



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN RE:

COMPLIANCE WITH CDC MASKING
GUIDANCE IN EASTERN DISTRICT OF
CALIFORNIA FEDERAL COURTHOUSES

GENERAL ORDER NO. 648

This court previously issued General Order No. 634 on August 5, 2021. General Order No. 634 stated: “(I)f CDC and Local Guidance changes, for example to provide that face coverings are no longer required for some or all persons, these Courthouses shall at the time of any change follow the modified CDC and Local Guidance, without further order of this court.”

The CDC has now adopted a new, three-tiered approach to face-covering guidance that depends not just on the level of COVID-19 community transmission in a particular county but also on COVID-19 related hospitalizations, deaths, and hospital capacity. This new standard, which differs substantially from the standard contemplated by General Order No. 634, is called COVID-19 Community Level. It provides that masks are not required to be worn in Federal Agency Facilities located in areas characterized by CDC as having a “Low” or “Medium” COVID-19 Community Level, unless a locality imposes more protective pandemic-related safety requirements, in which case those requirements should be followed. While masks are now only required to be worn in Federal Agency Facilities located in areas characterized by CDC as having a “High” COVID-19 Community Level, people may choose to mask at any time.

Local Guidance also has changed since General Order No. 634 issued. Sacramento and Fresno Counties are now following California Department of Public Health Guidance. As of March 1, 2022, the State of California has lifted its requirement that unvaccinated persons be masked in indoor public settings and businesses and instead now simply strongly recommends that all persons, regardless of vaccination status, continue to mask while in these settings. The State maintains a requirement of universal masking in specified “high risk” settings, which are not defined to include courthouses.

As provided by Executive Order 13991, issued on January 20, 2021, Federal agencies must follow CDC guidelines for mask-wearing and other public health measures in GSA controlled buildings. While this Executive Order does not bind the judiciary, the Facility Security Committees for the Robert T. Matsui United States Courthouse in Sacramento and the Robert E. Coyle United States Courthouse in Fresno have both voted to follow CDC Guidance for the public areas of those courthouses. Given that the CDC and Local Guidance now differ, notwithstanding changes in both reflecting similar trends, following CDC Guidance achieves greater clarity than that provided by maintaining General Order No. 634.

The most recent CDC COVID-19 Community Level Guidance, updated March 10, 2022, shows Sacramento County as having a “Low” COVID-19 Community Level and Fresno County as having a “Medium” COVID-19 Community Level. While Sacramento and surrounding counties have been in the “Medium” or “Low” COVID-19 Community Level for over two weeks, Fresno and most surrounding counties have just transitioned to the “Medium” COVID-19 Community Level. Given the recent transition of Fresno area counties, and proceeding with an abundance of caution, the court believes a delay in the effective date for implementation of CDC Guidance is warranted for the common areas in the Coyle Courthouse.

NOW THEREFORE, in light of the best information available to the Eastern District of California at this time and in order to provide as much clarity and certainty as possible in the face of changing circumstances, I hereby issue the following Order:

Effective immediately at the Robert T. Matsui United States Courthouse in Sacramento, attorneys, court staff, and other authorized courthouse visitors shall comply with current CDC Guidance in public spaces of the Matsui Courthouse. At the Robert E. Coyle United States Courthouse in Fresno, attorneys, court staff, and other authorized courthouse visitors shall comply with current CDC Guidance in the public spaces of the Coyle Courthouse effective March 28, 2022.

The CDC Guidance will continue to provide the standard for masking in the common areas of the Matsui and Coyle Courthouses. In other words, if Sacramento County or Fresno County should move back into the “High” COVID-19 Community Level, masking will again be required at the courthouse located in that county. Subsequently should the CDC COVID-19 Community Level in either county drop back to “Low” or “Medium” COVID-19 Community Level, masking requirements would adjust to follow the then-current CDC Guidance.

There is, however, a significant exception to this modification of the mask mandate in the public spaces in both the Sacramento and Fresno United States Courthouses. Proceedings in these two courthouses often require the presence of large numbers of people travelling from many of the Eastern District’s thirty-four (34) counties who cannot avoid entering the courthouses to gather indoors, or who may be travelling from counties with other COVID-19 Community Levels higher than Sacramento or Fresno Counties. The Court therefore will require that face coverings be properly worn during all court proceedings (including in-person hearings, all phases of jury trials, and grand jury proceedings) regardless of whether Sacramento or Fresno County is categorized by the CDC as “Low,” “Medium,” or “High” risk, **unless** the presiding judge in a proceeding orders otherwise. A presiding judge may also require that jury panel members be masked from the time they enter a courthouse until they report to that judge’s courtroom.

Tenant Agencies shall continue to determine the masking requirements for their employees and visitors in their private agency space.

Due to the diverse counties served and unique nature of the outlying Bakersfield, Redding and Yosemite National Park Courthouses, masking requirements there will be determined by the judges assigned to those courthouses, taking account of their local circumstances.

This order supersedes General Order No. 634, which is vacated.

IT IS SO ORDERED.

DATED: March 18, 2022,

FOR THE COURT:



CHIEF UNITED STATES DISTRICT JUDGE