

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

January 11, 2022

Christopher M. Wolpert
Clerk of Court

In re: Updated Reopening Protocol
Byron White United States Courthouse

No. 95-01

GENERAL ORDER
FILED January 11, 2022

Before **TYMKOVICH**, Chief Judge.

This order governs access to the Byron White United States Courthouse (“Courthouse”) while court operations are affected by the COVID-19 pandemic. Unless and until this order is rescinded, anyone entering the Courthouse must comply with the vaccination, mask, and quarantine/isolation requirements set forth herein.

I. Courthouse Access for the General Public

Except as expressly set forth in Section II for arguing attorneys presenting in-person oral argument, public access to the Courthouse is limited to persons who are fully vaccinated¹ against COVID-19. Unvaccinated persons who wish to file documents or submit paper copies in person must use the Clerk’s Office [drop box](#) located just inside the front door of the Courthouse.

¹ Individuals are considered fully vaccinated two weeks after receiving the second dose in a 2-dose series (e.g., Pfizer-BioNTech or Moderna) or two weeks after receiving a single dose vaccine (e.g., Johnson & Johnson). Proof of vaccination may be required.

All persons present in areas of the Courthouse that are open to the public² must wear a mask or other face covering that covers their nose and mouth at all times, except that judges hearing oral argument and arguing counsel while presenting oral argument at the lectern may remove their masks at the discretion of the presiding judge.

In addition to the aforementioned vaccination and mask requirements, public access to the Courthouse—including access for arguing attorneys—is subject to compliance with the following CDC isolation and quarantine guidance³:

- **Isolation requirements for individuals who have tested positive for COVID-19 or who have COVID-19 symptoms⁴:** If you test positive for COVID-19 or are experiencing COVID-19 symptoms, you may not enter the Courthouse until (1) at least five days have passed since your symptoms began; and (2) your symptoms are improving; and (3) you have been fever-free for at least 24 hours without the use of fever-reducing medications. **A symptomatic individual who tests negative**

² Areas open to the public include, but are not limited to, public entrances/exits, all courtrooms, public elevators, stairwells and hallways, public restrooms, the public side of the Clerk’s Office intake counter, the attorney lounge, and public CM/ECF terminal.

³ <https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine-guidance.html>

⁴ People with these symptoms may have COVID-19: fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and diarrhea.

for COVID-19 must still comply with these isolation requirements prior to entering the Courthouse.

- **Quarantine requirements for individuals who have not been boosted and were in close contact⁵ with someone with COVID-19:** If it has been more than six months since you completed the primary series of the Pfizer or Moderna vaccines, or more than two months since you completed the primary series of the Johnson & Johnson vaccine; and you have not received a COVID-19 vaccine booster shot; and you were a close contact of someone with COVID-19, you may enter the Courthouse only (1) if you do not have any COVID-19 symptoms, and (2) after at least five days have passed since your last close contact with someone with COVID-19. **A close contact must comply with these quarantine requirements even if s/he receives a negative COVID-19 test result, and a close contact who develops COVID-19 symptoms must comply with the aforementioned isolation requirements prior to entering the Courthouse.**

II. Courthouse Access for Attorneys Scheduled to Present Oral Argument

Arguing attorneys who wish to enter the Courthouse to present in-person oral argument must comply with the aforementioned mask and isolation/quarantine requirements, and the following vaccination/testing requirements.

⁵ Close contact occurs through proximity and duration of exposure. Close contact occurs when someone is less than six feet away from a COVID-infected person for a cumulative total of 15 minutes or more over a 24-hour period.

Unvaccinated attorneys scheduled to present oral argument may either (1) file a motion for leave to appear via video by the deadline set in the oral argument notice, or (2) appear in person with proof of a negative result from an FDA-approved COVID viral (PCR/NAAT) test administered no earlier than 72 hours prior to entry to the courthouse. A test result must be in the form of written documentation (paper or digital copy). The documentation must include (1) type of test (indicating it is a PCR or other NAAT test); (2) entity issuing the result; (3) sample collection date (must be no more than 72 hours prior to courthouse entry); (4) information that identifies the person tested; and (5) test result.

Vaccinated attorneys appearing in person for oral argument will be required to show proof of vaccination (a digital record is acceptable). Vaccinated attorneys may also, for good cause, file a motion for leave to appear via video by the deadline set in the oral argument notice.

III. Courtroom Access Restricted to Court Staff and Arguing Attorneys

Entry to the courtrooms for in-person oral arguments is restricted to only court staff and arguing attorneys who meet the aforementioned vaccination/testing, mask, and isolation/quarantine requirements. No one else will be permitted in the courtroom. Live-streamed audio of oral arguments will continue to be available to all other interested parties (e.g., non-arguing co-counsel, clients, the media, etc.) via [the court's YouTube channel](#).

This order supersedes the pandemic-related general order entered November 22, 2021.

Entered for the Court,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal flourish extending to the right.

Christopher M. Wolpert
Clerk of Court