

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE: GENERAL ORDERS

26-MC-9004

**GENERAL ORDER 2026-02: APPOINTMENT OF INTERIM U.S. ATTORNEY
PURSUANT TO 28 U.S.C. § 546(d)**

The Court has the discretion and authority under federal statute to appoint an interim United States Attorney when the process entrusted to the Executive and Legislative Branches does not result in a nominated and confirmed U.S. Attorney. 28 U.S.C. § 546(d) (“If a[120-day interim] appointment expires . . . , the district court for such district may appoint a United States attorney to serve until the vacancy is filled.”). Congress imposed the term limit to prohibit the Executive from avoiding the Senate confirmation process by appointing an interim U.S. Attorney with an indefinite term.

The First Circuit has instructed us that the District Court has been given the authority to name an interim United States Attorney (1) to avoid a vacancy that undermines public confidence, (2) to preserve institutional integrity, respect for the judicial system and an effective adversarial process, and (3) to assure the skillful processing of cases in which the United States is a party. *United States v. Hilario*, 218 F.3d 19, 27-29 (1st Cir. 2000).

This Court has carefully considered its power to appoint an interim U.S. Attorney under these factors and concluded that, to continue the uninterrupted and orderly operation of the federal criminal justice system in Rhode Island, and to ensure the non-political professional operation of the U.S. Attorney’s office, at this time it will not exercise its option to make such an appointment.

The Court may reconsider this determination at any time should circumstances that underpin these values warrant.

IT IS SO ORDERED.

By the Court:

April 29, 2026

/s/ John J. McConnell Jr., Chief Judge