

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

JON D. LEVY  
CHIEF JUDGE

156 FEDERAL STREET  
PORTLAND, MAINE 04101  
(207) 245-3200

October 19, 2023

**Re: Effect of a Lapse in Appropriations on Maine’s Federal Court**

To All Attorneys and Interested Members of the Public:

The Federal Judiciary is currently operating under a continuing budget resolution that will expire on November 18, 2023. If Congress does not adopt a new budget or another continuing resolution by then, the Federal Judiciary will experience a lapse in appropriations and the Judiciary’s ongoing operations will be subject to two phases.

**Phase 1**

Phase 1 will last while the Judiciary has remaining funds on hand to pay for its operations after a lapse in appropriations. During this phase, the Court will continue to conduct hearings, hold jury trials, process Criminal Justice Act (CJA) vouchers, pay employees, and undertake all normal operations. Recent estimates by the Administrative Office of the U.S. Courts indicate that the Federal Judiciary will have funds on hand to pay for operations for approximately two weeks. There will be no changes made to the Court’s operations during Phase 1.

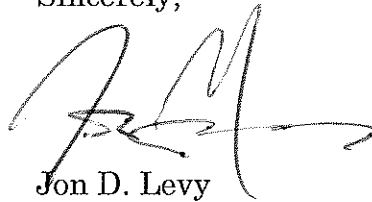
**Phase 2**

Phase 2 will begin once the Judiciary exhausts its funds on hand. To avoid a violation of the Anti-Deficiency Act, 31 U.S.C.A. §§ 1341-42, 1349-50, 1511-19 (West 2023), the Court is required to adopt a formal Shutdown Plan that limits court operations during Phase 2 to “excepted activities,” which primarily include activities “necessary to the exercise of the judiciary’s constitutional functions” and that address “emergency circumstances, such that the suspension of the function would threaten the safety of human life or the protection of property.” Admin. Off. of the U.S. Courts, Guide to Judiciary Pol’y, Vol. 13, Ch. 2, § 230.50.20(b)(1) and (2). Under these standards, we expect that the Court will continue to actively process all case types and will conduct case conferences, hearings, and trials. However, there may be delays based on staff and resource reductions.

Under a Shutdown Plan, the Court's employees will not receive their paychecks and, although we will strive to avoid the same, a limited number of furloughs may be required. The Clerk's Office in the Portland and Bangor federal courthouses will remain open and operational, as will CM/ECF and PACER. The Judges will continue to appoint federal defenders and CJA panel attorneys in criminal cases and authorize expert witnesses and other services. The payment of CJA vouchers will be suspended, however, during Phase 2.

The Judges and staff of the U.S. District Court for the District of Maine are committed to maintaining the Court's regular operations to the maximum possible extent during a shutdown. I will periodically issue open letters such as this to keep the members of the Bar and the public informed of our efforts and the status of our operations. Should you have questions about the District's operations, please contact Christa Berry, Clerk of Court, at [christa\\_berry@med.uscourts.gov](mailto:christa_berry@med.uscourts.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon D. Levy', with a stylized flourish extending to the right.

Jon D. Levy  
Chief U.S. District Judge