

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

DEC 26 2018

Stephan Harris, Clerk  
Cheyenne

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

IN THE MATTER OF THE  
LAPSE IN FEDERAL  
APPROPRIATIONS

General Order 2018-03

**GENERAL ORDER EFFECTIVE DURING  
LAPSE IN APPROPRIATIONS**

This matter comes before the Court *sua sponte* due to the lapse in appropriations currently impacting the Department of Justice and the United States Attorney's Office for the District of Wyoming.

1. As of midnight on December 21, 2018, funding for the Department of Justice expired and appropriations to the Department lapsed. Other executive agencies are also experiencing a lapse in appropriations.

2. Absent funding, Assistant U.S. Attorneys assigned to the Civil Division of the U.S. Attorney's Office may not lawfully provide uncompensated services on behalf of the Government.

An officer or employee of the United States Government . . . may not accept voluntary services . . . exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property . . . [T]he term "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

31 U.S.C. § 1342. As a result, as of December 26, 2018, Assistant U.S. Attorneys assigned to the Civil Division of the U.S. Attorney's Office will be in furlough status. Furlough means the placing of an employee in a temporary status without duties because

of lack of work or funds or other non-disciplinary reasons. 5 U.S.C. § 7511(a)(5). If the funding situation remains unchanged, some Assistant U.S. Attorneys may be called back from furlough status, but only on a critical need basis to protect life or property.

3. The United States Attorney has requested a stay of all civil cases within the District of Wyoming wherein the United States or an agency, corporation, officer or employee of the United States is a party until Congress restores appropriations to the Department of Justice. Further, the United States Attorney has requested that the Court extend all current deadlines commensurate with the duration of the lapse in appropriations.

4. Based on the number of cases involved, consulting all parties to all litigation in which the United States, or an agency, corporation, officer or employee of the United States is a party, is impracticable. Likewise, requesting individual extensions of time or stays in cases, at a time when U.S. Attorney's Office personnel may not lawfully work, is impracticable.

5. To preserve the status quo until restoration of funding, all civil cases within the District of Wyoming in which the United States or an agency, corporation, officer or employee (deemed or otherwise) of the United States is a party are stayed. Other than trial dates, which will be addressed on a case by case basis, all deadlines, due dates or cut-off dates are extended for a period of time commensurate with the duration of the lapse in appropriations.


6. Civil hearings involving the United States or an agency, corporation, officer or employee, deemed or otherwise, of the United States will be reset at a time after the lapse in appropriations.

7. This Order does not alter, vacate or stay any obligation of individuals to pay amounts previously lawfully determined to be owed to the United States or to an agency or office of the United States.

8. This Order does not prohibit, in any manner, the ability of parties to file claims or commence actions against the United States. However, the cases or matters commenced during a lapse in appropriations will be immediately stayed, pending restoration of appropriations. All deadlines, response dates, due dates or cut-off dates in such cases will be extended for a period of time commensurate with the duration of the lapse in appropriations.

9. The United States Attorney shall immediately notify the Court when Congress restores appropriations to the Department of Justice, and the Court shall enter additional instructions and guidance at that time.

IT IS SO ORDERED this 26<sup>th</sup> day of December, 2018.

  
HONORABLE SCOTT W. SKAVDAHL  
CHIEF UNITED STATES DISTRICT JUDGE  
DISTRICT OF WYOMING