

May 01, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**BY: Toni Appelt
DEPUTY§
§
§**AMENDED ORDER ASSIGNING THE BUSINESS OF THE COURT**

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

Item I**Chief U.S. District Judge Alia Moses:**

- (a) One hundred percent (100%) of the civil docket in the Del Rio Division; and
- (b) One hundred percent (100%) of the criminal docket in the Del Rio Division; and
- (c) All proceedings in the Del Rio Division.

Item II**U.S. District Judge Fred Biery:**

- (a) Twenty-five percent (25%) of the civil docket in the San Antonio Division; and
- (b) Twenty-five percent (25%) 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 III

U.S. District Judge Orlando L. Garcia:

- (a) Twenty-five percent (25%) of the civil docket in the San Antonio Division; and
- (b) Twenty-five percent (25%) 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 IV

U.S. District Judge Kathleen Cardone:

- (a) Thirty-seven percent (37%) of the civil docket in the El Paso Division; and
- (b) Thirty-four percent (34%) of the criminal docket in the El Paso Division.

Item V

U.S. District Judge Xavier Rodriguez:

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

Item VI

U.S. District Judge David C. Guaderrama:

- (a) Thirty-seven percent (37%) of the civil docket in the El Paso Division; and
- (b) Thirty-four percent (34%) of the criminal docket in the El Paso Division; and
- (c) Naturalization proceedings in the El Paso Division.

Item VII

U.S. District Judge Robert Pitman:

- (a) Fifty percent (50%) of the civil docket in the Austin Division; and
- (b) Fifty percent (50%) of the criminal docket in the Austin Division;
- (c) Oversight and management of the remaining fifty percent (50%) of the civil and criminal dockets in the Austin Division;
- (d) The impaneling of grand juries and the receipt of grand jury returns in the Austin Division; and
- (e) Naturalization, the admission of attorneys to the bar of this Court in the Austin Division, and all other administrative duties in the Austin Division.

Item VIII

U.S. District Judge David Counts:

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

- (b) All cases and proceedings in the Pecos Division.

Item IX

U.S. District Judge Alan D. Albright:

- (a) One hundred percent (100%) of the civil docket in the Waco Division, with the exception of patent cases; and
- (b) One hundred percent (100%) of the criminal docket in the Waco Division; and
- (c) Patent cases will be assigned as ordered on July 25, 2022, in the Court's Order Assigning the Business of the Court as it Relates to Patent Cases, with the exception that no further cases will be assigned to Senior Judge Frank Montalvo, and until further order of the Court; and
- (d) All other proceedings in the Waco Division.

Item X

U.S. District Judge Jason Pulliam:

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

Item XI

Senior U.S. District Judge James R. Nowlin:

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

Item XII

Senior U.S. District Judge Sam Sparks:

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

Item XIII

Senior U.S. District Judge David Briones:

- (a) Thirteen percent (13%) of the civil docket in the El Paso Division;
- (b) Sixteen percent (16%) of the criminal docket in the El Paso Division; and
- (c) The admission of attorneys to the bar of this Court in the El Paso Division.

Item XIV

Senior U.S. District Judge Robert A. Junell:

- (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 U.S. District Judge David A. Ezra:

- (a) 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 U.S. District Judge Frank Montalvo:

- (a) Thirteen percent (13%) of the civil docket in the El Paso Division; and
- (b) Sixteen percent (16%) 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.

Item XVII

- (a) Notwithstanding Items I through XVII, any judge may reassign any case, matter or proceeding to another judge by mutual consent.
- (b) Whenever a judge in a multi-judge division is disqualified or recused in a case, the case shall be randomly assigned by the Clerk to another judge stationed in that division. If all judges in a multi-judge division are recused or disqualified, the case shall be randomly reassigned by the Clerk to a judge in another division.
- (c) Whenever a judge in a single-judge division is disqualified or recused in a case, the case shall be randomly reassigned by the Clerk to a judge in another division.
- (d) A judge must state in writing any reason for recusal. A thorough explanation is required if the recusal is for a reason other than pursuant to 28 U.S.C. § 455.
- (e) Whenever a judge receives a case due to disqualification or recusal, the receiving judge may transfer one of his or her cases, of equal weight or as close as possible, to the disqualified or recused judge.

- (f) 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.
- (g) This order is in lieu of prior similar orders of the Court on assignment of the business of the Court.
- (h) The Clerk shall file a copy of this order in every division of the district.
- (i) This order shall become effective on **May 1, 2023**

SIGNED this 1st day of May 2023.

A handwritten signature in black ink, appearing to read "Alia Moses", written over a horizontal line.

ALIA MOSES
CHIEF UNITED STATES DISTRICT JUDGE