

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

FILED

OCT 15 2003

WILLIAM B. ...
Clerk, U.S. DISTRICT COURT

IN THE MATTER OF)
)
COURT PROCEDURES)

Misc. Order No. 03-08

By

Deputy Clerk

ORDER
DIVISION OF CIVIL CASES

IT IS HEREBY ORDERED effective October 16, 2003:

The Clerk of the Court shall assign one of each four civil actions, excluding cases arising under 28 U.S.C. §§ 2241 and 2254, social security appeals, pro se prisoner cases, appeals from Bankruptcy Court, and any action requesting preliminary injunctive relief, to a United States Magistrate Judge by random selection. The United States Magistrate Judges will conduct all proceedings, including trial of a case.

In the event an action is assigned to a United States Magistrate Judge, consent forms for all parties are stamped with the case number and given to the individual who is filing the case. On these forms consent may be given to the jurisdiction of a United States Magistrate Judge by signing the consent section of the form. If all parties consent, the case will remain with a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1).

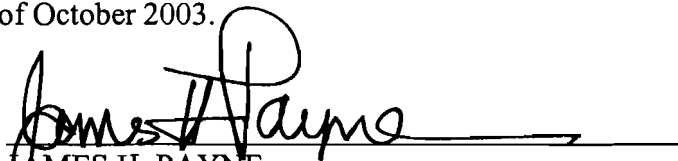
If any party chooses the United States District Court Judge option, the case will be re-assigned to a United States District Judge by random selection. To elect to have the case heard before a United States District Judge, the "District Court Judge Option" section of the consent form must be completed.

The party filing the case is responsible for serving all parties with the consent forms. Additionally, the party filing the case is required to file with the court a certificate of service reflecting the names and addresses of the parties served with the consent forms. Each party shall execute and present to the court within twenty (20) days after service either a written consent to the exercise of authority by a magistrate judge under 28 U.S.C. § 636(c), OR a written election to have the action re-assigned to a United States District Judge.

Consent to a United States Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense. Appeal of a judgment entered by a United States Magistrate Judge shall be made to the Court of Appeals for the Tenth Circuit.

This order shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of this court shall take any action that implies the parties are not free to withhold consent.

IT IS SO ORDERED this 15th day of October 2003.


JAMES H. PAYNE
Chief United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

FILED

IN THE MATTER OF)
)
COURT PROCEDURES)

Misc. Order No. 03-09 By _____

CLERK, U.S. DISTRICT COURT



ORDER
DIVISION OF CIVIL AND CRIMINAL CASES

IT IS HEREBY ORDERED effective October 16, 2003:

1. The Clerk of the Court is directed to divide all civil cases into three categories for the assignment of cases to the judges of this district as follows:

Category 1. Actions arising under 28 U.S.C. §§ 2241 and 2254, social security appeals, pro se prisoner cases, appeals from Bankruptcy Court and any action requesting preliminary injunctive relief:

Judge James H. Payne	25 cases in 100
Judge Ronald A. White	50 cases in 100
Judge Frank H. Seay	25 cases in 100

Category 2. All death penalty actions:

Judge James H. Payne	2 cases in 5
Judge Ronald A. White	3 cases in 5

Category 3. All other civil actions:

Judge James H. Payne	10 cases in 100
Judge Ronald A. White	30 cases in 100
Judge Frank H. Seay	10 cases in 100
Magistrate Judge Kimberly E. West	25 cases in 100
Magistrate Judge Steven P. Shreder	25 cases in 100

All cases in Category 3 will be subject to Misc. Order No. 03-08.

When companion cases are filed (i.e., cases involving the same transaction regardless of parties), at first knowledge of such fact, the affected judges shall be notified. In the event the judges mutually agree as to the companion nature of the actions and the transfer of same, the cases shall be assigned or transferred to the judge receiving the lowest case number.

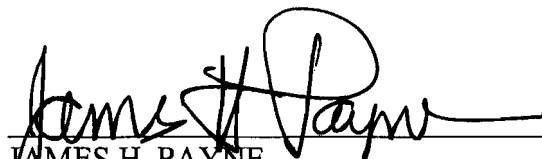
2. The Clerk of the Court is directed to divide the assignment of criminal cases to District Judges as follows:

Judge James H. Payne	25 cases in 75
Judge Ronald A. White	50 cases in 75

Judges James H. Payne, Ronald A. White, Frank H. Seay, Kimberly E. West, or Steven P. Shreder will call all Grand Jury sessions, with a magistrate judge conducting all initial appearances and arraignments in criminal cases.

3. Division of cases per judgeship and percentages of distribution, based on the case filings reflected in the AO 2002 Federal Court Management Statistics, are attached hereto as Exhibits 1, 2, and 3.

IT IS SO ORDERED this 15th day of October 2003.



JAMES H. PAYNE
Chief United States District Judge

Division of Civil Case Filings

Judge	Case Filings	Percentage Adjusted
SEAY	158.5	21%
WHITE	308	42%
PAYNE	158.5	21%
SHREDER	58	8%
WEST	58	8%
TOTAL	741	100%

Represents the combined Rule 16 and non-Rule 16 case draw for each judge, and includes a redistribution of opt-out Rule 16 magistrate judges' draw reflected in Misc. Order No. 03-08.

Total reflected case filings are based on the AO 2002 Federal Court Management Statistics.

Division of Rule 16 Case Filings

Judge	Case Filings	Percentage Adjusted
SEAY	70	18%
WHITE	131	34%
PAYNE	70	18%
SHREDER	58	15%
WEST	58	15%
TOTAL	387	100%

Includes a redistribution of the estimated opt-out cases from the magistrate judges' original draw reflected in Misc. Order No. 03-08. Anticipated opt-out division will result in ten percent of each magistrate judge's draw being reassigned to a district judge as follows:

Judge Seay	40%
Judge White	20%
Judge Payne	40%

Total reflected case filings are based on the AO 2002 Federal Court Management Statistics.

Division of Criminal And Civil Case Filings

Judge	Case Filings	Percentage Adjusted
SEAY	158.5	19%
WHITE	371	44%
PAYNE	190.5	23%
SHREDER	58	7%
WEST	58	7%
TOTAL	836	100%

Includes the combined civil and criminal case draw for each judge with an adjustment for the redistribution of opt-out Rule 16 magistrate judges' draw reflected in Misc. Order No. 03-08.

Total reflected case filings are based on the AO 2002 Federal Court Management Statistics.