



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

IN THE MATTER OF) GENERAL ORDER NO. 349
METHOD OF ALLOCATING)
CASES AMONG THE) (SUPERSEDES GENERAL ORDERS
DIVISIONS OF THE) 310-B AND 310-D)
CENTRAL DISTRICT COURT)
OF CALIFORNIA)

WHEREAS, United States Code 28 §84(c) divides the Central District of California into three (3) Divisions, as follows:

- the Western Division comprised of Los Angeles, San Luis Obispo, Santa Barbara and Ventura Counties,
- the Southern Division comprised of Orange County, and
- the Eastern Division comprised of Riverside and San Bernardino Counties,

IT IS HEREBY ORDERED that the following shall govern the method of allocating cases among the Western, Southern and Eastern Divisions:

1. Assignment of Civil Cases to the Southern Division

A. (i) Except as provided in paragraph (B), a civil case shall be assigned to the Southern Division if:

(a) each plaintiff resides in the Southern Division or in a place outside the remainder of the Central District of California, and

(b) each named defendant resides in the Southern Division or in a place outside the remainder of the Central District of California, and

(c) all claims arose in the Southern Division or in a place outside the remainder of the Central District of California.

(ii) Except as provided in paragraph B., a civil case in which the United States or any agency thereof is a defendant, and in which all plaintiffs reside in the Southern Division shall be assigned to the Southern Division. In addition, a civil case in which the United States or any agency thereof is a plaintiff, and in which all defendants reside in the Southern Division shall be assigned to the Southern Division.

(iii) With the exception of those cases assigned to the Eastern Division pursuant to paragraph 2, all other civil cases shall be assigned to the Western Division.

B. (i) In order to balance the number of civil cases assigned to the judicial officers of the Western, Southern and Eastern Divisions, there shall be determined a maximum number of civil cases allowed for assignment to the Southern Division for a given period. This predetermined number shall be adjusted as needed.

(ii) Once the predetermined number of civil cases has been assigned to the Southern Division for the given period, all additional civil cases filed during that period shall be assigned to the Western Division.

(iii) If the actual number of civil cases assigned to the Southern Division for the given period is less than the predetermined number of cases allowed for assignment, the difference shall be added to the next period's allowance of Southern Division civil cases.

2. Assignment of Civil Cases to the Eastern Division

A. (i) Except as provided in paragraph B, a civil case shall be assigned to the Eastern Division if:

(a) each plaintiff resides in the Eastern Division or in a place outside the remainder of the Central District of California, and

(b) each named defendant resides in the Eastern Division or in a place outside the remainder of the Central District of California, and

(c) all claims arose in the Eastern Division or in a place outside the remainder of the Central District of California.

(ii) Except as provided in paragraph B., a civil case in which the United States or any agency thereof is a defendant, and in which all plaintiffs reside in Eastern Division shall be assigned to the Eastern Division. In addition, a civil case in which the United States or any agency thereof is a plaintiff, and in which all defendants reside in the Eastern Division shall be assigned to the Eastern Division.

(iii) With the exception of those cases assigned to the Southern Division pursuant to paragraph 1, all other civil cases shall be assigned to the Western Division.

B. (i) In order to balance the number of civil cases assigned to the judicial officers of the Western, Southern and Eastern Divisions, there shall be determined a maximum number of civil cases allowed for assignment to the Eastern Division for a given period. This predetermined number shall be adjusted as needed.

(ii) Once the predetermined number of civil cases has been assigned to the Eastern Division for the given period, all additional civil cases filed during that period shall be assigned to the Western Division.

(iii) If the actual number of civil cases assigned to the Eastern Division for the given period is less than the predetermined number of cases allowed for assignment, the difference shall be added to the next period's allowance of Eastern Division civil cases.

3. Assignment of Criminal Cases to the Southern Division

A. A criminal indictment or information may be assigned to the Southern Division if the majority of the crimes charged are alleged to have been committed within the Southern Division.

B. (i) In order to balance the number of criminal cases assigned to the judicial officers of the Western, Southern and Eastern Divisions, there shall be determined a maximum number of criminal cases allowed for assignment to the Southern Division for a given period. This predetermined number shall be adjusted as needed.

(ii) Once the predetermined number of criminal cases has been assigned to the Southern Division for the given period, all additional criminal cases filed during that period shall be assigned to the Western Division.

(iii) If the actual number of criminal cases assigned to the Southern Division for the given period is less than the predetermined number of cases allowed for assignment, the difference shall be added to the next period's allowance of Southern Division criminal cases.

C. All guilty pleas pursuant to Federal Rule 20 for arrests within the Southern Division shall be assigned to the Southern Division.

D. For any transfer of a case to or from any Division that requires a change of the individual attorney of record as approved by the transferor judge, there shall be a new minimum 30-day period for trial preparation which shall run from the day of the order of transfer, unless waived by the parties.

4. Assignment of Criminal Cases to the Eastern Division

The initial United States District Judge assigned to the Eastern Division shall receive Western Division criminal cases until such time he or she is permanently located in the Eastern Division. Once the initial United States District Judge is permanently located in the Eastern Division, the assignment of criminal cases shall be assigned to the Eastern Division as follows:

A. A criminal indictment or information may be assigned to the Eastern Division if the majority of the crimes charged are alleged to have been committed within the Eastern Division.

B. (i) In order to balance the number of criminal cases assigned to the judicial officers of the Western, Southern and Eastern Divisions, there shall be determined a maximum number of criminal cases allowed for assignment to the Eastern Division for a given period. This predetermined number shall be adjusted as needed.

(ii) Once the predetermined number of criminal cases has been assigned to the Eastern Division for the given period, all additional criminal cases filed during that period shall be assigned to the Western Division.

(iii) If the actual number of criminal cases assigned to the Eastern Division for the given period is less than the predetermined number of cases allowed for assignment, the difference shall be added to the next period's allowance of Eastern Division criminal cases.

C. All guilty pleas pursuant to Federal Rule 20 for arrests within the Eastern Division shall be assigned to the Eastern Division.

D. For any transfer of a case to or from any Division that requires a change of the individual attorney of record as approved by the transferor judge, there shall be a new minimum 30-day period for trial preparation which shall run from the day of the order of transfer, unless waived by the parties.

5. Assignment of Bankruptcy Matters to the Southern Division

A. All bankruptcy appeals, referrals and contempt proceedings from the Bankruptcy Court in the Southern Division shall be assigned to the Southern Division.

B. All bankruptcy matters that have been withdrawn to the district court by the Southern Division Bankruptcy Duty Judge shall be assigned to the Southern Division.

6. Assignment of Bankruptcy Matters to the Eastern Division

A. All bankruptcy appeals, referrals and contempt proceedings from the Bankruptcy Court in the Eastern Division shall be assigned to the Eastern Division.

B. All bankruptcy matters that have been withdrawn to the district court by the Eastern Division Bankruptcy Duty Judge shall be assigned to the Eastern Division.

7. Assignment of Other Matters

A. Notices of Removal - Removed cases shall be assigned to the appropriate Division of the Central District Court of California pursuant to the civil case assignment procedures set forth in paragraphs 1 and 2 of this Order.

B. Habeas Corpus Petitions and § 2255 Motions

(i) Non-death penalty habeas corpus petitions where the prisoner was convicted in the Southern Division shall be assigned to the Southern Division.

(ii) Non-death penalty habeas corpus petitions where the prisoner was convicted in the Eastern Division shall be assigned to the Eastern Division.

(iii) Habeas corpus cases involving the death penalty shall be assigned in accordance with the general procedures for those cases.

(iv) Motions under §2255 shall be assigned as provided in General Order 224.

C. Naturalization - All naturalization and immigration matters shall be primarily assigned to the Western Division.

D. Prisoner Civil rights Cases - All prisoner civil rights cases shall be assigned to the Western Division.

E. Emergency Filings - All emergency filings shall be filed in the Western Division. If the case would otherwise have been assigned to another Division, it shall be so assigned the following business day.

8. Consent to Proceed Before a U.S. Magistrate Judge

Regardless of where a civil case is assigned, the parties may consent to proceed before a magistrate judge pursuant to General Order 194-G, and may stipulate to a specific magistrate judge regardless of where that magistrate judge is assigned. If no specific magistrate judge is requested by the parties, one shall be selected at random from an assignment wheel which shall contain the names of all full-time magistrate judges regardless of where assigned.