

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

STANDING ORDER RE: PROCEDURE  
FOR TEMPORARY RELEASE  
REQUESTS UNDER  
18 U.S.C. § 3142(i) IN LIGHT OF  
COVID-19 CONCERNS

Magistrate Judge Brenda Weksler  
Effective March 22, 2020

This Court issues the following standing order (the “order”) in response to the COVID-19 pandemic. The order applies only to individuals for whom *this Court* has previously entered an order of detention.<sup>1</sup> In addition, the order applies *only* to individuals who argue a “compelling reason” exists which may merit temporary release under 18 U.S.C. § 3142(i). Given the need for this Court to compile a list of cases in which it has previously entered a detention order, it will, in the interim, send this order to the offices of the Federal Public Defender, the CJA attorney coordinator, the United States Attorney’s Office, and U.S. Pretrial Services.<sup>2</sup>

With these considerations in mind, the Court orders that any defendant who desires to seek temporary release under 18 U.S.C. § 3142(i) based on a “compelling reason” must adhere to the following requirements:

1. To the extent the motion will rely on an underlying medical condition, the request must provide detailed information regarding the relevant condition or conditions and the way in which COVID-19 could impact that individual’s health.
2. Any medical records in support of the motion must be filed under seal.
3. To the extent practicable, the Court will hold any such hearing by way of videoconference and request the presence of only those individuals whose presence is

---

<sup>1</sup> This order does not apply to defendants detained by other judges.

<sup>2</sup> If defense counsel did not receive a copy of this order prior to moving for relief, relief will not be denied solely for failure to comply with the terms of this order.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

deemed absolutely necessary. The motion should state whether the defendant waives personal presence at the hearing.

- 4. Copies of any motion to reopen must be provided to U.S. Pretrial Services by email.
- 5. The Court does not anticipate the need for U.S. Pretrial Services to prepare a revised report. A written summary setting forth its position and, to the extent applicable, the conditions for temporary release that the Court should consider will be deemed sufficient.
- 6. If a hearing is set, the Court will enter a minute order and advise U.S. Pretrial Services of the date and time of the hearing. The Court will accept U.S. Pretrial Services's written summary in lieu of participation at the hearing.

It is so ordered.

DATED: March 21, 2020.



---

BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE