

U.S. DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
00 JUN 21 AM 9:15
STANLEY
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE)
THE APPOINTMENT OF)
MAGISTRATE JUDGE)
THOMAS D. THALKEN)

STANDING ORDER
NO. 00-05

The United States District Court for the District of Nebraska is considering the reappointment of Magistrate Judge Thomas D. Thalken. As a consequence, the court has appointed a committee (the committee) as required by law and the regulations. The United States Attorney, Thomas Monaghan, and the Federal Public Defender, David Stickman, have been appointed as members of the committee as well as other lawyers and members of the community. The committee is chaired by Professor Lawson Mack of the Creighton University School of Law. The other members of the committee are: attorneys William J. Riley, Amy Longo, and Linda Crump; Dr. Nancy Biggs of the Lincoln Public Schools; and Dr. James O. Armitage, M.D., Dean of the College of Medicine, UNMC. Inasmuch as Magistrate Judge Thalken continues to hear civil and criminal cases during the reappointment process, and to avoid even the appearance of impropriety regarding any member of the committee or the organizations they represent,

IT IS ORDERED that:

(1) For each civil or criminal case in which the United States Attorney or the Federal Public Defender, or their assistants, or any attorney member of the committee appear as counsel of record or in any civil case in which any party is represented by a member of the committee, and for which Magistrate Judge Thalken is the assigned magistrate judge, the court will reassign the case to another magistrate judge at the

request of any counsel of record for any party in such case as provided in the following paragraphs of this order;

(2) Within fourteen (14) days after the date of this order, or within fourteen (14) days after the entry of their appearance in a civil or criminal case, whichever is later, the United States Attorney, the Federal Public Defender, or any of their assistants, may make an ex parte request to the Clerk of the United States District Court for the District of Nebraska to reassign the case to another magistrate judge. Upon the receipt of any such request, the Clerk of the District Court shall reassign that case to another magistrate judge in accordance with the standard assignment procedures employed by the Clerk of the District Court. Absent such a request, and until the time of making of such a request, any disqualification or recusal of Magistrate Judge Thalken which is otherwise required shall be deemed waived;

(3) Within fourteen (14) days after the date of being provided with a copy of this order, any counsel of record for any party set forth in any case described in paragraph one (1) above, may make an ex parte request to the Clerk of the United States District Court for the District of Nebraska to reassign the case to another magistrate judge. Upon the receipt of any such request, the Clerk of the District Court shall reassign that case to another magistrate judge in accordance with the standard assignment procedures employed by the Clerk of the District Court. Absent such a request, and until the time of making of such a request, any disqualification or recusal of Magistrate Judge Thalken which is otherwise required shall be deemed waived;

(4) All requests for reassignment pursuant to this order shall be kept confidential and not disclosed to any judge of this court, except upon order of the Chief Judge;

(5) The Clerk of the District Court shall promptly serve a copy of this general order on the United States Attorney and the Federal Public Defender, who

shall then serve a copy of this order on their assistants. It shall be the affirmative obligation of the United States Attorney or the Federal Public Defender or their assistants to request reassignment in such case or cases as they deem appropriate and no further or other notice regarding recusal, disqualification or reassignment will be given by Magistrate Judge Thalken or the court with respect to the court's consideration of the reappointment of Magistrate Judge Thalken;

(6) Apart from the Office of the United States Attorney or the Office of the Federal Public Defender as set forth in paragraph five (5) above, the Clerk of the District Court shall serve a copy of this general order on all counsel of record in a civil or criminal case as described in paragraph one (1) above;

(7) Magistrate Judge Thalken is directed to continue to hear and decide all cases assigned to him until and unless a particular case is reassigned pursuant to this order.

DATED this 20th day of June, 2000.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Richard G. Kopf', written over a horizontal line.

Richard G. Kopf
Chief Judge

UNITED STATES DISTRICT COURT

DISTRICT OF NEBRASKA
ROOM 586
ROBERT V. DENNEY FEDERAL BUILDING
100 CENTENNIAL MALL NORTH
LINCOLN, NEBRASKA 68508

RICHARD G. KOPF
CHIEF UNITED STATES DISTRICT JUDGE

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MEMORANDUM

TO: Gary D. McFarland
FROM: Judge Kopf *RJK*
DATE: June 20, 2000
RE: Judge Thalcken

RECEIVED
JUN 21 2000
CLERK
U.S. DISTRICT COURT
OMAHA

Gary, enclosed for filing is the standing order regarding Judge Thalcken. Please notify me when it has been placed on the web. Thank you kindly.

cc: Judge Thalcken
Denise M. Lucks