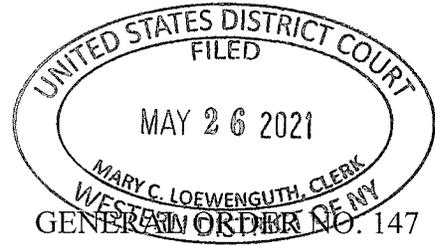


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FACE MASKS/COVERINGS DURING  
COVID-19 PANDEMIC



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WHEREAS, the Court continues to evaluate its response to the spread of COVID-19 and recognizes the need to assist in the preservation of public safety and health while effectively administering justice during this period of national emergency;

WHEREAS, General Order No. 146, dated April 23, 2021, requires, among other things, that visitors to courthouses wear a mask or face covering;

WHEREAS, on May 13, 2021, the Centers for Disease Control (“CDC”) issued new guidance indicating that fully vaccinated individuals do not need to wear masks or face coverings in most indoor settings;

WHEREAS, on May 17, 2021, the Governor of the State of New York adopted these new guidelines to allow fully vaccinated individuals to remove their masks/face coverings and stop social distancing in most public settings, effective May 19, 2021;

WHEREAS, the United States Office of Management and Budget has informed federal agencies that fully vaccinated individuals no longer need to wear masks/face coverings within federal buildings;

NOW, THEREFORE, to continue to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, vendors, contractors, and the general public, and in the spirit of the guidance issued by the CDC and the Governor of the State of New York, the section entitled “Visitor Restrictions” in General Order No. 146 is **HEREBY VACATED AND AMENDED AS FOLLOWS:**

IT IS **HEREBY ORDERED** that the following persons shall not enter any United States courthouse in the Western District of New York:

1. Persons asked or required by any doctor, hospital, health agency, or state to self-quarantine or isolate;
2. Persons who have been diagnosed with COVID-19 who are not fully recovered;
3. Unvaccinated persons who have had close contact—defined as personal contact between two or more unmasked persons for a period of 15 minutes or more—with anyone who has been diagnosed with COVID-19 in the preceding ten (10) days; or
4. Persons who are ill or who are suffering from a fever, cough, or shortness of breath;

IT IS FURTHER ORDERED that court security staff or the United States Marshals Service shall inquire of all persons seeking entry to any courthouse whether they meet any of the above criteria for restricting visitors, and if so, deny their entry;

IT IS FURTHER ORDERED that all visitors entering either courthouse must submit to a temperature scan to detect a fever and court security staff or the United States Marshals Service may deny entry to any person who registers a fever or who refuses to submit to such temperature scan;

IT IS FURTHER ORDERED that court security staff or the United States Marshals Service may also deny entry to the courthouse to any person considered a risk of carrying COVID-19;

IT IS FURTHER ORDERED that fully vaccinated individuals<sup>1</sup> entering any United States Courthouse in the Western District of New York are no longer required to wear a mask or face covering in common areas of the courthouse;

IT IS FURTHER ORDERED that unvaccinated visitors to the Court, including vendors, contractors, litigants, attorneys, and other members of the public, shall be required to wear a mask/face covering when in common areas of the courthouse. Masks/face coverings shall cover

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<sup>1</sup> Individuals are considered fully vaccinated for COVID-19 two weeks after they have received their second dose in a two-dose series or two weeks after they have received a single-dose vaccine.

the nose and mouth and fit snugly against the sides without gaps. While medical masks and N-95 respirators meet these requirements, bandanas and “gators” do not;

IT IS FURTHER ORDERED that signs will be posted at the entrance of each courthouse notifying all visitors of the requirement for unvaccinated individuals to wear masks/face coverings while in common areas of the courthouse;

IT IS FURTHER ORDERED that the court security staff or United States Marshal Service shall inquire as to the vaccination status of all visitors;

IT IS FURTHER ORDERED that all visitors shall present a valid proof of vaccination upon entry to the courthouse. For New York residents, valid proof of vaccination is a CDC COVID-19 Vaccination Record Card or Excelsior Pass. For non-New York residents, valid proof of vaccination is a CDC COVID-19 Vaccination Record Card or a pass similar to the Excelsior Pass from their home state. Vaccinated individuals will be provided with a wristband upon entry into the courthouse that they shall wear while inside the courthouse. Individuals unwilling or unable to provide proof of vaccination or individuals who refuse to wear a wristband shall abide by the rules contained in this General Order applicable to unvaccinated persons;

IT IS FURTHER ORDERED that policies regarding masks/face coverings and social distancing in a courtroom, jury room, or chambers area shall be determined by the presiding judicial officer, provided, however, that unvaccinated individuals shall continue to wear appropriate masks/face coverings and social distance in all common areas of the courthouse;

IT IS FURTHER ORDERED that policies regarding masks/face coverings and social distancing within the internal space of an agency or court unit shall be determined by the agency or court unit occupying that space;

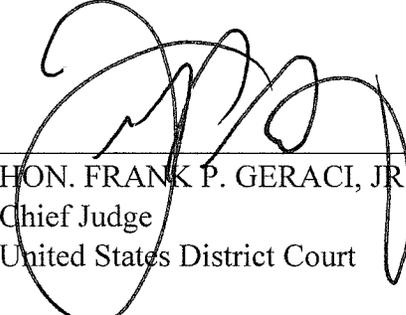
IT IS FURTHER ORDERED that any person who fails to abide by this Order may be removed from the courthouse by court security staff or the United States Marshals Service;

IT IS FURTHER ORDERED that this General Order, which amends only the “Visitor Restrictions” section of General Order No. 146, is effective June 1, 2021;

IT IS FURTHER ORDERED that all other sections of General Order No. 146 remain in effect.

IT IS SO ORDERED.

Dated: May 26, 2021  
Rochester, New York



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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court