SOUTHERN DISTRICT OF MISSISSIPPI
FILED
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ARTHUR JOHNSTON
BY K. Shears DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

INTERNAL RULE 1
as amended February 2, 2015

ASSIGNMENT OF CASES TO JUDGES AND MAGISTRATE JUDGES

This *Assignment of Cases to Judges and Magistrate Judges* will apply to all cases filed on or after February 2, 2015, except as provided in Sections XI and XII below.

Each civil case filed in this Court will bear a number as follows: The number of the division 1- Southern Division at Gulfport; 2- Eastern Division at Hattiesburg; 3- Northern Division at Jackson; 5- Western Division at Natchez), followed by a colon and the last two digits of the year in which the case is filed, followed by the letters "cv", followed by the sequential number of the case filed in the division. Civil cases may be assigned on the percentage distribution described below by use of a manual or automated random draw. The district judge and magistrate judge assignment in each case is indicated in the case docket by the initials of the district judge and the magistrate judge, as follows:

WHB	District Judge Barbour	LRA	Magistrate Judge Anderson
DCB	District Judge Bramlette	FKB	Magistrate Judge Ball
WJG	District Judge Gex	MTP	Magistrate Judge Parker
LG	District Judge Guirola	JMR	Magistrate Judge Roper
DPJ	District Judge Jordan	RHW	Magistrate Judge Walker
TSL	District Judge Lee	JCG	Magistrate Judge Gargiulo
HSO	District Judge Ozerden		
CWR	District Judge Reeves		
KS	District Judge Starrett		
HTW	District Judge Wingate		

Each criminal case filed in the Southern District will bear the same number format as the civil docket number, with the exception of the letters "cr" being substituted for the letters "cv".

I. ASSIGNMENT OF CIVIL CASES TO DISTRICT JUDGES

Civil cases in this district are to be assigned a district judge as follows:

A. NORTHERN DIVISION - Civil cases will be assigned as follows:

Judge Wingate - 28% Judge Jordan - 27% Judge Reeves - 28%

Judge Lee - 11% Judge Barbour - 6%

B. SOUTHERN DIVISION - Civil cases will be assigned as follows:

Judge Guirola - 43% Judge Ozerden - 43% Judge Starrett - 14%

C. EASTERN DIVISION - Civil cases will be assigned as follows:

Judge Starrett - 83% Judge Jordan - 17%

D. WESTERN DIVISION - Civil cases will be assigned as follows:

Judge Bramlette - 80% Judge Starrett - 20%

II. ASSIGNMENT OF CRIMINAL CASES TO DISTRICT JUDGES

Criminal cases in this district are assigned to district judges as follows:

A. NORTHERN DIVISION - Criminal cases will be assigned based on an indictment or information returned on the following grand jury schedule and in the proportions indicated:

<u>January, April, July, October</u>

Grand Jury No. 1	Reeves - 2/3	Lee - 1/3
Grand Jury No. 2	Wingate - 2/3	Bramlette - 1/3

<u>February, May, August, November</u>

Grand Jury No. 1	Wingate - 2/3	Bramlette - 1/3
Grand Jury No. 2	Jordan - 2/3	Barbour - 1/3

<u>March, June, September, December</u>

Grand Jury No. 1	Jordan - 2/3	Barbour - 1/3
Grand Jury No. 2	Reeves - 2/3	Lee - 1/3

B. WESTERN DIVISION - Criminal cases will be assigned as follows:

Judge Bramlette - 100%

C. **EASTERN DIVISION -** Criminal cases will be assigned as follows:

Judge Starrett - 100%

D. **SOUTHERN DIVISION** - Criminal cases will be assigned as follows:

Judge Guirola - 50% Judge Ozerden - 50%

E. **RELATED CRIMINAL CASES** - Upon notice filed by the United States Attorney, a criminal matter which is related to a previously assigned criminal case will be transferred by the Clerk to the judge with the previously assigned criminal case. For purposes of this order, criminal cases are related if they involve substantially the same parties and factual situation, relate to or are based upon the same act or transaction, or involve actions connected with or constituting part(s) of a common scheme or plan.

III. **CAPITAL HABEAS CASES** - All habeas corpus cases filed in this district reviewing a sentence of death will be assigned to district judges equally, regardless of division, utilizing the sequence (HTW, LG, KS, DPJ, HSO and CWR).

IV. **REASSIGNMENT** - The Chief Judge may, after conferring with the affected district judge(s) or magistrate judge(s), reassign cases in any division in order to ensure an equal distribution of the work load and to effectuate a prompt disposition of all pending matters.

V. **PARTICIPATION** - No district judge of this court will participate in any way or to any extent with the processing or disposition of any case which is not assigned to the judge by action of this plan unless agreed to by the district judge to whom the case is assigned.

VI. **REVERSALS AND REMANDS** - If any case is subsequently reversed or remanded, the Clerk of the Court will assign such case to the same district judge who previously tried or handled the case and who will have the sole responsibility for the case's final disposition, unless that district judge agrees to the assignment of the cases to another district judge.

VII. REFERRAL OF CIVIL CASES TO MAGISTRATE JUDGES

A. Referral of civil cases to a magistrate judge for trial will be in accordance with the provisions of FED. R. CIV. P. 72-73.

B. The notice required by FED. R. CIV. P. 73(b) concerning the opportunity to consent to trial by a magistrate judge will be included with the pretrial notices and instructions or provided upon request of the parties.

C. The consent form(s) will be filed in the division in which the case is pending. No consent form will be filed unless all parties have consented to the referral of the case to a magistrate judge.

D. In those cases which are referred to a magistrate judge, only the magistrate judge's designated initial(s) will appear in the suffix.

E. Pursuant to 28 U.S.C. § 636 (b)(1)(B), the following matters are hereby referred to the magistrate judge to conduct hearings, including evidentiary hearings, and to submit proposed findings of fact and recommendations for disposition:

(1) prisoner petitions challenging conditions of confinement;

(2) applications for post-trial relief made by individuals convicted of criminal offenses, excluding capital cases; and,

(3) social security appeals.

An Order of Reference executed by the district judge assigned to the case is required in all other cases assigned to a magistrate judge. Motions to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255 are referred to the sentencing judge.

VIII. ASSIGNMENT OF CIVIL CASES TO MAGISTRATE JUDGES

A. **Magistrate Judge Ball** is assigned all civil cases assigned to Judge Jordan and 2/3 of the cases assigned to Judge Reeves.

B. **Magistrate Judge Anderson** is assigned all civil cases assigned to Judge Wingate and 1/3 of the cases assigned to Judge Reeves.

C. **Magistrate Judge Parker** is assigned all civil cases assigned to Judge Starrett in the Eastern Division and the Western and all civil cases assigned to Judge Bramlette.

D. **Magistrate Judge Walker** is assigned all civil cases assigned to Judge Guirola, Judge Lee, and Judge Gex; and he is also assigned all civil cases in the Southern Division assigned to Judge Starrett.

E. **Magistrate Judge Gargiulo** is assigned all civil cases assigned to Judge Ozerden and Judge Barbour.

IX. ASSIGNMENT OF CRIMINAL MATTERS TO MAGISTRATE JUDGES.

A. All misdemeanor criminal cases will be assigned, upon the filing of an information, complaint or violation notice, or the return of an indictment, to a magistrate judge, who will proceed in accordance with the provisions of 18 U.S.C. §§ 3401-02 and FED. R. CRIM. P. 58.

(1) **NORTHERN AND WESTERN DIVISIONS** - Criminal cases will be assigned based on indictments or informations returned on the following grand jury schedule:

January, March, May, July, September, November

Grand Jury No. 1 - Anderson

Grand Jury No. 2 - Ball

February, April, June, August, October, December

Grand Jury No. 1 - Ball

Grand Jury No. 2 - Anderson

The Petty Offense Docket will continue to be rotated on a yearly basis.

(2) **SOUTHERN DIVISION** -All criminal matters will be shared equally between Magistrate Judge Walker and Magistrate Judge Gargiulo. Indictments and informations will be assigned 1/2 to Judge Gargiulo and ½ to Judge Walker. The Petty Offense Docket will be rotated between Judges Gargiulo, Walker and Parker on a yearly basis.

(3) **EASTERN DIVISION** - All criminal matters are assigned to Magistrate Judge Parker.

B. All pretrial criminal motions are hereby referred to a magistrate judge for hearing and determination, with the exception of motions to dismiss or quash an indictment or information made by the defendant, motions to suppress evidence, motions in limine regarding evidentiary matters, motions for extensions of time with regard to matters pending before a district judge, motions for continuances and motions for severance.

C. All other criminal matters authorized to be handled by a magistrate judge by statute, Federal Rules of Criminal Procedure, Local Uniform Rules, or Order, including the

Plan to implement the Magistrate's Act, are hereby assigned to magistrate judges for appropriate action.

D. Individual case exceptions to the foregoing assignment method may be directed by the Chief Judge in order to more expeditiously address particular case situations.

X. **RECUSAL** - When the presiding district judge must recuse himself from a case, the reassignment will be conducted in the following sequence:

<u>Eastern Division, Western Division, and Northern Division cases:</u>

Wingate	→	Jordan	→	Lee
Jordan	→	Reeves	→	Barbour
Reeves	→	Lee	→	Bramlette
Lee	→	Barbour	→	Wingate
Barbour	→	Bramlette	→	Jordan
Bramlette	→	Starrett	→	Ozerden

Eastern Division and Southern Division cases:

Starrett	→	Ozerden	→	Guirola
Ozerden	→	Guirola	→	Starrett
Guirola	→	Ozerden	→	Starrett
Gex	→	Guirola	→	Ozerden

When the assigned magistrate judge must recuse himself or herself from a case, the reassignment will be conducted in the following sequence:

Eastern Division and Northern Division cases:

Anderson	→	Ball	→	Walker
Ball	→	Anderson	→	Gargiulo
Walker	→	Ball	→	Anderson
Gargiulo	→	Anderson	→	Ball
Parker	→	Gargiulo	→	Walker

Southern Division and Western Division cases:

Gargiulo	→	Walker	→	Parker
Walker	→	Gargiulo	→	Parker
Parker	→	Gargiulo	→	Walker

In the event that a case cannot be reassigned using the sequence described above, the Chief Judge may assign the case to a judge outside the sequence.

XI. ASSIGNMENT OF BANKRUPTCY CASES TO BANKRUPTCY JUDGES.

Pursuant to 28 U. S. C. § 157, the District Court hereby ORDERS *nunc pro tunc* that any and all cases arising under Title 11 of the United States Code and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 shall be referred to the bankruptcy judges for the Southern District of Mississippi for consideration and resolution consistent with the law.

XII. EFFECTIVE DATES.

This order will become effective immediately, and will supplant all prior court case assignment and magistrate assignment orders and rules. However, the provisions of Section XI of this Order shall be effective *nunc pro tunc* to December 7, 2011.

SIGNED this the 2nd day of February, 2015.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE