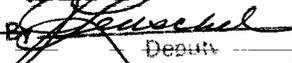


FILED

DEC 21 1993

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NANCY DOHERTY, CLERK


DeputySPECIAL ORDER NO. 2-13

The attached amendment to Local Rule 2.2(a) was considered and adopted by the United States District Judges for the Northern District of Texas. This amendment is effective with the entry of this Order. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

DATED: December 21, 1993.
BAREFOOT SANDERS, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

LOCAL RULE 2.2(a)

Rule 2.2(a). Discovery Materials Not to be Filed Except on Special Order.

Interrogatories and answers under Rule 33, Requests for Production or Inspection under Rule 34, Requests for Admissions and Responses under Rule 36, notices of depositions under Rules 30 and 31, and disclosures under Rule 26(a)(1)-(2), Federal Rules of Civil Procedure, shall be served upon other counsel or parties, *but shall not be filed with the Clerk*, except on special order of the Presiding Judge. The party responsible for service of the discovery material shall retain the original and become its custodian.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NOTICE

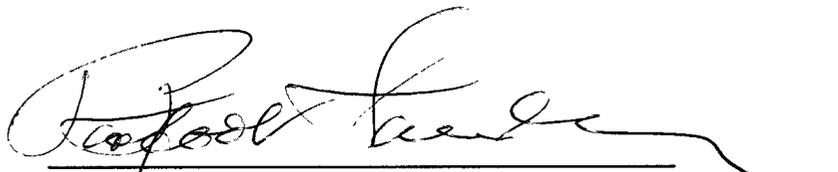
Pursuant to 28 U.S.C. § 2071 and Fed. R. Civ. P. 83, the United States Court for the Northern District of Texas proposes to amend Local Rules 3.1(g) and 3.1(h), and Miscellaneous Order No. 6, Rule 4, and to repeal Local Rules 10.2(c), 10.8, and 12.2. These changes shall take effect on **February 21, 1994**, unless otherwise ordered.

If you wish to comment on the proposed action of the Court, submit your comments in writing to:

Nancy H. Doherty, Clerk
United States District Court
1000 Commerce Street, Room 14A20
Dallas, Texas 75242

Dated: December 21, 1993

FOR THE COURT:


BAREFOOT SANDERS, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

PROPOSED LOCAL RULE AMENDMENTS

Rule 3.1(g)

Rule 3.1(g) will be amended in its entirety as follows:

Failure to Obtain Service Within 120 Days.

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the Presiding Judge, upon motion or on the Judge's own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the Presiding Judge shall extend the time for service for an appropriate period. This Rule does not apply to service in a foreign country pursuant to Fed. R. Civ. P. 4(f) or (j)(1).

Rule 3.1(h)

Rule 3.1(h) will be amended as follows. New material is bolded. Deleted material is bracketed.

Failure to Obtain Default Within 90 days.

Where a defendant has been in default for a period of 90 days, but plaintiff has failed to move for **entry of a default and a default judgment**, the action will be [summarily] dismissed as to that defendant, without prejudice [and without notice], **if, after notice, the plaintiff fails to move for entry of a default and a default judgment within the time prescribed by the Presiding Judge.**

Rule 10.2(c)

Rule 10.2(c) is repealed.

Rule 10.8

Rule 10.8 is repealed.

Rule 12.2

Rule 12.2 is repealed.

Miscellaneous Order No. 6, Rule 4

Miscellaneous Order No. 6, Rule 4 will be amended in its entirety as follows:

Review of Magistrate Judge Orders and Recommendations and Appeals to District Judge of Civil Cases Tried by Consent.

(a) **Nondispositive Matters.** Review of an order entered by a magistrate judge in a pretrial matter not dispositive of a claim or defense of a party shall be governed by Fed. R. Civ. P. 72(a). The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.

(b) **Dispositive Motions and Prisoner Petitions.** A magistrate judge assigned without consent of the parties to hear a pretrial matter dispositive of a claim or defense of a party or a prisoner petition challenging the conditions of confinement shall enter a recommendation in accordance with Fed. R. Civ. P. 72(b). A party objecting to the recommended disposition, and a party who desires to respond to another party's objections, shall comply with Fed. R. Civ. P. 72(b). The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.

(c) **Special Master Reports.** Objections to a magistrate judge report filed pursuant to Fed. R. Civ. P. 53(e)(2) shall be filed in accordance with that Rule. The district judge to whom the case is assigned may prescribe supplemental procedures for considering timely objections.

(d) **Appeals to District Judge of Civil Cases Tried by Consent.** Appeals to a district judge pursuant to Fed. R. Civ. P. 73(d) from judgments in civil cases tried by a magistrate judge by consent of the parties shall be governed by Fed. R. Civ. P. 74, 75, and 76. Local Rules 5.3 and 5.1(g) shall govern the length and form of briefs and the opportunity for the parties to be heard on oral argument.