

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER
NO. 2021-04-7**

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TENTH 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 at least one dose of a vaccine, many people, including court employees, have not been vaccinated, and a significant percentage of vaccinated individuals may soon have waning immunity and be 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 the majority of 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, particularly in areas with lower vaccination rates, in part due to the presence of more transmissible variants, such as the Delta variant.³ Therefore, continued vigilance with mitigation strategies remains important, as does continued monitoring of the effectiveness of the vaccines 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 Court finds it necessary and advisable to further extend all provisions of Administrative Order 2020-26, as amended.

¹ Although 63.4% of New York State’s population is fully vaccinated, *see COVID-19 Vaccine Tracker*, Health.ny.gov, <https://covid19vaccine.health.ny.gov/covid-19-vaccine-tracker> (last visited Sept. 28, 2021), percentages in some of the counties in the District are lower, *see id.* (reflecting that 55.6% of the population in Kings County and 59.0% 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 Sept. 28, 2021) (showing inmate population of 1,650); Report from the Bureau of Prisons Pursuant to Admin. Order 2020-14, at 1 & n.1 (Sept. 21, 2021), <https://www.nyed.uscourts.gov/covid-19> (stating that 726 inmates (less than fifty percent) have been vaccinated as of September 21, 2021, not including inmates vaccinated at another institution or prior to incarceration).

³ *COVID-19 Tracker*, Health.ny.gov, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-DailyTracker?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last visited Sept. 28, 2021).

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 October 31, 2021.⁴

SO ORDERED:

Dated: September 30, 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.