

**IN THE UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

**In Re: MASK AND SOCIAL  
DISTANCING REQUIREMENTS  
FOR FULLY VACCINATED  
INDIVIDUALS IN DISTRICT OF  
IDAHO COURTHOUSES**

**GENERAL ORDER NO. 397**

On March 27, 2020, the Court issued General Order No. 362 in response to the outbreak of COVID-19 nationwide and the declarations of public health emergencies by the President of the United States and the Governor of the State of Idaho. Following the recommendations of the Centers for Disease Control and Prevention (“CDC”) and other health authorities, the Court closed the federal courthouses in Boise, Pocatello and Coeur d’Alene to minimize the potential exposure to COVID-19 between employees and the public. In addition, the Court outlined determinations regarding the method and manner of court proceedings and appearances, jury trials and the acceptance of filings.

On May 11, 2020, the Court issued General Order No. 367, relying again on guidance from state and national public health officials, which ordered the federal courthouses in the State of Idaho remain closed and outlined how court proceedings would be held as Idaho progressed through the different phases of Governor Brad Little’s staged reopening plan for the state. Furthermore, the Court ordered that when the courthouses reopened, all persons in the public areas of the courthouses and the courtrooms would be required to wear cloth face coverings or masks for the protection of  
General Order No. 397

themselves and others and observe physical distancing of at least six feet between individuals.

Since the entry of General Order No. 367, the Court has entered several additional General Orders dealing with the practicalities of holding civil and criminal proceedings, re-opening the courthouses, accepting filings and payments from the public and parties and protecting the rights of criminal defendants. However, the mask mandate and physical distancing requirements outlined in General Order No. 367 have remained in place.

On May 13, 2021, the CDC updated its recommendations concerning mask wearing and social distancing for fully vaccinated people in non-healthcare settings.<sup>1</sup> Under the CDC's new guidelines, fully vaccinated people can resume normal activities without wearing a mask or facial covering, or physically distancing, unless otherwise required by federal, state or local laws, rules and regulations. The Executive Branch's Safer Federal Workforce Task Force confirmed on May 18, 2021 that the CDC recommendations regarding mask wearing and social distancing apply to fully vaccinated federal employees, onsite contractors and visitors to federal buildings.<sup>2</sup>

Following these recommendations, the Facilities Security Committee of the James A. McClure Federal Building and Courthouse passed a resolution on May 20, 2021

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<sup>1</sup> The CDC defines fully vaccinated people as those who are two weeks past their second dose of a COVID-19 vaccine in a 2-dose series, such as the Pfizer or Moderna vaccines, or those who are two weeks past a single-dose vaccine, such as the Johnson & Johnson Janssen vaccine. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (last visited May 20, 2021).

<sup>2</sup> *See* <https://www.saferfederalworkforce.gov/faq/mask-wearing/> (last visited May 20, 2021).

agreeing to follow the May 13, 2021 CDC guidance regarding masking and social distancing for fully vaccinated individuals in all public spaces of that building. In addition, the Facilities Security Committees of the federal courthouses in Pocatello and Coeur d'Alene passed resolutions on May 3, 2021 and April 14, 2021, respectively, adopting any General Orders related to masking and social distancing entered by this Court as the official policies of those buildings.

Throughout the course of the COVID-19 pandemic, this Court has relied upon recommendations from the CDC to guide its response and to maintain the safety of the litigants, defendants, attorneys, law enforcement partners, public patrons, staff and judges who work for and with the Court on a daily basis. In light of the most recent information available from the CDC and Safer Federal Workforce Task Force, and after careful consideration, the Court has decided to lift the mask mandate and social distancing requirements in the federal courthouses in Boise, Pocatello and Coeur d'Alene for fully vaccinated individuals.

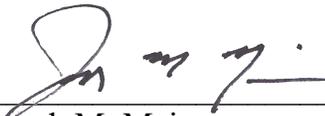
Accordingly, **IT IS HEREBY ORDERED** that effective May 21, 2021, the following CDC guidelines are adopted for mask wearing and social distancing in the court-controlled spaces of the United States Courthouses for the District of Idaho (Boise, Pocatello and Coeur d'Alene):

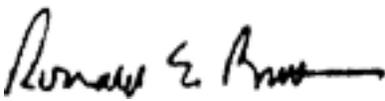
1. For purposes of this Order, individuals who have received both doses of the Moderna or Pfizer vaccines, or have received the single dose of the Johnson & Johnson Janssen vaccine will be deemed **fully vaccinated** if fourteen days have passed since receipt of the final dosage of that vaccinations.

2. Individuals who are fully vaccinated may enter the United States Courthouses in Boise, Pocatello and Coeur d'Alene and will not be required to wear a mask, nor will they be required to practice social distancing while in the courthouse.
3. Individuals who are not deemed fully vaccinated pursuant to the definition in paragraph #1 of this Order may enter the courthouses in Boise, Pocatello and Coeur d'Alene, but will be required to wear masks and practice social distancing throughout the duration of their visit to the courthouse.
4. Mask requirements may be more stringent for in-court proceedings, subject to the presiding judge's discretion. These more stringent requirements may include, but are not limited to, requiring those not wearing a mask or practicing social distancing to provide verification of their vaccination status.
5. Nothing in this Order precludes a fully vaccinated individual from wearing a mask and maintaining social distancing if he/she so chooses.

DATED: May 20, 2021

  
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David C. Nye  
Chief United States District Judge

  
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Joseph M. Meier  
Chief United States Bankruptcy Judge

  
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Ronald E. Bush  
Chief United States Magistrate Judge