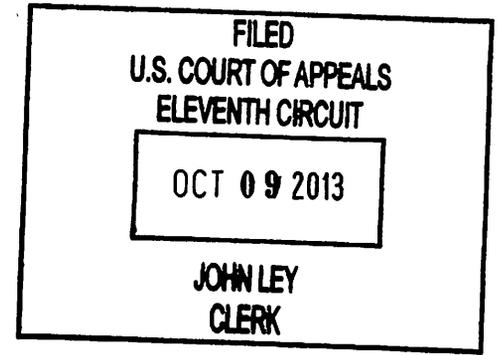


**U.S. COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**GENERAL ORDER NO. 40**



In the event that an appropriation bill or continuing resolution funding the operation of the United States Courts is not enacted into law and other funds are not made available by the Administrative Office of the United States Courts to fund the operation of the courts, this order shall take effect to enable this Court to fulfill its constitutional duty to continue to hear and resolve cases and its duty to conduct other activities authorized by law.

1. The decision of federal cases is mandated by the United States Constitution and is an essential part of the function of the government of the United States. All employees of the United States Court of Appeals for the Eleventh Circuit, and all of its ancillary units, including the Clerk's Office, Staff Attorney's Office, Circuit Executive's Office, Circuit Librarian's Office, Circuit Mediator's Office, and Bankruptcy Administrators are necessary and essential support for the exercise of the judicial power of this Court to hear and resolve cases, and to secure and preserve the records, property, and services essential to the continued operation of the Court during any short term lapse of funding of the judiciary. In the event of an extended lapse in funding for the judiciary, the level of necessary staff and

operations will be reviewed on a periodic basis and may be subject to further order.

2. The following factors support the determination that all current employees of this Court are essential to carrying out its duty to hear and resolve cases:
  - a. Between fiscal year 2010 and fiscal year 2013, the total number of personnel employed by this Court has decreased by approximately 10 percent. In addition, in fiscal year 2013, this Court was not able to fill approximately 14 percent of required employee positions. As a result of these developments, this Court currently employs only the minimum essential staff.
  - b. Between fiscal year 2010 and fiscal year 2013, this Court's annual budget has decreased by approximately 20 percent in appropriations for salary and operating expenses.
  - c. Only nine of the Court's twelve authorized active judgeships are currently filled.
  - d. For the year ending June 30, 2013, approximately 6400 total appeals were filed with this Court, and it terminated approximately 4200 appeals on the merits during the same period. As a result, this Court had the highest number of appeals filed per active judge and the highest number of merits terminations per active judge of any of the twelve circuit courts of appeal in the United States.

**3. It is therefore ORDERED that :**

- a. All employees of the United States Court of Appeals for the Eleventh Circuit and all ancillary units, as described in paragraph 1, are ordered to report to work for their regularly scheduled hours, and to continue all normal operations of the Court, except as set forth below.**
- b. Travel, except for court sessions and essential judge-related travel, shall be cancelled. All training activity and training-related travel shall be suspended.**
- c. No new personnel shall be hired and no new obligation of funds shall be incurred except for the limited obligations approved by the Court that are essential to support and maintain the continuing exercise of the judicial power of this Court to fulfill its constitutional duty to continue to hear and resolve cases and its duty to conduct activities otherwise authorized by law.**
- d. The General Services Administration, the Federal Protective Service, and the United States Marshals Service shall maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the Eleventh Circuit.**
- e. All United States Department of Justice attorneys and all attorneys representing federal agencies scheduled to appear before this Court for oral arguments are required to appear unless released by order of**

this Court in a specific case.

- f. Except as otherwise specifically provided in this order, all scheduled proceedings in this Court shall continue without interruption.

FOR THE COURT:

  
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Chief Judge

Date: October 9, 2013