

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FILED

RE: )  
)  
ASSIGNMENT OF CIVIL CASES )  
ON INDIVIDUAL CALENDAR SYSTEM )

FEB - 5 1980  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Good cause appearing;

The assignment plan attached hereto is hereby adopted as a method for the assignment of civil and criminal cases to the Judges of this Court sitting in Sacramento; Local Rule 100 is hereby amended as set forth below:

RULE 100

ASSIGNMENT OF CIVIL CASES ON  
INDIVIDUAL CALENDAR SYSTEM

The judges in this district shall operate on an individual calendar system.

(a) All civil cases filed in Sacramento shall be assigned in accordance with the assignment plan filed with the Clerk of Court and incorporated as Appendix A to the Local Rules of Court.

(b) All cases filed in Fresno shall be assigned to one of the permanent district judges sitting in Fresno. As each case is filed it will be assigned by the clerk, on an alternating basis, to one of the judges and the clerk shall designate the assigned judge on the initial pleading. Such case shall thereafter remain assigned to that judge unless and until it is ordered reassigned to another judge temporarily or permanently assigned to the Eastern District.

(c) It shall be the responsibility of the clerk of the district court and his deputies to assure that no person shall be advised in advance of the identity of the

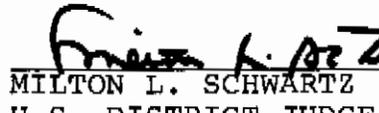
judge to whom a case will be assigned by  
reason of its filing at a particular time.

IT IS SO ORDERED.

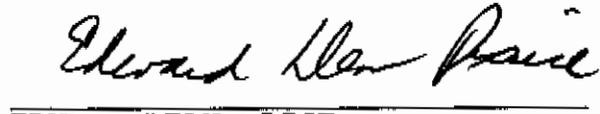
DATED: January 25, 1980.

  
PHILIP C. WILKINS  
CHIEF U.S. DISTRICT JUDGE

  
LAWRENCE K. KARLTON  
U.S. DISTRICT JUDGE

  
MILTON L. SCHWARTZ  
U.S. DISTRICT JUDGE

  
M.D. CROCKER  
U.S. DISTRICT JUDGE

  
EDWARD DEAN PRICE  
U.S. DISTRICT JUDGE

## ASSIGNMENT PLAN

(a) PURPOSE. This Assignment Plan is adopted to set forth a method whereby civil and criminal cases are assigned at the Sacramento Division of this District. All proceedings hereunder shall be under the supervision of the Chief Judge.

(b) FILING OF CIVIL ACTIONS. Upon filing of the initial complaint, petition or other paper first filed in a civil action, the clerk of the court shall:

(1) Mark the document "Civ."

(2) Place on the document, following "Civ" a case number, which shall be consecutive and prefixed by a filing year number, i.e., the last two digits of the year in which the action is filed.

(c) ASSIGNMENT PROCEDURE FOR CIVIL ACTIONS. The clerk of the court shall assign a civil action to a judge of this court in the following manner:

(1) There shall be a separate block of assignment cards for each of the following categories:

- (a) Admiralty - Maritime Claims (except Jones Act).
- (b) Antitrust.
- (c) Contract.
- (d) Copyright/Trademark/Unfair Competition.
- (e) Patent.

- (f) Labor Relations.
- (g) Tax.
- (h) Tort/Personal Injury (including Jones Act)/  
Property Damage/Fraud/Other (specify).
- (i) Government Collection/Forfeiture/Penalty.
- (j) Civil Rights.
- (k) Land Condemnation.
- (l) Habeas Corpus.
- (m) Review of Administrative Action.
- (n) Federal Securities.
- (o) Civil/Other (specify).
- (p) Settlement Conferences.
- (q) Criminal Cases.
- (r) Magistrate Appeals.
- (s) Other Appeals.
- (t) Miscellaneous.

(2) In each block the clerk shall place a number of sealed, unmarked envelopes, each envelope containing a card with the name of an active judge of this court. The number of envelopes for each judge shall be equal, except as may from time to time be determined by the Chief Judge.

(3) Before placement in the block, the sealed envelopes for each category shall be thoroughly shuffled by the clerk so that the sequence of the judges' names

in each block will be random and secret.

(4) The envelopes for each block shall be separately kept in an appropriately marked file box which shall be locked, except when in actual use by the clerk, and safely kept.

(5) When the initial paper is presented for filing and has been marked pursuant to paragraph (b), the clerk shall, in the presence of the person presenting it, draw one envelope at random from the file box corresponding to the designated or determined category of the case, open the envelope immediately and ascertain the identity of the judge drawn. The clerk shall then check the reassignment log to determine if the ballot may be used or if the judge has a credit as a result of having been reassigned a case previously. If he has a credit, the clerk must redraw a new judge from the same category and note on the log that the first judge's credit has been used. Thereafter the clerk shall proceed by stamping on the paper presented for filing the initials of the assigned judge, immediately after the case number placed on the document pursuant to paragraph (b)(2). The clerk shall also stamp on the paper the initials of the assigning clerk and the date of assignment. All subsequent papers filed in the action shall bear the designation "Civ," followed by the case number, followed by the initials of the

assigned judge, e.g., "Civ 79-100-ABC."

(6) The assignment of each civil action shall be completed as it is presented for filing and before the processing of the next action is begun.

(7) In emergency situations when counsel deems prompt action necessary and if the assigned judge is absent or otherwise unable to hear the matter in time, the clerk shall draw another judge in the manner hereinabove described. The envelope containing the card of the unavailable judge shall be returned to the block of assignments.

(8) When the file box for any category has been nearly emptied, the box shall be replenished with envelopes in the same manner as provided for original placement.

(d) FILING AND ASSIGNMENT PROCEDURE FOR CRIMINAL CASES.

(1) Upon the filing of the indictment, information, or other first paper in a criminal case, the clerk shall mark it as provided in paragraphs (b)(1) and (2), except that "Cr" will be used instead of "Civ."

(2) Assignment of criminal cases shall be in the manner set forth in paragraph (c). The identity of judges in each block and the number of envelopes for each shall be as from time to time determined by the

Chief Judge.

(e) RELATED CASES. When a case is presented for filing that is related to another case within the meaning of Local Rule 101 the clerk shall, with the approval of the Chief Judge, assign the case directly to the judge to whom the earliest-filed of the related cases was assigned.

(f) REASSIGNMENTS.

(1) No case, once assigned, shall be reassigned to any other judge except as hereinafter provided.

(2) Cases may be reassigned between judges on written order signed by the transferring and accepting judges and approved by the Chief Judge.

(3) Cases may be assigned and reassigned by order of the Chief Judge to effectuate the related case rule (Local Rule 101).

(4) In the event the judge to whom a case has been assigned files therein a statement of disqualification or is disqualified, the Chief Judge may make an order directing the clerk to draw again for reassignment of the case to another judge and to replace an envelope containing the name of the disqualified judge in the file box.

(5) With the approval of the court en banc the Chief Judge may make such other assignments, re-

assignments or related orders as are conducive to the equitable division and just, efficient and economical determination of the business of the court.

(g) VISITING JUDGES. Whenever a judge is assigned to serve as a visiting judge in this court, the Chief Judge shall, prior to the arrival of such judge, make an order forming his calendar by transferring to him from the other judges cases designated by them as available for transfer. Selection of cases for this purpose shall be made upon a basis equitable among all the judges of this court and after consultation with them.

(h) REVIEW OF ASSIGNMENTS. A judge may request the Chief Judge to review an assignment or reassignment. If the Chief Judge requests such review himself, he shall designate another judge to serve in his stead for the hearing of such request. A judge affected by a ruling may have the ruling reviewed by the court en banc.

(i) ASSIGNMENT REGISTER AND REPORTS.

(1) The clerk of the district court shall maintain an Assignment Register (in form as approved by the court) containing an account of all cases assigned to each of the judges of the court or to any visiting judge and all reassignments among judges.

(2) At the end of each month the clerk will prepare from the foregoing records for the Chief Judge (copy to each judge) a report showing the number of cases assigned

to and pending before each judge and such other information as the Chief Judge may direct.

(j) GENERAL DUTY JUDGE. The Chief Judge shall, from time to time, appoint a member of the court, other than himself to serve as the General Duty Judge. Appointments shall be made on an equitable and rotating basis. The General Duty Judge shall preside over naturalization ceremonies and hear contested applications for citizenship; impanel Grand Juries; preside over matters before the Grand Jury; receive Grand Jury returns; preside over admission ceremonies; act as U.S. Magistrate when the need arises; and preside over such other miscellaneous matters as may from time to time be designated by the Chief Judge.