



UNITED STATES DISTRICT COURT
District of Rhode Island

**NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULES**

Pursuant to 28 U.S.C. § 2071(b), Fed. R. Civ. P. 83(a)(1), and Fed. R. Crim. P. 57(a)(1), the United States District Court for the District of Rhode Island hereby gives notice that proposed amendments to the Court's Local Rules are being considered for adoption.

The Court invites public comment on the following proposed amendments to the Local Rules:

General Rules: LR Gen 102, LR Gen 104, LR Gen 105, LR Gen 109, LR Gen 112, LR Gen 302, LR Gen 303, and LR Gen 304

Civil Rules: LR Cv 5, LR Cv 7, LR Cv 9, LR Cv 15, LR Cv 41.1, LR Cv 54, LR Cv 54.2, LR Cv 56, LR Cv 67, LR Cv 72, and LR Cv 73

Criminal Rules: LR Cr 6, LR Cr 47, LR Cr 57.1, and LR Cr 57.2

Copies of the proposed amendments may be reviewed and printed from the Court's website at www.rid.uscourts.gov. These amendments are also available for inspection at the Clerk's Office, United States District Court, One Exchange Terrace, Providence, RI 02903.

Any comments must be submitted, in writing, no later than November 1, 2017, via e-mail to Local_Rules@rid.uscourts.gov or by submission to the Clerk's Office.

October 2, 2017

HANORAH TYER-WITEK
CLERK OF COURT

LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION

- (a) **Privacy Protections.** It is the responsibility of any party or non-party filing a document, not the Clerk's Office, to review each document to determine if pleadings are in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and the Judicial Conference Policy on Privacy and Public Access to the Electronic Case Files.

If the Court finds a document that contains personal identifiers referenced in Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, the Clerk's Office will limit non-parties' remote electronic access to the document containing the personal identifiers, and direct the party responsible for the filing to file a redacted version of the document.

- (b) **Sealed Documents.**

- (1) **Filing of Sealed Documents.** Documents may be sealed by order of the Court only upon the filing of a motion to seal. The A motion to seal in accordance with LR Cv 7 and LR Cr 47, a separate memorandum stating the basis for the sealing as required by LR Cv 7 and LR Cr 47, and the document(s) subject to the motion to seal must be filed electronically and will remain provisionally under seal until the Court rules on the motion. Documents submitted by a party under seal, provisionally or otherwise, must be stamped or labeled by the party on the cover page "FILED UNDER SEAL."

If the Court denies the motion to seal, the document(s) subject to the motion to seal will not be accepted for filing in the case.

- (2) **Service of Motions to Seal.**

(A) **Civil Cases.** A motion to seal in a civil case may be served electronically if the party has consented to electronic filing pursuant to LR Gen 304(c) and LR Gen 309(b). Parties who are ineligible to file and receive documents electronically or exempt from electronic filing must be served conventionally pursuant to LR Cv 5.1(b).

(B) **Criminal Cases.** A motion to seal in a criminal case must be conventionally served on all parties in the case pursuant to LR Cv 5.1(b).

- (3) **Limiting Sealed Filings and Redactions.** Rather than automatically requesting the sealing of an entire motion or other filing, parties shall consider whether redaction would be sufficient. If only a portion of a document contains confidential information, the party requesting sealing pursuant to (b)(1) shall file both an unredacted version of the document and a redacted version that excises the confidential information.

- (4) **Exceptions.**

(a) **Sealed Cases.** Parties do not need to file a separate motion to seal for pleadings or documents filed in cases that are sealed pursuant to statute,

Court order, or local rule, provided that the document be stamped or labeled by the party on the cover page “FILED UNDER SEAL.” Sealed cases would include, but are not limited to, grand jury proceedings, pen register requests, wire and video interceptions, and *qui tam* actions.

(b) Ex parte Filings. Parties do not need to file a separate motion to seal for pleadings or documents filed *ex parte*, provided that the document be stamped or labeled by the party on the cover page “FILED EX PARTE.”

(c) Unsealing of Documents. Documents sealed by the Court may be unsealed at any time upon motion of a party or non-party or by the Court *sua sponte*, provided that the parties first are given notice and an opportunity to be heard.

~~LR Gen 104 — REMOVAL AND COPYING OF DOCUMENTS~~

- ~~(a) — **Removal of Documents.** Unless otherwise ordered by the Court, case files or documents filed with the Clerk as part of the record in a case shall not be removed from the Clerk's office except:~~
- ~~(1) — by a judicial officer or Court employee using the documents for an official purpose; or~~
 - ~~(2) — by counsel or a member of the public examining the documents under the Clerk's supervision at a place designated by the Clerk for that purpose.~~
- ~~(b) — **Copies.** Upon the request of any person, the Clerk, to the extent reasonable under the circumstances, shall provide copies of any public document filed in a case. The Clerk may charge a fee consistent with the District Court Miscellaneous Fee Schedule pursuant to 28 U.S.C. §1914.~~

LR Gen 105 ASSIGNMENT OF CASES

(a) New Cases.

- (1) **In General.** Except as otherwise provided in ~~paragraph (a)(2) and (a)(4)~~ of this Rule, the Clerk shall randomly assign each new case ~~shall be randomly assigned~~ to a district judge and a magistrate judge in a manner that evenly distributes the cases among them by type of classification as provided under LR Cv 5(b) or LR Cr 57(b).
- (2) **Related Cases.** A civil or criminal case which the cover sheet indicates, or which the Clerk believes may be related to a case previously filed in this Court, shall be provisionally assigned to the judge to whom the related case was assigned. If the judge to whom the case is provisionally assigned determines that the case is not closely related, the judge shall return the case to the ~~e~~Clerk for random assignment as provided in ~~paragraph (a)(1)~~ of this Rule.
- (3) **Re-filed Cases.** A civil or criminal case that appears to involve substantially the same parties and issues as a case or proceeding that previously was brought in this Court and dismissed or otherwise terminated shall be provisionally assigned to the judge who originally was assigned the prior case or proceeding, or if already assigned, shall be transferred to the judge who originally was assigned the prior case or proceeding.
- (4) **Assignment of Civil Cases to Magistrate Judges.** The Clerk shall randomly assign certain types of civil cases identified by the Court among district judges and full-time magistrate judges. If a magistrate judge is randomly assigned such a civil case as the presiding judge, they shall conduct all proceedings, including a jury or non-jury trial, and order the entry of judgment in the case. Such assignments are subject to the provisions of Fed. R. Civ. P. 73 and LR Cv 73, and require consent of the parties. Any case for which all parties do not consent will be reassigned pursuant to (a)(1).

(b) **Remanded Cases.** Any case remanded to this Court for a new trial shall be reassigned to a judge other than the judge to whom the case previously was assigned. All other cases remanded to this Court shall be reassigned to the judge to whom the case was previously assigned, unless that judge determines that the interests of justice require that the case be assigned to a different judge.

(c) **Emergency Matters.** If immediate action is required with respect to some matter in a case and the judge to whom the case has been assigned is unavailable or otherwise unable to address that matter, the Clerk shall refer that matter to the Chief Judge. If the Chief Judge is unavailable, the Clerk shall present the matter to the next most senior active judge who is available to hear it. The judge to whom such matter is referred shall act only to the extent necessary to meet the immediate need, and only until the judge to whom the case was assigned becomes available to hear it. If a judge to whom such a

matter is referred determines that no immediate action is required, the request for immediate action shall not thereafter be presented to another judge.

- (1) **After Hours Filings.** Counsel anticipating a possible need for an emergency filing, or emergency action by the Court, or both, during a period when the Clerk's Office is ordinarily closed should consult with the Clerk's Office at the earliest opportunity during normal business hours to make arrangements. A filing user should not expect that a filing made through ECF will be addressed outside normal business hours unless the filer contacts the Clerk's Office in advance to make special arrangements.

LR Gen 109 BANKRUPTCY

- (a) **References and Withdrawals of References of Bankruptcy Cases.** All cases arising under Title 11 shall be referred automatically to the bankruptcy judge(s) of this District. The reference of any case or proceeding or any portion thereof may be withdrawn at any time by the District Court, *sua sponte*, or, for good cause shown, upon the motion of any party. A motion for withdrawal of a reference shall not automatically stay any proceeding, but the District Court in its discretion may order a stay.

If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this rule and determined to be a core matter, the bankruptcy judge shall, unless otherwise ordered by the District Court, hear the proceeding and submit proposed findings of fact and conclusions of law to the District Court.

The district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge's findings of fact or conclusions of law to which specific written objection has been made in accordance with the federal and local rules of bankruptcy procedure. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

The District Court may treat any order of the Bankruptcy Court as proposed findings of fact and conclusions of law in the event the District Court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.

- (b) **Jury Trials in Bankruptcy Court.** Pursuant to 28 U.S.C. § 157(e), a bankruptcy judge may conduct jury trials in bankruptcy proceedings where the right to a jury trial applies and all parties have consented.

- (c) **Reports and Recommendations by Bankruptcy Judge.**

- (1) **Time for Objections.** Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a proceeding shall be filed and served within 14 days after such proposed findings and rulings are served on the objecting party.
- (2) **Content of Objections.** Any objection to the proposed findings of fact and/or rulings of law shall ~~be accompanied by (A) a memorandum of law~~ specifying the proposed findings and/or rulings to which objection is made and the basis for the objection(s), and ~~(B) be accompanied by a transcript of any evidentiary hearing(s) before the bankruptcy judge.~~ The ~~memorandum~~ objection shall comply with LR Cv 7.
- (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Any response and /or reply

shall comply with LR Cv 7. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge's proposed findings of fact and rulings of law.

- (d) **Appeals to Bankruptcy Appellate Panel.** In accordance with 28 U.S.C. §158(b)(6), appeals from any judgment, order or decree of a bankruptcy judge which are referred to in 28 U.S.C. § 158(a) will be heard and determined by the U.S. Bankruptcy Appellate Panel for the First Circuit unless a party elects to have the appeal heard by the District Court in accordance with Bankruptcy Rule 8005.
- (e) **Appeals to District Court.** Except as otherwise provided in this subsection (e) or elsewhere in these rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a bankruptcy judge shall be governed by the applicable provisions of Rules 8001-8028 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules").
- (1) **Notice of Appeal.** Upon the filing of a notice of appeal to the District Court, the bankruptcy clerk shall promptly transmit the following to the District Court in accordance with Bankruptcy Rule 8003:
- (A) Notice of appeal;
 - (B) Judgment, order, or decree that is the subject of the appeal;
 - (C) Bankruptcy Court docket sheet; and
 - (D) Appellate transmittal form.
- (2) **Notice of Appeal and Motion for Leave to Appeal.** Upon the filing of a notice of appeal and a motion for leave to appeal to the District Court in accordance with Bankruptcy Rule 8004, the bankruptcy clerk shall promptly transmit the following to the District Court:
- (A) Notice of appeal;
 - (B) Order or decree that is the subject of the appeal;
 - (C) Bankruptcy Court docket sheet;
 - (D) Appellate transmittal form; and
 - (E) Motion for leave to appeal.
- (3) **Extensions of Time by a Bankruptcy Judge.** Extensions of time for filing notices of appeal may be granted by the bankruptcy judge in accordance with Bankruptcy Rule 8002(d). Extensions of time for filing motions for leave to

appeal and designations of the record or issues on appeal may be granted by the bankruptcy judge for a period not to exceed 30 days.

- (4) **Dismissal of Appeals by Bankruptcy Judge.** A bankruptcy judge may dismiss an appeal if the notice of appeal is not filed within the time specified in Bankruptcy Rule 8002.
- (5) **Record on Appeal.** Upon the completion of the record on appeal, the bankruptcy clerk shall transmit the following to the District Court in accordance with Bankruptcy Rule 8010:
 - (A) Designation(s) of the contents of the record on appeal;
 - (B) Statement(s) of the issues on appeal;
 - (C) Opinion, findings of fact, and conclusions of law relating to the issues on appeal;
 - (D) Transcripts;
 - (E) Bankruptcy Court docket sheet; and
 - (F) Clerk's certification for transmittal of record on appeal.
- (6) **Form of and Schedule for Filing Briefs.** Upon confirmation by the bankruptcy clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010, the District Court will set the briefing schedule, the form of which shall be governed by Bankruptcy Rules 8014 and 8015.
- (7) **Appendices to Briefs.** Unless otherwise ordered by the District Court, appendices to briefs need not be filed with the Court.
- (f) **Stays Pending Appeal to the District Court.** When a motion is made in the District Court in accordance with Bankruptcy Rule 8007(b) to stay a judgment, order or decree of a bankruptcy judge or for any other relief pending appeal, the movant shall set forth the reasons why a stay should be granted and the legal authorities supporting the stay, and file the following with its motion:
 - (1) a copy of the judgment, order or decree that the movant seeks to have stayed;
 - (2) a copy of the bankruptcy judge's order denying the movant's motion to stay; and
 - (3) any written decision(s) and/or transcript(s) of any oral decision(s) of the bankruptcy judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection; ~~and~~
 - ~~(4) a memorandum of law setting forth the reasons why a stay should be granted and the legal authorities supporting the motion for a stay.~~

Such motion and any related objection(s) and replies shall be governed by the applicable provisions of LR Cv 7.

(g) Local Bankruptcy Rules.

(1) Authority. The bankruptcy judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.

(2) Notice to District Court. The bankruptcy court must give notice to the District Court of any amendment to the bankruptcy court's local rules prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the bankruptcy court, unless abrogated by the District Court.

(h) Applicability of Local Rules. In proceedings before a bankruptcy judge, the local bankruptcy rules shall apply. In proceedings before the District Court, these Local Rules shall apply unless the Court otherwise directs.

(i) Discretion of District Court. This rule is not intended to restrict the District Court's discretion as to any aspect of any appeal.

LR Gen 112 USE OF ELECTRONIC DEVICES

- (a) **General Prohibition on Electronic Devices.** Except as provided in subsection (c) of this rule or expressly authorized by the Court, no person shall bring into the Courthouse or portion of the John O. Pastore Building occupied by the Court any electronic device capable of sending or receiving communications, making sound or video recordings, or making, recording or transmitting photographs or videos. ~~*[see Comment, end of Rule]~~
- (b) **Photographing, Recording, and Broadcasting.** Except to the extent expressly authorized by the Court, no person shall photograph, record, broadcast, or otherwise transmit any proceeding, event, or activity held in the Courthouse or portion of the John O. Pastore Building occupied by the Court. The Court may permit photographing, recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.
- (c) **Exceptions.** Electronic devices, including but not limited to cellular or smart phones, laptops, and tablets, may be brought into and used within the Courthouse or portion of the John O. Pastore Building occupied by the Court only by those individuals authorized pursuant to this subsection.
- (1) **Use of Electronic Devices by Attorneys.** Unless the Court otherwise orders, attorneys may use electronic devices in the Courthouse and portion of the John O. Pastore Building occupied by the Court, including courtrooms and chambers, upon the following conditions:
- (A) Use of electronic devices shall not be disruptive of Court proceedings;
- (B) Use of electronic devices does not conflict with (b) or any other provision of the Local Rules, Court order, or statute;
- (C) Unauthorized use of electronic devices may result in the user being required to relinquish the device to the custody of the United States Marshal until released by a judicial officer and/or imposition of sanctions.
- (2) **Use of Electronic Devices by Media.** Unless the Court otherwise orders, members of the media who have been authorized to bring and use electronic devices in the Courthouse and portion of the John O. Pastore Building occupied by the Court, may use those devices under the conditions set forth in (b) and (c)(1) ~~in the courtrooms of those judicial officers who have approved such usage.~~ The Clerk will maintain a lists of authorized individuals and those judicial officers who have approved such usage authorized pursuant to this subsection.

***COMMENT**

~~Pursuant to the General Order dated December 1, 2016, authorized members of the media may use electronic devices in the courtrooms of the judicial officers who have approved a standing~~

~~exemption to LR Gen 112. Please consult the General Order dated December 1, 2016, and related materials available on the Court's website.~~

LR Gen 302 EXEMPTIONS; ~~EXCEPTIONS~~; AND PRO SE LITIGANTS

- (a) **Attorney Exemption/~~Exceptions~~.** If filing electronically would create an undue hardship for an attorney, the attorney may request an exemption from the Clerk of Court and permission to file documents conventionally. The request must be made in writing, and must contain a detailed explanation of the reason(s) for the request. The Clerk may grant an exemption on such terms and conditions as are appropriate and reasonable.*~~[see Comment, end of Rule]~~
- ~~(b) **One-Time Exemption.** An attorney who is not a Filing User may conventionally file documents on behalf of a client in an ECF case without leave of the Court for 21 days from the filing of the first document by the attorney. However, within that 21-day period, the attorney must register as a Filing User, or seek an exemption under (a) above.~~
- ~~(c) **Attorneys in Removal Cases.** An attorney who is not a member of the bar of this Court but who is permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) may, but is not required to, register as a Filing User and file documents electronically using ECF.~~
- ~~(d)~~**(b) Pro Se Litigants.** A non-incarcerated *pro se* litigant in a pending case may apply to the Court for permission to file and receive documents electronically on a form prescribed by the Clerk's Office. If the Court grants a *pro se* litigant permission to file documents electronically, that permission is limited to the case specified, and the Court may withdraw that permission at any time during the pendency of a case.

In the absence of a court order authorizing electronic filing, all *pro se* litigants shall conventionally file and serve all documents in accordance with the provisions of the Federal Rules of Civil Procedure and Criminal Procedure and the Local Rules of this Court, and all electronically filed documents must be conventionally served on the *pro se* litigant.

***COMMENT**

~~Prior to requesting an exemption, attorneys should seek assistance from the Clerk's Office. The Court offers ECF training sessions as well as computer based training modules for attorneys and their staff. Also, the Clerk's Office has a workstation available at the Courthouse for any Filing User who needs assistance with electronic filing. ECF training and support information can be obtained from the Clerk's Office and found on the Court's web site at: www.rid.uscourts.gov.~~

LR Gen 303 SPECIAL FILING REQUIREMENTS

- (a) **Civil Case Opening Documents.**
- (1) **Complaints and Notices of Removal.** Absent an exemption under LR Gen 302, complaints or notices of removal, together with the civil cover sheet and a summons for each defendant to be served, shall be filed electronically, and the required filing fee shall be paid at the time of filing. The Clerk's Office will issue a summons for each defendant to be served to the filer.
 - (2) **Other Civil Case Initiating Documents.** Civil case initiating documents not mentioned in (a)(1), or to be filed under seal, shall be filed conventionally, together with the civil cover sheet, a summons for each defendant to be served, and the required filing fee. The Clerk's Office will issue a summons for each defendant to be served to the filer.
- (b) **Miscellaneous Case Opening Documents.** ~~Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.~~ Absent an exemption under LR Gen 302, miscellaneous case opening documents shall be filed electronically, and the required filing fee shall be paid at the time of filing.
- (c) **Other Documents to be Conventionally Filed.** The following documents must be conventionally filed:
- (1) Records of administrative review proceedings other than social security cases;
 - (2) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;
 - ~~(3) *Ex parte* motions and applications;~~
 - ~~(4)~~(3) Consent to Proceed Before a Magistrate Judge;
 - ~~(5)~~(4) All pleadings and documents filed by prisoner *pro se* litigants and non-prisoner *pro se* litigants not granted permission to file documents electronically;
 - ~~(6)~~(5) The charging document in a criminal case, such as the complaint, indictment and information;
 - ~~(7)~~(6) Affidavits for search and arrest warrants and related papers;
 - ~~(8)~~(7) Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;
 - ~~(9) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement; and~~
 - ~~(10)~~(8) Appearance Bonds.

(d) Format of Electronically Filed Documents. Documents must be formatted for electronic filing by converting the original word processing document into PDF, resulting in what is referred to as a “native PDF” or “text PDF.” PDF images created by scanning paper documents should be avoided unless the filer does not possess a word processing file version of the document (e.g., Exhibits).

Unless otherwise required by statute, rule, or court order, documents that require an original signature(s) other than that of the Filing User must be submitted in a scanned PDF format, and the Filing User must maintain the document with the original signature in accordance with LR Gen 307.

LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS

- (a) **ECF Login and Password.** An attorney admitted to the bar of this Court pursuant to LR Gen 202 will automatically become a Filing User of the Court's ECF system and will be permitted to file documents electronically using ECF without further authorization. The Filing User will receive notification from the Court of the user login and password after admission.

An attorney eligible to appear before the Court pursuant to LR Gen 201(b), and not otherwise prohibited from permitted to file filing documents electronically under the Local Rules, must register as a Filing User of the Court's ECF system ~~prior to filing any documents electronically~~. Registration will be on an ECF Registration Form provided by the Clerk. Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password and be permitted to file documents electronically.

- (b) **Confidentiality of Login and Password.** Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*~~[see Comment, end of Rule]~~
- (c) **Consent to Electronic Service.** ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

***COMMENT**

~~Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.~~

LR Cv 5 FORM AND FILING OF DOCUMENTS

- (a) **Form and Content of Documents.** All documents filed in a civil case shall be on 8½" x 11" paper and shall include the following:
- (1) **Captions.** Any pleading or other document asserting a claim or counterclaim of any type shall include the full caption showing the names of all parties. Documents filed after a case is docketed shall also include the name, case number and initial(s) of the judge to whom the case has been assigned.
 - (2) **Titles.** All documents shall bear a title that concisely states the precise nature of the document and identifies the party filing it.
 - (3) **Format; Page Numbering.** Unless otherwise provided or ordered by the Court, all documents shall be double-spaced and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. Where a document is more than one page in length, the pages shall be numbered at the bottom center of each page.
 - (4) **Jury Demand.** Any pleading containing a demand for a jury trial shall set forth the demand to the right of the caption, below the case number.
 - (5) **Signing of Pleadings.** All documents filed on behalf of a party shall be signed by counsel representing the party on whose behalf the document is filed, or in the case of parties proceeding *pro se*, by the party himself or herself. The name, address and telephone number of the individual signing the document shall be typed or printed below the signature. Documents filed by attorneys also shall bear the attorney's bar number, and the name, address, fax number and e-mail address of the attorney's law firm.
- (b) **Civil Cover Sheet.** Any person filing a complaint in a civil case or any other document that requires a file to be opened shall contemporaneously file a completed ~~local~~ civil cover sheet describing the type of case and identifying any related case previously filed or pending in this Court. The Clerk may reclassify a case if the cover sheet does not accurately describe its type. Cover sheets shall be provided by the Clerk upon request.⊘
~~[see Comment, end of Rule]~~
- (c) **Filing Fee.** Any applicable filing fee prescribed by law shall be paid to the Clerk at the time of filing. If payment is made by check, the check shall be made payable to "Clerk, United States District Court."
- (d) **Discovery Documents.** Unless otherwise ordered by the Court, disclosures made under Fed. R. Civ. P. 26(a)(1)-(3), notices of deposition, deposition transcripts, interrogatories, requests for production, requests for admission, and answers and responses thereto, shall not be filed with the Court. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.

- (e) **Subpoenas.** Subpoenas, including proofs of service, shall not be filed with the Court, unless otherwise ordered by the Court or required by the Federal Rules of Civil Procedure. The parties in possession of such documents shall be responsible for preserving them and making them available for use at trial and/or for other purposes required by the Court.

- (f) **Place for Filing Documents.** The original and all copies of any document filed with the Court that is part of the record in a case shall be filed with the Clerk. Such documents shall not be filed in a judge's chambers, unless otherwise required by these Rules or authorized by that judge. The Clerk will retain and docket original documents and will forward copies to the judicial officer to whom the case has been assigned.

***COMMENT**

~~The United States District Court for the District of Rhode Island uses a local version of the JS-44 Civil Cover Sheet, which is available in the "Forms" section of the Court's website.~~

LR Cv 7 ~~MOTIONS, OBJECTIONS AND REPLIES~~ MOTIONS AND OTHER PAPERS

- (a) ~~**Form and Content.** Every motion shall bear a title identifying the party filing it and stating the precise nature of the motion. In addition, every motion except a motion to extend time or motion to compel discovery shall contain a short and plain description of the requested relief and shall be accompanied by a separate memorandum of law setting forth the reasons why the relief requested should be granted and any applicable points and authorities supporting the motion. A motion to extend time or to compel discovery shall include within the motion a brief statement of reasons why the relief requested should be granted.~~

In General.

(1) Request for Relief. A request for a court order must be made by motion. A motion must be in writing unless made during a hearing or trial or if the Court permits otherwise.

(2) Contents of a Motion.

(A) Grounds and Relief Sought. All motions must state with particularity the grounds for seeking an order, the relief sought, and the legal argument necessary to support it.

(B) Accompanying Documents. A separate memorandum of law need not be filed. However, if a party chooses to file a memorandum of law, it must be served as an attachment to the motion and not as a separate docket entry.

(3) Response. Any party may file a response to a motion the contents of which are governed by LR Cv 7(a)(2). The response must be filed within 14 days after service of the motion unless the Court shortens or extends the time.

(4) Reply to Response. Although the filing of a reply is not required, any reply to a response must be filed within 7 days after service of the response. A reply shall not present matters that do not relate to the response, or reargue or expand upon the arguments made in support of the motion.

(5) Sur-replies. Sur-replies may only be filed with prior leave of Court.

(b) **Objections and Replies.**

- ~~(1) Any party opposing a motion shall file and serve an objection not later than 14 days after service of the motion. Every objection shall be accompanied by a separate memorandum of law setting forth the reasons for the objection and applicable points and authorities supporting the objection.~~

- (2) ~~The movant may file and serve a reply memorandum not later than 7 days after the service of the objection. A reply memorandum shall consist only of a response to an objection and shall not present additional grounds for granting the motion, or reargue or expand upon the arguments made in support of the motion.~~
- (3) ~~No memorandum other than a memorandum in support of a motion, a memorandum in opposition, and a reply memorandum may be filed without prior leave of the Court.~~
- (e) ~~**Copies.** With respect to documents that are conventionally filed, two copies of every motion, objection and reply and memorandum in support, together with any permitted appendices, shall be filed along with the original. The originals shall be retained in the Court file. The Clerk shall transmit the copies to the chambers of the judge to whom the case has been assigned.~~
- (d) ~~**Memoranda and Supporting Documents**~~
- (1) ~~**Form of Memoranda.** All memoranda of law, as well as all motions, objections and replies, shall conform with the requirements of LR-Cv 5(a) of these Rules. Page margins shall be at least one inch on all sides, and only one side of each page may be used. Each item attached to the memorandum shall be separately identified and labeled.* [see Comment, end of Rule]~~
- (2) ~~**Page Limits.** The judicial officer to whom a case is assigned may establish page limits for any memoranda, appendices or other supporting documents filed in support of or in opposition to any motion. Before filing or objecting to any motion, counsel shall determine what page limits, if any, have been set by such judicial officer.~~
- (3) ~~**Requests to Modify Page and Format Restrictions.**~~
- (A) ~~Any request to exceed page limits or to otherwise modify any page and format restrictions for memoranda, appendices and/or exhibits shall be made by motion.~~
- (B) ~~Any such motion shall be filed far enough in advance of the due date to permit the Court to rule on it before that time. If the time required to rule on the motion is likely to extend beyond the deadline, the motion shall be accompanied by a motion to extend the deadline.~~
- (C) ~~A motion to exceed page limits shall explain why a lengthier memorandum or appendix is required and state the length of the proposed memorandum. The proposed memorandum shall not be submitted with the motion to exceed page limits and shall not be filed unless and until the motion is granted.~~
- (4) ~~**Record Citations in Administrative Appeals.** Any memorandum motion, response or reply filed in a case involving an appeal from the ruling or~~

determination of an administrative tribunal, including but not limited to Social Security disability determinations, shall include all pertinent citations to the administrative record.

(c)(e) Need for Evidentiary Hearing. All motions and ~~objections~~ responses shall contain a statement by counsel as to whether oral argument and/or an evidentiary hearing is requested; and, if so, the estimated time that will be required.

**LR Cv 9 REQUEST FOR EMERGENCY/EXPEDITED RELIEF
OR FOR THREE-JUDGE DISTRICT COURT**

When a document is filed containing a request for a temporary restraining order, any other form of emergency relief, or the appointment of a three-judge court, such request shall be noted in all capital letters on the first page to the right of, or immediately beneath, the case caption, and: ~~The basis for any such request shall be set forth in a memorandum of law attached to~~ the basis for the request.

In addition, the party making the request shall promptly communicate the request to the deputy clerk for the judge to whom the case is assigned.

LR Cv 15 MOTIONS TO AMEND

Any motion to amend a pleading shall be made promptly after the party seeking to amend first learns the facts that form the basis for the proposed amendment. A motion to amend a pleading shall be filed in accordance with LR Cv 7, explain how the amended pleading differs from the original and why the amendment is necessary, and be accompanied by:

- (a) ~~the~~ a complete and signed copy of the proposed amended pleading; ~~and~~
- (b) ~~a supporting memorandum that explains how the amended pleading differs from the original and why the amendment is necessary.~~

If the motion to amend is granted, the Clerk shall file the proposed amended pleading.

**~~LR Cv 41.1 — ADMINISTRATIVE CLOSURE OF CASES
SUBJECT TO BANKRUPTCY STAY~~**

~~If a petition in bankruptcy that triggers the automatic stay provision of the Bankruptcy Code is filed with respect to any party to a pending civil action, the civil action may be administratively closed as to that party, subject to being reopened at such time as the stay is no longer in effect.~~

LR Cv 54 COSTS

- (a) **Timing of Request.** Within 14 days after entry of judgment, a party seeking an award of costs shall file and serve on all other parties a bill of costs. Failure to file a bill of costs within that time shall constitute a waiver of any claim for costs unless the Court otherwise orders, for good cause shown.
- (b) **Form of Request.**
- (1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.
 - (2) A bill of costs shall be supported by a memorandum of law and an affidavit that:
 - (A) the amounts listed in the bill of costs are correct; and
 - (B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the applicant's case; and
 - (C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the applicant's case; and
 - (D) all costs are properly claimed and allowable.
- (c) **Taxation by Clerk.** The taxation of costs shall be in accordance with Fed. R. Civ. P. 54(d)(1). The Clerk shall notify all parties of the costs allowed.
- (d) **Motion to Review the Clerk's Action.** The taxation of costs by the Clerk shall be final unless modified by the Court. Any challenge to the costs taxed by the Clerk shall be in the form of a motion, which motion shall be served and filed within 7 days after notification pursuant to subsection (c) of this Rule, and shall ~~be supported by a memorandum of law~~ state the reason for the challenge and the authorities upon which the moving party relies. Within 7 days of the filing of the motion, any party objecting to the motion may file a response.
- (e) **Resolution of Motion.** Within 14 days after a motion to review the Clerk's action is filed, all interested parties shall meet and confer in an effort to resolve the motion. The meeting shall be initiated by the moving party, who shall notify the Court promptly as to whether the issues have been resolved. If all issues have been resolved, the parties shall promptly submit a proposed order. If all issues have not been resolved, the Court will make a final determination with respect to the taxation of costs.

~~LR Cv 54.2 — JUROR COSTS~~

See LR Cv 39.4(b) (Payment of Juror Costs in connection with settlement).

LR Cv 56 MOTIONS FOR SUMMARY JUDGMENT

(a) Statement of Undisputed Facts.

- (1) ~~In addition to the memorandum of law required by LR Cv 7, A~~ a motion for summary judgment shall be accompanied by a separate Statement of Undisputed Facts that concisely sets forth all facts that the movant contends are undisputed and entitle the movant to judgment as a matter of law.
- (2) The Statement of Undisputed Facts shall be ~~filed as a separate filing, document with not an attachment to the motion for summary judgment and memorandum.~~ Each “fact” shall be set forth in a separate, numbered paragraph and shall identify the evidence establishing that fact, including the page and line of any document to which reference is made, unless opposing counsel has expressly acknowledged that the fact is undisputed.
- (3) For purposes of a motion for summary judgment, any fact alleged in the movant’s Statement of Undisputed Facts shall be deemed admitted unless expressly denied or otherwise controverted by a party objecting to the motion. An objecting party that is contesting the movant’s Statement of Undisputed Facts shall file a Statement of Disputed Facts, which shall be numbered correspondingly to the Statement of Undisputed Facts, and which shall identify the evidence establishing the dispute, in accordance with the requirements of paragraph (a)(2).
- (4) If an objecting party contends that there are additional undisputed facts not contained in the moving party’s statement of undisputed facts which preclude summary judgment, that party shall file a separate Statement of Undisputed Facts setting forth such additional undisputed facts. Such statement shall be prepared in accordance with the requirements of paragraph (a)(2), except that the additional undisputed facts shall be numbered consecutively to the moving party’s undisputed facts.
- (5) If an objecting party files a separate statement of additional undisputed facts and the movant contests any of those facts, the movant shall file a separate statement setting forth what additional facts are disputed, numbered correspondingly to the opposing party's additional undisputed facts, at the same time it files its reply ~~memorandum~~ pursuant to LR Cv 7(b)(2).

(b) Supporting Documents. Unless otherwise requested or permitted by the Court, only the relevant portion(s) of documents submitted in support of or in opposition to a motion for summary judgment shall be included in the attachments.

(c) Successive Motions. No party shall file more than one motion for summary judgment unless the Court otherwise permits for good cause shown.

(d) Objections and Replies. The timing and filing of objections and replies in connection with motions for summary judgment shall be governed by LR Cv 7, unless otherwise directed by the Court.

LR Cv 67 PARTIES' FUNDS DEPOSITED AND WITHDRAWAL OF FUNDS WITH CLERK OF COURT

(a) Procedure for Deposit Receipt of Funds.

- (1) Any party who seeks to deposit funds into the Registry of the Court pursuant to Title 28 U.S.C. § 2041 or Fed. R. Civ. P. 67 or other rule or law must first file a motion in the form required by LR Cv 7 and. The motion must be accompanied by a proposed order specifying the amount of funds to be deposited, the name and address of a local financial institution into which the funds are to be deposited, and the type of account desired. The financial institution and the type of account must be approved in advance by the Clerk of Court. **Court Order Required.** No funds shall be sent to the Court or its officers for deposit into the registry of the Court without an order signed by the presiding judge. The party making the deposit shall serve the order permitting the deposit or transfer on the Clerk of Court.
- (2) The motion and proposed order shall be served on all other parties of record in the case. **Deposit with the Treasurer of the United States.** Unless otherwise ordered, all funds ordered to be paid to the Court or its officers shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 USC §2041 through the depositories designated by the Treasury to accept such deposit on its behalf.
- (3) Upon the granting of the motion, the party shall promptly deliver to the Clerk's Office a check for the amount to be deposited, together with a copy of the signed order.

(b) Investment of Registry Funds.

- (1) **Court Registry Investment System (CRIS).** Unless otherwise ordered, funds on deposit with the Court ordered to be placed in some form of interest-bearing account in accordance with Fed. R. Civ. P. 67 will be placed in the Court Registry Investment System (CRIS) administered through the Administrative Office of the United States Courts. The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds.

Deposits made with the CRIS will be pooled with those on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury in an account in the name and to the credit of the Director of Administrative Office of the United States Courts.

- (2) **Interest-Bearing Funds.** A separate account for each case will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based upon the ratio each account's principal and earnings

has to the aggregate principal and income total in the fund after the CRIS maintenance fee described in (c) has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

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- (3) Interpleader Funds.** Interpleader funds deposited under 28 U.S.C. §1335 are considered a “Disputed Ownership Fund” (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the Court, interpleader funds shall be deposited in the DOF established within the CRIS. The custodian shall be responsible for meeting all DOF tax administration requirements, and is authorized and directed to deduct the DOF fee on assets on deposit in the DOF for management of investments and tax administration. The custodian is further authorized and directed to withhold and pay federal taxes due on behalf of the DOF.

For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee described in (c) has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account directed by court order.

(c) Maintenance of Interest-Bearing Funds

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- (1) Non-DOF Maintenance Fees.** The custodian is authorized and directed to deduct a fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in CRIS. The fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to individual accounts.

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- (2) DOF Maintenance Fees.** The custodian is authorized and directed to deduce the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. The DOF fee is assessed from interest earning to the pool before a pro rata distribution of earnings is made to individual accounts.

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- ~~(2) In cases in which funds are ultimately disbursed to the United States or to agencies or officials thereof, the clerk shall provide to those agencies or officials any relief from the CRIS fee approved by the Director of the Administrative Office on application filed by the United States Attorney or any government counsel.~~

~~(b) **Procedure for Withdrawals and Fund Transactions.** Any party seeking to withdraw monies from the Registry of the Court must file and serve a motion for the withdrawal of monies from the Registry, together with a proposed order stating the exact amount to be disbursed to each party, and a separate list containing each party's name, address and tax identification number. The proposed order and separate list shall not be electronically filed. All transactions regarding Registry funds shall be made only with the approval of the Court.~~

~~(c) **Deduction of Court Fees.** Any order obtained by a party that directs the Clerk to invest in an interest-bearing account or investment funds deposited in the Registry of the Court shall contain wording which directs the Clerk, pursuant to 28 U.S.C. § 1914(b), to deduct a fee in accordance with the schedule set by the Judicial Conference of the United States from the income earned on the funds deposited or invested, whenever such income becomes available for such deduction, and without further order of the Court. Such a provision shall be included in the order regardless of the nature of the case in which the deposit was made.~~

(d) Disbursement of Funds.

(1) Disbursement of Interest Bearing Funds. No interest-bearing funds may be paid out of the registry except by order of the Court. The custodian shall disburse all registry principal and income, if applicable, less the registry fee assessment, pursuant to the Court's order. Any such order shall set forth the funds in question and name(s) of the payee(s).

(2) Disbursement of Non-Interest Bearing Funds. No non-interest bearing funds may be paid out of the registry except by order of the Court. Any such order shall set forth the funds in question and name(s) of the payee(s).

LR Cv 72 AUTHORITY OF MAGISTRATE JUDGES IN CIVIL CASES

- (a) **Authority and Duties.** A full-time or recalled magistrate judge shall perform any duties assigned by the Court or by a district judge and, in doing so, may exercise all powers conferred upon full-time magistrate judges pursuant to 28 U.S.C. § 636.
- (b) **Vacating Referrals.** A district judge who has referred any matter to a magistrate judge may, in his or her discretion, vacate the reference at any time.
- (c) **Objections to Rulings on Nondispositive Matters.**
 - (1) **Time for Objections; Failure to File.** An objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Civ. P. 72(a) shall be filed and served within 14 days after such order or ruling is served. The objecting party shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitute waiver of the right to review by the district judge and the right to appeal the Court's decision.
 - (2) **Content of Objections.** An objection to a magistrate judge's order or ruling in a nondispositive matter shall set forth the basis of the objection and ~~be accompanied by a memorandum of law which~~ complies with LR Cv 7.
 - (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in response to an objection to a magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7.
- (d) **Objections to Reports and Recommendations.**
 - (1) **Time for Objections; Failure to File.** Any objection to a Report and Recommendation by a magistrate judge shall be filed and served within 14 days after such Report and Recommendation is served on the objecting party. The objecting party shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the transcript in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision.
 - (2) **Content of Objections.** An objection to a magistrate judge's Report and Recommendation shall ~~be accompanied by a memorandum of law~~ specifying the findings and/or recommendations to which objection is made and the basis for the objection. The ~~memorandum~~ objection shall comply with LR Cv 7.
 - (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Unless otherwise permitted

or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a magistrate judge's Report and Recommendation. Any response and/or reply shall comply with LR Cv 7.

LR Cv 73 CONSENT TO ORDER OF REFERENCE

- (a) **Trial by Magistrate Judge.** A full-time or recalled magistrate judge may conduct a jury or non-jury trial in a civil case if all parties consent and the district judge to whom the case has been assigned approves.
- (b) **Notification of Option to Consent.**
- (1) When a civil action or notice of removal is filed, the Clerk, with the permission of the district judge to whom the case is assigned, shall give written notice to the parties of the option to consent to a trial before, or other disposition of the case by, a magistrate judge and shall provide the parties with a consent form. The notice shall inform the parties that they are free to withhold consent without adverse consequences; that the form is to be returned to the Clerk only if all parties consent; and that if all parties consent, the executed form must be returned within ~~30 days~~ the time specified in the notice issued by the Clerk.
 - (2) At any time thereafter, the district judge to whom the case has been assigned may again authorize the Clerk to advise the parties of their opportunity to consent to a trial before, or other disposition of the case by, a magistrate judge, in which case the Clerk shall send a similar notice to the parties.
 - (3) A district judge or magistrate judge shall not be informed of a party's response to the Clerk's notification unless all parties have consented to a trial before a magistrate judge.

LR Cr 6 GRAND JURY MATTERS

- (a) **Terms of Grand Jury.**
- (1) Grand juries shall be chosen and grand juries shall serve in accordance with the Court's Jury Selection Plan.
 - (2) Upon request by the United States Attorney and approval by the Court, a special grand jury may be chosen and convened to serve for such term as the Court may provide.
- (b) **Return and Filing of Indictments.** All grand jury indictments shall be returned to a district judge or a magistrate judge in open court unless otherwise directed by a district judge. Every indictment shall be filed immediately with the Clerk, and an arraignment shall be scheduled promptly before a magistrate judge, unless otherwise ordered.
- (c) **Motions and Pleadings Concerning Grand Jury.** All motions and other documents filed with the Clerk relating to grand jury matters (~~including but not limited to motions to compel, motions to quash, and motions to grant immunity~~) shall be automatically sealed by the Clerk, whether or not a separate motion to seal is filed. Parties do not need to file a separate motion to seal in regard to these matters, provided that the document be stamped or labeled by the party on the cover page "FILED UNDER SEAL."
- (d) **Confidentiality of Grand Jurors.** The names of any individuals drawn or selected to serve on a grand jury shall not be made public or disclosed to any person other than an authorized Court employee or authorized representative of the United States Attorney, unless the Court orders otherwise pursuant to 28 U.S.C. §1867(f).
- (e) **Grand Jury Security.** When a grand jury is in session, the area surrounding the grand jury room shall be secured, and no unauthorized persons shall be permitted access to such area.

LR Cr 47 MOTIONS, OBJECTIONS AND SUPPORTING DOCUMENTS OTHER PAPERS

- (a) ~~**Form and Content.** Every motion shall bear a title identifying the party filing it and stating the precise nature of the motion. In addition, every motion except a motion to extend time or motion to compel discovery shall contain a short and plain description of the requested relief and shall be accompanied by a separate memorandum of law setting forth the reasons why the relief requested should be granted and any applicable points and authorities supporting the motion. A motion to extend time or to compel discovery shall include within the motion a brief statement of reasons why the requested relief should be granted.~~

In General.

- (1) **Request for Relief.** A request for a court order must be made by motion. A motion must be in writing unless made during a hearing or trial or if the Court permits otherwise.
- (2) **Contents of a Motion.**
- (A) **Grounds and Relief Sought.** All motions must state with particularity the grounds for seeking an order, the relief sought, and the legal argument necessary to support it.
- (B) **Accompanying Documents.** A separate memorandum of law need not be filed. However, if a party chooses to file a memorandum of law, it must be served as an attachment to the motion and not as a separate docket entry.
- (3) **Response.** Any party may file a response to a motion the contents of which are governed by LR Cr 47(a)(2). The response must be filed within 14 days after service of the motion unless the Court shortens or extends the time.
- (4) **Reply to Response.** Although the filing of a reply is not required, any reply to a response must be filed within 7 days after service of the response. A reply shall not present matters that do not relate to the response, or reargue or expand upon the arguments made in support of the motion.
- (5) **Sur-replies.** Sur-replies may only be filed with prior leave of Court.

(b) **Objections and Replies.**

- (1) ~~Any party opposing a motion shall file and serve an objection not later than 14 days after service of the motion. Every objection shall be accompanied by a memorandum setting forth the reasons for the objection and any applicable points and authorities supporting the objection.~~

- ~~(2) — Other than a memorandum in support of a motion and a memorandum in opposition, no memorandum (including a reply memorandum) may be filed without prior leave of the Court.~~
- ~~(c) — **Copies.** With respect to documents that are conventionally filed, two copies of every motion, objection and reply and memorandum in support, together with any permitted appendices, shall be filed along with the original. The original shall be retained in the Court file. The Clerk shall transmit the copies to the chambers of the judge to whom the case has been assigned.~~
- ~~(d) — **Memoranda and Supporting Documents.**~~
- ~~(1) — **Form of Memoranda.** All memoranda of law, as well as all motions, objections and replies, shall conform with the requirements of LR-Cr 57(a) of these Rules. Page margins shall be at least one inch on all sides, and only one side of each page may be used. Each item attached to the memorandum shall be separately identified and labeled.* [see Comment, end of Rule].~~
- ~~(2) — **Page Limits.** The judicial officer to whom a case is assigned may establish page limits for any memoranda, appendices or other supporting documents filed in support of or in opposition to any motion. Before filing or objecting to any motion, counsel shall determine what page limits, if any, have been set by such judicial officer.~~
- ~~(3) — **Requests to Modify Page and Format Restrictions.**~~
- ~~(A) — Any request to exceed page limits or to otherwise modify any page and format restrictions for memoranda, appendices and/or exhibits shall be made by motion.~~
- ~~(B) — Any such motion shall be filed far enough in advance of the due date to permit the Court to rule on it before that time. If the time required to rule on the motion is likely to extend beyond the deadline, the motion shall be accompanied by a motion to extend the deadline.~~
- ~~(C) — A motion to exceed page limits shall state the reasons for the request and the number of pages in the proposed document(s). The proposed document(s) shall not be submitted unless and until the motion to exceed is granted.~~
- ~~(e) — **Need for Evidentiary Hearing.** All motions and objections responses shall contain a statement by counsel as to whether oral argument and/or an evidentiary hearing is requested; and, if so, the estimated time that will be required.~~

LR Cr 57.1 APPLICATIONS FOR POST-CONVICTION RELIEF

- (a) **Form.** Any *pro se* petition* for post-conviction relief filed pursuant to 28 U.S.C. § 2254 or 28 U.S.C. § 2255 shall be on a form provided by the Clerk's Office. The Clerk shall make the form available upon request and without charge.
- ~~(b) **Non-conforming Filing.** If the petition is not filed on the form referred to in subsection (a) of this rule, or on a substantially similar form, or if it is not properly completed, the Clerk shall promptly notify the petitioner in writing of the deficiency. If the petitioner fails to file a corrected petition within 21 days after such notification, the Clerk shall present the petition to a judicial officer to determine whether the petition should be dismissed.~~
- ~~(e)~~**(b) Assignment.** Petitions for relief pursuant to 28 U.S.C. § 2255 shall be assigned to the district judge who sentenced the petitioner. If that district judge is unavailable to review the petition, the petition shall be randomly assigned to another district judge. Petitions for relief pursuant to 28 U.S.C. § 2254 shall be randomly assigned.
- ~~(d)~~**(c) Ineffective Assistance of Counsel Claims.** If a petitioner makes a claim of ineffective assistance of counsel based on counsel's failure to file a direct appeal, the petitioner shall append to his petition a sworn statement regarding the discussions the petitioner had with counsel regarding an appeal, specifically stating:
- (1) whether counsel asked whether the petitioner wished to appeal; and
 - (2) whether petitioner ever told counsel that he wished to appeal.

LR Cr 57.2 AUTHORITY OF MAGISTRATE JUDGES IN CRIMINAL CASES

- (a) **Authority and Duties.** A full-time or recalled magistrate judge shall perform any duties assigned by the Court or by a district judge and, in doing so, may exercise all powers conferred upon full-time magistrate judges pursuant to 28 U.S.C. § 636.
- (b) **Vacating Referrals.** A district judge who has referred any matter to a magistrate judge may, in his or her discretion, vacate the reference at any time.
- (c) **Objections to Rulings on Nondispositive Matters.**
 - (1) **Time for Objections.** An objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Crim. P. 59(a) shall be filed and served within 14 days after such order or ruling is served. The objecting party shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.
 - (2) **Content of Objections.** An objection to a magistrate judge's order or ruling in a nondispositive matter shall set forth the basis of the objection and ~~be accompanied by a memorandum of law which~~ complies with LR Cr 47.
 - (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in response to an objection to a magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cr 47.
- (d) **Objections to Reports and Recommendations.**
 - (1) **Time for Objections.** Any objection to a Report and Recommendation by a magistrate judge shall be filed and served within 14 days after such Report and Recommendation is served on the objecting party. The objecting party shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period.
 - (2) **Content of Objections.** An objection to a magistrate judge's Report and Recommendation shall ~~be accompanied by a memorandum of law~~ specifying the findings and/or recommendations to which objection is made and the basis for the objection. The ~~memorandum~~ objection shall comply with LR Cr 47.
 - (3) **Responses and Replies.** A response to an objection shall be served and filed within 14 days after the objection is served. The objecting party may serve and file a reply to the response within 7 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a magistrate judge's Report and Recommendation. Any response and/or reply shall comply with LR Cr 47.