**UNITED STATES DISTRICT AND BANKRUPTCY COURTS**
**DISTRICT OF IDAHO**

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| **In Re:**<br><br>**COURT OPERATIONS IN PHASE II OF THE LAPSE IN APPROPRIATIONS** | **General Order No. 467** |

Whereas, the Judiciary entered Phase 2 of a lapse in appropriations on Monday, October 20, 2025, during this phase the Judiciary must limit operations to performing only *excepted* activities in compliance with the Antideficiency Act (31 U.S.C. §§ 1341–1342). No new financial obligations may be incurred except those necessary to (1) suspend operations in an orderly manner or (2) perform excepted work.

Whereas, on October 20, 2025, the Administrative Office of the United States Courts (AO) released guidance stating "[n]ow that the judiciary has entered Phase 2 of a lapse in appropriations, court units and federal public defender organizations may only perform 'excepted activities' until an appropriation is passed to avoid a violation of the Antideficiency Act." "Excepted activities" are defined as:

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.

(*Guide to Judiciary Policy,* Vol. 13, Ch. 2, § 230.50.20)

Whereas, the District of Idaho has reviewed the staff activities necessary to assist the judges as they accomplish the judiciary's constitutional functions, as well as those activities otherwise authorized by law, and determined that all staff activities either fall within the framework of assisting judges to accomplish constitutional functions or are authorized by law, and therefore, are excepted. However, we acknowledge that such a blanket designation is not authorized.[1]

[1] According to an October 20, 2025, AO Memo, "A blanket designation that all employees are 'excepted' is not permissible and may violate the Antideficiency Act."

Therefore, to reconcile the constitutional mission of the Courts with the language of the Antideficiency Act, and the guidance by the Administrative Office, the District will furlough Clerk's Office and Probation staff *one day per pay period* while in Phase II of the shutdown. One day represents approximately 10 percent of such employees' worktime during each pay period, which we estimate is spent on activities that are not excepted. This determination is made with the understanding that precise quantification of excepted activities performed by Clerk's Office and Probation employees is not possible. Further, this determination reflects the consolidated nature of the court and the fact that the District is operating at 81 percent of full staffing formula requirements. Such furloughs will be on a rotating basis, subject to the needs of the Courts. Chambers staff are assumed to be working on excepted activities pursuant to Article III, § 2 of the Constitution, but each judge will make their own determination on whether to furlough their staff. Below is a list of all positions that perform excepted activities and are subject to this General Order.

| CLERK'S OFFICE | CHAMBERS | PROBATION & PRETRIAL |
|---|---|---|
| Clerk of Court | Career Law Clerk | Chief U.S. Probation Officer |
| Chief Deputy Clerk | Term Law Clerk | Deputy Chief U.S. Probation Officer |
| Divisional Office Manager | Temporary Law Clerk | Data Quality Analyst |
| Administrative Analyst | Judicial Assistant | Systems Manager |
| Courtroom Services Supervisor | Pro Se Staff Attorney | IT Support Specialist |
| Courtroom Deputy | Court Reporter | Supervisory U.S. Probation Officer |
| Operations Manager | | U.S. Probation Officer |
| Operations Analyst | | Probation & Pretrial Services Administrative Assistant |
| Operations Specialist | | |
| Director of Finance* | | |
| Financial Specialist I/II* | | |
| Space and Procurement Administrator* | | |
| Jury Administrator | | |
| Jury Specialist | | |
| Human Resources Manager* | | |

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| Human Resources Specialist* | | |
| IT Director | | |
| IT Supervisor | | |
| IS Analyst | | |
| IT Support Specialist | | |
| Programmer Analyst | | |

*Positions that are shared between the Clerk's office and Probation.

IT IS SO ORDERED NUNC PRO TUNC to October 15, 2025.

DATED this 4th day of November, 2025.

David C. Nye
Chief District Judge

Noah G. Hillen
Chief Bankruptcy Judge