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FILED
CLERK, U.S. DISTRICT COURT
February 26, 2021
CENTRAL DISTRICT OF CALIFORNIA
BY: *Natalie L. Colkins* DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF }
ASSIGNMENT OF CASES AND } GENERAL ORDER NO. 21-01
DUTIES TO DISTRICT JUDGES } (Supersedes General Order
No. 19-03)

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SCOPE AND PURPOSE

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

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

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

To ensure even case loads among judges, the ACAS is designed to equalize the distribution of cases from each of its decks over a given period of time. To that end, whenever a case is distributed to a judge from a particular deck, that judge receives a “credit” in the assignment history of that deck. Adjustments to this process are sometimes necessary. Thus, in some circumstances, this Order provides that a judge will have a “card removed” from a deck, which is the functional equivalent of that judge’s receiving a case credit in the assignment history of that deck. Likewise, the Order sometimes provides that a judge will have a “card added” to a deck, which has the effect of taking a case credit *away* from that judge in the assignment history of the 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 ¹ The 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

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
7 Assignment 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
25 from the Eastern Division’s General Criminal Assignment Deck during a given period.

26 _____
27 resuming at the beginning of each year with “00001.” The assigned judge’s initials are added to the
28 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 If it appears that the number of cases assigned from either deck in a given period is
2 likely to exceed that maximum number, filings that would ordinarily be randomly
3 assigned from the division's General Criminal Assignment Deck may instead be
4 randomly assigned from the Western Division's General Criminal Assignment Deck.²
5 If it appears that the number of cases so assigned to the Western Division will
6 substantially exceed a division's maximum allowed number, the Clerk will promptly
7 notify the Chief Judge and the Chair of the Case Management and Assignment
8 Committee, who will consider 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
16 Eastern Divisions will be credited against the predetermined number of cases allowed
17 for 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. Subject to adjustments
25 described below in [Section I.A.1.b.\(2\)](#) ("Adjustments"), the appropriate division for
26 cases to be assigned from a Complex Criminal Assignment Deck is as set forth below
27 in [Section I.A.1.b.\(1\)](#), unless otherwise directed by the Case Management and

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

1 Assignment Committee.

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

10 **I.A.1.b.(1) Preliminary Determination of Venue**

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

14 **I.A.1.b.(2) Adjustments**

15 In order to balance the number of cases assigned to judicial officers, maximize
16 judicial resources, and ensure the timely handling of cases, there will be determined,
17 and adjusted as needed: (1) a maximum number of cases allowed for random
18 assignment from the Southern Division's Complex Criminal Assignment Deck during
19 a given period; and (2) a maximum number of cases allowed for random assignment
20 from the Eastern Division's Complex Criminal Assignment Deck during a given
21 period. If it appears that the number of cases assigned from either deck in a given
22 period is likely to exceed that maximum number, filings that would ordinarily be
23 randomly assigned from the division's Complex Criminal Assignment Deck may
24 instead be randomly assigned from the Western Division's Complex Criminal
25 Assignment Deck.³ If it appears that the number of cases so assigned to the Western
26 Division will substantially exceed a division's maximum allowed number, the Clerk
27 will promptly notify the Chief Judge and the Chair of the Case Management and

28 ³ This provision is often referred to as "the blackout rule."

1 Assignment Committee, who will consider whether any action should be taken.

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

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

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

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

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

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

1
2 Most criminal matters are not assigned to a district judge until after the United
3 States Attorney has filed an indictment or information and a criminal case number has
4 been assigned. Notwithstanding this general practice, upon the filing of an ex parte
5 application for the appointment of counsel to represent the target of a federal
6 investigation relating to potential charges that might be punishable by death, a district
7 judge shall immediately be randomly assigned from the Complex Criminal
8 Assignment Deck for the division in which the ex parte application for the appointment
9 of counsel was filed. Absent extraordinary circumstances, all pre-indictment ex parte
10 applications for the appointment of counsel should be filed in the division in which the
11 majority of the events, acts, or omissions being investigated are claimed to have
12 occurred, and should include the phrase “PRE-INDICTMENT DEATH-ELIGIBLE
13 MATTER” in the caption of the application under the title of the document.

I.A.2. Direct Assignment

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

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

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

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

26
27 If a criminal case transferred to this district under Rule 20 involves a defendant
28 in a criminal case originating in this district and assigned to a judge, the Rule 20 plea

1 will be directly assigned to that judge, and that judge will have one card removed from
2 the General Criminal Assignment Deck.

3 If, at the time a criminal case originating in this district is assigned to a judge,
4 one of the defendants has a Rule 20 plea pending in this district, the case originating in
5 this district will be directly assigned to the judge assigned the Rule 20 plea, and that
6 judge will have one card removed from the appropriate criminal assignment deck.

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

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

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

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

21 **I.A.2.e. Indictment or Information Related to Pre-Indictment** 22 **Death-Eligible Matter**

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

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

27 Each division will have at least one criminal duty judge to perform all duties in
28 connection with criminal matters not assigned to the calendars of the individual judges.

1 Service as criminal duty judge shall rotate among all active district judges except the
2 Chief Judge. The criminal duty roster in the Southern and Eastern Divisions will be
3 set by agreement of the judges in each division. The criminal duty roster for the
4 Western Division will be set annually by the Chief Judge.

5 **I.B. Civil Cases**

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

9 **I.B.1. Random Assignment**

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

- 12 • General Civil Assignment Deck (one for each division)
- 13 • Removal Assignment Deck (one for each division)
- 14 • Post-Removal Assignment Deck (one district-wide deck)
- 15 • Bankruptcy Assignment Deck (one district-wide deck)
- 16 • Report & Recommendation Assignment Deck (one district-wide deck)
- 17 • Capital Habeas Assignment Deck (one district-wide deck)

18 The appropriate division for such an assignment is determined as indicated below.

19 Unless otherwise specified, for each case assigned from a given deck, the assigned
20 judge will receive one case credit in the assignment history of that deck and no case
21 credit in the assignment history of any other deck.

22 **I.B.1.a. Civil Cases Generally**

23 Except as otherwise provided in this General Order, when a case with a civil
24 case number (i.e., d:yy-CV-xxxx)⁴ is assigned to a district judge, it will be randomly

25 ⁴ The components of a civil case number include a one-digit office code “d,” indicating the
26 division in which the case is first assigned (2 for Western, 5 for Eastern, 8 for Southern), followed by
27 a two-digit indicator “yy” to show the year of filing, followed by an indicator of the case type (“CV”
28 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

1 assigned from a division-specific General Civil Assignment Deck. The appropriate
2 division for the assignment is determined by the following rules.

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

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

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

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

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

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

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

24 Civil cases not involving the United States as a party will be assigned to: (1) the
25 Southern Division if 50% or more of the plaintiffs who reside in the district, or 50% or
26 more of the defendants who reside in the district, reside in the Southern Division; (2)

27 _____
28 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.

1 the Eastern Division if 50% or more of the plaintiffs who reside in the district, or 50%
2 or more of the defendants who reside in the district, reside in the Eastern Division and
3 the case is not assignable to the Southern Division pursuant to (1); otherwise, (3) the
4 Western Division.

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

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

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

10 In order to balance the number of cases assigned to judicial officers, maximize
11 judicial resources, and ensure the timely handling of cases, there will be determined,
12 and adjusted as needed: (1) a maximum number of cases allowed for random
13 assignment from the Southern Division's General Civil Assignment Deck during a
14 given period; and (2) a maximum number of cases allowed for random assignment
15 from the Eastern Division's General Civil Assignment Deck during a given period. If
16 it appears that the number of cases assigned from either deck in a given period is likely
17 to exceed that maximum number, filings that would ordinarily be randomly assigned
18 from the division's General Civil Assignment Deck may instead be randomly assigned
19 from the Western Division's General Civil Assignment Deck.⁵ If it appears that the
20 number of cases so assigned to the Western Division will substantially exceed a
21 division's maximum allowed number, the Clerk will promptly notify the Chief Judge
22 and the Chair of the Case Management and Assignment Committee, who will consider
23 whether any action should be taken.

24 If it appears that the actual number of civil cases assigned within either the
25 Southern or Eastern Division for the given period will be substantially less than the
26 predetermined number of cases for that division, the Clerk will promptly notify the
27 Chief Judge and the Chair of the Case Management and Assignment Committee, who

28 ⁵ This provision is often referred to as "the blackout rule."

1 may then direct the Clerk to include in the Western Division General Civil Assignment
2 Deck a specific number of cards for each district judge in the division in question.
3 Cases assigned from the Western Division’s General Civil Assignment Deck to judges
4 of the Southern or Eastern Divisions will be reclassified as Southern or Eastern
5 Division cases, as appropriate, and credited against the predetermined number of cases
6 allowed for assignment within the Southern or Eastern Division for the given period.

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

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

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

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

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

1 continue in the district court will remain with the district judge who granted the motion
2 or application.

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

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

12 **I.B.1.e. Capital Habeas Cases**

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

16 **I.B.2. Direct Assignment**

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

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

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

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

2 A capital habeas corpus petition filed by a petitioner who has previously sought
3 relief in this Court with respect to the same conviction will be directly assigned to the
4 district judge assigned the earlier petition. The judge receiving the direct assignment
5 will have one card removed from the Capital Habeas Assignment Deck.

6 **I.B.2.c. Challenges to Criminal Convictions or Sentences from**
7 **This District**

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

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

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

- 27 (1) an application for a writ of continuing garnishment
28 originating from a criminal case in this district;

- 1 (2) an application for a judgment-debtor examination
- 2 originating from a criminal case in this district;
- 3 (3) a motion to quash a writ of execution originating from
- 4 a criminal case in this district;
- 5 (4) a motion for a receivership originating from a criminal
- 6 case in this district;
- 7 (5) a motion for the return of seized property pursuant to
- 8 Fed. R. Crim. P. 41;
- 9 (6) a motion for bail forfeiture, unless the district judge
- 10 assigned to the underlying criminal case is not
- 11 available or no district judge has been assigned, in
- 12 which case the motion will be referred to a criminal
- 13 duty judge for the division in which the underlying
- 14 criminal case is or was pending.

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

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

20 **I.B.2.f. Related Bankruptcy Matters**

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

25 **II. REASSIGNMENT OF CASES TO DISTRICT JUDGES**

26 Matters will be reassigned as follows:

27 **II.A. Senior Judges**

28 When an active district judge elects to take senior status pursuant to 28 U.S.C. §

1 371 *et seq.*, it is the desire of the Court that the judge retain responsibility for his or her
2 existing caseload, both civil and criminal, until those cases have been closed.

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

7 **II.B. Calendar Creation**

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

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

20 **II.C. Voluntary Transfer**

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

26 **II.D. Unavailability**

27 In the event of prolonged illness, disability, or other unavoidable unavailability
28 of a judge, the Case Management and Assignment Committee may transfer from the

1 calendar of such judge any matters deemed necessary to expedite the business of the
2 Court and to promote the prompt administration of justice. The Clerk will reassign
3 such matters in the same manner as an original assignment under this Order, or as
4 otherwise directed by the Case Management and Assignment Committee Chair. In
5 addition, the Committee Chair or Chief Judge may direct that a judge who is
6 unavailable under this paragraph be temporarily removed from one or more decks.

7 **II.E. Recusal**

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

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

28 If, as provided in the foregoing paragraph, the judge to whom the case is

1 reassigned exercises the option to transfer a case to the recusing judge, the latter may
2 appeal the case selected for transfer to the Case Management and Assignment
3 Committee as not being “a case of equal or similar weight and complexity.” The
4 Committee will then approve or disapprove the transfer. If the Committee
5 disapproves, the case will be returned to the transferor judge and that judge may select
6 another civil case for transfer.

7 **II.F. Motions to Disqualify**

8 If a motion is made to disqualify a district judge in any case, the motion must
9 first be reviewed by the district judge to whom that case is assigned, even if that judge
10 is the subject of the motion to disqualify. The assigned judge may grant the motion,
11 deny the motion, or refer the motion to another judge.⁶ If the assigned judge
12 determines that the motion to disqualify should be referred to another judge, the
13 assigned judge may refer the motion to the Clerk for random assignment to another
14 district judge in the same division from a division-specific Motions to Disqualify
15 Deck. If all judges in the Southern Division or the Eastern Division are unable to
16 accept a motion to disqualify because of disqualification or recusal, the motion will be
17 randomly assigned from the Western Division’s Motions to Disqualify Deck. If all
18 judges in the Western Division are unable to accept a motion to disqualify because of
19 disqualification or recusal, the motion will be randomly assigned from the Southern
20 Division’s Motions to Disqualify Deck.

21 A motion to disqualify a magistrate judge in a civil case in which no district
22 judge has been assigned will be randomly assigned from the Motions to Disqualify
23 Deck for the division in which the magistrate judge is located, unless the case has not
24 been assigned to a district judge as a result of the filing of an IFP application, in which
25

26 ⁶ See 28 U.S.C. §§ 144 (“Whenever a party to any proceeding in a district court makes and
27 files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal
28 bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no
further therein, but another judge shall be assigned to hear such proceeding.”), 455(a)–(b) (listing
circumstances in which judges shall disqualify themselves).

1 circumstance the motion will be directly assigned to the Chief Judge. A motion to
2 disqualify a magistrate judge in a criminal case in which no district judge has been
3 assigned will be assigned to the criminal duty judge for the division in which the case
4 is pending.

5 The judge to whom a motion to disqualify is assigned will promptly determine
6 the motion. If the motion is denied, the case will proceed as originally assigned. If a
7 motion to disqualify a district judge is granted, the case will be returned to the Clerk
8 for random reassignment in the same manner as an original assignment under [Section I](#)
9 of this Order, and if the disqualified judge received case credit in any deck upon
10 receiving the case, the judge will have one card added to that deck. If a motion to
11 disqualify a magistrate judge is granted, a new magistrate judge will be assigned
12 pursuant to General Order 05-07, or any successor General Order.

13 **II.G. Unavoidable Delay**

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

21 **II.H. Identical Civil Cases**

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

1 **II.I. Related Cases**

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

3 Parties must promptly file a Notice of Related Cases in the following
4 circumstances:

5 **II.I.1.a. Criminal Cases**

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

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

13 **II.I.1.b. Civil Cases**

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

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

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

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

24 Whenever a civil forfeiture case and a criminal case:

- 25 (1) arise from the same or a closely related transaction,
26 happening, or event;
27 (2) call for determination of the same or substantially
28 related or similar questions of law and fact; or

- 1 (3) involve one or more defendants from the criminal case
2 in common and would entail substantial duplication of
3 labor if heard by different judges.

4 **II.I.2. Transfer**

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

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

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

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

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

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

II.I.3. Groups of Related Cases

When a transferee judge has accepted fifteen cases as related to the same earlier-filed case (that case itself is not counted), the Clerk will report the group of related cases to the Case Management and Assignment Committee. The Committee will review the group of related cases to determine whether an alternative method of assigning the cases is appropriate. The Committee may determine, for example, that the entire group of cases should be assigned to another available judge for all proceedings, or that the cases should be consolidated before one judge for pretrial proceedings only.

II.I.4. Case Credit

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

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

II.J. MDL Cases Transferred from This District

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

A case returned to this district by the JPML after processing by a multidistrict transferee judge will be returned to the judge from whom the transfer was originally made, and that judge will have one card removed from the appropriate assignment deck. If more than fifteen such cases are returned to the same judge, the Case

1 Management and Assignment Committee will review the group to determine whether
2 an alternative method of assigning the cases is appropriate, as described under [Section](#)
3 [II.I.3.](#) (“Groups of Related Cases”).

4 **III. EFFECTIVE DATE**

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

6 IT IS SO ORDERED.

7 

8 _____
9 CHIEF UNITED STATES DISTRICT JUDGE

10
11 *Date of Approval by the Court:* February 25, 2021

12
13 *Date of Filing by the Clerk:* February 26, 2021