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## AMENDMENTS TO RULES GOVERNING 28 U. S. C. §§ 2254 AND 2255 PROCEEDINGS

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The following amendments to the Rules Governing Proceedings in the United States District Courts under 28 U. S. C. §§ 2254 and 2255 were prescribed by the Supreme Court of the United States on April 30, 1979, pursuant to 28 U. S. C. § 2072 and 18 U. S. C. §§ 3771 and 3772, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *ante*, p. 970. The Judicial Conference Reports referred to in that letter are not reproduced herein.

Note that under 28 U. S. C. § 2072 and 18 U. S. C. § 3771, such amendments do not take effect until so reported to Congress and until the expiration of 90 days thereafter. Moreover, Congress may defer the effective date to a later date or until approved by Act of Congress, or may modify such amendments.

For earlier publication of the Rules Governing 28 U. S. C. §§ 2254 and 2255 Proceedings, see 425 U. S. 1167.

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## AMENDMENTS TO RULES GOVERNING U. S. C. 1974 AND 1975 PROCEEDINGS

The following amendments to the Rules Governing Proceedings in the United States District Courts under 28 U. S. C. §§ 2201 and 2202 were promulgated by the Supreme Court of the United States on April 30, 1975 pursuant to 28 U. S. C. § 2072 and 28 U. S. C. §§ 2071 and 2072 and were reported to Congress by the Chief Justice on the same date. For the House of Representatives, see H. R. 970. For the Senate, see S. 970. The United States

Attorney General is in the latter and not reported herein. Some that under 28 U. S. C. § 2072 and 28 U. S. C. § 2071, such amendments do not take effect until as reported to Congress and until the expiration of 90 days thereafter. Moreover, Congress may alter the effective date of a later date or date approved by law in Congress or may modify such amendments.

For further information of the House (H. R. 970) and the Senate (S. 970) see 28 U. S. C. § 2072 and 28 U. S. C. § 2071.

SUPREME COURT OF THE UNITED STATES  
AMENDMENTS TO RULES GOVERNING PROCEED-  
INGS IN THE UNITED STATES DISTRICT  
COURTS UNDER SECTION 2254 AND  
SECTION 2255 OF TITLE 28,  
UNITED STATES CODE

MONDAY, APRIL 30, 1979

ORDERED:

1. That Rule 10 of the Rules Governing Proceedings in the United States District Courts on application under Section 2254 of Title 28, United States Code, be, and hereby is, amended to read as follows:

*Rule 10. Powers of magistrates.*

The duties imposed upon the judge of the district court by these rules may be performed by a United States magistrate pursuant to 28 U. S. C. § 636.

2. That Rules 10 and 11 of the Rules Governing Proceedings in the United States District Courts on a motion under Section 2255 of Title 28, United States Code, be, and they hereby are, amended to read as follows:

*Rule 10. Powers of magistrates.*

The duties imposed upon the judge of the district court by these rules may be performed by a United States magistrate pursuant to 28 U. S. C. § 636.

*Rule 11. Time for appeal.*

The time for appeal from an order entered on a motion for relief made pursuant to these rules is as provided in Rule 4 (a) of the Federal Rules of Appellate Procedure. Nothing in these rules shall be construed as extending the time to appeal from the original judgment of conviction in the district court.

3. That the foregoing amendments to the Rules Governing Proceedings in the United States District Courts under Section 2254 and Section 2255 of Title 28, United States Code, shall take effect on August 1, 1979, and shall be applicable to all proceedings then pending except to the extent that in the opinion of the court their application in a particular proceeding would not be feasible or would work injustice.

4. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit the aforementioned amendments to the Rules Governing Section 2254 and Section 2255 Proceedings to the Congress in accordance with the provisions of Section 2072 of Title 28, United States Code, and Sections 3771 and 3772 of Title 18, United States Code.