

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE: PROCEDURES AT THE
UNITED STATES COURTHOUSE
AT NEW BERN
DURING THE COVID-19
PANDEMIC

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ORDER

Judicial Preference Order 22-JP-1-FL, attached hereto, is hereby VACATED.

SO ORDERED, this the 28th day of September, 2022.



LOUISE W. FLANAGAN
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
22-JP-1-FL

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PROCEDURES AT THE))
UNITED STATES COURTHOUSE))
AT NEW BERN) JUDICIAL PREFERENCE ORDER¹
DURING THE COVID-19))
PANDEMIC))
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In light of the pandemic of the novel coronavirus known as COVID-19, and precautions recommended by public health officials to reduce its spread, the court adopts the following procedures for conduct of criminal and civil proceedings at the United States Courthouse at New Bern, North Carolina:

1. **Access.** All individuals shall perform a health self-assessment prior to coming to the courthouse. Individuals with a temperature greater than 100.4 °F or those experiencing symptoms such as cough, shortness of breath, difficulty breathing, chills, sore throat, or loss of taste or smell shall not enter the courthouse. Additionally, individuals that have tested positive for COVID-19 in the past five days shall not enter the courthouse.

2. **Vulnerable Individuals.** Due to increased risk of severe illness from COVID-19, the following vulnerable individuals (including counsel) are not required to appear for a hearing at the courthouse, but may do so if they choose: a) individuals 65 years and older; b) people of all ages with underlying medical conditions, such as chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease; and/or c) those living with individuals who satisfy the foregoing criteria. If a vulnerable individual's absence pursuant to this provision would be

¹ This order supersedes prior Judicial Preference Order entered August 16, 2021.

likely to make continuation of a criminal proceeding impossible, or result in a miscarriage of justice, resulting delay may be excluded from computation under the Speedy Trial Act of 1974.

3. **Face Coverings.** For the protection of everyone, all individuals seeking entry to the courthouse, including but not limited to jurors, attorneys, litigants, contractors, and employees, are required to wear a face covering that covers the wearer's nose and mouth simultaneously in all public spaces, including courtrooms and security checkpoints, unless directed by the court otherwise. A face covering will be available for any individual who does not have one. However, due to limited supplies, all entrants are encouraged to utilize their own, personal resources.
4. **Hand Sanitizer.** Hand sanitizer will be available in public areas of the courthouse. Entrants are encouraged to bring an appropriate self-use supply of hand sanitizer or disinfectant wipes with them to the courthouse.
6. **Motions to Continue.** Recognizing that circumstances and health risk issues can change rapidly, the court will consider health-based motions to continue at any time, including during the particular court proceeding. Any such motion made the day of a proceeding may be made by counsel by telephone to the Judge's Case Manager without necessity of a written motion as long as a subsequent confirming written motion is filed within 24 hours. The United States Marshals Service or its designee shall have the authority to refuse to transport any criminal defendant to the courthouse upon detection of any health risk. The Marshal shall notify the court as soon as reasonably possible upon such event.

SO ORDERED, this the 24th day of August, 2022.



LOUISE W. FLANAGAN
United States District Judge