

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER
NO. 2022-09**

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EIGHTEENTH 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 have not been boosted, 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, many 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, although the recent surge in cases due to the Omicron variant has subsided, cases are rising again due to new Omicron subvariants,³ and 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 77.4% 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 May 30, 2022), percentages of the eligible population with boosters are lower, *see id.* (reflecting that 50.5% of the population in Kings County, 57.6% of the population in Nassau County, 51.6% of the population in Queens County, 47.9% of the population in Richmond County, and 54.3% of the population in Suffolk County are boosted).

² *MDC Brooklyn*, Fed. Bureau of Prisons, <https://www.bop.gov/locations/institutions/bro/> (last visited May 30, 2022) (showing inmate population of 1,720); Report from the Bureau of Prisons Pursuant to Admin. Order 2020-14, at 1 & n.1 (May 17, 2022), <https://www.nyed.uscourts.gov/covid-19> (stating that 1,218 inmates (70.8% percent) have been vaccinated as of May 17, 2022, 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 May 30, 2022) (reflecting increase from average of 1,639 new cases per day on March 14, 2022, to average of 8,705 new cases per day on May 29, 2022).

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 June 30, 2022.⁴

SO ORDERED:

Dated: May 30, 2022
Brooklyn, New York

s/ MKB

MARGO K. BRODIE
Chief United States District Judge

⁴ Pursuant to Administrative Order 2020-26, as amended by Administrative Orders 2020-26-1, 2021-04, and 2021-04-1, and as recently extended by Administrative Order 2022-07, and for the reasons stated therein, this Court has suspended through May 31, 2022, in-person proceedings other than criminal and civil jury selections, trials, and bench trials; the selections of new grand juries and replacement grand jurors; and criminal hearings, conferences, sentencings, and change of plea hearings. In-person proceedings that remain suspended pursuant to Administrative Order 2020-26, as amended, include all civil proceedings other than those mentioned. The Court resumed in-person arraignments, detention hearings, preliminary hearings, and pre-indictment proceedings on March 14, 2022.