

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

FILED
CLERK'S OFFICE
United States District Court
Eastern District of Tennessee
Date: **Dec 29, 2021, 3:40 pm**

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

STANDING ORDER

This Order hereby supersedes Standing Order 21-14, dated September 30, 2021. 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 that, following a drop in infection rates both nationally and locally in the months of September and October, there has been an uptick in cases since the beginning of November.² According to the CDC, the rate of community transmission remains "high" in all counties in this district.³ Of particular concern is the recent emergence of the B.1.1.529 variant,

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), SO-21-07 (Mar. 16, 2021), SO-21-11 (Jun. 23, 2021); SO-21-13 (Sep. 21, 2021); and SO-21-17 (Dec. 14, 2021). Pursuant to SO-21-17, available at <https://www.tned.uscourts.gov/sites/tned/files/SO-21-17.pdf>, the authorization for video and teleconferencing is set to expire by March 18, 2022, at the latest.

² See Tenn. Dept. of Health, EpiCurves, <https://www.tn.gov/health/cedep/ncov/data/epi-curves.html> (Dec. 29, 2021, 11:09 a.m.)

³ See CDC COVID Data Tracker, <https://covid.cdc.gov/covid-data-tracker/#county-view> (Dec. 29, 2021, 12:34 p.m.).

known as the Omicron variant, which has now been detected in Tennessee.⁴ Currently, approximately 51% of Tennesseans are fully vaccinated, which is 10% lower than the national average.⁵

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:

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

For the purposes of this order, "visitors" are any individuals entering any courthouse building in the Eastern District of Tennessee who are not tenants or employees of any of the tenants in any of the courthouse buildings in the district. Visitors may not enter any courthouse building 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;

⁴ See Omicron Variant: What You Need to Know, <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html> (Dec. 14, 2021, 5:19 p.m.).

⁵ See CDC COVID Data Tracker, https://covid.cdc.gov/covid-data-tracker/#vaccinations_vacc-people-fully-percent-total (Dec. 29, 2021, 12:37 p.m.)

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;⁶
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.

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.

⁶ 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.

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.

Upon entering one of the courthouses in the Eastern District of Tennessee, **all visitors must wear a mask regardless of vaccination status** in bankruptcy court, district court, and probation and pretrial services spaces. Court Security Officers shall ask visitors their destination.⁷ If the visitor is on the way to any of those three spaces, the visitor will be directed to wear a mask regardless of vaccination status. Disposable masks will be available for the visitor's use if the visitor does not have one.

In all other areas, pursuant to guidance released by the CDC on July 27, 2021,⁸ all visitors, **regardless of vaccination status**, must wear a mask compliant with this order in all

⁷ Individual agencies shall make their own rules for visitors to their spaces and shall post signage or otherwise inform their visitors of those rules.

⁸ CDC, When You've Been Fully Vaccinated (December 29, 2021, 12:40 p.m.), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

shared public areas of the courthouse (including hallways, public counters, elevators, and restrooms) when the county within which the courthouse is located is experiencing substantial or high community transmission of COVID-19 as defined by the CDC.⁹ The Court will notify the Court Security Officers when this restriction applies to a particular courthouse in the district.

When required by this order to wear a mask, the mask must:

- Be made with at least two layers of breathable material;
- Fully cover the person's nose and mouth and is secure under the chin;
- Fit snugly but comfortably against the side of the face; and
- Be 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.

When entering any one of the courthouses in the Eastern District of Tennessee for any reason, all visitors must also 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.¹⁰

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

⁹ See CDC COVID Data Tracker, <https://covid.cdc.gov/covid-data-tracker/#county-view> (Dec. 29, 2021, 12:34 p.m.).

¹⁰ In the Howard J. Baker, Jr. United States Courthouse in Knoxville, only the rotunda entrance will require temperature screening.

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 continue to be available on the Court's public website.¹¹

Grand Jury and Jury Trials

Grand juries will convene as directed by the Court. Jury trials will be held as directed by the presiding judge. The Court will continue to implement social-distancing and safety precautions to protect jurors for as long as necessary, which may include requiring vaccinated jurors to wear masks while in the courthouse.

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.

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.

¹¹ https://www.tned.uscourts.gov/sites/tned/files/covid_trials_2021.pdf.

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.¹² 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, E.D. Tenn. L.R. 83.1(d), and E.D. Tenn. LBR 5073-1.

Naturalization Ceremonies

Naturalization ceremonies shall be suspended through March 31, 2022. 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 March 31, 2022, assuming that circumstances improve prior to that date.

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. The Court will continue to implement social-distancing and safety precautions to protect CVB docket attendees for as long as necessary, which may include requiring vaccinated attendees to wear masks during CVB dockets.

¹² The Court's public calendar is available at <https://www.tned.uscourts.gov/district-calendar>.

Other Non-Essential Judicial Activities

The Court anticipates that all non-essential judicial activities, such as courthouse tours, attorney admissions ceremonies, outreach activities, and other public events will resume after March 31, 2022, assuming that circumstances improve prior to that date.

SO ORDERED.



TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE