

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE: THE DEFINITION OF THE)	GENERAL ORDER
PRO SE DOCKET AND)	No. 2008-15
THE RESPONSIBILITIES OF THE)	
PRO SE LAW CLERKS)	

I have consulted the other judges, and they have agreed to the entry of this order. Therefore, pursuant to General Order No. 2007-09, in my capacity as the supervising judge for pro se cases,

IT IS ORDERED that:

1. This general order supersedes, replaces and rescinds General Order No. 2007-13. The provisions of General Order No. 2007-13 are restated below together with an additional paragraph, that is, paragraph 8 below.

2. Except as otherwise provided herein, any civil case that is commenced by a plaintiff or petitioner will be included in the pro se docket if, but only if, no plaintiff or petitioner has counsel at the time of the commencement of the action. If one or more plaintiffs or petitioners have counsel at the time of the commencement of the civil case, the case shall not be assigned to the pro se docket.

3. Even if a plaintiff or petitioner lacks counsel at the time the case is commenced, the following cases shall never be included in the pro se docket: criminal cases, cases involving a motion to return property pursuant to Federal Rule of Criminal Procedure 41, any type of forfeiture case, cases involving motions filed under 28 U.S.C. § 2255, cases challenging the imposition of the death penalty, bankruptcy cases or appeals, and social security appeals.

4. A case is not included in the pro se docket because a defendant lacks counsel.

5. Even if a plaintiff or petitioner does not have counsel, the entire case will be removed from the pro se docket if the parties consent to proceed before a magistrate judge and an order of reference is entered.

6. The entire case will be removed from the pro se docket when one of the plaintiffs or one of the petitioners retains counsel and counsel enters an appearance or the court appoints counsel for one of the plaintiffs or one of the petitioners. If counsel is later

given leave to withdraw, the case will be restored to the pro se docket only when no plaintiff or petitioner is represented by counsel.

7. The pro se law clerks' responsibility is conterminous with the pro se docket and does not extend beyond the pro se docket.¹ Once a case has been removed from the pro se docket, the pro se law clerks no longer have responsibility for that case.

8. The pro se law clerks will have no responsibility for pro se cases once a case has been set for trial by entry of a pretrial conference order, provided that all non-trial related motions pending at the time of the pretrial conference will be resolved by the assigned pro se law clerk. In other words, chambers' clerks will take over once the pretrial conference is completed for all trial-related matters and the trial itself. In a similar vein, the pro se law clerks will have no responsibility for evidentiary hearings in pro se cases that are conducted by a magistrate judge, but the pro se law clerks will continue to handle all other matters in that pro se case.

November 3, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge and
Supervising Pro Se Judge

¹The chambers of the individual judges may relieve the pro se law clerks of responsibility for particular pro se cases or particular matters within particular pro se cases. Those decisions will be made on an ad hoc basis and will be jointly made by the assigned judge and the supervising pro se judge.