



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

Howard H. Baker Jr. United States Courthouse  
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**JOHN L. MEDEARIS**  
Clerk of the Court

**LEANNA R. WILSON**  
Chief Deputy Clerk

**NOTICE**

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend the Eastern District of Tennessee Local Rule 3.2(d)(2) (Assignment of Cases to Judges). Additions are underlined and deletions are struck through.

(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 new case shall be randomly assigned to a district and magistrate judge and the supervised release case shall be reassigned to the district and magistrate judges assigned to the new case.

Comments should be directed in writing to John L. Medearis, Clerk of Court, by November 23, 2018, at the above address.

*Comments:*

*Currently, when new charges are brought against a defendant on supervised release, the divisions either directly assign the new criminal case to the district and magistrate judges who were assigned to the prior case, if they are available, or they reassign the revocation of supervised release to the newly assigned district and magistrate judges assigned to the new case.*

*Although assigning the new case to the district and magistrate judges who were assigned to the prior case maintains consistency, the district and magistrate judges are not always available and this assignment method interferes with judge rotation orders. Alternatively, reassigning the revocation of supervised release to the district and magistrate judges randomly assigned to the new case maintains judge rotation orders and avoids the situation where the judge assigned to the revocation case is not available. In either scenario, the Court had to enter a reassignment order.*

*Accordingly, this revision adds new language, inserted as a new section (d)(2)(D), which provides that when new charges are brought against a defendant facing revocation of supervised release, the new case will be randomly assigned to a district and magistrate judge and the revocation of supervised release will automatically be reassigned to the district and magistrate judges assigned to the new case. This ensures that all divisions handle the assignment of judges to new criminal cases for defendants on supervised release consistently, and because reassignment will be automatic under the revised rule, reassignment orders will no longer be required.*

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

IN RE: )  
 ) LR-18-03  
AMENDMENT OF LOCAL RULE 3.2 )

**ORDER**

Pursuant to Rule 83, Federal Rules of Civil Procedure, and 28 U.S.C. § 2071(e), it is ORDERED that Local Rule 3.2(d)(2) is AMENDED to read as follows:

(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 new case shall be randomly assigned to a district and magistrate judge and the supervised release case shall be reassigned to the district and magistrate judges assigned to the new case.

**SO ORDERED.**

**ENTERED BY THE COURT:**

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Thomas A. Varlan  
Chief United States District Judge