

UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF
KENTUCKY

GENERAL ORDER NO. 2018-15

IN RE: CASE ASSIGNMENT AND REASSIGNMENT DUE TO RECUSALS

By unanimous agreement of the judges of this Court and pursuant to 28 U.S.C. § 137, LR 40.1(a) and LCrR 50.1(a), all civil/ criminal, and miscellaneous cases filed as of this date shall be assigned, or reassigned due to recusal, in accordance with this general order.

The goal of this general order is to provide a system for assigning the Court's cases among its judges in a manner that ensures an approximately equal distribution of newly filed cases to each of the active judges, and a percentage to whichever of the senior judges elects to take a lower distribution. This order does not vest any rights in litigants or members of the bar and is adopted for the internal management of the Court's case load.

DISTRICT JUDGE CASE ASSIGNMENT

Pursuant to LR 3.2 and LCrR 18.2, all cases commenced in or transferred to the Court shall be assigned to an individual jury division, each of which contains an electronic deck of case assignment cards. These case assignment cards, in turn, contain the name(s) of the Judge or Judges who draw cases from that division in the percentages set forth herein.

Once a case is assigned to a division, it will receive a case number. A separate sequence of case numbers is maintained for each division's civil ("cv"), criminal ("cr")², miscellaneous ("mc"), magistrate judge ("mj") and petty offense ("po") cases.

LOUISVILLE CASES

Judge Greg N. Stivers, Judge Joseph H. McKinley, Jr., Judge David J. Hale, Judge Rebecca Grady Jennings, Judge Claria Horn Boom and Senior Judge Charles R. Simpson III shall each draw civil, criminal and miscellaneous cases assigned to the Louisville division. The case assignment cards comprising the Louisville case assignment deck shall be electronically shuffled so that the sequence will be random and the cards shall be concealed such that the name of the Judge will not be known until the card is drawn.

In order to equalize the distribution of the newly filed cases throughout the district, the number of cards each judge draws from the case assignment deck will vary based on the number of cases assigned to each Judge from the other jury divisions, if any. Judge Boom and Senior Judge Simpson shall each receive a caseload approximately equal to 50% of the number of cases assigned to an active judge.

¹ This General Order does not address the assignment of death penalty cases or cases in which a plaintiff seeks review, pursuant to 42 U.S. C. § 405(g), of a decision by the Commissioner of Social Security as these case types are assigned pursuant to separate general orders.

² The Court maintains two (2) criminal case assignment decks, both of which contain the same proportions of case assignment cards. One deck is reserved for criminal cases in which the jurisdiction of a probationer or supervised release is transferred to the Court pursuant to 18 U.S.C. § 3605 and another deck is reserved for all other criminal cases.

Should the assigned Judge recuse in a case, the case shall be randomly reassigned to another Judge who draws cases from the Louisville division.

BOWLING GREEN CASES

Judge Greg N. Stivers = 100%

Should Judge Stivers recuse in a case, it shall be reassigned to Judge McKinley.

OWENSBORO CASES

Judge Joseph H. McKinley, Jr. =100%

Should Judge McKinley recuse in a case, it shall be reassigned to Judge Stivers.

PADUCAH CASES

Senior Judge Thomas 8. Russell =100%

Should Senior Judge Russell recuse in a case, it shall be reassigned to Judge Stivers.

Should the recusal process outlined in this Order be exhausted, the Chief Judge will determine reassignment.

MAGISTRATE JUDGE CASE REFERRALS AND ASSIGNMENT

Civil, Criminal and Miscellaneous Cases

A District Judge may refer a matter to a Magistrate Judge either directly or by way of a Magistrate Judge referral deck. The Magistrate Judge referral deck for civil, criminal and miscellaneous cases shall include Magistrate Judge cards that are apportioned among the Magistrate Judges as set forth below. The decks will be periodically adjusted to reflect all referrals made to the Magistrate judges, whether through the referral deck or directly.

LOUISVILLE CASES

Civil and miscellaneous case referrals shall be randomly divided as follows:

Louisville Magistrate Judges=	42% each
Paducah Magistrate Judge=	16%

Criminal case referrals shall be randomly, but evenly, divided among the Louisville Magistrate Judges.

BOWLING GREEN CASES

Bowling Green Magistrate Judge= 100%

OWENSBORO CASES

Bowling Green Magistrate Judge= 100%

PADUCAH CASES

Paducah Magistrate Judge= 100%

Any reference, and the scope thereof, whether made directly or through the Magistrate Judge referral deck, shall be solely within the discretion of the District Judge to whom the case is assigned.

Misdemeanor Cases

Upon the filing of an information, complaint or violation notice, or the return of an indictment, all misdemeanor cases shall generally be assigned to a Magistrate Judge who shall proceed in accordance with the provisions of 18 U.S.C. § 3401 and Fed. R. Crim. P. 58. Such cases shall be assigned to an individual jury division at which time it will receive either an "mj" case number if it involves a Class A misdemeanor or "po" case number if it involves a Class B misdemeanor. Such cases are to be assigned to a Magistrate Judge as follows:

LOUISVILLE CASES, INCLUDING FT. KNOX CASES

Whichever Louisville Magistrate Judge has designated criminal duty at the time of filing.

BOWLING GREEN CASES

Bowling Green Magistrate Judge= 100%

OWENSBORO CASES

Bowling Green Magistrate Judge= 100%

PADUCAH CASES, INCLUDING FT. CAMPBELL CASES

Paducah Magistrate Judge= 100%

Habeas Cases

Habeas cases¹ shall be referred to the magistrate judges on a proportionate basis as determined by the District Judges, giving due consideration to the existing caseload. Such referrals may be made directly or through the use of Magistrate Judge referral decks. One referral deck shall exist for cases filed pursuant to 28 U.S.C. §§ 2241 or 2254 and another referral deck shall exist for cases filed pursuant to 28 U.S.C. § 2255. These decks shall include Magistrate Judge cards that are apportioned among the Magistrate Judges as set forth below.

LOUISVILLE CASES

All Magistrate Judges shall draw referrals from habeas cases assigned to the Louisville division. The case assignment cards comprising both Louisville habeas case referral decks shall be electronically shuffled so that the sequence will be random. The number of cards each Magistrate Judge draws from the referral deck will vary based on the number of habeas cases referred to each Magistrate Judge from the other divisions, if any.

BOWLING GREEN CASES

Bowling Green Magistrate Judge= 100%

OWENSBORO CASES

Bowling Green Magistrate Judge= 100%

PADUCAH CASES

Paducah Magistrate Judge= 100%

Transfers

Transfers between Magistrate Judges to equalize dockets and for other appropriate reasons shall be entered from time to time upon concurrence of both the transferee and transferor judges.

This General Order supersedes and vacates General Order 2018-01

ENTERED IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA this 21st day of December, 2018.

DEC 21 2018

BY Vanessa L. Armstrong
DEPUTY CLERK

GREG N. STIVERS
GREG N. STIVERS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ Any habeas corpus petition filed pursuant to 28 U.S.C. § 2254 by a petitioner under a sentence of death, and any civil action filed by a plaintiff under a sentence of death challenging the manner or method of execution, shall be assigned and referred pursuant to GO 2012-06.