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## LRCiv 3.8

### ASSIGNMENT OF CASES; CIVIL

(a) **Assignment of Civil Cases.** Within each division, the civil cases, when filed, shall be assigned among the Judges of the division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. The cases so assigned shall remain with the Judge to whom assigned unless otherwise ordered by the Court. Unless otherwise ordered by the Court, the Clerk shall assign each civil case to a District Judge or a Magistrate Judge by automated random selection, except that when preliminary injunctive relief is requested by a motion that is filed separately from the complaint the Clerk shall assign the case to a District Judge. In the event the action is assigned to a Magistrate Judge, each party shall execute and file within fourteen (14) days of its appearance either a written consent to the exercise of authority by the Magistrate Judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a District Judge. Each party shall indicate his or her consent or election on the form provided by the Clerk. Prior to the completed consent or election forms being received by the Clerk of the Court, the assigned Magistrate Judge shall act pursuant to 28 U.S.C. § 636(b)(1)(A). Any motion submitted by a party before that party has filed an election form may be stricken or deferred by the Court. In the event one or more parties elect to have a case heard by a District Judge, the case shall be reassigned to a District Judge. After one or more consents to a

Magistrate Judge have been filed with the Clerk and until such time as an election is made by any party for assignment to a District Judge, the Magistrate Judge shall continue to act pursuant to 28 U.S.C. § 636(c)(1) even though all parties have not been served or have not filed their appearances. Consent to a Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

(b) **Temporary Reassignment of Cases.** A case assigned to a particular District Judge may be temporarily reassigned to another District Judge, if the District Judge to whom the case is assigned is unavailable and an exigency exists which requires prompt action by the Court. The case will be reassigned by the Clerk (or by a deputy designated by the Clerk) to a District Judge by automated random selection among the District Judges then assigned to service in the District of Arizona, for the limited purpose of hearing or determining the matter that is the subject of the exigency.

## LRCiv 5.6

### **SEALING OF COURT RECORDS IN UNSEALED CIVIL ACTIONS**

(a) **Order Required.** No document may be filed under seal in ~~an unsealed~~ civil action except pursuant to an order by the Court as set forth in subpart (b) of this Rule. For the purposes of this Rule, the term "document" means any exhibit, record, filing or other item to be filed under seal with the Court.

(b) **Procedure for Obtaining an Order to File a Document Under Seal.** The Court may order the sealing of any document pursuant to a motion, stipulation, or the Court's own motion. The Court generally will not enter an order that gives advance authorization to file documents under seal that are designated for such treatment by parties under a protective order or confidentiality agreement. Any motion or stipulation to file a document under seal must set forth a clear statement of the facts and legal authority justifying the filing of the document under seal and must append (as a separate attachment) a proposed order granting the motion. The document or documents that are the subject of any such motion or stipulation must not be appended to the motion or stipulation, and must be lodged with the Court separately consistent with subpart (c) of this Rule.

(c) **Lodging of ~~the Documents~~ to Be Filed Under Seal.**

(1) *Lodging in Electronic Form.* Generally, a document to be filed under seal must be lodged with the Court in electronic form. The Electronic Case Filing Administrative Policies and Procedures Manual ("the Administrative Manual") sets forth the circumstances in which such documents must be



lodged electronically and the instructions for doing so.

(2) *Exceptions; Lodging in Paper Form.* ~~If a document to be submitted under seal by a party or counsel has been who is exempted from the requirement to file papers electronically or if the document to be filed under seal is among those types of documents that the Administrative Manual does not permit to be lodged electronically, a document to be filed under seal must be lodged with the Court in paper form. Each such document to be filed under seal must be lodged with the Court in a separate envelope must be lodged in paper form with a cover sheet affixed to prominently displaying the envelope notation "DOCUMENT SUBMITTED UNDER SEAL" and clearly identifying:~~

~~(A) the enclosed document and the underlying motion to which it pertains, identifying;~~

~~(B) the number of pages submitted for lodging;~~

~~(C) the motion or stipulation seeking to have the document filed under seal, specifying; and~~

~~(D) the case number and title of the action in which the document is to be filed, and prominently displaying the notation: "DOCUMENT SUBMITTED UNDER SEAL." A second copy of each document also must be lodged in an identically labeled envelope for delivery to the chambers of the Judge assigned to the action. If the submitting party is represented by counsel, the lodging of any document to be filed under seal that is more than fifty (50) pages in length also must be accompanied by the lodging of a diskette or CD-ROM containing an electronic version of each such document. The diskette or CD-ROM must be labeled as described above and must be formatted consistent with the instructions set forth in the~~

~~Administrative Manual.~~

(d) **Filing a Document Designated Confidential by Another Party.** Unless otherwise ordered by the Court, if a party wishes to file a document that has been designated as confidential by another party pursuant to a protective order or confidentiality agreement, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must confer with the designating party about the need to file the document (or proposed filing) under seal and whether the parties can agree on a stipulation seeking to have the document (or proposed filing) filed under seal. If the parties are unable to agree on these issues, the submitting party must lodge the document (or proposed filing) under seal and file and serve a notice of lodging summarizing the parties' dispute and setting forth the submitting party's position, accompanied by a certification that the parties have conferred in good faith and were unable to agree about whether the document (or proposed filing) should be filed under seal. Within fourteen (14) days after service of the notice, the designating party must file and serve either a notice withdrawing the confidentiality designation or a motion to seal and a supporting memorandum that sets forth the facts and legal authority justifying the filing of the document (or proposed filing) under seal. If the designating party seeks to have the document (or proposed filing) filed under seal, the motion must append (as a separate attachment) a proposed order granting the motion to seal. No response to the motion may be filed. If the designating party does not file a motion or notice as required by this subsection, the Court may enter an order making the

document (or proposed filing) part of the public record.

(e) **Denial of Request to File a Document Under Seal.** If a request to file under seal is denied in part or in full, the lodged document will not be filed. If the request is denied in full, the submitting party may, within five (5) days of the entry of the order denying the request, ~~re-submit~~resubmit the document for filing in the public record. If the request is denied in part and granted in part, the party may resubmit the document in a manner that conforms to the Court's order and this Rule.

(f) **Effect of Sealing.** If the Court orders the sealing of any document, the Clerk shall file the order to seal and secure the sealed document from public access.

LRCiv 5.7

**FILING OF COURT RECORDS IN SEALED CIVIL ACTIONS**

Every document to be filed in a sealed action must be submitted to the Court in paper form with a cover sheet prominently displaying the notation "DOCUMENT SUBMITTED UNDER SEAL" and clearly identifying the document, the number of pages submitted, and the case number and title of the action in which the document is to be filed.

## LRCiv 7.2

### MOTIONS<sup>3</sup>

(a) **Motions Shall be in Writing.** Motions Shall be in Writing. All motions, unless made during a hearing or trial, shall be in writing and shall be made sufficiently in advance of trial to comply with the time periods set forth in this Local Rule and any Court order and to avoid any delays in the trial.

(b) **Memorandum by Moving Party.** Except for a request for an award of attorney's fees pursuant to Rule 54.2(b), Local Rules of Civil Procedure, upon any motion, the moving party shall serve and file with the motion's papers a memorandum setting forth the points and authorities relied upon in support of the motion.

(c) **Responsive Memorandum.** The opposing party shall, unless otherwise ordered by the Court and except as otherwise provided by Rule 56 of the Federal Rules of Civil Procedure, and Rules 12.1, 54.2(b), and 56.1, Local Rules of Civil Procedure, have fourteen (14) days after service in a civil or criminal case within which to serve and file a responsive memorandum.

(d) **Reply Memorandum.** The moving party, unless otherwise ordered by the Court, shall have seven (7) days after service of the responsive memorandum to file a reply memorandum if that party so desires.

(e) **Length of Motions—and, Memoranda and Objections.**

(1) Unless otherwise permitted by the Court, a

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<sup>3</sup> The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed seventeen (17) pages, exclusive of attachments and any required statement of facts.—

(2) Unless otherwise permitted by the Court, a reply including its supporting memorandum shall not exceed eleven (11) pages, exclusive of attachments.

(3) Unless otherwise permitted by the Court, an objection to a Report and Recommendation issued by a Magistrate Judge shall not exceed ten (10) pages.

(4) Attachments shall exclude materials extraneous to genuine issues of material fact or law.

(f) **Oral Arguments.** Unless otherwise directed by the Court, a party desiring oral argument shall request it by placing "Oral Argument Requested" immediately below the title of such motion or the response to such motion. If oral argument is granted, notice shall be given in a manner directed by the Court.

(g) **Motions for Reconsideration.**

(1) Form and Content of Motion. The Court will ordinarily deny a motion for reconsideration of an Order absent a showing of manifest error or a showing of new facts or legal authority that could not have been brought to its attention earlier with reasonable diligence. Any such motion shall point out with specificity the matters that the movant believes were overlooked or misapprehended by the Court, any new matters being brought to the Court's attention for the first time and the reasons they were not presented earlier, and any specific modifications being sought in the Court's Order. No motion for reconsideration of an Order may repeat

any oral or written argument made by the movant in support of or in opposition to the motion that resulted in the Order. Failure to comply with this subsection may be grounds for denial of the motion.

(2) Procedure. No response to a motion for reconsideration and no reply to the response may be filed unless ordered by the Court, but no motion for reconsideration may be granted unless the Court provides an opportunity for response. Absent good cause shown, any motion for reconsideration shall be filed no later than fourteen (14) days after the date of the filing of the Order that is the subject of the motion.

(h) **Telephone Argument and Conferences.** The Court may, in its discretion, order or allow oral argument on any motion or other proceeding by speaker telephone conference call, provided that all conversations of all parties are audible to each participant and the Court. Upon request of any party, such oral argument may be recorded by court reporter or other lawful method under such conditions as the Court shall deem practicable. Counsel shall request scheduling of such calls at a time convenient to all parties and the Court. The Court may direct which party shall pay the cost of the call.

(i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the unrepresented party or counsel does not serve and file the required answering memoranda, or if the unrepresented party or counsel fails to appear at the time and place assigned for oral argument, such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of

the motion summarily.

(j) **Discovery Motions.** No discovery motion will be considered or decided unless a statement of moving counsel is attached thereto certifying that after personal consultation and sincere efforts to do so, counsel have been unable to satisfactorily resolve the matter. Any discovery motion brought before the Court without prior personal consultation with the other party and a sincere effort to resolve the matter, may result in sanctions.

(k) **Motions to Compel.** With regard to motions to compel discovery brought pursuant to Rule 37(a)(3)(B) of the Federal Rules of Civil Procedure, see Rule 37.1, Local Rules of Civil Procedure.

(l) **Pending Motions Notification.** Whenever any motion or other matter has been taken under advisement by a District Judge or Magistrate Judge for more than one hundred and eighty (180) days, the attorneys of record in the case shall inquire of the Court, in writing, as to the status of the matter.

(m) **Motions to Strike.**

(1) Generally. Unless made at trial, a motion to strike may be filed only if it is authorized by statute or rule, such as Federal Rules of Civil Procedure 12(f), 26(g)(2) or 37(b)(2)(A)(iii), or if it seeks to strike any part of a filing or submission on the ground that it is prohibited (or not authorized) by a statute, rule, or court order.

(2) Objections to Admission of Evidence on Written Motions. An objection to the admission of evidence offered in support of or opposition to a motion must be presented in the objecting party's responsive or reply memorandum (or, if the underlying motion is a motion for summary judgment, in the



party's response to another party's separate statement of material facts) and not in a separate motion to strike or other separate filing. Any response to the objection must be included in the responding party's reply memorandum for the underlying motion and may not be presented in a separate responsive memorandum.

~~LR Civ 53.2~~

~~REVIEW OF SPECIAL MASTER REPORTS (28 U.S.C. § 636 (B)(2)(A))~~

~~Any party may seek review of, or action on, a special master report filed by a Magistrate Judge in accordance with the provisions of Rule 53(f) of the Federal Rules of Civil Procedure.~~

**F.R.Civ.P. 56. Summary Judgment**

**LRCiv 56.1**

**MOTIONS FOR SUMMARY JUDGMENT**

(a) **Separate Statement of Facts.** Any party filing a motion for summary judgment ~~shall~~must file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. The separate statement should include only those facts that the Court needs to decide the motion. Other undisputed facts (such as those providing background about the action or the parties) may be included in the memorandum of law, but should not be included in the separate statement of facts. Each material fact ~~shall~~in the separate statement must be set forth in a separately numbered paragraph and ~~shall~~must refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.

(b) **Controverting Statement of Facts.** Any party opposing a motion for summary judgment ~~shall~~must file a statement, separate from that party's memorandum of law, setting forth: (1) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (2) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each

additional fact ~~shall~~must be set forth in a separately numbered paragraph and ~~shall~~must refer to a specific admissible portion of the record where the fact finds support. Each numbered paragraph of the statement of facts set forth in the moving party's separate statement of facts ~~shall~~must, unless otherwise ordered, be deemed admitted for purposes of the motion for summary judgment if not specifically controverted by a correspondingly numbered paragraph in the opposing party's separate statement of facts.

(c) ~~In the alternative~~**Alternative Procedure.** As an alternative to filing a statement of facts and controverting statement of facts, the movant and the party opposing the motion ~~shall~~may jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts if the parties agree there is no genuine issue of any material fact. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

(d) **Deadline for Responsive and Reply Memoranda.** Notwithstanding the provisions of Rule 7.2 (c), (d), and (f), Local Rules of Civil Procedure, the opposing party ~~shall~~may, unless otherwise ordered by the Court, have thirty (30) days after service within which to serve and file a responsive memorandum in opposition; the moving party, unless otherwise ordered by the Court, ~~shall~~may have fifteen (15) days after service of the responsive memorandum within which to serve and file a reply memorandum. If oral argument is scheduled pursuant to Rule 7.2(f), Local Rules of Civil Procedure, the time of hearing ~~shall~~must be set so as to give each party

sufficient time to comply with these Local Rules and to allow the Court at least fourteen (14) days additional time prior to the hearing.

(e) **Citations in Memoranda.** Memoranda of law filed in support of or in opposition to a motion for summary judgment, including reply memoranda, ~~shall~~must include citations to the specific paragraph in the statement of facts that supports ~~factual~~ assertions made in the memoranda regarding any material fact on which the party relies in support of or in opposition to the motion.

(f) **Supporting Documents.** A document referenced in the separate statement of facts or the controverting statement of facts does not need to be submitted in its entirety. Instead, an excerpt of the document may be submitted that includes the pages providing the evidentiary support for which the document is referenced.

**X. District Courts and Clerks**

**F.R.Civ.P. 77. District Courts and Clerks**

**LRCiv 77.1**

**LOCATIONS; HOURS OF CLERK'S OFFICES**

(a) **Locations.** The District covers the entire State of Arizona. However, for convenience the District is divided into three divisions, each named and comprising counties as follows:

Phoenix Division: Maricopa, Pinal, Yuma, La Paz, and Gila counties.

Prescott Division: Apache, Navajo, Coconino, Mohave, and Yavapai counties.

Tucson Division: Pima, Cochise, Santa Cruz, Graham, and Greenlee counties.

(b) **Schedule of Hearings.** The Court shall be open permanently at Phoenix and at Tucson and will sit at Prescott and such other places when and as the Court shall designate.

(c) **Place of Trial.** Unless otherwise ordered by the Court, all civil and criminal cases founded on causes of action (1) arising in the Phoenix Division shall be tried in Phoenix, (2) arising in the Prescott Division shall be tried in Prescott, and (3) arising in the Tucson division shall be tried in Tucson. All civil and criminal cases founded on causes of action arising on the Tohono O'Odham Indian Reservation shall be tried in Tucson, unless otherwise ordered by the Court. All civil and criminal cases founded on causes of action arising on the San Carlos Indian Reservation shall be tried in Phoenix, unless otherwise ordered by the Court.

(d) **Hours of Clerk's Offices.** The offices of the Clerk

shall be open during regular business hours, as designated and posted by the Clerk of Court, on each day except Saturdays, Sundays, and legal holidays enumerated in Federal Rules of Civil Procedure 6(a)(~~4~~6) and 77(c)(1), when the offices are closed unless otherwise ordered by the Court.

**F.R.Civ.P. 83. Rules by District Courts; Judge's Directives**

**LRCiv 83.1**

**ATTORNEYS**

(a) **Admission to the Bar of this Court.** Admission to and continuing membership in the bar of this Court is limited to attorneys who are active members in good standing of the State Bar of Arizona.

Attorneys may be admitted to practice in this District upon application and motion made in their behalf by a member of the bar of this Court.

Every applicant shall first file with the Clerk a statement on a form provided by the Clerk setting out the applicant's place of birth, principal office address and city and state of principal residence, the courts in which the applicant has been admitted to practice, the respective dates of admissions to those courts, whether the applicant is active and in good standing in each, and whether the applicant has been or is being subjected to any disciplinary proceedings.

Motions for admission will be entertained upon the convening of the Court at the call of the law and motion calendar. The applicant must be personally present at the time and, if the motion is granted, shall be admitted upon being administered the following oath by the Clerk or a District Judge:

"I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial officers; and that I will demean myself as an attorney, counselor, and solicitor of



this Court uprightly."

Thereafter, before a certificate of admission issues, the applicant shall pay an admission fee of ~~one hundred eighty dollars (\$180.00)~~ to the Clerk, U.S. District Court. The amount of the fee is available on the District Court's website.

(b) **Practice in this Court.** Except as herein otherwise provided, only members of the bar of this Court shall practice in this District.

(1) U.S. Government Attorneys. Any attorney representing the United States Government in an official capacity, or who is employed by the office of the Federal Public Defender in an official capacity, and is admitted to practice in another U.S. District Court may practice in this District in any matter in which the attorney is employed or retained by the United States during such period of federal service. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court to the same extent as members of the bar of this Court.

(2) Tribal Attorneys. Any attorney representing a tribal government entity in a full time official capacity may practice in this District in any matter in which the attorney is employed or retained by the tribal government entity during such period of tribal service provided the attorney is a member of a state bar. The attorney may apply to this district court under paragraph 3, pro hac vice. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court to the same extent as members of the bar of this Court.

(3) *Pro Hac Vice.* An attorney who is admitted to practice in another U.S. District Court, and who has been

retained to appear in this Court may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case. Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible to practice pursuant to this subparagraph (b)(3) if any one or more of the following apply: (i) the attorney resides in Arizona, (ii) the attorney is regularly employed in Arizona, or (iii) the attorney is regularly engaged in the practice of law in Arizona. The pro hac vice application shall be presented to the Clerk and shall state under penalty of perjury (i) the attorney's principal office address and city and state of principal residence as well as current telephone number, facsimile number and electronic mailing address, if any, (ii) by what courts the attorney has been admitted to practice and the dates of admissions, (iii) that the attorney is in good standing and eligible to practice in those courts, (iv) that the attorney is not currently suspended, disbarred or subject to disciplinary proceedings in any court, and (v) if the attorney has concurrently or within the year preceding the current application made any other pro hac vice applications to this Court, the title and number of each action in which such application was made, the date of each application, and whether each application was granted. The pro hac vice application shall ~~also~~ be accompanied by payment of a pro hac vice fee ~~of one hundred dollars (\$100.00)~~ to the Clerk, U.S. District Court and a current, original certificate of good standing from a federal court. The amount of the fee is available on the District Court's website. If the pro hac vice application is denied, the Court may refund any or all of the fee paid by the attorney. If the application is granted,

the attorney is subject to the jurisdiction of the Court to the same extent as a member of the bar of this Court.

(4) **Certified Students.** Students certified to practice under Rule 83.4, Local Rules of Civil Procedure, may practice in this District as provided in that Rule.

(c) **Subscription to Court Electronic Newsletters.** Registered users of the Court's Electronic Case Filing (ECF) system must subscribe to the USDC District of Arizona News (at [www.azd.uscourts.gov/subscribe](http://www.azd.uscourts.gov/subscribe)) to receive email notices relating to new or updated local rules, general orders, and electronic case filing procedures.

(d) **Association of Local Counsel.** Nothing herein shall prevent any judicial officer from ordering that local counsel be associated in any case.

(e) **Disbarment or Suspension.** An attorney who, before admission or permission to practice pro hac vice has been granted, unless specially authorized by one of the judges, or during disbarment or suspension exercises any of the privileges of a member of this bar, or who pretends to be entitled to do so, is subject to appropriate sanctions after notice and opportunity to be heard.

(f) **Sanctions for Noncompliance with Rules or Failure to Appear.**

(1) **When Appropriate.** After notice and a reasonable opportunity to be heard, the Court upon its own initiative may impose appropriate sanctions upon the party, attorney, supervising attorney or law firm who without just cause:

(A) violates, or fails to conform to, the Federal Rules of Civil or Criminal Procedure, the Local Rules of Practice for the District, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules and/or any order of the

Court; or

(B) fails to appear at, or be prepared for, a hearing, pretrial conference or trial where proper notice has been given.

The Court may impose sanctions against a supervising attorney or law firm only if the Court finds that such supervising attorney or law firm had actual knowledge, or reason to know, of the offending behavior and failed to take corrective action.

(2) Sanctions; Generally. The Court may make such orders as are just under the circumstances of the case, and among others the following:

(A) An order imposing fines;

(B) An order imposing costs, including attorneys' fees;

(C) An order that designated matters or facts shall be taken to be established for the purposes of the action;

(D) An order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters or facts in evidence;

(E) An order striking, in whole or in part, pleadings, motions or memoranda filed in support or opposition thereto; and

(F) An order imposing sanctions as permitted by Rule 83.2, Local Rules of Civil Procedure, Disbarment, for violations of the applicable ethical rules, incorporated into these Local Rules by Rule 83.2(d), Local Rules of Civil Procedure. The Court may also refer the matter to the relevant bar association(s) for appropriate action. For

violations of form, sanctions will be limited generally to fines, costs or attorneys' fees awards. Local rules governing the form of pleadings and other papers filed with the Court include, but are not limited to, the provision of Rule 7.1, Local Rules of Civil Procedure. Attorneys' fees may only be assessed for a violation of a Local Rule when the Court finds that the party, attorney, supervising attorney or law firm has acted in bad faith or has willfully disobeyed Court orders or rules.

(3) Sanctions; Repeated Violations in Civil Cases. If, in a civil case, the Court finds that an attorney, party, supervising attorney or law firm has committed repeated serious violations without just cause, such finding may result in the imposition of more serious sanctions, including but not limited to, increased fines, fines plus attorneys' fees and costs, contempt, or the entry of judgment against the offending party on the entire case. Judgment against the offending party will not be entered unless the Court also finds there are no other adequate sanctions available.

(4) Scope; Enforcement. Nothing in this Local Rule is intended to modify, or take the place of, the Court's inherent powers, contempt powers or the sanctions provisions contained in any applicable federal rule or statute. Further, nothing in this Local Rule is intended to confer upon any attorney or party the right to file a motion to enforce the provisions of this Local Rule. The initiation of enforcement proceedings under this Local Rule is within the sole discretion of the Court.

**F.R.Crim.P. 5 Initial Appearance**

**LRCrim 5.1**

**ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE**

**(a) Assignment of Criminal Cases.**

(1) In General. Within each division, the criminal cases, when filed, shall be assigned among the District Judges of the division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. At the conclusion of the preliminary hearing and detention hearing in Tucson, or at the conclusion of the grand jury return in Phoenix, the Clerk shall randomly refer the criminal case to a Magistrate Judge. The cases so assigned or referred shall remain with the Judges to whom assigned or referred unless otherwise ordered by the Court. With the exception of defense counsel, any officer of the Court who determines that a new charge has been filed against a defendant who is under federal Court supervision shall immediately notify the presiding judge before whom the new case is pending.

(2) In Cases Where Defendant is on Supervised Release or Probation.

(A) Except as provided in subsections (B), (C), and (D) below, new cases in which the defendant is already on probation or supervised release shall be assigned to the judge to whom the probation or supervised release case is assigned.

(B) If the judge to whom the probation or supervised release case is assigned is on Senior Status and does not want both cases, both the new case and the petition to revoke probation or supervised release shall be assigned to a district judge by automated random selection, subject to

subsections (C) and (D) below.

(C) Where the new case and the probation or supervised release case are in different divisions, the new case shall remain in its division, and the petition to revoke probation or supervised release shall be reassigned to that division's judge, unless the judge to whom the probation or supervised release case is assigned wants to keep the petition.

(D) In the case of a consolidated plea agreement which resolves both a new felony illegal reentry after deportation, and a probation or supervised release violation for illegal reentry, alien smuggling, or drug trafficking, the judge to whom the new offense is assigned shall also decide the request for unsuccessful termination of supervision, unless the judge to whom the supervised release violation is assigned objects, in which case both the new case and the supervised release case shall be assigned to the objecting judge. In all such cases, defense counsel shall be assigned to handle the entire consolidated proceeding, the sentencing and disposition shall be consolidated, and the clerk shall file the minutes in both cases.

(b) **Assignment of Juvenile Matters and Related Cases.** ~~Except as provided in section (c),~~ ~~W~~within each division, the juvenile matters, when filed, shall be assigned among the District Judges of the division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. The cases so assigned shall remain with the Judge to whom assigned unless otherwise ordered by the Court. ~~When an information is filed against a juvenile in the District Court, a District Court Judge shall~~

~~be assigned to hear the matter.~~

(c) (1) Upon filing an indictment against an adult or an information against a juvenile(s) for conduct that arises from substantially the same event as a case already pending against a juvenile or an adult, the United States Attorney shall file a Notice of Related Case in all affected cases. The judicial officer to whom the lowest numbered case is assigned will make a determination as to reassignment of these cases based on the factors set forth in LRCiv 42.1(a) and (d) and, if deemed appropriate, direct the Clerk to make reassignment.

(2) If there are multiple juveniles charged with conduct that arises from substantially the same event, the United States Attorney shall file a Notice of Related Case with each juvenile Information. The judicial officer to whom the lowest numbered case is assigned will make a determination as to reassignment of these cases based on the factors set forth in LRCiv 42.1(a) and (d) and, if deemed appropriate, direct the Clerk to make reassignment.

(3) If the government moves to transfer the juvenile to adult status and the motion to transfer is granted, the case and any related cases shall be ~~assigned~~re-assigned by automated random selection to ~~a~~one District Judge upon return of an indictment by the grand jury.

(e) **Temporary Reassignment of Cases.** With regard to temporary reassignment of cases above, see Rule 3.8(b), Local Rules of Civil Procedure.



(NO LRCrim 16.2 or 16.3)

LRCrim 16.4

COMPLEX CASES

(a) **Declaration of Complex Case.** On motion of any party or at the Court's own initiative, the Court may treat the case as unusual or complex within the meaning of 18 U.S.C. § 3161(h)(87)(B)(ii). If the Court determines the case to be complex, a status conference will be held within twenty-one days to determine a schedule for discovery, motions and any other pretrial case management issues.

(b) **Duty to Confer.** Before any status conference in a complex case to discuss discovery and disclosure issues, counsel shall confer in good faith to determine what discovery issues can be resolved by agreement. If the parties cannot agree on the scope, manner, or time of discovery, counsel for the parties shall file a joint report setting forth the issues agreed upon and those in dispute.

**Title VII. Post-Conviction Procedures**  
**F.R. Crim P. 32. Sentencing and Judgment**  
**LRCrim 32.1**

**SENTENCING - PRESENTENCE INVESTIGATIONS**

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(d) **Preparation and Use of Presentence Reports.**

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(3) The Probation Office, after sentencing, will retain the original copy of the presentence report on behalf of the Clerk of Court. When a request is made to the Clerk's Office to view a copy of the presentence report, the request shall be referred to the Probation Office. If appropriate, the Probation Office shall prepare for the requestor a copy of the presentence report exclusive of the Rule 32(b)(3), Fed.R.Crim.P., information.

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