

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS

IN RE: PLAN FOR THE DISTRIBUTION OF CASES

**AMENDED ORDER**

To maintain an equitable distribution of cases among the United States District Judges and the United States Magistrate Judges for the Western District of Arkansas, the following plan for the distribution of criminal, civil and miscellaneous cases is hereby adopted.

1. **NEW FILINGS** - All cases filed after the effective date of this Order will be assigned in the following manner, in accordance with Local Rule 40.1, Rules of the United States District Courts for the Eastern and Western Districts of Arkansas:

<b>EL DORADO DIVISION:</b>	<b>Criminal:</b> Judge Susan Owens Hickey (50%) Judge Harry F. Barnes (50%)
	<b>Civil:</b> Judge Susan Owens Hickey (100%)
	<b>Civil Miscellaneous:</b> Judge Susan Owens Hickey (100%)
<b>FORT SMITH DIVISION:</b>	<b>Criminal:</b> Judge P. K. Holmes, III (100%)
	<b>Civil:</b> Judge P. K. Holmes, III (100%)
	<b>Civil Miscellaneous:</b> Judge P. K. Holmes, III (100%)
<b>HARRISON DIVISION:</b>	<b>Criminal:</b> Judge P. K. Holmes, III (100%)
	<b>Civil:</b> Judge Timothy L. Brooks (100%)
	<b>Civil Miscellaneous:</b> Judge Timothy L. Brooks (100%)
<b>TEXARKANA DIVISION:</b>	<b>Criminal:</b> Judge Susan Owens Hickey (50%) Judge Harry F. Barnes (50%)
	<b>Civil:</b> Judge Susan Owens Hickey (100%)
	<b>Civil Miscellaneous:</b> Judge Susan Owens Hickey (100%)
<b>FAYETTEVILLE DIVISION:</b>	<b>Criminal:</b> Judge Timothy L. Brooks (100%)
	<b>Civil:</b> Judge Timothy L. Brooks (65%) Judge P. K. Holmes, III (35%)
	<b>Civil Miscellaneous:</b> Judge Timothy L. Brooks (100%)

**HOT SPRINGS DIVISION:**      **Criminal:**      Judge Susan Owens Hickey (100%)  
    **Civil:**                Judge Robert T. Dawson (100%)  
    **Civil Miscellaneous:** Judge Susan Owens Hickey (100%)

2. **DIRECT ASSIGNMENT OF CIVIL CASES** - Civil cases will be directly assigned to a judge in the following circumstances:

**Reopened Cases:** Reopened cases will be assigned to the judge presiding at the time the case was terminated.

**Voluntary Nonsuit:** When the plaintiff takes a voluntary nonsuit and subsequently refiles that same case, it will be assigned to the judge presiding at the time of the entry of the nonsuit order.

**Bankruptcy Jury Trials:** When a party to a bankruptcy case demands a jury trial, the case will be assigned to the District Judge who determined that there was a bona fide jury issue.

**Habeas Corpus Petitions:** When a state habeas corpus petition has been assigned, all successive petitions emanating from the same state criminal proceedings on which the first petition was based will be assigned directly to the District Judge/Magistrate Judge who handled the first petition.

**Civil Cases Attacking Federal Sentence:** Civil cases, filed pursuant to 28 U.S.C. § 2255, attacking a sentence imposed by a federal court will be assigned to the sentencing judge in the criminal case.

**Civil Forfeiture:** When a civil forfeiture action arises out of a previously filed criminal case, the case will be assigned to the judge who presided in the criminal case.

**Consolidation of Civil Cases:** Consolidated civil cases will be assigned to the judge presiding in the first case filed.

3. **RECUSALS** - Cases in which the District Judge to whom the case is initially assigned recuses will be reassigned in the following manner. If the District Judge receiving the case also recuses, the Chief Judge will be notified for assignment of the case, pursuant to 18 U.S.C. § 137.

<b>EL DORADO DIVISION:</b>	<b>(SOH Recusals)</b>	Judge Timothy L. Brooks
<b>FORT SMITH DIVISION:</b>	<b>(PKH Recusals)</b>	Judge Timothy L. Brooks
<b>HARRISON DIVISION:</b>	<b>(TLB Recusals)</b>	Judge P. K. Holmes, III
<b>TEXARKANA DIVISION:</b>	<b>(SOH Recusals)</b>	Judge P. K. Holmes, III

**FAYETTEVILLE DIVISION:** (TLB Recusals) Judge P. K. Holmes, III  
(PKH Recusals) Judge Timothy L. Brooks

**HOT SPRINGS DIVISION:** (SOH Recusals) Judge P. K. Holmes, III  
(RTD Recusals) Judge Susan O. Hickey

4. **SEALED CRIMINAL MISCELLANEOUS CASES** - The District or Magistrate Judge signing the application, warrant, and/or order initiating the case will be assigned as the presiding judge.

5. **CASES ASSIGNED OR REFERRED TO MAGISTRATE JUDGES** - In accordance with 28 U.S.C. § 636; Rules 5 and 5.1 of the Federal Rules of Criminal Procedure; Local Rule 72.1, Rules of the United States District Courts for the Eastern and Western Districts of Arkansas; and General Orders of the Western District of Arkansas, cases filed and/or reopened after the effective date of this Order will be assigned or referred to the U.S. Magistrate Judges of the Western District of Arkansas in the following manner:

**EL DORADO DIVISION:** Magistrate Judge Barry A. Bryant

**FORT SMITH DIVISION:** Magistrate Judge Mark E. Ford

**HARRISON DIVISION:** Magistrate Judge Mark E. Ford

**TEXARKANA DIVISION:** Magistrate Judge Barry A. Bryant

**FAYETTEVILLE DIVISION:** Magistrate Judge Erin L. Setser

**HOT SPRINGS DIVISION:** Magistrate Judge Barry A. Bryant

6. **DIRECT ASSIGNMENT OF SOCIAL SECURITY APPEAL CASES** - All cases filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 406(g), for benefits under Titles II, XVI and XVII of the Act will be assigned to a Magistrate Judge, as the Presiding Judge, at the time of filing, in accordance with paragraph 5 of this Order.

7. **CASELOAD MANAGEMENT BY MAGISTRATE JUDGES** - Notwithstanding the provisions of the foregoing paragraphs 5 and 6, the Magistrate Judges are authorized to make exceptions to the foregoing assignment/referral plan if and when needed to ensure there is an even and equitable distribution of the cases and workload among them.

8. This plan supersedes the Order entered March 12, 2014, and is subject to periodic review and adjustment by the United States District Judges of the Western District of Arkansas in order to maintain an equitable distribution of the cases and workload of the Western District of Arkansas.

Dated this 5<sup>th</sup> day of January 2015.



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P. K. HOLMES, III  
CHIEF UNITED STATES DISTRICT JUDGE

US DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

JAN 05 2015

CHRIS R. JOHNSON, Clerk  
By

Deputy Clerk