

111TH CONGRESS
1ST SESSION

H. R. 3662

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2009

Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. REYES, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

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 “Federal Judgeship Act
5 of 2009”.

6 **SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF AP-**
7 **PEALS.**

8 (a) IN GENERAL.—The President shall appoint, by
9 and with the advice and consent of the Senate—

1 (1) 1 additional circuit judge for the first cir-
2 cuit court of appeals;

3 (2) 2 additional circuit judges for the second
4 circuit court of appeals;

5 (3) 1 additional circuit judge for the third cir-
6 cuit court of appeals;

7 (4) 1 additional circuit judge for the sixth cir-
8 cuit court of appeals; and

9 (5) 4 additional circuit judges for the ninth cir-
10 cuit court of appeals.

11 (b) TEMPORARY JUDGESHIPS.—

12 (1) APPOINTMENT.—The President shall ap-
13 point, by and with the advice and consent of the
14 Senate—

15 (A) 1 additional circuit judge for the third
16 circuit court of appeals;

17 (B) 1 additional circuit judge for the
18 eighth circuit court of appeals; and

19 (C) 1 additional circuit judge for the ninth
20 circuit court of appeals.

21 (2) VACANCIES NOT FILLED.—The first va-
22 cancy in the office of circuit judge in each of the ju-
23 dicial circuits named in paragraph (1), occurring 10
24 years or more after the confirmation date of the
25 judge first appointed to fill the circuit judgeship cre-

1 ated in that circuit by paragraph (1), shall not be
2 filled.

3 (c) TABLES.—In order that the table contained in
4 section 44 of title 28, United States Code, reflects, with
5 respect to each judicial circuit, the changes in the total
6 number of permanent circuit judgeships authorized by rea-
7 son of subsection (a) of this section, such table is amended
8 to read as follows:

“Circuits	Number of judges
District of Columbia	11
First	7
Second	15
Third	15
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	11
Ninth	33
Tenth	12
Eleventh	12
Federal	12.”.

9 **SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

10 (a) IN GENERAL.—The President shall appoint, by
11 and with the advice and consent of the Senate—

12 (1) 1 additional district judge for the district of
13 Arizona;

14 (2) 4 additional district judges for the northern
15 district of California;

16 (3) 4 additional district judges for the eastern
17 district of California;

1 (4) 4 additional district judges for the central
2 district of California;

3 (5) 1 additional district judge for the district of
4 Colorado;

5 (6) 4 additional district judges for the middle
6 district of Florida;

7 (7) 3 additional district judges for the southern
8 district of Florida;

9 (8) 1 additional district judge for the southern
10 district of Indiana;

11 (9) 1 additional district judge for the district of
12 Minnesota;

13 (10) 1 additional district judge for the district
14 of New Jersey;

15 (11) 1 additional district judge for the district
16 of New Mexico;

17 (12) 1 additional district judge for the southern
18 district of New York;

19 (13) 1 additional district judge for the eastern
20 district of New York;

21 (14) 1 additional district judge for the western
22 district of New York;

23 (15) 1 additional district judge for the district
24 of Oregon;

1 (16) 1 additional district judge for the district
2 of South Carolina;

3 (17) 1 additional district judge for the eastern
4 district of Texas;

5 (18) 2 additional district judges for the south-
6 ern district of Texas;

7 (19) 4 additional district judges for the western
8 district of Texas; and

9 (20) 1 additional district judge for the western
10 district of Washington.

11 (b) TEMPORARY JUDGESHIPS.—

12 (1) APPOINTMENT.—The President shall ap-
13 point, by and with the advice and consent of the
14 Senate—

15 (A) 1 additional district judge for the mid-
16 dle district of Alabama;

17 (B) 1 additional district judge for the dis-
18 trict of Arizona;

19 (C) 1 additional district judge for the
20 northern district of California;

21 (D) 1 additional district judge for the east-
22 ern district of California;

23 (E) 1 additional district judge for the cen-
24 tral district of California;

1 (F) 1 additional district judge for the mid-
2 dle district of Florida;

3 (G) 1 additional district judge for the dis-
4 trict of Idaho;

5 (H) 1 additional district judge for the
6 northern district of Iowa;

7 (I) 1 additional district judge for the dis-
8 trict of Minnesota;

9 (J) 1 additional district judge for the dis-
10 trict of Nebraska;

11 (K) 1 additional district judge for the
12 southern district of New York;

13 (L) 1 additional district judge for the east-
14 ern district of New York; and

15 (M) 1 additional district judge for the
16 eastern district of Virginia.

17 (2) VACANCIES NOT FILLED.—The first va-
18 cancy in the office of district judge in each of the
19 judicial districts named in paragraph (1), occurring
20 10 years or more after confirmation date of the
21 judge first appointed to fill the district judgeship
22 created in that judicial district by paragraph (1),
23 shall not be filled.

24 (c) EXISTING JUDGESHIPS.—

1 (1) CONVERSION TO PERMANENT JUDGE-
2 SHIPS.—The existing judgeships for the district of
3 Kansas and the eastern district of Missouri that are
4 authorized by section 203(c) of the Judicial Im-
5 provements Act of 1990 (Public Law 101–650; 28
6 U.S.C. 133 note), and the existing judgeships for
7 the eastern district of Texas, the district of Arizona,
8 and the district of New Mexico that are authorized
9 by section 312(c) of the 21st Century Department
10 of Justice Appropriations Authorization Act (Public
11 Law 107–273; 28 U.S.C. 133 note), shall, as of the
12 effective date of this Act, be authorized under sec-
13 tion 133 of title 28, United States Code, and the in-
14 cumbents in those offices shall hold the office under
15 section 133 of title 28, United States Code, as
16 amended by this Act.

17 (2) EXTENSION OF TEMPORARY JUDGESHIP.—
18 Section 203(c) of the Judicial Improvements Act of
19 1990 (Public Law 101–650; 28 U.S.C. 133 note) is
20 amended in the sixth sentence (relating to the north-
21 ern district of Ohio) by striking “18 years” and in-
22 serting “23 years”.

23 (d) TABLES.—In order that the table contained in
24 section 133(a) of title 28, United States Code, reflects,
25 with respect to each judicial district, the changes in the

- 1 total number of permanent district judgeships authorized
- 2 by reason of subsections (a) and (c) of this section, such
- 3 table is amended to read as follows:

“Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	14
Arkansas:	
Eastern	5
Western	3
California:	
Northern	18
Eastern	10
Central	31
Southern	13
Colorado	8
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	20
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	6
Iowa:	
Northern	2
Southern	3
Kansas	6
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3

“Districts	Judges
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	7
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	18
New Mexico	8
New York:	
Northern	5
Southern	29
Eastern	16
Western	5
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	7
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	11
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12

“Districts	Judges
Southern	21
Eastern	9
Western	17
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this Act and the amend-
4 ments made by this Act, including such sums as may be
5 necessary to provide appropriate space and facilities for
6 the judicial positions created by this Act.

7 **SEC. 5. EFFECTIVE DATE.**

8 This Act shall take effect on the date of the enact-
9 ment of this Act.

