

FILED
CHARLOTTE, NC
AUG 16 2017
US District Court
Western District of NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA
MISC. NO. 5:13mc3

IN RE: *INTERIM* ALLOCATION OF STATESVILLE
DIVISION CASES
ORDER

The following case assignment allocations will be applied in the Statesville Division and supersede all other prior orders as they may relate to the Statesville Division. Unless specifically stated otherwise, these case assignment allocations are effective September 1, 2017.

1.) Judge Voorhees will retain all pending criminal cases from the Statesville Division until further Order of this court.

2.) All new criminal cases filed beginning on September 1, 2017, shall be assigned to Chief Judge Whitney.

3.) Any criminal case filed in the Statesville Division in which Chief Judge Whitney must recuse due to a conflict shall first be reassigned to Judge Cogburn, then Judge Conrad and then Judge Reidinger.

4. The rules allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order Number 3: 07-MC-61, as amended September 1, 2017.

5.) Effective September 1, 2017, all pending civil cases in the Statesville Division shall be equally reassigned to Chief Judge Whitney, Judge Conrad, Judge Cogburn and Senior Judge Mullen. This includes actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions.

6.) Effective September 1, 2017, any civil cases filed in the Statesville Division shall be equally reassigned to Chief Judge Whitney, Judge Conrad, Judge Cogburn and Senior Judge Mullen. This includes actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions.

7.) Any civil case filed in the Statesville Division in which any of the judges in paragraph five above must recuse due to a conflict shall first be reassigned to one of the other judges in paragraph five above. If Chief Judge Whitney, Judge Conrad, Judge Cogburn, and Senior Judge

Mullen, all recuse themselves from a Statesville Division civil case, then the case is to be assigned to Judge Reidinger.

8.) Effective September 1, 2017, all pending social security cases shall be reassigned equally to Chief Judge Whitney, Judge Conrad, Judge Cogburn, Senior Judge Mullen, and Judge Reidinger and any necessary referrals made in accordance with this court's miscellaneous Order pertaining to Social Security cases No. 3:13:MC 95.

9.) Effective September 1, 2017, all new social security cases shall be assigned in accordance with this court's miscellaneous Order No. 3:13 MC 95 which requires that all new social security cases be directly assigned to the district judges with every third case of each district judge being referred to a magistrate judge. No other referrals to magistrate judges shall be made absent the parties filing a consent to the jurisdiction of a magistrate judge.

10.) Death penalty cases are subject of a separate allocation order and, therefore, are not automatically assigned to the judges covering the Statesville Division.

11.) 28 U.S.C. § 2255 actions in which Judge Voorhees was the presiding judge in the underlying criminal case shall be equally assigned to Chief Judge Whitney, Judge Conrad, and Judge Cogburn.

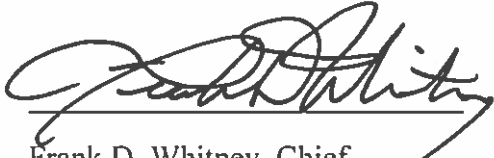
12.) Chief Judge Whitney shall be assigned all prisoner, *pro se* cases, filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).

13.) Non-consent civil cases, with the exception of social security cases are referred to Charlotte Division magistrate judges by docket number for all pretrial proceedings and in accordance with any standing Orders of reference issued by a district judge. Consent cases will be handled by Charlotte Division magistrate judges for all purposes and in all respects. The general division of cases between magistrate judges shall be according to docket number with odd-numbered cases being assigned to Magistrate Judge Keesler and even-numbered cases being assigned to Magistrate Judge Cayer.

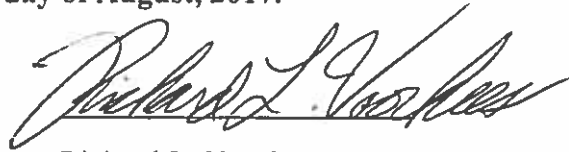
14.) In order to preserve in court hours in the Statesville courthouse, it is the design of this Order that all hearings and trials in Statesville civil and criminal cases be held presumptively in the Statesville Division subject to orders of the presiding judge.

The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

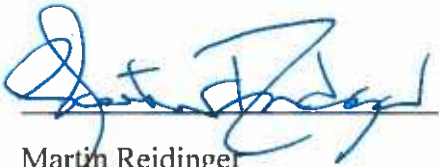
IT IS SO ORDERED, this 10th day of August, 2017.



Frank D. Whitney, Chief
United States District Court Judge



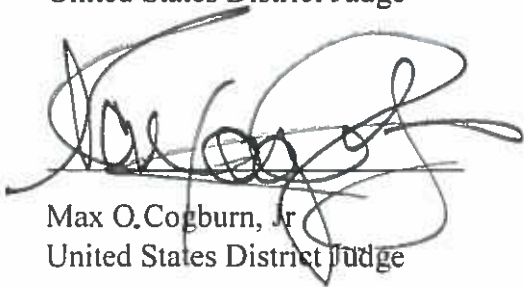
Richard L. Voorhees
United States District Judge



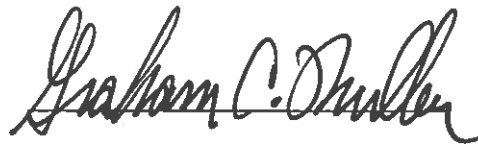
Martin Reidinger
United States District Judge



Robert J. Conrad
United States District Judge



Max O. Cogburn, Jr.
United States District Judge



Graham C. Mullen, Senior
United States District Judge