

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Miscellaneous Case No. 2:20-mc-00052



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

**GENERAL ORDER #13**

On June 22, 2021, the Court entered General Order #12, which partially relaxed the mask or face covering requirements for all persons seeking entry to courthouses in the Southern District of West Virginia. General Order #12 required unvaccinated individuals and all jurors to wear masks or face coverings upon entry to the courthouses but permitted fully vaccinated individuals to enter the courthouses without wearing masks. Since that time, however, the Centers for Disease Control and Prevention (CDC) has issued updated information<sup>1</sup> for fully vaccinated people given new evidence on the B.1.617.2 (Delta) variant that is currently circulating in the United States. This new CDC guidance added a recommendation that fully vaccinated people wear a mask in public indoor settings

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<sup>1</sup> Centers for Disease Control and Prevention: “Interim Public Health Recommendations for Fully Vaccinated People” <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (Last Visited August 2, 2021).

in areas of substantial or high transmission. As of this date, the community transmission data<sup>2</sup> indicate that the locations of all four points of holding court in the Southern District of West Virginia are in counties with substantial community transmission. In fact, most of the counties in the Southern District are experiencing substantial or high community transmission, which would trigger the heightened face covering requirement to slow the spread of the Delta variant in the community. This finding is consistent with recent information<sup>3</sup> reported by state public health authorities, which indicate a two-week rising trend in daily cases, combined with a rise in hospitalization metrics.

IT IS THEREFORE ORDERED, effective immediately, that all persons seeking entry to the United States Courthouses in Charleston, Huntington, Beckley, or Bluefield must wear a face covering or mask (“mask”), regardless of vaccination status. The mask must always conceal the wearer’s nose and mouth. Masks shall be worn in all common areas of the courthouse. If the wearer is a court employee who is in a private office or workspace that permits at least six feet of physical distance from other persons, the wearer may temporarily remove the mask. Employees in a judge’s chamber must follow the directions provided by the judge. Masks must be worn by all participants during in-court proceedings unless otherwise directed by the presiding judge. Masks will be provided to jurors who do not have their own, otherwise, all persons seeking entry to a courthouse must provide their own mask. If

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<sup>2</sup> Centers for Disease Control and Prevention: “COVID-19 Integrated County View” <https://covid.cdc.gov/covid-data-tracker/#county-view> (Last Visited August 2, 2021).

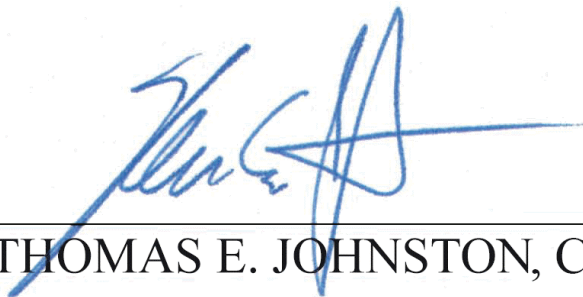
<sup>3</sup> West Virginia Department of Health & Human Resources: “Coronavirus Disease 2019 Dashboard” <https://dhhr.wv.gov/COVID-19/Pages/default.aspx> (Last Visited August 2, 2021).

a visitor is unable to provide their own mask for any reason, the visitor will be asked to telephone the office to be visited to explore alternatives to entering the courthouse; 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 2nd day of August, 2021.



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THOMAS E. JOHNSTON, CHIEF JUDGE