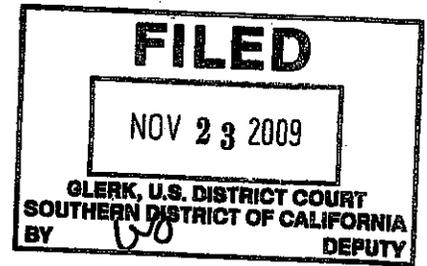


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of)
)
LOCAL RULES AMENDMENTS)
)
_____)

General Order No. 518

Good cause appearing, and following a public comment period, IT IS ORDERED that the following Local Rules are amended to read, or as otherwise indicated, as follows:

General Restyling. In conformity with the principles of the *Guidelines for Drafting and Editing Court Rules*, authorized in 1996 by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, the Rules will be generally restyled by changing the word "shall" to "must" or "will" throughout, as appropriate.

Civil Rule 1.1 Scope and Availability of Local Rules

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e. Definitions

* * *

15. "Lodge" means to ~~deliver to the clerk~~ submit by email or otherwise a any document(s) to the Clerk of Court (unless otherwise specified by these rules or by order of the Court).

Civil Rule 4.1 Service

* * *

b. Failure to Serve. On the one hundred and thirtieth (130th) day following the filing of the complaint, or on the ~~tenth (10th)~~ fourteenth (14th) day following an extension of time to serve, if proof of service has not yet been filed, the clerk ~~shall~~ will prepare an order to show cause with notice to plaintiff why the case should not be dismissed without prejudice and submit it to the assigned district judge for signature.

* * *

Civil Rule 5.1 Form, etc.

- a. **Legibility.** Each document filed, including exhibits where practicable, shall must be in English, ~~shall be flat and unfolded, without backing sheet, shall be~~ plainly written, or typed in double space on one side of the paper ~~document or printed or prepared by means of a duplicating process, on~~ opaque, unglazed white paper, line numbered in the left margin, and letter size. Documents filed in paper format must be flat and unfolded, without backing sheet, double spaced on one side of the paper or printed or prepared by means of a duplicating process on opaque, unglazed white paper. Quotations in excess of three lines shall must be indented and single spaced. Printed text, produced on a word processor or other computer, may be proportionally spaced, provided the type is ~~shall not be~~ no smaller than twelve-point standard font (e.g., Times New Roman). The text of footnotes and quotations shall must also conform to these font requirements.

* * *

- d. **Pre-punching and Attachments.** All documents presented for filing or lodging in paper format shall must be pre-punched with two (2) normal-size holes (approximately 1/4" diameter), centered 2³/₄ inches apart, 1/2 to 5/8 inches from the top edge of the document. No pages of any document shall should have any attachment affixed thereto. All pages shall must be firmly bound at the top.

* * *

- m. **Captions.** All documents submitted for filing shall must be filed and captioned separately. Sentencing memoranda may be filed together with motions for departure, or may be filed separately from motions for departure. Objections to presentence reports shall must be filed separately. Sentencing summary charts ~~should not be filed, but shall must be~~ filed ~~submitted to chambers.~~ Double captions are required for cross- and counter-complaints, third party complaints, and their responses.

Civil Rule 7.1 Motion Practice, Extensions, Enlargements, or Shortening of Time, Submission of Orders

* * *

- d. **Argument and Submission.**

* * *

2: Waiver of Oral Argument.

- a. ~~A party willing to submit a motion for decision by the court without oral argument shall so indicate in the notice of motion accompanying the moving papers. In the alternative, a moving party may indicate a willingness to submit a motion for decision without oral argument, by including the statement "Oral argument not required," on the title page of the reply brief, just below the date and time scheduled for hearing the motion.~~
- b. ~~A party opposing a motion shall indicate a willingness to submit the motion for decision without oral argument by including the statement: "Oral argument not required," on the title page of the opposition papers, just below the date and time scheduled for hearing the motion. Alternatively, such party may telephonically notify opposing counsel and the assigned judge's law clerk of any willingness to submit the motion on the briefs, not later than the Wednesday before the Monday hearing date for the motion.~~
- c. ~~If either party indicates a willingness to submit a motion for decision without oral argument, the adverse party shall promptly, but in any case not later than four (4) calendar days before the hearing date, notify the law clerk of the assigned judge, by telephone, whether or not there is concurrence in having the motion decided without oral argument. If so, the matter may be removed from the motion hearing calendar, at the court's discretion, and the parties shall be so notified. If the adverse party does not concur in submission of the motion without oral argument, the matter may remain on the calendar, for such argument as the court may deem appropriate under the circumstances.~~

3:2. Argument by Telephonic Conference. . . .

e. Time for Hearing and Schedule for Filing Papers.

- 1. **The Twenty-eight (28) Day Rule – Setting Time for Hearing.** When there has been an adverse appearance, a written notice of a matter requiring the court's ruling shall is be necessary, unless otherwise provided by rule or court order. Pursuant to the provisions of Civil Local Rule 7.1.b all hearing dates for any

motion ~~shall~~ must be obtained from the law clerk of the judge to whom the case is assigned. Unless the court shortens time and except as otherwise specified in Civil Local Rule 7.1.e.6, any notice of motion, application or notice of other matter requiring the court's ruling, plus all necessary supporting documents, will require a minimum filing date of twenty eight (28) ~~calendar~~ days prior to the Monday date for which the matter is noticed. (For example, the notice of motion and supporting documents for a motion to be heard on a Monday must be filed and served no later than the fourth (4th) Monday prior to the Monday hearing. If the fourth Monday prior to the Monday hearing is a holiday, however, then the notice of motion and supporting documents would be due five (5) Fridays before the hearing.)

* * *

3. **Reply Memorandum of Points and Authorities.** Except as otherwise specified in Civil Local Rule 7.1.e.1, any reply memorandum must be filed and served not later than ~~five (5) court~~ seven (7) days prior to the day date for which the matter is noticed. (For example, for a Monday hearing, the reply papers must be filed and served no later than by the Monday prior to the hearing. If the Monday prior to the hearing is a holiday, however, then the reply papers would be due two (2) Fridays prior to the hearing.) See Fed. R. Civ. P. 6(e).

4. **Service of Motions and Oppositions by Mail.** For those parties not required or authorized by the court to file and serve motions and oppositions electronically using the Case Management/Electronic Case Filing System, unless otherwise provided by order of the court, the sixty (60), twenty-eight (28) and fourteen (14) day periods of notice set forth in Civil Local Rules 7.1.e.1, 7.1.e.2 and 7.1.e.6 are increased for purposes of mail service upon opposing parties of counsel by three (3) days, ~~if the place of address is within the State of California, by five (5) days if outside the State of California but within the United States, and by ten (10) days if outside the United States.~~ Service by United States postal overnight mail delivery or by private overnight mail delivery adds only two (2) days to the applicable period of notice. The extension of time for service does not extend court filing deadlines. Federal Rule of Civil Procedure 6(e)(d), extending the time within which a right may be exercised or an act may or must, be done, does not apply to the notice periods governed by this section. Any

Motions, notices of motion, or opposition, and supporting documentation shall will not be accepted for filing unless accompanied by proof of service demonstrating either hand-delivery or compliance with this section's mailing provisions.

* * *

6. **Social Security Cases.** In all actions brought under either or both § 205(g) of the Social Security Act, 42 U.S.C. § 405(g) or §1631(c)(3) of the Social Security Act, 42 U.S.C. §1383(c)(3), any notice of motion for summary judgment or for other disposition on the merits without a trial plus all necessary supporting documents shall must be filed with the clerk and served on the other party or the party's attorney not later than sixty (60) *calendar* days prior to the day date for which the matter is noticed. If the opposing party wishes to file a cross-motion for summary judgment or for other disposition on the merits without trial, that party must comply with the filings requirements of Civil Local Rule 7.1.e.1 (i.e., such cross-motion shall must be filed twenty-eight (28) days prior to the day date for which the matter is noticed. Any reply to that opposition must be filed and served no later than ~~five (5) court~~ seven (7) days prior to the day date for which the matter is noticed.

* * *

i. Applications for Reconsideration.

* * *

2. Except as may be allowed under Rules 59 and 60 of the Federal Rules of Civil Procedure, no any motion or application for reconsideration shall must be filed ~~more than~~ within ~~thirty (30)~~ twenty eight (28) days after the entry of the ruling, order or judgment sought to be reconsidered.

* * *

Civil Rule 16.1 Pretrial and Setting for Trial

* * *

f. Pretrial.

1. Postponement of Pretrial Proceeding.

* * *

- b. By Motion.** If counsel is unable to obtain the stipulation provided by Civil Local Rule 7.2, a motion to continue or to be relieved from compliance with any requirement of Civil Local Rule 7.1.g.1 may, upon ~~five (5)~~ seven (7) day^s written notice, be presented on the ~~Monday~~ court's motion calendar.

2. Memorandum of Contentions of Fact and Law.

- a. General.** Unless the court specifies otherwise, no later than 5:00 p.m. ~~fifteen (15)~~ twenty-eight (28) days prior to the pretrial hearing, each party shall must serve on the each other party and file with the clerk a "Memorandum of Contentions of Fact and Law" which contains a concise statement of the material facts and the points of law claimed by such party and cites the authorities ~~in support of~~ each upon which the party intends to rely at trial.

* * *

3. Memorandum of Contentions of Fact and Law: Specific Situations.

* * *

- d. Eminent Domain Cases.** Disclosure in addition to that contained within Civil Local Rule 16.1.f.2, shall must be made as follows: Not later than ~~five (5)~~ seven (7) days in advance of pretrial hearing, each party appearing shall must file with the trial judge, *in camera*, a summary "Statement of Comparable Transactions" which contains: relevant facts as to each sale or other transaction to be relied upon as comparable to the taking, including the alleged date of such transaction, the names of all of the parties thereto to the transaction, the consideration paid and the date of recordation, and the book, page or other identification of any record of such transaction. Such statements shall must be in a form and content suitable to be presented to the jury as a summary of evidence on the subject. The judge may,

thereafter, release the list of comparables to opposing counsel.

At least ~~five (5)~~ seven (7) days prior to trial, each party appearing shall must serve and file a "Statement as to Just Compensation" setting forth a brief schedule of contentions as to the fair market value in cash, at the time of taking, of the estate or interest taken, the maximum amount of any benefit proximately resulting from the taking, and the amount of any claimed damage proximately resulting from severance.

* * *

4. Meetings of Counsel.

- a. **Timing and Purpose of Meeting.** At least ~~ten (10)~~ twenty-one (21) days in advance of the pretrial hearing, and after each party has filed and served its memorandum of contentions of fact and law, the attorneys for the parties shall must convene at a suitable time and place. The purpose of the meeting is to arrive at stipulations and agreements resulting in simplification of the triable issues and to confer concerning the content of the pretrial order. Counsel for the plaintiff shall have has the duty of arranging for meetings of counsel and for preparation of the Pretrial Order mandated by Civil Local Rule 16.1.f.6.c.

* * *

6. Pretrial Order.

- a. **Responsibility of Plaintiff's Counsel.** Counsel for the plaintiff shall will be responsible for preparing the pretrial order and arranging the meetings of counsel attendant thereto pursuant to this rule. Not less than ~~seven (7)~~ fourteen (14) days in advance of the pretrial hearing, plaintiff's counsel shall must provide opposing counsel with the proposed pretrial order for review and approval. Opposing counsel shall must communicate promptly with plaintiff's attorney concerning any objections to form or content of the pretrial order, and both parties should attempt promptly to resolve their differences, if any,

concerning the order.

- b. **Lodging with the Clerk Judge's Chambers.** No later than 5:00 p.m. five (5) ~~seven (7)~~ *calendar* days prior to the pretrial hearing, plaintiff will lodge with the clerk a Pretrial Order a Pretrial Order with the judge's chambers.

* * *

Civil Rule 16.5 Plan for Reducing Cost and Delay

- a. ~~Visiting Judges.~~ The chief judge will invite visiting judges to come to this District to preside over criminal trials.
- b. ~~Settlement Procedures Committee.~~ The chief judge will appoint a committee whose membership will include the U.S. Attorney, a representative of Federal Defenders and a representative of the private criminal defense bar, to recommend settlement procedures in criminal cases.
- c. ~~Trial Dates.~~ Early trial dates shall be set in certain cases. In Social Security matters, enforcement of judgments, prisoner petitions challenging conditions of confinement, and forfeiture and penalty cases, a trial date which falls within twelve (12) months of the filing of the complaint should be set. In Federal Tort Claims Act cases, a trial date shall be set that falls within fifteen (15) months of the filing of the FTCA complaint. Twenty-five (25) percent of the remaining civil cases that are not "complex" shall be given a trial date which falls within eighteen (18) months of the filing of the complaint.
- d. ~~Early Trial Dates.~~ To ensure an early trial date (1) the trial date set shall be firm and all requests for continuances of trial and motion dates shall be granted only for good cause shown; (2) Trial by magistrate judge shall be encouraged to the parties; (3) The ability to resolve these cases within the early time limits shall be tracked and monitored and compared to the adjudication of cases not given early trial dates; (4) A case shall be exempted from the trial date requirements only if: it involves complex issues of fact or law requiring greater time for resolution, if new parties are added, or if the trial judge finds such other exceptional reason as may require an extension; and (5) No trial date shall be extended except by written order approved by the trial judge.
- e. ~~Reports.~~ The clerk of court shall make regular monthly reports to the chief judge of all civil cases pending more than eighteen (18) months on the

dockets of each judge, and of all criminal cases pending more than six (6) months, in order to assist the court in assessing the effect and effectiveness of the various recommendations:

- f: **Case Monitoring.** The magistrate judge, or the district court judge should s/he opt to manage pretrial discovery, (hereinafter "Judicial Officer"), shall closely manage each case from the outset and encourage settlement as early as possible, supervise negotiations and motions to confirm settlements, and control the discovery process.
- g: **Summary Jury Trial.** After a hearing with an opportunity to be heard, the judicial officer may order a non-binding mini-trial or summary jury trial in all cases s/he finds that (1) the potential judgment does not exceed \$250,000 and (2) that the use of this procedure will probably resolve the case.
- h: **Arbitration /Mediation.** The Judicial Officer may order non-binding arbitration/mediation in any case where the Judicial Officer believes arbitration/mediation might result in a cost-effective resolution of the lawsuit.
- i: **Panel.** The chief judge shall establish a committee to seek competent volunteers to staff a panel of arbitrators/mediators who will commit to accept the referral of one case per year without compensation with the expectation of devoting up to eight (8) hours of time to the process.
- j: **Statistics.** Accurate information shall be generated about the civil caseload and how it is processed through the courts. An administrator shall be employed to implement and supervise this statistical monitoring system implemented in accordance to recommendations in the Advisory Group Report.
- k: **Meeting of Counsel.** Counsel shall "meet and confer" prior to filing any discovery motion and shall seek to resolve the matter informally. If counsel are in the same county, they are to meet in person; if counsel practice in different counties, they are to confer by telephone. However, under no circumstances may counsel satisfy the "meet and confer" obligation by written correspondence.
- l: **Pretrial Program.** A comprehensive pretrial program shall include the following:
 - 1: **Complaints.** All complaints shall be served within one hundred

and twenty (120) days. Any extension shall be granted only upon good cause shown.

2. **Proof of Service Required.** ~~On the one hundred and thirtieth (130th) day following the filing of the complaint, or on the tenth (10th) day following an extension of time to serve, if proof of service has not yet been filed, the clerk shall prepare an order for filing by the assigned judge directing the plaintiff to show cause why the complaint should not be dismissed without prejudice and submit it to the assigned district judge for signature.~~
3. **Extensions of Time.** ~~Extensions of time for answering or moving to dismiss a complaint shall only be secured by obtaining the approval of a Judicial Officer, who shall base his or her decision on a showing of good cause.~~
4. **Motions.** ~~A motion for summary judgment, or other non-emergency motion may be displaced to facilitate a hearing of a motion to dismiss within sixty (60) days of its filing.~~
5. **Answer.** ~~When an answer has been filed, the clerk shall notify the assigned district and magistrate judge.~~
6. **Early Neutral Evaluation ("ENE") Conference.** ~~Within forty-five (45) days of the filing of an answer, counsel and the parties shall appear before the assigned Judicial Officer supervising discovery for an ENE Conference; this appearance shall be made with authority to discuss and enter into settlement.~~
 - a. ~~At the ENE Conference, the Judicial Officer and the parties shall discuss the claims and defenses and seek to settle the case.~~
 - b. ~~The ENE Conference will be informal, off the record, privileged and confidential.~~
 - c. ~~Attendance may be excused only for good cause shown and by written order. Sanctions may be appropriate for an unexcused failure to attend.~~
7. **Lack of Settlement.** ~~If no settlement is reached at the ENE Conference, the Judicial Officer shall do one of the following:~~
 - a. ~~Encourage the parties and their counsel to confer for the~~

next forty-five (45) days with the objective of reaching an agreement to pursue alternative dispute resolution ("ADR") and set a Case Management Conference for sixty (60) days after the ENE Conference;

- b. Refer to non-binding arbitration or mediation to occur within forty-five (45) days (1) in any case where the judicial officer believes arbitration or mediation might result in a cost-effective resolution of the lawsuit, and (2) in any case where the parties have agreed to arbitration or mediation. Additionally, a case management conference shall be set in those cases approximately sixty (60) days after the ENE conference. Parties participating in arbitration or mediation shall comply with rules of arbitration and mediation adopted by General Order 387, copies of which are available from the clerk. The parties may stipulate to any other rules for the conduct of their arbitration or mediation.
- c. Where no arbitration or mediation is agreed upon or ordered, the Judicial Officer shall set a Case Management Conference approximately thirty (30) days after the ENE Conference.

8: **Stay in Discovery.** As the ENE Procedures proceed, no stay in discovery may occur unless specifically ordered by the Judicial Officer on good cause shown:

9: **Case Management Conference:**

- a. The parties who have responsibility over the litigation and the counsel who will try the case, will be present at the Case Management Conference. The Judicial Officer may approve attendance of a party or counsel by telephonic conference call. At a reasonable time before this Conference all counsel will discuss discovery and endeavor to resolve any disputes:
- b. At the Conference, the Judicial Officer will (1) discuss the complexity of the case; (2) encourage a cooperative discovery schedule; (3) discuss the likelihood for further motions; (4) discuss the number of anticipated percipient and expert witnesses; (5) evaluate the case and the need for

~~early supervision of settlement discussions; (6) discuss the availability of ADR alternatives; and (7) discuss any other special factors applicable to the progress of the case.~~

~~c. At the end of the Conference, the Judicial Officer shall prepare a Case Management Order which will:~~

~~(1) include a discovery schedule;~~

~~(2) set a time for a further Case Management Conference if necessary; and~~

~~(3) If appropriate, set a time for the proponent of each issue to identify expert witnesses; set a time for the responding party to identify expert witnesses in reply; set a time for the depositions of the experts; set a time for the supplementation of such expert designation depending on the circumstances;~~

~~(4) set a deadline for filing pretrial motions;~~

~~(5) set a firm pretrial conference date.~~

~~d. At the Case Management Conference, the Judicial Officer will set a date for a Mandatory Settlement conference, unless it is determined that such a conference should be excused.~~

~~10. **Settlement Conference Setting.** If at any time prior to the Mandatory Settlement Conference, a particular case is determined ready for settlement by a Judicial Officer, it may be calendared for a settlement conference, even over the objection of one or more parties or their counsel. In this regard:~~

~~a. The Judicial Officer handling settlement will be disqualified from trying the case unless there is agreement by the parties to waive this restriction;~~

~~b. The Judicial Officer handling settlement may receive communications in camera from each party and its counsel, and shall maintain such in confidence unless there is a stipulation to the contrary;~~

- c. ~~Each party will send a representative to the settlement conference with full authority to enter into an agreement to settle the case unless good cause is shown waiving this requirement;~~
- d. ~~The Judicial Officer handling settlement should schedule as many follow-up settlement conferences as the Judicial Officer finds appropriate in light of the complexity of the matter or other factors;~~
- e. ~~The settlement conference will be off the record, privileged and confidential, unless otherwise ordered by the court.~~

Civil Rule 40.2 Notice of Party with Financial Interest

Any non-governmental corporate party to an action in this court shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. A party ~~shall~~ will file a separate statement entitled "Notice of Party with Financial Interest" with its initial ~~pleading filed~~ appearance in the court and shall will supplement the statement within a reasonable time of any change in the information.

* * *

Civil Rule 52.1 Findings of Fact, Conclusions of Law, Orders and Judgments:

- a. ~~The court may order a party to prepare proposed findings of fact, conclusions of law and judgments:~~
- b. **Computation of Judgments:**
 - 1. ~~**Computation by Parties: Judgment and Interest.** The party preparing the judgment shall compute any interest allowed to and including a date certain and shall also indicate in a memorandum appended to the judgment the amount of daily interest should the court not sign the judgment by the date certain.~~
 - 2. ~~**Agreement Concerning Amount Computed: Procedure.** Should the parties agree to the amount to be entered in accordance with the court's opinion, they shall so stipulate and the judgment shall be entered.~~
 - 3. ~~**Disagreement Concerning Amount Computed: Procedure.** If the parties cannot stipulate pursuant to Civil Local Rule 52.1.b, either may~~

~~serve the opposite party and file with the clerk a computation of the amount the party believes comports with the court's opinion. Within five days after service, the opposing party may serve and file objections and an alternate computation. If objections are not filed, the judgment shall be entered in accordance with the computation already submitted; if objections are filed the court shall direct the matter be placed on a Monday motion calendar for hearing. Argument shall be confined solely to the proper computation resulting from the opinion of the court previously rendered. Findings regarding the correct amount of interest will be made by the court.~~

c. Findings of Fact and Conclusions of Law and Judgments: Procedure for Approval:

1. **Duty of Party Preparing Findings, Orders, Judgments.** ~~The party whose duty it is to prepare any findings of fact and conclusions of law, any order or any judgment shall lodge the original with the clerk of the court and serve the opposing party with a copy thereof. The opposing party shall thereupon serve and file with the clerk of the court a statement of objections as to form and/or substance, if any, within five (5) days of service of said document upon him.~~
2. **Form of Judgment.** ~~In every action or proceeding terminating in a judgment, there shall be filed, separate from any findings of fact, conclusions of law, memorandum, opinion or order (except for any order denying a new trial under Rule 59, Fed. R. Civ. P.), a judgment which shall state in simple and direct terms the judgment of the court, shall be signed by the judge, and shall comply in other respects with Rule 58, Fed. R. Civ. P.~~
3. **Judicial Signature.** ~~If the court is satisfied with the findings, order or judgment prepared and served in accordance with paragraph (a) above, it may sign such document without waiting the time provided for filing objections, as set forth therein.~~

Civil Rule 54.1 Costs

- a. **In General.** See 28 U.S.C. §§ 1920 and 1923, . . . Unless otherwise ordered by the court, or stipulated by the parties, the prevailing party shall will be entitled to costs. Within fourteen (14) days after entry of judgment, the party in whose favor a judgment or decree for costs is awarded or allowed by law, and who claims costs, must file with the clerk the bill of costs and disbursements, together with a notice of when the

clerk will hear the application will be made to the clerk to tax same. Unless otherwise ordered by the Court, the filing of a motion under Fed. R. Civ. P. 59 or 60 does not extend the time to file the bill of costs. . . .

The ~~cost bill~~ of costs shall must itemize the costs claimed and ~~shall must~~ be supported by a memorandum of costs, an affidavit of counsel that the costs claimed are allowable by law, are correctly stated, and were necessarily incurred, and copies of the invoices for requested costs. . . .

The notice ~~shall must~~ specify the hour and date when application to the clerk to tax the costs will be made, which ~~shall must~~ not be less than fourteen (14) nor more than twenty-one (21) days from the date of the notice. Any opposition or memorandum by the opposing party must be filed at a time specified by the clerk prior to the hearing indicated on the bill of costs.

b. Items Taxable as Costs.

1. **Fees for Service of Process . . . are allowable. Fees for expedited service are allowable only if the Court ordered service to be effected on an expedited basis.**

* * *

3. **Depositions.**

- a. The cost of an original and one copy of any deposition (including video taped depositions) necessarily obtained for use in the case is allowable. Depositions need not be introduced in evidence or used at trial to be taxable so long as at the time it was taken it could reasonably be expected that the deposition would be used for trial preparation, rather than mere discovery. Counsel's copies (whether paper or electronic), in excess of the original and one copy are not taxable, regardless of which party took the deposition.
- b. If both video and stenographic depositions are taken, they both shall will be allowed as costs only if the video deposition is used at trial. ~~If only the stenographic version is used at trial, the video shall not be allowed as a cost. If neither is used at trial, the cost of the less expensive deposition will be allowed so long as the deposition would~~

have been recoverable under Section 3.a of this Rule. The cost of ASCH electronic versions disks is recoverable.

* * *

g. Method of Taxation of Costs.

1. At the time specified in the notice, the party objecting to any item of costs contained in said the bill of costs shall must present file said the objections in writing, specifying each item to which objection is made and the ground of the objection, and file any affidavit or present facts relied on which may be rebutted by the opposing party.

* * *

h. Review of Costs.

1. A motion to retax shall must be served and filed within ~~five (5)~~ seven (7) days after receipt of the notice provided for in Civil Local Rule 54.1.g., or unless within the ~~five (5) day~~ seven (7) period the court permits the motion to be made orally.

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Civil Rule 65.1.2 Bonds and Sureties

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f. Supersedeas Bond.

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3. **Execution.** Except where otherwise provided by ~~Rule 62,~~ Fed. R. Civ. P. 62, or order of the court, execution may issue after ~~10~~ fourteen (14) days from entry of a judgment unless a supersedeas bond has been approved by the clerk.

Civil Rule 66.1 Receivers

a. Appointment of Receivers.

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2. **Permanent Receivers.** A permanent receiver may be appointed after notice and hearing upon an order to show cause. This order shall will be issued by a judge upon appointment of a temporary receiver or upon application of the plaintiff and shall must be served on all parties. The defendant shall must provide the temporary receiver (or, if there is no temporary receiver, the plaintiff) within ~~five~~ seven (7) days a list of the defendant's creditors, and their addresses. Not less than ~~five~~ seven (7) days before the hearing, the temporary receiver (or, if none, the plaintiff) shall must mail to the creditors listed the notice of the hearing, and the file the proof of mailing.

* * *

- e. **Reports.** Within thirty (30) days of appointment, a permanent receiver shall must file with the court a verified report and petition for instructions, which shall must be heard on ~~ten~~ fourteen (14) days² notice to all known creditors and parties. The report shall must contain a summary of the operations of the receiver, an inventory of the assets and their appraised value, a schedule of all receipts and disbursements, and a list of all creditors, their addresses and the amounts of their claims. The petition shall must contain the receiver's recommendation as to the continuance of the receivership and the receiver's reasons therefor. At the hearing, the judge shall will determine whether the receivership shall should be continued and, if so, shall will fix the time for future reports of the receiver.
- f. **Notice of Hearings.** The receiver shall must give all interested parties at least ~~10 days~~ fourteen (14) days' notice of the time and place of all pertinent hearings of all: . . .

* * *

Civil Rule 83.3 Attorneys - Admission to Practice Standards of Conduct - Duties.

c. **Admission of Attorneys to Practice.**

7. **Yuma Criminal Defense Attorneys.** Attorneys in good standing at the bar of the United States District Court for the District of Arizona who are employed by the Federal Public Defender of Arizona or who are members of the Criminal Justice Act Panel of that court, will be deemed admitted to the bar of the United States District Court for the Southern District of California for the limited

purpose of providing legal services to defendants in the Southern District of California criminal proceedings heard by judicial officers at the District of Arizona Yuma point of holding court.

* * *

- e. **Notice of Change of Address or Facsimile Number or Email Address.** An attorney who is a member of the bar of this court, or who has been permitted to practice in this court under Civil Local Rule 83.3.c hereof, **shall must** promptly notify the court of any change of address. If the attorney has a facsimile authorization or email address on file and, if any of the information changes, the attorney **shall must** promptly notify the court.

* * *

- k. **Appearances by Corporations.** ~~Whenever a corporation, desires or is required to make an appearance in the Southern District, the appearance shall be made only by an attorney of the bar of this court or an attorney permitted to practice pursuant to Civil Local Rule 83.3. Only natural persons representing their individual interests in propria persona may appear in court without representation by an attorney permitted to practice pursuant to Civil Local Rule 83.3. All other parties, including corporations, partnerships and other legal entities, may appear in court only through an attorney permitted to practice pursuant to Civil Local Rule 83.3.~~

Civil Rule 83.4 Professionalism

- a. **Code of Conduct. . . .**
1. **Conduct to Follow.** An attorney in practice before this court **shall will**. . . .

* * *

- f. Subject to the additional provisions of Fed. R. Civ. P. 26 and Civil Local Rule 26.1, communicate with opposing counsel in an attempt to establish a discovery plan and a voluntary exchange of non-privileged information.

* * *

Civil Rule 83.5 Discipline

* * *

b. Charge of or Conviction of Felony.

1. Any attorney charged with or convicted of a felony ~~shall~~ must report ~~such the charge or conviction~~ within ~~10 days~~ fourteen (14) days to the Clerk of the Court.

c. The Standing Committee on Discipline. The court will appoint from time to time, by an order entered in its minutes, a "Standing Committee on Discipline" consisting of at least five members of the bar and will designate one of the members to serve as chairperson of the committee. The members of the committee shall continue in office for a period of two years or until further order of the court.

d. Discipline Following Disciplinary Proceedings in Other Courts. ~~Upon receipt of information that an attorney admitted or permitted to practice in this court has been suspended or disbarred from practice before any court of competent jurisdiction this court shall immediately impose a like order of suspension or disbarment.~~ Upon receipt of information that an attorney admitted or permitted to practice in this court has been suspended or disbarred from practice before any court of competent jurisdiction, this court will issue an Order to Show Cause why an order of suspension or disbarment should not be imposed by this Court.

If an attorney opposes the imposition of prospective discipline, in the response to the Order to Show Cause, the attorney must set forth facts establishing one or more of the following:

(i) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(ii) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other jurisdiction's conclusion(s) on that subject;

(iii) imposition of like discipline would result in a grave injustice;
or

(iv) other substantial reasons exist so as to justify not accepting the other jurisdiction's conclusion(s).

In addition, at the time the response is filed, the attorney must produce a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the Court that less than the entire record will suffice.

If the attorney files a response stating that imposition of an order of suspension or disbarment from this Court is not contested, or if the attorney does not respond to the Order to Show Cause within the time specified, then the Chief Judge will issue an order of suspension or disbarment.

If the attorney files a written response to the Order to Show Cause within the time specified stating that the entry of an order of suspension or disbarment is contested, then the Chief Judge will determine whether an order of suspension or disbarment should issue.

- e. **Original Disciplinary Investigations and Proceedings Initiated in This Court . . .** The judge to whom the proceeding is assigned ~~shall~~ will forthwith issue an order to show cause; why the respondent should not be disbarred, suspended or otherwise disciplined as prayed for in the petition. ~~The order to show cause will be served upon~~ addressed to the respondent, within not less than ~~10~~ fourteen (14) days nor more than ~~20~~ twenty-one (21) days from date of the order, ~~why the respondent should not be disbarred, suspended or otherwise disciplined as prayed for in the petition.~~ The order ~~shall~~ will further require that a copy thereof ~~of the order,~~ together with and a copy of the petition, be served on the respondent in a manner permitted by Fed. R. Civ. P. 5(b) not less than ~~ten~~ fourteen (14) days in advance of the date specified for showing cause. . . .

* * *

Civil Rule 83.10 Jury Selection Plan

* * *

- d. **Master Wheel.**

7. . . .

- c. Persons failing to reply to the jury qualification questionnaire within ~~10~~ fourteen (14) days, . . . may be summoned for personal interviews before the clerk. . . .

Civil Rule HC.2 Habeas Corpus Proceedings (28 U.S.C. § 2254) – Petitions Not Involving the Death Penalty

* * *

c. Procedures for Considering the Petition.

* * *

2. To assist the court in exercising its duties under Rule 8 of the rules governing § 2255- 2254 cases. . . . Any opposition to the request for an evidentiary hearing ~~shall~~ must be made within ~~fifteen (15)~~ fourteen (14) days from the service of the request.

* * *

e. Dispositive Rulings on the Merits.

1. Within the time period set forth in the magistrate judge's report and recommendation, but not less than ~~ten (10)~~ fourteen (14) days, any party may serve. . . .

* * *

Civil Rule HC.3 Habeas Corpus Proceedings (28 U.S.C. §2254) – Petitions Involving Death Penalty

* * *

b. Notices from California Attorney General. The California Attorney General ~~shall~~ will send to the clerk of this court the following reports:

- (1) Report Upon Setting of Execution Date. Whenever an execution date is set, the California Attorney General must send prompt notice whenever the California Supreme Court affirms a sentence of death to the Clerk of this Court and Chief Judge of this District Court, within seven (7) days; and
- (2) Semi-Annual Report. The California Attorney General must electronically send to the Chief Judge of this District Court and designated recipients at least once a month; a semi-annual report that lists:

- (a) ~~a list of all scheduled executions in California; and;~~
- (b) ~~at least once a month, a list of the death penalty appeals pending all capital cases pending on direct appeal before the California Supreme Court;~~
- (c) ~~all capital cases affirmed on direct appeal and pending before the California Supreme Court on first state habeas corpus petitions; and~~
- (d) ~~the county of conviction for each case.~~

* * *

d. Counsel.

- 1. **Appointment of Counsel . . .** Counsel may be appointed from the panel of qualified attorneys certified by the selection board, or the court may appoint any other attorney under ~~21 U.S.C. §848(q)~~. 18 U.S.C. §3599.

* * *

g. Stays of Execution.

* * *

- 5. **Temporary Stay for Unexhausted Claims.** If the petition indicates that there are unexhausted claims for which the state court remedy is still available, petitioner ~~will~~ may be granted a ~~sixty (60)~~ thirty (30) day period in which to commence litigation on the unexhausted claims in state court. During the proceedings in state court, the proceedings on the petition will be stayed. After the state court proceedings have been completed, petitioner may amend the petition with respect to the newly exhausted claims.

* * *

h. Procedures for Considering the Petition.

- 1. Respondent ~~shall~~ must as soon as practicable, but in any event on or before ~~twenty (20)~~ twenty-one (21) days from the date of service of the petition, lodge with the court the following. . . .

* * *

4. ~~Within thirty (30) days after respondent has filed the answer, petitioner may file a traverse.~~
54. No discovery shall be had without leave of court.
65. Unless extended by the court at any time, Any a request for an evidentiary hearing by either party shall must be made within ~~fifteen (15)~~ fourteen (14) days from the ~~expiration of the time for filing the traverse~~ filing of the answer to the petition Any opposition to the request for an evidentiary hearing shall must be made within ~~fifteen (15)~~ fourteen (14) days from the filing of the request. . . .

* * *

Civil Rule C.1 Actions in Rem

* * *

- b. **Publication of Notice of Action and Arrest.** . . . It shall must also contain a statement that claims of persons entitled to possession must be filed with the district court and served upon the attorney for plaintiff within ~~10 days~~ fourteen (14) days after publication; that answers to the complaint must be filed and served within twenty one (21) days after the filing of the claim. . .
- c. **Intangible Property; etc.** . . . ~~Such a~~ This showing may be made by filing with the clerk and serving on the attorney for plaintiff (1) within ~~10 days~~ fourteen (14) days after the date of publication of notice of action and arrest. . . .

Civil Rule E.1 Actions in Rem and Quasi in Rem

- a. **Judgment by Default.** . .

* * *

3. If the claimant has appeared by attorney, ~~5 days~~ seven (7) days notice of the hearing shall must be given. . . .

* * *

b. Security for Costs and Marshal's Fees and Expenses; etc.

1. **Costs.** In an action covered by Rule E, a party may serve upon an adverse party and file notice to post security for costs and expenses. Unless otherwise ordered by a judge, the amount of such the security shall will be \$500.00. The party notified shall must post security within five days after service, unless exempted by law or by order of a judge upon good cause shown. Should the party fail to do so, it may neither file additional papers nor participate further in proceedings, except for the purpose of seeking relief from this Rule. In actions by the United States for forfeitures for federal statutory violations, security for costs shall must be paid pursuant to the procedures established in the customs laws, 19 U.S.C. §§ 1607 and 1608.
2. **Marshal's Fees and Expenses.** The marshal is not required to execute process in an action within Rule E unless deposit has been made covering fees and expenses of seizing and keeping the property arrested or attached for a minimum of ~~10 days~~ fourteen (14) days. The party requesting execution of process shall must advance such any additional fees and expenses from time to time as the marshal shall requests until the property is released or disposed of pursuant to Rule E.

* * *

- d. **Appraisalment of Property for Purpose of Bonding.** Orders for the appraisalment of arrested or attached property for the purpose of bonding and sale may be entered ~~as of course~~ as a matter of course by the clerk of the district court at the request of any interested party. If the parties do not agree in writing upon an appraiser, the clerk shall will name one. Any party having a right claim to the property may appeal ~~forthwith~~ immediately to the judge from such appointment. The appraiser shall must be sworn to the faithful and impartial discharge of duties before any federal or state officer authorized by law to administer oaths. The appraiser shall must give one day's notice of the time and place of making the appraisalment to the attorneys of record in the proceedings, and shall must file the appraisalment, when made, with the clerk of the district court.
- e. **Sales.**

* * *

2. **Confirmation.** Unless otherwise provided in the order, in all public auction sales by the marshal under orders of sale in admiralty and maritime claims, the marshal shall must require of the last and highest bidder at the sale a minimum deposit in cash, certified check or cashier's check, of the full purchase price not to exceed \$500, and otherwise \$500 or ten percent of the bid, whichever is greater. The balance, if any, of the purchase price shall must be paid in cash, certified check or cashier's check before confirmation of the sale or within three days of dismissal of any filed opposition, ~~which may have been filed, exclusive of Saturdays, Sundays, and legal holidays.~~ When the court determines on the merits that a plaintiff or plaintiff in intervention has a valid claim senior in priority to all other parties, ~~said plaintiff that plaintiff~~ that plaintiff may bid without payment of cash, certified check or cashier's check up to the total amount of the secured indebtedness as established by affidavit filed and served on all other parties no later than ~~10 days~~ seven (7) days prior to the date of sale. . . .

* * *

Patent Local Rule 4.2 Joint Claim Construction Chart, Worksheet and Hearing Statement

- d. At the court's discretion, within ~~five (5)~~ seven (7) days of the submission of the Joint Claim Construction Worksheet and Joint Hearing Statement, the court will hold a status conference with the parties, in person or by telephone, to discuss scheduling, witnesses and any other matters regarding the Claim Construction Hearing.

Paragraph 6.a of Approved Form of Protective Order (page 74)

- 6.a.[A] party ~~shall will~~ have until ~~fifteen (15)~~ fourteen (14) days after receipt of the deposition transcript to inform the other party or parties to the action of the portions of the transcript to be designated "CONFIDENTIAL" or "CONFIDENTIAL - FOR COUNSEL ONLY[.]"

Paragraph 13 of Approved Form of Protective Order (page 76)

13. . . . If the dispute is not resolved consensually between the parties within

seven (7) business days of receipt of such a notice of objections, the objecting party may move the Court for a ruling on the objection.

Criminal Rule 1.1 Scope and Availability of Local Rules.

* * *

- e. **Applicable Civil Rules.** The provisions of the following Civil Local Rules shall will apply to all criminal actions and proceedings. . . .

* * *

14. ~~Rule 65.1.2 Bonds and Sureties.~~ This subpart is eliminated. All following subparts are renumbered accordingly.

* * *

Criminal Rule 11.1 Pleas

- a. ~~**Changing Not Guilty Plea.** Except where there has been filed with the Court a written waiver of jury trial or on a showing of good cause, no plea of guilty to a lesser offense shall be accepted on the day of trial unless the court has been advised of the defendant's desire to enter a plea of guilty at least 2 days prior to the day of trial.~~
- b. ~~**Impositions of Costs.** Failure of counsel to comply with Criminal Local Rule 11.1.a. may result in the assessment of jury costs to the offending party or the party's attorney.~~

Criminal Rule 11.2 1. Referral of Felony Cases to Magistrate Judges for Taking of Guilty Pleas

* * *

- f. **Transcripts.** The clerk may order a transcript of the Rule 11 allocation and provide the district judge with a copy of the transcript at least ~~five (5)~~ seven (7) days before sentencing hearing if requested by the district judge.

Criminal Rule 17.1 Subpoenas

* * *

- b. **Production. . . .** Any Motion for the issuance of a subpoena under Rule 17(c) shall must be made to the magistrate judge assigned to criminal duty

at the time of the filing of the motion, unless otherwise ordered by a district judge assigned to the case, and shall must be returnable in no less than seven (7) days from the filing of the motion. . . . all motions for a subpoena *duces tecum* under Rule 17(c) shall must be served on all parties who may file an opposition or response not less than ~~three (3)~~ seventy-two (72) hours prior to the return date of the motion. . . .

Criminal Rule 32.1 Sentence, Judgment and Probation

a. Presentence Reports.

1. **Time for Hearing.** Probation and sentencing hearings will normally be scheduled seventy seven (77) ~~calendar~~ days (that is, eleven (11) weeks) following the conviction if the conviction occurs on a Monday, or seventy seven (77) ~~calendar~~ days following the Monday subsequent to the conviction should the conviction not occur on a Monday. If an evidentiary hearing is necessary, a subsequent date and time may be fixed by the sentencing judge. Counsel should check with the trial judge as to whether counsel should have witnesses available on the scheduled Monday sentencing date.

* * *

4. **Review.** Defense counsel shall must review the presentence report with the defendant prior to and sufficiently in advance of the time for filing objections and requests for departure other than United States Sentencing Commission, Guidelines Manual, § 5K1.1 (5K1.1), if any, so as to meet the deadlines set herein forth below. In cases where the defendant is acting as his/her own counsel (pro per), service is to be made by mailing a copy of the presentence report to an out-of-custody defendant, with a specific notice attached advising the individual defendant of the filing dates for the filings described in this order which must be filed and served on the court, U.S. Attorney and Probation Office.
5. **Objections.** ~~Eighteen (18)~~ Fourteen (14) days prior to the date fixed for the sentencing hearing, all objections, if any, to the presentence report shall must be filed and served by the government and counsel for the defendant. . . .
6. **Motions for Departure.** Unless otherwise ordered by the Court, any motions for departure (other than 5K1.1) shall must be filed

and served by the moving party no less than ~~thirteen (13)~~ fourteen (14) days before the sentencing hearing. Opposition to motions for departure shall must be filed and served no less than ~~five (5)~~ seven (7) days before the sentencing hearing. . . .

7. **Other Matters.** Matters other than objections, motions for departure, and responses may be addressed in a sentencing memorandum filed and served no less than ~~five (5)~~ seven (7) days before the sentencing hearing date. If the parties have executed a written plea agreement, it shall must be summarized in a sentencing memorandum and filed no less than ~~five (5)~~ seven (7) days *before* the sentencing hearing.
8. **Motions for Departure Under 5K1.1.** Motions for departure under 5K1.1 and any written materials relating thereto shall must be delivered to the chambers of the sentencing judge and copies made available to opposing counsel ~~five (5)~~ seven (7) days before the sentence hearing date. . . .
9. **Sentencing Summary Chart.** Counsel shall must submit file their completed sentencing summary charts ~~directly to the chambers of the district judge assigned to the case~~ no later than ~~five (5)~~ seven (7) days before the sentencing hearing. If the district judge assigned to the case is a district judge from another district sitting in this court by designation, the parties shall must clearly indicate the name of the visiting judge on their respective sentencing summary chart and submit file it directly to with the Clerk's Office. ~~Unless otherwise ordered by the court, the sentencing summary charts shall not be filed.~~ The sentencing summary chart shall must contain all pertinent calculations to summarize counsel's requested analysis of the guidelines application in the case. The court may promulgate by general order a sentencing summary chart form that it deems appropriate.
10. **Addendum Addressing Objections.** No less than ~~five (5)~~ seven (7) days before the scheduled sentencing hearing, the Probation Department shall must file and serve an addendum addressing all objections . . .

* * *

- ~~12. **Government Filings.** All government filings described hereinabove are to be filed with the court, together with a copy for the probation office and on that date served by mail on counsel for~~

~~the defendant unless other specific arrangements are made by defense counsel. If defense counsel is Federal Defenders of San Diego, Inc., the government shall serve counsel their copy by delivering it to the clerk of the court to be placed in the Federal Defenders' box maintained in the clerk's office. All filings and service, if any, on behalf of the defendant will be accomplished by delivering the original and three copies to the clerk's office. (An in-custody, pro per defendant will accomplish the filing and service by mailing the original of any filings to the clerk of the court with a declaration of such delivery. The clerk will make three copies - one for the court and one each for the U.S. Attorney and the Probation Office, which will be so marked and placed in the respective boxes by the clerk.) The original and one copy will be provided to the court. The second copy designated "Probation" in the upper right-hand corner will be delivered to the clerk to be placed in the Probation office's box in the clerk's office. The third copy will be marked in the upper right-hand corner "United States Attorney's Office" and delivered to the clerk of the court to be placed in the U.S. Attorney's box maintained in the clerk's office.~~

~~13. 12. Time Line Chart. . . .~~

~~14. 13. Late Filings Unacceptable. . . .~~

~~* * *~~

**TIME LINE FOR U.S. DISTRICT COURT SOUTHERN DISTRICT, LOCAL
RULE RE: SENTENCING GUIDELINES**

In conjunction with the adoption of the amendments to the time computation amendments to Local Criminal Rule 32.1, the Court adopts the revised Time Line Chart set forth below:

* * *

**TIME LINE FOR U.S. DISTRICT COURT SOUTHERN DISTRICT
LOCAL RULE RE: SENTENCING GUIDELINES**

1	35 days before sentencing	77 DAYS TOTAL
2	14 days before sentencing	
3	14 days before sentencing	
4	14 days before sentencing	
5	7 days before sentencing	

2) 35 Days before Sentencing 3) 14 Days before sentencing 4) 14 Days 5) 7 Days before sentencing

1 CONVICTION DATE VERDICT OR GUILTY PLEA PSR IS ASSIGNED TO PROBATION OFFICER (P.O.)	2 PSR FILED WITH COURT BY P.O. SERVED ON/(DISCLOSED TO) AUSA AND DEFENSE COUNSEL 35 DAYS BEFORE SENTENCING	3 OBJECTIONS FILED WITH COURT AND SERVED ON OPPOSING COUNSEL AND PROBATION 14 DAYS AFTER FILING OF PSR	4 MOTION TO DEPART FILED BY GOVERNMENT AND DEFENSE WITH SUPPORTING MEMORANDUM	5 PSR ADDENDUM, PLEA AGREEMENT, SUMMARIES, SENTENCING MEMORANDUM, LETTERS, FILED AND SERVED 7 DAYS BEFORE SENTENCING, 5K FURNISHED
SENTENCING				
HEARINGS ON DISPUTED POINTS (EXCEPT EVIDENTIARY HEARINGS) ARGUMENTS AND OBJECTIONS TO DEPARTURE, ETC.				

NOTES:

1. Except for the filing of objections, days are counted back from the sentencing date, i.e. the PSR is to be filed 35 days before the date for sentencing, replies, 7 days before.
2. Defense counsel must review PSR with defendant. In pro se cases, service must be made on defendant.
3. Objections should not include arguments for aggravation, lenience, or departures, unless based on errors in the PSR and are to be filed 14 days before sentencing.
4. Sentencing memos, reference letters, plea agreement summaries, 5K materials, etc., must be received no less than 7 days before sentencing.
5. Evidentiary hearings on contested matters will generally not be conducted on the sentencing date, but will be scheduled at a later time.

* * *

Criminal Rule 44.1 Right to and Assignment of Counsel

- a. **Right to and Appointment of Counsel.** If a defendant, appearing without counsel in a criminal proceeding, desires to obtain retained counsel, a reasonable continuance for arraignment, not to exceed ~~one week~~ seven days (7) at any one time, ~~shall will~~ be granted for that purpose. . . .

Criminal Rule 47.1 Motions

* * *

b. **Filing Moving Papers**

1. **Filing.** The original of all motions, including exhibits all attached exhibits thereto, on behalf of any defendant, or on behalf of any moving party except the United States, ~~shall must~~ be accompanied with ~~two (2) conformed copies, one for the court's use and one for transmittal to the United States attorney by the clerk, and filed with the clerk,~~ and filed with the clerk at least fourteen (14) days prior to the date for which the motion is noticed unless the court, for good cause and by order only, shortens ~~such~~ that time. The noticed hearing date and time ~~shall must~~ appear on the cover page of each motion, and any opposition, in the space opposite the caption, below the file number.

~~Service of a criminal motion upon the United States shall be presumed accomplished by delivering to the clerk's office the additional copy of the moving papers which the clerk shall place in a designated receptacle for pick-up by the United States attorney's office.~~

* * *

Criminal Rule 58.1 Misdemeanors

* * *

b. **Appeal from Conviction by Magistrate Judge.**

* * *

2. **Record.** A transcript, if desired, ~~shall must~~ be ordered except that, in the absence of a reporter, the transcript ~~shall must~~ be ordered as directed by the clerk of court. Applications for orders pertaining ~~thereto~~ to a transcript shall must be made to the magistrate judge.

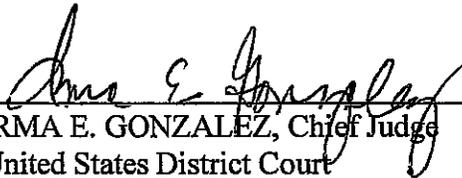
Within thirty (30) days after a transcript has been ordered, the original and one copy ~~shall must~~ be filed with the magistrate judge and all recordings ~~shall must~~ be returned to the clerk of court. If not ordered within ~~ten (10)~~ fourteen (14) days

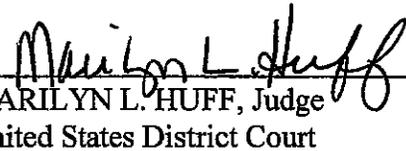
after the notice of appeal is filed, the record on appeal shall will be deemed complete.

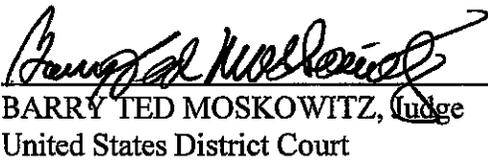
The effective date of the Rules is December 1, 2009.

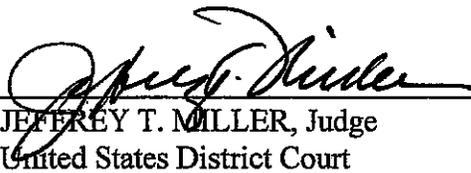
Dated:

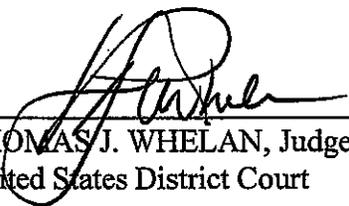
11/23/09

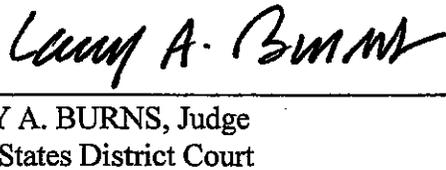

IRMA E. GONZALEZ, Chief Judge
United States District Court


MARILYN L. HUFF, Judge
United States District Court


BARRY TED MOSKOWITZ, Judge
United States District Court

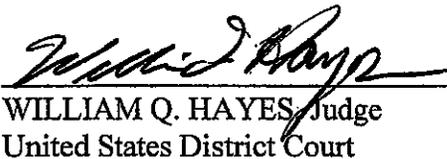

JEFFREY T. MILLER, Judge
United States District Court

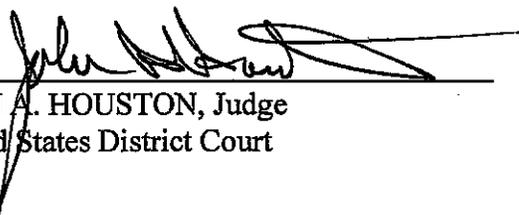

THOMAS J. WHELAN, Judge
United States District Court


LARRY A. BURNS, Judge
United States District Court

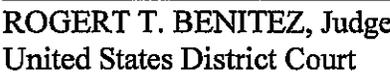
OUT OF DISTRICT


DANA M. SABRAW, Judge
United States District Court


WILLIAM Q. HAYES, Judge
United States District Court


JOHN A. HOUSTON, Judge
United States District Court

OUT OF DISTRICT


ROGERT T. BENITEZ, Judge
United States District Court

Janis L. Sammartino

JANIS L. SAMMARTINO, Judge
United States District Court

OUT OF DISTRICT

MICHAEL M. ANELLO, Judge
United States District Court