

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GWEDOLYN CARTER, }
Plaintiff, } Case No. 2:17-cv-01930-RFB-CWH
vs. }
FORT BEND INDEPENDENT SCHOOL }
DISTRICT, et al., } **ORDER**
Defendants. }

Presently before the court is the Texas Attorney General's Motion to Suspend Local Rules and Advisory to the Court of Absence of Subject Matter and In Personam Jurisdiction Over the State of Texas and Over Judge James H. Shoemake, Presiding Judge of the 434th District Court of Fort Bend County, Texas (ECF No. 8), filed on August 4, 2017. The Texas Attorney General represents Defendant Judge James H. Shoemake.

The Texas Attorney General requests that the court suspend Local Rule IA 11-2, arguing that because it rarely has the occasion to appear in the District of Nevada, it should be excused from filing a pro hac vice application. The Texas Attorney General further argues that the court lacks subject matter and personal jurisdiction over Defendant Judge Shoemake and therefore requests that the case be dismissed as to this defendant.

Local Rule IA 11-2 provides that “[a]n attorney who has been retained or appointed to appear in a particular case but is not a member of the bar of this court may appear only with the court’s permission.” LR IA 11-2(a). The rule sets forth the requirements and procedures for appearing pro hac vice. LR IA 11-2(a)-(j). The court may waive the requirements of any of the local rules “if the interests of justice so require.” LR IA 1-4.

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The court has read and considered the Texas Attorney General's arguments and finds that it is not in the interests of justice to waive the requirements of LR IA 11-2 in this case. The purpose of the rule is to allow temporary admission of an out-of-jurisdiction lawyer to practice in this court for a particular case. The rule further provides that it is presumed that more than 5 appearances by any attorney under this rule in a 3-year period is excessive use of this rule. LR IA 11-2(h)(1). Given that the Texas Attorney General rarely appears in this district and seeks to appear for the limited purpose of representing Judge Shoemake in this particular case, it appears that the Texas Attorney General is in the exact position that the rule is intended to cover. The court therefore will deny the motion to suspend LR IA 11-2. The court notes the Texas Attorney General's argument that the court does not have jurisdiction in this case, but finds that this argument should be raised in a separate motion. *See* LR IC 2-2(b) (stating that for each type of relief requested or purpose of the document, a separate document must be filed). Thus, to the extent the Texas Attorney General requests dismissal of the case, this motion is denied without prejudice.

IT IS THEREFORE ORDERED that the Texas Attorney General's Motion to Suspend Local Rules and Advisory to the Court of Absence of Subject Matter and In Personam Jurisdiction Over the State of Texas and Over Judge James H. Shoemake, Presiding Judge of the 434th District Court of Fort Bend County, Texas (ECF No. 8) is DENIED as stated in this order.

DATED: August 11, 2017

C.W. Hoffman, Jr.
United States Magistrate Judge