

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Miscellaneous Case No. 2:20-mc-00052



IN RE: **FACE COVERINGS or MASKS**
in COURTHOUSES
in the SOUTHERN DISTRICT OF WEST VIRGINIA

GENERAL ORDER #14

On August 2, 2021, the Court entered General Order #13, which imposed a mask or face covering requirement for all persons seeking entry to courthouses in the Southern District of West Virginia, in response to the presence of the COVID-19 Delta variant and guidance by the Centers for Disease Control and Prevention (CDC). The mask requirement has been in place since that time, including during the recent outbreak of the Omicron variant. Throughout the pandemic, the Court has followed the guidance of public health officials when choosing how best to implement layered safety standards while fulfilling its responsibility to continue court operations in a manner that protects all participants.

The CDC recently established a new method¹ for evaluating risk levels on a county-by-county basis as determined by locality-specific factors. The CDC's

¹ Centers for Disease Control and Prevention: "COVID-19 Community Levels" <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html> (Last Visited March 24, 2022).

three-tiered system assigns a Low, Medium, or High “COVID-19 Community Level” to each locality and recommends universal indoor masking only in localities with a High Community Level. As of the date of this General Order, all the courthouses in the Southern District of West Virginia are in areas where local conditions are located in areas that fall into the CDC’s Low Community Level category. This assessment is consistent with information maintained² by state public health authorities, which indicate a sustained downward trend in daily cases and hospitalizations over the past several weeks.

Based on the CDC’s updated COVID-19 Community Level standard, and the CDC’s associated recommendations for preventative steps, IT IS ORDERED, effective immediately, that the **requirement that masks be worn in all common areas of the courthouses is suspended** in all four of its Divisions. Individuals may, of course, elect to wear a mask in Court facilities based upon their own personal preference and risk tolerance.

The suspension of the Districtwide mask requirement does **not** preclude a presiding judge—including a judge presiding over a grand jury proceeding— from requiring masks in their own courtroom and related spaces should the judge determine that such safety measures are appropriate based on the number of people present, the courtroom layout, current community conditions, the medical risk factors or vaccination status of those who appear (including witnesses and litigants compelled to appear), or other relevant factors. For example, presiding judges may

² West Virginia Department of Health and Human Resources: “West Virginia COVID-19 Dashboard” <https://dhhr.wv.gov/COVID-19/Pages/default.aspx> (Last Visited March 24, 2022).

require masks during the jury assembly and selection process to ensure that the large number of prospective jurors compelled to appear and participate in a congregate setting feel safe and comfortable. Individual judges may also, of course, elect to maintain mask requirements for their chambers.

All Court employees and Courthouse users should be aware that mask requirements may be reinstated if local metrics move a Courthouse into the “High” Community Level category or if pandemic conditions worsen and renewed safety precautions are warranted. Although the mask requirement is suspended in all Divisions regardless of vaccination status, employees and Courthouse users are reminded that the CDC strongly encourages all persons, including those living and working on Low Community Level areas, to stay up to date with their vaccines and vaccine boosters.

Should conditions in a county where one of our Courthouses is located worsen to the point where that county falls into the CDC’s High Community Level category, the Chief Judge may: (1) address the matter by issuing a General Order reinstating a mask requirement; or (2) upon consultation with the Judges involved, elect instead to post Division-specific signs at Courthouse entrances and notify all local employees that masks will be temporarily required in the impacted Division. If this General Order conflicts with posted signs establishing Courthouse entry requirements, the posted entry requirements will control; and it is further

ORDERED that the courthouse entry restrictions set forth in General Order #2 remain in full force and effect, and it is finally

ORDERED that the United States Marshal, his Deputies, and the Court Security Officers shall enforce this order.

SO ORDERED this 25th day of March, 2022.



THOMAS E. JOHNSTON, CHIEF JUDGE