

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF CIVIL CASES

General Order No. 2012-10

ORDER

In an effort to equalize the distribution of the court's workload and to make the most effective use of the court's personnel and resources,

IT IS HEREBY ORDERED that all civil cases filed in the Northern District of Indiana shall be distributed among and assigned to the district judges and magistrate judges in accordance with this order.

This order supersedes General Order 2012-3 entered January 12, 2012, and shall not affect the assignment of criminal cases.

1. Assignment of a Presiding Judge

Except as hereinafter provided, the initial assignment of a presiding judge to any civil case filed in the Northern District of Indiana shall be made on a district-wide basis, without regard to the courthouse or division in which the case is filed. The Clerk of the Court shall employ a centralized distribution system designed to produce blind assignment of civil cases in such proportions as to leave each eligible active district judge with an equal share of the total number of civil cases and criminal defendants in cases filed in the district, without regard to any weighting system prescribed by the Administrative Office. Each senior judge shall receive a percentage of the total number of cases assigned to an active judge. The percentage of any senior judge's caseload is subject to change and shall be based upon the judge's annual request for certification under the Ethics Reform Act of 1989, 28 U.S.C. § 371, the Judicial Conference rules

implementing § 371, *see* Guide to Judiciary Policies and Procedures, Vol. 3, Sec. C, Chpt. 1, Part B., Exhibit B-3, and the Seventh Circuit Guidelines to Determine the Staffing Requirements of Senior and Recalled Judges (adopted September 30, 1997).

2. Assignment of a Magistrate Judge

Except as hereinafter provided or unless otherwise directed by the presiding judge, every civil case filed in the Northern District of Indiana shall be assigned to a magistrate judge located in the division of the court in which the case is filed for the purpose of conducting all non-dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a) and General Orders 2003-21, 2004-6, and 2007-10. Cases filed in the Lafayette courthouse shall be assigned to a magistrate judge located in Hammond. To the extent the assigned district judge finds it necessary or appropriate to conduct a non-telephonic pretrial proceeding, the judge should consider the use of videoconferencing or other means to eliminate the need for physical presence in a courthouse other than the courthouse in which the case was filed.

3. Exceptions

The following exceptions shall be made in implementing this order:

(a) All petitions under 28 U.S.C. § 2254 filed by persons under sentence of death shall be assigned on a rotating basis among the district judges except as noted in 3(c), (d) and (e) below.

(b) All petitions under 28 U.S.C. § 2255 shall be assigned to the presiding judge in the related criminal case, or shall be randomly assigned to another judge in the district, if the presiding judge is unavailable. However, any 28 U.S.C. § 2255 petitions or revocation proceedings arising from cases formerly assigned to Judge Allen Sharp will be assigned to Judge Jon DeGuilio.

(c) Judge Moody will continue to share in a full civil caseload, but will not be assigned actions of the following types: truth-in-lending (nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); Social Security (nature of suit codes 861-865); environmental (nature of suit code 893); §2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(d) Judge Lozano will continue to share in a full civil caseload, but will not be assigned actions of the following types: truth-in-lending (nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); environmental (nature of suit code 893); § 2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(e) Judge Lee will share in a full civil caseload, but will not be assigned the following: copyrights, patent and trademark (nature of suit codes 820, 830 and 840); environmental matters (nature of suit 893); 2254 petitions filed by persons under sentence of death (nature of suit code 535), class action, or cases with an initial request for a Temporary Restraining Order or Preliminary injunction.

(f) No magistrate judge shall be assigned in cases in which the nature of suit involves a bankruptcy appeal or petition under 28 U.S.C. §§ 2241, 2254, or 2255.

(g) If a petition for temporary restraining order is filed at the same time as the complaint, the clerk shall make a temporary assignment of the case to a district judge who regularly sits in the division in which the complaint was filed. The temporary assignment shall be made on a random basis. Following the initial handling of the petition for temporary restraining order, the temporarily-assigned district judge shall notify the clerk, who shall then assign the case to a district judge under the method set forth in paragraph 1 of this Order.

4. Review and Reassignment

The Clerk of the Court shall review the case distribution statistics on December 1 of each year to determine whether the court's workload has been equally distributed in accordance with this order, taking into account the total number of civil cases and criminal defendants assigned to each judge; and, if necessary, shall make a recommendation to the chief judge regarding the need for reallocation or reassignment of the civil caseload to accomplish the court's objective. The chief judge may extend the date by which the review and recommendation must be completed by not more than thirty days.

SO ORDERED this 5th day of June, 2012.

/s/ Philip P. Simon
Philip P. Simon, Chief Judge