

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**In re: GENERAL ORDER REGARDING ASSIGNMENT OF
 CASES TO THE UNITED STATES DISTRICT JUDGE
 DESIGNATED TO HOLD COURT IN GREEN BAY,
 WISCONSIN**

AS AMENDED EFFECTIVE JANUARY 1, 2005

The court having previously entered an order assigning civil and criminal cases to the court in Green Bay, Wisconsin (Green Bay Division) enters this standing order which revises the previous order's assignment of civil and criminal cases to the Green Bay Division. The phrases Green Bay Division and Milwaukee Division are used herein as a matter of convenience.

1) Case Assignment to the Green Bay Division

The Green Bay Division of the Eastern District of Wisconsin, encompasses the following counties: Brown, Calumet, Door, Florence, Forest, Kewaunee, Langlade, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, and Winnebago.

By this provision, Dodge, Fond du Lac, Green Lake, Marquette, and Sheboygan counties are removed from the Green Bay Division and will now be encompassed by the Milwaukee Division.

A. Civil Cases

Civil cases having the greatest nexus with the above counties shall be assigned to the Green Bay Division. In considering which county or counties have the greatest nexus with a case, due regard shall be given to the place where the claims arose and the residence or principal place of business of each of the parties.

The Clerk of Court shall modify the civil cover sheet to require any party filing or removing a civil action to identify whether the case has the greatest nexus with one of the counties encompassed by the Green Bay Division.

Unless otherwise specified by court order, and except for the prisoner cases referred to in paragraph 2, the Green Bay Division shall not be included when civil cases are randomly assigned pursuant to General Local Rule 3.1.

B. Criminal Cases

All criminal cases of any kind in which the alleged offenses were committed in the above counties shall be docketed and tried in the Green Bay Division; provided, however, that an indictment returned in either Division shall be valid regardless of the county or counties within the District in which the alleged offenses were committed.

The Clerk of Court shall modify the defendant information sheet to require the United States Attorney's office to identify whether any of the offenses were committed in one of the counties encompassed by the Green Bay Division.

2) Random Assignment of Civil Prisoner Cases

Prisoner civil cases, whether brought under the habeas corpus provisions of 28 U.S.C. §§ 2241 or 2254, the provisions of 42 U.S.C. § 1983 or otherwise, will be randomly assigned pursuant to General Local Rule 3.1, even though they may have the greatest nexus with one of the counties listed above.

3) Transfer

In civil cases, a party may (a) object to the designation by another party of a civil case as having or not having the greatest nexus with any particular division, or (b) move the court for transfer of the case to a different division based upon the convenience of the parties and witnesses, or the interests of justice. Cases transferred from the Green Bay Division to the Milwaukee Division shall be randomly assigned pursuant to General Local Rule 3.1.

In criminal cases, any defendant may object to the designation by the United States Attorney's office of an offense having been committed in any particular county for purposes of assignment, on the grounds that the offense was not committed in the county designated by the United States Attorney's office.

In civil and criminal cases, the ultimate decision as to the appropriate assignment, even without objection, rests with the Judge to whom the case is assigned, and nothing in this Order creates any substantive rights.

4) Green Bay Division Clerk's Office

The permanent office of the Clerk shall be maintained at both Green Bay and Milwaukee. All records for cases assigned to the Green Bay Division shall be

kept in Green Bay, and all records for cases assigned to the Milwaukee Division shall be kept in Milwaukee.

In civil cases, the initial papers in any action may be filed at either location. Once a Judge has been assigned, however, the party filing the action or removing an action shall use a form to be provided by the Clerk to notify other parties that all additional filings shall be made in the Clerk's office located where the assigned Judge sits. The Clerk's office shall provide copies of previously-filed records to the Clerk's office where the assigned Judge sits.

In criminal cases, indictments shall be returned in Milwaukee until such time as there is a Grand Jury convened in the Green Bay Division. Once a case has been assigned to the Judge in the Green Bay Division, however, the Clerk shall notify the parties that all additional filings shall be made to the Clerk's office in the Green Bay Division. Once a case has been assigned to the Judge in the Green Bay Division, the Clerk's office shall provide copies of previously-filed records to the Clerk's office located in Green Bay.

5) Effective Date of Order

This order shall be applicable to all actions filed in the Eastern District of Wisconsin after January 1, 2005.

Dated at Milwaukee, Wisconsin this 10th day of November, 2004.

BY THE COURT:

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge