

APPENDICES

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Appendix I: Information About Cases and Forms

A. Information About Current Status Of Cases, Settings, Etc. (Judges' Letter Designation Before Name)

Information concerning the status of cases, motion settings, pretrial settings, trial settings or other scheduling information is kept by either the courtroom deputy or the judge's secretary. This information may be obtained by calling:

| | | |
|-----|--|--------------|
| (D) | Chief Judge Sidney A. FITZWATER | 214/753-2333 |
| (J) | Judge Mary Lou ROBINSON | 806/468-3822 |
| (C) | Judge Sam R. CUMMINGS | 806/472-1922 |
| (A) | Judge John H. McBRYDE | 817/850-6650 |
| (P) | Judge Jorge A. SOLIS | 214/753-2346 |
| (Y) | Judge Terry R. MEANS | 817/850-6670 |
| (L) | Judge Sam A. LINDSAY | 214/753-2365 |
| (M) | Judge Barbara M.G. LYNN | 214/753-2420 |
| (N) | Judge David C. GODBAY | 214/753-2700 |
| (K) | Judge Ed KINKEADE | 214/753-2720 |
| (B) | Judge Jane J. BOYLE | 214/753-2740 |
| (O) | Judge Reed O'CONNOR | 214/753-2650 |
| (G) | Senior Judge A. Joe FISH | 214/753-2310 |
| (R) | Senior Judge Jerry BUCHMEYER | 214/753-2295 |

B. Information About Entry Of Legal Documents And Orders

Each civil case is assigned to a judge by random draw. For information about what legal documents have actually been filed and entered on the official docket sheet, go to the Electronic Case Files system on the court's website at www.txnd.uscourts.gov or call:

Dallas Division

214/753-2633
866/243-2866

Abilene Division

325/677-6311

Amarillo Division

806/468-3805
800/596-9414

Fort Worth

817/850-6733
800/240-7240

Lubbock Division

806/472-1905

San Angelo Division

325/655-4506

Wichita Falls

940/767-1902

Appendix I, *continued*

C. Summons in a Civil Action

Appendix I, *continued*

Appendix I, *continued*

D. Civil Cover Sheet

Appendix I, *continued*

Appendix II: Table of Divisions

The following table sets forth the official number and name of each Division of the Northern District of Texas, the counties that each Division encompasses, and the name, mailing address, and telephone number of the Clerk, the District Judges, the Magistrate, and the Bankruptcy Judges for each Division.

1. Abilene Division

Comprises the counties of Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton.

Ms. Marsha **ELLIOTT**, Deputy-in-Charge 325/677-6311
341 Pine Street, Room 2008
Abilene, Texas 79601-5928

Judge Sam R. **CUMMINGS** 806/472-1922
1205 Texas Ave., Room C-210
Lubbock, Texas 79401-4002

Magistrate Judge Philip R. **LANE** 325/676-4582
341 Pine Street, Room 2202
Abilene, Texas 79601

Bankruptcy Judge Robert L. **JONES** 806/472-5020
1205 Texas Avenue, Room 312
Lubbock, Texas 79401

2. Amarillo Division

Comprises the counties of Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Ms. Jeanetta **HETRICK**, Deputy-in-Charge 806/468-3821
205 E. Fifth Street, Room 103
Amarillo, Texas 79101-1559

Judge Mary Lou **ROBINSON** 806/468-3822
205 E. Fifth Street, Room 226
Amarillo, Texas 79101

Magistrate Judge Clinton E. **AVERITTE** 806/468-3832
205 E. Fifth Street, Room 123
Amarillo, Texas 79101

Bankruptcy Judge Robert L. **JONES** 806/472-5020
624 S. Polk Street
Amarillo, Texas 79101

Appendix II, continued

3. Dallas Division

Comprises the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall.

Ms. Karen **MITCHELL**, Clerk of Court for recorded information: 214/753-2200
1100 Commerce Street, Room 1452 for assistance: 214/753-2201
Dallas, Texas 75242-1495

Chief Judge Sidney A. **FITZWATER** 214/753-2333
1100 Commerce Street, Room 1528
Dallas, Texas 75242-9970

Judge Jorge A. **SOLIS** 214/753-2342
1100 Commerce Street, Room 1654
Dallas, Texas 75242

Judge Sam A. **LINDSAY** 214/753-2365
1100 Commerce Street, Room 1312
Dallas, Texas 75242

Judge Barbara M.G. **LYNN** 214/753-2420
1100 Commerce Street, Room 1572
Dallas, Texas 75242

Judge David C. **GODBAY** 214/753-2700
1100 Commerce Street, Room 1358
Dallas, Texas 75242

Judge Ed **KINKEADE** 214/753-2720
1100 Commerce Street, Room 1625
Dallas, Texas 75242

Judge Jane J. **BOYLE** 214/753-2740
1100 Commerce Street, Room 1376
Dallas, Texas 75242

Judge Reed **O'CONNOR** 214/753-2650
1100 Commerce Street, Room 1504
Dallas, Texas 75242

Senior Judge A. Joe **FISH** 214/753-2310
1100 Commerce Street, Room 1404
Dallas, Texas 75242-1597

Appendix II, continued

| | |
|--|--------------|
| Senior Judge Jerry BUCHMEYER | 214/753-2295 |
| 1100 Commerce Street Dallas, Texas 75242-1598 | |
| Magistrate Judge Wm. F. SANDERSON, Jr. | 214/753-2385 |
| 1100 Commerce Street, Room 1407 Dallas, Texas 75242 | |
| Magistrate Judge Jeff KAPLAN | 214/753-2400 |
| 1100 Commerce Street, Room 1611 Dallas, Texas 75242 | |
| Magistrate Judge Paul D. STICKNEY | 214/753-2410 |
| 1100 Commerce Street, Room 1549 Dallas, Texas 75242 | |
| Magistrate Judge Irma C. RAMIREZ | 214/753-2393 |
| 1100 Commerce Street, Room 1567 Dallas, Texas 75242 | |
| Chief Bankruptcy Judge Barbara J. HOUSER | 214/753-2055 |
| 1100 Commerce Street, Room 1424 Dallas, Texas 75242 | |
| Bankruptcy Judge Harlin D. HALE | 214/753-2016 |
| 1100 Commerce Street, Room 1420 Dallas, Texas 75242 | |
| Bankruptcy Judge Stacey G. C. JERNIGAN | 214/753-2040 |
| 1100 Commerce Street, Room 1428 Dallas, Texas 75242 | |

Appendix II, continued

4. Fort Worth Division

Comprises the counties of Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Ms. Lynn **SHERMAN**, Manager 817/850-6601
501 West 10th Street, Room 310
Fort Worth, Texas 76102

Judge John H. **McBRYDE** 817/850-6650
501 West 10th Street, Room 401
Fort Worth, Texas 76102

Judge Terry R. **MEANS** 817/850-6670
501 West 10th Street, Room 201
Fort Worth, Texas 76102

Magistrate Judge Charles **BLEIL** 817/850-6690
501 West 10th Street, Room 520
Fort Worth, Texas 76102

Bankruptcy Judge Michael **LYNN** 817/333-6020
501 West 10th Street, Room 128
Fort Worth, Texas 76102

Bankruptcy Judge Russell F. **NELMS** 817/333-6025
501 West 10th Street, Room 206
Fort Worth, Texas 76102

5. Lubbock Division

Comprises the counties of Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum.

Ms. Kristy **WEINHEIMER**, Deputy-in-Charge 806/472-1900
1205 Texas Avenue, Room 209
Lubbock, Texas 79401

Judge Sam R. **CUMMINGS** 806/472-1922
1205 Texas Avenue, Room C-210
Lubbock, Texas 79401

Magistrate Judge Nancy M. **KOENIG**. 806/472-1933
1205 Texas Avenue, Room 211
Lubbock, Texas 79401

Bankruptcy Judge Robert L. **JONES** 806/472-5020
1205 Texas Avenue, Room 312
Lubbock, Texas 79401

Appendix II, continued

6. San Angelo Division

Comprises the counties of Brown, Coke, Coleman, Concho, Crocket, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green.

[**vacant**] Deputy-in-Charge 325/655-4506
33 E. Twohig Street, Room 202
San Angelo, Texas 76903

Judge Sam R. **CUMMINGS** 806/472-1922
1205 Texas Ave., Room C-210
Lubbock, Texas 79401

Magistrate Judge Philip R. **LANE**. 325/676-4582
341 Pine Street, Room 2202
San Angelo, Texas 76901

Bankruptcy Judge Robert L. **JONES** 806/472-5020
1205 Texas Avenue, Rm 312
Lubbock, Texas 79401

7. Wichita Falls Division

Comprises the counties of Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

Ms. Teena **McNEELY**, Deputy-in-Charge 940/767-1902
1000 Lamar Street, Room 203
Wichita Falls, Texas 76301

Judge Reed **O'CONNOR** 214/753-2650
1100 Commerce Street, Rm. 1504
Dallas, Texas 75242

Magistrate Judge Robert Kerry **ROACH** * 940/322-7856
807 8th Street, 8th floor
Wichita Falls, Texas 76301

Bankruptcy Judge Michael **LYNN** 817/333-6020
501 West 10th Street, Room 206
Fort Worth, Texas 76102

* Part-time Magistrate Judge

Appendix III: Index of Miscellaneous Orders*

1. Order Establishing the Procedure for Issuance of Orders for Entry on Premises to Effect Levy by Internal Revenue Service (*Adopted 9-26-77; Amended 2-16-79*).
2. Standing Order on Probation Conditions (*Adopted 8-28-64*).
3. Order Adopting the Plan for Representation of Defendants Under the Criminal Justice Act of 1964 (*Adopted 8-20-65; Amended 12-30-93*).
4. Standing Order Establishing Reporters' Rates for Transcripts (*Adopted 11-7-66; Amended 10-23-07*) [See LR 80.1 and LCrR 57.6].
5. Order Relating to the Selection of Grand and Petit Jurors in the Northern District of Texas (*Adopted 9-13-68; Amended 5-14-98*).
6. Order for the Adoption of Rules for the Exercise of Powers and Performance of Duties by United States Magistrates (*Adopted 1-20-71; Amended 5-05-05*) [See Appendix V].
7. Order Relating to the Disposition of Minor Offenses (*Adopted 3-15-71; Amended 5-5-93*) [See LCrR 58.1].
8. Order Adopting the Plan for Achieving Prompt Disposition of Criminal Cases (*Adopted 3-6-73; Amended 6-23-80*).
9. Order on Payment of Fees for Attorneys Appointed Under the Criminal Justice Act of 1964 (*Adopted 3-26-73; Amended 4-14-87*).
10. Order Requiring Civil Cover Sheet for All Cases Filed as Civil Actions (*Adopted 8-15-73*) [See LR 3.1 and Appendix I-D].
11. Standing Orders Relating to Bankruptcy Matters (*Adopted 7-28-75; Amended 9-30-79*) [Historical Only].
12. Order Providing for the Fixing of Conditions of Release (*Adopted 2-27-76*) [Historical Only].
13. Order Establishing Procedures for Handling Petitions and/or Motions for Post Conviction Relief Under 28 U.S.C. 2254 and 2255 (*Adopted 3-18-77*) [See LR 5.4].
14. Order Establishing Procedure for Handling Prisoner Civil Rights Actions (*Adopted 12-16-77*) [See LR 5.3].
15. Order Governing Applications to Proceed *In Forma Pauperis* (*Adopted 12-16-77*) [See LR 83.6].

* *Dates of amendments reflect most recent amendment for each miscellaneous order.*

Appendix III, continued

16. Order Establishing Procedure for Admission to Practice in the United States District Court for the Northern District of Texas (*Adopted 12-16-77; Amended 8-15-07*) [See LR 83.7 and LCrR 57.7].
17. Order Adopting Local Rules of Practice (*Adopted 12-16-77; Amended 7-1-85*) [Now Special Order 2-1].
18. Order Establishing Special Miscellaneous Order Files and Repealing Previously Existing Local Rules and Miscellaneous Orders (*Adopted 12-16-77*) [Now Special Order 1-2] [See LR 83.2 and LCrR 57.2].
19. Order Sealing All Notifications of Disclosure of Grand Jury Material Pursuant to Rule 6(e)(2)(A)(ii) and Rule 6(e)(2)(B), Federal Rules of Criminal Procedure (*Adopted 12-5-77*) [Now Special Order 5-1].
20. Order Establishing the Procedure for Service of Civil Process and Central Violation Summons (*Adopted 3-2-78, Repealed by Miscellaneous Order No. 30 4-1-81*) [Historical Only].
21. Order Concerning Civil Jury Composition (*Adopted 4-7-78; Amended 5-29-80*) [Historical Only] [Not adopted as a Local Rule].
22. Order Concerning the Creation of Three New District Judgeships in the Northern District of Texas and the Orderly Assignment of Cases Pending on the Docket (*Adopted 10-27-78; Amended 5-13-82*) [Now Special Order 3-1].
23. Order Establishing the Procedure for Issuance of Inspection Warrants for Entry on Premises by Compliance Officers of the Occupational Safety and Health Administration, U.S. Department of Labor (*Adopted 12-4-78*).
24. Order Adopting the Model Federal Rules of Disciplinary Enforcement (*Adopted 12-7-78; Repealed 3-25-87*) [See LR 83.8 and LCrR 57.8].
25. Order Establishing Simplified Procedures for the United States of America to Take Money Judgment by Default (*Adopted 4-3-79*) [See LR 55.2].
26. Order Regarding Petition for Disclosure of Pre-sentence or Probation Records (*Adopted 6-18-79; Amended 6-1-90*).
27. Order Amending Rule 11.3 of the Local Rules of Practice Before the United States District Court for the Northern District of Texas (*Adopted 7-9-80*) [Historical Only] [See LR 79.2 and LCrR 55.2].
28. Order Adopting Affirmative Action Plan for the United States District Court for the Northern District of Texas (*Adopted 7-11-80; Amended 5-18-93*) [Now Special Order No. 17].

* *Dates of amendments reflect most recent amendment for each miscellaneous order.*

Appendix III, continued

29. Order Amending Local Rules 2.2 and 6.1(b) (*Adopted 10-24-80; Amended 6-24-83*) [Historical Only] [See LR 5.2].
30. Order Establishing Procedures for Service of Civil Process--Repealing Miscellaneous Order No. 20 (*Adopted 4-1-81; Amended 7-28-81*) [Historical Only].
31. Order Relating to Persons Detained/Incarcerated for Attendance at Criminal Trial as Witness (*Adopted 4-15-81*).
32. Order Establishing Procedures Following Appeal in Criminal Cases (*Adopted 10-21-81*).
33. Order Pertaining to Bankruptcy Judges Authority (*Adopted 10-4-82; Amended 12-19-84*).
34. Order Adopting the Plan for the Management of Court Reporting for the Northern District of Texas (*Adopted 2-1-83; Amended 7-12-04*).
35. Order Exempting Cases From Schedule and Planning Mandates of Rule 16(b), Federal Rules of Civil Procedure (*Adopted 9-16-83; Amended 1-16-84*) [See LR 16.1].
36. Order Establishing Procedures for Seeking Stay of Enforcement of State Court Judgment or Order (*Adopted 12-5-83*).
37. Order Amending Local Rule 5.1(e) Responding to Motions, Time for Responses, Provision for Reply; New Local Rule 8.1(c) Designation of Expert Witnesses; New Local Rule 12.2 Request for Attorney's Fees (*Adopted 1-16-84*) [Historical Only] [See LR 7.1, LR 26.2, LCrR 16.1, and LCrR 47.1].
38. Order Concerning the Requirement and Need for United States Marshals in All Criminal Proceedings in the Northern District of Texas (*Adopted 12-17-84*) [Now Special Order 6-1].
39. Order Pertaining to Interim Appointment of United States Attorney for the Northern District of Texas (*Adopted 6-17-85*) [Historical Only].
40. Order Pertaining to Firearms Policy for the United States Probation Office, Northern District of Texas (*Adopted 12-16-85; Amended 2/21/97*) [Now Special Order 7-1].
41. Order Pertaining to Clerk Accepting and Disbursing All Restitution Payments Other Than Those Payable to the United States, for Offenses Committed On or After January 1, 1985 (*Adopted 1-27-86*) [Now Special Order 10-1].
42. Order Pertaining to the Schedule Adopted for the Supervision of Grand Jury Proceedings by the United States District Judges of the Dallas Division of the Northern District of Texas (*Adopted 4-14-86; Amended 1-26-87*) [Now Special Order 5-2].
43. Order Pertaining to the Criminal Docket in the Dallas Division and the Assignment of Cases on Such Docket To Include the Name of the Honorable Sidney A. Fitzwater (*Adopted 4-17-86*) [Now Special Order 3-2].

* *Dates of amendments reflect most recent amendment for each miscellaneous order.*

Appendix III, continued

44. Order Establishing Length of Briefs and Requiring Table of Contents and Table of Authorities in Briefs Which Exceed Ten Pages in Length (*Adopted 12-23-88*) [See LR 7.2 and LCrR 47.2].
45. Order Regarding Deposit in Court Pursuant to Rule 67 of the Civil Rules (*Adopted 6-23-89; Amended 10-7-97*).
46. Civil Justice Expense and Delay Reduction Plan (*Adopted 3-22-93; Amended 5-21-02*).
47. Order Adopting Rules Governing Practice Before this Court by Law Students and Unlicensed Law Graduates (*Adopted 10-27-93*).
48. Order Enforcing Sanctions Imposed by Another Federal Court in Texas (*Adopted 11-16-93*).
49. Order Regarding Matters Pertaining to Court Interpreters (*Adopted 8-16-93; Amended 8-30-93*).
50. Order Closing Abilene Courtroom for Renovations [*Adopted 4-18-95*].
51. Order Providing for Disposition of Passports Surrendered (*Adopted 1-9-96; Amended 2-1-06*).
52. Order for Probation Form 12 Procedures (*Adopted 7-9-96*).
53. Amendment to Special Order No. 7-27 Firearms Policy for U.S. Probation Office (*Adopted 8-16-96; Amended 4-26-06*).
54. Approval of Oleoresin Capsicum (OC) a Personal Defense Spray for Duty for use by U.S. Probation and Pretrial Officers in the Northern District of Texas (*Adopted 11-4-96*).
55. Prisoner In Forma Pauperis Proceedings (*Adopted 2/26/97; Amended 5-26-98*).
56. Petition for Actions on Conditions of Pretrial release and Order for Warrant Shall be Presented to the Court in Envelope Marked “SEALED” (*Adopted 2/18/97*).
57. Order Establishing Disclosure of Information to State/Local Authorities for Sex Offender Registration/Notification (*Adopted 1-21-99*).
58. Order Requiring Counsel to Notify the Presiding Judge of Any Proposed Change to Scheduled Arraignment or Rearraignment in the Dallas Division (*Adopted 2-23-00*).
59. Order allowing probation officers to transport non-governmental personnel in GSA vehicles and persons under supervision in officers’ privately owned vehicles where circumstances justify doing so. (*Adopted 7-9-01*)
60. Order authorizing Probation and Pretrial Services offices to establish and operate an on-site drug testing laboratory to better serve the court, defendants, and offenders in the Northern District of Texas. (*Adopted 10-15-01*)

* *Dates of amendments reflect most recent amendment for each miscellaneous order.*

Appendix III, continued

61. Order adopting procedures to control electronic case filing (ECF) in the Northern District of Texas as defined in this order and in the clerk's office ECF User's Manual. (*Adopted 2-21-03; Amended 5-28-08*)
62. Order adopting procedures to control management of Dallas division patent cases in the Northern District of Texas as defined in this Order.
63. Order adopting procedures to control management of electronic communication devices, including, but not limited to, cellular telephones, pagers, personal digital assistants, laptop computers, and tape recorders, onto any court floor within the Northern District of Texas.

* *Dates of amendments reflect most recent amendment for each miscellaneous order.*

Appendix IV: Index of Special Orders

- Special Order No. 1:** Order regarding Special Orders and Miscellaneous Orders. [*Includes Miscellaneous No. 18*]
- Special Order No. 2:** Order regarding Local Rules and rule changes. [*Includes Miscellaneous No. 17*]
- Special Order No. 3:** Order regarding Judgeships, case assignments. [*Includes Miscellaneous Nos. 22 and 43*]
- Special Order No. 4:** Order regarding Bankruptcy administration.
- Special Order No. 5:** Order regarding grand juries. [*Including Miscellaneous Nos. 19 and 42; includes Old Miscellaneous Nos. 1251A and 1860*]
- Special Order No. 6:** Order regarding Court security. [*Includes Miscellaneous No. 38*]
- Special Order No. 7:** Order regarding Probation Officers and that department. [*Includes Miscellaneous No. 40; includes Old Miscellaneous No. 849*]
- Special Order No. 8:** Order regarding Pretrial Officers and that department. [*Includes Old Miscellaneous No. 971*]
- Special Order No. 9:** Order regarding Special Attorneys and their appointment. [*Includes Appointment of Special Attorneys*]
- Special Order No. 10:** Order regarding Court finance. [*Includes Miscellaneous No. 41*]
- Special Order No. 11:** Order regarding naturalization. [*Includes Old Miscellaneous No. 1073*]
- Special Order No. 12:** Order regarding imposition of sentences under the Sentencing Guidelines.
- Special Order No. 13:** Order regarding the operation of the U.S. District Court.
- Special Order No. 14:** Order regarding Pretrial Services and That Department.
- Special Order No. 15:** Order regarding Designation and Assignment of Judges for Service in the U.S. District Court for the Northern District of Texas.
- Special Order No. 16:** Order regarding Service on the United States pursuant to FED. R. CIV. P. 4(i)(1)(A).
- Special Order No. 17:** Order regarding Equal Employment Opportunity and Employment Dispute Resolution Plan.
- Special Order No. 18:** Order appointing Clerk of Court/District Executive.

Appendix IV, continued

- Special Order No. 19:** Orders regarding public access, either paper or electronic form, to certain documents
- Special Order No. 20:** Orders regarding Jury Utilization Management Plan as a guideline for judges and court personnel to encourage efficient juror utilization
- Special Order No. 21:** Orders regarding authorization of Court Security Officers to carry personal handguns onto federal property
- Special Order No. 22:** Orders regarding magistrate judge appointments, reappointments, verification proceedings, and appointment of magistrate judge merit selection panels.
- Special Order No. 23:** Orders regarding Pretrial Diversion Agreement (“PS4 form”) submitted to the Court by and through the United States Attorney’s Office that is not associated with a criminal case. Each such PS4 form will remain under seal unless otherwise ordered by a judge.

Appendix V: Miscellaneous Order No. 6

Rule 1

Powers and Duties of Magistrates under 28 U.S.C. § 636(a)

A magistrate judge appointed to serve in the United States District Court for the Northern District of Texas is hereby granted authority and is specially designated to perform all duties that may be performed by a United States magistrate judge under law. A magistrate judge has all power necessary to perform such duties except as otherwise limited by law. Nothing in this Miscellaneous Order should be construed as limiting the powers of the district judge to perform all such duties, except as otherwise limited by law.

Rule 2

Additional Powers and Duties of Magistrate Judges under 28 U.S.C. §636(b)

a. Unless otherwise directed by the presiding district judge, a magistrate judge serving within the Northern District of Texas is authorized, without further order of the court, to perform the following duties in all actions filed by prisoners, persons proceeding *pro se*, or persons seeking leave to proceed *in forma pauperis*:

(1) Review and construe papers presented to the clerk and direct the clerk as to whether and in what manner said papers will be accepted, if appropriate, for filing or other disposition by the court;

(2) Direct a litigant to resubmit pleadings or other filings on forms approved by the court, or to provide a more definite statement or amended pleadings, and to issue notices of deficiency as authorized by the rules and orders of this court;

(3) Order that the matter be transferred to another district or division if venue is not properly laid in the Northern District of Texas or the particular division in which the action was filed, or when venue is more appropriate in another district or division;

(4) Determine whether leave to proceed *in forma pauperis* should be granted unconditionally or provisionally, and to

(a)(i) enter orders permitting a *pro se* litigant to proceed *in forma pauperis*; (ii) grant leave to proceed *in forma pauperis* to a person seeking relief pursuant to 28 U.S.C. Sections 2241 and 2254, if the average six month balance of the person's inmate trust account and other financial resources are less than Fifty Dollars; and (iii) enter orders to assess and collect filing fees pursuant to the Prison Litigation Reform Act of 1996; or

(b) in the event that the magistrate judge determines that a person is not entitled to proceed *in forma pauperis*, file a recommendation setting out the reasons for the determination pursuant to 28 U.S.C. § 636(b)(1)(B);

(5) Direct litigants seeking leave to proceed *in forma pauperis* to provide additional financial information necessary to determine whether leave should be granted and to take appropriate steps or make appropriate recommendations in the event that the litigant does not provide the information;

Appendix V, continued

(6) Conduct such proceedings and enter such orders as are necessary to screen matters pursuant to 28 U.S.C. § 1915, 28 U.S.C. § 1915A, 42 U.S.C. § 1997e or other provision of applicable law, including but not limited to the issuance of questionnaires, orders requiring further or more definite statement, and hearings;

(7) After screening, make all necessary and appropriate reports and recommendations if the magistrate judge determines that claims or cases are subject to dismissal under 28 U.S.C. § 1915, 28 U.S.C. § 1915A, 42 U.S.C. § 1997e or other applicable law;

(8) After screening, make all necessary orders for issuance and service of process if leave to proceed *in forma pauperis* is granted;

(9) Make appropriate orders or reports and recommendations in proceedings brought pursuant to 28 U.S.C. Sections 2241, 2254 and 2255;

(10) Upon an order of transfer from the presiding district judge, exercise jurisdiction under 28 U.S.C. § 636(c) if, prior to service of process, the parties to the action consent to proceed before the magistrate judge; and

(11) Make appropriate orders or reports and recommendations on motions for certificates of appealability.

b. A magistrate judge performing any duties under this Rule shall have all powers necessary to perform such duties except as otherwise limited by law.

Rule 3

Assignments to Magistrate Judges

In a division with more than one magistrate judge, the clerk will select a magistrate judge in accordance with the court's random assignment procedure from among all magistrate judges in that division for any matters referred or transferred pursuant to 28 U.S.C. § 636(c) by the presiding district judge. This method of assignment does not limit the district-wide jurisdiction of a magistrate judge.

Rule 4

Consent to Exercise of Jurisdiction by a Magistrate Judge

a. At the time any action that may be tried by consent before a magistrate judge pursuant to 28 U.S.C. § 636(c)(1) is filed or as soon thereafter as is practicable, the clerk will provide plaintiff or plaintiff's representative an approved notice and consent form, along with a sufficient number of copies for the plaintiff to attach to the complaint and summons, when served. The plaintiff, or the defendant if the plaintiff is acting *pro se*, will be primarily responsible for securing the execution of a consent form by the parties and for filing such form with the clerk.

Appendix V, *continued*

b. If, after the clerk has notified the parties of the availability of a magistrate judge to exercise jurisdiction, and that such consent is wholly voluntary and without any adverse consequences if a party chooses not to consent, and upon the written consents of all parties and upon an order of transfer from the presiding district judge, the clerk will reassign the case to the designated magistrate judge for all further proceedings as provided for in 28 U.S.C. § 636(c). A part-time magistrate judge may exercise consent jurisdiction when the chief judge of the court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the Fifth Circuit.

c. Upon the death, retirement, disqualification or resignation of a magistrate judge exercising jurisdiction under this Rule, the case will be reassigned to another magistrate judge, unless a party consented to a specific magistrate judge.