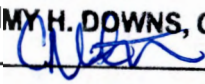


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 20 2025

IN THE MATTER OF IMPLEMENTATION
OF LOCAL RULE 40.1 ON CASE ASSIGNMENTS
IN THE EASTERN DISTRICT OF ARKANSAS

TAMMY H. DOWNS, CLERK
By:  DEP CLERK

AMENDED GENERAL ORDER NO. 39

(a) All actions and proceedings shall be assigned by a random selection process, except as specifically set out in sections (d) and (f) of this General Order.

(b) The clerk will perform the random selection process using a percentage draw for each district judge, except as specifically set out in section (c). From time to time, and without regard to any particular action or proceeding, the Court will set each district judge's percentage draw for new matters filed in each division. The Court will consider all material circumstances when setting the percentage draw, including but not limited to the following: status (active or senior); duty station; administrative responsibilities; case type; and case weight.

(c) The clerk will make random, district-wide assignments, with equal participation by all district judges, in:

- (1) civil actions seeking to bar or mandate statewide enforcement of a state law, including a rule, regulation, policy, or order of the executive branch or a state agency, whether by declaratory judgment, any form of injunctive relief, or both; and
- (2) civil actions seeking to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment, any form of injunctive relief, or both.

If the filing party seeks relief under subsection (1) or (2) above, the JS-44 civil cover sheet should note that the case seeks to bar or mandate statewide or nationwide enforcement of a state or federal law.

(d) Civil cases shall be assigned directly to a particular judge only in the following circumstances:

- (1) **Voluntary Nonsuit.** When the plaintiff takes a voluntary nonsuit in a case and later refiles that same case, the clerk will assign it to the judge who handled it at the time of the entry of the nonsuit order. The complaint in the refiled case shall contain a brief paragraph identifying, by style and case number, the former proceedings in which the voluntary nonsuit was entered and the name of the judge handling the case when the voluntary nonsuit order was entered.
- (2) **Bankruptcy Cases.** When the randomly drawn district judge determines that a bankruptcy matter should proceed as a civil action, the clerk will assign the civil action directly to the district judge who made the determination.
- (3) **Habeas Corpus Petitions.** Once a habeas corpus petition has been randomly assigned, all successive petitions emanating from the same state criminal proceeding on which the first petition was based shall be assigned directly to the district judge/magistrate judge who handled the first petition.
- (4) **Civil Cases Attacking Federal Sentence.** Civil cases, filed pursuant to 28 U.S.C. § 2255, attacking a sentence imposed by a federal court shall be assigned directly to the sentencing judge in the criminal case.
- (5) **Related Cases.** There may be rare situations in which a party believes a new civil case should be directly assigned to a particular judge because the new case is closely related to a pending case or a closed case and the assignment thereof to a different judge would result in a significant waste of judicial time. If a plaintiff believes judicial economy requires such a direct assignment, the plaintiff should so indicate by a separate filing entitled "Notice of Related Case" to be filed contemporaneously with the complaint and served with the complaint upon the defendant(s). If a party other than the plaintiff believes a new case should be directly assigned to a judge who is handling a pending closely related case or who handled a prior closely related case, that party should file a "Notice of Related Case" with its first pleading and serve a copy thereof on all other parties. When any party who initiates a case files a "Notice of Related Case," the new case shall be tentatively assigned to the judge who is handling the pending case or who handled the prior case.

The "Notice of Related Case" shall identify, by style and case number, the pending or closed case and shall contain a brief statement setting out why judicial economy dictates direct assignment to a particular judge. Each adverse party shall have fourteen days after receiving the "Notice of Related

Case” within which to file a brief statement opposing this related-case assignment. The judge, exercising discretion and through written order, may shorten or extend the time for filing a response to the “Notice of Related Case.”

After reviewing the cases and the submissions of the parties to determine whether the cases are closely related and whether this non-random assignment is likely to result in significant savings of judicial resources, the judge assigned the new case may, in his or her sole discretion, decide either to keep the new case or to notify the clerk to assign the new case by random draw. The decision of the judge is final and not subject to review.

In the interest of judicial economy, the Court may on its own motion note closely related cases and tentatively reassign them to the judge who is handling the first-filed pending case or who handled the first-filed closed case. The clerk will notify the affected parties in any pending case of this action. Within fourteen days of this notice, any party may submit a filing stating the party’s views on the reassignment. The judge, exercising discretion and through written order, may shorten or extend the time for a response to the clerk’s notice. After reviewing the cases and the parties’ submissions to determine whether the cases are closely related and whether this non-random assignment is likely to result in significant savings of judicial resources, the judge assigned the new case may, in his or her sole discretion, decide either to keep the new case or to notify the clerk to reassign the new case by random draw. The decision of the judge is final and not subject to review.

In implementing this subsection (d)(5) of this General Order, the clerk will determine the first-filed case. The clerk must do so by considering the date and time of filing of all the closely related cases in all three divisions. The first-filed case is the earliest case filed irrespective of the case number or the division.

- (6) Civil Forfeiture. When a civil forfeiture action arises out of a previously filed criminal case, the clerk shall directly assign the civil forfeiture action to the judge who handled the criminal case.

(e) Consolidation of Civil Cases. Any party to a civil case may move for consolidation of pending cases. If the motion is granted by each judge presiding in a pending case, the consolidation cases will be assigned to the judge with the first-filed case. The clerk must consider the date and time of filing of all cases to be consolidated across all three divisions. The first-filed case is the earliest case filed irrespective of the case number or division.

(f) Criminal Cases. Criminal cases shall be assigned solely on a random selection basis, except as specifically set out in subsections (f)(1) and (f)(2) of this General Order.

- (1) Any party to a criminal case may move for consolidation of pending cases. If this motion is granted by each judge presiding in a pending case, the consolidated cases will be assigned to the judge with the first-filed case. The clerk must consider the date and time of filing of all cases to be consolidated across all three divisions. The first-filed case is the earliest case filed irrespective of the case number or division.
- (2) When a defendant under supervision in a federal case is indicted on a new federal charge, if appointed counsel is needed, the same lawyer will be appointed to represent the defendant in the revocation proceedings and on the new indictment. To promote judicial economy, the same district judge will preside over all these related cases. The new case resulting from the new indictment will be assigned to the district judge presiding in the first-filed case, as defined in subsection (d)(5), if practicable. Otherwise, the clerk will randomly assign the new case and reassign the older case or cases to the selected judge. The defendant's initial appearance on the revocation petition shall be referred to the magistrate judge who presides over the defendant's initial appearance on the new case resulting from the new indictment.

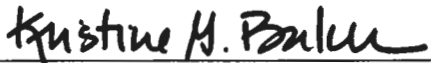
The Court on its own may note that a new case resulting from a new indictment and revocation proceedings are related. Any party to a criminal case may also submit a filing indicating that a new case resulting from a new indictment is related to revocation proceedings. This filing shall identify, by style and case number, the pending or closed case and shall contain a brief statement setting out why judicial economy supports direct assignment to a particular judge.

After reviewing the cases and the submission of the parties to determine whether the cases are closely related and whether this non-random assignment is likely to result in significant savings of judicial resources, the judge assigned the new case may, in his or her sole discretion, decide either to keep the new case or to notify the clerk to assign the new case by random draw. The decision of the judge is final and not subject to review.

(g) No person shall take any action designed to cause the assignment of any proceeding to a particular judge contrary to the provisions of this General Order. The method of assignment shall assure that the identity of the assigned judge will not be disclosed by the clerk, the clerk's staff, nor by any other person, until after filing. The method of assignment is also designed to

prevent any litigant from choosing the judge to whom an action or proceeding is to be assigned. Any attempt by any attorney to circumvent these assignment rules or to exploit the method of assignment for the purpose of choosing a presiding judge shall constitute grounds for discipline, including disbarment. Any act by any employee of this Court done for the purpose of causing the assignment of any case or proceeding contrary to the provisions of this General Order shall be considered a proper basis for immediate discharge.

It is hereby ordered this 20th day of August 2025.



KRISTINE G. BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT

Filed May 4, 2001
Amended November 10, 2009
Amended August 20, 2025