

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER
NO. 2021-04-10**

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THIRTEENTH AMENDMENT OF ADMINISTRATIVE
ORDER 2020-26 AND FURTHER TEMPORARILY
SUSPENDING SOME IN-PERSON PROCEEDINGS

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The COVID-19 pandemic continues to impact the Eastern District of New York and the operations of this Court. Although vaccines are now widely available and significant portions of the populations in the counties comprising the District have received the vaccine, many people, including court employees, have not been vaccinated, and a significant percentage of vaccinated individuals now have waning immunity and are again susceptible to infection.¹ In addition, at the Metropolitan Detention Center in Brooklyn, where most of the District’s defendants are detained, it appears that almost half of the inmates have not been vaccinated,² and operational restrictions and limitations on the movement of detainees within the facility and to and from court remain in place and continue to constrain the court’s ability to conduct all criminal proceedings in-person. Further, cases have continued to rise in recent weeks, in part due to the presence of more transmissible variants, such as the Delta variant and the Omicron variant.³ Therefore, continued vigilance with mitigation strategies remains important, as does continued monitoring of the effectiveness of the vaccines and booster shots against current and future variants. After consultation with the Court’s epidemiologist and upon consideration of the foregoing circumstances, and balancing the need to assist in the preservation of public safety while effectively administering justice during a critical period in the COVID-19 pandemic, the

¹ Although 69.4% of New York State’s population is fully vaccinated, *see Vaccination Progress to Date*, Health.ny.gov, <https://coronavirus.health.ny.gov/vaccination-progress-date> (last visited Dec. 27, 2021), percentages in some of the counties in the District are lower, *see id.* (reflecting that 65.4% of the population in Kings County and 68.1% of the population in Richmond County are fully vaccinated).

² *MDC Brooklyn*, Fed. Bureau of Prisons, <https://www.bop.gov/locations/institutions/bro/> (last visited Dec. 27, 2021) (showing inmate population of 1,636); Report from the Bureau of Prisons Pursuant to Admin. Order 2020-14, at 1 & n.1 (Dec. 21, 2021), <https://www.nyed.uscourts.gov/covid-19> (stating that 925 inmates (56.5% percent) have been vaccinated as of December 21, 2021, not including inmates vaccinated at another institution or prior to incarceration).

³ *Tracking Coronavirus in New York: Latest Map and Case Count*, N.Y. Times, <https://www.nytimes.com/interactive/2021/us/new-york-covid-cases.html> (last updated Dec. 26, 2021) (reflecting increase from average of 6,691 new cases per day on December 1, 2021, to average of 25,769 new cases per day on December 25).

Court finds it necessary and advisable to further extend all provisions of Administrative Order 2020-26, as amended.

IT IS HEREBY ORDERED that all provisions of Administrative Order 2020-26, as amended by Administrative Orders 2020-26-1, 2021-04, and 2021-04-1, shall remain in effect through January 31, 2022.⁴

SO ORDERED:

Dated: December 27, 2021
Brooklyn, New York

s/ MKB

MARGO K. BRODIE
Chief United States District Judge

⁴ In-person proceedings that remain suspended pursuant to Administrative Order 2020-26, as amended, include all civil proceedings other than jury selections, trials, and bench trials, as well as arraignments, detention hearings, preliminary hearings, and pre-indictment proceedings.