

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, Tip-ton, 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.)