

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

<b>IN RE:</b>	)	LR-25-01
	)	
<b>AMENDMENT OF LOCAL RULE 3.2</b>	)	Chief District Judge
	)	Travis R. McDonough
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**ORDER**

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Pursuant to Rule 83, *Federal Rules of Civil Procedure*, and 28 U.S.C. § 2071, it is **ORDERED** that Local Rule 3.2 is **AMENDED** to read as follows:

- (a) Method.** Each case, upon filing, shall be assigned to a district judge and magistrate judge, who shall continue in the case or matter until its final disposition, except as hereinafter provided. Magistrate judges will not be assigned bankruptcy appeals.
- (b) Sequence.** All initial papers in cases shall be first filed in the office of the Clerk who shall stamp on the complaint, petition, or other initial paper of each case so filed, the number of the case and the names of the district judge and magistrate judge to whom it is assigned. The numbering and assignment of each case shall be completed before processing of the next case is commenced.
- (c) Procedure.** The Clerk shall use automated or manual means to assign new cases to district judges in accordance with the law, Judicial Conference policy, and standing orders issued by the Court from time to time. The Clerk shall mark the name of the assigned district judge on the first document of the case and preserve a record of such assignments.
- (d) Exceptions.**

  - (1) Refilings. If a case is dismissed or remanded to state court and later refiled, either in the same or similar form, upon refiled it shall be assigned or transferred to the district judge and magistrate judge to whom it was originally assigned.
  - (2) Criminal Proceedings.

A. Petitions under 28 U.S.C. §§ 2255 and 2241 shall be assigned to the district judge and magistrate judge assigned to the original criminal case if that judge is still hearing cases.

B. Informations filed against a defendant with a pending indictment shall be assigned to the district judge and magistrate judge assigned to the pending case.

C. When a defendant in a transfer case pursuant to Federal Rule of Criminal Procedure 20 has a pending case in this district, the Rule 20 case shall be assigned to the district judge and magistrate judge assigned to the pending case.

D. When new charges are brought against a defendant on supervised release, the supervised release case shall be reassigned to the district and magistrate judges assigned to the new case.

E. Civil *in rem* actions initiated by the United States against a defendant with criminal charges pending in this Court shall be assigned to the district judge and magistrate judge assigned to the pending criminal case.

(3) Related civil cases. Civil cases related to cases already assigned to a district judge shall be assigned or transferred as set out below.

A. Definition. Civil cases are deemed related when a filed case (1) relates to property involved in an earlier numbered case, or (2) arises out of the same transaction or occurrence and involves one or more of the same parties as an earlier numbered case, or (3) involves the validity or infringement of a patent already at issue in any earlier numbered case.

B. Determination. When it appears to the Clerk that a civil case submitted for filing may be related to a previously filed case, the submitted case shall be referred to the magistrate judge assigned to the previously filed case to determine whether or not the cases are related. If the magistrate judge determines the cases are related, the magistrate judge will enter an order directing the Clerk to assign the submitted case to the district judge and magistrate judge assigned to the previously filed case. If cases are found to be related cases after assignment to different judges, they may be reassigned by the Chief Judge to the judge having the related case earliest filed.

(e) **Effect.** This rule is intended to provide for an orderly division of the business of the Court and not to grant any right to any litigant.

(f) **Duty of parties.** In accordance with LR 3.1, counsel shall set forth on the Civil Cover Sheet all pending related cases and any dismissed or remanded prior cases.

**(g) Unavailability of judge.** If it appears that any matter requires immediate attention, and the district judge to whom the case has been assigned, or in the usual course would be assigned, is not available, the matter shall be referred to the magistrate judge assigned to the case, who shall decide the matter if it is within the magistrate judge's jurisdiction. If the matter can only be decided by a district judge, the magistrate judge shall determine whether the matter can be set for a hearing at a time when the assigned district judge is available. If the matter is determined by a magistrate judge to require an immediate hearing before a judge, the case will be referred to the Chief Judge, or in the Chief Judge's absence, the next available district judge by seniority for decision or reassignment to an available judicial officer. After disposition of this emergency matter, the case will be returned to the originally assigned district judge.

**SO ORDERED.**

  
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**TRAVIS R. MCDONOUGH**  
**CHIEF UNITED STATES DISTRICT JUDGE**