

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF) NO. 2003-06
THE EXPANSION OF)
THE NEBRASKA DOCKET) **STANDING ORDER**

The court has decided to expand the Nebraska docket. Therefore, it is necessary to supersede Standing Order 02-09 and provide for the expansion. With the agreement of all the judges of this court,

IT IS ORDERED that:

(1) Except as provided in paragraph 3, all civil cases (including 28 U.S.C. § 2254 cases (habeas corpus cases) and pro se cases) shall be placed in one docket called the “Nebraska docket” if (a) the State of Nebraska, or any of its agencies, is named a defendant in the original complaint or (b) in the original complaint, a person is named a defendant (whether in his or her individual or official capacity) because of acts or omissions allegedly occurring while that person was allegedly employed by the State of Nebraska or any of its agencies. For purposes of this docket, any constitutional office (such as the Nebraska Secretary of State), any department of state government (such as the Department of Environmental Quality), any Nebraska prison (such as the Nebraska State Penitentiary), any Nebraska four-year college or university (such as the University of Nebraska, Lincoln) and the Board of Regents of the University of Nebraska shall be considered agencies of the State of Nebraska. “Agencies of the State of Nebraska” will not include local political subdivisions such as cities or counties, natural resource districts, public power districts and or similar entities.

(2) Except as provided in paragraph 3, the following categories of civil cases shall be placed in the Nebraska docket: (a) cases in which the United States of America is a plaintiff; (b) cases in which the plaintiff is not represented by counsel at the time of the filing of the case; (c) cases in which the plaintiff is a prisoner in state custody (whether the prisoner is proceeding with or without counsel at the time of the filing of the case); (d) social security appeals; and (e) bankruptcy appeals including new cases where the bankruptcy court recommends that the reference be withdrawn (but excluding cases where the bankruptcy court recommends that the reference be withdrawn and that case has previously been assigned to a district judge).

(3) The Nebraska docket will not include cases challenging a sentence of death imposed by a state court, motions challenging federal convictions pursuant to 28 U.S.C. § 2255, or cases where the place of trial is designated as North Platte, Nebraska. If the Clerk of the Court is uncertain as to whether a case is properly placed in the Nebraska docket the Clerk may seek the guidance of the Chief Judge, and the decision of the Chief Judge shall be final.

(4) Cases placed in the Nebraska docket shall be randomly assigned to, and equitably divided among, the district judges regardless of their duty station and without regard to the place of trial designated by the plaintiff. Unless otherwise directed by the Chief Judge in his or her sole discretion, each active district judge will receive approximately 22.5 percent of the cases and each senior district judge will receive approximately 5.0 percent of the cases. Once a district judge is drawn for a particular case, a magistrate judge will be drawn in accordance with the practice normally used when assigning magistrate judges in that location; that is, Omaha magistrate judges will be paired with Omaha district judges and the

Lincoln magistrate judge paired with Lincoln district judges. If a district judge is not normally paired with a magistrate judge, the Clerk shall randomly draw a magistrate judge for Omaha cases and assign the Lincoln magistrate judge for Lincoln cases. In that event, the Clerk shall follow the directions of the district judge who has been assigned the case.

(5) Senior District Judges will receive cases from the Nebraska docket unless otherwise ordered by the Chief Judge or unless a senior district judge express a preference not to receive cases from this docket.

(6) The district judge to whom a case from the Nebraska docket is assigned may decide to try the case in Omaha or Lincoln at his or her sole discretion and regardless of the place of trial designated by the plaintiff. However, the judge should consider the convenience of the parties, the lawyers, and the witnesses and any other pertinent matters before deciding where the case shall be tried. The judge may, but is not required to, solicit the views of counsel prior to making a decision on the place of trial. All juries shall be drawn from the pool of jurors used at the place the case is actually tried.

(7) Standing Order 02-09 is superseded by this Standing Order.

August 1, 2003

BY THE COURT:

s/Richard G. Kopf
Chief United States District Judge