

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF DIVISION
OF WORK ORDER FOR 2014

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GENERAL ORDER NO. 2014-10

Fourth Amended Division of Work Order

Adjustments to the Division of Work Order No. 2014-9 are necessary due to changes in the assignment of cases in the Corpus Christi Division. Pursuant to 28 U.S.C. § 137, these assignments are made and these procedures are adopted, effective October 1, 2014, except as otherwise noted in paragraphs 13 and 22.

1. Chief Judge Ricardo H. Hinojosa

- A. Retains the cases presently on his docket.
- B. Receives 33.33% of all cases filed in the McAllen Division.
- C. Is the liaison judge for the McAllen Division
- D. Is the liaison judge to all court units, including the U.S. District Clerk's Office, the U.S. Probation Office, the U.S. Pretrial Services Office, the U.S. Bankruptcy Court, as well as to the U.S. Public Defender's Office, the U.S. Marshal's Service and the U.S. Attorney's Office.
- E. Is the liaison judge for the interpreters in the district.

2. Judge Lynn N. Hughes

- A. Retains the cases presently on his docket.
- B. Receives 9.62% of all cases filed in the Houston Division.
- C. Receives 50% of all civil non-government collection cases filed in the Victoria Division.
- D. Receives government collection cases filed in the Galveston, Houston, and Victoria Divisions.
- E. Is the liaison judge for court history.
- F. Is the liaison judge to the Bankruptcy Court judges in the Houston Division.

3. Judge Sim Lake

- A. Retains the cases presently on his docket.
- B. Receives 9.62% of all cases filed in the Houston Division.
- C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
- D. Is the liaison judge to the Houston Division Probation and Pretrial Services Offices.

4. Judge Melinda Harmon

- A. Retains the cases presently on her docket.
- B. Receives 9.62% of all cases filed in the Houston Division.
- C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
- D. Is the liaison judge for jury utilization.

5. Judge Lee H. Rosenthal

- A. Retains the cases presently on her docket.
- B. Receives 9.62% of all cases filed in the Houston Division.
- C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
- D. Is the liaison judge for the district's local rules.

6. Judge Vanessa D. Gilmore

- A. Retains the cases presently on her docket.
- B. Receives 9.62% of all cases filed in the Houston Division.

- C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
- D. Coordinates all asbestos cases in the district except in the Corpus Christi and McAllen Divisions.
- E. Is the liaison judge to the United States Attorney's Office for matters of the Houston Division.

7. Judge Keith P. Ellison

- A. Retains the cases presently on his docket.
- B. Receives 9.62% of all cases filed in the Houston Division.
- C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
- D. Is the liaison judge to the staff attorneys in the Houston Division.

8. Judge Randy Crane

- A. Retains the cases presently on his docket.
- B. Receives 33.33% of all cases filed in the McAllen Division.

9. Judge Andrew S. Hanen

- A. Retains the cases presently on his docket.
- B. Receives 50% of all civil cases filed in the Brownsville Division.
- C. Receives 75% of all criminal cases filed in the Brownsville Division.
- D. Is the liaison judge for the Brownsville Division.

10. Judge Micaela Alvarez
 - A. Retains the cases presently on her McAllen and Laredo dockets.
 - B. Receives 33.33% of all cases filed in the McAllen Division.

11. Judge Gray H. Miller
 - A. Retains the cases presently on his docket.
 - B. Receives 9.62% of all cases filed in the Houston Division.
 - C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division.
 - D. Is the liaison judge to the magistrate judges in the Houston Division.

12. Judge Diana Saldaña
 - A. Retains the cases presently on her docket.
 - B. Receives 33.33% of all cases filed in the Laredo Division.
 - C. Is the liaison judge for the Laredo Division.

13. Judge Nelva Gonzales Ramos
 - A. Retains the cases presently on her docket.
 - B. Receives 80% of all civil cases filed in the Corpus Christi Division, except 28 U.S.C. § 2255 cases.
 - C. Receives 100% of all 28 U.S.C. § 2255 civil cases arising from her own cases.
 - D. Receives 50% of all criminal cases filed in the Corpus Christi Division (effective September 24, 2014).
 - E. Is the liaison judge for the Corpus Christi Division.

14. Judge Marina Garcia Marmolejo
 - A. Retains the cases presently on her docket.
 - B. Receives 33.33% of all cases filed in the Laredo Division.

15. Fifth Circuit Court of Appeals Judge Gregg Costa
 - A. Retains by designation the Galveston Division pending civil non-prisoner cases and criminal cases presently on his docket, with the exception of those pending civil non-prisoner cases he elects not to retain which shall be randomly reassigned as herein indicated to the Houston Division judges.
 - B. Retains by designation the Victoria Division pending civil and criminal cases presently on his docket.

16. Senior Judge George P. Kazen
 - A. Retains the cases presently on his docket.
 - B. Receives 33.33% of all cases filed in the Laredo Division.

17. Senior Judge Hayden Head
 - A. Receives motions filed under Retroactive Drug Guideline Amendment 782 in cases in which he presided.

18. Senior Judge David Hittner
 - A. Retains the cases presently on his docket.
 - B. Receives 9.62% of all cases filed in the Houston Division, except:
 - (1) Bankruptcy Appeals (Nature of Suit 422);
 - (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
 - (3) ERISA Cases (Nature of Suite 791);
 - (4) Patent Cases (Nature of Suit 830); and,
 - (5) Class Actions (Requested in Complaint).
 - C. Receives 13.46% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 13.46% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division, except:
 - (1) Bankruptcy Appeals (Nature of Suit 422);

- (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
- (3) ERISA Cases (Nature of Suite 791);
- (4) Patent Cases (Nature of Suit 830); and,
- (5) Class Actions (Requested in Complaint).

D. Is the liaison judge in the Houston Division for its central library.

19. Senior Judge Kenneth M. Hoyt

A. Retains the cases presently on his docket.

B. Receives 7.69% of all cases filed in the Houston Division except:

- (1) Copyright Infringement (Nature of Suit 820);
- (2) Patent Infringement (Nature of Suit 830);
- (3) Trademark Infringement (Nature of Suit 840); and,
- (4) Social Security Cases (Natures of Suit 861 - 865).

C. Receives 100% all prisoner cases filed in the Galveston Division, except 28 U.S.C. § 2255 cases retained by Judge Costa or assigned to other judges as they arise from their own cases.

D. Is the liaison judge to the Public Defender's Office in the Houston Division.

E. Is liaison judge for the Houston Division plan for the panel of private attorneys under the Criminal Justice Act, and is Chair of the CJA Panel Selection Committee.

F. Is the liaison judge for the Galveston Division.

20. Senior Judge John D. Rainey

A. Retains the cases presently on his docket.

B. Receives 100% of all 28 U.S.C. § 2255 civil cases arising from his own cases.

C. Receives 100% of all criminal cases filed in the Victoria Division.

D. Receives 25% of all criminal cases filed in the Corpus Christi Division.

E. Is the liaison judge for the Victoria Division.

21. Senior Judge Ewing Werlein, Jr.

- A. Retains the cases presently on his docket.
- B. Receives 5.77% of all cases filed in the Houston Division, except:
 - (1) Bankruptcy Appeals (Nature of Suit 422);
 - (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
 - (3) Death Penalty Habeas Corpus (Nature of Suit 535);
 - (4) Fair Labor Standards Act (Nature of Suit 710); and,
 - (5) Federal Death Penalty Criminal Cases.
- C. Receives 5.77% of pending civil non-government collection, non-prisoner cases not retained by Circuit Judge Costa, and 5.77% of civil non-government collection, non-prisoner cases, and criminal cases filed in the Galveston Division, except:
 - (1) Bankruptcy Appeals (Nature of Suit 422);
 - (2) Bankruptcy Withdrawal of Reference (Nature of Suit 423);
 - (3) Death Penalty Habeas Corpus (Nature of Suit 535);
 - (4) Fair Labor Standards Act (Nature of Suit 710); and,
 - (5) Federal Death Penalty Criminal Cases.

22. Senior Judge Janis Graham Jack

- A. Retains the cases presently on her docket.
- B. Receives 100% of all 28 U.S.C. § 2255 civil cases arising from her own cases.
- C. Receives 25% of all criminal cases filed in the Corpus Christi Division (effective September 24, 2014).

23. Senior Judge Nancy F. Atlas

- A. Retains the cases presently on her docket.
- B. Receives 9.62% of all cases filed in the Houston Divisions.
- C. Receives 50% of all civil non-government collection cases filed in the Victoria Division.
- D. Is the liaison judge to the Alternative Dispute Resolution Programs and the U.S. Marshal's Service in the Houston Division.

24. Senior Judge Hilda G. Tagle

- A. Retains the cases presently on her docket.
- B. Receives 50% of all civil cases filed in the Brownsville Division.
- C. Receives 25% of all criminal cases filed in the Brownsville Division.
- D. Receives 20% of all civil cases filed in the Corpus Christi Division, except 28 U.S.C. § 2255 cases.
- E. Receives 100% of all 28 U.S.C. § 2255 civil cases arising from her own cases.

25. Houston Miscellaneous Docket

- A. The miscellaneous docket in the Houston Division consists of those matters that arise before a civil or criminal proceeding is filed and assigned to a judge, like naturalization ceremonies, grants of immunity to witnesses, and in forma pauperis applications.
- B. The miscellaneous docket judge summons and empanels grand and petit juries.
- C. Applications for restraining orders, preliminary injunctions, and similar emergency matters are to be handled by the judge to whom the matter is assigned. If that judge is not available and if the application requires immediate action, the assigned judge's staff will take it to the judge in charge of the miscellaneous docket.
- D. The Clerk shall present any questioned attorney admissions applications to the judge assigned the miscellaneous docket. That judge may either decide the admission question or submit the application to the Attorney Admissions Committee.
- E. The miscellaneous docket duties may be exchanged by consent with notice to the clerk and the chief judge.
- F. The 2014 schedule for the miscellaneous docket is Appendix A.

26. Bankruptcy Matters

- A. "Bankruptcy matters" are: (1) appeals from decisions of bankruptcy judges, (2) motions to withdraw the reference of bankruptcy cases or of adversary proceedings, (3) reports and recommendations by the bankruptcy judges, and (4) applications for a writ of mandamus to a bankruptcy judge.

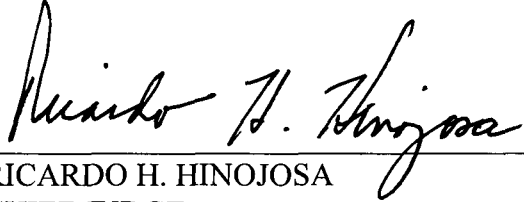
- B. The initial bankruptcy matter associated with a particular bankruptcy case will be randomly assigned to a district judge the same as any other civil matter.
- C. All later bankruptcy matters associated with that bankruptcy case will be assigned to the district judge who handled the initial bankruptcy matter, whether the initial matter is open or closed.

27. General

- A. Whenever a judge is disqualified or recused in a case, the case initially shall be reassigned to another judge stationed in that division, according to the customary assignment procedure in that division. If all judges in a division are recused or disqualified, the case shall be reassigned as follows: a case in the Galveston Division shall be randomly assigned to a judge in the Houston Division; a case in the Victoria Division shall be randomly assigned to a judge in the Corpus Christi Division; a case in the Corpus Christi Division shall be randomly assigned to a judge in the McAllen Division; a case in either the Laredo, McAllen, or Brownsville Divisions shall be randomly assigned to a judge within one of those three divisions. Any reassignment otherwise required will be done by the Chief Judge.
- B. Nothing in this order deprives a judge of jurisdiction in a matter. A judge may handle matters for another judge by consent.
- C. Matters affecting a liaison assignment should be brought first to the attention of the liaison judge who may handle routine administrative matters. Emergency questions involving court policies will be discussed with the chief judge and may be resolved by the liaison judge and chief judge. The chief judge shall report the emergency to the full court for discussion as promptly as possible.
- D. Judge Harmon is appointed Chair of the Attorney Admission Fund Committee and Judge Rainey is assigned as a member of that committee.
- E. Judge Hughes is appointed Chair of the Committee on Court Portraits, and Judges Hittner and Harmon are assigned as members of that committee.
- F. Judge Jack is appointed Chair of the Court Automation Committee, and Judge Kazen, Judge Harmon, Judge Crane, Judge Atlas, Bankruptcy Judge Schmidt and Magistrate Judge Ormsby shall serve as the judicial officer members of that committee.
- G. Judge Hittner is appointed Chair of the Court Reporter Liaison Panel, and Judge Rainey and Judge Gilmore are assigned as members of that Panel.

- H. The assignment of magistrate judges to district judges is Appendix B.
- I. The chief judge will call meetings of full court as needed and will select the time and place of the meetings. The judges in Houston will meet when necessary.
- J. Any Houston Division Judge may refer any Galveston or Victoria case to Magistrate Judge Froeschner. It was the consensus of the Houston Division Judges to continue Judge Costa's practice of referring all prisoner cases in the Victoria Division to Magistrate Judge Froeschner.

ORDERED this the 1ST day of October, 2014.



RICARDO H. HINOJOSA
CHIEF JUDGE

Appendix A
Proposed 2014 Miscellaneous Docket-Houston Division

January	Senior Judge Hittner
February	Judge Hughes
March	Senior Judge Hoyt
April	Judge Lake
May	Judge Harmon
June	Judge Rosenthal
July	Judge Gilmore
August	Senior Judge Atlas
September	Judge Ellison
October	Judge Miller
November	Senior Judge Hittner
December	Judge Hughes

Appendix B

Assignment of Magistrate Judges to District Judges

<i>Division</i>	<i>District Judges</i>	<i>Magistrate Judges</i>
Brownsville	Andrew S. Hanen and Hilda G. Tagle (Senior) (Jointly)	Ronald G. Morgan Ignacio Torteya, III
Corpus Christi	Nelva Gonzales Ramos and Janis Graham Jack (Senior) (Jointly)	B. Janice Ellington Jason B. Libby
Galveston	Circuit Judge Gregg Costa and Houston Division Judges assigned Galveston cases	John R. Froeschner
Houston	Lynn N. Hughes David Hittner (Senior)	Stephen W. Smith
	Nancy F. Atlas (Senior) Keith P. Ellison Kenneth Hoyt (Senior)	George C. Hanks, Jr.
	Sim Lake Gray H. Miller John D. Rainey (Senior)	Nancy K. Johnson
	Melinda Harmon Ewing Werlein, Jr. (Senior)	Frances H. Stacy
	Lee H. Rosenthal Vanessa D. Gilmore	Mary Milloy
Laredo	Diana Saldaña Marina Garcia Marmolejo George P. Kazen (Senior)	Guillermo R. Garcia Diana Song Quiroga James Scott Hacker
McAllen	Ricardo H. Hinojosa, Randy Crane and Micaela Alvarez (Jointly)	Dorina Ramos Peter E. Ormsby
Victoria	Circuit Judge Gregg Costa and Houston Division Judges assigned Victoria cases	John R. Froeschner