

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHOK BABU, and others,
Plaintiffs,
v.
GREGORY J. AHERN, and others,
Defendants.

Case No. 18-cr-07677-NC

**ORDER REGARDING
APPLICABILITY OF UPDATED
PUBLIC HEALTH DEPARTMENT
GUIDANCE FOR COVID-19 TESTING**

On April 19, 2020, the California Department of Public Health issued a memorandum to public health departments, health care providers, and COVID-19 testing laboratories. *See* Sonia Y. Angell, MD, MPH, State Public Health Officer & Director, *Expanding Access to Testing: Updated Interim Guidance on Prioritization for COVID-19 Laboratory Testing*, CALIFORNIA DEPARTMENT OF PUBLIC HEATH (available at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Expanding-Access-to-Testing-Updated-Guidance-on-Prioritization-for-COVID-19-Testing.aspx>) (last accessed April 22, 2020, 10:43 a.m.). The memorandum states that testing capacity for COVID-19 is rapidly expanding in California and consequently issues guidance on prioritization of testing for specific groups. *Id.* In the “Priority 1” category, the memorandum lists “persons identified for testing by public health contact investigations and disease control activities in high risk settings, including both residents and staff, e.g., congregate living facilities, correctional facilities.” *Id.*; *see also* Emily Baumgaertner, *California Becomes*

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1 *First State to Recommend Coronavirus Tests for Some Without Symptoms*, THE LOS
2 ANGELES TIMES (April 21, 2020) (summarizing the memorandum and explaining that
3 California public health officials are “recommending for the first time that asymptomatic
4 people living or working in high-risk settings such as nursing homes, prisons . . . should
5 now be considered a priority.”)

6 The Court requests an update from the parties on the applicability of this updated
7 guidance to Santa Rita Jail as correctional facilities are identified in the memorandum as
8 “high risk settings” in the top testing priority category. The parties may provide this
9 update in their report due April 23 in preparation for the April 24 status conference.

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IT IS SO ORDERED.

Dated: April 22, 2020



NATHANAEL M. COUSINS
United States Magistrate Judge