

111TH CONGRESS
1ST SESSION

H. R. 1306

To amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2009

Mr. DANIEL E. LUNGREN of California (for himself, Mr. FRANKS of Arizona, and Mr. McKEON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Peremptory Challenge
5 Act of 2009”.

6 **SEC. 2. PEREMPTORY CHALLENGES OF JUDGES.**

7 (a) IN GENERAL.—Chapter 21 of title 28 of the
8 United States Code is amended by adding at the end the
9 following:

1 **“§ 464. Reassignment of cases upon request by a**
2 **party**

3 “(a)(1) If all parties on one side of a civil or criminal
4 case to be tried in a Federal district court, the United
5 States Claims Court, or a bankruptcy court file an appli-
6 cation requesting the reassignment of the case, the case
7 shall be reassigned to another appropriate judicial officer.

8 “(2) If any question arises as to which parties should
9 be grouped together as a side for the purposes of this sec-
10 tion, the chief judge of the court of appeals for the circuit
11 in which the case is to be tried, or another judge of the
12 court of appeals designated by the chief judge, shall deter-
13 mine that question.

14 “(b) An application under this section must be filed
15 not later than 20 days after notice of the assignment of
16 the case to an appropriate judicial officer for the purpose
17 of hearing or deciding any matter, except that—

18 “(1) a party joined in a civil action after the
19 initial filing, with the concurrence of the other par-
20 ties on the same side, may file an application within
21 20 days of the service of the complaint on that
22 party; and

23 “(2) a party served with a supplemental or
24 amended complaint or a third-party complaint in a
25 civil action, with the concurrence of the other parties
26 on the same side, may file an application within 20

1 days of service of the supplemental, amended, or
2 third-party complaint on that party.

3 However, no application under this section may be filed
4 by the party or parties on a side in a case if any party
5 or parties on that side have previously filed an application
6 in the case.

7 “(c) As used in this section, the term ‘appropriate
8 judicial officer’ means—

9 “(1) a United States district court judge in a
10 case before a United States district court;

11 “(2) a United States Claims Court judge in a
12 case before that court;

13 “(3) a United States bankruptcy judge in a
14 case under title 11; and

15 “(4) a United States magistrate judge in a case
16 referred to such a magistrate judge.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 21 of title 28, United States
19 Code, is amended by adding at the end the following new
20 item:

“464. Reassignment of cases upon request by a party.”.

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