

FILED

IN THE UNITED STATES DISTRICT COURT **DEC 31 1970**

FOR THE EASTERN DISTRICT OF CALIFORNIA CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BY _____
Deputy Clerk

In Re)
))
ORDER IMPLEMENTING INDIVIDUAL)
CALENDAR SYSTEM IN SACRAMENTO)
COURT)
_____)

GENERAL ORDER NO. 33

Commencing January 4, 1971, the judges of the Sacramento court of the Eastern District of California will operate on an individual calendar system. The following will be done to implement this plan.

1. Except for habeas corpus cases, civil cases filed on or after January 4, 1971, will be assigned to Judges Wilkins and MacBride on an alternate basis. This division of cases between the judges will be made by the clerk at the time of filing.

2. Except for those cases which are presently under submission to a judge either on a motion or on the merits, all presently pending civil cases shall be divided equally between Judges Wilkins and MacBride starting with the oldest filing assigned to Judge Wilkins and the next oldest to Judge MacBride and the rest on an alternate basis between the two judges. The clerk shall make this division forthwith.

3. Judge Wilkins will hear a civil law and motion calendar on January 11 and on every second Monday thereafter. Judge MacBride will hear his civil law and motion calendar on January 18 and on every second Monday thereafter.

4. Judge Wilkins will take over the criminal calendar on January 11, 1971, and will continue with the criminal calendar on a daily basis or with whatever regularity he may desire until April 1, 1971, whereupon Judge MacBride will take over the criminal calendar and thereafter the criminal calendar will be alternated between the two active judges at the end of each three months.

5. The judge hearing the criminal calendar shall handle arraignments, pleas, sentences on pleas and change of pleas, all Rule 20 hearings and motions, all motions concerning bail prior to plea, and all non-complex motions prior to plea. Additionally, he shall hear all motions having to do with the cases he has assigned to himself for trial.

6. The judge hearing the criminal calendar shall assign to himself and to the second judge, on an alternate basis, each case wherein a plea of not guilty has been entered. When making such an assignment to the second judge the calendar judge shall at the same time order the defendant to return to the court of the second judge on the following court day at a time certain

for the fixing of a trial date.

7. Effective immediately the clerk shall divide equally between the two judges on an alternate basis all of the criminal cases which are presently set for trial.

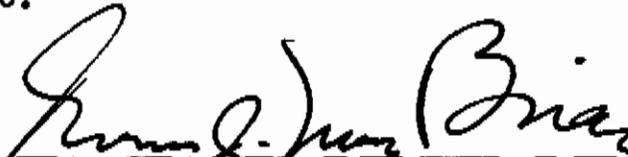
8. Petitions for review in bankruptcy matters shall be assigned by the clerk to the two judges on an alternate basis as the petitions are filed in the clerk's office.

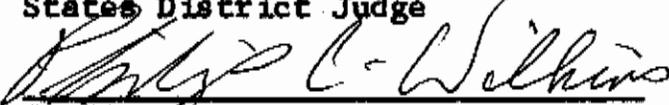
9. Applications by alleged paupers for the filing of civil rights actions shall be assigned by the clerk to the two judges on an alternate basis as the applications are received in the clerk's office.

10. Admiralty cases shall be assigned to the two judges by the clerk in the same manner as civil cases.

11. It shall be the responsibility of the clerk of this court and his assistant and deputies to assure that no person shall be advised in advance of assignment or filing the identity of the judge to whom his or her cases is being assigned by the criminal calendar judge or by reason of filing in the office of the clerk.

DATED: December 31, 1970.


THOMAS J. MacBRIDE, Chief United States District Judge


PHILIP C. WILKINS
United States District Judge

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