

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DIVISIONAL STANDING ORDER NO. 2022-2

The Ward R. Burke United States Courthouse in Lufkin, Texas (“the Courthouse”), is a public building in which the public is welcomed. Unfortunately, because of the coronavirus disease 2019 (“COVID-19”) pandemic, operations at the Courthouse have been reduced. Many hearings have been conducted by phone or video conference, and physical access to the Courthouse has been limited. In addition, several jury trials have been postponed. This has the potential to conflict with the constitutional right to a trial by jury. Congress has expressed its clear intent that litigants must be afforded a prompt resolution of disputes, consistent with the requirements of the Constitution and statutory law. In criminal cases, while limited exceptions are permitted, the Speedy Trial Act sets deadlines for, and requires that priority be given to, providing a prompt and fair trial for each defendant charged with a criminal offense. Another important consideration is, with very limited exceptions such as cases involving minors, protection of the right of public access to court proceedings, especially criminal trials.

This court and its staff have been engaged in what is known as “Recovery Planning,” so that the court may operate safely. The court has reviewed guidance from the Administrative Office of the United States Courts (“AO”), in particular the “Updated Guidance Regarding Judiciary Response to COVID-19” (1/19/2022), “Updated Mask Guidance in GSA-Controlled Facilities” (3/7/2022), “Health Screening, Use of Masks/Face Coverings, Testing, and General Health Questions” (5/10/2021), “COVID-19 Guidance: Centers for Disease Control and Prevention Answers to Courts’ COVID-19 Questions” (8/3/2020), the “Federal Judiciary COVID-19 Recovery Guidelines” (5/7/2020), the “COVID-19 Judiciary Recovery Planning Checklist” (5/7/2020), and AO posts such as “Coronavirus (COVID-19) Guidance: Jury Duty FAQs.” The court has also reviewed the Executive Order on Protecting the Federal Workforce and Requiring Mask Wearing (1/21/2021), as well as recommendations issued by the U.S. Centers for Disease Control and Prevention (“CDC”) concerning precautions to be taken, as well as statistical data concerning COVID-19 cases in the Lufkin Division and in Angelina County, where the Courthouse is located.

The court has carefully considered all of these factors in balancing the rights of criminal defendants to a speedy and fair trial by jury, the rights of civil litigants to a prompt and fair resolution of disputes, the right of the public to “open courts,” and the safety of Courthouse staff, jurors, witnesses, parties, observers, and counsel. The court has determined that trials and contested hearings may continue to be held on a limited and controlled basis in the Courthouse consistent with this order.

It is therefore **ORDERED**, effective immediately, that absent a specific order from this court, for the protection of Courthouse staff, litigants, attorneys, and observers, that upon entry into the Courthouse, all persons must comply with the following requirements:

- a. Each person must maintain appropriate distancing from others in the Courthouse, to include sitting at the location assigned by a member of the court staff. Each person must follow the instructions of the court staff and court security officers (“CSOs”) to aid in maintaining distance in the Courthouse;
- b. Each person must use the hand sanitizer furnished at the front door upon entering the Courthouse; and
- c. Any person who has tested positive for COVID-19 within the prior five (5) days is prohibited from entering the Courthouse during the CDC recommended quarantine and isolation period.

It is further **ORDERED** that, in addition to the foregoing requirements, the following specific requirements apply to spectators during a trial or hearing, and access is on a first-come, first-served basis:

1. Cases before United States District Judge Marcia A. Crone – Limit of twelve (12) spectators, sitting six (6) feet apart. No persons under 18 years of age will be permitted in the courtroom; and
2. Cases before United States Magistrate Judge Christine L. Stetson – All spectators who do not reside in the same household must sit six (6) feet apart, and all spectators must wear a face mask at all times.

It is further **ORDERED** that all CSOs, following substantive guidance provided by this order and administrative guidance from the United States Marshal for the Eastern District of Texas (“EDTX”), shall deny entry to anyone attempting to enter, or remain in, the Courthouse in violation of these protocols. In the event of any uncertainty as to whether a person should be denied entrance to the Courthouse, the CSOs shall immediately contact the U.S. Marshal for the EDTX or the designated Deputy Marshal for a determination, which shall control.

If you are scheduled or required to appear in the Courthouse before the district court or the magistrate judge during the period that this order is in effect and you are unable to gain entry because of the restrictions in this order, you should proceed as follows:

- a. If you are represented by an attorney, please contact your attorney;
- b. If you are an attorney scheduled to appear in court before a judge, please contact that judge’s chambers directly by telephone, and if necessary, follow up by email;

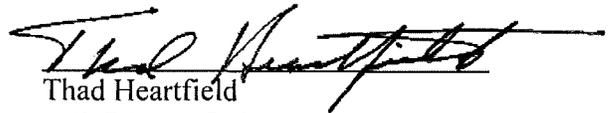
- c. If you are scheduled to meet with a Probation or Pretrial Services Officer, please contact the Probation and Pretrial Services Office directly for guidance and instructions; and
- d. For any other Courthouse matters, please contact the office of the Deputy Clerk in Charge of the Lufkin Division at (409) 654-7000.

It is further **ORDERED** that unless extended by subsequent order, these restrictions shall remain in place until modified or rescinded by subsequent order. After this order is signed and filed with the Standing Orders of the EDTX, the U.S. Marshal for the EDTX shall post it in a prominent location at the main entrance to the Courthouse in Lufkin, Texas, so that the public may have advance notice of its requirements before it takes effect.

So **ORDERED** and **SIGNED**, March 29, 2022.



Marcia A. Crone
U.S. District Judge



Thad Heartfield
U.S. District Judge



Michael J. Truncale
U.S. District Judge

This order is available on the Court's Website – <http://www.txed.uscourts.gov>.