

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER
NO. 2021-4**

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THIRD AMENDMENT OF ADMINISTRATIVE
ORDER 2020-26 AND FURTHER TEMPORARILY
SUSPENDING ALL IN-PERSON PROCEEDINGS

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The COVID-19 pandemic has had and continues to have an extraordinary impact on the Eastern District of New York and the operations of this Court. Although distribution of the COVID-19 vaccine has begun and the current vaccine likely gives at least partial immunity against current and future variants of the virus, many in this district and the surrounding metropolitan area, including court employees, have not been vaccinated. In addition, despite the best efforts of detention facilities to address the unique challenges associated with the conditions of confinement, incarcerated defendants remain at increased risk of exposure to the virus in these facilities, where the rate of infection is often higher than the community rate. Continued vigilance with mitigation strategies therefore remains important, as does continued monitoring of the effectiveness of the vaccines. 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 by Administrative Order 2020-26-1, except that Paragraphs 3 and 5 of Administrative Order 2020-26, as amended, are further amended as follows:

3. **Grand Jury Selections:** The selections of new grand juries and replacement grand jurors may be held in-person, subject to modification should conditions change. Currently empaneled grand juries may continue to convene unless otherwise directed by further order of the Court. All grand jury selections and sessions must be conducted utilizing all health and safety precautions adopted by the Court.

5. **Criminal Proceedings Other Than Trials:** To the maximum extent possible, criminal hearings, conferences, sentencing, and change of plea hearings should be conducted remotely pursuant to the CARES Act and Administrative Order No. 2020-13-3. However, such proceedings of non-incarcerated defendants may be held in person, subject to modification should conditions change. For in court proceedings, all persons present must wear masks at all times, observe proper social distancing, and adhere to all other health and safety measures adopted by the Court. However, no hearing or other proceeding in any courthouse shall take place with more than 25 people present in the same

courtroom,¹ including the presiding judge, court staff, case participants, and members of the public, absent prior consultation with the Chief Judge.

All other provisions of Administrative Order 2020-26, as amended by Administrative Orders 2020-26-1, shall remain in effect through March 26, 2021.

SO ORDERED:

Dated: February 27, 2021
Brooklyn, New York

/S

MARGO K. BRODIE
Chief United States District Judge

¹ This limit is also subject to the occupancy limit with social distancing of the particular courtroom being used, recognizing that the only courtrooms that can accommodate up to 25 people with proper social distancing are located in the Celler and D'Amato Courthouses.