

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

FILED

OCT 28 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

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AMENDED ORDER ASSIGNING THE BUSINESS OF THE COURT

Pursuant to Section 137 of Title 28, United States Code, all cases, proceedings, and matters shall be assigned to the judges of this Court as follows:

Item I

Chief Judge Walter S. Smith, Jr.:

- (a) All cases and proceedings in the Waco Division.

Item II

Judge Sam Sparks:

- (a) Forty-five percent (45%) of the civil docket in the Austin Division;
- (b) Forty-five percent (45%) of the criminal docket in the Austin Division; and
- (c) The admission of attorneys to the bar of this Court in the Austin Division.

Item III

Judge W. Royal Furgeson, Jr.:

- (a) Any civil case, criminal case, court related matter, or administrative duty assigned or transferred to him by another judge by mutual consent.

Item IV

Judge Fred Biery:

- (a) Thirty-four percent (34%) of the civil docket in the San Antonio Division;
- (b) Thirty-three percent (33%) of the criminal docket in the San Antonio Division; and
- (c) The admission of attorneys to the bar of this Court in the San Antonio Division.

Item V

Judge Orlando L. Garcia:

- (a) Thirty-three percent (33%) of the civil docket in the San Antonio Division;
- (b) Thirty-four percent (34%) of the criminal docket in the San Antonio Division; and
- (c) The impaneling of grand juries and the receipt of grand jury returns in the San Antonio Division.

Item VI

Judge David Briones:

- (a) Twenty-five percent (25%) of the civil docket in the El Paso Division;
- (b) Twenty-five percent (25%) of the criminal docket in the El Paso Division;
- (c) The impaneling of grand juries and the receipt of grand jury returns in the El Paso Division; and
- (d) The admission of attorneys to the bar of this Court in the El Paso Division.

Item VII

Judge Philip R. Martinez:

- (a) Twenty-five percent (25%) of the civil docket in the El Paso Division;
- (b) Twenty-five percent (25%) of the criminal docket in the El Paso Division; and
- (c) Naturalization proceedings in the El Paso Division.

Item VIII

Judge Alia M. Ludlum:

- (a) All cases and proceedings in the Del Rio Division.

Item IX

Judge Robert A. Junell:

- (a) All cases and proceedings in the Midland-Odessa Division; and
- (b) All cases and proceedings in the Pecos Division.

Item X

Judge Lee Yeakel:

- (a) Forty-five percent (45%) of the civil docket in the Austin Division;
- (b) Forty-five percent (45%) of the criminal docket in the Austin Division;
- (c) The impaneling of grand juries and the receipt of grand jury returns in the Austin Division; and
- (d) Naturalization proceedings in the Austin Division.

Item XI

Judge Kathleen Cardone:

- (a) Twenty-five percent (25%) of the civil docket in the El Paso Division; and
- (b) Twenty-five percent (25%) of the criminal docket in the El Paso Division.

Item XII

Judge Frank Montalvo:

- (a) Twenty-five percent (25%) of the civil docket in the El Paso Division; and
- (b) Twenty-five percent (25%) of the criminal docket in the El Paso Division.

Item XIII

Judge Xavier Rodriguez:

- (a) Thirty-three percent (33%) of the civil docket in the San Antonio Division;
- (b) Thirty-three percent (33%) of the criminal docket in the San Antonio Division; and
- (c) Naturalization proceedings in the San Antonio Division.

Item XIV

Senior Judge Harry Lee Hudspeth:

- (a) Any civil case, criminal case, court related matter, or administrative duty assigned or transferred to him by another judge by mutual consent.

Item XV

Senior Judge James R. Nowlin:

- (a) Ten percent (10%) of the civil docket in the Austin Division;

- (b) Ten percent (10%) of the criminal docket in the Austin Division;
- (c) Any civil case, criminal case, court related matter, or administrative duty assigned or transferred to him by another judge by mutual consent.

Item XVI

Senior Judge William Wayne Justice:

- (a) Thirty-three percent (33%) of the criminal docket in the Del Rio Division as transferred from the criminal docket of U.S. District Judge Alia M. Ludlum; and
- (b) Any other civil case, criminal case, court related matter, or administrative duty assigned or transferred to him by another judge by mutual consent.

Item XVII

- (a) The division of the business set forth in Items I through XVI does not deprive any judge of the district of jurisdiction in any case, matter, or proceeding, but is made to fix primary responsibility and to expedite the trial for disposition of cases, it being understood that any judge can and may try cases and handle other matters for any other judge by mutual consent.
- (b) Any case in a single-judge division in which a judge is disqualified or recused, shall, in the event a mutual agreement cannot be reached with another judge to handle the case, be reported to the Chief Judge, who will designate a judge to hear the matter.
- (c) All pretrial procedures now being utilized shall be continued as they are in full force and effect unless the majority of the judges in the district shall otherwise decree.
- (d) With respect to each division in which business is assigned to more than one judge, the clerk shall maintain a separate civil and/or criminal docket, and all cases shall be allocated, pursuant to the percentages hereinabove set forth, as reflected in the random plan for assignment of cases.
- (e) This order is in lieu of prior similar orders of the Court on assignment of the business of the Court.
- (f) The Clerk shall file a copy of this order in every division of the district.
- (g) This order shall become effective on **November 1, 2008**.

DATED, this 28th day of October, 2008.

For the Court:



WALTER S. SMITH, JR.
Chief U. S. District Judge