

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA
99 DEC 28 PM 8:40

IN RE: ASSIGNMENT OF DEATH)
DEATH PENALTY HABEAS)
CORPUS CASES)
)

GENERAL ORDER GARY D. McFARLAND
CLERK

NO. 99-08

An ad hoc committee of the Judicial Council of the Eighth Circuit recommends that district judges should avoid handling more than two death penalty habeas corpus cases at the same time. Judge Kopf presently has two such cases, and the other active district judges have none.

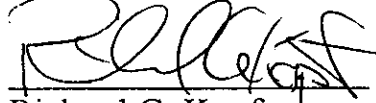
It is nearly certain that Judge Shanahan will be disqualified from handling all such cases for the foreseeable future because of his previous service as a member of the Nebraska Supreme Court. Moreover, Judge Cambridge becomes eligible to take senior status in the near future. It has been the practice of this court not to assign habeas corpus death penalty cases to senior judges, and therefore it would be inadvisable to assign such a case to him on a short term basis.

Accordingly, to comply with the recommendations of the ad hoc committee of the Judicial Council of the Eighth Circuit, to avoid confusion, and with the agreement of each active judge,

IT IS ORDERED that the next two habeas corpus death penalty cases filed in this court shall be assigned to Judge Bataillon. When Judge Bataillon has been assigned those two cases, the Clerk of the Court shall seek further direction from the Chief Judge regarding the assignment of habeas corpus death penalty cases.

December 28, 1999.

BY THE COURT:


Richard G. Kopf
Chief Judge