

August 03, 2021

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

JULIA C. DUDLEY, CLERK
BY: A. Seagle
DEPUTY CLERK

IN THE MATTER OF:

Standing Order No. 2021-16

**COURT OPERATIONS AND
AMENDMENT OF STANDING ORDER 2021-11**

In response to the surge of the Delta variant of the COVID-19 virus and increasing hospitalization rates in the Western District of Virginia, this court will follow the most recent guidance from the CDC and Virginia Department of Health to reduce the possibility of exposure to COVID-19 variants and to slow the spread of the disease.¹ Following the current guidance will require amendment of Standing Order 2021-11 entered May 24, 2021 and will require the wearing of masks in public and common spaces and resumption of social distancing practices within the courthouses in the Western District of Virginia.

Throughout the COVID-19 pandemic, the court's operations have been carried out in accordance with the guidance of the Administrative Office of the U.S. Courts, the CDC, the Governor of Virginia, Virginia Department of Health, and other local health authorities to help prevent the spread of the COVID-19 virus and protect the health and safety of everyone involved with court operations and court

¹ See CDC *Interim Public Health Recommendations for Fully Vaccinated People*, (July 27, 2021), available at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html/>, and VDH Dashboard (July 29, 2021), available at: <https://www.vdh.virginia.gov/coronavirus/covid-19-in-virginia-cases/>.

proceedings. On May 24, 2021, Standing Order No. 2021-11 was entered in response to the CDC's lifting of the requirements of mask wearing and social distancing protocols for fully vaccinated individuals. The new Standing Order lifted and modified the health and safety measures previously imposed. These measures specifically related to face coverings, social distancing, prohibiting courthouse entry, and enhanced cleaning of courtrooms.

Since the issuance of Standing Order 2021-11, pandemic conditions have worsened due to the spread of the Delta variant across the United States. The worsening conditions are taking place in this district. Approximately 99% of COVID-19 patients hospitalized are unvaccinated, and local health directors report break-through COVID infections in vaccinated individuals are related to the Delta variant.² Currently available case tracker data from the CDC reports the majority of counties within the Western District of Virginia are in the Substantial and High transmission and infection rates for the Delta variant.³ Based on the current data, the CDC and the Commonwealth of Virginia's public health organizations now recommend a resumption of protective measures for both vaccinated **and**

² Dr. Cynthia Morrow issued the following public statement on July 16, 2021:

"We can safely assume that delta is in every one of our jurisdictions. . . . A new dashboard on the Virginia Department of Health website indicates that of those with COVID-19, 99% of the cases, hospitalizations, deaths are in people who are not yet vaccinated."

https://roanoke.com/news/local/health-director-warns-of-rise-of-covid-19-cases-presence-of-delta-strain-in-roanoke/article_6e13dd94-e656-11eb-a1a1-6b121c9e3f2c.html

³ See CDC Data Tracker, <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>, last visited August 3, 2021.

unvaccinated persons. These measures include the wearing of face masks in public indoor settings, social distancing, and testing of those fully vaccinated people who have had a known exposure to someone with suspected or confirmed COVID-19.

The District's Pandemic Response Task Force met August 3, 2021 to discuss the current CDC COVID-19 data and guidance.⁴ All members were in favor of following current CDC guidance.

Accordingly, Standing Order 2021-11 is AMENDED, as follows:

1. **All persons** over the age of two years, seeking entry into the federal courthouses within the Western District of Virginia, **whether vaccinated or not**, including but not limited to:

Court employees; visitors and parties to cases; jurors; witnesses; attorneys and their support staff including United States Attorneys, members of the Federal Defender's Organization and members of the Criminal Justice Act Panel of Attorneys; United States Probation Officers; Court Security Officers; United States Marshals; all members of law enforcement, General Services Administration personnel including Goodwill employees; maintenance and repair personnel and contractors, cleaning services, vendors, and mail delivery service persons,

are required wear a mask or face covering while in public or common spaces inside the courthouse, unless having received specific exception by a Court

⁴ The Task Force, chaired by Judge Urbanski and Judge Ballou, is made up of representatives from: District and Bankruptcy Courts; Probation Office; Federal Public Defender's Office; United States Marshals Service; United States Attorney's Office; Federal Protective Service; Court Security Officers; and GSA. This Task Force has been meeting since March 2020 to discuss the district-wide impact of COVID-19 on each agency's staff and operations.

official, or unless being instructed to remove a mask by an Officer with the United States Marshals Service, the Federal Protective Service, or Court Security.

2. The public or common areas of the Courthouse shall include the entrance areas, lobbies, public corridors, elevators, restrooms, stairwells, garages, courtrooms, and any other areas of the Courthouse where the public generally has access.
3. The mask or face covering must completely cover the wearer's nose and mouth.
4. The presiding judge in any court proceeding may continue to exercise her or his discretion to authorize the removal of a mask during the proceeding and to implement social-distancing protocols as deemed appropriate for the proceeding.
5. Judges will determine the protocols regarding face masks and social distancing for her or his chambers and staff while those individuals are within chambers.
6. Court employees who have been vaccinated and who are within the secure and non-public office spaces are not required to wear a mask or face covering but may wear a mask based on individual preference.
7. Court employees who have not been vaccinated must wear a face mask within the secure and non-public spaces unless the individual is in a private

office or workspace where the six-foot-social-distancing protocol can be maintained.

8. The United States Marshals Service, the Federal Protective Service, and Court Security Officers may deny entry to the courthouse to persons not wearing a mask. Individuals who remove their masks or face coverings in violation of this Order after gaining access to the Courthouse may be required to exit the building.
9. These restrictions will remain in place until further Order of the court based upon emerging CDC data and guidance.
10. The portions of Standing Order 2020-14, including supplements thereto, Standing Order 2020-15, as supplemented, Standing Order 2021-4, Standing Order 2021-6, and Standing Order 2021-14 regarding the manner in which court proceedings will be handled, shall remain in effect.
11. This Order is effective immediately.

It is so **ORDERED**.

Entered, this 3rd day of August, 2021.



Michael F. Urbanski
Chief U.S. District
Judge
2021.08.03
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Michael F. Urbanski
Chief United States District Judge