

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

OCT 16 2009

Clerk of Court

By Deputy Clerk

*Rhonda Hawkins*

IN THE MATTER OF  
DIVISION OF WORK ORDER 2009

§  
§

GENERAL ORDER NO. 2009 - 15

Amended Division of Work Order

Pursuant to 28 U.S.C. §137, these assignments are made and these procedures are adopted. This Order amends General Order No. 2009 - 12.

1. Chief Judge Hayden Head (Senior Judge effective November 13, 2009).
  - A. Retains the cases presently on his docket.
  - B. Effective October 14, 2009, receives 100% of all 28 U.S.C. §2255 civil cases arising from his own cases in the Corpus Christi Division.
  - C. Effective October 14, 2009, receives 50% of all 28 U.S.C. §2254 civil cases filed in the Corpus Christi Division.
  - D. Effective October 14, 2009, receives 33.33% of all criminal cases filed in the Corpus Christi Division.
  - E. 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.
  
2. Judge Ricardo Hinojosa (Chief Judge effective November 13, 2009)
  - A. Retains the cases presently on his docket.
  - B. Receives 50% of all cases filed in the McAllen Division.
  - C. Is the liaison judge for the McAllen Division
  - D. Effective November 13, 2009, 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.

3. Judge Lynn N. Hughes

- A. Retains the cases presently on his docket.
- B. Receives 9.3% of all cases filed in the Houston Division.
- C. Receives government collection cases filed in the Houston Division.
- D. Is the liaison judge for court history.
- E. Is the liaison judge to the Bankruptcy Court judges in the Houston Division.

4. Judge Kenneth M. Hoyt

- A. Retains the cases presently on his docket.
- B. Receives 9.3% of all cases filed in the Houston Division.
- C. Receives all cases filed in the Galveston Division.
- D. Is the liaison judge for the Galveston Division.
- E. Is the liaison judge to the Public Defender's Office in the Houston and Galveston Divisions.
- F. 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.
- G. Receives all of the Breast Implant cases filed in the Houston Division under Special Order H-99-1.

5. Judge Sim Lake

- A. Retains the cases presently on his docket.
- B. Receives 9.3% of all cases filed in the Houston Division.
- C. Is the liaison judge to the Houston Division Probation and Pretrial Services Offices.

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6. Judge Melinda Harmon
    - A. Retains the cases presently on her docket.
    - B. Receives 9.3% of all cases filed in the Houston Division.
    - C. Is the liaison judge for jury utilization.
  
  7. Judge John D. Rainey
    - A. Retains the cases presently on his docket..
    - B. Receives all civil and criminal cases filed in the Victoria Division.
    - C. Effective October 14, 2009, receives 100% of all 28 U.S.C. §2255 civil cases arising from his own cases in the Corpus Christi Division.
    - D. Effective October 14, 2009, receives 33.33% of all criminal cases filed in the Corpus Christi Division.
    - E. Is the liaison judge for the Victoria Division.
  
  8. Judge Lee H. Rosenthal
    - A. Retains the cases presently on her docket.
    - B. Receives 9.3% of all cases filed in the Houston Division.
    - C. Is the liaison judge for the district's local rules.
  
  9. Judge Janis Graham Jack
    - A. Retains the cases presently on her docket.
    - B. Effective October 14, 2009, receives 100% of all civil cases filed in the Corpus Christi Division, except 28 U.S.C. §§ 2254 and 2255 cases.
    - C. Effective October 14, 2009, receives 100% of all 28 U.S.C. §2255 civil cases arising from her own cases in the Corpus Christi Division.
    - D. Effective October 14, 2009, receives 50% of all 28 U.S.C. §2254 civil cases filed in the Corpus Christi Division.
    - E. Effective October 14, 2009, receives 33.33% of all criminal cases filed in the Corpus Christi Division.

- F. Is the liaison judge for the Corpus Christi Division and the senior active district judge in the division.
10. Judge Vanessa D. Gilmore
- A. Retains the cases presently on her docket.
  - B. Receives 9.3% of all cases filed in the Houston Division.
  - C. Coordinates all asbestos cases in the district except in the Corpus Christi and McAllen Divisions.
  - D. Is the liaison judge to the United States Attorney's Office for matters of the Houston Division.
11. Judge Nancy F. Atlas
- A. Retains the cases presently on her docket.
  - B. Receives 9.3% of all cases filed in the Houston Division.
  - C. Is the liaison judge to the Alternative Dispute Resolution Programs and the U.S. Marshal's Service in the Houston Division.
12. Judge Hilda G. Tagle
- A. Retains the cases presently on her docket.
  - B. Receives 50% of all cases filed in the Brownsville Division.
  - C. Is the liaison judge for the Brownsville Division
13. Judge Keith P. Ellison
- A. Retains the cases presently on his docket.
  - B. Receives 9.3% of all cases filed in the Houston Division.
  - C. Is the liaison judge to the staff attorneys in the Houston Division.

14. Judge Randy Crane
  - A. Retains the cases presently on his docket.
  - B. Receives 50% of all cases filed in the McAllen Division.
15. Judge Andrew S. Hanen
  - A. Retains the cases presently on his docket.
  - B. Receives 50% of all cases filed in the Brownsville Division.
  - C. Receives all land condemnation cases related to the "Border Fence" filed in the Brownsville and McAllen Divisions.
16. Judge Micaela Alvarez
  - A. Retains the cases presently on her docket.
  - B. Receives 50% of all cases filed in the Laredo Division.
17. Judge Gray H. Miller
  - A. Retains the cases presently on his docket.
  - B. Receives 9.3% of all cases filed in the Houston Division.
  - C. Is the liaison judge to the magistrate judges in the Houston Division.
18. Senior Judge George P. Kazen
  - A. Retains the cases presently on his docket.
  - B. Receives 50% of all cases filed in the Laredo Division.
  - C. Is the liaison judge for the Laredo Division.
19. Senior Judge David Hittner
  - A. Retains the cases presently on his docket.
  - B. Receives 9.3% 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) Patent Cases (Nature of Suit 830);
- (4) ERISA Cases (Nature of Suite 791); and
- (5) Class Actions (Requested in Complaint).

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

20. Senior Judge Ewing Werlein, Jr.

- A. Retains the cases presently on his docket.
- B. Receives 7.0% 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) Fair Labor Standards Act (Nature of Suit 710);
- (4) Death Penalty Habeas Corpus (Nature of Suit 535); and
- (5) Federal Death Penalty Criminal Cases.

21. As approved and authorized by the Fifth Circuit Judicial Council on August 11, 2009, the vacant judgeship in the Houston/Galveston Divisions created by the resignation of former Judge Samuel B. Kent is transferred to the McAllen Division, and will receive McAllen Division cases as well as cases in the Brownsville and Laredo Divisions as needed and agreed by the Judges of those divisions.

22. Houston and Galveston Miscellaneous Docket

- A. The miscellaneous docket in the Galveston and Houston Divisions 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 2009 schedule for the miscellaneous docket is Appendix A.

### 23. 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 assigned to the Houston Division; a case in the Victoria Division shall be assigned to the Corpus Christi Division; a case in the Corpus Christi Division shall be assigned to the Victoria Division; a case in either the Laredo, McAllen, or Brownsville Divisions shall be randomly assigned 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.

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- 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 Tuesdays at noon.

ORDERED this the 16 day of October, 2009.

  
HAYDEN HEAD  
CHIEF JUDGE



## Appendix A

### 2009 Miscellaneous Docket-Houston and Galveston Divisions

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

## Appendix B

### Assignment of Magistrate Judges to District Judges

#### *District Judges*

George P. Kazen  
Micaela Alvarez

Hilda G. Tagle &  
Andrew S. Hanen

Hayden Head  
Janis Graham Jack

Ricardo H. Hinojosa  
Randy Crane (Jointly)

Lynn N. Hughes  
David Hittner

Kenneth M. Hoyt  
Nancy F. Atlas  
Keith P. Ellison

Sim Lake  
John D. Rainey  
Gray H. Miller

Melinda Harmon  
Ewing Werlein, Jr.

Kenneth M. Hoyt

Lee H. Rosenthal  
Vanessa D. Gilmore

#### *Magistrate Judges*

Diana Saldaña  
James Scott Hacker

Felix Recio  
Ronald G. Morgan

B. Janice Ellington  
Brian L. Owsley

Dorina Ramos  
Peter E. Ormsby

Stephen W. Smith

Calvin Botley

Nancy K. Johnson

Frances H. Stacy

John R. Froeschner

Mary Milloy