UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE: **ADMINISTRATIVE ORDER**
CORONAVIRUS/COVID-19 PANDEMIC   **NO. 2022-19**
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TWENTY-FIRST 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. Vaccines are now widely available and significant portions of the populations in the counties comprising the District have received the vaccine. However, 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, 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, the community risk rate in Kings County, Nassau County, and Suffolk County is "medium," the community risk rate in Queens County and Richmond County is "high,"[2] and the number of new cases in New York each day continues to be high.[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 Court finds it necessary and advisable to further extend most of the provisions of Administrative Order 2020-26, as amended by Administrative Orders 2020-26-1, 2021-04, and 2021-04-1, except that Paragraphs 4 and 5 of Administrative Order 2020-26, as amended, are further amended as follows:

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      [1] Although 78.4% 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 Aug. 27, 2022), percentages of the eligible population with boosters are lower, *see id.* (reflecting that 48.3% of the population in Kings County, 55.8% of the population in Nassau County, 49.6% of the population in Queens County, 45.9% of the population in Richmond County, and 52.7% of the population in Suffolk County are boosted).

      [2] *COVID-19 Integrated County View*, Ctrs. for Disease Control (last visited Aug. 27, 2022), https://covid.cdc.gov/covid-data-tracker/#county-view.

      [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 Aug. 27, 2022) (reflecting 4,961 new cases on August 26, 2022).

1.   Civil Proceedings: All civil proceedings may be conducted in-person, subject to modification should conditions change. All civil proceedings must be conducted utilizing all health and safety precautions adopted by the Court.

2.   Criminal Proceedings Other Than Trials: To the maximum extent possible, criminal hearings, conferences, sentencings, and change of plea hearings should be conducted in person. However, such proceedings may be held remotely pursuant to the CARES Act and Administrative Order No. 2020-13-3, subject to modification should conditions change.

3.   For in-court proceedings, all persons present must wear masks at all times, except that witnesses and attorneys may unmask when addressing the jury, and adhere to all other health and safety measures adopted by the Court.

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 September 30, 2022.

SO ORDERED:

Dated: August 31, 2022
       Brooklyn, New York

                                             s/ MKB

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                                             MARGO K. BRODIE
                                             Chief United States District Judge