

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

FILED
CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: *May 14, 2021, 5:03 pm*

IN RE:)
) SO-21-08
)
Comprehensive Order Regarding Current)
Court Operations Under the Exigent) Chief District Judge
Circumstances Created by COVID-19) Travis R. McDonough
)
)

ORDER

This Standing Order supersedes the prior orders issued by the Court in response to the exigent circumstances created by the COVID-19 pandemic, specifically:

- Standing Order 20-06, dated March 16, 2020, addressing Court operations during the COVID-19 pandemic, as amended by Standing Orders 20-11 (April 15, 2020), 20-12 (April 27, 2020), 20-13 (May 29, 2020), and 21-07 (March 16, 2021);
- Standing Order 20-07, dated March 25, 2020, addressing interim compensation for CJA Panel attorneys during the COVID-19 pandemic;
- Standing Order 20-09, dated April 1, 2020, addressing the suspension of grand jury proceedings during the COVID-19 pandemic, as amended by Standing Order 20-12 (April 27, 2021);
- Standing Order 20-10, dated April 15, 2020, and Standing Order 20-19, dated November 16, 2020, addressing visitor restrictions and courtroom access during the COVID-19 pandemic; and
- Standing Order 20-15, dated July 21, 2020, addressing the suspension of naturalization ceremonies during the COVID-19 pandemic.

This Standing Order shall control all aspects of the Court's response to the COVID-19 pandemic moving forward with the exception that any further extension of the authorization for video and audio teleconferencing pursuant to The CARES Act¹ shall be handled by separate order.

Current COVID-19 Conditions Within District

The Court notes the continued favorable national and local trends in both the daily COVID-19 infection rates and test-positivity rates from the extremely high rates experienced in the prior months. The Court also notes the increasing number of individuals receiving COVID-19 vaccinations throughout the United States and that all individuals above age sixteen are now eligible to receive the vaccine.

While the decline in new case numbers and increases in vaccination administration are extremely significant and positive developments in the progress against COVID-19, the daily new case numbers and test positivity rates remain at a level that indicates COVID-19 continues to spread within the Eastern District of Tennessee. Additionally, as of April 21, 2021, only 21.9% of individuals who reside in the state of Tennessee are fully vaccinated.²

Accordingly, the Court finds that certain restrictions are still necessary to reduce the possibility of exposure to the virus and to continue to slow the disease.

Therefore, it is ORDERED, effective immediately:

¹ See SO-20-08 (Mar. 30, 2020), <https://www.tned.uscourts.gov/sites/tned/files/SO-20-08.pdf>, authorizing video and teleconferencing during COVID-19 pursuant to the CARES Act, extended by SO-20-14 (June 22, 2020), SO-20-17 (Sep. 23, 2020), and SO-21-07 (Mar. 16, 2021). Pursuant to SO-21-07, available at <https://www.tned.uscourts.gov/sites/tned/files/SO-21-07.pdf>, the authorization for video and teleconferencing is set to expire by June 23, 2021, at the latest.

² See CDC Tennessee COVID-19 Vaccination Reporting (Apr. 21, 2021, 11:53 AM), <https://www.tn.gov/health/cedep/ncov/COVID-19-vaccine-information.html>.

Clerk's Office Intake Counter

The Court will remain open for business, subject to the limitations in this Order. Staff in the Clerk's Office will be available by telephone, mail will be received, and intake desks will remain open for filings. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

Visitor Restrictions to Courthouse Buildings

Visitors may not enter any court in the Eastern District of Tennessee if, within the last fourteen days, they have:

1. Been advised to self-quarantine by a doctor, hospital, or health agency;
2. Been diagnosed with COVID-19 or told to presume they have COVID-19 by a health professional;
3. Had contact with anyone who has been diagnosed with COVID-19 or told to presume they have COVID-19 by a health professional, unless the diagnosis was more than fourteen days ago and the person diagnosed has been symptom-free for the past seventy-two hours or the exposed visitor has been diagnosed with and recovered from COVID-19 in the last ninety days or has been fully vaccinated;³
4. Had cough, shortness of breath, fever of 100.4 or higher, chills, muscle pain, headache, sore throat, loss of taste or smell, or extreme fatigue, unless the symptoms are attributable to another known condition; or
5. Have been released from a federal, state, or local jail, prison, or other correctional institution, except those who are reporting to be fitted with a location monitoring device or those under halfway house supervision.

³ An individual is considered fully vaccinated two weeks after the second dose in a two-dose series or two weeks after a single-dose vaccine.

Any visitor attempting to enter in violation of these protocols will be denied entry by a Court Security Officer.

Any visitor who has business in one of the courthouses of the Eastern District of Tennessee, but who cannot enter because of these restrictions, should do the following:

1. Visitors who are represented should contact their attorney immediately upon being denied entrance.
2. Attorneys or pro se litigants who are scheduled to appear in court before a judge should contact the judge's chambers directly. Contact information is available on the Court's website.
3. Visitors who are scheduled to meet with a Probation Officer should contact the Probation Office at (423) 638-8121 for Greeneville, (423) 752-5193 for Chattanooga, and (865) 545-4001 for Knoxville.
4. Jurors should call (423) 639-3105 for Greeneville, (423) 752-5200 for Chattanooga, and (865) 545-4228 for Knoxville.
5. Visitors having any other business with the Court should contact the Clerk's Office at (423) 639-3105 for Greeneville, (423) 752-5200 for Chattanooga and Winchester, and (865) 545-4228 for Knoxville.
6. Visitors having business with the United States Bankruptcy Court for the Eastern District of Tennessee should contact the Bankruptcy Clerk's Office at (423) 787-0113 for Greeneville, (423) 752-5163 for Chattanooga and Winchester, and (865) 545-4279 for Knoxville.

All visitors who come to one of the courthouses of the Eastern District of Tennessee for any reason must pass through the following entry screening process:

1. Have their temperature taken, using a contactless temperature scanner. Any visitor with a temperature of 100.4 degrees or higher will not be permitted to enter the courthouse.
2. Wear a mask that:
 - Is made with at least two layers of breathable material;
 - Fully covers the person's nose and mouth and is secure under the chin;
 - Fits snugly but comfortably against the side of the face; and
 - Is secured with ties or ear loops. (Face shields, neck gaiters, open-chin triangle bandanas and face coverings containing valves, mesh material or holes of any kind are not permitted).

Masks will be available for anyone not wearing a mask compliant with this order.

3. Apply hand sanitizer, which will be available at all courthouse entrances.

While in the courthouse, all visitors must comply with the following rules:

1. Visitors must wear a mask compliant with this order in all public areas of the courthouse (including hallways, public counters, elevators, restrooms, and courtrooms), unless specifically permitted by the presiding judge in a courtroom.
2. Visitors must adhere to safe social-distancing rules, by standing or sitting at least six feet away from other individuals. Visitors must abide by markings on floors and benches indicating where they may stand or sit. If visitors are standing in line, they must keep six feet away from the person in front of them and behind them, unless they are taking care of a small child or assisting someone with special needs.

3. Visitors must abide by all health and hygiene signage throughout the courthouses, including signage regarding masks, social distancing, occupancy restrictions, and hand washing.

Any visitor who fails or refuses to abide by these rules will be required to leave the courthouse immediately.

Courtroom Access

Prior to personally appearing in Court, parties and counsel are encouraged to report to the Court any concerns they have about health issues or relevant symptoms so that the Court can make informed decisions in the interest of justice and in the interest of the public's health.

The presiding judge will determine who may attend in-person hearings and the number of individuals who may be allowed in the courtroom at any one time. The presiding judge shall also determine what social-distancing practices and use of protective equipment will be required while present in the courtroom. The requirements of each judge will be made available on the Court's public website.⁴

Grand Jury and Jury Trials

Grand juries will convene as directed by the Court. Jury trials will be held as directed by the Court. The Court will continue to implement social-distancing and safety precautions to protect jurors for as long as necessary.

Speedy Trial Act

Speedy-trial issues will be considered by the presiding judge on an individual case-by-case basis pursuant to 18 U.S.C. § 3161.

⁴ <https://www.tned.uscourts.gov/>

Video and Teleconferencing

When it will promote the health and safety of participants, civil and criminal matters shall continue to be held via telephone or video conferencing as ordered by the presiding judge. If a matter is held via telephone or video conferencing, all participants shall attend remotely unless otherwise ordered.

All hearings held by video or teleconference will be accessible to the public unless sealed. Call-in information for the public or media will be listed on the Court's public calendar, available on the Court's public website.⁵ Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. *See* Fed. R. Crim. P. 53 and E.D. Tenn. L.R. 83.1(d).

Naturalization Ceremonies

Naturalization ceremonies shall be suspended through July 31, 2021. During this period of suspension, the Attorney General of the United States, acting through the United States Citizenship and Immigration Services, may administer the Oath of Allegiance to all applicants for naturalizations residing in the Eastern District of Tennessee. *See* 8 U.S.C. § 1421.

The Court anticipates that naturalization ceremonies will resume after July 31, 2021, assuming that the COVID-19 infection rate continues to decrease in this district.

CVB Docket

Misdemeanor, traffic, and petty offense dockets (also known as CVB docket) will continue to be held in all Divisions of this Court as scheduled in each division.

⁵ The Court's public calendar is available at <https://www.tned.uscourts.gov/district-calendar>.

Other Non-Essential Judicial Activities

The Court anticipates that non-essential judicial activities, such as courthouse tours, attorney admissions ceremonies, outreach activities, and other public events will resume after July 31, 2021, assuming that the COVID-19 infection rate continues to decline in this district.

CJA Panel Interim Compensation

To relieve the financial burden placed on CJA Panel Attorneys due to the disruptions to jury trials and in-person hearings occurring during the COVID-19 pandemic, the Court authorizes CJA Panel Attorneys to submit interim vouchers for compensation, without prior Court approval, so long as the interim voucher exceeds \$500 and is not submitted within two months of the prior interim voucher in the same matter. The Court shall enter an order rescinding this authorization once Court operations return to normal.

SO ORDERED.



**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**