1983—Pub. L. 97–409, § 2(b)(1)(B), substituted ''independent counsels'' for ''special prosecutors'' in section catchline.

Subsec. (a). Pub. L. 97–409, § 2(b)(1)(B), substituted ''independent counsels'' for ''special prosecutors''.

Subsec. (f). Pub. L. 97–409, § 2(b)(1)(A), (C), substituted ''independent counsel'' for ''special prosecutor'' wherever appearing and ''independent counsel's'' for ''special prosecutor's''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99–554, set out as a note under section 581 of this title.

EFFECTIVE DATE

Section effective Oct. 26, 1978, see section 604 of Pub. L. 95–521, set out as a note under section 591 of this title.

CHAPTER 5—DISTRICT COURTS

Sec.
81. Alabama.
81A. Alaska.
82. Arizona.
83. Arkansas.
84. California.
85. Colorado.
86. Connecticut.
87. Delaware.
88. District of Columbia.
89. Florida.
90. Georgia.
91. Hawaii.
92. Idaho.
93. Illinois.
94. Indiana.
95. Iowa.
96. Kansas.
97. Kentucky.
98. Louisiana.
99. Maine.
100. Maryland.
101. Massachusetts.
102. Michigan.
103. Minnesota.
104. Mississippi.
105. Missouri.
106. Montana.
107. Nebraska.
108. Nevada.
109. New Hampshire.
110. New Jersey.
111. New Mexico.
112. New York.
113. North Carolina.
114. North Dakota.
115. Ohio.
116. Oklahoma.
117. Oregon.
118. Pennsylvania.
119. Puerto Rico.
120. Rhode Island.
121. South Carolina.
122. South Dakota.
123. Tennessee.
124. Texas.
125. Utah.
126. Vermont.
127. Virginia.
128. Washington.
129. West Virginia.
130. Wisconsin.
131. Wyoming.
132. Creation and composition of district courts.
133. Appointment and number of district judges.
134. Tenure and residence of district judges.
135. Salaries of district judges.
136. Chief judges; precedence of district judges.
137. Division of business among district judges.
138. Terms abolished.
139. Times for holding regular sessions.
140. Adjournment.
141. Special sessions; places; notice.
[142. Repealed.]
143. Vacant judgeship as affecting proceedings.
144. Bias or prejudice of judge.

HISTORICAL AND REVISION NOTES

Sections 81–131 of this chapter show the territorial composition of districts and divisions by counties as of January 1, 1945. All references to dates were omitted as unnecessary.

All references to fixed terms of holding court were also omitted in order to vest in each district court a wider discretion and greater flexibility in the disposition of its business. Such times will now be determined by rule of court rather than by statute. See sections 138 and 141 of this title.

Editorial Notes

AMENDMENTS

1982—Pub. L. 97–164, title I, § 115(c)(3), Apr. 2, 1982, 96 Stat. 32, struck out item 142 ''Accommodations at places for holding court''.

1963—Pub. L. 88–139, § 3(a), Oct. 16, 1963, 77 Stat. 248, substituted ''Terms abolished'' for ''Times for holding regular terms'' in item 138, ''Times for holding regular sessions'' for ''Term continued until terminated'' in item 139, and ''sessions'' for ''terms'' in item 141.

1958—Pub. L. 85–508, § 12(a), July 7, 1958, 72 Stat. 348, added item 81A.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95–408, Oct. 2, 1978, 92 Stat. 883, as ''Federal District Court Organization Act of 1978'', see note set out under section 1 of this title.

PRO BONO WORK TO EMPOWER AND REPRESENT VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Pub. L. 115–237, Sept. 4, 2018, 132 Stat. 2447, as amended by Pub. L. 117–252, § 2, Dec. 20, 2022, 136 Stat. 2359, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Pro bono Work to Empower and Represent Act of 2018' or the 'POWER Act'.

''SEC. 2. FINDINGS.

''Congress finds the following:

''(1)Extremely high rates of domestic violence, dating violence, sexual assault, and stalking exist at the local, State, tribal, and national levels and such violence or behavior harms the most vulnerable members of our society.

''(2)According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

''(3)Proactive efforts should be made available in all forums to provide pro bono legal services and eliminate the violence that destroys lives and shatters families.

''(4)A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

''(5)According to the National Network to End Domestic Violence, which conducted a census including almost 1,700 assistance programs, over the course of

1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

''(6)Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

''(7)Research and studies have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

''(8)Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.

''(9) The American Bar Association Model Rules include commentary stating that 'every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer'.

''(10) As leaders in their legal communities, judges in district courts should encourage lawyers to provide pro bono resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

''(11) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scourge of domestic violence, dating violence, sexual assault, and stalking throughout the country.

''(12) Communities, by providing awareness of pro bono legal services and assistance to survivors of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

''SEC. 3. DISTRICT COURTS TO PROMOTE EMPOWERMENT EVENTS.

''(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Sept. 4, 2018], and annually thereafter, the chief judge, or his or her designee, for each judicial district shall lead not less than one public event, in partnership with a State, local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.

''(b) DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—During each 2-year period, the chief judge, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) shall lead not less than one public event promoting pro bono legal services under subsection (a) of this section in partnership with an Indian tribe or tribal organization with the intent of increasing the provision of pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

''(c) REQUIREMENTS.—Each chief judge shall—

''(1) have discretion as to the design, organization, and implementation of the public events required under subsection (a); and

''(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to high quality pro bono legal services by survivors of domestic violence, dating violence, sexual assault, and stalking.

''SEC. 4. REPORTING REQUIREMENTS.

''(a) REPORT TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than October 30 of each year, each chief judge shall submit to the Director of the Administrative Office of the United States Courts a report detailing each public event conducted under section 3 during the previous fiscal year.

''(b)REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than January 1 of each year, the Director of the Administrative Office of the United States Courts shall submit to Congress a compilation and summary of each report received under subsection (a) for the previous fiscal year.

''(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act as well as suggestions on how to improve future public events.

''SEC. 5. FUNDING.

''The Administrative Office of the United States Courts shall use existing funds to carry out the requirements of this Act.''

§ 81. Alabama

Alabama is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Alabama.

Northern District

(a) The Northern District comprises seven divisions.

(1) The Northwestern Division comprises the counties of Colbert, Franklin, and Lauderdale.

Court for the Northwestern Division shall be held at Florence.

(2) The Northeastern Division comprises the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan.

Court for the Northeastern Division shall be held at Huntsville and Decatur.

(3) The Southern Division comprises the counties of Blount, Jefferson, and Shelby.

Court for the Southern Division shall be held at Birmingham.

(4) The Eastern Division comprises the counties of Calhoun, Clay, Cleburne, and Talladega.

Court for the Eastern Division shall be held at Anniston.

(5) The Western Division comprises the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa.

Court for the Western Division shall be held at Tuscaloosa.

(6) The Middle Division comprises the counties of Cherokee, De Kalb, Etowah, Marshall, and Saint Clair.

Court for the Middle Division shall be held at Gadsden.

(7) The Jasper Division comprises the counties of Fayette, Lamar, Marion, Walker, and Winston.

Court for the Jasper Division shall be held at Jasper.

Middle District

(b) The Middle District comprises three divisions.

(1) The Northern Division comprises the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike.

Court for the Northern Division shall be held at Montgomery.

(2) The Southern Division comprises the counties of Coffee, Dale, Geneva, Henry, and Houston.

Court for the Southern Division shall be held at Dothan.

(3) The Eastern Division comprises the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa.

Court for the Eastern Division shall be held at Opelika.

Southern District

(c) The Southern District comprises two divisions.

(1) The Northern Division comprises the counties of Dallas, Hale, Marengo, Perry, and Wilcox.

Court for the Northern Division shall be held at Selma.

(2) The Southern Division comprises the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington.

Court for the Southern Division shall be held at Mobile.

(June 25, 1948, ch. 646, 62 Stat. 873; Pub. L. 87–36, § 3(a), May 19, 1961, 75 Stat. 83.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed. § 142 (Mar. 3, 1911, ch. 231, § 70, 36 Stat. 1105; Feb. 28, 1913, ch. 89, 37 Stat. 698; June 27, 1922, ch. 247, 42 Stat. 667).

Provisions relating to the places for the maintenance of the clerks' offices were omitted as covered by section 751 of this title, providing that deputy clerks may be designated to reside and maintain offices at such places for holding court as the judge may determine.

Provisions that the offices of the court shall be kept open at all times were omitted as covered by section 452 of this title.

A provision requiring the district judge for the northern district to reside at Birmingham was omitted as incongruous with section 134 of this title, requiring every district judge to reside within the district for which he is appointed. Likewise the provision of section 142 of title 28, U.S.C., 1940 ed., requiring the court to remain in session at Birmingham at least 6 months in each calendar year was omitted as unnecessary and not in harmony with provisions respecting other districts.

The provisions for furnishing rooms and accommodations at Florence, Gadsden, Jasper and Opelika were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in each of these places.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1961—Subsec. (a)(2). Pub. L. 87–36 provided for holding court at Decatur.

§ 81A. Alaska

Alaska constitutes one judicial district.

Court shall be held at Anchorage, Fairbanks, Juneau, Ketchikan, and Nome.

(Added Pub. L. 85–508, § 12(b), July 7, 1958, 72 Stat. 348; amended Pub. L. 86–70, § 23(b), June 25, 1959, 73 Stat. 147.)

Editorial Notes

AMENDMENTS

1959—Pub. L. 86–70 inserted ''Ketchikan,''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1959 AMENDMENT

Section 12 of Pub. L. 85–508 provided in part that this section, and the amendments to sections 133, 333, 373, 376, 460, 610, 753, 1252, 1291, 1292, 1294, 1346, 1963, 2072, 2201 and 2410 of this title, section 341b of Title 5, Government Organization and Employees, and sections 3241, 3401, 3771 and 3772 of Title 18, Crimes and Criminal Procedure, are effective on the admission of Alaska into the Union. Admission as a State was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508. See notes set out preceding section 21 of Title 48, Territories and Insular Possessions.

CONTINUATION OF SUITS

Pub. L. 85–508, § 13, July 7, 1958, 72 Stat. 349, provided that: ''No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

''All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.''

APPEALS

Pub. L. 85–508, § 14, July 7, 1958, 72 Stat. 349, provided that: ''All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgement has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: *Provided*, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.''

TRANSFER OF CASES

Pub. L. 85–508, § 15, July 7, 1958, 72 Stat. 349, provided that: ''All causes pending or determined in the District Court for the Territory of Alaska at the time of the ad-

mission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.''

SUCCESSION OF COURTS

Pub. L. 85–508, § 16, July 7, 1958, 72 Stat. 350, provided that: ''Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.''

PENDING CASES

Pub. L. 85–508, § 17, July 7, 1958, 72 Stat. 350, provided that: ''All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.''

TERMINATION OF JURISDICTION OF DISTRICT COURT FOR THE TERRITORY OF ALASKA

Pub. L. 85–508, § 18, July 7, 1958, 72 Stat. 350, provided that: ''The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act [see section 8(b) of Pub. L. 85–508, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions], unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.''

SCHEDULE OF FEES, MILEAGE, OR OTHER COMPENSATION

Pub. L. 86–70, § 23(c), June 25, 1959, 73 Stat. 147, provided that: ''Such authority as has been exercised by the Attorney General heretofore, with regard to the Federal court system in Alaska, pursuant to section 30 of the Act of June 6, 1900 (48 U.S.C. 25) shall continue to be exercised by him after the court created by section 12(b) of the Act of July 7, 1958 (72 Stat. 339, 348) [this section], providing for the admission of the State of Alaska into the Union, is established.''

Executive Documents

EX. ORD. NO. 10867. ASSUMPTION OF FUNCTIONS BY UNITED STATES DISTRICT COURT FOR DISTRICT OF ALASKA

Ex. Ord. No. 10867, Feb. 20, 1960, 25 F.R. 1584, provided:

WHEREAS the act of July 7, 1958, 72 Stat. 339 [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions], relating to the admission of the State of Alaska into the Union, provides that the United States District Court for the Territory of Alaska shall continue to function as theretofore for a period of three years after the effective date of that act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of that act, is prepared to assume the functions imposed upon it; and

WHEREAS that act further provides that its provisions relating to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of the rights of litigants in suits before such courts shall not be effective until the expiration of the above-mentioned three-year period or until such Executive order is issued; and that the tenure of the judges, the United States Attorneys, Marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function; and

WHEREAS, I have appointed, by and with the advice and consent of the Senate, and commissioned the Honorable Walter N. Hodge to be United States District Judge for the District of Alaska, and he has taken his oath of office; and

WHEREAS Judge Hodge has appointed an acting United States Attorney, an acting United States Marshal, and other court officers; and

WHEREAS the United States District Court for the District of Alaska is now prepared to assume the functions imposed upon it:

NOW, THEREFORE, by virtue of the authority vested in me by section 18 of the said act of July 7, 1958 [set out above], I hereby proclaim that the United States District Court for the District of Alaska is prepared to assume the functions imposed upon it. Accordingly, the jurisdiction of the District Court for the Territory of Alaska and the tenure of the judges, the United States Attorneys, Marshals, and other officers of that court are now terminated.

DWIGHT D. EISENHOWER.

§ 82. Arizona

Arizona constitutes one judicial district.

Court shall be held at Flagstaff, Globe, Phoenix, Prescott, Tucson, and Yuma.

(June 25, 1948, ch. 646, 62 Stat. 874; Pub. L. 116–40, § 1, Aug. 9, 2019, 133 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 143 (June 20, 1910, ch. 310, § 31, 36 Stat. 576; Oct. 3, 1913, ch. 17, §§ 1, 2, 38 Stat. 203).

A provision for transfer of causes, civil or criminal, from one place for holding court to another was omitted. Such provision, as to civil cases, is covered by sec-

tion 1404 of this title, and, as to criminal cases, is rendered unnecessary because of inherent power of the court and Rules 18–20 of the Federal Rules of Criminal Procedure, relating to venue.

A provision for making an interlocutory order at any place designated for holding court was omitted as unnecessary in view of Federal Rules of Civil Procedure, rule 77(b).

A provision requiring the clerk to keep his office at the State capital was omitted as covered by section 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2019—Pub. L. 116–40 substituted ''Flagstaff, Globe, Phoenix, Prescott, Tucson, and Yuma'' for ''Globe, Phoenix, Prescott, and Tucson''.

§ 83. Arkansas

Arkansas is divided into two judicial districts to be known as the Eastern and Western Districts of Arkansas.

Eastern District

(a) The Eastern District comprises three divisions.

(1) The Central Division comprises the counties of Cleburne, Cleveland, Conway, Dallas, Drew, Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry, Pope, Prairie, Pulaski, Saline, Stone, Van Buren, White, and Yell.

Court for the Central Division shall be held at Little Rock.

(2) The Delta Division comprises the counties of Arkansas, Chicot, Crittenden, Desha, Lee, Monroe, Phillips, and St. Francis.

Court for the Delta Division shall be held at Helena.

(3) The Northern Division comprises the counties of Clay, Craighead, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Sharp, and Woodruff.

Court for the Northern Division shall be held at Jonesboro.

Western District

(b) The Western District comprises six divisions.

(1) The Texarkana Division comprises the counties of Hempstead, Howard, Lafayette, Little River, Miller, Nevada, and Sevier.

Court for the Texarkana Division shall be held at Texarkana, and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas.

(2) The El Dorado Division comprises the counties of Ashley, Bradley, Calhoun, Columbia, Ouachita, and Union.

Court for the El Dorado Division shall be held at El Dorado.

(3) The Fort Smith Division comprises the counties of Crawford, Franklin, Johnson, Logan, Polk, Scott, and Sebastian.

Court for the Fort Smith Division shall be held at Fort Smith.

(4) The Harrison Division comprises the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy.

Court for the Harrison Division shall be held at Harrison.

(5) The Fayetteville Division comprises the counties of Benton, Madison, and Washington.

Court for the Fayetteville Division shall be held at Fayetteville.

(6) The Hot Springs Division comprises the counties of Clark, Garland, Hot Springs, Montgomery, and Pike.

Court for the Hot Springs Division shall be held at Hot Springs.

(June 25, 1948, ch. 646, 62 Stat. 874; Pub. L. 87–36, § 5, May 19, 1961, 75 Stat. 84; Pub. L. 108–455, § 3, Dec. 10, 2004, 118 Stat. 3628; Pub. L. 116–73, § 2, Nov. 26, 2019, 133 Stat. 1154.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 144 (Mar. 3, 1911, ch. 231, § 71, 36 Stat. 1106; Apr. 12, 1924, ch. 87, § 1, 43 Stat. 90; Feb. 17, 1925, ch. 252, 43 Stat. 948; Apr. 16, 1926, ch. 147, § 1, 44 Stat. 296; Apr. 21, 1926, ch. 168, 44 Stat. 304; Feb. 7, 1928, ch. 29, § 1, 45 Stat. 58; Apr. 17, 1940, ch. 100, 54 Stat. 109; June 11, 1940, ch. 321, § 1, 54 Stat. 302).

A provision making inoperative the terms of the last paragraph of this section, whenever court accommodations shall be provided in Federal buildings was omitted as unnecessary. When such buildings become available the Director of the Administrative Office of the United States Courts will, under section 604 of this title, provide court accommodations therein.

Provisions relating to places for maintenance of clerks' offices and requiring said offices to be kept open at all times were omitted as covered by sections 452 and 751 of this title.

The provision authorizing the referee in bankruptcy for the western division of the eastern district to serve by appointment in the Hot Springs division of the western district is to be transferred to title 11, U.S.C., 1940 ed., Bankruptcy.

The provision with reference to court accommodations at Fayetteville and Hot Springs was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–73 amended subsec. (a) generally. Prior to amendment, subsec. (a) designated the Eastern, Western, Pine Bluff, Northern, and Jonesboro Divisions within the Eastern District.

2004—Subsec. (b)(1). Pub. L. 108–455 inserted '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas'' after ''held at Texarkana''.

1961—Subsec. (a). Pub. L. 87–36 struck out from enumeration in par. (1) the parish of Desha and in par. (2) the parishes of Arkansas, Chicot, Cleveland, Dallas, Drew, Grant, Jefferson, and Lincoln, added par. (3) consisting of such parishes, and redesignated former par. (3) and (4) as (4) and (5), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–73, § 3, Nov. 26, 2019, 133 Stat. 1154, provided that: ''This Act [amending this section and enacting provisions set out as a note under section 1 of this title] and the amendment made by this Act shall take effect on the date of enactment of this Act [Nov. 26, 2019].''

§ 84. California

California is divided into four judicial districts to be known as the Northern, Eastern, Central, and Southern Districts of California.

Northern District

(a) The Northern District comprises the counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma.

Court for the Northern District shall be held at Eureka, Oakland, San Francisco, and San Jose.

Eastern District

(b) The Eastern District comprises the counties of Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

Court for the Eastern District shall be held at Bakersfield, Fresno, Redding, and Sacramento.

Central District

(c) The Central District comprises 3 divisions.

(1) The Eastern Division comprises the counties of Riverside and San Bernardino.

Court for the Eastern Division shall be held at a suitable site in the city of Riverside, the city of San Bernardino, or not more than 5 miles from the boundary of either such city.

(2) The Western Division comprises the counties of Los Angeles, San Luis Obispo, Santa Barbara, and Ventura.

Court for the Western Division shall be held at Los Angeles.

(3) The Southern Division comprises Orange County.

Court for the Southern Division shall be held at Santa Ana.

Southern District

(d) The Southern District comprises the counties of Imperial and San Diego.

Court for the Southern District shall be held at San Diego.

(June 25, 1948, ch. 646, 62 Stat. 875; Pub. L. 89–372, § 3(a), Mar. 18, 1966, 80 Stat. 75; Pub. L. 96–462, § 2, Oct. 15, 1980, 94 Stat. 2053; Pub. L. 102–357, § 2, Aug. 26, 1992, 106 Stat. 958; Pub. L. 113–235, div. E, title III, § 307, Dec. 16, 2014, 128 Stat. 2352.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., § 145 and section 76 of title 16, Conservation (Mar. 3, 1911, ch. 231, § 72, 36 Stat. 1107; May 16, 1916, ch. 122, 39 Stat. 122; June 2, 1920, ch. 218, § 2, 41 Stat. 731; Mar. 1, 1929, ch. 421, 45 Stat. 1424).

A provision relating to the place for maintenance of a clerk's office, and requiring such office to be kept open at all times, was omitted as covered by sections 452 and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

Amendments

2014—Subsec. (b). Pub. L. 113–235 inserted ''Bakersfield,'' after ''shall be held at''.

1992—Subsec. (c). Pub. L. 102–357 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The Central District comprises the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

''Court for the Central District shall be held at Los Angeles and Santa Ana.''

1980—Subsec. (c). Pub. L. 96–462 inserted ''and Santa Ana'' after ''at Los Angeles''.

1966—Pub. L. 89–372 expanded the number of judicial districts in California from two to four by creating an Eastern and a Central District in addition to the existing Northern and Southern Districts, removed the provisions separating the Northern and Southern Districts into divisions, transferred to the newly created Eastern Division the counties of Alpine, Almador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba from the Northern District and Fresno, Inyo Kern, Kings, Madera, Mariposa, Merced, and Tulare from the Southern District, transferred to the newly created Central District the counties of Los Angeles, Orange, Riverside, San Bernardino, San Louis Obispo, Santa Barbara, and Ventura from the Southern District, substituted Eureka, Oakland, San Francisco, and San Jose for Eureka, Sacramento, and San Francisco as places for holding court for the Northern District, removed Fresno and Los Angeles from the list of places for holding court for the Southern District leaving San Diego as the only place for holding of court in the Southern District, and provided for the holding of court in Los Angeles for the Central District and in Fresno, Redding, and Sacramento for the Eastern District.

Statutory Notes and Related Subsidiaries

Effective Date of 1992 Amendment

Pub. L. 102–357, § 3, Aug. 26, 1992, 106 Stat. 959, provided that:

''(a) In General.—This Act [amending this section and enacting provisions set out below] and the amendments made by this Act shall take effect 6 months after the date of the enactment of this Act [Aug. 26, 1992].

''(b) Pending Cases Not Affected.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending in the United States District Court for the Central District of California on such date.

''(c) Juries Not Affected.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Central Judicial District of California on the effective date of this Act.''

Effective Date of 1980 Amendment; Savings Provision

Pub. L. 96–462, § 7, Oct. 15, 1980, 94 Stat. 2054, provided that:

''(a) This Act and the amendments made by this Act [amending this section and sections 95, 105, 113, and 124 of this title and enacting provisions set out as notes under this section and sections 95, 105, and 113 of this title] shall take effect on October 1, 1981.

''(b) Nothing in this Act shall affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act [Oct. 1, 1981].''

Effective Date of 1966 Amendment

Pub. L. 89–372, § 3(i), Mar. 18, 1966, 80 Stat. 77, provided that: ''The provisions of this section [amending this

section and enacting provisions set out as a note under this section and section 133 of this title] shall become effective six months after the date of enactment of this Act [Mar. 18, 1966].''

CONGRESSIONAL FINDINGS CONCERNING CREATION OF THREE DIVISIONS IN CENTRAL DISTRICT

Pub. L. 102–357, § 1, Aug. 26, 1992, 106 Stat. 958, provided that: ''The Congress makes the following findings:

''(1) The Federal Government has the responsibility to provide quality services which are readily accessible to the people it serves.

''(2) The court facilities in the Central Judicial District of California are presently inadequate, and current and projected growth exacerbates the problem.

''(3) The population demographics of southern California have changed dramatically over the last decade, as the center of population shifts inland. Between 1980 and 1990, the population of Riverside County increased 76.5 percent, and San Bernardino County's population increased 58.5 percent, to a combined population of 2,600,000.

''(4) In the next 15 years, the population in Riverside and San Bernardino Counties is expected to increase again by 70 percent, and 67 percent, respectively. By the year 2005, Riverside and San Bernardino Counties will have 4,400,000 residents.

''(5) As a result of the population growth, the freeways connecting the Pacific coast and the inland areas are tremendously overburdened, and Federal offices along the coast are no longer accessible to the residents of Riverside and San Bernardino Counties.

''(6) The creation of 3 divisions in the Central Judicial District of California is urgently needed to provide for the delivery of judicial services to all areas and all residents of the Central Judicial District of California.''

STUDY OF JUDICIAL BUSINESS IN CENTRAL DISTRICT, CALIFORNIA AND EASTERN DISTRICT, NEW YORK AND RECOMMENDATIONS FOR CREATION OF NEW JUDICIAL DISTRICTS

Pub. L. 95–573, § 5, Nov. 2, 1978, 92 Stat. 2458, required the Director of the Administrative Office of the United States Courts to conduct a study of the judicial business of the Central District of California and the Eastern District of New York, within one year of Nov. 2, 1978, and to make recommendations to Congress with respect to the need for creation of new judicial districts.

CREATION OF EASTERN AND CENTRAL DISTRICTS: TRANSFER OF DISTRICT JUDGES; TRANSFER AND APPOINTMENT OF UNITED STATES ATTORNEYS AND UNITED STATES MARSHALS

Pub. L. 89–372, § 3(b)–(g), Mar. 18, 1966, 80 Stat. 76, 77, provided that:

''(b) The two district judges for the northern district of California holding office on the day before the effective date of this section [see Effective Date of 1966 Amendment note above] and whose official station is Sacramento shall, on and after such date, be district judges for the eastern district of California. All other district judges for the northern district of California holding office on the day before the effective date of this section shall, on and after such date, be district judges for the northern district of California.

''(c) The district judge for the southern district of California, residing in the northern division thereof and holding office on the day before the effective date of this section [see Effective Date of 1966 Amendment note above], shall, on and after such date, be a district judge for the eastern district of California. The two district judges for the southern district of California holding office on the day before the effective date of this section [see Effective Date of 1966 Amendment note above], and whose official station is San Diego shall, on and after such date, be the district judges for the southern district of California. All other district judges for the southern district of California holding office on the day before the effective date of this section shall, on and after such date, be district judges for the central district of California.

''(d) Nothing in this Act [amending this section and sections 44 and 133 of this title and enacting provisions set out as notes under this section and sections 44 and 133 of this title] shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the northern district of California who are in office on the effective date of this section [see Effective Date of 1966 Amendment note above], and who shall be during the remainder of their present terms of office the United States attorney and marshal for such district as constituted by this Act.

''(e) Nothing in this Act [amending this section and sections 44 and 133 of this title and enacting provisions set out as notes under this section and sections 44 and 133 of this title] shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the southern district of California who are in office on the effective date of this section, and who shall be during the remainder of their present terms of office the United States attorney and marshal for the central district of California.

''(f) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and a United States marshal for the southern district of California.

''(g) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and a United States marshal for the eastern district of California.''

§ 85. Colorado

Colorado constitutes one judicial district.

Court shall be held at Boulder, Colorado Springs, Denver, Durango, Grand Junction, Montrose, Pueblo, and Sterling.

(June 25, 1948, ch. 646, 62 Stat. 875; Pub. L. 98–620, title IV, § 409, Nov. 8, 1984, 98 Stat. 3362; Pub. L. 108–455, § 5, Dec. 10, 2004, 118 Stat. 3629; Pub. L. 108–482, title III, § 301, Dec. 23, 2004, 118 Stat. 3918.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 146 (Mar. 3, 1911, ch. 231, § 73, 36 Stat. 1108; June 12, 1916, ch. 143, 39 Stat. 225; May 29, 1924, ch. 209, 43 Stat. 243).

A provision for furnishing rooms and accommodations at Sterling was omitted as obsolete upon advice from the Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

A provision authorizing adjournment at Denver when there is not business for terms at other places, is incorporated in section 138 of this title.

Provisions as to clerk's and marshal's deputies and maintenance of offices were deleted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–455 and 108–482 amended section identically, inserting ''Colorado Springs,'' after ''Boulder,''.

1984—Pub. L. 98–620 provided for holding court at Boulder.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–620, title IV, § 411, Nov. 8, 1984, 98 Stat. 3362, provided that:

''(a) The amendments made by this subtitle [subtitle B (§§ 404–411) of title IV of Pub. L. 98–620, amending this section and sections 90, 93, 112, 124, and 126 of this title and enacting provisions set out as notes under sections 1, 90, 93, and 124 of this title] shall take effect on January 1, 1985.

''(b) The amendments made by this subtitle shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this subtitle [Jan. 1, 1985].''

§ 86. Connecticut

Connecticut constitutes one judicial district.

Court shall be held at Bridgeport, Hartford, New Haven, New London, and Waterbury.

(June 25, 1948, ch. 646, 62 Stat. 875; Pub. L. 87–36, § 3(b), May 19, 1961, 75 Stat. 83; Pub. L. 89–558, Sept. 7, 1966, 80 Stat. 705.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 147 (Mar. 3, 1911, ch. 231, § 74, 36 Stat. 1108; Feb. 27, 1921, ch. 74, 41 Stat. 1146; June 15, 1933, ch. 80, 48 Stat. 148; Dec. 28, 1945, ch. 599, 59 Stat. 663).

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1966—Pub. L. 89–558 provided for holding court at New London.

1961—Pub. L. 87–36 provided for holding court at Bridgeport and Waterbury.

§ 87. Delaware

Delaware constitutes one judicial district.

Court shall be held at Wilmington.

(June 25, 1948, ch. 646, 62 Stat. 875.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 148 (Mar. 3, 1911, ch. 231, § 75, 36 Stat. 1108).

Minor changes in phraseology were made.

§ 88. District of Columbia

The District of Columbia constitutes one judicial district.

Court shall be held at Washington.

(June 25, 1948, ch. 646, 62 Stat. 875.)

HISTORICAL AND REVISION NOTES

This section expressly makes the District of Columbia a judicial district of the United States.

Section 41 of this title also makes the District of Columbia a judicial circuit of the United States.

Section 11–305 of the District of Columbia Code, 1940 ed., provides that the District Court of the United States for the District of Columbia shall possess the same powers and exercise the same jurisdiction as the district courts of the United States, and shall be deemed a court of the United States.

It is consonant with the ruling of the Supreme Court in *O'Donoghue v. United States*, 1933, 53 S.Ct. 740, 289 U.S. 516, 77 L.Ed. 1356, that the (then called) Supreme Court and Court of Appeals of the District of Columbia are constitutional courts of the United States, ordained and established under article III of the Constitution, Congress enacted that the Court of Appeals ''shall hereafter be known as the United States Court of Appeals for the District of Columbia'' (Act of June 7, 1934, 48 Stat. 926); and also changed the name of the Supreme Court of the District of Columbia to ''district court of the United States for the District of Columbia'' (Act of June 25, 1936, 49 Stat. 1921). In *Federal Trade Commission v. Klesner*, 1927, 47 S.Ct. 557, 274 U.S. 145, 71 L.Ed. 972, the Supreme Court ruled: ''* * * The parallelism between the Supreme Court of the District [of Columbia] and the Court of Appeals of the District [of Columbia], on the one hand, and the district courts of the United States and the circuit courts of appeals, on the other, in the consideration and disposition of cases involving what among the States would be regarded as within Federal jurisdiction, is complete.'' See also to the same effect *Clairborne-Annapolis Ferry Company v. United States*, 1932, 52 S.Ct. 440, 285 U.S. 382, 76 L.Ed. 808.

§ 89. Florida

Florida is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Florida.

Northern District

(a) The Northern District comprises the counties of Alachua, Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington.

Court for the Northern District shall be held at Gainesville, Marianna, Panama City, Pensacola, and Tallahassee.

Middle District

(b) The Middle District comprises the counties of Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Lake, Lee, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, St. Johns, Sarasota, Seminole, Sumter, Suwannee, Union, and Volusia.

Court for the Middle District shall be held at Fernandina, Fort Myers, Jacksonville, Live Oak, Ocala, Orlando, Saint Petersburg, and Tampa.

Southern District

(c) The Southern District comprises the counties of Broward, Dade, Highlands, Indian River, Martin, Monroe, Okeechobee, Palm Beach, and St. Lucie.

Court for the Southern District shall be held at Fort Lauderdale, Fort Pierce, Key West, Miami, and West Palm Beach.

(June 25, 1948, ch. 646, 62 Stat. 876; July 17, 1952, ch. 929, 66 Stat. 757; Pub. L. 87–36, § 3(f), May 19, 1961, 75 Stat. 83; Pub. L. 87–562, § 1, July 30, 1962, 76 Stat. 247; Pub. L. 91–272, § 10, June 2, 1970, 84 Stat. 298; Pub. L. 95–408, § 4(a), Oct. 2, 1978, 92 Stat. 884; Pub. L. 100–702, title X, § 1021(a), Nov. 19, 1988, 102 Stat. 4672.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 149 (Mar. 3, 1911, ch. 231, § 76, 36 Stat. 1108; June 15, 1933, ch. 77, 48 Stat. 147; Aug. 25, 1937, ch. 763, § 1, 50 Stat. 800).

A provision requiring rooms and accommodations to be furnished at Orlando without cost to the United States was omitted as obsolete, upon advice of the Director of the Administrative Office for the United States Courts that Federal accommodations are now available in Orlando.

A provision requiring court to be open at all times was omitted as covered by section 452 of this title.

A provision that no deputy clerk or deputy marshal should be appointed at Fort Pierce, was omitted as incongruous with other sections of this title. See sections 541 [see 561], 542 [see 561], and 751 of this title.

The provision respecting court accommodations at Fort Pierce and Panama City was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1988—Subsec. (b). Pub. L. 100–702, § 1021(a)(1), added Collier, Glades, and Hendry to the counties comprising the Middle District.

Subsec. (c). Pub. L. 100–702, § 1021(a)(2), struck out Collier, Glades, and Hendry from the counties comprising the Southern District.

1978—Subsec. (a). Pub. L. 95–408, § 4(a)(1), added Madison to the counties comprising the Northern District.

Subsec. (b). Pub. L. 95–408, § 4(a)(2), struck out Madison from the counties comprising the Middle District.

1970—Subsec. (c). Pub. L. 91–272 provided for holding court at Fort Lauderdale.

1962—Pub. L. 87–562 struck out provisions which authorized court for the Northern District to be held at Live Oak, and for the Southern District at Fernandina, Fort Myers, Jacksonville, Ocala, Orlando, and Tampa, and removed the counties of Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Columbia, De Soto, Duval, Flagler, Hamilton, Hardee, Hernando, Hillsborough, Lake, Lee, Madison, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Saint Johns, Sarasota, Seminole, Sumter, Suwannee, Union, and Volusia from the Southern District and created the Middle District to comprise such counties.

1961—Subsec. (a). Pub. L. 87–36 provided for holding court at Live Oak.

1952—Subsec. (b). Act July 17, 1952, provided for holding court at Fort Myers and West Palm Beach.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–702, title X, § 1021(b), (c), Nov. 19, 1988, 102 Stat. 4672, provided that:

''(b) EFFECTIVE DATE.—(1) The amendments made by this section [amending this section] shall take effect 90 days after the date of enactment of this title [Nov. 19, 1988].

''(2) The amendments made by subsection (a) [amending this section] shall apply to any action commenced in the United States District Court for the Middle District of Florida, or in the United States District Court for the Southern District of Florida, on or after the effective date of this title [probably should be effective date of this section], and shall not affect any action pending in either such court on such effective date.

''(c) JURIES.—The amendments made by this section [amending this section] shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on the effective date of this title [probably should be effective date of this section].''

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Pub. L. 95–408, § 5, Oct. 2, 1978, 92 Stat. 885, provided that:

''(a) The amendments made by this Act [amending this section and sections 93, 97, 98, 104, 112, 114, and 133 of this title and enacting provisions set out as a note under section 81 of this title] shall take effect 180 days after the date of enactment of this Act [Oct. 2, 1978].

''(b) Nothing in this Act shall affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act.''

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87–562, § 5, July 30, 1962, 76 Stat. 248, provided that: ''This Act [amending this section and section 133 of this title and enacting provisions set out as notes under this section and section 142 of this title] shall become effective ninety days after the date of enactment [July 30, 1962].''

DISTRICT JUDGES, UNITED STATES ATTORNEYS, AND UNITED STATES MARSHALS DESIGNATIONS; TENURE; APPOINTMENTS

Pub. L. 87–562, § 2, July 30, 1962, 76 Stat. 248, provided that:

''(a) The district judge appointed September 26, 1950, the district judge appointed August 13, 1955, and the district judge appointed March 8, 1961, all for the Southern District of Florida, shall hereafter be designated as district judges for the Middle District of Florida.

''(b) The district judge for the Northern and Southern Districts of Florida shall hereafter be designated as the district judge for the Northern, Middle, and Southern Districts of Florida.

''(c) Nothing in this Act [amending this section and section 133 of this title, and enacting provisions set out as notes under this section and section 142 of this title] shall in any manner affect the tenure of office of the United States Attorney and the United States Marshal for the Northern District of Florida who are in office at the time of the enactment of this Act [July 30, 1962], and who shall be during the remainder of their present terms of office the United States Attorney and Marshal for such district as constituted by this Act.

''(d) Nothing in this Act [amending this section and section 133 of this title and enacting provisions set out as notes under this section and section 142 of this title] shall in any manner affect the tenure of office of the United States Attorney and the United States Marshal for the Southern District of Florida who are in office at the time of the enactment of this Act [July 30, 1962], and who shall be during the remainder of their present terms of office the United States Attorney and Marshal for the Middle District of Florida as constituted by this Act.

''(e) The President is authorized to appoint, by and with the advice and consent of the Senate, a United States Attorney and a United States Marshal for the Southern District of Florida.''

ELIMINATION OF DISTRICT JUDGESHIP FOR NORTHERN, MIDDLE, AND SOUTHERN DISTRICTS OF FLORIDA

District judgeship for northern, middle, and southern districts changed to district judgeship for middle district only, see section 2(b) of Pub. L. 89–372, set out as a note under section 133 of this title.

§ 90. Georgia

Georgia is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Georgia.

Northern District

(a) The Northern District comprises four divisions.

(1) The Gainesville Division comprises the counties of Banks, Barrow, Dawson, Fannin, Forsyth, Gilmer, Habersham, Hall, Jackson, Lumpkin, Pickens, Rabun, Stephens, Towns, Union, and White.

Court for the Gainesville Division shall be held at Gainesville.

(2) The Atlanta Division comprises the counties of Cherokee, Clayton, Cobb, De Kalb, Douglas, Fulton, Gwinnett, Henry, Newton, and Rockdale.

Court for the Atlanta Division shall be held at Atlanta.

(3) The Rome Division comprises the counties of Bartow, Catoosa, Chattooga,

Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield.

Court for the Rome Division shall be held at Rome.

(4) The Newnan Division comprises the counties of Carroll, Coweta, Fayette, Haralson, Heard, Meriwether, Pike, Spalding, and Troup.

Court for the Newnan Division shall be held at Newnan.

Middle District

(b) The Middle District comprises seven divisions.

(1) The Athens Division comprises the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton.

Court for the Athens Division shall be held at Athens.

(2) The Macon Division comprises the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson.

Court for the Macon Division shall be held at Macon.

(3) The Columbus Division comprises the counties of Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor.

Court for the Columbus Division shall be held at Columbus.

(4) The Americus Division comprises the counties of Ben Hill, Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox.

Court for the Americus Division shall be held at Americus.

(5) The Albany Division comprises the counties of Baker, Calhoun, Dougherty, Early, Miller, Mitchell, Turner, and Worth.

Court for the Albany Division shall be held at Albany.

(6) The Valdosta Division comprises the counties of Berrien, Clinch, Cook, Echols, Irwin, Lanier, Lowndes, and Tift.

Court for the Valdosta Division shall be held at Valdosta.

(7) The Thomasville Division comprises the counties of Brooks, Colquitt, Decatur, Grady, Seminole, and Thomas.

Court for the Thomasville Division shall be held at Thomasville.

Southern District

(c) The Southern District comprises six divisions.

(1) The Augusta Division comprises the Counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes.

Court for the Augusta Division shall be held at Augusta.

(2) The Dublin Division comprises the counties of Dodge, Johnson, Laurens, Montgomery, Telfair, Treutlen, and Wheeler.

Court for the Dublin Division shall be held at Dublin.

(3) The Savannah Division comprises the counties of Bryan, Chatham, Effingham, and Liberty.

Court for the Savannah Division shall be held at Savannah.

(4) The Waycross Division comprises the counties of Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce, and Ware.

Court for the Waycross Division shall be held at Waycross.

(5) The Brunswick Division comprises the counties of Appling, Camden, Glynn, Jeff Davis, Long, McIntosh, and Wayne.

Court for the Brunswick Division shall be held at Brunswick.

(6) The Statesboro Division comprises the counties of Bulloch, Candler, Emanuel, Evans, Jenkins, Screven, Tattnall, and Toombs.

Court for the Statesboro Division shall be held at Statesboro.

(June 25, 1948, ch. 646, 62 Stat. 876; Aug. 16, 1949, ch. 444, 63 Stat. 610; Oct. 31, 1951, ch. 655, §36a, 65 Stat. 723; Pub. L. 98–620, title IV, §408(a)–(c), Nov. 8, 1984, 98 Stat. 3362; Pub. L. 99–657, §3, Nov. 14, 1986, 100 Stat. 3670.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §150 (Mar. 3, 1911, ch. 231, §77, 36 Stat. 1108; May 28, 1926, ch. 414, §§1, 2, 44 Stat. 670; Aug. 22, 1935, ch. 603, §§1–3, 49 Stat. 680, 681; June 20, 1936, ch. 639, 49 Stat. 1561; Aug. 21, 1937, ch. 728, §§1, 2, 50 Stat. 739, 740; Mar. 6, 1942, ch. 153, §§1–3, 56 Stat. 139; Oct. 29, 1945, ch. 435, 59 Stat. 550).

Provisions for furnishing rooms and accommodations at Americus and Dublin were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in each of those places.

The provisions respecting court accommodations at Brunswick, Newnan, or Thomasville were omitted as covered by section 142 of this title.

Since the latest amendment of section 150 of title 28, U.S.C., 1940 ed., the former counties of Campbell and Milton were merged with Fulton County in the Atlanta Division of the Northern District.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1986—Subsec. (c)(1). Pub. L. 99–657, §3(1), substituted ''Jefferson, Lincoln'' for ''Lincoln''.

Subsec. (c)(3). Pub. L. 99–657, §3(2), substituted ''and Liberty'' for ''Evans, Liberty, Screven, and Tattnall''.

Subsec. (c)(6). Pub. L. 99–657, §3(3), substituted ''Evans, Jenkins, Screven, Tattnall'' for ''Jefferson, Jenkins''.

1984—Subsec. (a)(1). Pub. L. 98–620, §408(a), added Fannin, Gilmer, and Pickens to the counties comprising the Gainesville Division of the Northern District.

Subsec. (a)(2). Pub. L. 98–620, §408(b), struck out Fannin, Gilmer, and Pickens from the counties comprising the Atlanta Division of the Northern District.

Subsec. (c)(6). Pub. L. 98–620, §408(c), substituted ''Statesboro'' for ''Swainsboro'' in three places.

1951—Subsec. (c)(6). Act Oct. 31, 1951, struck out ''Washington,''.

1949—Subsec. (c). Act Aug. 16, 1949, created a Swainsboro division and provided for holding court there.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–657 effective 90 days after Nov. 14, 1986, and not to affect any action commenced

before and pending on such effective date, or to affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on such date, see section 4 of Pub. L. 99–657, set out as a note under section 121 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–620, title IV, § 408(d), Nov. 8, 1984, 98 Stat. 3362, provided that: ''The amendments made by this section [amending this section] shall apply to any action commenced in the United States District Court for the Northern District of Georgia on or after the effective date of this subtitle [Jan. 1, 1985], and shall not affect any action pending in such court on such effective date.''

Amendment by Pub. L. 98–620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98–620, set out as a note under section 85 of this title.

§ 91. Hawaii

Hawaii constitutes one judicial district which includes the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Palmyra Island, Baker Island, Howland Island, Jarvis Island, Canton Island, and Enderbury Island: *Provided*, That the inclusion of Canton and Enderbury Islands in such judicial district shall in no way be construed to be prejudicial to the claims of the United Kingdom to said Islands in accordance with the agreement of April 6, 1939, between the Governments of the United States and of the United Kingdom to set up a regime for their use in common.

Court shall be held at Honolulu.

(June 25, 1948, ch. 646, 62 Stat. 877; May 24, 1949, ch. 139, § 64a, 63 Stat. 99; Pub. L. 86–3, § 14(i), Mar. 18, 1959, 73 Stat. 11; Pub. L. 86–624, § 19, July 12, 1960, 74 Stat. 416.)

HISTORICAL AND REVISION NOTES

Based on sections 641 and 642a of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, § 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, § 1, 35 Stat. 838; July 9, 1921, ch. 42, § 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; Aug. 13, 1940, ch. 662, 54 Stat. 784).

Section consolidates parts of sections 641 and 642a of title 48, U.S.C., 1940 ed.

The provisions of section 641 of title 48, U.S.C., 1940 ed., with reference to regular and special terms and the times of holding same were omitted as covered by sections 138 and 141 of this title.

Provisions of section 642a of title 48, U.S.C., 1940 ed., relating to jurisdiction of civil actions and criminal offenses, were omitted as covered by the general jurisdictional provisions of this title and revised title 18 (H. R. 3190, 80th Cong.).

Provisions of section 642a of title 48, U.S.C., 1940 ed., as to appeals were omitted as covered by section 1295 of this title. Provisions of said section 642a with reference to juries and jury trials were omitted as covered by chapter 121 of this title.

Other provisions of section 641 of title 48, U.S.C., 1940 ed., are incorporated in sections 132 and 133 of this title.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

1960—Pub. L. 86–624 struck out Kure Island.

1959—Pub. L. 86–3 included Palmyra Island.

1949—Act May 24, 1949, inserted provisions relating to inclusion of Canton and Enderbury Islands.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86–3, § 14, Mar. 18, 1959, 73 Stat. 10, provided that the amendments of sections 91, 373, 1252, 1293, and 1294 of this title, sections 3771 and 3772 of Title 18, Crimes and Criminal Procedure, and section 644a of Title 48, Territories and Insular Possessions, the repeal of sections 536, 539, 634, 634a, and 645 of title 48, and notes set out under sections 371 and 373 of this title, are effective on admission of the State of Hawaii into the Union. See Admission of Hawaii as State note below.

CANTON AND ENDERBURY ISLANDS; SOVEREIGNTY OF KIRIBATI

By a treaty of friendship, TIAS 10777, which entered into force Sept. 23, 1983, the United States recognized the sovereignty of Kiribati over Canton Island and Enderbury Island.

COURT OF THE UNITED STATES; DISTRICT JUDGES

Pub. L. 86–3, § 9(a), Mar. 18, 1959, 73 Stat. 8, provided that: ''The United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thence forth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however*, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior.''

Section 9 of Pub. L. 86–3 provided in part that subsec. (a) of that section should be effective upon the admission of the State of Hawaii into the Union.

CONTINUATION OF SUITS

Pub. L. 86–3, § 12, Mar. 18, 1959, 73 Stat. 9, provided that: ''No writ, action, indictment, cause, or proceeding pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no writ, action, indictment, cause or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such writ, action, indictment, cause or proceeding shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

''All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no writ, action, indictment or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses

as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.''

APPEALS

Pub. L. 86–3, § 13, Mar. 18, 1959, 73 Stat. 10, provided that: ''Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.''

EXTENSION OF JURISDICTION OF UNITED STATES DISTRICT COURT FOR DISTRICT OF HAWAII AND OF CIVIL AND CRIMINAL LAWS TO MIDWAY, WAKE, JOHNSON, SAND, ETC., ISLANDS

The jurisdiction of the United States District Court for the District of Hawaii and the laws of the United States relating to civil acts or offenses consummated or committed on the high seas on board a vessel belonging to the United States were extended to the Midway Islands, Wake, Johnson, Sand, etc., Islands by section 644a of Title 48, Territories and Insular Possessions.

Executive Documents

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

§ 92. Idaho

Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

Court shall be held at Boise, Coeur d'Alene, Moscow, and Pocatello.

(June 25, 1948, ch. 646, 62 Stat. 877; Pub. L. 91–272, § 5, June 2, 1970, 84 Stat. 297.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 151 (Mar. 3, 1911, ch. 231, § 78, 36 Stat. 1109; May 11, 1939, ch. 121, 53 Stat. 738).

All of Yellowstone National Park is included in the judicial district of Wyoming by section 131 of this title. Those parts of the park lying in Idaho are accordingly excluded from the judicial district of Idaho.

A provision as to the places for maintenance of the clerk's offices, and requiring that they be open at all times, was omitted as covered by sections 452–751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1970—Pub. L. 91–272 struck out provisions which had divided the judicial district of Idaho into a Northern Division, a Central Division, a Southern Division, and an Eastern Division.

§ 93. Illinois

Illinois is divided into three judicial districts to be known as the Northern, Central, and Southern Districts of Illinois.

Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Cook, Du Page, Grundy, Kane, Kendall, Lake, La Salle, and Will.

Court for the Eastern Division shall be held at Chicago and Wheaton.

(2) The Western Division comprises the counties of Boone, Carroll, De Kalb, Jo Daviess, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago.

Court for the Western Division shall be held at Freeport and Rockford.

Central District

(b) The Central District comprises the counties of Adams, Brown, Bureau, Cass, Champaign, Christian, Coles, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Henderson, Henry, Iroquois, Kankakee, Knox, Livingston, Logan, McDonough, McLean, Macoupin, Macon, Marshall, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Putnam, Rock Island, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, and Woodford.

Court for the Central District shall be held at Champaign/Urbana, Danville, Peoria, Quincy, Rock Island, and Springfield.

Southern District

(c) The Southern District comprises the counties of Alexander, Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson.

Court for the Southern District shall be held at Alton, Benton, Cairo, and East Saint Louis.

(June 25, 1948, ch. 646, 62 Stat. 878; Aug. 10, 1950, ch. 675, § 1, 64 Stat. 438; Pub. L. 87–36, § 3(c), May 19, 1961, 75 Stat. 83; Pub. L. 91–272, § 8, June 2, 1970, 84 Stat. 297; Pub. L. 95–408, § 4(b)(1), Oct. 2, 1978, 92 Stat. 884; Pub. L. 95–573, § 1, Nov. 2, 1978, 92 Stat. 2458; Pub. L. 98–620, title IV, § 406(a), (c), Nov. 8, 1984, 98 Stat. 3361; Pub. L. 106–130, § 2, Dec. 6, 1999, 113 Stat. 1677.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 152 (Mar. 3, 1911, ch. 231, § 79, 36 Stat. 1110; Aug. 12, 1937, ch. 594, 50 Stat. 624; June 6, 1940, ch. 247, 54 Stat. 237).

Provisions relating to appointment of deputy marshals and maintenance of offices by deputy marshals and deputy clerks were omitted as covered by sections 452, 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106–130 inserted ''and Wheaton'' before period at end.

1984—Subsec. (a)(1). Pub. L. 98–620, § 406(a)(1), struck out De Kalb and McHenry from the counties comprising the Eastern Division of the Northern District.

Subsec. (a)(2). Pub. L. 98–620, § 406(a)(2), added De Kalb and McHenry to the counties comprising the Western Division of the Northern District.

Subsec. (b). Pub. L. 98–620, § 406(c), provided for holding court at Champaign/Urbana.

1978—Pub. L. 95–408 substituted in introductory provisions ''Northern, Central, and Southern Districts of Illinois'' for ''Northern, Southern, and Eastern Districts of Illinois''.

Subsec. (a)(1). Pub. L. 95–573, § 1(1), struck out Kankakee from the counties comprising the Eastern Division of the Northern District.

Pub. L. 95–408 added Kankakee to the counties comprising the Eastern Division of the Northern District.

Subsec. (b). Pub. L. 95–573, § 1(2), added Kankakee to the counties comprising the Central District.

Pub. L. 95–408 substituted ''Central District'' for ''Southern District'' in heading, struck out subsec. (b)(1) and (2) designations, which divided Southern District into a Northern and Southern Division, and in such newly created Central District, added counties of Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Moultrie, Piatt, Shelby, and Vermilion to, and struck out counties of Bond, Calhoun, Jersey, and Madison from, those counties comprising the new Central District, and substituted provisions for holding of a term of Court for Central District at Danville, Peoria, Quincy, Rock Island, and Springfield for provisions for holding of a term of Court for Northern Division of the former Southern District at Peoria and Rock Island and for Southern Division of former Southern District at Alton, Quincy, and Springfield.

Subsec. (c). Pub. L. 95–408 substituted ''Southern District'' for ''Eastern District'' in heading, and in such Southern District added counties of Bond, Calhoun, Jersey, and Madison to, and struck out counties of Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Moultrie, Piatt, Shelby and Vermilion from, those counties comprising Southern District, and substituted provisions for holding of a term of Court for Southern District at Alton, Benton, Cairo, and East Saint Louis for provisions for holding of a term of Court for Eastern District at Benton, Cairo, Danville, and East Saint Louis.

1970—Subsec. (a)(2). Pub. L. 91–272 provided for holding court at Rockford.

1961—Subsec. (b)(2). Pub. L. 87–36 provided for holding court at Alton.

1950—Subsec. (b)(1). Act Aug. 10, 1950, provided for holding court at Rock Island.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–620, title IV, § 406(b), Nov. 8, 1984, 98 Stat. 3361, provided that: ''The amendments made by subsection (a) of this section [amending this section] shall apply to any action commenced in the United States District Court for the Northern District of Illinois on or after the effective date of this subtitle [Jan. 1, 1985], and shall not affect any action pending in such court on such effective date.''

Amendment by Pub. L. 98–620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98–620, set out as a note under section 85 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95–573, § 6, Nov. 2, 1978, 92 Stat. 2458, as amended by Pub. L. 96–4, § 2, Mar. 30, 1979, 93 Stat. 7, provided that:

''(a) Except as provided in subsection (b) of this section, the provisions of this Act [amending this section and sections 99, 112, and 118 of this title and enacting a provision set out as a note under section 84 of this title] shall take effect 180 days after the date of enactment of this Act [Nov. 2, 1978].

''(b)(1) The provisions of section 5 of this Act [set out as a note under section 84 of this title] shall take effect on the date of enactment of this Act [Nov. 2, 1978].

''(2) The provisions of the first section of this Act [amending this section] shall take effect on March 31, 1979.

''(c) Nothing in this Act [amending this section and sections 99, 112, and 118 of this title and enacting provisions set out as a note under section 84 of this title] shall affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act.''

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

DISTRICT JUDGES, UNITED STATES ATTORNEYS, ASSISTANT UNITED STATES ATTORNEYS, AND UNITED STATES MARSHALS FOR CENTRAL AND SOUTHERN DISTRICTS; DESIGNATION; TENURE; APPOINTMENT; GRAND JURY

Pub. L. 95–408, § 4(b)(2)–(4), as added by Pub. L. 96–4, § 1, Mar. 30, 1979, 93 Stat. 6, provided that:

''(2) The district judge for the Eastern District of Illinois in office on the effective date of this Act [180 days after Oct. 2, 1978] who is senior in commission shall, on and after the effective date of this Act, be a district judge for the Southern District of Illinois. The remaining district judge for the Eastern District of Illinois who is in office on the effective date of this Act and the district judges for the Southern District of Illinois who are in office on the effective date of this Act shall, on and after the effective date of this Act, be district judges for the Central District of Illinois. The President shall appoint, by and with the advice and consent of the Senate, a second district judge for the Southern District of Illinois.

''(3) This section does not in any manner affect the tenure of the United States attorney, the assistant United States attorneys, or the United States marshal for the Eastern District of Illinois or for the Southern District of Illinois who are in office on the effective date of this Act [180 days after Oct. 2, 1978]. The United States attorney, the assistant United States attorneys, and the United States marshal for the Eastern District and for the Southern District of Illinois shall, on the effective date of this Act, become the United States attorney, the assistant United States attorneys, and the United States marshal for the Southern District and for the Central District of Illinois, respectively.

''(4) Notwithstanding section 3240 of title 18, United States Code, any grand jury impaneled on or after the effective date of this Act [180 days after Oct. 2, 1978] by a district court for the Central District or the Southern

District of Illinois may inquire into and return indictments charging offenses against the criminal laws of the United States alleged to have been committed anywhere within the territory of the respective judicial districts as such districts were constituted before or after the effective date of this Act.''

§ 94. Indiana

Indiana is divided into two judicial districts to be known as the Northern and Southern Districts of Indiana.

Northern District

(a) The Northern District comprises three divisions.

(1) The Fort Wayne Division comprises the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley.

Court for the Fort Wayne Division shall be held at Fort Wayne.

(2) The South Bend Division comprises the counties of Cass, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash.

Court for the South Bend Division shall be held at South Bend.

(3) The Hammond Division comprises the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White.

Court for the Hammond Division shall be held at Hammond and Lafayette.

Southern District

(b) The Southern District comprises four divisions.

(1) The Indianapolis Division comprises the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne.

Court for the Indianapolis Division shall be held at Indianapolis and Richmond.

(2) The Terre Haute Division comprises the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo.

Court for the Terre Haute Division shall be held at Terre Haute.

(3) The Evansville Division comprises the counties of Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.

Court for the Evansville Division shall be held at Evansville.

(4) The New Albany Division comprises the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

Court for the New Albany Division shall be held at New Albany.

(June 25, 1948, ch. 646, 62 Stat. 878; Feb. 10, 1954, ch. 6, § 2(b)(7), 68 Stat. 11; Pub. L. 91–272, § 9, June 2, 1970, 84 Stat. 298.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 153 (Mar. 3, 1911, ch. 231, § 80, 36 Stat. 1110; Apr. 21, 1928, ch. 393, 45 Stat. 437).

Words ''when the time fixed as above for the sitting of a court shall fall on a legal holiday the terms shall begin on the next day following,'' were omitted as within the discretion of the court and coverable by rule of court.

A provision that terms should not be limited to any particular number of days, and that a term about to commence in another division might be adjourned until the business of the court in session was concluded, was omitted as covered by section 140 of this title.

A provision authorizing indictments for offenses committed in divisions other than that wherein a grand jury is sitting was omitted as covered by Federal Rules of Criminal Procedure, Rules 6, 7.

Provisions as to maintenance of clerks' offices were omitted as covered by sections 452 and 751 of this title.

The following provisions were omitted as either executed or covered by section 501 [now 541] et seq. and section 541 [now 561] et seq. of this title, containing similar provisions as to United States attorneys and marshals:

''A. The senior district judge for the district of Indiana in office immediately prior to April 21, 1928, shall be the district judge for the southern district as constituted by this section; the junior district judge for the district of Indiana immediately prior to April 21, 1928, shall be the district judge for the northern district as constituted by this section; and the district attorney and marshal for the district of Indiana in office immediately prior to April 21, 1928, shall be during the remainder of their present terms of office the district attorney and marshal for the southern district as constituted by this section.

''B. The President is authorized and directed to appoint, by and with the advice and consent of the Senate, a district attorney and a marshal for the United States District Court for the Northern District of Indiana.''

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1970—Subsec. (b)(1). Pub. L. 91–272 provided for holding court at Richmond.

1954—Subsec. (a)(3). Act Feb. 10, 1954, provided for holding court at Lafayette.

§ 95. Iowa

Iowa is divided into two judicial districts to be known as the Northern and Southern Districts of Iowa.

Northern District

(a) The Northern District comprises four divisions.

(1) The Cedar Rapids Division comprises the counties of Benton, Cedar, Grundy, Hardin, Iowa, Jones, Linn, and Tama.

Court for the Cedar Rapids Division shall be held at Cedar Rapids.

(2) The Eastern Division comprises the counties of Allamakee, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Howard, Jackson, Mitchell, and Winneshiek.

Court for the Eastern Division shall be held at Dubuque and Waterloo.

(3) The Western Division comprises the counties of Buena Vista, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona,

O'Brien, Osceola, Plymouth, Sac, Sioux, and Woodbury.

Court for the Western Division shall be held at Sioux City.

(4) The Central Division comprises the counties of Butler, Calhoun, Carroll, Cerro Gordo, Emmet, Franklin, Hamilton, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster, Winnebago, Worth, and Wright.

Court for the Central Division shall be held at Fort Dodge and Mason City.

Southern District

(b) The Southern District comprises six divisions.

(1) The Central Division comprises the counties of Boone, Dallas, Greene, Guthrie, Jasper, Madison, Marion, Marshall, Polk, Poweshiek, Story, and Warren.

Court for the Central Division shall be held at Des Moines.

(2) The Eastern Division comprises the counties of Des Moines, Henry, Lee, Louisa, and Van Buren.

Court for the Eastern Division shall be held at Keokuk.

(3) The Western Division comprises the counties of Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, and Shelby.

Court for the Western Division shall be held at Council Bluffs.

(4) The Southern Division comprises the counties of Adair, Adams, Clarke, Decatur, Lucas, Ringgold, Taylor, Union, and Wayne.

Court for the Southern Division shall be held at Creston.

(5) The Davenport Division comprises the counties of Clinton, Johnson, Muscatine, Scott, and Washington.

Court for the Davenport Division shall be held at Davenport.

(6) The Ottumwa Division comprises the counties of Appanoose, Davis, Jefferson, Keokuk, Mahaska, Monroe, and Wapello.

Court for the Ottumwa Division shall be held at Ottumwa.

(June 25, 1948, ch. 646, 62 Stat. 879; Pub. L. 96–462, § 3(a), Oct. 15, 1980, 94 Stat. 2053.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 156 and 156a (Mar. 3, 1911, ch. 231, § 81, 36 Stat. 1111; Mar. 3, 1913, ch. 122, 37 Stat. 734; Feb. 23, 1916, ch. 32, 39 Stat. 12; Apr. 27, 1916, ch. 90, 39 Stat. 55; Mar. 4, 1923, ch. 256, 42 Stat. 1483; Jan. 28, 1925, ch. 104, 43 Stat. 794; July 5, 1937, ch. 428, 50 Stat. 474).

A provision relating to the maintenance of clerk's office was omitted as covered by section 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1980—Subsec. (b)(3). Pub. L. 96–462, § 3(a)(1), added Fremont and Page counties to Western Division of Southern District.

Subsec. (b)(4). Pub. L. 96–462, § 3(a)(2), struck out references to Fremont and Page counties in list of counties comprising Southern Division of Southern District.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 96–462 effective Oct. 1, 1981, but not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on Oct. 1, 1981, see section 7 of Pub. L. 96–462, set out as a note under section 84 of this title.

Pub. L. 96–462, § 3(b), Oct. 15, 1980, 94 Stat. 2053, provided that: "The amendments made by subsection (a) [amending this section] shall not apply to any action commenced before the effective date of such amendments [Oct. 1, 1981] and pending in the United States District Court for the Southern District of Iowa on such date."

HOLDING COURT FOR THE SOUTHERN DISTRICT OF IOWA

Pub. L. 107–273, div. C, title I, § 11029, Nov. 2, 2002, 116 Stat. 1836, as amended by Pub. L. 108–455, § 1, Dec. 10, 2004, 118 Stat. 3628, provided that: "Notwithstanding any other provision of law, during the period beginning on January 1, 2003, through July 1, 2006, the United States District Court for the Southern District of Iowa may—

"(1) with the consent of the parties in any case filed in the Eastern Division or the Davenport Division of the Southern District of Iowa, hold court on that case in Rock Island, Illinois; and

"(2) summon jurors from the Southern District of Iowa to serve in any case described under paragraph (1)."

§ 96. Kansas

Kansas constitutes one judicial district.

Court shall be held at Kansas City, Lawrence, Leavenworth, Salina, Topeka, Hutchinson, Wichita, Dodge City, and Fort Scott.

(June 25, 1948, ch. 646, 62 Stat. 880; Aug. 27, 1949, ch. 516, 63 Stat. 666; Pub. L. 99–554, title I, § 141, Oct. 27, 1986, 100 Stat. 3096.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 157 (Mar. 3, 1911, ch. 231, § 82, 36 Stat. 1112; Sept. 6, 1916, ch. 447, 39 Stat. 725; June 7, 1924, ch. 319, 43 Stat. 607; June 13, 1938, ch. 349, 52 Stat. 673).

Provisions as to the appointment and residence of deputy marshals and deputy clerks and maintenance of offices by them were omitted. See sections 541 [see 561], 542 [see 561], and 751 of this title.

A provision making inoperative the terms of the last paragraph of this section, whenever, upon the recommendation of the Attorney General, court accommodations should be provided in Federal buildings, was omitted as unnecessary. When such buildings become available the Director of the Administrative Office of the United States Courts will, under section 604 of this title, provide court accommodations therein.

The provision respecting court accommodations at Hutchinson was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1986—Pub. L. 99–554 provided for holding court at Lawrence.

1949—Act Aug. 27, 1949, abolished the three divisions which constituted the judicial district, and added Dodge City as an additional place for holding court.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99–554, set out as a note under section 581 of this title.

§ 97. Kentucky

Kentucky is divided into two judicial districts to be known as the Eastern and Western Districts of Kentucky.

Eastern District

(a) The Eastern District comprises the counties of Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carroll, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Henry, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, Wayne, Whitley, Wolfe, and Woodford.

Court for the Eastern District shall be held at Ashland, Catlettsburg, Covington, Frankfort, Jackson, Lexington, London, Pikeville, and Richmond.

Western District

(b) The Western District comprises the counties of Adair, Allen, Ballard, Barren, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Russell, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, and Webster.

Court for the Western District shall be held at Bowling Green, Louisville, Owensboro, and Paducah.

(June 25, 1948, ch. 646, 62 Stat. 880; Pub. L. 95–408, § 2(a), Oct. 2, 1978, 92 Stat. 883.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 158 (Mar. 3, 1911, ch. 231, § 83, 36 Stat. 1112; Jan. 29, 1920, ch. 57, 41 Stat. 400; June 22, 1936, ch. 707, 49 Stat. 1822).

Last paragraph of section 158 of title 28, U.S.C., 1940 ed., relating to process, was omitted as covered by Rule 4 of the Federal Rules of Civil Procedure.

Provisions relating to maintenance of clerk's offices were omitted as covered by sections 452 and 751 of this title.

Provisions for furnishing rooms and accommodations at Lexington and Pikeville were omitted as obsolete on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in each of those places.

Words "with the waters thereof," after the list of counties in each district, were omitted as unnecessary and inconsistent with other sections of this chapter.

McCreary County of the Eastern District was formed from parts of the counties of Pulaski, Wayne, and Whitley since the latest amendment of the Judicial Code.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–408 provided for holding court at Ashland.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

§ 98. Louisiana

Louisiana is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Louisiana.

Eastern District

(a) The Eastern District comprises the parishes of Assumption, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Tammany, Tangipahoa, Terrebonne, and Washington.

Court for the Eastern District shall be held at New Orleans, and Houma.

Middle District

(b) The Middle District comprises the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, and West Feliciana.

Court for the Middle District shall be held at Baton Rouge.

Western District

(c) The Western District comprises the parishes of Acadia, Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, Jefferson Davis, De Soto, East Carroll, Evangeline, Franklin, Grant, Iberia, Jackson, Lafayette, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Saint Landry, Saint Martin, Saint Mary, Tensas, Union, Vermilion, Vernon, Webster, West Carroll, and Winn.

Court for the Western District shall be held at Alexandria, Lafayette, Lake Charles, Monroe, Opelousas, and Shreveport.

(June 25, 1948, ch. 646, 62 Stat. 881; Pub. L. 87–36, § 4, May 19, 1961, 75 Stat. 83; Pub. L. 92–208, § 3(a), Dec. 18, 1971, 85 Stat. 741; Pub. L. 95–408, § 3(a), Oct. 2, 1978, 92 Stat. 883; Pub. L. 98–353, title II, § 203(b), July 10, 1984, 98 Stat. 350.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 159 (Mar. 3, 1911, ch. 231, § 84, 36 Stat. 1113).

Provisions relating to the maintenance of offices by the clerks were omitted as covered by sections 452 and 751 of this title.

The parishes of Allen, Beauregard, and Jefferson Davis of the Lake Charles Division of the Western Dis-

trict were formed out of part of Calcasieu Parish since the enactment of the Judicial Code.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–353 inserted ‘‘, and Houma’’ after ‘‘New Orleans’’.

1978—Subsec. (c). Pub. L. 95–408 struck out par. (1) to (6) designations which had divided the parishes of Western District into six divisions.

1971—Pub. L. 92–208 created a Middle District consisting of the nine parishes formerly making up Baton Rouge Division of Eastern District and designated as the entire Eastern District the thirteen parishes formerly making up New Orleans Division of Eastern District.

1961—Pub. L. 87–36 struck out from enumeration in subsec. (a)(1) the parishes of Iberia and Saint Mary, in subsec. (b)(1) Lafayette, Saint Martin and Vermilion, and in subsec. (b)(5) Acadia, and created sixth division of subsec. (b), consisting of such parishes.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92–208, § 3(f), Dec. 18, 1971, 85 Stat. 742, provided that: ‘‘The provisions of this section [amending this section and sections 133 and 134 of this title and enacting provisions set out below] shall become effective one hundred and twenty days after the date of enactment of this Act [Dec. 18, 1971].’’

DISTRICT JUDGE, UNITED STATES ATTORNEY, AND UNITED STATES MARSHAL FOR MIDDLE DISTRICT; DESIGNATION; TENURE; APPOINTMENT

Pub. L. 92–208, § 3(b), (c), Dec. 18, 1971, 85 Stat. 742, provided that:

‘‘(b) The district judge for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this section [see Effective Date of 1971 Amendment Note above], and whose official station on such date is Baton Rouge, shall, on and after such date, be the district judge for the Middle District of Louisiana. All other district judges for the Eastern District of Louisiana holding office on the day immediately prior to the effective date of this section shall be district judges for the Eastern District of Louisiana as constituted by this section.

‘‘(c)(1) Nothing in this section shall in any manner affect the tenure of office of the United States attorney and the United States marshal for the Eastern District of Louisiana who are in office on the effective date of this section, and who shall be during the remainder of their present terms of office the United States attorney and marshal for the Eastern District of Louisiana as constituted by this section.

‘‘(2) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and marshal for the Middle District of Louisiana.’’

§ 99. Maine

Maine constitutes one judicial district.

Court shall be held at Bangor and Portland.

(June 25, 1948, ch. 646, 62 Stat. 881; Pub. L. 95–573, § 2, Nov. 2, 1978, 92 Stat. 2458.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 160 (Mar. 3, 1911, ch. 231, § 85, 36 Stat. 1114; Dec. 22, 1911, ch. 7, 37 Stat. 51; Sept. 8, 1916, ch. 475, §§ 1, 3, 39 Stat. 850; Mar. 4, 1923, ch. 279, 42 Stat. 1506).

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1978—Pub. L. 95–573 struck out provision for two separate divisions, (1) the Northern Division comprising the counties of Aroostook, Hancock, Penobscot, Piscataquis, Somerset, Waldo, and Washington and (2) the Southern Division comprising the counties of Androscoggin, Cumberland, Franklin, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, and York.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–573 effective 180 days after Nov. 2, 1978, see section 6 of Pub. L. 95–573, set out as a note under section 93 of this title.

§ 100. Maryland

Maryland constitutes one judicial district comprising two divisions.

(1) The Northern Division comprises the counties of Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Queen Anne’s, Somerset, Talbot, Washington, Wicomico, and Worcester, and the City of Baltimore.

Court for the Northern Division shall be held at Baltimore, Cumberland, and Denton.

(2) The Southern Division comprises the counties of Calvert, Charles, Montgomery, Prince George’s, and St. Mary’s.

Court for the Southern Division shall be held at a suitable site in Montgomery or Prince George’s County not more than five miles from the boundary of Montgomery and Prince George’s Counties.

(June 25, 1948, ch. 646, 62 Stat. 882; Pub. L. 91–546, § 4, Dec. 14, 1970, 84 Stat. 1412; Pub. L. 100–487, § 1, Oct. 14, 1988, 102 Stat. 2431.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 166 (Mar. 3, 1911, ch. 231, § 86, 36 Stat. 1114; Mar. 3, 1925, ch. 422, 43 Stat. 1106).

Provisions relating to appointment of a deputy clerk and a deputy marshal and the maintenance of offices by such deputies were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

The provisions respecting court accommodations at Denton were omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1988—Pub. L. 100–702 amended section generally. Prior to amendment, section provided that Maryland constituted one judicial district and that court be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties.

1970—Pub. L. 91–546 added a suitable site in Prince Georges County not more than five miles from the

boundary of Montgomery and Prince Georges Counties to the list of enumerated places for holding court in Maryland.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–487, §2, Oct. 14, 1988, 102 Stat. 2431, provided that:

''(a) IN GENERAL.—This Act and the amendments made by this Act [amending this section] shall take effect 180 days after the date of the enactment of this Act [Oct. 14, 1988].

''(b) PENDING CASES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending in the United States District Court for the District of Maryland on such date.

''(c) JURIES NOT AFFECTED.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Judicial District of Maryland on the effective date of this Act.''

§101. Massachusetts

Massachusetts constitutes one judicial district.

Court shall be held at Boston, New Bedford, Springfield, and Worcester.

(June 25, 1948, ch. 646, 62 Stat. 882.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §167 (Mar. 3, 1911, ch. 231, §87, 36 Stat. 1114; May 1, 1922, ch. 173, 42 Stat. 503; May 17, 1926, ch. 306, 44 Stat. 559).

Words ''and the terms at Boston shall not be terminated or affected by the terms at Springfield, New Bedford, or Worcester,'' were omitted as covered by section 138 of this title.

Provisions relating to appointment of deputy clerks and deputy marshals, and maintenance of office by said deputies were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Provisions for furnishing rooms and accommodations at Springfield and Worcester were omitted as obsolete upon advice of Director of the Administrative Office of the United States Courts that federal accommodations have been provided at such places.

A provision requiring the return of all process to the terms at Boston and the keeping of all court papers in the clerk's office at Boston, unless otherwise specially ordered by the court, was omitted, since such matters can be regulated more appropriately by court rule or order. See Federal Rules of Civil Procedure, Rule 4(g).

The provision respecting court accommodations at New Bedford was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

§102. Michigan

Michigan is divided into two judicial districts to be known as the Eastern and Western Districts of Michigan.

Eastern District

(a) The Eastern District comprises two divisions.

(1) The Southern Division comprises the counties of Genesee, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Shiawassee, Washtenaw, and Wayne.

Court for the Southern Division shall be held at Ann Arbor, Detroit, Flint, and Port Huron.

(2) The Northern Division comprises the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola.

Court for the Northern Division shall be held at Bay City.

Western District

(b) The Western District comprises two divisions.

(1) The Southern Division comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, and Wexford.

Court for the Southern Division shall be held at Grand Rapids, Kalamazoo, Lansing, and Traverse City.

(2) The Northern Division comprises the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

Court for the Northern Division shall be held at Marquette and Sault Sainte Marie.

(June 25, 1948, ch. 646, 62 Stat. 882; Feb. 10, 1954, ch. 6 §2(b)(8), 68 Stat. 11; Pub. L. 87–36, §3(d), May 19, 1961, 75 Stat. 83; Pub. L. 88–627, Oct. 6, 1964, 78 Stat. 1003; Pub. L. 91–272, §11, June 2, 1970, 84 Stat. 298.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §168 (Mar. 3, 1911, ch. 231, §88, 36 Stat. 1114; July 9, 1912, ch. 222, 37 Stat. 190; Mar. 31, 1930, ch. 101, 46 Stat. 138).

Provisions of section 168 of title 28, U.S.C., 1940 ed., relating to venue, were omitted as covered by section 1391 et seq. of this title.

A provision for a special or adjourned term at Bay City for the hearing of admiralty cases, beginning in February of each year, was omitted. Adequate provision is made for such terms by section 141 of this title.

Words ''and mileage on service of process in said northern division shall be computed from Bay City,'' at the end of the section, were omitted as covered by section 553 of this title.

Provisions relating to appointment and residence of deputy clerks and deputy marshals and maintenance of offices by such deputies were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1970—Subsec. (b)(1). Pub. L. 91–272 provided for holding court at Traverse City.

1964—Subsec. (a). Pub. L. 88–627 transferred counties of Genesee and Shiawassee from Northern Division to Southern Division, added Ann Arbor and Flint as places of court for Southern Division, and struck out Flint as a place for holding court.

1961—Subsec. (b)(1). Pub. L. 87–36 provided for holding court at Lansing instead of Mason.

1954—Subsec. (a)(1). Act Feb. 10, 1954, § 2(b)(8)(a), struck out counties of Branch, Calhoun, Clinton, Hillsdale, and Ingham, with respect to Southern Division of Eastern District.

Subsec. (a)(2). Act Feb. 10, 1954, § 2(b)(8)(b), substituted ''Flint'' for ''Port Huron'', as a place for holding court.

Subsec. (b)(1). Act Feb. 10, 1954, § 2(b)(8)(c), inserted a reference to counties of Branch, Calhoun, Clinton, Hillsdale, and Ingham, with respect to composition of Southern Division of the Western District, and provided for holding court at Kalamazoo and Mason.

§ 103. Minnesota

Minnesota constitutes one judicial district comprising six divisions.

(1) The First Division comprises the counties of Dodge, Fillmore, Houston, Mower, Olmsted, Steele, Wabasha, and Winona.

Court for the First Division shall be held at Winona.

(2) The Second Division comprises the counties of Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lac qui Parle, Le Sueur, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Sibley, Waseca, Watonwan, and Yellow Medicine.

Court for the Second Division shall be held at Mankato.

(3) The Third Division comprises the counties of Chisago, Dakota, Goodhue, Ramsey, Rice, Scott, and Washington.

Court for the Third Division shall be held at Saint Paul.

(4) The Fourth Division comprises the counties of Anoka, Carver, Chippewa, Hennepin, Isanti, Kandiyohi, McLeod, Meeker, Renville, Sherburne, Swift, and Wright.

Court for the Fourth Division shall be held at Minneapolis.

(5) The Fifth Division comprises the counties of Aitkin, Benton, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and Saint Louis.

Court for the Fifth Division shall be held at Duluth.

(6) The Sixth Division comprises the counties of Becker, Beltrami, Big Stone, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

Court for the Sixth Division shall be held at Fergus Falls and Bemidji.

(June 25, 1948, ch. 646, 62 Stat. 882; Pub. L. 110–406, § 18, Oct. 13, 2008, 122 Stat. 4295.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 169 (Mar. 3, 1911, ch. 231, § 89, 36 Stat. 1115; Apr. 10, 1926, ch. 113, 44 Stat. 238).

Provisions relating to the appointment and residence of deputy clerks and the maintenance of offices by them were omitted as covered by section 751 of this title.

The counties of Pennington and Lake of the Woods, in the Sixth Division, were created since the enactment of the Judicial Code.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2008—Par. (6). Pub. L. 110–406 inserted ''and Bemidji'' after ''Fergus Falls''.

§ 104. Mississippi

Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi.

Northern District

(a) The northern district comprises three divisions.

(1) The Aberdeen Division comprises the counties of Alcorn, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, Tishomingo, Webster, and Winston.

Court for the Aberdeen Division shall be held at Aberdeen, Ackerman, and Corinth.

(2) The Oxford Division comprises the counties of Benton, Calhoun, DeSoto, Lafayette, Marshall, Panola, Pontotoc, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, and Yalobusha.

Court for the Oxford Division shall be held at Oxford.

(3) The Greenville Division comprises the counties of Attala, Bolivar, Carroll, Coahoma, Grenada, Humphreys, Leflore, Montgomery, Sunflower, and Washington.

Court for the Greenville Division shall be held at Clarksdale, Cleveland, and Greenville.

Southern District

(b) The southern district comprises four divisions.

(1) The Northern Division comprises the counties of Copiah, Hinds, Holmes, Issaquena, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Sharkey, Smith, Warren, and Yazoo.

Court for the Northern Division shall be held at Jackson.

(2) The Southern Division comprises the counties of George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone.

Court for the Southern Division shall be held at Gulfport.

(3) The Eastern Division comprises the counties of Clarke, Covington, Forrest, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Marion, Perry, Wayne, and Walthall.

Court for the Eastern Division shall be held at Hattiesburg.

(4) The Western Division comprises the counties of Adams, Amite, Claiborne, Franklin, Jefferson, Lincoln, Pike, and Wilkinson.

Court for the Western Division shall be held at Natchez.

(June 25, 1948, ch. 646, 62 Stat. 883; Aug. 7, 1950, ch. 601, 64 Stat. 415; Pub. L. 90–92, Sept. 27, 1967, 81 Stat. 229; Pub. L. 91–546, §§2, 3, Dec. 14, 1970, 84 Stat. 1412; Pub. L. 95–408, §2(b), Oct. 2, 1978, 92 Stat. 883; Pub. L. 106–130, §1, Dec. 6, 1999, 113 Stat. 1677; Pub. L. 108–455, §2, Dec. 10, 2004, 118 Stat. 3628; Pub. L. 112–188, §3, Oct. 5, 2012, 126 Stat. 1433; Pub. L. 113–61, §1, Dec. 20, 2013, 127 Stat. 665.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §170 (Mar. 3, 1911, ch. 231, §90, 36 Stat. 1116; Feb. 5, 1912, ch. 28, 37 Stat. 59; May 27, 1912, ch. 136, 37 Stat. 118; Feb. 12, 1925, ch. 212, 43 Stat. 882; May 19, 1936, ch. 428, 49 Stat. 1362; May 8, 1939, ch. 116, §1, 53 Stat. 684).

Provisions relating to the maintenance of offices by the clerks and marshals were omitted as covered by sections 452, 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2013—Subsec. (b). Pub. L. 113–61 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to southern judicial district of Mississippi comprising five divisions and provided for holding court in those divisions.

2012—Subsec. (a). Pub. L. 112–188 added subsec. (a) and struck out former subsec. (a) which related to northern judicial district of Mississippi comprising four divisions and provided for holding court in those divisions.

2004—Subsec. (a)(3). Pub. L. 108–455 inserted ''and Cleveland'' after ''Clarksdale''.

1999—Subsec. (b)(3). Pub. L. 106–130, in second sentence, struck out '': *Provided*, That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States'' before period at end.

1978—Subsec. (a)(1). Pub. L. 95–408 provided for holding court at Corinth.

1970—Subsec. (b)(3). Pub. L. 91–546, §3, provided for holding court at Natchez if suitable quarters and accommodations are furnished at no cost to the United States.

Subsec. (b)(4). Pub. L. 91–546, §2, provided for holding court at Gulfport.

1967—Subsec. (a)(1). Pub. L. 90–92 provided for holding court at Ackerman.

1950—Act Aug. 7, 1950, created Greenville division in the northern district with terms of courts to be held at Greenville.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–61, §2, Dec. 20, 2013, 127 Stat. 665, provided that: ''This Act [amending this section] and the amendment made by this Act shall take effect on the date of the enactment of this Act [Dec. 20, 2013].''

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–188, §4, Oct. 5, 2012, 126 Stat. 1434, provided that: ''The amendments made by this Act [amending this section and section 105 of this title] take effect on the 60th day after the date of the enactment of this Act [Oct. 5, 2012].''

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

§105. Missouri

Missouri is divided into two judicial districts to be known as the Eastern and Western Districts of Missouri.

Eastern District

(a) The Eastern District comprises three divisions.

(1) The Eastern Division comprises the counties of Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Phelps, Saint Charles, Saint Francois, Saint Louis, Warren, and Washington, and the city of Saint Louis.

Court for the Eastern Division shall be held at Saint Louis.

(2) The Northern Division comprises the counties of Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby.

Court for the Northern Division shall be held at Hannibal.

(3) The Southeastern Division comprises the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Saint Genevieve, Scott, Shannon, Stoddard, and Wayne.

Court for the Southeastern Division shall be held at Cape Girardeau.

Western District

(b) The Western District comprises five divisions.

(1) The Western Division comprises the counties of Bates, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Ray, Saint Clair, and Saline.

Court for the Western Division shall be held at Kansas City.

(2) The Southwestern Division comprises the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon.

Court for the Southwestern Division shall be held at Joplin.

(3) The Saint Joseph Division comprises the counties of Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway, Platte, Putnam, Sullivan, and Worth.

Court for the Saint Joseph Division shall be held at Saint Joseph.

(4) The Central Division comprises the counties of Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis.

Court for the Central Division shall be held at Jefferson City.

(5) The Southern Division comprises the counties of Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede,

Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright.

Court for the Southern Division shall be held at Springfield.

(June 25, 1948, ch. 646, 62 Stat. 884; Pub. L. 87–461, May 31, 1962, 76 Stat. 85; Pub. L. 96–462, § 4(a), Oct. 15, 1980, 94 Stat. 2053; Pub. L. 112–188, § 2, Oct. 5, 2012, 126 Stat. 1433.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 171 (Mar. 3, 1911, ch. 231, § 91, 36 Stat. 1117; Dec. 22, 1911, ch. 8, 37 Stat. 51).

Provisions for furnishing rooms and accommodations at Chillicothe were omitted as obsolete upon advice of Director of the Administrative Office of the United States Courts that Federal accommodations are now available in such place.

''Rolla'' was omitted as a place for holding court in the Eastern Division of the Eastern District, and the provision for furnishing quarters there without cost to the United States was also omitted on advice from the clerk of court that no term of court has been held there since 1920. All cases arising in Phelps county in which Rolla is situated are heard at St. Louis.

Provisions relating to the maintenance of offices by the clerks and marshals or their deputies were omitted as covered by sections 452, 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112–188, § 2(1), struck out ''Iron,'' after ''Gasconade,'' and ''Saint Genevieve,'' after ''Saint Francois,''.

Subsec. (a)(3). Pub. L. 112–188, § 2(2), inserted ''Iron,'' after ''Dunklin,'' and ''Saint Genevieve,'' after ''Ripley,''.

1980—Subsec. (a)(1). Pub. L. 96–462, § 4(a)(1), struck out references to Audrain and Montgomery counties in the list of counties comprising the Eastern Division of the Eastern District.

Subsec. (a)(2). Pub. L. 96–462, § 4(a)(2), added Audrain and Montgomery counties to the Northern Division of the Eastern District.

1962—Subsec. (b). Pub. L. 87–461 transferred the counties of Caldwell, Grundy, Livingston, Mercer, Putnam, and Sullivan from the Western Division to the Saint Joseph Division, and omitted Chillicothe as a place for holding court.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–188 effective on the 60th day after Oct. 5, 2012, see section 4 of Pub. L. 112–188, set out as note under section 104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 96–462 effective Oct. 1, 1981, but not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on Oct. 1, 1981, see section 7 of Pub. L. 96–462, set out as a note under section 84 of this title.

Pub. L. 96–462, § 4(b), Oct. 15, 1980, 94 Stat. 2053, provided that: ''The amendments made by subsection (a) [amending this section] shall not apply to any action commenced before the effective date of such amendments [Oct. 1, 1981] and pending in the United States District Court for the Eastern District of Missouri on such date.''

§ 106. Montana

Montana, exclusive of Yellowstone National Park, constitutes one judicial district.

Court shall be held at Billings, Butte, Glasgow, Great Falls, Havre, Helena, Kalispell, Lewistown, Livingston, Miles City, and Missoula.

(June 25, 1948, ch. 646, 62 Stat. 884.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 172 (Mar. 3, 1911, ch. 231, § 92, 36 Stat. 1118; July 3, 1926, ch. 748, 44 Stat. 825; July 5, 1937, ch. 430, 50 Stat. 474; Aug. 26, 1937, ch. 819, § 2, 50 Stat. 837; Aug. 7, 1939, ch. 506, 53 Stat. 1236).

All of Yellowstone National Park is included in the judicial district of Wyoming by section 131 of this title. Those parts of the park lying in Montana are accordingly excluded from the judicial district of Montana.

A provision for furnishing rooms and accommodations at Havre was omitted as obsolete on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available there.

A provision for transfer of causes, civil or criminal, from one place of holding court to another was omitted. Such provision, as to civil cases, is covered by section 1404 of this title, and, as to criminal cases, is rendered unnecessary because of inherent power of the court and Rules 18–20 of the Federal Rules of Criminal Procedure, relating to venue.

A provision for the making of any interlocutory order at any place designated for holding court was omitted as unnecessary in view of Federal Rules of Civil Procedure, Rule 77–(b).

The provisions respecting court accommodations at Kalispell, Lewistown, and Livingston were omitted as covered by section 142 of this title.

Changes were made in arrangement and phraseology.

§ 107. Nebraska

Nebraska constitutes one judicial district.

Court shall be held at Lincoln, North Platte, and Omaha.

(June 25, 1948, ch. 646, 62 Stat. 884; Aug. 9, 1955, ch. 627, § 1, 69 Stat. 546.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 173 (Mar. 3, 1911, ch. 231, § 93, 36 Stat. 1118).

Provisions for furnishing rooms and accommodations at the various places for holding court were omitted as obsolete upon advice of Director of the Administrative Office of the United States Courts that Federal accommodations are now available at such places.

A provision relating to the appointment and residence of deputy clerks and the places for keeping offices was omitted as covered by section 751 of this title.

The county of Arthur in the North Platte Division was created since the enactment of the Judicial Code.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1955—Act Aug. 9, 1955, struck out the separate divisions of the district and reduced the number of places of holding terms.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1955 AMENDMENT

Act Aug. 9, 1955, ch. 627, § 2, 69 Stat. 546, provided that: ''The amendment made by the first section of this Act [amending this section] shall take effect on September 1, 1955.''

§ 108. Nevada

Nevada constitutes one judicial district.

Court shall be held at Carson City, Elko, Las Vegas, Reno, Ely, and Lovelock.

(June 25, 1948, ch. 646, 62 Stat. 885; Pub. L. 101–650, title III, §324(a)(1), Dec. 1, 1990, 104 Stat. 5120.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §174 (Mar. 3, 1911, ch. 231, §94, 36 Stat. 1118; June 24, 1930, ch. 595, 46 Stat. 806; Nov. 15, 1945, ch. 482, 59 Stat. 582).

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1990—Pub. L. 101–650 substituted ", Reno, Ely, and Lovelock" for "and Reno".

§109. New Hampshire

New Hampshire constitutes one judicial district.

Court shall be held at Concord and Littleton.

(June 25, 1948, ch. 646, 62 Stat. 885.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §175 (Mar. 3, 1911, ch. 231, §95, 36 Stat. 1119; Aug. 23, 1912, ch. 344, 37 Stat. 357; Feb. 20, 1926, ch. 23, 44 Stat. 8).

Changes in arrangement and phraseology were made.

§110. New Jersey

New Jersey constitutes one judicial district.

Court shall be held at Camden, Newark and Trenton.

(June 25, 1948, ch. 646, 62 Stat. 885.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §176 (Mar. 3, 1911, ch. 231, §96, 36 Stat. 1119; Aug. 9, 1912, ch. 277, 37 Stat. 265; Feb. 14, 1913, ch. 53, 37 Stat. 674; May 17, 1926, ch. 311, 44 Stat. 561).

Provisions relating to maintenance of offices by the clerk and marshal were omitted as covered by sections 452, 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

§111. New Mexico

New Mexico constitutes one judicial district.

Court shall be held at Albuquerque, Las Cruces, Las Vegas, Roswell, Santa Fe, and Silver City.

(June 25, 1948, ch. 646, 62 Stat. 885.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §177 (June 20, 1910, ch. 310, §13, 36 Stat. 565; Mar. 4, 1921, ch. 149, 41 Stat. 1361; June 7, 1924, ch. 332, 43 Stat. 642).

The reference to Raton as a place of holding court was omitted on advice of the clerk that court is no longer held there.

Provisions for furnishing rooms and accommodations at Las Vegas were omitted as obsolete upon advice of Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

Provision for adjournment or continuance in case of insufficient business by orders made anywhere in the district was omitted as covered by section 138 of this title.

Provisions for transfer of causes, civil or criminal, from one place of holding court to another were omitted. Such provisions, as to civil cases, are covered by section 1404 of this title, and, as to criminal cases, are rendered unnecessary because of inherent power of the court, and Rules 18–20 of the Federal Rules of Criminal Procedure, relating to venue.

Provisions for appointment of deputy clerks and deputy marshals and maintenance of offices at various cities were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

The provision respecting court accommodations at Silver City was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

§112. New York

New York is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of New York.

Northern District

(a) The Northern District comprises the counties of Albany, Broome, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Ulster, Warren, and Washington.

Court for the Northern District shall be held at Albany, Auburn, Binghamton, Malone, Plattsburgh,[1] Syracuse, Utica, Watertown, and Plattsburgh.[1]

Southern District

(b) The Southern District comprises the counties of Bronx, Dutchess, New York, Orange, Putnam, Rockland, Sullivan, and Westchester and concurrently with the Eastern District, the waters within the Eastern District.

Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.

Eastern District

(c) The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk and concurrently with the Southern District, the waters within the counties of Bronx and New York.

Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.

Western District

(d) The Western District comprises the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates.

Court for the Western District shall be held at Buffalo, Canandaigua, Elmira, Jamestown, and Rochester.

(June 25, 1948, ch. 646, 62 Stat. 885; Pub. L. 90–217, Dec. 18, 1967, 81 Stat. 662; Pub. L. 91–546, §1, Dec. 14, 1970, 84 Stat. 1412; Pub. L. 95–271, §1, Apr. 28,

[1] So in original. "Plattsburgh" appears twice.

1978, 92 Stat. 221; Pub. L. 95–408, § 4(c), Oct. 2, 1978, 92 Stat. 885; Pub. L. 95–573, § 3, Nov. 2, 1978, 92 Stat. 2458; Pub. L. 98–620, title IV, § 405, Nov. 8, 1984, 98 Stat. 3361; Pub. L. 101–650, title III, § 324(a)(2), Dec. 1, 1990, 104 Stat. 5120; Pub. L. 104–317, title VI, § 609, Oct. 19, 1996, 110 Stat. 3860; Pub. L. 106–113, div. B, § 1000(a)(1) [title III, § 306], Nov. 29, 1999, 113 Stat. 1535, 1501A–37; Pub. L. 108–455, § 4, Dec. 10, 2004, 118 Stat. 3628; Pub. L. 108–482, title III, § 302, Dec. 23, 2004, 118 Stat. 3918.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 178 and 178a (Mar. 3, 1911, ch. 231, § 97, 36 Stat. 1119; Jan. 21, 1920, ch. 50, 41 Stat. 394; July 1, 1922, ch. 260, 42 Stat. 812; Aug. 12, 1937, ch. 591, 50 Stat. 623).

A reference in section 178 of title 28, U.S.C., 1940 ed., to Franklin County in the list of Counties in the Northern District, in which one term might be held annually, in the discretion of the judge, was omitted as superseded by the provisions of said section 178a of title 28, requiring an annual term to be held at Malone, which is in Franklin County.

References to seizures made, matters done and processes or orders issued respecting waters within the concurrent jurisdiction of the southern and eastern districts, were omitted as unnecessary and covered by the revised language.

Provision for 20 days' notice of the special term authorized in the discretion of the court in the counties of Clinton, Jefferson, Onondaga, Oswego, Rensselaer, St. Lawrence, Saratoga, and Schenectady was omitted as unnecessary, in view of section 141 of this title providing for such notice as the district judge orders.

The special provision permitting any district judge in New York to act as judge in any other district in that State upon request of the resident district judge was omitted, thus making applicable the uniform procedure for designation and assignment of district judges throughout the United States, provided by section 292 of this title.

Words ''with the waters thereof'' after the list of counties in each district were omitted as unnecessary and inconsistent with other sections of this chapter.

The provisions with reference to the return of process in admiralty cases, the designation of judges and their powers, and the holding of sessions for the hearing of motions and for proceedings in bankruptcy and admiralty, were omitted as unnecessary and more properly the subject of rule of court.

The provisions of sections 178 and 178a of title 28, U.S.C., 1940 ed., respecting court accommodations at Malone and in the counties of Schenectady, Rensselaer, Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin, were omitted as covered by section 142 of this title.

The county of Bronx, in the southern district, was formed out of a part of New York County in 1912.

Lockport was omitted as a place of holding court in the Western District. Court has not been held there for 32 years.

Changes were made in arrangement and phraseology.

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–482 inserted ''Plattsburgh,'' after ''Malone,''.

Pub. L. 108–455 substituted ''Watertown, and Plattsburgh'' for ''and Watertown''.

1999—Subsec. (c). Pub. L. 106–113 amended last sentence generally. Prior to amendment, last sentence read as follows: ''Court for the Eastern District shall be held at Brooklyn, Hauppauge, and Hempstead (including the village of Uniondale).''

1996—Subsec. (b). Pub. L. 104–317 amended last sentence generally, substituting ''Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.'' for ''Court for the Southern District shall be held at New York and White Plains.''

1990—Subsec. (a). Pub. L. 101–650 substituted ''Utica, and Watertown'' for ''and Utica''.

1984—Subsec. (c). Pub. L. 98–620 provided for holding court at Hauppauge.

1978—Subsec. (a). Pub. L. 95–408, § 4(c)(1), added counties of Columbia, Greene, and Ulster to those counties comprising the Northern District of New York.

Subsec. (b). Pub. L. 95–573 provided for holding court at White Plains.

Pub. L. 95–408, § 4(c)(2), struck out Columbia, Greene, and Ulster from those counties comprising the Southern District of New York.

Subsec. (c). Pub. L. 95–271 substituted ''and Hempstead (including the village of Uniondale)'' for ''Mineola, and Westbury''.

1970—Subsec. (c). Pub. L. 91–546 provided for holding court at Westbury.

1967—Subsec. (c). Pub. L. 90–217 provided for holding court at Mineola.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98–620, set out as a note under section 85 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

PRETERMISSION OF REGULAR SESSION OF COURT AT HEMPSTEAD AND HOLDING OF SPECIAL SESSION AT WESTBURY; PROCEDURES APPLICABLE, APPROPRIATIONS, ETC.

Pub. L. 95–271, §§ 2–5, Apr. 28, 1978, 92 Stat. 221, provided that:

''SEC. 2. The United States District Court for the Eastern District of New York, by order made anywhere within its district, may pretermit the regular session of court at Hempstead until Federal quarters and accommodations are available and ready for occupancy, except that for the entire period and such pretermission, a special session of the court shall be held at Westbury. Pretermission may be ordered without regard to the provisions of section 140(a) of title 28, United States Code.

''SEC. 3. Notwithstanding the provisions of section 142 of title 28, United States Code, the Administrator of General Services, at the request of the Director of the Administrative Office of the United States Courts, shall continue to provide existing quarters and accommodations at Westbury for the duration of the special session held pursuant to section 2 of this Act. Appropriations to the judicial branch of Government shall be available to the Director to make necessary disbursements for such quarters and accommodations, and to pay user charges as required by section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) [see now 40 U.S.C. 586, 587], at rates otherwise authorized by law.

''SEC. 4. Notwithstanding the provisions of section 456 of title 28, United States Code, any judge, and any officer or employee of the judicial branch, whose official station is, on the day before the date of enactment of this Act [Apr. 28, 1978], Westbury, may maintain that

official station for the duration of the special session held pursuant to section 2 of this Act.

''SEC. 5. The Director of the Administrative Office of the United States Courts may pay travel and transportation expenses in accordance with subchapter II, chapter 57 of title 5, United States Code, to any officer or employee of the judicial branch whose official station changes as a consequence of this Act [enacting this provision and amending subsec. (c) of this section] and who relocates his residence incident to such change of official station.''

§113. North Carolina

North Carolina is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of North Carolina.

Eastern District

(a) The Eastern District comprises the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, Wilson, those portions of Hoke, Moore, Scotland, and Richmond counties encompassing the Fort Bragg Military Reservation and Camp Mackall, and that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina.

Court for the Eastern District shall be held at Elizabeth City, Fayetteville, Greenville, New Bern, Raleigh, Wilmington, and Wilson.

Middle District

(b) MIDDLE DISTRICT.—The Middle District comprises the counties of Alamance, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham (excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina), Forsyth, Guilford, Hoke (excluding that portion of Hoke County encompassing the Fort Bragg Military Reservation and Camp Mackall), Lee, Montgomery, Moore (excluding that portion of Moore County encompassing the Fort Bragg Military Reservation and Camp Mackall), Orange, Person, Randolph, Richmond (excluding that portion of Richmond County encompassing the Fort Bragg Military Reservation and Camp Mackall), Rockingham, Rowan, Scotland (excluding that portion of Scotland County encompassing the Fort Bragg Military Reservation and Camp Mackall), Stanly, Stokes, Surry, and Yadkin.

Court for the Middle District shall be held at Durham, Greensboro, and Winston-Salem.

Western District

(c) The Western District comprises the counties of Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey.

Court for the Western District shall be held at Asheville, Bryson City, Charlotte, Shelby, and Statesville.

(June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 89–319, Nov. 2, 1965, 79 Stat. 1186; Pub. L. 96–462, §5(a)–(c), Oct. 15, 1980, 94 Stat. 2053, 2054; Pub. L. 102–272, Apr. 21, 1992, 106 Stat. 112; Pub. L. 117–26, §1(a), July 6, 2021, 135 Stat. 299.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §179 (Mar. 3, 1911, ch. 231, §98, 36 Stat. 1120; Oct. 7, 1914, ch. 318, 38 Stat. 728; Mar. 17, 1920, ch. 101, §1, 41 Stat. 531; June 7, 1924, ch. 359, §1, 43 Stat. 661; Dec. 24, 1924, ch. 18, 43 Stat. 721; June 12, 1926, ch. 566, 44 Stat. 734; June 22, 1926, ch. 645, 44 Stat. 758; June 22, 1926, ch. 646, 44 Stat. 758; Mar. 2, 1927, ch. 276, 44 Stat. 1339; Apr. 25, 1928, ch. 432, 45 Stat. 457; May 10, 1928, ch. 516, 45 Stat. 495; Feb. 20, 1933, ch. 107, 47 Stat. 859; Feb. 28, 1933, ch. 133, 47 Stat. 1350; June 28, 1935, ch. 330, §§1, 2, 49 Stat. 429; June 24, 1936, ch. 744, 49 Stat. 1898; June 24, 1936, ch. 759, 49 Stat. 1910; Aug. 17, 1937, ch. 688, 50 Stat. 671).

References to civil and criminal terms at Raleigh were omitted as more properly the subject of rule of court.

The following language at the end of section 179 of title 28, U.S.C., 1940 ed., was omitted: ''There shall be a judge appointed for the said middle district in the manner now provided by law who shall receive the salary provided by law for the judges of the eastern and western districts, and a district attorney, marshal, clerk, and other officers in the manner and at the salary now provided by law. All causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined.''

The first sentence is superfluous in view of other sections of this title governing the appointment and compensation of the judges, clerks and marshals of the district courts and of district attorneys. The last sentence is obsolete, having been enacted in 1927, and being limited to cases affected by the creation of the middle district.

Provisions for maintenance of offices by the clerks at certain cities were omitted. (See Reviser's Note under sections 452 and 751 of this title.)

Provisions for furnishing rooms and accommodations at Durham, Rockingham, and Winston-Salem were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in such places.

The provisions respecting court accommodations at Bryson City and Shelby were omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–26, §1(a)(1), substituted ''Wilson, those portions of Hoke, Moore, Scotland, and Richmond counties encompassing the Fort Bragg Military Reservation and Camp Mackall, and'' for ''and Wilson and''.

Subsec. (b). Pub. L. 117–26, §1(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: ''The Middle District comprises the counties of Alamance, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham (excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina), Forsythe, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, and Yadkin.'' Amendment di-

recting striking out subsec. (b) was executed only to the first paragraph and not the concluding sentence, to reflect the probable intent of Congress.

1992—Subsec. (a). Pub. L. 102–272, which directed the amendment of subsec. (a) by striking out ''Clinton,'' and ''Washington,'' and inserting ''Greenville,'' after ''Fayetteville,'', was executed to the second sentence to reflect the probable intent of Congress.

1980—Subsec. (a). Pub. L. 96–462, § 5(a), added that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina to the Eastern District.

Subsec. (b). Pub. L. 96–462, § 5(b), struck out references to Alleghany, Ashe, Watauga, and Wilkes counties in the list of counties comprising the Middle District; inserted ''(excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina)'' in first sentence as the probable intent of Congress; and struck out Rockingham, Salisbury, and Wilkesboro as places for holding court.

Subsec. (c). Pub. L. 96–462, § 5(c), added Alleghany, Ashe, Watauga, and Wilkes counties to the Western District.

1965—Pub. L. 89–319 provided for holding court at Clinton.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117–26, § 1(b), July 6, 2021, 135 Stat. 299, provided that ''The amendments made by subsection (a) [amending this section] shall not apply to any action commenced or pending in any judicial district of North Carolina before the date of enactment of this Act [July 6, 2021].''

EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISIONS

Amendment by Pub. L. 96–462 effective Oct. 1, 1981, but not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on Oct. 1, 1981, see section 7 of Pub. L. 96–462, set out as a note under section 84 of this title.

Pub. L. 96–462, § 5(d), Oct. 15, 1980, 94 Stat. 2054, provided that: ''The amendments made by this section [amending this section] shall not apply to any action commenced before the effective date of such amendments [Oct. 1, 1981] and pending in any judicial district of North Carolina on such date.''

§ 114. North Dakota

North Dakota constitutes one judicial district.

Court shall be held at Bismarck, Fargo, Grand Forks, and Minot.

(Added Pub. L. 111–174, § 3, May 27, 2010, 124 Stat. 1216.)

Editorial Notes

PRIOR PROVISIONS

A prior section 114, act June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 95–408, § 3(b), Oct. 2, 1978, 92 Stat. 883, which provided that North Dakota consisted of one judicial district comprising four divisions, was repealed by Pub. L. 111–174, § 3, May 27, 2010, 124 Stat. 1216.

§ 115. Ohio

Ohio is divided into two judicial districts to be known as the Northern and Southern Districts of Ohio.

Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

Court for the Eastern Division shall be held at Cleveland, Youngstown, and Akron.

(2) The Western Division comprises the counties of Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Woods, and Wyandot.

Court for the Western Division shall be held at Lima and Toledo.

Southern District

(b) The Southern District comprises two divisions.

(1) The Western Division comprises the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren.

Court for the Western Division shall be held at Cincinnati and Dayton.

(2) The Eastern Division comprises the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington.

Court for the Eastern Division shall be held at Columbus[1] St. Clairsville, and Steubenville.

(June 25, 1948, ch. 646, 62 Stat. 887; Feb. 10, 1954, ch. 6, § 2(b)(9), 68 Stat. 11; Pub. L. 107–273, div. C, title I, § 11021, Nov. 2, 2002, 116 Stat. 1829.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 181 (Mar. 3, 1911, ch. 231, § 100, 36 Stat. 1121; Mar. 4, 1915, ch. 159, 38 Stat. 1187; Feb. 14, 1923, ch. 78, 42 Stat. 1246).

Other provisions of said section 181 of title 28, U.S.C., 1940 ed., are incorporated in section 1865 of this title.

Provisions relating to the place of institution or trial of prosecutions and civil actions and transfer thereof were omitted. Such provisions, as to civil cases, are covered by section 1391 et seq. of this title, and as to criminal cases, are rendered unnecessary because of inherent power of the court and Rules 18–20 of the Federal Rules of Criminal Procedure relating to venue.

The provision respecting court accommodations at Lima was omitted as covered by section 142 of this title.

Changes were made in arrangement and phraseology.

Editorial Notes

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–273, which directed amendment of par. (2) by inserting ''St. Clairsville,'' after ''Columbus,'', was executed by making the inser-

[1] So in original. Probably should be followed by a comma.

tion after ''Columbus'', to reflect the probable intent of Congress.

1954—Subsec. (a)(1). Act Feb. 10, 1954, provided for holding court at Akron.

§116. Oklahoma

Oklahoma is divided into three judicial districts to be known as the Northern, Eastern, and Western Districts of Oklahoma.

Northern District

(a) The Northern District comprises the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington.

Court for the Northern District shall be held at Bartlesville, Miami, Pawhuska, Tulsa, and Vinita.

Eastern District

(b) The Eastern District comprises the counties of Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Le Flore Love, McCurtain, McIntosh, Marshall, Murray, Muskogee, Okfuskee, Okmulgee, Pittsburg, Pontotoc, Pushmataha, Seminole, Sequoyah, and Wagoner.

Court for the Eastern District shall be held at Ada, Ardmore, Durant, Hugo, Muskogee, Okmulgee, Poteau, and S. McAlester.

Western District

(c) The Western District comprises the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Stephens, Texas, Tillman, Washita, Woods, and Woodward.

Court for the Western District shall be held at Chickasha, Enid, Guthrie, Lawton, Mangum, Oklahoma City, Pauls Valley, Ponca City, Shawnee, and Woodward.

(June 25, 1948, ch. 646, 62 Stat. 887; Pub. L. 89–526, §1, Aug. 4, 1966, 80 Stat. 335.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§182, 182a (Mar. 3, 1911, ch. 231, §101, 36 Stat. 1122; Feb. 20, 1917, ch. 102, 39 Stat. 927; June 13, 1918, ch. 98, 40 Stat. 604; Feb. 26, 1919, ch. 54, 40 Stat. 1184; June 5, 1924, ch. 259, 43 Stat. 387; Jan. 10, 1925, chs. 68, 69, 43 Stat. 730, 731; Feb. 16, 1925, ch. 233, §1, 43 Stat. 945; May 7, 1926, ch. 255, 44 Stat. 408; Apr. 21, 1928, ch. 395, 45 Stat. 440; Mar. 2, 1929, ch. 539, 45 Stat. 1518; June 28, 1930, ch. 714, 46 Stat. 829; May 13, 1936, ch. 386, 49 Stat. 1271; Aug. 12, 1937, ch. 595, 50 Stat. 625).

Provisions for furnishing rooms and accommodations at Ada, Bartlesville, Mangum, Miami, Okmulgee, and Ponca City were omitted as obsolete, on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available at such places.

A provision making inoperative the requirement for furnishing court accommodations without cost to the United States whenever the same shall be provided in federal buildings at Shawnee, was omitted as unnecessary. When such buildings become available the Director will, under section 604 of this title, provide court accommodations therein.

A provision for adjournment of any term by an order made in chambers, is incorporated in section 140 of this title.

Provisions relating to maintenance of offices by the clerks were omitted as covered by section 751 of this title.

The provisions respecting court accommodations at Durant, Hugo, Poteau, Pauls Valley, Pawhuska, and Shawnee were omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1966—Pub. L. 89–526 transferred from the Eastern District in subsec. (b) to the Western District in subsec. (c) the counties of Garvin, Grady, Jefferson, McClain, and Stephens and the places for holding court at Chickasha and Pauls Valley.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1966 AMENDMENT

Pub. L. 89–526, §2, Aug. 4, 1966, 80 Stat. 335, provided that: ''The amendments made by this Act [amending this section] shall take effect on the sixtieth day after the date of enactment of this Act [Aug. 4, 1966].''

§117. Oregon

Oregon constitutes one judicial district.

Court shall be held at Coquille, Eugene or Springfield, Klamath Falls, Medford, Pendleton, and Portland.

(June 25, 1948, ch. 646, 62 Stat. 888; Aug. 3, 1950, ch. 514, 64 Stat. 393; Pub. L. 91–272, §7, June 2, 1970, 84 Stat. 297; Pub. L. 106–518, title V, §502, Nov. 13, 2000, 114 Stat. 2422.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §183 (Mar. 3, 1911, ch. 231, §102, 36 Stat. 1122; Nov. 6, 1945, ch. 447, 59 Stat. 555).

Provisions relating to appointment and residence of deputies by the clerk and marshal, and maintenance of offices by said officers, were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2000—Pub. L. 106–518 substituted ''Eugene or Springfield'' for ''Eugene''.

1970—Pub. L. 91–272 provided for holding court at Coquille.

1950—Act Aug. 3, 1950, provided for holding court at Eugene.

§118. Pennsylvania

Pennsylvania is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Pennsylvania.

Eastern District

(a) The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, and Philadelphia.

Court for the Eastern District shall be held at Allentown, Easton, Lancaster, Reading, and Philadelphia.

Middle District

(b) The Middle District comprises the counties of Adams, Bradford, Cameron, Carbon, Centre,

Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

Court for the Middle District shall be held at Harrisburg, Lewisburg, Scranton, Wilkes-Barre, and Williamsport.

Western District

(c) The Western District comprises the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

Court for the Western District shall be held at Erie, Johnstown, and Pittsburgh.

(June 25, 1948, ch. 646, 62 Stat. 888; Pub. L. 91–272, § 6, June 2, 1970, 84 Stat. 297; Pub. L. 95–573, § 4, Nov. 2, 1978, 92 Stat. 2458; Pub. L. 102–396, title IX, § 9161, Oct. 6, 1992, 106 Stat. 1947; Pub. L. 105–277, div. A, § 101(b) [title VI, § 624(a)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–116.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 184 (Mar. 3, 1911, ch. 231, § 103, 36 Stat. 1123; Mar. 3, 1913, ch. 113, 37 Stat. 730; June 6, 1914, ch. 104, 38 Stat. 385; Sept. 9, 1914, ch. 296, 38 Stat. 713; Apr. 26, 1926, ch. 185, 44 Stat. 324; June 27, 1930, ch. 634, 46 Stat. 820; Aug. 3, 1935, ch. 433, 49 Stat. 514; May 13, 1936, ch. 385, 49 Stat. 1271; June 13, 1938, ch. 351, 52 Stat. 674; Mar. 5, 1942, ch. 143, 56 Stat. 132).

Provisions relating to maintenance of offices at certain places by the clerks and marshals were omitted as covered by sections 541 [see 561] and 751 of this title.

Provisions for the continuance of terms were omitted as covered by section 139 of this title.

Provisions with respect to the return of process, and the places of keeping court papers, were omitted as matters for determination by rule of court or for the action of the judicial council in cooperation with the Administrative Office of the United States Courts.

The provisions for trial of cases at Lewisburg and Erie unless counsel consent to trial elsewhere were omitted as inconsistent with the uniform practice provided by this title.

Changes were made in phraseology and arrangement.

SENATE REVISION AMENDMENT

By Senate amendment to the bill, Blair County was transferred from the Middle District to the Western District of Pennsylvania. This was in conformity with Act July 11, 1947, ch. 224, 61 Stat. 310, which so amended section 184 of title 28, U.S.C., 1940 ed., the source of this section. See 80th Congress Senate Report No. 1559.

Editorial Notes

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, § 101(b) [title VI, § 624(a)(1)], substituted ''and Philadelphia'' for ''Philadelphia, and Schuylkill''.

Subsec. (b). Pub. L. 105–277, § 101(b) [title VI, § 624(a)(2)], inserted ''Schuylkill,'' after ''Potter,''.

1992—Subsec. (a). Pub. L. 102–396 inserted ''Lancaster,'' before ''Reading''.

1978—Subsec. (c). Pub. L. 95–573 provided for holding court at Johnstown.

1970—Subsec. (a). Pub. L. 91–272 provided for holding court at Allentown and Reading.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–277, div. A, § 101(b) [title VI, § 624(b)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–116, provided that:

''(1) This section [amending this section] and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act [Oct. 21, 1998].

''(2) This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

''(3) This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.''

§ 119. Puerto Rico

Puerto Rico constitutes one judicial district.

Court shall be held at Mayaguez, Ponce, and San Juan.

(June 25, 1948, ch. 646, 62 Stat. 889.)

HISTORICAL AND REVISION NOTES

Based on sections 863 and 864 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 12, 1900, ch. 191, §§ 34, 35, 31 Stat. 84, 85; Jan. 7, 1913, ch. 6, 37 Stat. 648; Mar. 2, 1917, ch. 145, §§ 41, 42, 39 Stat. 965, 966; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; Feb. 13, 1925, ch. 229, §§ 1, 13, 43 Stat. 936, 942; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 158; Mar. 26, 1938, ch. 51, § 2, 52 Stat. 118).

Section consolidates parts of sections 863 and 864 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

The provision of sections 863 of title 48, U.S.C., 1940 ed., for appointment of a district judge is incorporated in section 133 of this title; for tenure, in section 134 of this title, and for salary was omitted as covered by section 135 of this title.

The provisions of section 863 of title 48, U.S.C., 1940 ed., for appointment and tenure of United States attorneys and marshals are incorporated in sections 501 [now 541], 504 [now 541 to 544], and 541 [see 561] of this title.

The provisions of section 863 of title 48, U.S.C., 1940 ed., for appointment of United States Commissioners and other court officers are incorporated in sections 631 and 751 of this title.

The provision of section 864 of title 48, U.S.C., 1940 ed., as to the holding of regular and special terms of court was omitted as covered by sections 138 and 141 of this title.

The provision of section 864 of title 48, U.S.C., 1940 ed., that the district court shall be attached to the first circuit is incorporated in section 41 of this title.

The provision of section 864 of title 48, U.S.C., 1940 ed., for appeals to the circuit court of appeals is incorporated in section 1295 of this title.

Other provisions of sections 863 and 864 of title 48, U.S.C., 1940 ed., are retained in title 48.

§ 120. Rhode Island

Rhode Island constitutes one judicial district.

Court shall be held at Providence.

(June 25, 1948, ch. 646, 62 Stat. 889.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 185 (Mar. 3, 1911, ch. 231, § 104, 36 Stat. 1123; Feb. 1, 1912, ch. 27, 37 Stat. 59).

Changes in phraseology were made.

§ 121. South Carolina

South Carolina constitutes one judicial district comprising eleven divisions.

(1) The Charleston Division comprises the counties of Berkeley, Charleston, Clarendon, Colleton, Dorchester, and Georgetown.

Court for the Charleston Division shall be held at Charleston.

(2) The Columbia Division comprises the counties of Kershaw, Lee, Lexington, Richland, and Sumter.

Court for the Columbia Division shall be held at Columbia.

(3) The Florence Division comprises the counties of Chesterfield, Darlington, Dillon, Florence, Horry, Marion, Marlboro, and Williamsburg.

Court for the Florence Division shall be held at Florence.

(4) The Aiken Division comprises the counties of Aiken, Allendale, and Barnwell.

Court for the Aiken Division shall be held at Aiken.

(5) The Orangeburg Division comprises the counties of Bamberg, Calhoun, and Orangeburg.

Court for the Orangeburg Division shall be held at Orangeburg.

(6) The Greenville Division comprises the counties of Greenville and Laurens.

Court for the Greenville Division shall be held at Greenville.

(7) The Rock Hill Division comprises the counties of Chester, Fairfield, Lancaster, and York.

Court for the Rock Hill Division shall be held at Rock Hill.

(8) The Greenwood Division comprises the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda.

Court for the Greenwood Division shall be held at Greenwood.

(9) The Anderson Division comprises the counties of Anderson, Oconee, and Pickens.

Court for the Anderson Division shall be held at Anderson.

(10) The Spartanburg Division comprises the counties of Cherokee, Spartanburg, and Union.

Court for the Spartanburg Division shall be held at Spartanburg.

(11) The Beaufort Division comprises the counties of Beaufort, Hampton, and Jasper.

Court for the Beaufort Division shall be held at Beaufort.

(June 25, 1948, ch. 646, 62 Stat. 889; Pub. L. 89–242, § 1(a), Oct. 7, 1965, 79 Stat. 951; Pub. L. 99–657, § 2, Nov. 14, 1986, 100 Stat. 3670; Pub. L. 102–140, title III, § 304, Oct. 28, 1991, 105 Stat. 810.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 186 (Mar. 3, 1911, ch. 231, § 105, 36 Stat. 1123; Feb. 5, 1912, ch. 28, 37 Stat. 60; Mar. 3, 1915, ch. 100, § 5, 38 Stat. 961; Sept. 1, 1916, ch. 434, 39 Stat. 721; Mar. 4, 1923, ch. 261, 42 Stat. 1486; Jan. 30, 1925, ch. 118, 43 Stat. 800; June 26, 1926, ch. 696, §§ 1–3, 44 Stat. 773; June 20, 1936, ch. 637, §§ 1–3, 49 Stat. 1558, 1559; June 12, 1940, ch. 335, 54 Stat. 344; June 28, 1943, ch. 173, title II, § 204, 57 Stat. 244; Dec. 13, 1944, ch. 556, 58 Stat. 801).

The last sentence of section 186 of title 28, U.S.C., 1940 ed., relating to trial of criminal cases in the division in which the offense was committed, was omitted as fully covered by Rules 18–22 of the Federal Rules of Criminal Procedure.

A provision relating to the places of the clerks' offices was omitted as covered by section 751 of this title.

The provision respecting court accommodations at Orangeburg was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1991—Par. (4). Pub. L. 102–140, § 304(1), struck out reference to Hampton County.

Par. (11). Pub. L. 102–140, § 304(2), inserted reference to Hampton County.

1986—Pub. L. 99–657, § 2(1), substituted ''eleven divisions'' for ''ten divisions'' in introductory text.

Par. (1). Pub. L. 99–657, § 2(2), struck out ''Beaufort,'' after ''counties of'' and substituted ''and Georgetown'' for ''Georgetown, and Jasper''.

Par. (11). Pub. L. 99–657, § 2(3), added par. (11).

1965—Pub. L. 89–242 consolidated into a single district the 10 divisions of the state which had formerly been divided into an Eastern and a Western District.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99–657, § 4, Nov. 14, 1986, 100 Stat. 3670, provided that:

''(a) EFFECTIVE DATE.—(1) The amendments made by sections 2 and 3 [amending this section and section 90 of this title] take effect 90 days after the date of the enactment of this Act [Nov. 14, 1986].

''(2) The amendment made by section 4 [enacting this note] takes effect on the date of the enactment of this Act.

''(b) PENDING ACTIONS.—The amendments made by this Act [amending this section and section 90 of this title] shall not affect any action commenced before the effective date of such amendments and pending on such date.

''(c) JURIES.—The amendments made by this Act [amending this section and section 90 of this title] shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving on the effective date of such amendments.''

EFFECTIVE DATE OF 1965 AMENDMENT

Pub. L. 89–242, § 6, Oct. 7, 1965, 79 Stat. 953, provided that: ''The provisions of this Act [amending this section and section 133 of this title and enacting provisions set out as a note below] shall become effective on the first day of the month following the date of enactment of this Act [Oct. 7, 1965].''

CONSOLIDATION OF SOUTH CAROLINA INTO A SINGLE JUDICIAL DISTRICT

Pub. L. 89–242, §§ 2–5, Oct. 7, 1965, 79 Stat. 952, 953, provided for the consolidation, in compliance with section 132 of this title, of the Eastern and Western Districts of South Carolina into a single district with continuing jurisdiction over civil cases and criminal acts pending or committed prior to Nov. 1, 1965, and appropriate provisions for the appointment or transfer of United States attorneys, marshals, and other court personnel, then serving, from the two districts to the consolidated district.

§ 122. South Dakota

South Dakota constitutes one judicial district comprising four divisions.

(1) The Northern Division comprises the counties of Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Ed-

monds, Grant, Hamlin, McPherson, Marshall, Roberts, Spink, and Walworth.

Court for the Northern Division shall be held at Aberdeen.

(2) The Southern Division comprises the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton.

Court for the Southern Division shall be held at Sioux Falls.

(3) The central division comprises the counties of Buffalo, Dewey, Faulk, Gregory, Haakon, Hand, Hughes, Hyde, Jerauld, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, Tripp, and Ziebach.

Court for the Central Division shall be held at Pierre.

(4) The Western Division comprises the counties of Bennett, Butte, Custer, Fall River, Harding, Jackson, Lawrence, Meade, Pennington, Perkins, and Shannon.

Court for the Western Division shall be held at Deadwood and Rapid City.

(June 25, 1948, ch. 646, 62 Stat. 889; Pub. L. 89–638, Oct. 10, 1966, 80 Stat. 883; Pub. L. 92–376, Aug. 10, 1972, 86 Stat. 529; Pub. L. 101–650, title III, § 324(b), Dec. 1, 1990, 104 Stat. 5120.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 187 (Mar. 3, 1911, ch. 231, § 106, 36 Stat. 1123; June 11, 1932, ch. 242, 47 Stat. 300).

A provision relating to maintenance of offices by the clerk was omitted as covered by sections 452 and 751 of this title.

Provisions that the Northern Division included Lake Traverse Indian Reservation and that part of Standing Rock Indian Reservation lying in South Dakota; that the Southern Division included the Yorkton Indian Reservation; that the Central Division included the Cheyenne River, Lower Brule, and Crow Creek Indian Reservations; and that the Western Division included Rosebud and Pine Ridge Indian Reservations, were all omitted as surplusage. (See Reviser's Note under section 114 of this title.)

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1990—Par. (3). Pub. L. 101–650, § 324(b)(1), struck out ''Jackson,'' after ''Hyde,''.

Par. (4). Pub. L. 101–650, § 324(b)(2), inserted ''Jackson,'' after ''Harding,'' and substituted ''and Shannon'' for ''Shannon, Washabaugh, and Washington''.

1972—Par. (2). Pub. L. 92–376, § 1(a), removed Gregory County from the Southern Division.

Par. (3). Pub. L. 92–376, § 1(b), added Gregory, Mellette, Todd, and Tripp counties to the Central Division and removed Armstrong county from the Central Division.

Par. (4). Pub. L. 92–376, § 1(c), removed Mellette, Todd, and Tripp counties from the Western Division.

1966—Pub. L. 89–638 provided for holding court at Rapid City.

§ 123. Tennessee

Tennessee is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of Tennessee.

Eastern District

(a) The Eastern District comprises four divisions.

(1) The Northern Division comprises the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, and Union.

Court for the Northern Division shall be held at Knoxville.

(2) The Northeastern Division comprises the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington.

Court for the Northeastern Division shall be held at Greenville.

(3) The Southern Division comprises the counties of Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie.

Court for the Southern Division shall be held at Chattanooga.

(4) The Winchester Division comprises the counties of Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, and Warren.

Court for the Winchester Division shall be held at Winchester.

Middle District

(b) The Middle District comprises three divisions.

(1) The Nashville Division comprises the counties of Cannon, Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson.

Court for the Nashville Division shall be held at Nashville.

(2) The Northeastern Division comprises the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White.

Court for the Northeastern Division shall be held at Cookeville.

(3) The Columbia Division comprises the counties of Giles, Hickman, Lawrence, Lewis, Marshall, Maury, and Wayne.

Court for the Columbia Division shall be held at Columbia.

Western District

(c) The Western District comprises two divisions.

(1) The Eastern Division comprises the counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley.

The Eastern Division also includes the waters of Tennessee River to low-water mark on the eastern shore wherever such river forms the boundary between the western and middle districts from the north line of Alabama north to the point in Henry County, Tennessee, where the south boundary of Kentucky strikes the east bank of the river.

Court for the Eastern Division shall be held at Jackson and Dyersburg.

(2) The Western Division comprises the counties of Fayette, Lauderdale, Shelby, and Tipton.

Court for the Western Division shall be held at Memphis.

The district judge for the Eastern District in office on November 27, 1940, shall hold court in the Northern and Northeastern Divisions. The other judge of that district shall hold the terms of court in the Southern and Winchester Divisions. Each may appoint and remove all officers and employees of the court whose official headquarters are located in the divisions within which he holds court and whose appointments are vested by law in a district judge or chief judge of a district.

(June 25, 1948, ch. 646, 62 Stat. 890; Pub. L. 87–36, §3(e), May 19, 1961, 75 Stat. 83; Pub. L. 87–86, July 11, 1961, 75 Stat. 203; Pub. L. 91–272, §12, June 2, 1970, 84 Stat. 298; Pub. L. 110–406, §2(a), Oct. 13, 2008, 122 Stat. 4291.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §188 (Mar. 3, 1911, ch. 231, §107, 36 Stat. 1124; Aug. 20, 1912, ch. 306, 37 Stat. 314; June 22, 1916, ch. 161, 39 Stat. 232; Mar. 4, 1923, ch. 289, 42 Stat. 1520; May 17, 1926, ch. 310, 44 Stat. 561; Mar. 1, 1927, ch. 244, 44 Stat. 1262; May 13, 1932, ch. 179, 47 Stat. 153; June 16, 1933, ch. 94, 48 Stat. 253; July 30, 1937, ch. 539, 50 Stat. 546; June 12, 1940, ch. 341, 54 Stat. 348; Nov. 27, 1940, ch. 920, §1, 54 Stat. 1216; Dec. 3, 1943, ch. 332, 57 Stat. 595).

Words ''The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges,'' and words, ''The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions,'' were deleted as superfluous, in view of sections 132 and 141 of this title.

Words ''The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to November 27, 1940, shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this section. The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this section and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville. The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson,'' at the end of the section, were deleted as temporary, and as superfluous, in view of the remainder of the section, prescribing the places for holding terms of court.

A provision for furnishing rooms and accommodations by the local authorities for holding court at Columbia ''but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose,'' was omitted on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

An identical provision with reference to Winchester is retained in part, but the words quoted above were omitted as unnecessary since, when such buildings become available, the Director will, under section 604 of this title, provide court accommodations therein.

The last paragraph of the revised section consolidates the provisions of paragraphs (e) and (f) of section 188 of title 28, U.S.C., 1940 ed., relating to the terms of court to be held in the two divisions of the eastern district by the two judges, and their respective powers of appointment of court officers and employees.

Provisions relating to appointment and residence of deputy marshals and maintenance of clerk's office, were omitted as covered by sections 542 [see 561] and 751 of this title.

The clerk of court in a letter dated February 7, 1945, calls attention to a rule of court providing for hearing of all bankruptcy matters arising in Haywood County at Jackson in the eastern division of the western district.

The provision respecting court accommodations at Winchester was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2008—Subsec. (c)(1). Pub. L. 110–406, §2(a)(1), inserted ''Dyer,'' after ''Decatur,'' and ''and Dyersburg'' after ''Jackson''.

Subsec. (c)(2). Pub. L. 110–406, §2(a)(2), struck out ''Dyer,'' after ''counties of'' and ''and Dyersburg'' after ''Memphis''.

1970—Subsec. (c)(1). Pub. L. 91–272, §12(a), added Haywood County to the enumeration of counties comprising the Eastern Division of the Western District.

Subsec. (c)(2). Pub. L. 91–272, §12(b), struck out Haywood County from the enumeration of counties comprising the Western Division of the Western District.

1961—Subsec. (c)(2). Pub. L. 87–36, as amended by Pub. L. 87–86, provided for holding court at Dyersburg.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–406, §2(b), Oct. 13, 2008, 122 Stat. 4291, provided that:

''(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Oct. 13, 2008].

''(2) PENDING CASES NOT AFFECTED.—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

''(3) JURIES NOT AFFECTED.—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.''

§124. Texas

Texas is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of Texas.

Northern District

(a) The Northern District comprises seven divisions.

(1) The Dallas Division comprises the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall.

Court for the Dallas Division shall be held at Dallas.

(2) The Fort Worth Division comprises the counties of Comanche, Erath, Hood,

Jack, Palo Pinto, Parker, Tarrant, and Wise.

Court for the Fort Worth Division shall be held at Fort Worth.

(3) The Abilene Division comprises the counties of Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackleford, Stephens, Stonewall, Taylor, and Throckmorton.

Court for the Abilene Division shall be held at Abilene.

(4) The San Angelo Division comprises the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green.

Court for the San Angelo Division shall be held at San Angelo.

(5) The Amarillo Division comprises the counties of Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Court for the Amarillo Division shall be held at Amarillo.

(6) The Wichita Falls Division comprises the counties of Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

Court for the Wichita Falls Division shall be held at Wichita Falls.

(7) The Lubbock Division comprises the counties of Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum.

Court for the Lubbock Division shall be held at Lubbock.

Southern District

(b) The Southern District comprises seven divisions.

(1) The Galveston Division comprises the counties of Brazoria, Chambers, Galveston, and Matagorda.

Court for the Galveston Division shall be held at Galveston.

(2) The Houston Division comprises the counties of Austin, Brazos, Colorado, Fayette, Fort Bend, Grimes, Harris, Madison, Montgomery, San Jacinto, Walker, Waller, and Wharton.

Court for the Houston Division shall be held at Houston.

(3) The Laredo Division comprises the counties of Jim Hogg, La Salle, McMullen, Webb, and Zapata.

Court for the Laredo Division shall be held at Laredo.

(4) The Brownsville Division comprises the counties of Cameron and Willacy.

Court for the Brownsville Division shall be held at Brownsville.

(5) The Victoria Division comprises the counties of Calhoun, DeWitt, Goliad, Jackson, Lavaca, Refugio, and Victoria.

Court for the Victoria Division shall be held at Victoria.

(6) The Corpus Christi Division comprises the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, and San Patricio.

Court for the Corpus Christi Division shall be held at Corpus Christi.

(7) The McAllen Division comprises the counties of Hidalgo and Starr.

Court for the McAllen Division shall be held at McAllen.

Eastern District

(c) The Eastern District comprises seven divisions.

(1) The Tyler Division comprises the counties of Anderson, Cherokee, Gregg, Henderson, Panola, Rains, Rusk, Smith, Van Zandt, and Wood.

Court for Tyler Division will be held at Tyler.

(2) The Beaumont Division comprises the counties of Hardin, Jasper, Jefferson, Liberty, Newton, and Orange.

Court for the Beaumont Division is to be held at Beaumont.

(3) The Sherman Division comprises the counties of Collin, Cook, Delta, Denton, Fannin, Grayson, Hopkins, and Lamar.

Court for the Sherman Division shall be held at Sherman and Plano.

(4) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, and Upshur.

Court for the Marshall Division shall be held at Marshall.

(5) The Texarkana Division comprises the counties of Bowie, Franklin, Red River, and Titus.

Court for the Texarkana Division shall be held at Texarkana, and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas.

(6) The Lufkin Division comprises the counties of Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Shelby, Trinity, and Tyler.

Court for the Lufkin Division shall be held at Lufkin.

Western District

(d) The Western District comprises seven divisions.

(1) The Austin Division comprises the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson.

Court for the Austin Division shall be held at Austin.

(2) The Waco Division comprises the counties of Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell.

Court for the Waco Division shall be held at Waco.

(3) The El Paso Division comprises the county of El Paso.

Court for the El Paso Division shall be held at El Paso.

(4) The San Antonio Division comprises the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, and Wilson.

Court for the San Antonio Division shall be held at San Antonio.

(5) The Del Rio Division comprises the counties of Edwards, Kinney, Maverick, Terrell, Uvalde, Val Verde, and Zavalla.

Court for the Del Rio Division shall be held at Del Rio.

(6) The Pecos Division comprises the counties of Brewster, Culberson, Jeff Davis, Hudspeth, Loving, Pecos, Presidio, Reeves, Ward, and Winkler.

Court for the Pecos Division shall be held at Pecos.

(7) The Midland-Odessa Division comprises the counties of Andrews, Crane, Ector, Martin, Midland, and Upton.

Court for the Midland-Odessa Division shall be held at Midland. Court may be held, in the discretion of the court, in Odessa, when courtroom facilities are made available at no expense to the Government.

(June 25, 1948, ch. 646, 62 Stat. 891; Feb. 10, 1954, ch. 6, §2(b)(9)(a), (b), 68 Stat. 11; Pub. L. 85–298, §§1, 2, Sept. 4, 1957, 71 Stat. 618; Pub. L. 87–352, Oct. 4, 1961, 75 Stat. 772; Pub. L. 88–282, Mar. 11, 1964, 78 Stat. 163; Pub. L. 88–512, Aug. 30, 1964, 78 Stat. 695; Pub. L. 90–216, Dec. 18, 1967, 81 Stat. 661; Pub. L. 96–462, §6, Oct. 15, 1980, 94 Stat. 2054; Pub. L. 98–620, title IV, §407(a), Nov. 8, 1984, 98 Stat. 3362; Pub. L. 108–157, §1(a), Dec. 3, 2003, 117 Stat. 1947; Pub. L. 108–455, §3, Dec. 10, 2004, 118 Stat. 3628.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §189 (Mar. 3, 1911, ch. 231, §108, 36 Stat. 1125; May 29, 1912, ch. 144, 37 Stat. 120; Feb. 5, 1913, ch. 28, §§1, 2, 37 Stat. 663; Feb. 26, 1917, ch. 122, 39 Stat. 939; Mar. 1, 1919, ch. 87, 40 Stat. 1270; Mar. 2, 1923, ch. 172, §§1, 2, 42 Stat. 1373; Apr. 3, 1924, ch. 82, 43 Stat. 64; May 29, 1924, ch. 211, §§1, 2, 43 Stat. 244; May 26, 1928, ch. 752, §1, 45 Stat. 747; June 6, 1930, ch. 408, 46 Stat. 521; June 24, 1930, ch. 596, 46 Stat. 807; Feb. 20, 1932, ch. 51, 47 Stat. 52; July 25, 1939, ch. 356, §1, 53 Stat. 1082; June 6, 1940, ch. 252, 54 Stat. 241.)

Words ''and all prosecutions against persons for offenses committed in the county of Reagan shall be tried in the court at San Angelo: Provided, That no civil or criminal cause begun and pending prior to May 29, 1924, shall be in any way affected,'' words ''and all prosecutions against persons for offenses committed in the county of Pecos shall be tried in the district court at El Paso, or Pecos City: Provided, That no civil or criminal cause begun and pending prior to March 2, 1923, shall be in any way affected,'' and words ''Provided, That no civil or criminal cause commenced prior to June 24, 1930, shall be in any way affected,'' were all deleted as superseded by Federal Rules of Criminal Procedure, Rules 18–22, and as obsolete, in view of the lapse of time after the dates included in such provisions.

Provisions for furnishing rooms and accommodations at Pecos and Wichita Falls were omitted as obsolete, on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available at such places.

Provisions relating to the maintenance of offices at various cities by the clerks were omitted as covered by sections 452 and 751 of this title.

Provisions that process against residents of Pecos County shall issue from and be returnable to the court at Pecos City and against residents of Reagan County at San Angelo, were omitted since such matter can be regulated more appropriately by court rule or order. (See Rule 4 of Federal Rules of Civil Procedure.)

The provisions requiring notice to be given for time of holding court in Pecos division and at Corpus Christi, were omitted as covered by section 141 of this title.

Five counties included in this section were created since the enactment of section 189 of title 28. These were Kleberg County and Kenedy County of the Corpus Christi division of the southern district, Culberson County and Hudspeth County of the El Paso division of the western district, and Real County of the San Antonio division of the western district. Pecos County is included in the Pecos division and omitted from the El Paso division of the western district to conform to the practice of the court.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(5). Pub. L. 108–455 inserted '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas'' after ''held at Texarkana''.

2003—Subsec. (c)(3). Pub. L. 108–157, §1(a)(1), substituted ''Delta, Denton, Fannin, Grayson, Hopkins, and Lamar'' for ''Denton, and Grayson'' and inserted ''and Plano'' after ''held at Sherman''.

Subsec. (c)(4) to (7). Pub. L. 108–157, §1(a)(2), (3), redesignated pars. (5) to (7) as (4) to (6), respectively, in par. (5) inserted ''Red River,'' after ''Franklin,'', and struck out former par. (4) which read ''The Paris Division comprises the counties of Delta, Fannin, Hopkins, Lamar, and Red River.

''Court for the Paris Division shall be held at Paris.''

1984—Subsec. (b). Pub. L. 98–620, §407(a)(1), substituted ''seven'' for ''six'' in provisions preceding par. (1).

Subsec. (b)(4). Pub. L. 98–620, §407(a)(2), struck out references to Hidalgo and Starr counties from the counties comprising the Brownsville Division of the Southern District.

Subsec. (b)(7). Pub. L. 98–620, §407(a)(3), added par. (7).

1980—Subsec. (b)(2). Pub. L. 96–462, §6(a), struck out references to Polk and Trinity counties in list of counties comprising Houston Division of Southern District.

Subsec. (c). Pub. L. 96–462, §6(b), in provisions preceding par. (1) substituted ''seven'' for ''six''; in par. (1) struck out references to Angelina, Houston, Nacogdoches, and Shelby counties in list of counties comprising Tyler Division of Eastern District; in par. (2) struck out references to Sabine, San Augustine, and Tyler counties in list of counties comprising Beaumont Division of Eastern District; and added par. (7).

1967—Subsec. (d). Pub. L. 90–216, §1(4), enlarged from six to seven the number of divisions comprising Western District.

Subsec. (d)(3). Pub. L. 90–216, §1(1), transferred counties of Brewster, Culberson, Hudspeth, and Presidio from El Paso Division to Pecos Division.

Subsec. (d)(6). Pub. L. 90–216, §1(2), added counties of Brewster, Culberson, Hudspeth, and Presidio to Pecos Division from El Paso Division, and transferred counties of Andrews, Crane, Ector, Martin, Midland, and Upton from Pecos Division to Midland-Odessa Division.

Subsec. (d)(7). Pub. L. 90–216, §1(3), added par. (7), which created Midland-Odessa Division, comprised of counties of Andrews, Crane, Ector, Martin, Midland, and Upton, transferred from Pecos Division.

1964—Subsec. (b)(1). Pub. L. 88–282, §1(a), struck out Austin, Fort Bend, and Wharton counties from list comprising Galveston Division.

Subsec. (b)(2). Pub. L. 88–282, §1(b), added Austin, Fort Bend, and Wharton counties to list comprising Houston Division.

Subsec. (c)(4). Pub. L. 88–512, § 1(a), added county of Hopkins to Paris Division.

Subsec. (c)(5). Pub. L. 88–512, § 1(b), struck out county of Hopkins from Marshall Division.

1961—Subsec. (c)(5). Pub. L. 87–352 changed the name of Division from Jefferson to Marshall, and provided for holding court at Marshall.

1957—Subsec. (c)(1). Pub. L. 85–298, § 2, inserted Shelby County in list of counties comprising Tyler Division.

Subsec. (c)(2). Pub. L. 85–298, § 1, struck out Shelby County from list of counties comprising Beaumont Division.

1954—Subsec. (d)(4). Act Feb. 10, 1954, § 2(b)(9)(a), struck out Edwards County from list of counties comprising San Antonio Division of Western District.

Subsec. (d)(5). Act Feb. 10, 1954, § 2(b)(9)(b), inserted Edwards County in list of counties comprising Del Rio Division of Western District.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–157, § 1(b), Dec. 3, 2003, 117 Stat. 1947, provided that:

''(1) IN GENERAL.—This section [amending this section] and the amendments made by this section shall take effect on the date of the enactment of this Act [Dec. 3, 2003].

''(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

''(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.''

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–620, title IV, § 407(b), Nov. 8, 1984, 98 Stat. 3362, provided that: ''The amendments made by subsection (a) of this section [amending this section] shall apply to any action commenced in the United States District Court for the Southern District of Texas on or after the effective date of this subtitle [Jan. 1, 1985], and shall not affect any action pending in such court on such effective date.''

Amendment by Pub. L. 98–620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98–620, set out as a note under section 85 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 96–462 effective Oct. 1, 1981, but not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on Oct. 1, 1981, see section 7 of Pub. L. 96–462, set out as a note under section 84 of this title.

§ 125. Utah

Utah constitutes one judicial district comprising two divisions.

(1) The Northern Division comprises the counties of Box Elder, Cache, Davis, Morgan, Rich, and Weber.

Court for the Northern Division shall be held at Salt Lake City and Ogden.

(2) The Central Division comprises the counties of Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Wayne.

Court for the Central Division shall be held at Salt Lake City, Provo, and St. George.

(June 25, 1948, ch. 646, 62 Stat. 893; Pub. L. 104–317, title VI, § 606, Oct. 19, 1996, 110 Stat. 3859.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 190 (Mar. 3, 1911, ch. 231, § 109, 36 Stat. 1127).

A provision relating to the maintenance of offices by the clerk was omitted as covered by section 751 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1996—Par. (1). Pub. L. 104–317, § 606(a), inserted ''Salt Lake City and'' before ''Ogden''.

Par. (2). Pub. L. 104–317, § 606(b), inserted '', Provo, and St. George'' after ''Salt Lake City''.

§ 126. Vermont

Vermont constitutes one judicial district.

Court shall be held at Bennington, Brattleboro, Burlington, Montpelier, Rutland, Saint Johnsbury, and Windsor.

(June 25, 1948, ch. 646, 62 Stat. 893; Pub. L. 88–312, May 28, 1964, 78 Stat. 201; Pub. L. 98–620, title IV, § 410, Nov. 8, 1984, 98 Stat. 3362.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 191 (Mar. 3, 1911, ch. 231, § 110, 36 Stat. 1127; Feb. 1, 1912, ch. 26, 37 Stat. 58; Feb. 28, 1929, ch. 360, 45 Stat. 1345).

Provision that ''any stated term may, when adjourned, be adjourned to meet at any of the other places at Montpelier or Newport,'' was omitted as unnecessary and inconsistent with sections 140 and 141 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98–620 provided for holding court at Bennington.

1964—Pub. L. 88–312 provided for holding court at Montpelier and Saint Johnsbury.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98–620, set out as a note under section 85 of this title.

§ 127. Virginia

Virginia is divided into two judicial districts, to be known as the Eastern and Western districts of Virginia.

Eastern District

(a) The Eastern District comprises the counties of Accomac, Amelia, Arlington, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier,

Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Court for the Eastern District shall be held at Alexandria, Newport News, Norfolk, and Richmond.

Western District

(b) The Western District comprises the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Louisa, Madison, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

Court for the Western District shall be held at Abingdon, Big Stone Gap, Charlottesville, Danville, Harrisonburg, Lynchburg, and Roanoke.

(c) Cities and incorporated towns are included in that district in which are included the counties within the exterior boundaries of which such cities and incorporated towns are geographically located or out of the territory of which they have been incorporated.

(June 25, 1948, ch. 646, 62 Stat. 893; Pub. L. 90–383, July 5, 1968, 82 Stat. 292; Pub. L. 102–200, §1, Dec. 10, 1991, 105 Stat. 1630.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§192 and 192a, and section 403c–2 of title 16, U.S.C., 1940 ed., Conservation (Mar. 3, 1911, ch. 231, §111, 36 Stat. 1127; June 13, 1918, ch. 100, 40 Stat. 605; Apr. 30, 1924, ch. 144, 43 Stat. 114; Feb. 21, 1925, ch. 290, 43 Stat. 962; Jan. 20, 1930, ch. 20, §1, 46 Stat. 56; Aug. 19, 1937, ch. 703, §2, 50 Stat. 701; June 13, 1938, ch. 350, 52 Stat. 674; Oct. 31, 1945, ch. 443, §202, 59 Stat. 554).

A provision of section 192 of title 28 relating to the maintenance of offices by the clerk of the western district was omitted as covered by sections 452 and 751 of this title.

Changes in arrangement and phraseology were made.

SENATE REVISION AMENDMENT

By Senate amendment, ''Newport News'' was inserted after ''Alexandria'' in second paragraph of subsection (a) of this section. See 80th Congress Senate Report No. 1559.

Editorial Notes

AMENDMENTS

1991—Subsec. (a). Pub. L. 102–200, §1(1), struck out reference to Culpeper, Louisa, and Orange counties.

Subsec. (b). Pub. L. 102–200, §1(2), inserted reference to Culpeper, Louisa, and Orange counties.

1968—Subsec. (c). Pub. L. 90–383 added subsec. (c).

Statutory Notes and Related Subsidiaries

APPLICABILITY OF 1991 AMENDMENTS

Pub. L. 102–200, §2, Dec. 10, 1991, 105 Stat. 1630, provided that:

''(a) PENDING ACTIONS.—The amendments made by section 1 [amending this section] shall not apply to any action commenced before the date of the enactment of this Act [Dec. 10, 1991] and pending in the United States District Court for the Eastern District of Virginia on such date.

''(b) JURIES.—The amendments made by section 1 shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Eastern or Western District of Virginia on the date of the enactment of this Act.''

§128. Washington

Washington is divided into two judicial districts to be known as the Eastern and Western Districts of Washington.

Eastern District

(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland.

Western District

(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

Court for the Western District shall be held at Bellingham, Seattle, Tacoma, and Vancouver.

(June 25, 1948, ch. 646, 62 Stat. 894; Pub. L. 87–699, Sept. 25, 1962, 76 Stat. 598; Pub. L. 91–272, §4, June 2, 1970, 84 Stat. 297; Pub. L. 110–161, div. D, title III, §308, Dec. 26, 2007, 121 Stat. 1990.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §193 (Mar. 3, 1911, ch. 231, §112, 36 Stat. 1128; June 15, 1937, ch. 351, 50 Stat. 260; Dec. 28, 1945, ch. 596, 59 Stat. 661).

Words ''with the waters thereof,'' after the list of counties in each division, were omitted as unnecessary, and in view of the absence of such words in most similar sections relating to other States.

A provision relating to the maintenance of offices by the clerks were omitted as covered by section 751 of this title.

Provisions that the counties in both divisions of the eastern district included all Indian reservations in such counties and that the counties in both divisions of the western district included all Indian reservations in such counties were omitted as surplusage. (See Reviser's Note under section 114 of this title.)

Pend Oreille County of the northern division of the eastern district and Grays Harbor of the southern division of the western district were created since the enactment of the Judicial Code.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2007—Subsec. (b). Pub. L. 110–161 substituted ''Bellingham, Seattle, Tacoma, and Vancouver'' for ''Bellingham, Seattle, and Tacoma''.

1970—Subsec. (a). Pub. L. 91–272, § 4(a), struck out provisions which had divided Eastern District into a Northern Division and a Southern Division.

Subsec. (b). Pub. L. 91–272, § 4(b), struck out provisions which had divided Western District into a Northern Division and a Southern Division.

1962—Subsec. (a)(2). Pub. L. 87–699 provided for holding court at Richland.

§ 129. West Virginia

West Virginia is divided into two judicial districts to be known as the Northern and Southern Districts of West Virginia.

Northern District

(a) The Northern District comprises the counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, and Wetzel.

Court for the Northern District shall be held at Clarksburg, Elkins, Fairmont, Martinsburg, and Wheeling.

Southern District

(b) The Southern District comprises the counties of Boone, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, and Wyoming.

Court for the Southern District shall be held at Beckley, Bluefield, Charleston, Huntington, Lewisburg, and Parkersburg.

(June 25, 1948, ch. 646, 62 Stat. 894; Pub. L. 97–471, § 1, Jan. 14, 1983, 96 Stat. 2601.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 194 (Mar. 3, 1911, ch. 231, § 113, 36 Stat. 1129; Mar. 23, 1912, ch. 63, 37 Stat. 76; Aug. 22, 1914, ch. 265, 38 Stat. 702; Feb. 27, 1922, ch. 83, 42 Stat. 398; June 22, 1936, ch. 695, 49 Stat. 1805; Aug. 23, 1937, ch. 737, 50 Stat. 744; June 29, 1938, ch. 817, 52 Stat. 1245).

Words ''with the waters thereof,'' after the list of counties in each district, were omitted as unnecessary, and in view of the absence of such words in similar sections relating to other States.

Provisions relating to special terms of court were omitted as covered by section 141 of this title.

A provision that the term at Fairmont be held ''when suitable rooms and accommodations for holding terms of the court shall be furnished at Fairmont free of cost to the United States or until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Fairmont, a Federal building containing such suitable rooms and accommodations for holding court shall be erected at such place,'' was omitted as obsolete on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

Provisions respecting court accommodations at Beckley and Lewisburg were omitted as covered by section 142 of this title.

Changes were made in arrangement and phraseology.

Editorial Notes

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–471, § 1(1), struck out references to Parkersburg, Wirt, and Wood counties and inserted references to Braxton, Pocahontas, and Webster counties.

Subsec. (b). Pub. L. 97–471, § 1(2), struck out references to Braxton, Pocahontas, and Webster counties and inserted references to Parkersburg, Wirt, and Wood counties.

§ 130. Wisconsin

Wisconsin is divided into two judicial districts to be known as the Eastern and Western districts of Wisconsin.

Eastern District

(a) The Eastern District comprises the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Menominee, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.

Court for the Eastern District shall be held at Green Bay, Milwaukee, and Oshkosh.

Western District

(b) The Western District comprises the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood.

Court for the Western District shall be held at Eau Claire, La Crosse, Madison, Superior, and Wausau.

(June 25, 1948, ch. 646, 62 Stat. 894; Pub. L. 87–573, Aug. 6, 1962, 76 Stat. 307.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 195 (Mar. 3, 1911, ch. 231, § 114, 36 Stat. 1129; July 24, 1935, ch. 413, 49 Stat. 495).

Provisions for keeping the courts and their offices open at all times were omitted as covered by section 452 of this title.

Provisions for maintenance of offices by the clerk and marshal, and for the appointment and residence of a deputy marshal for Superior, were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Words ''All causes and proceedings instituted in the court at Superior shall be tried therein, unless by consent of the parties, or upon the order of the court, they are transferred to another place for trial,'' were omitted as unnecessary. Such provision, as to civil cases, is covered by section 1404 of this title, and, as to criminal cases, is rendered unnecessary because of inherent power of the court and Rules 18–20 of the Federal Rules of Criminal Procedure.

Provisions for the return of process, including criminal warrants, at Superior and other places in the western district and for the keeping of records in the clerk's office at Superior, were omitted, since such matters can be regulated more appropriately by court rule or order. (See Federal Rules of Civil Procedure, Rule 4, and Federal Rules of Criminal Procedure, Rule 4(g).)

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1962—Subsec. (a). Pub. L. 87–573 inserted reference to Menominee county.

Statutory Notes and Related Subsidiaries

DESIGNATION OF JUDGE TO HOLD COURT, EASTERN DISTRICT

Pub. L. 106–553, §1(a)(2) [title III, §305(c)], Dec. 21, 2000, 114 Stat. 2762, 2762A–85, provided that: ''The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.''

§ 131. Wyoming

Wyoming and those portions of Yellowstone National Park situated in Montana and Idaho constitute one judicial district.

Court shall be held at Casper, Cheyenne, Evanston, Lander, Jackson, and Sheridan.

(June 25, 1948, ch. 646, 62 Stat. 895; Pub. L. 98–353, title II, §203(a), July 10, 1984, 98 Stat. 350.)

HISTORICAL AND REVISION NOTES

Based on section 27 of title 16, U.S.C., 1940 ed., Conservation, and title 28, U.S.C., 1940 ed., §196 (May 7, 1894, ch. 72, §5, 28 Stat. 74; Mar. 3, 1911, ch. 231, §§115, 291, 36 Stat. 1130, 1167; June 5, 1924, ch. 260, 43 Stat. 388; June 28, 1938, ch. 778, §1, 52 Stat. 1213).

Section consolidates section 196 of title 28, U.S.C., 1940 ed., with a portion of section 27 of title 16, U.S.C., 1940 ed., with necessary changes in arrangement and phraseology. Reference to parts of Yellowstone National Park in Montana and Idaho is derived from said section 27. Other provisions of said section are incorporated in sections 631 and 632 of this title.

A provision of section 196 of title 28, U.S.C., 1940 ed., for furnishing rooms and accommodations at Casper was omitted as obsolete, upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available there.

Provisions of section 196 of title 28, U.S.C., 1940 ed., for appointment of deputies and maintenance of offices by the clerk and marshal were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98–353 provided for holding court at Jackson.

§ 132. Creation and composition of district courts

(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.

(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.

(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

(June 25, 1948, ch. 646, 62 Stat. 895; Pub. L. 88–176, §2, Nov. 13, 1963, 77 Stat. 331.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §1, and section 641 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087; July 30, 1914, ch. 216, 38 Stat. 580; July 19, 1921, ch. 42, §313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, §1, 44 Stat. 19).

Section consolidates section 1 of title 28, U.S.C., 1940 ed., and section 641 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect the consolidation.

Subsection (c) is derived from section 641 of title 48, U.S.C., 1940 ed., which applied only to the Territory of Hawaii. The revised section, by extending it to all districts, merely recognizes established practice.

Other portions of section 1 of title 28, U.S.C., 1940 ed., are incorporated in sections 133 and 134 of this title. The remainder of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 133 of this title.

Editorial Notes

AMENDMENTS

1963—Subsec. (b). Pub. L. 88–176 inserted ''regular'' before ''active service''.

Statutory Notes and Related Subsidiaries

CONTINUATION OF ORGANIZATION OF COURT

Act June 25, 1948, ch. 646, §2(b), 62 Stat. 985, provided in part that the provisions of this title as set out in section 1 of act June 25, 1948, with respect to the organization of the court, shall be construed as a continuation of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on Sept. 1, 1948, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of this title pursuant to his prior appointment.

§ 133. Appointment and number of district judges

(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	12
Arkansas:	
Eastern	5
Western	3
California:	
Northern	14
Eastern	6
Central	27
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	15
Southern	17
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2

Districts	Judges
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	7
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	6
New York:	
Northern	5
Southern	28
Eastern	15
Western	4
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	19
Eastern	7
Western	13
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	7
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.

(b)(1) In any case in which a judge of the United States (other than a senior judge) assumes the duties of a full-time office of Federal judicial administration, the President shall appoint, by and with the advice and consent of the Senate, an additional judge for the court on which such judge serves. If the judge who assumes the duties of such full-time office leaves that office and resumes the duties as an active judge of the court, then the President shall not appoint a judge to fill the first vacancy which occurs thereafter in that court.

(2) For purposes of paragraph (1), the term ''office of Federal judicial administration'' means a position as Director of the Federal Judicial Center, Director of the Administrative Office of the United States Courts, or Counselor to the Chief Justice.

(June 25, 1948, ch. 646, 62 Stat. 895; Aug. 3, 1949, ch. 387, § 2(a), 63 Stat. 493; Aug. 14, 1950, ch. 708, 64 Stat. 443; Aug. 29, 1950, ch. 819, § 1, 64 Stat. 562; Sept. 5, 1950, ch. 848, § 1, 64 Stat. 578; Feb. 10, 1954, ch. 6, § 2(a)(3), 68 Stat. 9; Pub. L. 85–310, Sept. 7, 1957, 71 Stat. 631; Pub. L. 85–508, § 12(c), July 7, 1958, 72 Stat. 348; Pub. L. 86–3, § 9(b), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87–36, § 2(d), May 19, 1961, 75 Stat. 81; Pub. L. 87–562, § 3, July 30, 1962, 76 Stat. 248; Pub. L. 89–242, § 1(c), Oct. 7, 1965, 79 Stat. 951; Pub. L. 89–372, § 4, Mar. 18, 1966, 80 Stat. 77; Pub. L. 91–272, § 1(d), June 2, 1970, 84 Stat. 295; Pub. L. 92–208, § 3(d), Dec. 18, 1971, 85 Stat. 742; Pub. L. 95–408, § 4(b)(2), Oct. 2, 1978, 92 Stat. 885; Pub. L. 95–486, § 1(c), Oct. 20, 1978, 92 Stat. 1630; Pub. L. 97–471, § 3, Jan. 14, 1983, 96 Stat. 2601; Pub. L. 98–353, title II, § 202(e), July 10, 1984, 98 Stat. 348; Pub. L. 101–650, title II, § 203(d), title III, § 303, Dec. 1, 1990, 104 Stat. 5101, 5105; Pub. L. 105–53, § 4, Oct. 6, 1997, 111 Stat. 1174; Pub. L. 106–113, div. B, § 1000(a)(1) [title III, § 309(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A–37; Pub. L. 106–553, § 1(a)(2) [title III, § 305(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A–85; Pub. L. 107–273, div. A, title III, § 312(a)(2), (b)(2), Nov. 2, 2002, 116 Stat. 1786, 1787; Pub. L. 110–402, § 1(b)(1), Oct. 13, 2008, 122 Stat. 4254.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 1 and notes; sections 641, 643, 863, and 864 of title 48, U.S.C., 1940 ed.,

Territories and Insular Possessions; District of Columbia Code, 1940 ed., §11–301 (Apr. 12, 1900, ch. 191, §§34, 35, 31 Stat. 84, 85; Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; Mar. 3, 1901, ch. 854, §60, 31 Stat. 1199; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087; Jan. 7, 1913, ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 3, 1915, ch. 100, §1, 38 Stat. 961; Apr. 11, 1916, ch. 64, §1, 39 Stat. 48; Feb. 26, 1917, ch. 120, 39 Stat. 938; Mar. 2, 1917, ch. 145, §§41, 42, 39 Stat. 965, 966; Feb. 26, 1919, ch. 50, §1, 40 Stat. 1183; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1412; July 9, 1921, ch. 42, §313, 42 Stat. 119; Sept. 14, 1922, ch. 306, §1, 42 Stat. 837; Jan. 16, 1925, ch. 83, §3, 43 Stat. 752; Feb. 12, 1925, ch. 220, 43 Stat. 890; Feb. 13, 1925, ch. 229, §§1, 13, 43 Stat. 936, 942; Feb. 16, 1925, ch. 233, §§2, 3, 43 Stat. 946; Mar. 2, 1925, ch. 397, §§1–3, 43 Stat. 1098; Mar. 3, 1927, ch. 297, §1, 44 Stat. 1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, §1, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat. 1370; Mar. 3, 1927, ch. 336, §§1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344, 44 Stat. 1380; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Apr. 21, 1928, ch. 393, §5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Dec. 20, 1928, ch. 41, 45 Stat. 1056; Jan. 17, 1929, ch. 72, §1, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929, ch. 358, §1, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, §1, 46 Stat. 431; June 19, 1930, ch. 537, 46 Stat. 785; June 27, 1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, §1, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20, 1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May 17, 1932, ch. 190, 47 Stat. 158; May 20, 1932, ch. 196, 47 Stat. 161; Aug. 2, 1935, ch. 425, 49 Stat. 508; Aug. 19, 1935, ch. 558, §§1, 2, 49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, 49 Stat. 1476; June 15, 1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, §1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804; June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, §1, 50 Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; Mar. 26, 1938, ch. 51, §2, 52 Stat. 118; May 31, 1938, ch. 290, §§4, 5, 6, 52 Stat. 584, 585; June 20, 1938, ch. 528, 52 Stat. 780; Jan. 20, 1940, ch. 11, 54 Stat. 16; May 24, 1940, ch. 209, §2(c), 54 Stat. 220; June 8, 1940, ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 92, §1, 54 Stat. 1216; Nov. 21, 1941, ch. 479, 55 Stat. 773; July 7, 1942, ch. 489, 56 Stat. 648; Dec. 24, 1942, ch. 817, 56 Stat. 1083; Dec. 24, 1942, ch. 827, 56 Stat. 1092; Dec. 7, 1944, ch. 521, 58 Stat. 796; Dec. 22, 1944, ch. 663, 58 Stat. 887; Oct. 16, 1945, ch. 419, §§1, 2, 59 Stat. 545, 546; June 15, 1946, ch. 413, 60 Stat. 260; July 24, 1946, chs. 600, 602, 60 Stat. 654).

Section consolidates provisions of section 1 of title 28, U.S.C., 1940 ed., and sections 641, 643, 863, and 864 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 1 of title 28, U.S.C., 1940 ed., relating to residence of judges, are covered by section 134 of this title.

The act of Dec. 7, 1944, amended section 2 of the act of May 24, 1940, 54 Stat. 219, section 1, note, of title 28, U.S.C., 1940 ed., to read as follows: ''(a) Provided, That the first vacancy in the office of district judge in each of said districts except in the eastern district of Pennsylvania, shall not be filled.''

The act of Dec. 22, 1944, amended the same section to read as follows: ''(a) Provided, That the first vacancy occurring in the office of district judge in each of said districts except the district of New Jersey shall not be filled.''

The act of July 24, 1946, ch. 600, §1, 60 Stat. 654, amended the proviso in the 1940 act to read as follows: ''Provided, That the first vacancy occurring in the office of district judge in each of said districts, except the district of New Jersey and the eastern district of Pennsylvania, shall not be filled.''

The following additional but temporary judgeships, authorized by Congress, are not included in the revised section:

Districts	*Judges*
Delaware	1
Florida, Northern and Southern	1
Georgia, Northern	1
Kansas	1
Missouri, Eastern and Western	1
Ohio, Northern	1
Oklahoma, Western	1
Pennsylvania, Eastern, Middle and Western	1
West Virginia, Northern and Southern	1

Other provisions of said section 11–301 of the District of Columbia Code, 1940 ed., are incorporated in section 136 of this title.

A part of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 132 of this title.

Parts of sections 863 and 864 of title 48, U.S.C., 1940 ed., are retained in title 48. For other parts of those sections, see Distribution Table.

Other provisions of section 643 of title 48, U.S.C., 1940 ed., are incorporated in sections 501 [now 541], 504 [now 541 to 544], and 541 [see 561] of this title.

SENATE REVISION AMENDMENT

Provisions for one district judge in the Southern District of Indiana were inserted in this section by Senate amendment. See 80th Congress Senate Report No. 1559.

Editorial Notes

CODIFICATION

Paragraph (2) of subsection (b) of section 4 of Pub. L. 95–408, cited as a credit to this section, was amended generally by Pub. L. 96–4, §1, Mar. 30, 1979, 93 Stat. 6, and enacted provisions which are set out as a note under section 93 of this title.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110–402 substituted ''Counselor'' for ''administrative assistant''.

2002—Subsec. (a). Pub. L. 107–273 increased number of permanent district judgeships as follows: in Southern District of California from 8 to 13, in Central and Southern Districts of Illinois from 3 to 4, in Northern District of New York from 4 to 5, in Western District of North Carolina from 3 to 4, in Western District of Texas from 11 to 13, and in Eastern District of Virginia from 10 to 11.

2000—Subsec. (a). Pub. L. 106–553 increased number of permanent district judgeships as follows: in Arizona from 11 to 12, in Southern District of Florida from 16 to 17, in Eastern District of Kentucky from 4 to 5, in Nevada from 6 to 7, in New Mexico from 5 to 6, in South Carolina from 9 to 10, in Southern District of Texas from 18 to 19, in Western District of Texas from 10 to 11, in Eastern District of Virginia from 9 to 10, and in Eastern District of Wisconsin from 4 to 5.

1999—Subsec. (a). Pub. L. 106–113 increased number of permanent district judgeships in Arizona from 8 to 11, increased number of permanent district judgeships in Middle District of Florida from 11 to 15, and increased number of permanent district judgeships in Nevada from 4 to 6.

1997—Subsec. (a). Pub. L. 105–53 in item relating to Louisiana, reduced number of permanent district judgeships in Eastern District from 13 to 12 and increased number in Middle District from 2 to 3.

1990—Pub. L. 101–650, §303(1), designated existing provisions as subsec. (a) and added subsec. (b).

Pub. L. 101–650, §203(d), altered number of permanent district judgeships in named districts as follows:

State	*Former*	*New*
Alabama:		
Northern	7	7
Middle	3	3
Southern	3	3
Alaska	3	3
Arizona	8	8
Arkansas:		
Eastern	3	5

State	Former	New
Western	1	3
Eastern and Western	2	0
California:		
Northern	12	14
Eastern	6	6
Central	22	27
Southern	7	8
Colorado	7	7
Connecticut	6	8
Delaware	4	4
District of Columbia	15	15
Florida:		
Northern	3	4
Middle	9	11
Southern	15	16
Georgia:		
Northern	11	11
Middle	3	4
Southern	3	3
Hawaii	3	3
Idaho	2	2
Illinois:		
Northern	20	22
Central	3	3
Southern	3	3
Indiana:		
Northern	4	5
Southern	5	5
Iowa:		
Northern	1	2
Southern	2	3
Northern and Southern	1	0
Kansas	5	5
Kentucky:		
Eastern	4	4
Western	4	4
Eastern and Western	1	1
Louisiana:		
Eastern	13	13
Middle	2	2
Western	6	7
Maine	2	3
Maryland	10	10
Massachusetts	11	13
Michigan:		
Eastern	15	15
Western	4	4
Minnesota	7	7
Mississippi:		
Northern	3	3
Southern	5	6
Missouri:		
Eastern	5	6
Western	5	5
Eastern and Western	2	2
Montana	3	3
Nebraska	3	3
Nevada	4	4
New Hampshire	2	3
New Jersey	14	17
New Mexico	4	5
New York:		
Northern	4	4
Southern	27	28
Eastern	12	15
Western	3	4
North Carolina:		
Eastern	3	4
Middle	3	4
Western	3	3
North Dakota	2	2
Ohio:		
Northern	10	11
Southern	7	8
Oklahoma:		
Northern	2	3
Eastern	1	1
Western	4	6
Northern, Eastern, and Western	2	1
Oregon	5	6
Pennsylvania:		
Eastern	19	22
Middle	5	6
Western	10	10
Puerto Rico	7	7
Rhode Island	3	3
South Carolina	8	9
South Dakota	3	3
Tennessee:		
Eastern	4	5
Middle	3	4
Western	4	5
Texas:		
Northern	10	12
Southern	13	18
Eastern	6	7
Western	7	10
Utah	4	5
Vermont	2	2
Virginia:		
Eastern	9	9
Western	4	4
Washington:		
Eastern	3	4
Western	6	7
West Virginia:		
Northern	2	3
Southern	4	5
Wisconsin:		
Eastern	4	4
Western	2	2
Wyoming	2	3

1984—Pub. L. 98–353 altered number of permanent district judgeships in named districts as follows:

State	Former	New
Alabama:		
Northern	7	7
Middle	3	3
Southern	2	3
Alaska	2	3
Arizona	8	8
Arkansas:		
Eastern	3	3
Western	1	1
Eastern and Western	2	2
California:		
Northern	12	12
Eastern	6	6
Central	17	22
Southern	7	7
Colorado	6	7
Connecticut	5	6
Delaware	3	4
District of Columbia	15	15
Florida:		
Northern	3	3
Middle	9	9
Southern	12	15
Georgia:		
Northern	11	11
Middle	2	3
Southern	3	3
Hawaii	2	3
Idaho	2	2
Illinois:		
Northern	16	20
Central	3	3
Southern	2	3
Indiana:		
Northern	4	4
Southern	5	5
Iowa:		
Northern	1	1
Southern	2	2
Northern and Southern	1	1
Kansas	5	5
Kentucky:		
Eastern	4	4
Western	3	4
Eastern and Western	1	1
Louisiana:		
Eastern	13	13
Middle	2	2
Western	5	6
Maine	2	2
Maryland	9	10
Massachusetts	10	11
Michigan:		
Eastern	13	15
Western	4	4
Minnesota	5	7
Mississippi:		
Northern	2	3
Southern	3	5
Missouri:		
Eastern	4	5

State	Former	New
Western	5	5
Eastern and Western	2	2
Montana	2	3
Nebraska	3	3
Nevada	3	4
New Hampshire	2	2
New Jersey	11	14
New Mexico	4	4
New York:		
Northern	3	4
Southern	27	27
Eastern	10	12
Western	3	3
North Carolina:		
Eastern	3	3
Middle	3	3
Western	3	3
North Dakota	2	2
Ohio:		
Northern	9	10
Southern	6	7
Oklahoma:		
Northern	2	2
Eastern	1	1
Western	3	4
Northern, Eastern, and Western	2	2
Oregon	5	5
Pennsylvania:		
Eastern	19	19
Middle	5	5
Western	10	10
Puerto Rico	7	7
Rhode Island	2	3
South Carolina	8	8
South Dakota	3	3
Tennessee:		
Eastern	3	4
Middle	3	3
Western	3	4
Texas:		
Northern	9	10
Eastern	4	6
Southern	13	13
Western	6	7
Utah	3	4
Vermont	2	2
Virginia:		
Eastern	8	9
Western	4	4
Washington:		
Eastern	2	3
Western	5	6
West Virginia:		
Northern	2	2
Southern	4	4
Wisconsin:		
Eastern	4	4
Western	2	2
Wyoming	1	2

1983—Pub. L. 97–471 in item relating to West Virginia increased the number of judges for the Northern District from 1 to 2, increased the number of judges for the Southern District from 3 to 4, and struck out an item which had authorized a Northern and Southern District with 1 judge.

1978—Pub. L. 95–486 altered the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama:		
Northern	4	7
Middle	2	3
Southern	2	2
Alaska	2	2
Arizona	5	8
Arkansas:		
Eastern	1	3
Western	1	1
Eastern and Western	2	2
California:		
Northern	11	12
Eastern	3	6
Central	16	17
Southern	5	7
Colorado	4	6
Connecticut	4	5
Delaware	3	3
District of Columbia	15	15
Florida:		
Northern	2	3
Middle	6	9
Southern	7	12
Georgia:		
Northern	6	11
Middle	2	2
Southern	2	3
Hawaii	2	2
Idaho	2	2
Illinois:		
Northern	13	16
Central	2	3
Southern	2	2
Indiana:		
Northern	3	4
Southern	4	5
Iowa:		
Northern	1	1
Southern	1	2
Northern and Southern	1	1
Kansas	4	5
Kentucky:		
Eastern	2	4
Western	3	3
Eastern and Western	1	1
Louisiana:		
Eastern	9	13
Middle	1	2
Western	4	5
Maine	1	2
Maryland	7	9
Massachusetts	6	10
Michigan:		
Eastern	10	13
Western	2	4
Minnesota	4	5
Mississippi:		
Northern	2	2
Southern	3	3
Missouri:		
Eastern	3	4
Western	3	5
Eastern and Western	2	2
Montana	2	2
Nebraska	3	3
Nevada	2	3
New Hampshire	1	2
New Jersey	9	11
New Mexico	3	4
New York:		
Northern	2	3
Southern	27	27
Eastern	9	10
Western	3	3
North Carolina:		
Eastern	2	3
Western	2	3
Middle	2	3
North Dakota	2	2
Ohio:		
Northern	8	9
Southern	5	6
Oklahoma:		
Northern	1	2
Eastern	1	1
Western	2	3
Northern, Eastern, and Western	2	2
Oregon	3	5
Pennsylvania:		
Eastern	19	19
Middle	3	5
Western	10	10
Puerto Rico	3	7
Rhode Island	2	2
South Carolina	5	8
South Dakota	2	3
Tennessee:		
Eastern	3	3
Middle	2	3
Western	3	3
Texas:		
Northern	6	9
Southern	8	13
Eastern	3	4
Western	5	6
Utah	2	3

State	Former	New
Vermont	2	2
Virginia:		
Eastern	6	8
Western	2	4
Washington:		
Eastern	1	2
Western	3	5
West Virginia:		
Northern	1	1
Southern	2	3
Northern and Southern	1	1
Wisconsin:		
Eastern	3	4
Western	1	2
Wyoming	1	1

Pub. L. 95–408 substituted ''Central'' for ''Southern'' and ''Southern'' for ''Eastern'' in item relating to Illinois.

1971—Pub. L. 92–208 created a Middle District in the Louisiana listing with one judge and reduced from 10 to 9 the number of judges for the Eastern District of Louisiana.

1970—Pub. L. 91–272 altered the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama:		
Northern	3	4
Middle	1	2
Southern	1	2
Middle and Southern	1	0
Arizona	4	5
California:		
Northern	9	11
Central	13	16
Southern	2	5
Colorado	3	4
Florida:		
Middle	5	6
Southern	5	7
Georgia:		
Northern	3	6
Southern	1	2
Illinois: Northern	11	13
Kansas	3	4
Kentucky:		
Eastern	1	2
Western	2	3
Louisiana:		
Eastern	8	10
Western	3	4
Maryland	5	7
Michigan: Eastern	8	10
Missouri: Eastern	2	3
Nebraska	2	3
New Jersey	8	9
New Mexico	2	3
New York:		
Southern	24	27
Eastern	8	9
Ohio:		
Northern	7	8
Southern	4	5
Pennsylvania:		
Eastern	11	19
Western	8	10
Puerto Rico	2	3
South Carolina	4	5
Tennessee: Western	2	3
Texas:		
Northern	5	6
Southern	7	8
Eastern	2	3
Western	4	5
Virginia: Eastern	5	6
West Virginia: Southern	1	2
Wisconsin: Eastern	2	3

1966—Pub. L. 89–372 altered the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama: Middle and Southern	0	1
Arizona	3	4
California:		
Northern	9	9
Eastern	0	3
Central	0	13
Southern	13	2
Florida:		
Northern	1	2
Middle	3	5
Southern	3	5
Northern, Middle, and Southern	1	0
Illinois: Northern	10	11
Indiana: Southern	3	4
Louisiana: Eastern	4	8
Maryland	4	5
Mississippi:		
Northern	1	2
Southern	2	3
New York: Western	2	3
Ohio:		
Northern	6	7
Southern	3	4
Rhode Island	1	2
Texas:		
Southern	5	7
Western	3	4
Vermont	1	2
Virginia: Eastern	3	5

1965—Pub. L. 89–242 changed the South Carolina listing by removing references to an Eastern and Western District, with 1 judge listed for the Eastern, 1 judge for the Western, and 2 judges for the Eastern and Western combined, and substituted therefor a single reference to a South Carolina District with 4 judges.

1962—Pub. L. 87–562 amended the Florida listing by adding the Middle District with its designation of 3 judges, substituted ''Northern, Middle, and Southern'' for ''Northern and Southern'', and reduced the number of judges in the Southern District from 6 to 3.

1961—Pub. L. 87–36 increased the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama:		
Northern	2	3
Alaska	1	2
Arizona	2	3
Arkansas:		
Eastern and Western	1	2
California:		
Northern	7	9
Southern	11	13
Colorado	2	3
Connecticut	2	4
Florida:		
Southern	4	6
Georgia:		
Northern	2	3
Middle	1	2
Illinois:		
Northern	8	10
Indiana:		
Northern	2	3
Southern	2	3
Iowa:		
Northern and Southern	0	1
Kansas	2	3
Louisiana:		
Eastern	2	4
Western	2	3
Maryland	2	4
Massachusetts	5	6
Michigan:		
Eastern	6	8
Mississippi:		
Southern	1	2
Missouri:		
Western	2	3
Nevada	1	2
New Jersey	7	8
New Mexico	1	2
New York:		
Southern	18	24
Eastern	6	8
North Carolina:		
Eastern	1	2

State	Former	New
Western	1	2
Middle	1	2
Ohio:		
Northern	5	6
Oklahoma:		
Northern, Eastern, and Western	1	2
Pennsylvania:		
Eastern	8	11
Middle	2	3
Western	5	8
Puerto Rico	1	2
South Carolina:		
Eastern and Western	1	2
Tennessee:		
Eastern	2	3
Middle	1	2
Western	1	2
Texas:		
Northern	3	5
Southern	4	5
Western	2	3
Utah	1	2
Washington:		
Western	2	3

1959—Pub. L. 86–3 struck out provisions that restricted eligibility for appointment as district judges for the district of Hawaii to citizens of the Territory of Hawaii who have resided therein for at least three years.

1958—Pub. L. 85–508 inserted ''Alaska ——— 1''.

1957—Pub. L. 85–310 increased the number of permanent judgeships in the district of South Dakota from 1 to 2.

1954—Act Feb. 10, 1954, increased the number of permanent judgeships in the named districts as follows:

State	Former	New
California:		
Southern	10	11
Delaware	2	3
Florida:		
Southern	3	4
Idaho	1	2
Indiana:		
Northern	1	2
Southern	1	2
Kentucky:		
Western	1	2
Massachusetts	4	5
Michigan:		
Eastern	5	6
Western	1	2
Missouri:		
Eastern and Western	1	2
New Jersey	6	7
New York:		
Southern	16	18
North Dakota	1	2
Ohio:		
Northern	4	5
Pennsylvania:		
Eastern	7	8
Western	4	5
Texas:		
Southern	3	4
Eastern	1	2
Virginia:		
Eastern	2	3
West Virginia:		
Northern and Southern	0	1
Wisconsin:		
Eastern	1	2

1950—Act Sept. 5, 1950, increased the number of permanent judgeships in the district of Delaware from 1 to 2.

Act Aug. 29, 1950, increased the number of permanent judgeships in the western district of Pennsylvania from 3 to 4.

Act Aug. 14, 1950, increased the number of permanent judgeships in the northern district of Illinois from 6 to 8.

1949—Act Aug. 3, 1949, increased the numbers of permanent judgeships in the named districts as follows:

State	Former	New
California:		
Northern	5	7
Southern	8	10
District of Columbia	12	15
Florida:		
Northern and Southern	0	1
Georgia:		
Northern	1	2
Kansas	1	2
New Jersey	5	6
New York:		
Southern	12	16
Ohio:		
Northern	3	4
Oklahoma:		
Western	1	2
Oregon	2	3
Pennsylvania:		
Eastern	5	7
Texas:		
Southern	2	3

Statutory Notes and Related Subsidiaries

Effective Date of 2002 Amendment

Pub. L. 107–273, div. A, title III, §312(a)(3), Nov. 2, 2002, 116 Stat. 1787, provided that: ''This subsection [amending this section and enacting provisions set out as a note under this section] shall take effect on July 15, 2003.''

Pub. L. 107–273, div. A, title III, §312(b)(3), Nov. 2, 2002, 116 Stat. 1788, provided that: ''With respect to the central or southern district of Illinois, the northern district of New York, or the eastern district of Virginia, this subsection [amending this section and enacting provisions set out as a note under this section] shall take effect on the earlier of—

''(A) the date on which the first vacancy in the office of district judge occurs in such district; or

''(B) July 15, 2003.''

Effective Date of 1978 Amendment; Waiver of Standards and Guidelines; Failure To Comply

Pub. L. 95–486, §7, Oct. 20, 1978, 92 Stat. 1633, provided that:

''(a) The first section and section 2 of this Act [amending this section and enacting provisions set out as notes under this section] shall take effect immediately upon the President's promulgation and publication of standards and guidelines for the selection, on the basis of merit, of nominees for United States district court judgeships authorized by this Act [amending this section, sections 44, 46, 1337, and 1445 of this title, and section 5108 of Title 5, Government Organization and Employees, enacting provisions set out as notes under this section and sections 41 and 44 of this title, and amending provisions set out as a note under section 45 of this title].

''(b) The President may waive such standards and guidelines with respect to any nomination by notifying the Senate of the reasons for such waiver.

''(c) Following the promulgation and publication of such standards and guidelines, no nomination or appointment to a United States district court judgeship may be invalidated on the basis of the President's failure to comply with this section or with any standards or guidelines promulgated under this section.

''(d) This Act, other than the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall take effect on the date of enactment of this Act [Oct. 20, 1978].''

Pub. L. 95–486, §11, Oct. 20, 1978, 92 Stat. 1634, provided that: ''Notwithstanding any other provision of this Act the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall not take effect before November 1, 1978.''

Effective Date of 1978 Amendment; Savings Provision

Amendment by Pub. L. 95–408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the

composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95–408, set out as a note under section 89 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–208 effective 120 days after Dec. 18, 1971, see section 3(f) of Pub. L. 92–208, set out as a note under section 98 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–242 effective on first day of month following Oct. 7, 1965, see section 6 of Pub. L. 89–242, set out as a note under section 121 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–562 effective 90 days after July 30, 1962, see section 5 of Pub. L. 87–562, set out as a note under section 89 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86–3, § 9, Mar. 18, 1959, 73 Stat. 8, provided in part that the amendment of this section and section 134 of this title is effective on admission of the State of Hawaii into the Union. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. 74, as required by sections 1 and 7(c) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–508 effective Jan. 3, 1959, on admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. 16, as required by sections 1 and 8(c) of Pub. L. 85–508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

ADDITIONAL JUDGESHIPS

Pub. L. 109–115, div. A, title IV, § 406, Nov. 30, 2005, 119 Stat. 2470, as amended by Pub. L. 113–6, div. F, title III, § 1312(b), Mar. 26, 2013, 127 Stat. 418; Pub. L. 113–76, div. E, title III, § 307(b), Jan. 17, 2014, 128 Stat. 203; Pub. L. 113–235, div. E, title III, § 306(b), Dec. 16, 2014, 128 Stat. 2351; Pub. L. 114–113, div. E, title III, § 306(b), Dec. 18, 2015, 129 Stat. 2443; Pub. L. 115–31, div. E, title III, § 306(b), May 5, 2017, 131 Stat. 347; Pub. L. 115–141, div. E, title III, § 306(b), Mar. 23, 2018, 132 Stat. 556; Pub. L. 116–6, div. D, title III, § 306(b), Feb. 15, 2019, 133 Stat. 159; Pub. L. 116–93, div. C, title III, § 306(b), Dec. 20, 2019, 133 Stat. 2454; Pub. L. 116–260, div. E, title III, § 306(b), Dec. 27, 2020, 134 Stat. 1401; Pub. L. 117–103, div. E, title III, § 306(b), Mar. 15, 2022, 136 Stat. 261; Pub. L. 117–328, div. E, title III, § 306(b), Dec. 29, 2022, 136 Stat. 4672, provided that: ''The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) [set out below] as amended by Public Law 105–53, as of the effective date of this Act [Nov. 30, 2005], shall be extended. The first vacancy in the office of district judge in this district occurring 30 years and 6 months or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.''

Pub. L. 107–273, div. A, title III, § 312(a)(1), Nov. 2, 2002, 116 Stat. 1786, provided that: ''The President shall appoint, by and with the advice and consent of the Senate—

''(A) 5 additional district judges for the southern district of California;

''(B) 1 additional district judge for the western district of North Carolina; and

''(C) 2 additional district judges for the western district of Texas.''

Pub. L. 107–273, div. A, title III, § 312(b)(1), Nov. 2, 2002, 116 Stat. 1787, provided that: ''The existing district judgeships for the central district and the southern district of Illinois, the northern district of New York, and the eastern district of Virginia authorized by section 203(c)(3), (4), (9), and (12) of the Judicial Improvements Act of 1990 (Public Law 101–650, 28 U.S.C. 133 note [set out below]) shall be authorized under section 133 of title 28, United States Code, and the incumbents in such offices shall hold the offices under section 133 of title 28, United States Code (as amended by this section).''

Pub. L. 107–273, div. A, title III, § 312(c), Nov. 2, 2002, 116 Stat. 1788, as amended by Pub. L. 113–6, div. F, title III, § 1312(c), Mar. 26, 2013, 127 Stat. 418; Pub. L. 113–76, div. E, title III, § 307(c), Jan. 17, 2014, 128 Stat. 203; Pub. L. 113–235, div. E, title III, § 306(c), Dec. 16, 2014, 128 Stat. 2352; Pub. L. 114–113, div. E, title III, § 306(c), Dec. 18, 2015, 129 Stat. 2443; Pub. L. 115–31, div. E, title III, § 306(c), May 5, 2017, 131 Stat. 347; Pub. L. 115–141, div. E, title III, § 306(c), Mar. 23, 2018, 132 Stat. 556; Pub. L. 116–6, div. D, title III, § 306(c), Feb. 15, 2019, 133 Stat. 159; Pub. L. 116–93, div. C, title III, § 306(c), Dec. 20, 2019, 133 Stat. 2454; Pub. L. 116–260, div. E, title III, § 306(c), Dec. 27, 2020, 134 Stat. 1401; Pub. L. 117–103, div. E, title III, § 306(c), Mar. 15, 2022, 136 Stat. 262; Pub. L. 117–328, div. E, title III, § 306(c), Dec. 29, 2022, 136 Stat. 4672, provided that:

''(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

''(A) 1 additional district judge for the northern district of Alabama;

''(B) 1 additional judge for the district of Arizona;

''(C) 1 additional judge for the central district of California;

''(D) 1 additional judge for the southern district of Florida;

''(E) 1 additional district judge for the district of New Mexico;

''(F) 1 additional district judge for the western district of North Carolina; and

''(G) 1 additional district judge for the eastern district of Texas.

''(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, except in the case of the central district of California and the western district of North Carolina, occurring 21 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled. The first vacancy in the office of district judge in the central district of California occurring 20 years and 6 months or more after the confirmation date of the judge named to fill the temporary district judgeship created in that district by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of North Carolina occurring 19 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in that district by this subsection, shall not be filled.

''(3) EFFECTIVE DATE.—This subsection shall take effect on July 15, 2003.''

Pub. L. 106–553, § 1(a)(2) [title III, § 305(a)], Dec. 21, 2000, 114 Stat. 2762, 2762A–84, provided that: ''The President shall appoint, by and with the advice and consent of the Senate—

''(1) 1 additional district judge for the district of Arizona;

''(2) 1 additional district judge for the southern district of Florida;

''(3) 1 additional district judge for the eastern district of Kentucky;

''(4) 1 additional district judge for the district of Nevada;

''(5) 1 additional district judge for the district of New Mexico;

''(6) 1 additional district judge for the district of South Carolina;

''(7) 1 additional district judge for the southern district of Texas;

''(8) 1 additional district judge for the western district of Texas;

''(9) 1 additional district judge for the eastern district of Virginia; and

''(10) 1 additional district judge for the eastern district of Wisconsin.''

Pub. L. 106–113, div. B, §1000(a)(1) [title III, §309(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A–37, provided that: ''The President shall appoint, by and with the advice and consent of the Senate—

''(1) three additional district judges for the district of Arizona;

''(2) four additional district judges for the middle district of Florida; and

''(3) two additional district judges for the district of Nevada.''

Pub. L. 101–650, title II, §203(a)–(c), Dec. 1, 1990, 104 Stat. 5099–5101, as amended by Pub. L. 104–60, §1, Nov. 28, 1995, 109 Stat. 635; Pub. L. 104–317, title III, §304, Oct. 19, 1996, 110 Stat. 3852; Pub. L. 105–53, §3, Oct. 6, 1997, 111 Stat. 1173; Pub. L. 107–273, div. A, title III, §312(d)(1), Nov. 2, 2002, 116 Stat. 1788; Pub. L. 109–289, div. B, title II, §21056, as added by Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 55; Pub. L. 110–161, div. D, title III, §309, Dec. 26, 2007, 121 Stat. 1990; Pub. L. 111–8, div. D, title III, §309, Mar. 11, 2009, 123 Stat. 649; Pub. L. 111–117, div. C, title III, §307, Dec. 16, 2009, 123 Stat. 3177; Pub. L. 112–10, div. B, title V, §1530, Apr. 15, 2011, 125 Stat. 134; Pub. L. 112–74, div. C, title III, §306, Dec. 23, 2011, 125 Stat. 902; Pub. L. 113–6, div. F, title III, §1312(a), Mar. 26, 2013, 127 Stat. 418; Pub. L. 113–76, div. E, title III, §307(a), Jan. 17, 2014, 128 Stat. 203; Pub. L. 113–235, div. E, title III, §306(a), Dec. 16, 2014, 128 Stat. 2351; Pub. L. 114–113, div. E, title III, §306(a), Dec. 18, 2015, 129 Stat. 2443; Pub. L. 115–31, div. E, title III, §306(a), May 5, 2017, 131 Stat. 347; Pub. L. 115–141, div. E, title III, §306(a), Mar. 23, 2018, 132 Stat. 555; Pub. L. 116–6, div. D, title III, §306(a), Feb. 15, 2019, 133 Stat. 159; Pub. L. 116–93, div. C, title III, §306(a), Dec. 20, 2019, 133 Stat. 2454; Pub. L. 116–260, div. E, title III, §306(a), Dec. 27, 2020, 134 Stat. 1400; Pub. L. 117–103, div. E, title III, §306(a), Mar. 15, 2022, 136 Stat. 261; Pub. L. 117–328, div. E, title III, §306(a), Dec. 29, 2022, 136 Stat. 4671, provided that:

''(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

''(1) 1 additional district judge for the western district of Arkansas;

''(2) 2 additional district judges for the northern district of California;

''(3) 5 additional district judges for the central district of California;

''(4) 1 additional district judge for the southern district of California;

''(5) 2 additional district judges for the district of Connecticut;

''(6) 2 additional district judges for the middle district of Florida;

''(7) 1 additional district judge for the northern district of Florida;

''(8) 1 additional district judge for the southern district of Florida;

''(9) 1 additional district judge for the middle district of Georgia;

''(10) 1 additional district judge for the northern district of Illinois;

''(11) 1 additional district judge for the southern district of Iowa;

''(12) 1 additional district judge for the western district of Louisiana;

''(13) 1 additional district judge for the district of Maine;

''(14) 1 additional district judge for the district of Massachusetts;

''(15) 1 additional district judge for the southern district of Mississippi;

''(16) 1 additional district judge for the eastern district of Missouri;

''(17) 1 additional district judge for the district of New Hampshire;

''(18) 3 additional district judges for the district of New Jersey;

''(19) 1 additional district judge for the district of New Mexico;

''(20) 1 additional district judge for the southern district of New York;

''(21) 3 additional district judges for the eastern district of New York;

''(22) 1 additional district judge for the middle district of North Carolina;

''(23) 1 additional district judge for the southern district of Ohio;

''(24) 1 additional district judge for the northern district of Oklahoma;

''(25) 1 additional district judge for the western district of Oklahoma;

''(26) 1 additional district judge for the district of Oregon;

''(27) 3 additional district judges for the eastern district of Pennsylvania;

''(28) 1 additional district judge for the middle district of Pennsylvania;

''(29) 1 additional district judge for the district of South Carolina;

''(30) 1 additional district judge for the eastern district of Tennessee;

''(31) 1 additional district judge for the western district of Tennessee;

''(32) 1 additional district judge for the middle district of Tennessee;

''(33) 2 additional district judges for the northern district of Texas;

''(34) 1 additional district judge for the eastern district of Texas;

''(35) 5 additional district judges for the southern district of Texas;

''(36) 3 additional district judges for the western district of Texas;

''(37) 1 additional district judge for the district of Utah;

''(38) 1 additional district judge for the eastern district of Washington;

''(39) 1 additional district judge for the northern district of West Virginia;

''(40) 1 additional district judge for the southern district of West Virginia; and

''(41) 1 additional district judge for the district of Wyoming.

''(b) EXISTING JUDGESHIPS.—(1) The existing district judgeships for the western district of Arkansas, the northern district of Illinois, the northern district of Indiana, the district of Massachusetts, the western district of New York, the eastern district of North Carolina, the northern district of Ohio, and the western district of Washington authorized by section 202(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98–353, 98 Stat. 347–348) [set out below] shall, as of the effective date of this title [Dec. 1, 1990], be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this title.

''(2)(A) The existing 2 district judgeships for the eastern and western districts of Arkansas (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be district judgeships for the eastern district of Arkansas only, and the incumbents of such judgeships shall hold the offices under section 133 of title 28, United States Code, as amended by this title.

''(B) The existing district judgeship for the northern and southern districts of Iowa (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be a district judgeship for the northern district of Iowa only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

''(C) The existing district judgeship for the northern, eastern, and western districts of Oklahoma (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) and the occupant of which has his or her official duty station at Oklahoma City on the date of the enactment

of this title [Dec. 1, 1990], shall be a district judgeship for the western district of Oklahoma only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

''(c) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

''(1) 1 additional district judge for the eastern district of California;

''(2) 1 additional district judge for the district of Hawaii;

''(3) 1 additional district judge for the central district of Illinois;

''(4) 1 additional district judge for the southern district of Illinois;

''(5) 1 additional district judge for the district of Kansas;

''(6) 1 additional district judge for the western district of Michigan;

''(7) 1 additional district judge for the eastern district of Missouri;

''(8) 1 additional district judge for the district of Nebraska;

''(9) 1 additional district judge for the northern district of New York;

''(10) 1 additional district judge for the northern district of Ohio;

''(11) 1 additional district judge for the eastern district of Pennsylvania; and

''(12) 1 additional district judge for the eastern district of Virginia.

Except with respect to the district of Kansas, the western district of Michigan, the eastern district of Pennsylvania, the district of Hawaii, and the northern district of Ohio, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the district of Kansas occurring 32 years and 6 months or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. The first vacancy in the office of district judge in the northern district of Ohio occurring 19 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled. The first vacancy in the office of the district judge in the district of Hawaii occurring 29 years and 6 months or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled. For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.''

[Pub. L. 107–273, div. A, title III, §312(d)(2), Nov. 2, 2002, 116 Stat. 1788, provided that: ''The amendments made by this subsection [amending section 203(c) of Pub. L. 101–650, set out above] shall take effect on the date of enactment of this Act [Nov. 2, 2002].'']

Pub. L. 98–353, title II, §202(a)–(d), July 10, 1984, 98 Stat. 347, 348, provided that:

''(a) Subject to the provisions of subsection (c), the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Alabama, one additional district judge for the district of Alaska, five additional district judges for the central district of California, one additional district judge for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the district of Delaware, three additional district judges for the southern district of Florida, one additional district judge for the middle district of Georgia, one additional district judge for the district of Hawaii, four additional district judges for the northern district of Illinois, one additional district judge for the southern district of Illinois, one additional district judge for the western district of Kentucky, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the district of Massachusetts, two additional district judges for the eastern district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the northern district of Mississippi, two additional district judges for the southern district of Mississippi, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Montana, one additional district judge for the district of Nevada, three additional district judges for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the southern district of Ohio, one additional district judge for the western district of Oklahoma, one additional district judge for the district of Rhode Island, one additional district judge for the eastern district of Tennessee, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, two additional district judges for the eastern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, one additional district judge for the eastern district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, and one additional district judge for the district of Wyoming.

''(b) Subject to the provisions of subsection (c) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in each of the offices of district judge authorized by this subsection, occurring five years or more after the effective date of this Act [probably means July 10, 1984], shall not be filled.

''(c) For the judgeships created in subsections (a) and (b), the President shall appoint, by and with the advice and consent of the Senate, no more than twenty-nine of such judges prior to January 21, 1985.

''(d) The existing district judgeship for the district of Minnesota and the existing district judgeship for the northern district of Ohio, heretofore authorized by section 2 of the Act of October 20, 1978 (Public Law 95–486, 92 Stat. 1631) [set out below], shall, as of the effective date of this Act [probably means July 10, 1984], be authorized under section 133 of title 28, United States Code, and the incumbents of those offices shall henceforth hold their offices under section 133, as amended by this Act.''

Pub. L. 95–486, §1(a), Oct. 20, 1978, 92 Stat. 1629, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, three additional district judges for the northern district of Alabama, one additional district judge for the middle district of Alabama, three additional district judges for the district of Arizona, two additional district judges for the eastern district of Arkansas, one additional district judge for the northern district of California, three addi-

tional district judges for the eastern district of California, one additional district judge for the central district of California, two additional district judges for the southern district of California, two additional district judges for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the northern district of Florida, three additional district judges for the middle district of Florida, five additional district judges for the southern district of Florida, five additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, three additional district judges for the northern district of Illinois, one additional district judge for the central district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the southern district of Iowa, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Kentucky, four additional district judges for the eastern district of Louisiana, one additional district judge for the middle district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maine, two additional district judges for the district of Maryland, four additional district judges for the district of Massachusetts, three additional district judges for the eastern district of Michigan, two additional district judges for the western district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the eastern district of Missouri, two additional district judges for the western district of Missouri, one additional district judge for the district of Nevada, one additional district judge for the district of New Hampshire, two additional district judges for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the northern district of New York, one additional district judge for the eastern district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the middle district of North Carolina, one additional district judge for the western district of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, one additional district judge for the western district of Oklahoma, one additional district judge for the northern district of Oklahoma, two additional district judges for the district of Oregon, two additional district judges for the middle district of Pennsylvania, four additional district judges for the district of Puerto Rico, three additional district judges for the district of South Carolina, one additional district judge for the district of South Dakota, one additional district judge for the middle district of Tennessee, three additional district judges for the northern district of Texas, one additional district judge for the eastern district of Texas, five additional district judges for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, two additional district judges for the eastern district of Virginia, two additional district judges for the western district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, one additional district judge for the southern district of West Virginia, one additional district judge for the eastern district of Wisconsin, and one additional district judge for the western district of Wisconsin.''

Pub. L. 95–486, §2, Oct. 20, 1978, 92 Stat. 1632, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of Kentucky, one additional district judge for the district of Minnesota, one additional district judge for the northern district of Ohio, and one additional district judge for the southern district of West Virginia. The first vacancy in the office of district judge in the judicial districts named in this section occurring five years or more after the effective date of this Act [Oct. 20, 1978] shall not be filled.''

Pub. L. 91–272, §1(a), June 2, 1970, 84 Stat. 294, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.''

Pub. L. 89–372, §2(a), Mar. 18, 1966, 80 Stat. 75, provided that: The President shall appoint, by and with the advice and consent of the Senate, one district judge for the middle and southern districts of Alabama, one additional district judge for the district of Arizona, one additional district judge for the northern district of Florida, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, one additional district judge for the northern district of Illinois, one additional district judge for the southern district of Indiana, four additional district judges for the eastern district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the northern district of Mississippi, one additional district judge for the southern district of Mississippi, one additional district judge for the western district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, one additional district judge for the district of Rhode Island, two additional district judges for the southern district of Texas, one additional district judge for the western district of Texas, two additional district judges for the eastern district of Virginia, and one additional district judge for the district of Vermont.''

Pub. L. 87–36, §2(a), May 19, 1961, 75 Stat. 80, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district

judge for the northern district of Alabama, one additional district judge for the district of Alaska, one additional district judge for the district of Arizona, one additional district judge for the eastern and western districts of Arkansas, two additional district judges for the northern district of California, two additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the district of Connecticut, two additional district judges for the southern district of Florida, one additional district judge for the northern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the northern and southern districts of Iowa, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, one additional district judge for the district of Massachusetts, two additional district judges for the eastern district of Michigan, one additional district judge for the southern district of Mississippi, one additional district judge for the western district of Missouri, one additional district judge for the district of Nevada, one additional district judge for the district of New Jersey, two additional district judges for the eastern district of New York, six additional district judges for the southern district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the middle district of North Carolina, one additional district judge for the western district of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the northern, eastern, and western districts of Oklahoma, three additional district judges for the eastern district of Pennsylvania, one additional district judge for the middle district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the eastern and western districts of South Carolina, one additional district judge for the eastern district of Tennessee, one additional district judge for the middle district of Tennessee, one additional district judge for the western district of Tennessee, two additional district judges for the northern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas and one additional district judge for the eastern and western districts of Washington.''

Subsec. (a)(1) of act Feb. 10, 1954, ch. 6, §2, 68 Stat. 8, subsec. (a)(3) of which section amended the table in this section, provided for the appointment by the President, by and with the advice and consent of the Senate, of the additional judges for the districts for which additional permanent judgeships were provided in the amendment.

Alabama.—Pub. L. 91–272, §1(b), June 2, 1970, 84 Stat. 294, provided that: ''The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under such section 133, as amended by subsection (d) of this section.''

California.—Pub. L. 89–372, §3(h), Mar. 18, 1966, 80 Stat. 77, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, three additional district judges for the central district of California, and two additional district judges for the northern district of California.''

Delaware.—Act July 24, 1946, ch. 602, 60 Stat. 654, which authorized the appointment of an additional judge for the district of Delaware was repealed by act Sept. 5, 1950, ch. 848, §2, 64 Stat. 578, which by section 1 of act Sept. 5, 1950, made the additional judgeship permanent. However, section 2 of act Sept. 5, 1950 also provided that the repeal in no way affected the tenure of the present incumbent.

Florida.—Pub. L. 89–372, §2(b), Mar. 18, 1966, 80 Stat. 75, provided that: ''The existing district judgeship for the northern, middle and southern districts of Florida heretofore provided for by section 133 of title 28, United States Code, shall hereafter be a district judgeship for the middle district of Florida only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.''

Georgia.—Act Mar. 29, 1949, ch. 37, 63 Stat. 16, which authorized the appointment of an additional judge for the middle district, was repealed by section 2(b) of Pub. L. 87–36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Mar. 29, 1949, should henceforth hold his office under this section, as amended by Pub. L. 87–36, §2(d).

Kansas.—Pub. L. 89–372, §5(a), Mar. 18, 1966, 80 Stat. 78, which authorized the appointment of an additional district judge for the eastern district of Kansas and which provided that the first vacancy which occurred in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91–272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeship be a permanent judgeship and that the present incumbent henceforth hold his office under this section, as amended by section 1(d) of Pub. L. 91–272.

Missouri.—The additional judgeship for the eastern and western districts, which was authorized by act Dec. 24, 1942, ch. 827, 56 Stat. 1083, was made permanent by act Feb. 10, 1954, ch. 6, §2(a)(2), 68 Stat. 9, which by section 2(b)(10) of act Feb. 10, 1954 provided that the incumbent of the judgeship created by act Dec. 24, 1942, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

Nevada.—Act Feb. 10, 1954, ch. 6, §2(b)(2), 68 Stat. 10, provided: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Nevada. The first vacancy occurring in the office of district judge in said district shall not be filled.''

New Jersey.—Pub. L. 91–272, §2(a), June 2, 1970, 84 Stat. 296, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in that district shall not be filled.''

New Mexico.—Act Feb. 10, 1954, ch. 6, §2(b)(1), 68 Stat. 10, which authorized the appointment of an additional judge for the district, was repealed by section 2(b) of Pub. L. 87–36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should henceforth hold his office under this section, as amended by Pub. L. 87–36, §2(d).

North Carolina.—Pub. L. 91–272, §2(c), June 2, 1970, 84 Stat. 296, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in that district shall not be filled.''

Ohio.—Act May 1, 1941, ch. 83, 55 Stat. 148, which provided for the appointment of an additional judge for the northern district was repealed by act Aug. 3, 1949, ch. 387, §2(e), 63 Stat. 495, which also provided that the incumbent of the judgeship created by act May 1, 1941, should henceforth hold his office under this section, as amended by act Aug. 3, 1949, §2(a).

Pub. L. 87–36, §2(e)(1), (2), May 19, 1961, 75 Stat. 83, provided that:

''(1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Ohio. The first vacancy occurring in the office of district judge in said district shall not be filled.

''(2) The President shall appoint, by and with the advice and consent of the Senate, one additional district

judge for the northern district of Ohio. The first vacancy occurring in the office of district judge in said district shall not be filled.''

Oklahoma.—Act May 24, 1940, ch. 209, §2(a), 54 Stat. 219, providing for additional judgeships was amended by act Aug. 3, 1949, ch. 387, §2(b), 63 Stat. 495, to strike out ''western district of Oklahoma'', and to make the incumbent of the judgeship created by act May 24, 1940, henceforth hold his office under this section, as amended by act Aug. 3, 1949, §2(a).

Pennsylvania.—Pub. L. 91–272, §2(b), June 2, 1970, 84 Stat. 296, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in that district shall not be filled.''

Pub. L. 89–372, §5(b), Mar. 18, 1966, 80 Stat. 78, as amended by Pub. L. 90–90, Sept. 23, 1967, 81 Stat. 228, which authorized the appointment of three additional district judges for the eastern district of Pennsylvania and which provided that the second, third, and fourth vacancies occurring after Mar. 18, 1966, in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91–272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeships be permanent judgeships and that the present incumbents henceforth hold their offices under this section, as amended by section 1(d) of Pub. L. 81–272.

Act Feb. 10, 1954, ch. 6, §2(b)(5), 68 Stat. 10, which authorized the appointment of an additional judge for the western district, was repealed by section 2(b) of Pub. L. 87–36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should henceforth hold his office under this section, as amended by Pub. L. 87–36, §2(d).

Act July 24, 1946, ch. 600, §2, 60 Stat. 654, as amended by act Feb. 10, 1954, ch. 6, §6, 68 Stat. 14, provided: ''The President is authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge, who shall be an additional district judge for the eastern, middle, and western districts of Pennsylvania. The judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Pennsylvania: *Provided*, That when a vacancy occurs in said office it shall not be filled: *Provided further*, That unless the President shall submit a nomination to the Senate to fill the office hereby created within ninety days after the effective date of this Act [July 24, 1946], then in that event this Act shall be of no force and effect. If a vacancy arises in the office of district judge for the middle district of Pennsylvania while the judge appointed pursuant to this section is holding the office created by this section, such judge shall thereafter be a district judge for the middle district of Pennsylvania.''

Act Aug. 3, 1949, ch. 387, §2(c), 63 Stat. 495, which provided for an additional temporary judgeship for the western district of Pennsylvania was repealed by act Aug. 29, 1950, ch. 848, §2, 64 Stat. 578, which by section 1 of act Aug. 29, 1950, made the additional judgeship permanent. However, section 2 of act Aug. 29, 1950 also provided that the repeal in no way affected the tenure of the present incumbent.

South Carolina.—Pub. L. 89–242, §1(b), Oct. 7, 1965, 79 Stat. 951, provided that: ''The existing district judgeships for the Eastern District of South Carolina, the Western District of South Carolina, and the Eastern and Western Districts of South Carolina heretofore provided for by section 133 of title 28 of the United States Code [this section] shall hereafter be district judgeships for the District of South Carolina and the present incumbents of such judgeships shall henceforth hold their offices under section 133, as amended by this Act.''

South Dakota.—Pub. L. 85–310, Sept. 7, 1957, 71 Stat. 631, provided: ''The President is authorized to appoint, by and with the advice and consent of the Senate an additional district judge for the district of South Dakota as authorized by paragraph (3) of section 2(b) of the act of February 10, 1954 [set out as a note below].''

Act Feb. 10, 1954, ch. 6, §2(b)(3), 68 Stat. 10, as amended by Pub. L. 85–310, Sept. 7, 1957, 71 Stat. 631, provided: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of South Dakota.''

Tennessee.—Act Feb. 10, 1954, ch. 6, §2(b)(4), 68 Stat. 10, provided: ''The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Tennessee. The first vacancy occurring in the office of district judge in said district shall not be filled.''

Texas.—Act Aug. 3, 1949, ch. 387, §2(d), 63 Stat. 495, which authorized the appointment of an additional judge for the Southern district, was repealed by act Feb. 10, 1954, ch. 6, §2(b)(11), 68 Stat. 11, which by section 2(a)(2) of act Feb. 10, 1954, made the additional judgeship permanent. Section 2(b)(11) of act Feb. 10, 1954 also provided that the incumbent of the judgeship created by section 2(d) of act Aug. 3, 1949, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

Utah.—Act Feb. 10, 1954, ch. 6, §2(b)(6), 68 Stat. 11, which authorized the appointment of an additional judge for the district, was repealed by section 2(b) of Pub. L. 87–36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should hence forth hold his office under this section, as amended by Pub. L. 87–36, §2(d).

Virgin Islands.—Pub. L. 91–272, §3(a), June 2, 1970, 84 Stat. 296, provided that: ''The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.''

Washington.—Pub. L. 95–486, §1(b), Oct. 20, 1978, 92 Stat. 1630, provided that: ''The existing district judgeship for the eastern and western districts of Washington, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the western district of Washington only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.''

Pub. L. 87–36, §2(c), May 19, 1961, 75 Stat. 81, provided that: ''The existing district judgeship for the eastern and western districts of Washington, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the western district of Washington only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act [Pub. L. 87–36].''

West Virginia.—Pub. L. 97–471, §2, Jan. 14, 1983, 96 Stat. 2601, provided that:

''(a) The existing district judgeship for the Southern District of West Virginia, authorized by section 2 of the Act entitled 'An Act to provide for the appointment of additional district and circuit judges and for other purposes', approved October 20, 1978 [Pub. L. 95–486] (92 Stat. 1632; 28 U.S.C. 133 note), shall, as of the date of enactment of this Act [Jan. 14, 1983], be authorized under section 133 of title 28 of the United States Code as a district judgeship for the Northern District of West Virginia, and the incumbent of that office shall henceforth hold office under section 133, as amended by this Act.

''(b) The existing district judgeship for the Northern and Southern Districts of West Virginia shall be authorized as the district judgeship for the Southern District.''

The additional judgeship for the northern and southern districts, which was authorized by act June 22, 1936, ch. 695, 49 Stat. 1805, was made permanent by act Feb. 10, 1954, ch. 6, §2(a)(2), 68 Stat. 9, which by section 2(b)(12) of act Feb. 10, 1954, provided that the incumbent of the judgeship created by act June 22, 1936, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

Wisconsin.—Pub. L. 89–372, §5(c), Mar. 18, 1966, 80 Stat. 78, which authorized the appointment of an additional

district judge for the district of Wisconsin and which provided that the first vacancy occurring in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91–272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeship be a permanent judgeship and that the present incumbent henceforth hold his office under this section, as amended by section 1(d) of Pub. L. 91–272.

NOMINATION OF WOMEN AND BLACKS TO FEDERAL JUDGESHIPS

Pub. L. 95–486, § 8, Oct. 20, 1978, 92 Stat. 1633, provided that: ''The Congress—

''(1) takes notice of the fact that only 1 percent of Federal judges are women and only 4 percent are blacks; and

''(2) suggests that the President, in selecting individuals for nomination to the Federal judgeships created by this Act [for classification see Effective Date of 1978 Amendment note above], give due consideration to qualified individuals regardless of race, color, sex, religion, or national origin.''

RESIDENCE OF ADDITIONAL JUDGE FOR KANSAS

Act Aug. 3, 1949, ch. 387, § 2(b)(2), 63 Stat. 495, provided that: ''The judge first appointed for the district of Kansas under the authority contained in subsection (a) [amending this section] shall reside at Wichita.''

Executive Documents

EXECUTIVE ORDER NO. 12084

Ex. Ord. No. 12084, Sept. 27, 1978, 43 F.R. 44815, as amended by Ex. Ord. No. 12097, Nov. 8, 1978, 43 F.R. 52455, which established the Judicial Nominating Commission for the District of Puerto Rico and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, formerly set out as a note under section 1013 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 12097

Ex. Ord. No. 12097, Nov. 8, 1978, 43 F.R. 52455, which provided standards and guidelines for the selection of nominees for United States district court judgeships, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 134. Tenure and residence of district judges

(a) The district judges shall hold office during good behavior.

(b) Each district judge, except in the District of Columbia, the Southern District of New York, and the Eastern District of New York, shall reside in the district or one of the districts for which he is appointed. Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.

(c) If the public interest and the nature of the business of a district court require that a district judge should maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the district judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so.

(June 25, 1948, ch. 646, 62 Stat. 896; Aug. 3, 1949, ch. 387, § 2(b)(1), 63 Stat. 495; Feb. 10, 1954, ch. 6, § 2(b)(13)(a), 68 Stat. 12; Pub. L. 86–3, § 9(c), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87–36, § 2(e)(3), May 19, 1961, 75 Stat. 83; Pub. L. 89–571, § 1, Sept. 12, 1966, 80 Stat. 764; Pub. L. 92–208, § 3(e), Dec. 18, 1971, 85 Stat. 742; Pub. L. 104–317, title VI, § 607, Oct. 19, 1996, 110 Stat. 3860.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 1 and section 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 12, 1900, ch. 191, § 34, 31 Stat. 84; Mar. 3, 1911, ch. 231, § 1, 36 Stat. 1087; Jan. 7, 1913; ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 2, 1917, ch. 145, § 41, 39 Stat. 965; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; Sept. 14, 1922, ch. 306, § 1, 42 Stat. 837; Mar. 26, 1938, ch. 51, § 2, 52 Stat. 118).

Section consolidates the last paragraph of section 1 of title 28, U.S.C., 1940 ed., with portions of section 863 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 1 of title 28, U.S.C., 1940 ed., relating to the number of judges in the various districts are incorporated in section 133 of this title.

A portion of section 863 of title 48, U.S.C., 1940 ed., is retained in said title 48. For remainder of section 863, see Distribution Table.

The exception in subsection (b) ''except in the District of Columbia'' conforms with the recent decision in *U.S. ex. rel. Laughlin v. Eicher*, 1944, 56 F.Supp. 972, holding that residence requirement of section 1 of title 28, U.S.C., 1940 ed., did not apply to district judges in the District of Columbia. (See reviser's note under section 44 of this title.)

The clause in said last paragraph of section 1 of title 28 providing that any district judge, who violates the residence requirement, shall be deemed guilty of a high misdemeanor, was omitted. This penalty provision was attached to the residence requirement at the time of compilation of the Revised Statutes of 1878, although it is apparent that Congress only intended that the penalty should be invoked upon the unauthorized practice of law. See *U.S. ex. rel. Laughlin v. Eicher*, supra, in which an outline of the history of said section 1 of title 28 is given.

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–317 inserted ''the Southern District of New York, and the Eastern District of New York,'' after ''the District of Columbia,'' and inserted ''Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.'' at end.

1971—Subsec. (c). Pub. L. 92–208 struck out provision requiring that one of the district judges for the Eastern District of Louisiana reside in East Baton Rouge Parish, Louisiana.

1966—Subsec. (a). Pub. L. 89–571 struck out provisions which excepted district judges in Puerto Rico from tenure during good behavior and which instead set eight-year terms for them to be served until their successors were appointed and qualified.

1961—Subsec. (c). Pub. L. 87–36 required the residence of one of the district judges for the Eastern District of Louisiana to be in East Baton Rouge Parish, Louisiana.

1959—Subsec. (a). Pub. L. 86–3 struck out provisions which limited district judges in Hawaii to a term of six years.

1954—Subsecs. (a) and (b) reenacted without change by act Feb. 10, 1954.

Subsec. (c). Act Feb. 10, 1954, substituted entirely new provisions giving the judicial council of the circuit the authority to determine residence of district judges when it is in the public interest and the nature of the business of the district court necessitates the presence of a judge at or near a particular place for holding

court in the district or within a particular part of the district, for former provisions relating to residence of one of the district judges for the District of Kansas.

Subsecs. (d), (e). Act Feb. 10, 1954, struck out subsecs. (d) and (e) which related to residence of one of the district judges for the Southern District of California and one of the district judges for the Southern District of Texas.

1949—Subsecs. (c) to (e). Act Aug. 3, 1949, added subsecs. (c) to (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–208 effective 120 days after Dec. 18, 1971, see section 3(f) of Pub. L. 92–208, set out as a note under section 98 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–3 effective on admission of Hawaii into the Union, see Effective Date of 1959 Amendment note set out under section 133 of this title. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

TENURE AND SALARY RIGHTS OF JUDGES IN PUERTO RICO IN OFFICE ON SEPTEMBER 12, 1966

Pub. L. 89–571, §4, Sept. 12, 1966, 80 Stat. 764, provided that: ''The amendments made by this section to sections 134 and 373 of title 28, United States Code, shall not affect the tenure of office or right to continue to receive salary after resignation, retirement, or failure of reappointment of any district judge for the district of Puerto Rico who is in office on the date of enactment of this Act [Sept. 12, 1966].''

APPLICABILITY OF ORDERS UNDER 1954 AMENDMENT

Act Feb. 10, 1954, ch. 6, §2(b)(13)(b), 68 Stat. 12, provided: ''Orders made by the judicial councils of the circuits under the second sentence of subsection (c) of section 134 of Title 28, as amended by this section, determining that a specified district judge shall maintain his abode at or near a place or within an area which the council has theretofore designated for the abode of a district judge under the first sentence of such subsection, shall be applicable only to district judges appointed after the enactment of this act [Feb. 10, 1954].''

§135. Salaries of district judges

Each judge of a district court of the United States shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.

(June 25, 1948, ch. 646, 62 Stat. 897; Mar. 2, 1955, ch. 9, §1(c), 69 Stat. 10; Pub. L. 88–426, title IV, §403(c), Aug. 14, 1964, 78 Stat. 434; Pub. L. 94–82, title II, §205(b)(3), Aug. 9, 1975, 89 Stat. 422.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §5, and District of Columbia Code, 1940 ed., §11–302 (Mar. 3, 1911, ch. 231, §2, 36 Stat. 1087; Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156; Dec. 13, 1926, ch. 6, 44 Stat. 919; May 17, 1932, ch. 190, 47 Stat. 158; July 31, 1946, ch. 704, §1, 60 Stat. 716).

Section consolidates section 5 of title 28, U.S.C., 1940 ed., and section 11–302 of the District of Columbia Code, 1940 ed.

''Chief judge,'' in the District of Columbia, was substituted for ''Chief Justice'' which appeared in section 11–302 of the District of Columbia Code. (See reviser's note under section 136 of this title.)

Words ''to be paid in monthly installments'' were omitted, since the time of payment is a matter of administrative convenience. See 20 Comp. Gen. 834.

The provision of section 5 of title 28, U.S.C., 1940 ed., for salaries of judges of the district court of Alaska was omitted as covered by section 101 of Title 48, U.S.C., 1940 ed., Territories and Insular Possessions, as amended by a separate section in the bill to enact this revised title. The provision of said section for salary of the Virgin Islands district judge was omitted as covered by section 5a of title 28, U.S.C., 1940 ed., as amended by a separate section in the bill to enact this revised title. Such section 5a is recommended for transfer to title 48, U.S.C., 1940 ed., because of the dual nature of the Virgin Islands district court.

For salary of the district judge of Canal Zone district court, see section 1348 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions.

Changes were made in phraseology.

Editorial Notes

REFERENCES IN TEXT

Section 225 of the Federal Salary Act of 1967, referred to in text, is section 225 of Pub. L. 90–206, Dec. 16, 1967, 81 Stat. 642, which is classified to chapter 11 (§351 et seq.) of Title 2, The Congress.

AMENDMENTS

1975—Pub. L. 94–82 substituted provision that each judge of a district court shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provision that each such judge receive a salary of $30,000.

1964—Pub. L. 88–426 increased the salary of the district court judges from $22,500 to $30,000, and that of the chief judge of the District Court for the District of Columbia from $23,000 to $30,500.

1955—Act Mar. 2, 1955, increased the salaries of the district court judges from $15,000 to $22,500 a year and increased the salary of the chief judge of the District Court for the District of Columbia from $15,500 to $23,000 a year.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of act Mar. 2, 1955, set out as a note under section 4501 of Title 2, The Congress.

Statutory Notes and Executive Documents

SALARY INCREASES

For adjustment of salaries of district judges under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

Salary of chief judge of District Court for District of Columbia increased from $10,500 to $15,500 a year, and salaries of all other district court judges increased from $10,000 to $15,000 a year by act July 31, 1946, ch. 704, §1, 60 Stat. 716.

Salary of chief judge of District Court of District of Columbia increased from $7,500 to $10,500 a year, and salaries of all other district court judges increased from $7,500 to $10,000 a year by act Dec. 13, 1926, ch. 6, §1, 44 Stat. 919.

Salaries of district court judges increased from $6,000 to $7,500 a year by act Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156.

Salaries of chief justice and associate justices of Supreme Court of District of Columbia, forerunner of District Court for District of Columbia, were set at $5,000 by act Mar. 3, 1901, ch. 854, §1, 30 Stat. 1199, and increased to $7,500 a year by act Feb. 25, 1919, ch. 29, §1, 40 Stat. 1156.

Salaries of district court judges set at $6,000 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087.

§ 136. Chief judges; precedence of district judges

(a)(1) In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who—

(A) are sixty-four years of age or under;

(B) have served for one year or more as a district judge; and

(C) have not served previously as chief judge.

(2)(A) In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge.

(B) In any case under subparagraph (A) in which there is no district judge in regular active service who has served as a district judge for one year or more, the district judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

(3)(A) Except as provided in subparagraph (C), the chief judge of the district appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the district.

(B) Except as provided in subparagraph (C), a district judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

(C) No district judge may serve or act as chief judge of the district after attaining the age of seventy years unless no other district judge is qualified to serve as chief judge of the district under paragraph (1) or is qualified to act as chief judge under paragraph (2).

(b) The chief judge shall have precedence and preside at any session which he attends.

Other district judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

(c) A judge whose commission extends over more than one district shall be junior to all district judges except in the district in which he resided at the time he entered upon the duties of his office.

(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as district judge, he may so certify to the Chief Justice of the United States, and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a).

(e) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the district judge in active service, present in the district and able and qualified to act, who is next in precedence.

(June 25, 1948, ch. 646, 62 Stat. 897; Oct. 31, 1951, ch. 655, §37, 65 Stat. 723; Pub. L. 85–593, §2, Aug. 6, 1958, 72 Stat. 497; Pub. L. 97–164, title II, §202, Apr. 2, 1982, 96 Stat. 52.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §375 and District of Columbia Code, 1940 ed., §11–301 (Mar. 3, 1901, ch. 854, §§60, 61, 31 Stat. 1199; Mar. 3, 1911, ch. 231, §260, 36 Stat. 1161; Mar. 3, 1911, ch. 231, §289, 32 Stat. 1167; Feb. 25, 1919, ch. 29, §6, 40 Stat. 1157; Dec. 20, 1928, ch. 41, 45 Stat. 1056; Mar. 1, 1929, ch. 419, 45 Stat. 1422; June 19, 1930, ch. 537, 46 Stat. 785; May 31, 1938, ch. 290, §5, 52 Stat. 584).

Section consolidates portions of section 375 of title 28, U.S.C., 1940 ed., and section 11–301 of the District of Columbia Code, 1940 ed. The provisions of said section 375 relating to resignation and retirement of judges, and appointment of court officers, are incorporated in sections 294, 371, and 756 of this title. Other provisions of said section 11–301 of the District of Columbia Code are incorporated in section 133 of this title.

Subsection (a), providing for a ''chief judge'' is new. Such term replaces the terms ''senior district judge,'' and ''Chief Justice'' of the District Court in the District of Columbia. It is employed in view of the great increase of administrative duties of such judge. The use of the term ''chief judge'' with respect to the District of Columbia will result in uniform nomenclature for all district courts. The district judges of that court have expressed approval of such designation.

The provision in said section 11–301 of the District of Columbia Code, 1940 ed., that the ''Chief Justice'' shall be appointed by the President, by and with the advice and consent of the Senate, was omitted for the purpose of establishing a uniform method of creating the position of chief judge in all districts. The District of Columbia is expressly made a judicial district by section 88 of this title.

Subsection (b) is new and conforms with similar provisions respecting associate justices of the Supreme Court and circuit judges in sections 4 and 45 of this title.

Subsection (c) is from the proviso in the second paragraph of section 375 of title 28, U.S.C., 1940 ed., which applied only in cases of appointment of court officers. Here it is made applicable to all district judges.

Subsections (d) and (e) are new, and conform with section 44 of this title relating to precedence of circuit judges.

The official status of the Chief Justice of the District Court for the District of Columbia holding office at the effective date of this act is preserved by section 2 of the bill to enact revised title 28.

Editorial Notes

AMENDMENTS

1982—Subsec. (a). Pub. L. 97–164, §202(a), designated existing first sentence of subsec. (a) as par. (1), substituted ''In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who—(A) are sixty-four years of age or under; (B) have served for one year or more as a district judge; and (C) have not served previously as chief judge'' for ''In each district having more than one judge the district judge in regular active

service who is senior in commission and under seventy years of age shall be the chief judge of the district court'' in par. (1) as so designated, designated existing second sentence of subsec. (a) as par. (2)(A), substituted ''In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge'' for ''If all the district judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age, but a judge may not act as chief judge until he has served as a district judge for one year'' in par. (2)(A) as so designated, and added pars. (2)(B) and (3).

Subsec. (d). Pub. L. 97–164, § 202(b), substituted ''and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a)'' for ''and thereafter the district judge in active service next in precedence and willing to serve shall be designated by the Chief Justice as the chief judge of the district court''.

1958—Subsec. (a). Pub. L. 85–593 provided that chief judges of district courts cease to serve as such upon reaching the age of seventy, that the youngest district judge act as chief judge where all district judges in regular active service are seventy years or older until a judge under seventy has been appointed and qualified, and that district judge must have served one year before acting as chief judge.

1951—Subsec. (a). Act Oct. 31, 1951, inserted ''in active service who is''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–593 effective at expiration of one year from Aug. 6, 1958, see section 3 of Pub. L. 85–593, as amended, set out as a note under section 45 of this title.

SAVINGS PROVISION

Amendment by Pub. L. 97–164 not to apply or affect any person serving as chief judge on the effective date of Pub. L. 97–164 [Oct. 1, 1982], and the provisions of subsec. (a) of this section as in effect on the day before the effective date of part A of title II of Pub. L. 97–164 [Oct. 1, 1982] applicable to the chief judge of a district court serving on such effective date, see section 203 of Pub. L. 97–164, set out as a note under section 45 of this title.

§ 137. Division of business among district judges

(a) IN GENERAL.—The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders.

(b) RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.—

(1) IN GENERAL.—

(A) DEFINITION.—In this paragraph, the term ''performing rights society'' has the meaning given the term in section 101 of title 17.

(B) DETERMINATION OF LICENSE FEE.—Except as provided in subparagraph (C), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to the rules of that court for the division of business among district judges, provided that any such application shall not be assigned to—

(i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or

(ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time of the filing of the application.

(C) EXCEPTION.—Subparagraph (B) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 115–264, title I, § 104, Oct. 11, 2018, 132 Stat. 3726.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 27 (Mar. 3, 1911, ch. 231, § 23, 36 Stat. 1090).

Section was rewritten and the practice simplified. It provided for division of business and assignment of cases by agreement of judges and, in case of inability to agree, that the senior circuit judge of the circuit should make necessary orders.

The revised section is consistent with section 332 of this title, that the last paragraph of which requires the judicial council to make all necessary orders for the effective and expeditious administration of the business of the courts within the circuit.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–264 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

PILOT PROGRAM IN CERTAIN DISTRICT COURTS

Pub. L. 111–349, Jan. 4, 2011, § 1, 124 Stat. 3674, provided that:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

''(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

''(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

''(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

''(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

''(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

''(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

''(b) DESIGNATION.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act [Jan. 4, 2011], the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

''(2) CRITERIA FOR DESIGNATIONS.—

''(A) IN GENERAL.—The Director shall make designations under paragraph (1) from—

''(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

''(ii) the district courts that have adopted, or certified to the Director the intention to adopt, local rules for patent and plant variety protection cases.

''(B) SELECTION OF COURTS.—From amongst the district courts that satisfy the criteria for designation under this subsection, the Director shall select—

''(i) 3 district courts that each have at least 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 3 judges of the court have made the request under subsection (a)(1)(A); and

''(ii) 3 district courts that each have fewer than 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 2 judges of the court have made the request under subsection (a)(1)(A).

''(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

''(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

''(e) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

''(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

''(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

''(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

''(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

''(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

''(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

''(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

''(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

''(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

''(B) not later than 5 years after the date described in subparagraph (A).

''(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).''

§ 138. Terms abolished

The district court shall not hold formal terms.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88–139, § 1, Oct. 16, 1963, 77 Stat. 248.)

HISTORICAL AND REVISION NOTES

This section was substituted for a number of special provisions fixing stated times for holding terms of court in the several districts, in order to vest in the courts wider discretion and promote greater efficiency in the administration of the business of such courts.

Editorial Notes

AMENDMENTS

1963—Pub. L. 88–139 substituted ''The district court shall not hold formal terms'' for ''The times for holding regular terms of court at the places fixed by this chapter shall be determined by rule of the district court'' in text, and ''Terms abolished'' for ''Times for holding regular terms'' in section catchline.

§ 139. Times for holding regular sessions

The times for commencing regular sessions of the district court for transacting judicial busi-

ness at the places fixed by this chapter shall be determined by the rules or orders of the court. Such rules or orders may provide that at one or more of such places the court shall be in continuous session for such purposes on all business days throughout the year. At other places a session of the court shall continue for such purposes until terminated by order of final adjournment or by commencement of the next regular session at the same place.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88–139, § 1, Oct. 16, 1963, 77 Stat. 248.)

HISTORICAL AND REVISION NOTES

The purpose of this section is to remove all doubt as to whether the mere beginning of a new term at one place ends a prior term begun at another place. As revised, it conforms to a uniform course of judicial decisions. See *U.S. v. Perlstein*, 39 F.Supp. 965, 968 (D.C.N.J. 1941), and cases cited.

Editorial Notes

AMENDMENTS

1963—Pub. L. 88–139 substituted provisions requiring the times for commencing regular sessions of the district court to be determined by the rules or orders of the court, authorizing such rules or orders to provide that at one or more of the places fixed by this chapter, the court shall be in continuous session on all business days throughout the year, and that at other places, a session continues until terminated by order of final adjournment or by commencement of the next regular session at the same place, for provisions that a term continues until terminated by order of final adjournment or by commencement of the next term at the same place, in the text, and ''Times for holding regular sessions'' for ''Term continued until terminated'' in section catchline.

§ 140. Adjournment

(a) Any district court may, by order made anywhere within its district, adjourn or, with the consent of the judicial council of the circuit, pretermit any regular session of court for insufficient business or other good cause.

(b) If the judge of a district court is unable to attend and unable to make an order of adjournment, the clerk may adjourn the court to the next regular session or to any earlier day which he may determine.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88–139, § 1, Oct. 16, 1963, 77 Stat. 248.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 16, 146, 182 (Mar. 3, 1911, ch. 231, §§ 12, 73, 101, 36 Stat. 1088, 1108, 1122; June 12, 1916, ch. 143, 39 Stat. 225; Feb. 20, 1917, ch. 102, 39 Stat. 927; June 13, 1918, ch. 98, 40 Stat. 604; Feb. 26, 1919, ch. 54, 40 Stat. 1184; May 29, 1924, ch. 209, 43 Stat. 243; June 5, 1924, ch. 259, 43 Stat. 387; Jan. 10, 1925, chs. 68, 69, 43 Stat. 730, 731; Feb. 16, 1925, ch. 233, § 1, 43 Stat. 945; May 7, 1926, ch. 255, 44 Stat. 408; Apr. 21, 1928, ch. 395, 45 Stat. 440; Mar. 2, 1929, ch. 539, 45 Stat. 1518; June 28, 1930, ch. 714, 46 Stat. 829; May 13, 1936, ch. 386, 49 Stat. 1271; Aug. 12, 1937, ch. 595, 50 Stat. 625).

Section consolidates section 16 with the third sentence of section 146, and the final proviso in the third paragraph of section 182, all of title 28, U.S.C., 1940 ed.

Said section 16 of title 28 provided for adjournment by the marshal, or clerk, on written order of the judge, in case of inability of the district judge to attend at the commencement of any regular, adjourned or special term, or any time during such term. Said sections 146 and 182 thereof, related to the district courts of Colorado and Oklahoma, only, and contained special provisions for adjournment. Subsection (b) omits the requirement of written order where the judge is unable to make such order.

The revised section broadens these provisions, and vests discretionary power in the court, by order made anywhere within the district, to adjourn any term of court ''for insufficient business or other good cause.'' To establish uniformity, the special provisions relating to Colorado and Oklahoma were omitted.

Other provisions of said sections 146 and 182 of title 28, U.S.C., 1940 ed., are incorporated in sections 85 and 116 of this title.

The provision of subsection (a) authorizing the district court, with the consent of the judicial council of the circuit, to pretermit any term of court for insufficient business or other good cause, is inserted to obviate the expense and inconvenience of convening and adjourning a term for which no need exists.

Editorial Notes

AMENDMENTS

1963—Subsecs. (a), (b). Pub. L. 88–139 substituted ''session'' for ''term''.

§ 141. Special sessions; places; notice

(a)(1) Special sessions of the district court may be held at such places in the district as the nature of the business may require, and upon such notice as the court orders.

(2) Any business may be transacted at a special session which might be transacted at a regular session.

(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside the State in which the crime has been committed unless the defendant consents to such a criminal trial.

(3) Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the district court may summon jurors—

(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which it is holding a special session; and

(B) in criminal trials, from any part of the district in which the crime has been committed and, if the defendant so consents, from any district in which the court is conducting business pursuant to this section.

(4) If a district court issues an order exercising its authority under paragraph (1), the court—

(A) through the Administrative Office of the United States Courts, shall—

(i) send notice of such order, including the reasons for the issuance of such order, to the

Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

(I) the reasons for the issuance of such order;

(II) the duration of such order;

(III) the impact of such order on litigants; and

(IV) the costs to the judiciary resulting from such order; and

(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.

(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88–139, § 1, Oct. 16, 1963, 77 Stat. 248; Pub. L. 109–63, § 2(b), Sept. 9, 2005, 119 Stat. 1994; Pub. L. 109–162, title XI, § 1198(a), Jan. 5, 2006, 119 Stat. 3132.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 15 (Mar. 3, 1911, ch. 231, § 11, 36 Stat. 1089).

Section was rewritten to include provision that notice of special terms should conform to rules approved by the judicial council of the circuit, thus insuring a uniform practice among the courts for convening special terms.

Changes of phraseology were made.

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(5). Pub. L. 109–162 added par. (5).

2005—Pub. L. 109–63 designated first and second undesignated pars. as pars. (1) and (2), respectively, of subsec. (a) and added subsec. (b).

1963—Pub. L. 88–139 substituted ''sessions'' for ''terms'' and ''session'' for ''term'' wherever appearing in text and section catchline, and struck out ''pursuant to rules approved by the judicial council of the circuit'' after ''court orders'' in text.

[§ 142. Repealed. Pub. L. 97–164, title I, § 115(c)(3), Apr. 2, 1982, 96 Stat. 32]

Section, acts June 25, 1948, ch. 646, 62 Stat. 898; Oct. 9, 1962, Pub. L. 87–764, 76 Stat. 762; Nov. 19, 1977, Pub. L. 95–196, 91 Stat. 1420, related to the providing of accommodations at places for holding court. See section 462 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

WAIVER OF LIMITATIONS AND RESTRICTIONS

The limitations and restrictions contained in this section prior to its repeal were waived with respect to the holding of court at certain places by the following Acts:

Pub. L. 87–833, Oct. 15, 1962, 76 Stat. 959, related to Akron, Ohio.

Pub. L. 87–699, Sept. 25, 1962, 76 Stat. 598, related to Richland, Washington.

Pub. L. 87–562, § 4, July 30, 1962, 76 Stat. 248, related to Fort Myers, Saint Petersburg, Fort Pierce, and West Palm Beach, Florida.

Pub. L. 87–560, July 27, 1962, 76 Stat. 247, related to Marshall, Texas.

Pub. L. 87–559, July 27, 1962, 76 Stat. 246, related to Decatur, Alabama.

Pub. L. 87–553, July 27, 1962, 76 Stat. 222, related to Winchester, Tennessee.

Pub. L. 87–551, July 27, 1962, 76 Stat. 221, related to Bridgeport, Connecticut.

Pub. L. 87–337, Oct. 3, 1961, 75 Stat. 750, related to Lafayette, Louisiana.

Pub. L. 87–36, § 3(g), May 19, 1961, 75 Stat. 83, related to Kalamazoo, Michigan; Fayetteville, North Carolina; and Dyersburg, Tennessee.

Pub. L. 86–366, Sept. 22, 1959, 73 Stat. 647, related to Durant, Oklahoma.

Act July 20, 1956, ch. 657, 70 Stat. 594, related to Bryson City, North Carolina.

Act Sept. 23, 1950, ch. 1006, 64 Stat. 982, related to Klamath Falls, Oregon.

Act Aug. 21, 1950, ch. 767, 64 Stat. 469, related to Newnan, Georgia.

Act Aug. 10, 1950, ch. 675, § 2, 64 Stat. 438, related to Rock Island, Illinois.

Act Oct. 26, 1949, ch. 744, 63 Stat. 923, related to Thomasville, Georgia.

Act Oct. 26, 1949, ch. 740, 63 Stat. 921, related to Brunswick, Georgia.

§ 143. Vacant judgeship as affecting proceedings

When the office of a district judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

(June 25, 1948, ch. 646, 62 Stat. 898.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 26 (Mar. 3, 1911, ch. 231, § 22, 36 Stat. 1090).

The last clause of section 26 of title 28, U.S.C., 1940, ed., prescribing the powers of a designated judge was omitted as covered by section 296 of this title.

Minor changes were made in phraseology.

§ 144. Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

(June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, § 65, 63 Stat. 99.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §25 (Mar. 3, 1911, ch. 231, §21, 36 Stat. 1090).

The provision that the same procedure shall be had when the presiding judge disqualifies himself was omitted as unnecessary. (See section 291 et seq. and section 455 of this title.)

Words, ''at which the proceeding is to be heard,'' were added to clarify the meaning of words, ''before the beginning of the term.'' (See *U.S. v. Costea*, D.C.Mich. 1943, 52 F.Supp. 3.)

Changes were made in phraseology and arrangement.

1949 ACT

This amendment clarifies the intent in section 144 of title 28, U.S.C., to conform to the law as it existed at the time of the enactment of the revision limiting the filing of affidavits of prejudice to one such affidavit in any case.

Editorial Notes

AMENDMENTS

1949—Act May. 24, 1949, substituted ''in any case'' for ''as to any judge'' in second sentence of second par.

Statutory Notes and Related Subsidiaries

ABOLITION OF TERMS

For abolition of formal terms of the court and replacement by sessions, see sections 138 and 139 of this title.

CHAPTER 6—BANKRUPTCY JUDGES

Sec.
151. Designation of bankruptcy courts.
152. Appointment of bankruptcy judges.
153. Salaries; character of service.
154. Division of business; chief judge.[1]
155. Temporary transfer of bankruptcy judges.
156. Staff; expenses.
157. Procedures.
158. Appeals.
159. Bankruptcy statistics.

Editorial Notes

AMENDMENTS

2005—Pub. L. 109–8, title VI, §601(b), Apr. 20, 2005, 119 Stat. 120, added item 159.

PRIOR PROVISIONS

A prior chapter 6, consisting of sections 151 to 160, which was added by Pub. L. 95–598, title II, §201(a), Nov. 6, 1978, 92 Stat. 2657, as amended by Pub. L. 97–164, title I, §110(d), Apr. 2, 1982, 96 Stat. 29, and which related to bankruptcy courts, did not become effective pursuant to section 402(b) of Pub. L. 95–598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Statutory Notes and Related Subsidiaries

COURTS DURING TRANSITION

Pub. L. 95–598, title IV, §404, Nov. 6, 1978, 92 Stat. 2683, as amended by Pub. L. 98–249, §1(b), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98–271, §1(b), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98–299, §1(b), May 25, 1984, 98 Stat. 214; Pub. L. 98–325, §1(b), June 20, 1984, 98 Stat. 268; Pub. L. 98–353, title I, §121(b), July 10, 1984, 98 Stat. 345, which provided that, for purposes of Pub. L. 95–598, which enacted Title 11, Bankruptcy, and the amendments made by Pub. L. 95–598, the courts of bankruptcy as defined under section 1(10) of former Title 11, created under section 11(a) of former Title 11, and existing on Sept. 30, 1979, continue to be courts of bankruptcy during the transition period beginning Oct. 1, 1979, and ending July 9, 1984, made provision for extension of the term of office of referees in bankruptcy serving on Nov. 6, 1978, and for such a referee to have the title of United States bankruptcy judge, established for each State a merit screening committee to pass on qualifications of such a referee and determine if the term of such a referee should be extended, and set forth the rules and provisions applicable to United States bankruptcy judges during the transition period, was repealed by Pub. L. 98–353, title I, §§114, 122(a), July 10, 1984, 98 Stat. 343, 346, eff. July 10, 1984.

TRANSITION STUDY

Pub. L. 95–598, title IV, §406, Nov. 6, 1978, 92 Stat. 2686, as amended by Pub. L. 98–249, §1(c), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98–271, §1(c), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98–299, §1(c), May 25, 1984, 98 Stat. 214; Pub. L. 98–325, §1(c), June 20, 1984, 98 Stat. 268; Pub. L. 98–353, title I, §121(c), July 10, 1984, 98 Stat. 346, which provided that during the transition period, Oct. 1, 1979, to July 9, 1984, the Director of the Administrative Office of the United States Courts make continuing studies and surveys in the judicial districts to determine the number of bankruptcy judges needed after July 9, 1984, to provide for the expeditious and effective administration of justice, their regular places of offices, and the places where the court was to be held, and that the Director report to the judicial councils of the circuits and the Judicial Conference of the United States his recommendations, the judicial councils advise the Conference of their recommendations, and the Conference recommend to the Congress and the President, before Jan. 3, 1983, the number of bankruptcy judges needed after July 9, 1984, and the locations at which they were to serve, was repealed by Pub. L. 98–353, title I, §§114, 122(a), July 10, 1984, 98 Stat. 343, 346, eff. July 10, 1984.

JUDICIAL ADMINISTRATION DURING TRANSITION

Pub. L. 95–598, title IV, §407, Nov. 6, 1978, 92 Stat. 2686, which provided that the Director of the Administrative Office of the United States Courts appoint a committee of not fewer than seven United States bankruptcy judges to advise the Director with respect to matters arising during the transition period or that are relevant to the purposes of the transition period, and directed that during the transition period, the chief judge of each circuit summon at least one bankruptcy judge from each judicial district within the circuit to the judicial conference of such circuit called and held under section 332 of this title, was repealed by Pub. L. 98–353, title I, §§114, 122(a), July 10, 1984, 98 Stat. 343, 346, eff. July 10, 1984.

EXTENSION AND TERMINATION OF TERM OF OFFICE OF BANKRUPTCY JUDGE SERVING ON JUNE 27, 1984

Pub. L. 98–353, title I, §121(e), July 10, 1984, 98 Stat. 346, provided that: ''The term of office of any bankruptcy judge who was serving on June 27, 1984, is extended to and shall expire at the end of the day of enactment of this Act [July 10, 1984].''

[Section 121(e) of Pub. L. 98–353 effective June 27, 1984, see section 122(c) of Pub. L. 98–353, set out as an Effective Date note under section 151 of this title.]

For prior extensions of the term of office of bankruptcy judges see:

Pub. L. 98–325, §2, June 20, 1984, 98 Stat. 268.
Pub. L. 98–299, §2, May 25, 1984, 98 Stat. 214.
Pub. L. 98–271, §2, Apr. 30, 1984, 98 Stat. 163.
Pub. L. 98–249, §2, Mar. 31, 1984, 98 Stat. 116.

§151. Designation of bankruptcy courts

In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bank-

[1] So in original. Does not conform to section catchline.