

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE: DEFINITION OF THE PRO)
SE DOCKET, RESPONSIBILITIES) GENERAL ORDER NO. 2013-02
OF THE PRO SE LAW CLERKS,)
AND MANAGEMENT OF THE)
PRO SE DOCKET)

To provide for the management of cases filed by a plaintiff or petitioner without counsel, and with the agreement of the active district judges,

1. This general order rescinds General Order No. 2008-15 and General Order No. 2010-02.

Definition of the Pro Se Docket

2. The pro se docket consists of all civil cases in which no plaintiff or petitioner has counsel except as provided in paragraphs 3, 4, 5, and 6.

3. The following types of cases are never included in the pro se docket: criminal, forfeiture, death penalty, bankruptcy, social security, those involving motions to return property pursuant to Federal Rule of Criminal Procedure 41, and those involving habeas corpus motions to vacate sentence (i.e., 28 U.S.C. § 2255 motions).

4. In addition, a case is not included in the pro se docket if, at the time of case opening:
- (a) all plaintiffs or petitioners are non-prisoners (i.e., are not incarcerated);
 - (b) all of the necessary filing fees have been paid in full; and
 - (c) the clerk's office issued summons or provided summons forms to the plaintiff or petitioner.

The clerk's office will not assign a case to the pro se docket if all of these conditions are met at the time of case opening.

5. The supervising pro se judge will enter a standard text-only order directing the clerk's office to remove a case from the pro se docket when any plaintiff or petitioner in the case retains counsel, counsel enters an appearance, or the court appoints counsel. A case may be restored to the pro se docket if counsel is given leave to withdraw and no plaintiff or petitioner is represented by counsel.

6. The supervising pro se judge will enter a standard text-only order directing the clerk's office to remove a case from the pro se docket when the court has entered an order directing service of process *and* no plaintiff or petitioner in the case is incarcerated.

7. In accordance with the definition of the pro se docket set forth in the preceding paragraphs, a case may involve pro se litigants, but not be a part of the court's pro se docket.

8. "Pro Se Docket" is listed as the "Referral Judge" in CM/ECF whenever a case is assigned to the pro se docket.

Responsibilities of the Pro Se Law Clerks

9. The pro se law clerks' responsibilities are conterminous with the pro se docket, except as provided in paragraphs 10 and 11.

10. The pro se law clerks are not responsible for pro se cases that have been set for trial following the entry of a pretrial conference order. However, the pro se law clerks will address any non-trial related motions that may be pending at the time of the pretrial conference.

11. The pro se law clerks are not responsible for evidentiary hearings in pro se cases that are conducted by a magistrate judge, but will continue to handle all other matters in the case.

12. The chambers of the individual judges may relieve the pro se law clerks of responsibility for a particular case, or for a particular matter within a case. Such decisions will be made on an ad hoc basis and will be made jointly by the assigned judge and the supervising pro se judge.

Management of Pro Se Cases

13. Judge Kopf is the supervising pro se judge, and is assigned the overall responsibility for the management of cases assigned to the pro se docket.

14. Magistrate Judge Zwart is the magistrate judge assigned to the pro se docket. Whenever a case is removed from the pro se docket, the clerk's office will assign a magistrate judge to the case in accordance with its established procedures for assigning magistrate judges in civil cases.

15. Each district judge who is assigned a case included on the pro se docket retains decisional autonomy as to all aspects of the case except that Judge Kopf may enter orders consistent with his responsibility as supervisor of the pro se docket.

16. The supervision of the pro se law clerks is delegated to Judge Kopf.

DATED this 7th day of May, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge