

**IN THE UNITED STATES DISTRICT & BANKRUPTCY COURTS  
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:  
PLAN FOR CONTINUATION OF OPERATIONS  
DURING A LAPSE IN APPROPRIATIONS

26-MC-00004-4

**ADMINISTRATIVE ORDER**

Pursuant to Volume 13, Chapter 2, § 230.50 of the *Guide to Judiciary Policy*, this court adopts the following plan for operating during a lapse in appropriations for the Judiciary.

**Declaration of Policy.** In the event that an appropriation or a continuing resolution funding the operations of the United States Courts is not passed by the United States Congress and signed by the President, and after notification by the Administrative Office of the U.S. Courts that the Federal Judiciary must operate under the Anti-Deficiency Act, 31 U.S.C §§ 1341-1342, the following measures shall take effect until superseded by such appropriation or continuing resolution. Business conducted under the Act includes:

1. Activities necessary to the exercise of the judiciary's constitutional functions (i.e., resolution of cases in which there is a constitutional or statutory grant of jurisdiction);
2. Activities addressing emergency circumstances, such that the suspense of the function would threaten the safety of human life or the protection of property; and
3. Activities otherwise authorized by law, either expressly or by necessary implication, including:
  - a. Constitutional guarantees (e.g., the right to counsel under the Sixth Amendment);

- b. operating entitlement programs (e.g., Judicial Survivors Annuities System); and
- c. executing activities needed for an orderly shutdown of other official functions.

The dispensing of justice is mandated by the United States Constitution and is essential to our system of government. The resolution of cases and controversies is the only work and product of the federal courts. Accordingly, all employees of the United States District Court for the District of New Mexico, and of all associated court units including, but not limited to, the United States Bankruptcy Court, the United States Probation and Pretrial Services Office, the United States District Court Clerk's Office, and the United States Bankruptcy Court Clerk's Office are hereby deemed to be excepted to the extent they are performing activities that support the exercise of judicial powers.

**IT IS ORDERED** that all employees of the United States District Court for the District of New Mexico and all associated court units are to report to work for their regularly scheduled hours, and to continue all normal operations of the Court, except as set forth below:

1. All training activity shall be suspended.
2. No new personnel shall be hired without the consent of the Chief Judge of the appropriate court unit.
3. The General Services Administration, the Federal Protective Service and the United States Marshals Service are requested to maintain all functions necessary for the continued safe use of all United States Courthouse facilities in the District of New Mexico.
4. This Court will continue to hear and decide cases without disruption, accept new filings and process them in a timely manner, collect and deposit fees and costs to the Treasury, continue regular administration of the jury system, produce reports on bail or release, supervise persons on federal supervision, provide needed treatment services, and handle new cases or

existing cases as necessary to assist the court in implementing its orders and judgments.

5. The court unit executives of the District Court and each associated court unit will continue to assess the needs of their respective court units and have the discretion, in consultation with the chief judge of the appropriate court unit, to determine on an employee-by-employee basis that all or part of the activities of individual employees are not excepted.

This Order supersedes 25-mc-00004-27 Plan For Continuation Of Operations During a Lapse In Appropriations and shall take effect the 01 day of February 2026 and shall be in effect until an appropriation or a continuing resolution funding the operations of the United States Courts is passed by the United States Congress, and the Administrative Office of the U.S. Courts notifies the Federal Judiciary that it no longer must operate under the Anti-Deficiency Act, 31 U.S.C §§ 1341-1342.

FOR THE COURT:<sup>1</sup>

  
KENNETH J. GONZALES

CHIEF UNITED STATES DISTRICT JUDGE

  
ROBERT H. JACOBVITZ

CHIEF UNITED STATES BANKRUPTCY JUDGE

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<sup>1</sup> For the court, pursuant to Administrative Order Misc. No. 83-252.

<sup>2</sup> Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.

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### 1:26-mc-00004 Administrative Orders

#### U.S. District Court

#### United States District Court - District of New Mexico

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#### Docket Text:

**ADMINISTRATIVE ORDER: In the Matter of: Plan For Continuation Of Operations During A Lapse In Appropriations. (mre)**

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