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SCOPE AND PURPOSE

1
2 This General Order prescribes the procedure for assigning and reassigning cases
3 and duties to the district judges of the Court. [Section I](#) addresses the initial assignment
4 of new cases to judges (“assignment”), while [Section II](#) addresses reassignments from
5 one judge to another (“reassignment”).

6 A case may be assigned or reassigned by randomly selecting a judge or by
7 directly selecting a particular judge. Whether random or direct, however, assignments
8 and reassignments are made using the Automated Case Assignment System (“ACAS”),
9 a module in the Court’s Case Management / Electronic Case Filing (“CM/ECF”)
10 system.

11 To assign or reassign a case randomly, it is necessary to identify the group of
12 judges from which one judge will be selected. In keeping with language used by the
13 ACAS, such a group is referred to throughout this General Order as a “deck.” A deck
14 may be “district-wide,” in which case it includes all active district judges in the district,
15 or “division-specific,” in which case it includes only those active district judges located
16 in one of the district’s divisions (Eastern, Southern, or Western). A deck also may be
17 composed of some otherwise-identified set of judges. A senior judge may elect to be
18 included in any deck.

19 To ensure even case loads among judges, the ACAS is designed to equalize the
20 distribution of cases from each of its decks over a given period of time. To that end,
21 whenever a case is distributed to a judge from a particular deck, that judge receives a
22 “credit” in the assignment history of that deck. Adjustments to this process are
23 sometimes necessary. Thus, in some circumstances, this Order provides that a judge
24 will have a “card removed” from a deck, which is the functional equivalent of that
25 judge’s receiving a case credit in the assignment history of that deck. Likewise, the
26 Order sometimes provides that a judge will have a “card added” to a deck, which has
27 the effect of taking a case credit *away* from that judge in the assignment history of the
28 deck. When this Order provides that a judge is to have a card added to or removed

1 from a deck, the Clerk will make the appropriate adjustments to the assignment history
 2 of that deck. At any time, a judge may bring a case to the Case Management and
 3 Assignment Committee for consideration of additional case credit.

4 **I. ASSIGNMENT OF CASES TO DISTRICT JUDGES**

5 This section governs the initial assignment of cases to the individual district
 6 judges of the Court. [Section I.A.](#) addresses the assignment of criminal cases, and
 7 Section I.B. the assignment of civil cases.

8 **I.A. CRIMINAL CASES**

9 Unless directly assigned pursuant to [Section I.A.2.](#) (“Direct Assignment”), all
 10 criminal cases will be randomly assigned to the district judges as described in [Section](#)
 11 [I.A.1.](#) (“Random Assignment”).

12 **I.A.1. Random Assignment**

13 Where assignment of a criminal case is random, the assigned judge will be
 14 selected using one of the following decks:

- 15 • General Criminal Assignment Deck (one for each division)
- 16 • Complex Criminal Assignment Deck (one for each division)
- 17 • Fast-Track Criminal Assignment Deck (one for each division)
- 18 • Miscellaneous Assignment Deck (one for each division)

19 The appropriate division for such an assignment is determined as indicated below.
 20 Unless otherwise specified, for each case assigned from a given deck, the assigned
 21 judge will receive one case credit in the assignment history of that deck and no case
 22 credit in the assignment history of any other deck.

23 **I.A.1.a. Criminal Cases Generally**

24 Except as otherwise provided in this General Order, a case with a criminal case
 25 number (i.e., d:yy-CR-xxxx)¹ will be randomly assigned from a division-specific

26 ¹The components of a criminal case number include a one-digit office code “d,” indicating
 27 the division in which the case is first assigned (2 for Western, 5 for Riverside, 8 for Santa Ana),
 28 followed by a two-digit indicator “yy” to show the year of filing, followed by an indicator of the case
 type (“CR” for criminal), followed by a five-digit number assigned sequentially in each division and
 resuming at the beginning of each year with “00001.” The assigned judge’s initials are added to the

1 General Criminal Assignment Deck. The appropriate division for the assignment is
2 determined by the following rules.

3 **I.A.1.a.(1) Preliminary Determination of Division**

4 Subject to adjustments described below in [Section I.A.1.a.\(2\)](#) (“Adjustments”),
5 the appropriate division for cases to be assigned from a General Criminal Assignment
6 Deck is as follows, unless otherwise directed by the Case Management and Assignment
7 Committee:

8 **I.A.1.a.(1)(a) Indictment or Information**

9 Absent extraordinary circumstances, an indictment or information should be
10 filed in the division in which the majority of the events, acts, or omissions giving rise
11 to the crime or crimes charged occurred.

12 **I.A.1.a.(1)(b) Rule 20 Guilty Pleas**

13 A case transferred to this district under Rule 20 of the Federal Rules of Criminal
14 Procedure (“Rule 20”) and not subject to direct assignment under [Section I.A.2.b.](#)
15 (“Related Rule 20 Cases”) will be randomly assigned from the General Criminal
16 Assignment Deck for the division specified in the consent to transfer, if any is
17 specified, and otherwise from the General Criminal Assignment Deck for the Western
18 Division.

19 **I.A.1.a.(2) Adjustments**

20 In order to balance the number of cases assigned to judicial officers, maximize
21 judicial resources, and ensure the timely handling of cases, there will be determined,
22 and adjusted as needed: (1) a maximum number of cases allowed for random
23 assignment from the Southern Division’s General Criminal Assignment Deck during a
24 given period; and (2) a maximum number of cases allowed for random assignment from
25 the Eastern Division’s General Criminal Assignment Deck during a given period. If it
26

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end of the case number. For example, “2:12-CR-00001-RGK” refers to the first criminal case
opened in the Western Division in 2012. The case was assigned to the calendar of the Honorable
R. Gary Klausner.

1 appears that the number of cases assigned from either deck in a given period is likely to
2 exceed that maximum number, filings that would ordinarily be randomly assigned from
3 the division's General Criminal Assignment Deck may instead be randomly assigned
4 from the Western Division's General Criminal Assignment Deck.² If it appears that the
5 number of cases so assigned to the Western Division will substantially exceed a
6 division's maximum allowed number, the Clerk will promptly notify the Chief Judge
7 and the Chair of the Case Management and Assignment Committee, who will consider
8 whether any action should be taken.

9 If it appears that the actual number of criminal cases assigned within either the
10 Southern or Eastern Division for the given period will be substantially less than the
11 predetermined number of cases for that division, the Clerk will promptly notify the
12 Chief Judge and the Chair of the Case Management and Assignment Committee, who
13 may then direct the Clerk to include in the appropriate Western Division deck a
14 specific number of cards for each district judge in the division in question. Cases
15 assigned from a Western Division criminal deck to judges from the Southern or Eastern
16 Divisions will be credited against the predetermined number of cases allowed for
17 assignment within the Southern or Eastern Division for the given period.

18 **I.A.1.b. Complex Criminal Cases**

19 If a criminal case includes eight or more defendants in the indictment or if the
20 presentation of evidence (including cross-examination) in the government's case-in-
21 chief will exceed twelve trial days, the government must file with the Court, at the time
22 the indictment is filed, a Notice of Complex Case that states which of these factors is
23 present. A case so designated ("Complex Case") will be randomly assigned from a
24 division-specific Complex Criminal Assignment Deck. Absent extraordinary
25 circumstances, an indictment or information should be filed in the division in which the
26 majority of the events, acts, or omissions giving rise to the crime or crimes charged
27 occurred.

28 ²This provision is often referred to as "the blackout rule."

1 Upon the filing of a superseding indictment in a case not previously identified as
2 complex, the government must file a Notice of Complex Case if the number of
3 defendants or the time estimate for the presentation of evidence (including cross-
4 examination) in its case-in-chief has changed to meet the criteria of a complex case. If
5 so, or if the assigned judge learns that the government improperly failed to identify the
6 case as complex, the judge may notify the Clerk's Office and receive one case credit in
7 the Complex Criminal Assignment Deck (in effect, have one card removed from that
8 deck) and have one card added to the General Criminal Assignment Deck.

9 **I.A.1.c. Fast-Track Criminal Cases**

10 Unless subject to [Section I.A.2.c.](#) ("Section 1326 Case Related to Supervised-
11 Release Case"), a criminal case in which a defendant is charged with violating 8 U.S.C.
12 § 1326 (concerning "Reentry of Removed Aliens") and in which a Notice to Court of
13 Fast-Track Case Disposition Under 8 U.S.C. § 1326 has been filed ("Fast-Track
14 Criminal Case") will be randomly assigned from a division-specific Fast-Track
15 Criminal Assignment Deck.

16 **I.A.1.d. Probation / Supervised-Release Transfers**

17 Upon the Court's acceptance of the transfer to this district of jurisdiction over a
18 probationer or person on supervised release pursuant to 18 U.S.C. § 3605, the matter
19 will be given a criminal case number in this Court. The case will be randomly assigned
20 to a district judge from a division-specific Miscellaneous Assignment Deck for the
21 division in which the offender is to reside, unless the Court has previously accepted
22 transfer of jurisdiction over the same offender and opened an earlier case, in which
23 instance the subsequent case will be directly assigned, pursuant to [Section I.A.2.d.](#)
24 ("Transfer of Subsequent Probation or Supervised Release").

25 **I.A.1.e. Pre-Indictment Death-Eligible Matters**

26 Most criminal matters are not assigned to a district judge until after the United
27 States Attorney has filed an indictment or information and a criminal case number has
28 been assigned. Notwithstanding this general practice, upon the filing of an ex parte

1 application for the appointment of counsel to represent the target of a federal
2 investigation relating to potential charges that might be punishable by death, a district
3 judge shall immediately be randomly assigned from the Complex Criminal Assignment
4 Deck for the division in which the ex parte application for the appointment of counsel
5 was filed. Absent extraordinary circumstances, all pre-indictment ex parte applications
6 for the appointment of counsel should be filed in the division in which the majority of
7 the events, acts, or omissions being investigated are claimed to have occurred, and
8 should include the phrase “PRE-INDICTMENT DEATH-ELIGIBLE MATTER” in the
9 caption of the application under the title of the document.

10 **I.A.2. Direct Assignment**

11 Criminal cases described in this Section I.A.2. (“Direct Assignment”), and only
12 these criminal cases, will be directly assigned to a particular judge. If that judge is not
13 available or is a senior judge who declines to accept the case, the case will be randomly
14 assigned under [Section I.A.1.](#) (“Random Assignment”). Case credit will be given as
15 specified below.

16 **I.A.2.a. Previously Dismissed Indictment or Information**

17 Whenever a case assigned to a district judge has been dismissed before trial, and
18 a new indictment or information involves the same transaction(s) and at least a majority
19 of the same defendants, the new indictment or information will be directly assigned to
20 the judge to whom the dismissed case was assigned. The judge receiving the direct
21 assignment will not receive case credit in any assignment deck.

22 **I.A.2.b. Related Rule 20 Cases**

23 If a criminal case transferred to this district under Rule 20 involves a defendant
24 in a criminal case originating in this district and assigned to a judge, the Rule 20 plea
25 will be directly assigned to that judge, and that judge will have one card removed from
26 the General Criminal Assignment Deck.

27 If, at the time a criminal case originating in this district is assigned to a judge,
28 one of the defendants has a Rule 20 plea pending in this district, the case originating in

1 this district will be directly assigned to the judge assigned the Rule 20 plea, and that
2 judge will have one card removed from the appropriate criminal assignment deck.

3 **I.A.2.c. Section 1326 Case Related to Supervised-Release Case**

4 When a criminal case charges a violation of 8 U.S.C. § 1326 against a defendant
5 who is serving a term of supervised release in this district for a previous violation of 8
6 U.S.C. §§ 1325 or 1326, the government must promptly file a Notice of Related
7 Supervised-Release Case. The new case will then be directly assigned to the judge
8 assigned the case in which the term of supervised release was imposed. The judge
9 receiving the direct assignment will have one card removed from the appropriate
10 assignment deck.

11 **I.A.2.d. Transfer of Subsequent Probation/Supervised Release**

12 After the Court has accepted the transfer of jurisdiction over a probationer or
13 person on supervised release pursuant to 18 U.S.C. § 3605 and assigned that case to a
14 judge pursuant to [Section I.A.1.d.](#) (“Probation / Supervised-Release Transfers”), any
15 subsequent transfer involving the same probationer or person on supervised release will
16 be directly assigned to the same judge, without credit in any assignment deck.

17 **I.A.2.e. Indictment or Information Related to Pre-Indictment**
18 **Death-Eligible Matter**

19 An indictment or information filed in a matter previously assigned to a district
20 judge pursuant to [Section I.A.1.e.](#) (“Pre-Indictment Death-Eligible Matters”) will be
21 directly assigned to the same judge, without credit in any assignment deck.

22 **I.A.3. Criminal Duty Judge**

23 Each division will have at least one criminal duty judge to perform all duties in
24 connection with criminal matters not assigned to the calendars of the individual judges.
25 Service as criminal duty judge shall rotate among all active district judges except the
26 Chief Judge. The criminal duty roster in the Southern and Eastern Divisions will be set
27 by agreement of the judges in each division. The criminal duty roster for the Western
28 Division will be set annually by the Chief Judge.

I.B. CIVIL CASES

Unless directly assigned pursuant to [Section I.B.2.](#) (“Direct Assignment”), all civil cases will be randomly assigned to the district judges as described in [Section I.B.1.](#) (“Random Assignment”).

I.B.1. Random Assignment

Where assignment of a civil case is random, the assigned judge will be selected using one of the following decks:

- General Civil Assignment Deck (one for each division)
- Removal Assignment Deck (one for each division)
- Post-Removal Assignment Deck (one district-wide deck)
- Bankruptcy Assignment Deck (one district-wide deck)
- Report & Recommendation Assignment Deck (one district-wide deck)
- Capital Habeas Assignment Deck (one district-wide deck)

The appropriate division for such an assignment is determined as indicated below. Unless otherwise specified, for each case assigned from a given deck, the assigned judge will receive one case credit in the assignment history of that deck and no case credit in the assignment history of any other deck.

I.B.1.a. Civil Cases Generally

Except as otherwise provided in this General Order, when a case with a civil case number (i.e., d:yy-CV-xxxxx)³ is assigned to a district judge, it will be randomly assigned from a division-specific General Civil Assignment Deck. The appropriate division for the assignment is determined by the following rules.

³ The components of a civil case number include a one-digit office code “d,” indicating the division in which the case is first assigned (2 for Western, 5 for Eastern, 8 for Southern), followed by a two-digit indicator “yy” to show the year of filing, followed by an indicator of the case type (“CV” for civil), followed by a five-digit number assigned sequentially in each division and resuming at the beginning of each year with “00001.” The assigned judges’ initials are added to the end of the case number. For example, “2:12-CV-00001-SVW (AJWx)” refers to the first civil case opened in the Western Division in 2012. The case was assigned to the calendar of the Honorable Stephen V. Wilson, and referred to the Honorable Andrew J. Wistrich for discovery matters.

I.B.1.a.(1) Preliminary Determination of Division

Subject to adjustments described below in [Section I.B.1.a.\(2\)](#) (“Adjustments”), the appropriate division for cases to be assigned from a General Civil Assignment Deck is as follows:

I.B.1.a.(1)(a) Non-Removed Cases in Which the United States Is a Plaintiff

Except as otherwise specified in this paragraph, civil cases involving the United States as a plaintiff will be assigned to: (1) the Southern Division if 50% or more of the defendants who reside in the district reside in the Southern Division; (2) the Eastern Division if 50% or more of the defendants who reside in the district reside in the Eastern Division and the case is not assignable to the Southern Division pursuant to (1); otherwise, (3) the Western Division.

I.B.1.a.(1)(b) Non-Removed Cases in Which the United States Is a Defendant

Civil cases involving the United States as a defendant will be assigned to: (1) the Southern Division if 50% or more of the plaintiffs who reside in the district reside in the Southern Division; (2) the Eastern Division if 50% or more of the plaintiffs who reside in the district reside in the Eastern Division and the case is not assignable to the Southern Division pursuant to (1); otherwise, (3) the Western Division.

I.B.1.a.(1)(c) Non-Removed Cases Not Involving the United States

Civil cases not involving the United States as a party will be assigned to: (1) the Southern Division if 50% or more of the plaintiffs who reside in the district, or 50% or more of the defendants who reside in the district, reside in the Southern Division; (2) the Eastern Division if 50% or more of the plaintiffs who reside in the district, or 50% or more of the defendants who reside in the district, reside in the Eastern Division and the case is not assignable to the Southern Division pursuant to (1); otherwise, (3) the Western Division.

I.B.1.a.(1)(d) Cases Transferred to This District

Notwithstanding provisions (a)-(c) above, civil cases transferred to this district pursuant to 28 U.S.C. § 1404 will be assigned to the Western Division, unless the transfer order specifies a different division.

I.B.1.a.(2) Adjustments

In order to balance the number of cases assigned to judicial officers, maximize judicial resources, and ensure the timely handling of cases, there will be determined, and adjusted as needed: (1) a maximum number of cases allowed for random assignment from the Southern Division's General Civil Assignment Deck during a given period; and (2) a maximum number of cases allowed for random assignment from the Eastern Division's General Civil Assignment Deck during a given period. If it appears that the number of cases assigned from either deck in a given period is likely to exceed that maximum number, filings that would ordinarily be randomly assigned from the division's General Civil Assignment Deck may instead be randomly assigned from the Western Division's General Civil Assignment Deck.⁴ If it appears that the number of cases so assigned to the Western Division will substantially exceed a division's maximum allowed number, the Clerk will promptly notify the Chief Judge and the Chair of the Case Management and Assignment Committee, who will consider whether any action should be taken.

If it appears that the actual number of civil cases assigned within either the Southern or Eastern Division for the given period will be substantially less than the predetermined number of cases for that division, the Clerk will promptly notify the Chief Judge and the Chair of the Case Management and Assignment Committee, who may then direct the Clerk to include in the Western Division General Civil Assignment Deck a specific number of cards for each district judge in the division in question. Cases assigned from the Western Division's General Civil Assignment Deck to judges of the Southern or Eastern Divisions will be reclassified as Southern or Eastern

⁴This provision is often referred to as "the blackout rule."

1 Division cases, as appropriate, and credited against the predetermined number of cases
2 allowed for assignment within the Southern or Eastern Division for the given period.

3 **I.B.1.b. Removed Cases**

4 Except as provided below, a case removed from state court will be randomly
5 assigned from a division-specific Removal Assignment Deck for the division
6 embracing the place where the state court action was pending.

7 To balance the number of removed cases assigned to the judges of the Eastern,
8 Southern, and Western Divisions, there will be determined a maximum number of
9 removed cases allowed for assignment from the Eastern Division Removal Assignment
10 Deck for a given period. This number will be adjusted as needed. When the
11 predetermined number of removed cases has been assigned from the Eastern Division
12 Removal Assignment Deck for the given period, all additional cases that would
13 ordinarily be assigned from that deck during that period will instead be assigned
14 through the Eastern Division Miscellaneous Deck, then immediately reassigned
15 through a district-wide Post-Removal Assignment Deck.

16 **I.B.1.c. Bankruptcy Matters**

17 Unless directly assigned pursuant to [Section I.B.2.f.](#) (“Related Bankruptcy
18 Matters”) or as otherwise specified below, bankruptcy matters filed in the district court
19 will be randomly assigned for credit to a district judge through a district-wide
20 Bankruptcy Assignment Deck, regardless of the division in which any related
21 bankruptcy proceeding may be pending. Assignment of motions for withdrawal of
22 reference, applications for leave to appeal an interlocutory order from the bankruptcy
23 court, and *in forma pauperis* applications on motions to file bankruptcy appeals, will be
24 for case credit only if the motion or application is granted; the matter permitted to
25 continue in the district court will remain with the district judge who granted the motion
26 or application.

27

28

I.B.1.d. Report & Recommendation Cases

Unless directly assigned pursuant to [Section I.B.2.a.](#) (“Subsequent Report & Recommendation Cases”) or as otherwise specified below, cases automatically referred to a magistrate judge for a Report & Recommendation (i.e., social security disability cases, non-capital habeas corpus petitions arising from criminal convictions imposed by any other court, and *pro se* Section 1983 and *Bivens* cases with no federal judicial officer defendants) (“Report & Recommendation Cases”) will be randomly assigned to a district judge through a district-wide Report & Recommendation Assignment Deck.

I.B.1.e. Capital Habeas Cases

Unless directly assigned pursuant to [Section I.B.2.b.](#) (“Subsequent Capital Habeas Cases”), capital habeas corpus petitions will be randomly assigned to a district judge through a district-wide Capital Habeas Assignment Deck.

I.B.2. Direct Assignment

Civil cases described in this Section I.B.2., and only these civil cases, will be directly assigned to a particular judge. If that judge is not available or is a senior judge who declines to accept the case, the case will be randomly assigned under [Section I.B.1.](#) (“Random Assignment”) or as otherwise specified below. Case credit will be given as specified below.

I.B.2.a. Subsequent Report & Recommendation Cases

A Report & Recommendation Case (see [Section I.B.1.d.](#)) filed by a party who previously filed a Report & Recommendation Case will be directly assigned to the district judge to whom the earlier case was assigned. The judge receiving the direct assignment will have one card removed from the Report & Recommendation Assignment Deck.

I.B.2.b. Subsequent Capital Habeas Cases

A capital habeas corpus petition filed by a petitioner who has previously sought relief in this Court with respect to the same conviction will be directly assigned to the

1 district judge assigned the earlier petition. The judge receiving the direct assignment
2 will have one card removed from the Capital Habeas Assignment Deck.

3 **I.B.2.c. Challenges to Criminal Convictions or Sentences from**
4 **This District**

5 A motion or petition challenging a conviction or sentence imposed in this
6 district, regardless of whether the motion or petition specifically invokes 28 U.S.C.
7 § 2255 or § 2241, will be given a civil case number and directly assigned to the judge
8 who entered the judgment. The judge will not receive case credit in any assignment
9 deck. If the judge is not available or is a senior judge who declines to accept the
10 matter, the matter will be randomly assigned from the General Civil Assignment Deck
11 for the division in which the judgment was entered, with the normal case credit that
12 such an assignment provides. In that event, the underlying criminal case will be
13 reassigned to the same judge, without any additional case credit.

14 **I.B.2.d. Civil Matters Ancillary to Criminal Cases**

15 Matters listed below will be given a civil case number and directly assigned to
16 the district judge assigned the underlying criminal case, if that criminal case is or was
17 pending in this district. The judge receiving this civil matter will not receive case
18 credit in any assignment deck. Unless otherwise specified below, if that judge is not
19 available, or if no district judge of this Court has been assigned to the criminal case, the
20 matter will be randomly assigned from the General Civil Assignment Deck for the
21 division in which the underlying criminal case would be assigned under [Section I.A.1.](#)
22 (“Random Assignment” of Criminal Cases). Matters contemplated by this paragraph
23 include:

- 24 (1) an application for a writ of continuing garnishment
25 originating from a criminal case in this district;
26 (2) an application for a judgment-debtor examination
27 originating from a criminal case in this district;
28

- (3) a motion to quash a writ of execution originating from a criminal case in this district;
- (4) a motion for a receivership originating from a criminal case in this district;
- (5) a motion for the return of seized property pursuant to Fed. R. Crim. P. 41;
- (6) a motion for bail forfeiture, unless the district judge assigned to the underlying criminal case is not available or no district judge has been assigned, in which case the motion will be referred to a criminal duty judge for the division in which the underlying criminal case is or was pending.

I.B.2.e. MDL Cases Transferred to This District

Civil cases transferred to this district by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to 28 U.S.C. § 1407 will be directly assigned to the judge designated by the JPML. Credit will be limited to fifteen such cases, except as otherwise provided by the Case Management and Assignment Committee.

I.B.2.f. Related Bankruptcy Matters

A bankruptcy matter bearing the same adversary proceeding number as an earlier bankruptcy matter assigned to a district judge will be directly assigned to that same judge. Case credit will be determined in the same manner as with random assignments made under [Section I.B.1.c.](#) (“Bankruptcy Matters”).

II. REASSIGNMENT OF CASES TO DISTRICT JUDGES

Matters will be reassigned as follows:

II.A. Senior Judges

When an active district judge elects to take senior status pursuant to 28 U.S.C. § 371 *et seq.*, it is the desire of the Court that the judge retain responsibility for his or her existing caseload, both civil and criminal, until those cases have been closed.

1 A senior judge may return any newly assigned criminal case to the Clerk for
2 reassignment within 10 days of receiving it, and may return any newly assigned civil
3 case within 30 days of receiving it. Any returned case will be reassigned in the same
4 manner as an original assignment under [Section I](#) of this Order.

5 **II.B. Calendar Creation**

6 To create the civil calendar of a newly appointed district judge, cases will be
7 transferred to the new judge pro rata from the calendars of other district judges, unless
8 otherwise directed by the Case Management and Assignment Committee. The
9 transferee judge will not have cards removed from any assignment deck for such
10 transfer, and the transferor judge will not have any cards added.

11 If the new judge declines a transferred case due to recusal, the case will be
12 returned to the transferor judge. Where such recusal occurs within forty-five days of
13 the transfer, the Clerk will randomly draw a new case from the calendar of the
14 transferor judge for transfer to the new judge. Where recusal occurs more than forty-
15 five days after the transfer, the transferor judge may select another case for transfer. In
16 neither instance will the transferee judge have a card removed from any deck or the
17 transferor judge have a card added.

18 **II.C. Voluntary Transfer**

19 Any case may be transferred from one judge to another by order jointly signed by
20 the transferor and transferee judges, who need not sit at the same court location. Upon
21 such transfer, the transferor judge will have one card added to, and the transferee judge
22 one card removed from, any deck in which the transferor judge received credit upon
23 receiving the case, unless otherwise agreed between them.

24 **II.D. Unavailability**

25 In the event of prolonged illness, disability, or other unavoidable unavailability
26 of a judge, the Case Management and Assignment Committee may transfer from the
27 calendar of such judge any matters deemed necessary to expedite the business of the
28 Court and to promote the prompt administration of justice. The Clerk will reassign

1 such matters in the same manner as an original assignment under this Order, or as
2 otherwise directed by the Case Management and Assignment Committee Chair. In
3 addition, the Committee Chair or Chief Judge may direct that a judge who is
4 unavailable under this paragraph be temporarily removed from one or more decks.

5 **II.E. Recusal**

6 Except as provided in [Section II.B.](#) (“Calendar Creation”), if a judge voluntarily
7 recuses himself or herself from a case, the case will be returned to the Clerk for
8 reassignment in the same manner as an original assignment under [Section I](#) of this
9 Order. If all judges in a division recuse themselves from a particular case assigned
10 from a division-specific deck, the case will be randomly assigned from the
11 corresponding deck in another division. If a recusing judge believes the case is one in
12 which recusal of the entire Court may be necessary, that judge should notify the Chief
13 Judge.

14 If a judge recuses himself or herself from a case within 120 days after first
15 receiving it, and that judge received credit in any deck upon receipt of the case, he or
16 she will have one card added to that deck upon the case’s reassignment. If a judge
17 recuses himself or herself from a civil case more than 120 days after first receiving it,
18 the judge to whom the case is reassigned will have the option, within 21 days of
19 receiving the case, of transferring a civil case of equal or similar weight and complexity
20 from his or her calendar to the judge who recused himself or herself. If the receiving
21 judge exercises this option, no cards will be adjusted in any deck for either judge. If
22 the receiving judge does not exercise this option, and the recusing judge originally
23 received case credit in any deck, the recusing judge will have one card added to that
24 deck upon the case’s reassignment, and the receiving judge will have one card removed
25 from that deck.

26 If, as provided in the foregoing paragraph, the judge to whom the case is
27 reassigned exercises the option to transfer a case to the recusing judge, the latter may
28 appeal the case selected for transfer to the Case Management and Assignment

1 Committee as not being “a case of equal or similar weight and complexity.” The
2 Committee will then approve or disapprove the transfer. If the Committee disapproves,
3 the case will be returned to the transferor judge and that judge may select another civil
4 case for transfer.

5 **II.F. Motions to Disqualify**

6 If a motion is made to disqualify a district judge in any case, the motion will be
7 referred to the Clerk for random assignment to another district judge in the same
8 division from a division-specific Motions to Disqualify Deck. If all judges in the
9 Southern Division or the Eastern Division are unable to accept a motion to disqualify
10 because of disqualification or recusal, the motion will be randomly assigned from the
11 Western Division’s Motions to Disqualify Deck. If all judges in the Western Division
12 are unable to accept a motion to disqualify because of disqualification or recusal, the
13 motion will be randomly assigned from the Southern Division’s Motions to Disqualify
14 Deck. If a motion is made to disqualify all district judges in the Central District, the
15 Chief Judge should be notified.

16 A motion to disqualify a magistrate judge in a civil case in which no district
17 judge has been assigned will be randomly assigned from the Motions to Disqualify
18 Deck for the division in which the magistrate judge is located, unless the case has not
19 been assigned to a district judge as a result of the filing of an IFP application, in which
20 circumstance the motion will be directly assigned to the Chief Judge. A motion to
21 disqualify a magistrate judge in a criminal case in which no district judge has been
22 assigned will be assigned to the criminal duty judge for the division in which the case
23 is pending.

24 The judge to whom a motion to disqualify is assigned will promptly determine
25 the motion. If the motion is denied, the case will proceed as originally assigned. If a
26 motion to disqualify a district judge is granted, the case will be returned to the Clerk
27 for random reassignment in the same manner as an original assignment under [Section I](#)
28 of this Order, and if the disqualified judge received case credit in any deck upon

1 receiving the case, the judge will have one card added to that deck. If a motion to
2 disqualify a magistrate judge is granted, a new magistrate judge will be assigned
3 pursuant to General Order 05-07, or any successor General Order.

4 If more than one motion to disqualify the same judge is made in the same case or
5 in related or consolidated cases that are assigned to the same judge, all such motions
6 will be assigned to the judge who determined the initial motion to disqualify.

7 **II.G. Unavoidable Delay**

8 If the calendar of a judge cannot accommodate the reasonably timely processing
9 of a case, the Court may, by concurrence of two-thirds of the judges (excluding the
10 judge whose case is under consideration), have the case returned to the Clerk for
11 random reassignment in the same manner as an original assignment under [Section I](#) of
12 this Order. If the judge from whom such a case is transferred received case credit in
13 any deck when first receiving the case, the judge will have one card added to that deck
14 upon reassignment.

15 **II.H. Identical Civil Cases**

16 When a newly filed civil case is identified as identical to a previously filed civil
17 case, pending or closed, the Clerk will prepare a proposed order to transfer the newly
18 filed case to the judge assigned the previously filed case and will present the proposed
19 order to the Case Management and Assignment Committee Chair for signature. In the
20 event of such transfer, the transferee judge will not receive case credit in any deck, but
21 if the transferor judge received case credit in any deck upon receiving the case, he or
22 she will have one card added to that deck.

23 **II.I. Related Cases**

24 **II.I.1. Notice of Related Cases**

25 Parties must promptly file a Notice of Related Cases in the following
26 circumstances:
27
28

II.I.1.a. Criminal Cases

Whenever a criminal case previously filed and one or more informations or indictments later filed:

- (1) arise out of the same conspiracy, common scheme, transaction, series of transactions, or events; or
- (2) involve one or more defendants in common and would entail substantial duplication of labor in pretrial, trial, or sentencing proceedings if heard by different judges.

II.I.1.b. Civil Cases

Whenever a previously filed civil case and a later-filed civil case:

- (1) arise from the same or a closely related transaction, happening, or event;
- (2) call for determination of the same or substantially related or similar questions of law and fact; or
- (3) for other reasons would entail substantial duplication of labor if heard by different judges.

That cases may involve the same patent, trademark, or copyright does not, by itself, constitute a circumstance contemplated by subparagraphs b.(1), (2), or (3).

II.I.1.c. Civil Forfeiture Case Related to Criminal Case

Whenever a civil forfeiture case and a criminal case:

- (1) arise from the same or a closely related transaction, happening, or event;
- (2) call for determination of the same or substantially related or similar questions of law and fact; or
- (3) involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

II.I.2. Transfer

1
2 Whenever a party files a Notice of Related Criminal Cases, the Clerk will
3 prepare a proposed order to transfer the later-assigned case to the judge currently
4 assigned the earliest-assigned case.

5 Whenever a party files a Notice of Related Civil Cases, the Clerk will prepare a
6 proposed order to transfer the later-filed case to the judge currently assigned the
7 earliest-filed case.

8 Whenever a party files a Notice of Related Cases concerning a civil forfeiture
9 case and a criminal case, the Clerk will prepare a proposed order to transfer the civil
10 forfeiture case to the judge currently assigned the criminal case.

11 Such orders will be prepared regardless of whether the transferor and transferee
12 judges sit in the same division.

13 The Clerk will present the proposed transfer order to the transferee judge for
14 review and will simultaneously present an informational copy to the transferor judge.
15 If the transferee judge approves the transfer, the case will be transferred to his or her
16 calendar. If the transferee judge declines the transfer, the case will proceed as
17 originally assigned on the calendar of the transferor judge. If the transferor judge
18 disagrees with the decision of the transferee judge, the transferor judge may appeal that
19 decision to the Case Management and Assignment Committee, which will determine
20 whether the cases will be transferred.

21 If the transferee judge declines the related-case transfer because of senior status,
22 the judge assigned the declined case may direct the Clerk to transfer to him or her all
23 open cases before that senior judge that are related to the declined case. In that event,
24 the case that was declined by the senior judge will be considered the earliest-filed case
25 for all subsequent related-case transfers.

II.I.3. Groups of Related Cases

26
27 When a transferee judge has accepted fifteen cases as related to the same earlier-
28 filed case (that case itself is not counted), the Clerk will report the group of related

1 cases to the Case Management and Assignment Committee. The Committee will
2 review the group of related cases to determine whether an alternative method of
3 assigning the cases is appropriate. The Committee may determine, for example, that
4 the entire group of cases should be assigned to another available judge for all
5 proceedings, or that the cases should be consolidated before one judge for pretrial
6 proceedings only.

7 **II.I.4. Case Credit**

8 Except as provided in the next paragraph, for each case transferred under this
9 Section II.I. (“Related Cases”), case credit will be adjusted as follows: if the transferor
10 judge received case credit in any deck on assignment, he or she will have one card
11 added to that deck and the transferee judge will have one card removed from that deck,
12 unless otherwise agreed between them.

13 Case credit for related-case transfers will be limited to fifteen, unless the Case
14 Management and Assignment Committee directs otherwise. The Committee will
15 review all groups of fifteen or more related cases at least semi-annually to determine
16 whether additional case credit should be provided or another case-assignment method
17 applied.

18 **II.J. MDL Cases Transferred from This District**

19 For any case transferred by the JPML from a judge of this district to an MDL
20 proceeding, and for which the transferor judge received case credit in any deck upon
21 assignment, that judge will have one card added to that assignment deck.

22 A case returned to this district by the JPML after processing by a multidistrict
23 transferee judge will be returned to the judge from whom the transfer was originally
24 made, and that judge will have one card removed from the appropriate assignment
25 deck. If more than fifteen such cases are returned to the same judge, the Case
26 Management and Assignment Committee will review the group to determine whether
27 an alternative method of assigning the cases is appropriate, as described under [Section](#)
28 [II.I.3.](#) (“Groups of Related Cases”).

1 **III. Effective Date**

2 This General Order is effective upon filing by the Clerk of this Court.

3
4 **IT IS SO ORDERED.**

Virginia A. Phillips

5 _____
6 CHIEF UNITED STATES DISTRICT JUDGE

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8 *Date of Approval by the Court:* October 27, 2016

9
10 *Date of Filing by the Clerk:* October 31, 2016

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