

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:  
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER  
NO. 2021-04-9**

-----X

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

-----X

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.<sup>1</sup> 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,<sup>2</sup> 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.<sup>3</sup> Therefore, continued vigilance with mitigation strategies remains important, as does continued monitoring of the effectiveness of the vaccines against current and future variants, such as the new Omicron variant. 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.

---

<sup>1</sup> Although 68.2% 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 Nov. 29, 2021), percentages in some of the counties in the District are lower, *see id.* (reflecting that 62.8% of the population in Kings County, 65.2% of the population in Richmond County, and 68.0% of the population in Suffolk County are fully vaccinated).

<sup>2</sup> *MDC Brooklyn*, Fed. Bureau of Prisons, <https://www.bop.gov/locations/institutions/bro/> (last visited Nov. 29, 2021) (showing inmate population of 1,595); Report from the Bureau of Prisons Pursuant to Admin. Order 2020-14, at 1 & n.1 (Nov. 23, 2021), <https://www.nyed.uscourts.gov/covid-19> (stating that 863 inmates (about 54% percent) have been vaccinated as of November 23, 2021, not including inmates vaccinated at another institution or prior to incarceration).

<sup>3</sup> *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 Nov. 29, 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 December 31, 2021.<sup>4</sup>

SO ORDERED:

Dated: November 29, 2021  
Brooklyn, New York

s/ MKB

---

MARGO K. BRODIE  
Chief United States District Judge

---

<sup>4</sup> 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.