

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

FILED

DEC - 4 2019

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MFD  
DEPUTY

**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 district judges of this Court as follows:

**Item I**

**Chief U.S. District Judge Orlando L. Garcia:**

- (a) Twenty percent (20%) of the civil docket in the San Antonio Division; and
- (b) Twenty percent (20%) 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 II**

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

- (a) Twenty percent (20%) of the civil docket in the San Antonio Division; and
- (b) Twenty percent (20%) 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 Philip R. Martinez:**

- (a) Twenty-two percent (22%) of the civil docket in the El Paso Division; and
- (b) Twenty-one percent (21%) of the criminal docket in the El Paso Division; and
- (c) The impaneling of grand juries and the receipt of grand jury returns in the El Paso Division.

#### **Item IV**

##### **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 V**

##### **U.S. District Judge Lee Yeakel:**

- (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; and
- (c) The impaneling of grand juries and the receipt of grand jury returns in the Austin Division.

#### **Item VI**

##### **U.S. District Judge Kathleen Cardone:**

- (a) Twenty-two percent (22%) of the civil docket in the El Paso Division; and
- (b) Twenty-one percent (21%) of the criminal docket in the El Paso Division; and

#### **Item VII**

##### **U.S. District Judge Frank Montalvo:**

- (a) Twenty-two percent (22%) of the civil docket in the El Paso Division; and
- (b) Twenty-one percent (21%) of the criminal docket in the El Paso Division.

#### **Item VIII**

##### **U.S. District Judge Xavier Rodriguez:**

- (a) Twenty percent (20%) of the civil docket in the San Antonio Division; and
- (b) Twenty percent (20%) of the criminal docket in the San Antonio Division; and

- (c) Naturalization proceedings in the San Antonio Division.

### **Item IX**

#### **U.S. District Judge David C. Guaderrama:**

- (a) Twenty-two percent (22%) of the civil docket in the El Paso Division; and
- (b) Twenty-one percent (21%) of the criminal docket in the El Paso Division; and
- (c) Naturalization proceedings in the El Paso Division; and

### **Item X**

#### **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; and
- (c) Naturalization and the admission of attorneys to the bar of this Court in the Austin Division.

### **Item XI**

#### **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 XII**

#### **U.S. District Judge Alan D Albright:**

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

### **Item XIII**

#### **U.S. District Judge Jason Pulliam:**

- (a) Twenty percent (20%) of the civil docket in the San Antonio Division; and
- (b) Twenty percent (20%) of the criminal docket in the San Antonio Division.

#### **Item XIV**

**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 XV**

**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 XVI**

**Senior U.S. District Judge David Briones:**

- (a) Twelve percent (12%) 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 XVII**

**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 XVIII**

**Senior U.S. District Judge David A. Ezra:**

- (a) Twenty percent (20%) of the civil docket in the San Antonio Division;
- (b) Twenty percent (20%) of the criminal docket in the San Antonio 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 XIX**

**Magistrate Judges in the El Paso Division:**

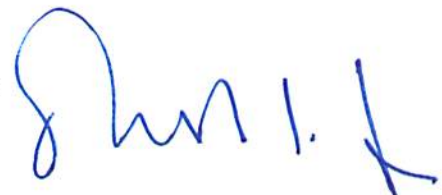
- (a) Five percent (5%) each of the civil docket in the El Paso Division pursuant to the terms set forth in the El Paso Divisional Standing Order No. 001, which may be amended from time to time.

**Item XX**

- (a) Notwithstanding Items I through XIX, 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 **January 1, 2020**.

**DATED this 3<sup>rd</sup> day of December, 2019.**

For the Court:



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**ORLANDO L. GARCIA  
CHIEF UNITED STATES DISTRICT JUDGE**