONIC APPEARANCES AT MASTER CALENDAR AND INDIVIDUAL HEARINGS**

Master Calendar Hearings: Parties scheduled to appear for a master calendar hearing before the Court may appear telephonically, without the need to file a motion for telephonic appearance. This permission is subject to the following caveats:

- 1) Any individual who wishes to appear telephonically does so with the understanding that any paper or electronic filings to be considered by the Court must be in the official record of proceeding at the time the hearing is scheduled to be held. No additional filings will be accepted at the hearing if counsel does not appear in person, and the decision of the Court will be based on the documents in the record at the close of the hearing.
- 2) Any party appearing telephonically waives the right to object to admissibility of any document offered in Court on the sole basis that they are unable to examine the document.
- 3) If the Court is unable to reach counsel by telephone for the hearing, counsel will thereafter be required to appear in-person at any rescheduled hearing.

Individual Hearings: Witnesses at an individual hearing may appear telephonically without a motion for telephonic testimony. This permission is subject to the following caveats:

- 1) A copy of the witness' government issued identification is provided to the Court prior to the hearing.
- 2) A declaration by the proposed witness or a summary of the proffered testimony by way of an offer of proof executed by the proffering attorney is provided to the Court prior to the hearing.

**LIMITS ON FILINGS**

Email temporal limit: There is a three-month temporal filing limit on documents filed through email. The Court will reject documents filed via the temporary e-mail boxes if filed more than three months before the next hearing date or a court-ordered deadline ("call-up date"), whichever is earlier. Those wishing to file documents more than three months in advance may still do so; however, they must be sent to the court via the U.S. Postal Service or an overnight delivery service, not through the temporary e-mail box.

Documents rejected for not complying with the three-month temporal limit on filing may be filed by mail or through an overnight delivery service. Notwithstanding the three-month temporal limit on filings through email, parties are required to comply with all deadlines for filings, as specified in the Immigration Court Practice Manual, Chapter 3.1(b).

The subject of the email must contain the nature of the filing, the alien registration number, the date of the next hearing or any court-mandated deadline for the filing, and the initials of the immigration judge assigned to the case.

**Applications for asylum are exempt from the three-month temporal limit on filings through email and will be considered filed on the date of receipt for purposes of the one-year filing deadline.**

Limit on page numbers: For parties using a temporary email account to electronically file, supporting documentation/evidentiary filings are limited to fifty (50) pages in a particular case. If a party intends to file more than fifty (50) pages, the party must electronically file the Table of Contents and separately submit the supporting documentation/evidentiary filings with the original Table of Contents by using the U.S. mail or an overnight delivery service no later than the date set for filing the documents with the immigration court.

This order supersedes the general electronic filing instructions and Sacramento Immigration Court Standing Order 01-20.

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Loreto S. Geisse  
Immigration Judge

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David Neumeister  
Immigration Judge

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Print Maggard  
Immigration Judge

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Christopher Phan  
Immigration Judge

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Gilda Terrazas  
Immigration Judge

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Jonathan W. Hitesman  
Assistant Chief Immigration Judge