

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

In the matter of

REINSTATING FACE MASK
REQUIREMENTS DURING COVID-19
EFFECTIVE JULY 29, 2021

**MISCELLANEOUS GENERAL
ORDER 21-15**

This Miscellaneous General Order (“MGO”) is intended to supersede solely the face masking provisions of MGO 21-14.¹ All other provisions of MGO 21-14 remain in effect, including the use of video and telephone conferencing for proceedings at the discretion of the presiding judge.²

On July 27, 2021, the Centers for Disease Control and Prevention (“CDC”) updated its guidance advising that “given new evidence on the B.1.617.2 (Delta) variant currently circulating in the United States,” the CDC recommends “fully vaccinated people to wear a mask in public indoor settings in areas of substantial or high transmission.”³ In light of this updated guidance and the fact that Anchorage, Fairbanks, and Juneau, Alaska are now experiencing a rate of substantial or high transmission,⁴ the Court finds it necessary to reinstate protocols for access to the United States District Court for the District of Alaska courthouses in Anchorage, Fairbanks, and Juneau (“the Courthouses”) to reduce the risk of being infected with COVID-19, including the Delta variant, and possibly spreading it to others. Notwithstanding the expiration of any related MGOs, the provisions in this Order shall remain in effect until further order by the Court.

Effective immediately, all persons over the age of two⁵ and regardless of vaccination status, seeking access to, or operating within, the Courthouses are required to wear a face covering or mask at all times while occupying public spaces or common areas, unless otherwise

¹ See MGO 21-14, ¶¶ A.4(C),(D), D.5, E.2.

² See *id.* at ¶¶ A.5, B.4, C.2.

³ Centers for Disease Control and Prevention, Interim Public Health Recommendations for Fully Vaccinated People, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html#print> (last visited July 28, 2021) (recommending that in order “[t]o maximize protection from the Delta variant and prevent possibly spreading it to others, wear a mask indoors in public if you are in an area of substantial or high transmission”).

⁴ Anchorage, Fairbanks, and Juneau, Alaska are all classified as either substantial or high transmission areas based on the 14-day rate of infection. See Centers for Disease Control and Prevention, COVID Data Tracker, <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited July 28, 2021).

⁵ Centers for Disease Control and Prevention, Your Guide to Masks, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html> (last visited July 28, 2021) (recommending that children under age two should not wear face coverings).

directed by the Court or a Courthouse official. The face covering need not be a medical-grade mask but must completely conceal the wearer’s nose and mouth and may not contain exhalation valves or vents.⁶ The CDC does not currently recommend use of face shields as a substitute for masks.⁷ If a medical condition prevents a person from wearing a face covering, they must show proof of the medical condition in the form of a physician’s order or other documentation. Documentation of a medical condition is subject to review by Court Security Officers and does not guarantee that a person may enter the Courthouse without a face covering. The Court Security Officers shall enforce this Order and deny entry to those individuals not wearing a face covering or mask.

All employees or contractors of the Court, Clerk’s Office, and U.S. Probation and Pretrial Services who work alone in a private office or workspace that permits at least six feet of physical distance from other persons may temporarily remove the face covering while in their designated office or workspace. All persons entering a private office or work space occupied by an employee of the court shall wear a face covering or mask.

In addition, the following persons shall not enter any of the Courthouses:

1. All persons currently diagnosed with, or experiencing any symptoms of, COVID-19;⁸
2. Unvaccinated persons who have had close physical contact within the last 14 days with a person who has been diagnosed with COVID-19; or
3. All persons who have been asked to self-observe, self-isolate, or self-quarantine by a doctor, hospital, or public health authority within the last 14 days.

Anyone attempting to enter or remain in a federal courthouse in violation of this Order will be escorted from the premises immediately.

DATED this 29th day of July, 2021

/s/ Timothy M. Burgess
Hon. Timothy M. Burgess
Chief United States District Judge

/s/ Sharon L. Gleason
Hon. Sharon L. Gleason
United States District Judge

/s/ Joshua M. Kindred
Hon. Joshua M. Kindred
United States District Judge

⁶ *Id.* (recommending that individuals should “choose a mask that covers your nose and mouth and secure it under your chin; and fits snugly against the sides of your face”).

⁷ *Id.* (noting “[e]valuation of face shields is ongoing, but effectiveness is unknown at this time”).

⁸ Centers for Disease Control and Prevention, Symptoms of Coronavirus, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> (last visited July 28, 2021).

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