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GUIDELINES FOR DOCKETING CLERKS

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A

Training and Reference Resource

for

Federal Docket Clerks

This publication is a product of work undertaken in connection with the Steering Committee of Federal Docketing Clerks. The procedures, analyses, and guidelines are those of the authors. This work has been reviewed by Center staff, and publication signifies that it is regarded as responsible and useful. It should be noted, however, that on matters of policy, the Center speaks only through its Board.

The reader will be aware that new and changing procedures in federal court docketing regulations may date this material. The Guidelines' loose leaf format is intended to accommodate insertions by the individual user.

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FOREWORD

These guidelines were compiled by faculty members serving at the eight Workshops for Docket Clerks sponsored by the Division of Continuing Education and Training of the Federal Judicial Center in 1978 and 1979. These guidelines consist of the ideas, recommendations, and practical experience of both participants and faculty members. They represent the many comments, suggestions, locally-produced forms, and practices of Clerks and Deputy Clerks of United States District Courts and United States Circuit Courts of Appeal. Appreciation is extended to those faculty members who convened, once the workshops had been completed, to organize and condense these guidelines. Special acknowledgement is due those who served on the Steering Committee which prepared, codified, and finalized these guidelines in their present form: Virginia Brannon, Northern District of Georgia; Carl Brents, Chairman, Eastern District of Arkansas; Carolyn Brown, District of Kansas; William H. Putnam, Jr., District of New Mexico; Betty Ross, District of Kansas; and Cynthia Skipper, District of South Carolina.

These guidelines are designed to function as a ready reference for docketing clerks. They are not intended to serve as a set of hard and fast rules. Practices and procedures recommended herein should be reviewed by each court for such use as it may deem appropriate and suitable. They should be followed in conjunction with local rules.

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GUIDELINES FOR DOCKETING CLERKS

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I. GENERAL INSTRUCTIONS AND RECOMMENDATIONS

There are very few requirements imposed on the Clerk as to how docketing should be performed. (The reference to Clerk in the rules used in this handbook refers to the Clerk or his deputy). Most docketing procedures are the result of tradition or practices used in a court, proved effective, and adopted by other courts.

This handbook presents requirements and procedures found to be most effective by the participants and faculties represented at the eight workshops.

Requirements and procedures which affect both civil and criminal docketing clerks are presented in Section I.

I. GENERAL

The requirements which are imposed on the Clerk by the Federal Rules are:

1. Rule 79(a), FRCP:
 - a. All papers filed shall be entered chronologically.
 - b. The entry¹ of an order or judgment shall show the date entry is made.²

¹ Rule 36, FRAP, defines entry as "the notation of a judgment in the docket . . ."

² Rule 58, FRCP, provides that the judgment is effective only when set forth and when entered as provided in Rule 79(a), FRCP.

2. Rule 77(d), FRCP:
 - a. "Immediately upon the entry of an order or judgment the Clerk shall serve a notice of the entry by mail. . ."3
 - b. ". . .and shall make note in the docket of the mailing."
3. Rule 4, FRAP, provides that the time for filing of a Notice of Appeal, whether civil or criminal, shall run from the date of entry on the docket of the order of judgment appealed from.
4. Rule 3(d), FRAP, requires the Clerk to:
 - a. Serve a copy of the Notice of Appeal on
 - (1) counsel of record for all parties other than appellant;
 - (2) parties not represented by counsel;
 - (3) the defendant in criminal cases; and,
 - (4) in criminal cases, habeas corpus and 2255 cases, copy of Notice of Appeal and docket entries to the Clerk, U. S. Court of Appeals.⁴

³ In addition to mailing a copy of the Judgment and Order, Rule 36, FRAP, requires the Clerk "to give notice to all parties of the date of entry of the Judgment."

⁴ Most Courts of Appeals require that a copy of all Notices of Appeal shall be mailed to the Clerk of the Court of Appeals.

- b. Note on the copy served the date the Notice of Appeal was filed.
- c. Note on the docket the names of parties to whom Notices of Appeal are mailed and the date of mailing.

A list of recommendations found to be helpful and time saving in both civil and criminal docketing are:

1. Begin the first line of docket entry at left margin with key word(s); indent all subsequent lines 10 spaces.
2. Type key words in all capital letters.
3. Do not make docket entries on the face of the docket sheet. Leave this space for names and addresses of parties and/or other pertinent information.
4. Omit the word "filed" from docket entries.
5. Accountability for docketing may be maintained by either showing initials of the person docketing on the docket sheet or the pleading itself.
6. If documents are numbered in your district, place the number in the same location on each paper, such as the lower right hand corner. Also, the number should be placed uniformly on the docket sheet.

7. If numbers are used, it may be helpful as a quick way of noting if a motion has been disposed of to show the docket entry number of any order disposing of a motion beside the docket entry of the original motion.

EXAMPLE:

Oct 11	9(11)	MOTION to Suppress
Nov 7	11	ORDER (JSP) Denying Motion to Suppress

If documents are not numbered, some system should be devised to indicate disposition of motions.

EXAMPLE:

Oct 11		MOTION to Suppress (Ref. <u>11-7-78</u>)
Nov 7		ORDER (JSP) Denying Motion to Suppress

8. Do not docket "Certificate of Service" or "Certificate of Mailing" unless it is filed as a separate document.
9. Do not docket issuance of subpoenas unless issued pursuant to Rule 17(b), FRCP; especially, do not docket issuance of subpoenas in blank.
10. a. In multi-volume cases, it is recommended that a colored sheet of paper be placed after the last pleading in a volume. This will indicate that nothing further is to be filed in this particular file folder and refer to the next volume for future filings.

- b. When the file becomes too voluminous and additional volumes are needed, indicate beginning of a new volume by drawing a line across the docket sheet. (Exhibit I, pg. 47)
- 11. Devise some system of color coding docket sheets and files by year.
- 12. Some method of control for exhibits should be implemented. One such method is a stamp placed on the front of the file folder showing pertinent information and locations of exhibits. Upon disposal of the exhibits, it would so indicate across the face of the stamp.

EXAMPLE:

Case # _____
 Judge _____
 Pltf./Deft./Govt. - Ex.
 Receiving Date _____
 Case Closing Date _____
 Appeal Date _____
 Return Date _____
 Location of Ex. _____

 By: _____

- 13. Do not use correction tape or "white out" to obliterate erroneous docket entries. These should be marked out. (Exhibit I, pg. 46)
- 14. Do not abbreviate the first word in a docket entry.

15. Those Clerk's offices which have adopted a miscellaneous docket find it very helpful for permanently recording various matters which do not fit into the regular civil and criminal dockets. Some matters which conveniently fit into the miscellaneous docket include:

- a. Grand Jury Matters (motions to quash, etc.)
- b. In Forma Pauperis motions
- c. Removal of criminal cases from State court (for determination of federal jurisdiction only)
- d. Registration of foreign judgments
- e. Enforcement of I.R.S. summons
- f. Criminal contempt citations (except 2:192; 18:482; 42:1995, docket these as criminal cases)
- g. Any other matter of which your court would like to have a permanent record.

Others are listed in Vol. 11, Civil Docket Reporting Instructions, Guide to Judiciary Policies and Procedures, pg. II-2, 3.

All miscellaneous docket numbers should be indexed in some manner for easy reference.

A document is considered filed when placed in the official custody of the clerk. (Glossary, pg. 27) The filing indicates the date the document is received and is not the actual placing of the document in the case file. A document, once filed, is public record and subject to inspection unless prohibited by federal rule, local rule or order of the court. Every document filed must be entered on the docket. Once a document is filed it becomes a permanent record and should not be withdrawn. Corrections, additions or deletions should be made only by the filing of an amended pleading.

Rule 79(a) FRCP and Rule 55 FRCrP requires that "The clerk shall keep a book known as '. . .docket' of such form and style as may be prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States. . ." D.C. 111 is the prescribed form for civil docketing and A.O. 256 is the prescribed form for criminal docketing.

Rule 79(a) FRCP also provides that docket entries shall be brief but shall show the nature of each paper filed or issued. The style of the docket entry is important and should be standardized with efforts being made to accent key events or actions. As examples herein several styles are included which clearly accomplish this goal. While the adoption of one of these styles is recommended, it is recognized that the individual court, in meeting its needs, may develop an alternate format which encompasses ideas from each of these samples. Throughout these Guidelines, the sample docket entries will follow the format presented below:

Date	Document No.	What	By Whom (or) Pertinent Info. (or) Action Taken
		(Key words in all caps)	

Many clerks' offices have found the use of abbreviations in docket entries to be an effective method of reducing docketing time. Exhibit VIII is a sample list of some abbreviations which may be adopted. However, caution should be exercised. Unless they are easy to understand and their application is standard throughout the court, they should not be used. As with all docketing practices, their use must be standardized before they can be an effective time saver.

II. CIVIL DOCKETING PROCEDURES

The civil docketing clerk will need to be familiar with the following reference materials which have been incorporated in part in this handbook:

- a. Federal Rules of Civil and Appellant Procedure
- b. Civil Docket Reporting Instructions (Vol. 11, Guide to Judiciary Polices and Procedures)
- c. Memoranda from the Administrative Office attached as Exhibit IV.
- d. Clerk's Manual, Vol. 4(a) and 4(b), Guide to Judiciary Polices and Procedures.
- e. Administrative Office Glossary of Terms Frequently Used in the Federal District Court System, July 1978 (hereinafter referred to as Glossary).
- f. Local Rules

A civil action begins in Federal Court by the filing of a complaint with the Clerk. A complaint is a formal written statement in which the plaintiff presents the facts as he believes them to be and demands the relief to which he feels he is entitled. (Glossary, pgs. 2 and 25)

A civil action may also be commenced by the filing of a petition, a term which may be used in lieu of complaint.

There are other filings which trigger the opening of a civil docket sheet, such as the filing of a motion under 28 U.S.C. 2255 and the removal of a civil action from state court. Each of these will be discussed more fully.

It has been noted that D.C. 111 is the docket sheet form to be used for civil docketing. The civil cover sheet, J.S. 44, will normally provide the information needed to complete the face of the docket. However, a word of caution -- many times the J.S. 44's are incorrectly completed; therefore the docketing clerk should briefly review the J.S. 44 and complaint to insure accuracy.

When completing the face of the docket, the following have been found to be beneficial:

- a. List plaintiffs and defendants in separate columns and number each. (Exhibit I, pg. 46)
- b. List attorneys (keep names, addresses and telephone numbers current). Show which attorney represents each party by showing last name of the party or the party's number. (Exhibit I, pg. 46)
- c. By numbering parties, the attorneys representing each party can be identified by the corresponding number. It may be necessary in multiple party cases to use additional sheets to list parties, attorneys and addresses. (Exhibit I, pg. 48)

For complete instructions concerning completion of the face of the docket, see Civil Docket Reporting Instructions, Vol. 11, Guide to Judiciary Policies and Procedures.

1. COMPLAINT

"A CIVIL ACTION IS COMMENCED BY FILING A COMPLAINT WITH THE COURT." (Rule 3 FRCP)

The filing of a complaint, petition or removal from state court should always be accompanied by the payment of the statutory filing fee or an order from the court permitting the Clerk to file it without payment of the filing fee.

- A. When the complaint is received and filed after the filing fee has been paid, choose the docket entry which is most suitable:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Oct 16	1	COMPLAINT	
Oct 16	1	COMPLAINT	with demand for Jury trial and designation of place of trial
Oct 16	1	COMPLAINT	with Exhibits A thru Z attached

- B. When the complaint with an order permitting filing without payment of filing fee have been received, the docket entries should be:

Date	Document No.	What	Pertinent Info.
Nov 14	1	ORDER (JSP) ⁵	permitting filing of complaint without prepayment of filing fee (EOD 11-14-78) cc: attys
Nov 14	2	COMPLAINT	

C. When the complaint is received from state court through a removal action, the docket entries should be:

Date	Document No.	What	Pertinent Info.
Nov 14	1	PETITION for Removal by Deft. John Doe	
	2	BOND for Removal	
	3	NOTICE of Removal	

NOTE: Plaintiffs and defendants remain the same as listed in the complaint filed in state court.

D. Transfers from One District to Another

1. Regular Civil Cases

When a transfer is received from another district court, choose the entry which is most suitable:

Date	Document No.	What	Pertinent Info.
Nov 14	1	CASE FILE	and cert. copy of docket entries transferred from WD/Kentucky purs. to ___ USC ____.
	(or)		
Nov 14	1	ORDER (cert. copy)	transferring case from E/D of Okla., w/pleadings attached

⁵ Indicate judge or magistrate's initials following the word order or judgment.

Additional docket entries may be included at the option of the court, i.e., list on the docket sheet those documents received from transferring district.

2. Multidistrict Litigation:

Note that transfer-in cases are statistically reported as follows:

CODE

5-Transferred from
(specify district)

When a case is transferred under 28 USC 1404(a) and 1406, regardless of whether the case will ultimately be included in a multidistrict litigation.

6-Multidistrict
Litigation

Only when a case is transferred under 28 USC 1407 by the Judicial Panel on Multidistrict Litigation.

Docket entries for multidistrict litigation are:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 14	1	ORDER (cert. copy) transferring case from	E/D Louisiana purs. 28 USC 1404
	2	CASE FILE received from E/D Louisiana	

E. When a Petition for Writ of Habeas Corpus (28 USC 2254) is received from a state prisoner (Glossary, pg. 15), the docket entry should be:

1. Filing fee paid:

Date	Document No.	What	Pertinent Info.
Nov 14	1	PETITION for Writ of H/C	

2. Filing fee not paid:

Date	Document No.	What	Pertinent Info.
Nov 14	1	PETITION for Writ of H/C, affidavit to proceed in forma pauperis	
	2	ORDER (JSP) directing filing and service w/o cost to petr.; response in 20 days (EOD 11-14-78)	

F. 28 USC 2255 Motions (Motions to Vacate Sentence)

No civil docket entry is made as this is a continuation of the criminal case. (Civil Docket Reporting Instructions, pg. II-30; Exhibit II, pg. 54; and Exhibit IV)

2. SUMMONS

"UPON THE FILING OF THE COMPLAINT, THE CLERK SHALL FORTHWITH ISSUE A SUMMONS AND DELIVER IT FOR SERVICE TO THE MARSHAL. . ." (Rule 4 FRCP) (Glossary, pgs. 3 and 33)

The summons will ordinarily be accompanied by a U. S. Marshal's Form 285, which gives directions to the marshal as to how service may be obtained. However, the failure to furnish a USM 285 to the Clerk should not delay the filing of the Complaint, the issuance of the summons, or the delivery of the summons to the marshal. The failure to furnish the USM 285 is a matter between the marshal's office and plaintiff's attorney.

Many Clerk's Offices construe "shall forthwith issue" to mean within twenty-four hours following the filing of the complaint.

A. Issuance of Process

If only one defendant, the docket entry should be:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 14	1	COMPLAINT,	summons issued

If several defendants:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 1	1	COMPLAINT,	6 summonses issued

If service is by someone other than U. S. Marshal:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 14		Summons/Complaint delivered to atty for service by cert. mail or other service purs. to state statute.	

If by a process server, deliver all papers to the process server appointed:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 14	1	MOTION for appt of process server	
Nov 14	2	ORDER (JSP) appting process server (EOD 11-14-78) cc: attys	
Nov 14		Summons/Complaint delivered to process server	

B. Return of Summons

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 14	1	RETURN of Summons exec on Doe	10/10/78
Nov 14	2	RETURN of Summons unexec. on Roe	

3. ANSWER

"A DEFENDANT SHALL SERVE HIS ANSWER WITHIN 20 DAYS AFTER THE SERVICE OF THE SUMMONS AND COMPLAINT UPON HIM. . ." (Rule 12 FRCP)(Glossary, pgs. 3 and 23)

A. If only one defendant, the docket entry should be:

Date	Document No.	What
Nov 14	5	ANSWER

B. If multiple defendants:

Date	Document No.	What	By Whom
Nov 14	5	ANSWER of all Defts. (or) ANSWER of Deft. Doe	

C. Check the answer to see if it includes a counterclaim or cross claim. If so, then the docket entry should be:

Counterclaim (single deft. and pltf.)

Date	Document No.	What	By Whom
Nov 14	5	ANSWER & COUNTERCLAIM of Deft. Doe	

Cross Claim (single deft. and pltf.)

Date	Document No.	What	By Whom
Nov 14	5	ANSWER & CROSS CLAIM of Deft. Doe	

Counterclaim (multiple parties)

Date	Document No.	What	By Whom
Nov 14	5	ANSWER & COUNTERCLAIM of Deft. D against pltf.	

Cross claim (multiple parties)

Date	Document No.	What	By Whom
Nov 14	5	ANSWER & CROSS CLAIM of Deft. E against Deft. F	

4. THIRD PARTY COMPLAINT

"AT ANY TIME AFTER COMMENCEMENT OF THE ACTION A DEFENDING PARTY, AS A THIRD-PARTY PLAINTIFF, MAY CAUSE A SUMMONS AND COMPLAINT TO BE SERVED UPON A PERSON NOT A PARTY TO THE ACTION. . ." (Rule 14(a) FRCP) (Glossary, pg. 6)

Date	Document No.	What	Pertinent Info.
Jan 29	26	THIRD PARTY COMPLAINT,	Summons issued
Feb 14	27	RETURN of Third Party Summons	exec. on Doe 1/15/79
Feb 18	31	ANSWER of Third Party	Deft. Doe

On the front of the docket sheet show the proper title of the case:

JOE DOE, Deft. and Third-Party Pltf.
v.
SAM SMITH, Third-Party Deft.

5. A. MOTIONS

"AN APPLICATION TO THE COURT FOR AN ORDER SHALL BE BY MOTION. . ." (Rule 7(b) FRCP)

The docketing of all motions and responses will follow the format presented below:

Date	Document No.	What	By Whom
Dec 1	11	MOTION to Dismiss by Deft. (Ref. _____)	
Dec 1	12	BRIEF in Support of Motion to Dismiss	

NOTE: Some courts may require a memorandum brief in support of motion, if so and the memorandum brief is a separate document, make the following entry:

Date	Document No.	What	By Whom
Dec 13	17	MEMORANDUM of Pltf. in Opposition (or Support) to Motion to Dismiss	
Dec 13	17	MEMORANDUM of Deft. in Reply (Rebuttal) to Motion to Dismiss	
Dec 13	17	BRIEF of Deft. in Opposition (Support) to Motion to Dismiss	

B. RESPONSE TO MOTIONS

Date	Document No.	What	By Whom
Dec 13	18	RESPONSE of Pltf. to Motion of Deft. to Dismiss	

6. DISCOVERY

"PARTIES MAY OBTAIN DISCOVERY BY ONE OR MORE OF THE FOLLOWING METHODS. . ." (Rule 26(a) FRCP) (Glossary, pgs. 4 and 26)

Many courts have adopted local rules limiting the filing of part or all discovery materials. If your court has not adopted such a local rule, then the following entries will be helpful. The format for docketing discovery material is as follows:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>By Whom</u>
Oct 11	10	NOTICE of Deposition of Doe by Pltf.	
	11	DEPOSITION of Doe (or, if required) DEPOSITION of Doe by _____	
	12	INTERROGATORIES to (Pltf./Deft.) by _____	
	13	ANSWERS to Interrogatories of _____ by _____	
	14	OBJECTIONS to Interrogatories of _____ by _____	
	15	REQUEST for Production to _____ by _____	
	16	REQUEST for Admissions to _____ by _____	

7. INTERVENTION

Interventions are covered by Rule 24 FRCP (Glossary, pgs. 6 and 28). An intervention should not be filed without leave of court. When leave is granted, make a notation on the face of the docket indicating the name of the plaintiff/defendant intervenor with the attorney(s) name and address. (Exhibit I, pg. 46)

Date	Document No.	What	By Whom
Oct 14	12	MOTION to Intervene	by John Doe
	13	ORDER (JSP) Granting Intervention	by John Doe (EOD 10-14-78) cc: attys
	14	COMPLAINT in Intervention	

8. ORDERS

See page 3 of this handbook for instructions regarding entering and mailing of orders. The format for docketing all orders is set out below:

Date	Document No.	What	Action Taken
Oct 17	17	ORDER (JSP) Extending Time to Answer to 11/1/78 (EOD 10-17-78)	cc: attys
Oct 17	18	ORDER (JSP) Extending Deft. Doe's Time to Answer to 11/1/78 (EOD 10-17-78)	cc: attys
Oct 17	19	ORDER (JSP) Granting Pltf/Deft's Motion to compel answers to interrog. (EOD 10-17-78)	cc: attys

Notice of mailing must be noted at the end of all order entries; form may vary from district to district.

9. HEARING/PRETRIAL CONFERENCE

Docket the proceeding as simply and concisely as possible.

Date	Document No.	What	Pertinent Info.
Oct 17	20	HEARING (JSP) on Deft.'s Motion for Summary Judgment--GRANTED.	
Oct 17	21	PRETRIAL CONFERENCE (JSP) Deft.'s Motion to Dismiss--DENIED. Jury trial set for 1/8/79.	

10. JURY TRIAL/COURT TRIAL

Date	Document No.	What	Pertinent Info.
Oct 12		JURY TRIAL (JSP) or COURT TRIAL (JSP)	
Oct 15		COURT TRIAL (2nd day)	
Oct 16	28	COURT TRIAL (3rd day) Ord. (JSP) Pltf. has 20 days to file clos brief, Deft 15 days and Pltf. 10 days for response. Case submitted thereafter.	

Docket any pleading filed in open court.

Date	Document No.	What	Pertinent Info.
Oct 13		JURY TRIAL resumed (or) COURT TRIAL resumed	
Oct 13	24	VERDICT for Pltf. in amt. of \$10,000	
Oct 13	25	JUDGMENT (JSP) that pltf. recover from deft. the sum of \$10,000 and costs. 6 (EOD 10-14-78) cc: attys	

⁶ When entering judgment on docket sheet, be brief but always show:

- (a) in whose favor judgment is rendered;
- (b) the dollar amount of the judgment;
- (c) costs and attorney's fees, if applicable.

11. DEFAULTS

"WHEN A PARTY. . . HAS FAILED TO PLEAD OR OTHERWISE DEFEND. . .
THE CLERK SHALL ENTER HIS DEFAULT." (Rule 55 FRCP)

Rules 55(b)(1) and (b)(2) specify by whom and under what
circumstances default judgment shall be entered.

12. BILL OF COSTS

"THE JUDGE OR CLERK MAY TAX AS COSTS. . ." (28 USC 1920)

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Oct 14	18	BILL OF COSTS by Pltf.	
Oct 17	19	COSTS taxed for pltf. by Clerk in sum of \$65.38. cc: attys	

13. APPEALS

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Nov 13	20	NOTICE of Appeal by pltf/deft.	cc: J. Doe, AUSA & Clk, USCA
Nov 13	21	COST BOND - \$250.00 cash deposited	

Any additional entries should be made to meet the needs
of the respective Courts of Appeals.

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Aug 31	26	MANDATE, USCA, affirming judgment	
Sep 10	27	PRAECIPE for Writ of Execution, issued	
Oct 10	28	LETTER from Pltf's counsel satisfying judgment in full	

III. CRIMINAL DOCKETING PROCEDURES

The criminal docketing clerk will need to be familiar with the following reference materials which have been incorporated in part in this handbook:

- a. Federal Rules of Criminal Procedure
- b. Criminal Defendant Reporting Instructions (Vol. XI, Statistical Analysis, Guide to Judiciary Policies and Procedures)
- c. Clerk's Manual
- d. Criminal Justice Act Guidelines
- e. Guidelines for the Administration of the Speedy Trial Act (hereinafter referred to as Issuance #24)
- f. Administrative Office Glossary of Terms Frequently Used in the Federal District Court System, July 1978 (hereinafter referred to as Glossary).
- g. Local Speedy Trial Plans
- h. Local Rules

A criminal action begins in Federal Court by the filing of an indictment, information or complaint with the Clerk. A complaint is usually filed with the magistrate. It has been noted that A.O. 256 is the docket form prescribed for criminal docketing.

The following practices have been found to be helpful and useful to criminal docketing clerks in those courts where they have been adopted.

- a. Docket notices to indicate that they have been mailed.

- b. Use a master docket for multiple defendant cases to eliminate repetitious entries. This would supplement the individual dockets required by the Administrative Office. (Exhibit III)
- c. Since separate suspense dockets are no longer maintained, fugitive lists should be abolished.
- d. Implement a procedure on 18 USC 4244 psychiatric reports whereby the institution or doctor shall provide the clerk's office with a copy of their transmittal letter forwarding the report to the judge. This can be accomplished by additional wording in the 4244 Order requiring the institution to do this.

When completing the face of the docket, the statistical portion of the A.O. 256 should be completed according to the instructions in the Criminal Defendant Reporting Instructions, Vol. XI, Guide to the Judiciary Polices and Procedures.

As it has been pointed out in the general docketing section, no docket entries should be made on the face of the A.O. 256. Reserve this space for counsel, sureties, addresses and other pertinent information. (Exhibit II)

1. INDICTMENT/INFORMATION

"AN OFFENSE WHICH MAY BE PUNISHED BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR. . .SHALL BE PROSECUTED BY INDICTMENT, OR, IF INDICTMENT IS WAIVED, IT MAY BE PROSECUTED BY INFORMATION." (Rule 7 FRCrP) (Glossary, pgs. 19 and 28)

Date	Document No.	What
Mar 31	1	INDICTMENT (or)
Mar 31	1 2	WAIVER of Indictment INFORMATION

2. WARRANT OF ARREST/SUMMONS

"UPON THE REQUEST OF THE ATTORNEY FOR THE GOVERNMENT THE COURT SHALL ISSUE A WARRANT FOR EACH DEFENDANT NAMED IN THE INFORMATION. . .OR IN THE INDICTMENT. THE CLERK SHALL ISSUE A SUMMONS INSTEAD OF A WARRANT UPON THE REQUEST OF THE ATTORNEY FOR THE GOVERNMENT OR BY DIRECTION OF THE COURT." (Rule 9 FRCrP) (Glossary, pg. 18)

Date	Document No.	What
Mar 31	2	PRAECIPE for Warrant Warrant (Summons) issued (or)
Mar 31	2	ORDER (JSP) ⁷ directing Clerk to issue warrant Warrant issued
Mar 31	3	RETURN on Warrant exec. 3-31-78

⁷ Show initials of judge or magistrate issuing orders.

The arresting officer is required to take the defendant forthwith before a U. S. Magistrate or other judicial officer. (Rules 4, 5, 9, FRCrP) At this time the conditions of release are set.

Date	Document No.	What
Mar 31	4	INITIAL HEARING (JBW) Bond set at \$50,000 cash/surety. Arr. set 4-5-78.

3. ARRAIGNMENT

At the arraignment the defendant is advised of the charges against him and is called upon to enter a plea. (Rules 10 & 11, FRCrP; Glossary, pgs. 19 and 23; and Issuance #24, pgs. 5-8)

Date	Document No.	What	Pertinent Info.
Apr 5	9	ARRAIGNMENT (JBW)	P/NG. 15 days to file motions.

In many courts a tender of plea of guilty is taken before the magistrate and a petition to enter the plea may be filed.

Date	Document No.	What	Pertinent Info.
Apr 5	9	ARRAIGNMENT (JBW)	Petn to enter P/G (NOLO). Not. of Sent. date _____.

Following the entry of a not guilty plea, the defendant may desire to enter a guilty plea. The docket entry should be:

Date	Document No.	What	Pertinent Info.
Apr 9	10	PETITION and ORDER (JSP) to P/G	
Apr 9	11	PLEA CHANGE P/G to Ct. 2	accepted.
Apr 9	12	MOTION (Oral) to Change Plea; P/G to Ct. 2	accepted.

4. PRETRIAL MATTERS

A. MOTIONS

The docketing of all motions will follow the format presented below:

Date	Document No.	What	Pertinent Info.
Apr 7	10	MOTION to Suppress (Ref. _____)	
Apr 7	11	BRIEF in Support of Motion to Dismiss	

Pursuant to 28 USC 636, many courts authorize the U. S. Magistrate to make recommendations as to the disposition of criminal motions. A sample docket entry for such a recommendation is as follows:

Date	Document No.	What	Pertinent Info.
Jul 30	10	REPORT MAG (Report & Recommendation) that motion to suppress be GRANTED (DENIED). Clerk to subm for approval, with objs w/in 10 days. (ref. 8/6/78)	

B. OMNIBUS HEARING REPORT

This report is not used in all districts. Entries may vary as to what information is utilized from this report, such as estimated trial time, pretrial motions, etc. The omnibus hearing may be had before or after the filing of the pretrial motions.

C. PSYCHIATRIC REPORTS

If this report is not placed in the court file, the entry should include the date received by the court. Psychiatric reports are sealed in most districts; check as to whether it should be sealed and the procedures for sealing in your district.

Date	Document No.	What	Pertinent Info.
Apr 21	15	MOTION of deft. (govt.) for psy. exam.	
Apr 22	16	ORDER (JSP) for psy. exam 4/26/78 at MCFP, Springfield, Mo. Report to be filed by 5/12/78.	
May 10		PSYCHIATRIC REPORT rec'd	

D. ORDERS

See page 3 of this handbook for instructions regarding entering and mailing of orders. The format for docketing all orders is as follows:

Date	Document No.	What	Action Taken
Apr 10	14	ORDER (JSP) Denying Motion to Suppress (EOD 4/10/78) cc: attys	

NOTE: It would be extremely beneficial if the District Judge would include in all orders a paragraph setting out the period of excludable delay, if any, affected by the ruling contained in the order.

5. TRIAL

A felony charge is always triable to a jury unless the defendant files a written waiver of jury trial and the waiver is approved by the court.

Date	Document No.	What	Pertinent Info.
Sep 10		WAIVER of Jury Trial NON JURY Trial (JSP)	Witness sworn.
Sep 12	18	FINDINGS of Fact (JSP)	finding deft. guilty as charged in Cts. I, III, IV; not guilty in Ct. II

6. JUDGMENT

"A JUDGMENT OF CONVICTION SHALL SET FORTH THE PLEA, THE VERDICT OR FINDINGS, AND THE ADJUDICATION AND SENTENCE. IF THE DEFENDANT IS FOUND NOT GUILTY OR FOR ANY OTHER REASON IS ENTITLED TO BE DISCHARGED, JUDGMENT SHALL BE ENTERED ACCORDINGLY. THE JUDGMENT SHALL BE SIGNED BY THE JUDGE AND ENTERED BY THE CLERK." (Rule 32(b) FRCrP)

It is recommended that the Judgment/Commitment padded form (A.O. 245) be used whenever possible.

Date	Document No.	What	Pertinent Info.
Sep 1	21	SENTENCE Hearing (JSP)	Appeal bond set at \$5,000 cash/surety.
Sep 2	22	JUDGMENT (JSP)	Ct. 1, 2 yrs. impr. 18: 4205(b)(2). Ct. 2, ISS 3 yrs. prob. w/super. to follow impr. (EOD 10-2-78) cc: attys, deft., USM, etc.
Oct 13	26	JURY TRIAL (2nd day)	Verdict-Not Guilty. Judgment (JSP): Deft. not guilty of charge in indictment. Discharged therefrom; Bond exon; EOD 10/14/78; cc: attys

7. MISCELLANEOUS CRIMINAL MATTERS

A. SENSITIVE FILES

1. It is recommended that a dummy docket sheet be kept on sealed indictments and juvenile files. This should show only the case number and the location of the file.

2. The court may direct that an indictment be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for issuance and execution of warrant or summons.

(Rule 6(e) FRCrP)

3. Throughout juvenile delinquency proceedings, the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceedings, whether or not there is an adjudication, the district court shall order the entire file and record sealed.

(18 USC 5038)

4. The clerk's procedure for handling expungement of official records is set out in Section 522.11(c) of the Clerk's Manual and it is recommended that this be referred to for any expungement matters. (See Exhibit VII)

B. RULE 20, 21 40 and 41 MATTERS

1. RULE 20

A Rule 20 transfer is a transfer from the district for the entering of a guilty plea and sentencing in the district where the defendant was arrested. The filing of the signed consent is the signal to transmit the file. Under Rule 20(a) FRCrP, it is permissible to transmit either original papers or certified copies. If originals are sent, keep copies for the court file. The following pleadings should be sent:

Consent to Transfer (Under Rule 20)
Indictment/Information
Certified copy of docket sheet
JS-3 Closing Card

If any bond money, orders, magistrate papers, etc., are filed, these should be transmitted with the file. The entry on the docket sheet for a Rule 20 transfer would be as follows:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Oct 20	6	CONSENT to Transfer (Under Rule 20) to E/D of Arkansas	
Oct 20		Entire file with JS-3 forwarded	

The date the consent was filed should be shown on the JS-3 in disposition of charges block (13). In Section VII write "Rule 20 Transfer to E/D of Arkansas." At bottom, check "Rule 20" and "sent to", then show office code of transferee district.

There should be no delay in the processing of Rule 20 transfers since time can be critical under the Speedy Trial Act.

Incoming Rule 20 transfers are handled as a new case. Notify all counsel of receipt of the file and the new case number. Submit the transferor court's JS-3 with the JS-2 for that month. Schedule the arraignment within ten days of receipt of the file as required by the Speedy Trial Act.

In the event the Rule 20 is not completed, then all papers will be returned to the transferor district along with any pleadings originated in the transferee district and the transferee district's JS-3. (Rule 20(c) FRCrP)

A case transferred from one divisional office to another within the same judicial district is not a new criminal case and therefore does not require a new JS-2 from the receiving office. The fact that the transfer has occurred will appear on the JS-3 submitted by the receiving office when the case is terminated.

2. RULE 21

A Rule 21 transfer is a transfer to another district for trial.

A Rule 21 transfer is handled much the same as a Rule 20 transfer except an Order for transfer rather than a consent is filed. The time limits for trial under the Speedy Trial Act remain the same as if the case was not transferred. It should be scheduled for trial within the original time limits.

3. RULE 40 (Removal)

A Rule 40 is the removal of a defendant from the district in which the arrest took place to the district where the charges originated.

Upon receipt of the arrest information, the Clerk's office should telephonically notify the originating district of the date of arrest, bail conditions, and any other pertinent information concerning the return of the defendant to their district. It is recommended that a form similar to Exhibit V (attached) be utilized for transmitting this information.

As soon as the papers are received from the magistrate after the removal hearing, they should be forwarded to the originating district. The following original papers should be transmitted:

Order of Removal (or)
Warrant of Removal
Magistrate's Conditions of Release
Copy of magistrate's docket sheet
Waiver of Removal Hearing (if applicable)
Return on Warrant (if received)
Appearance Bond
Order Transferring Bond Money (if applicable)
Check for Bond Money

NOTE: Pursuant to Rule 40(b)(4) FRCrP, any bond money on deposit in the registry should be transferred with the file. Be sure to state the name and address of the person to whom the money should be returned if other than the defendant.

There should be no delay in transmitting papers to the originating district. If the defendant is released on bond, call the other district to get the arraignment date if the magistrate has not done so.

Incoming Rule 40 papers on an Indictment and/or Information are filed in the case file. A sample entry of Rule 40 papers might be:

<u>Date</u>	<u>Document No.</u>	<u>What</u>	<u>Pertinent Info.</u>
Oct 20	6	RULE 40 papers from E/D of Arkansas, incl. Ind., warr. of removal, waiver, appearance bond, etc.	

4. Rule 41

Rule 41 FRCP is the rule pertaining to Search and Seizure. Documents filed in the Clerk's office are the affidavit, copy of the warrant with inventory of property taken, a return by the officer who executed the warrant, and all other papers in the Clerk's office for the district in which the property was seized.

It is recommended that search warrant papers be cross referenced with any subsequent criminal proceeding arising out of that search.

Search warrants not made a part of the criminal case should be available to the court at hearings on motions to suppress.

C. BONDS

See Rule 46(e) FRCP for the rules covering bond forfeitures.

D. GRAND JURY MATTERS

1. It is recommended that a miscellaneous docket number be assigned to each investigation.

2. If these matters are not to be made public, they should be accompanied by a court order to seal.

3. These miscellaneous numbers should be accounted for by index.

4. The Grand Jury vote is secret. It should be marked "filed" and sealed.

E. MAGISTRATE MATTERS

1. It is recommended that all magistrates coordinate arraignment dates on removals with the originating district for those defendants released on bond.

2. It is recommended that the magistrate's office notify the Clerk's office immediately of an arrest of a defendant.

3. Magistrate's papers should be docketed in date of occurrence order. The papers should be marked "received" but actual date of occurrence should be shown in the docket entry.

4. A sample magistrate docket entry on a complaint would be:

Date	Document No.	What	Pertinent Info.
Oct 20	3	INITIAL Appearance (JBW)	Counsel appt'd. Bond set at \$5,000 unsec. Prelim. hearing set 10/27/78.

F. REMOVAL OF CRIMINAL ACTIONS FROM STATE COURT

Removal of criminal actions from state court to federal district court is covered by 28 USC 1442, 1442(a), 1443 and 1446. 28 USC has been amended very recently to cover and clarify some of the details of procedure for removal. (Exhibit VI)

1. 28 USC 1442. Federal Officers Sued or Prosecuted

Under this section a criminal prosecution may be removed from state court to district court if commenced against any of the following persons as set forth in the statute:

a. Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of revenue.

b. A property holder whose title is derived from any such officer, where such action or prosecution affects the validity of any law of the United States.

c. Any officer of the courts of the United States, for any act under color of office or in the performance of his duties.

d. Any officer of either House of Congress, for any act in the discharge of his official duty under an order of such House.

Under this statute, the case may be removed by the U. S. Attorney or agency counsel representing the defendant or by the individual defendant. Prosecution will, however, continue to be by the state, and the U. S. Attorney, agency counsel or private attorney may represent the defendant.

2. 28 USC 1442(a). Members of Armed Forces Sued or Prosecuted.

A member of the armed forces prosecuted for criminal action in a state court may, if the criminal acts are related to an action he claimed to have performed under color of his office or status, be removed.

3. 28 USC 1443. Civil Rights Cases.

This 1948 statute was devised to protect the rights of individuals attempting to exercise and protect their civil rights by sit-ins, marches, and other forms of demonstration, and in so doing were violating state law. During the civil rights demonstrations, many arrests were made by state officials to prevent blacks and other minorities

from entering and being served in hotels, restaurants, etc. Since it was often difficult for blacks or minorities to receive a trial in state court when charged with this type of offense, such as trespassing, the federal statute, which is descended from the Civil Rights Act of 1866, enabled a defendant so charged to remove his case to federal court.

4. 28 USC 1446. Procedure for Removal.

The 1977 amendment to this statute changed the procedure for removal. However, some of the statute remained unchanged. Those subsections noted with an asterisk (*) indicate a change in procedure and may be found in the amended statute:

- a. The defendant shall file a verified petition containing a short and plain statement of facts together with a copy of all process pleadings and orders served upon him.
- b. Pertains only to civil actions.
- c. *(1) A petition to remove a criminal action from state court must be filed within 30 days from arraignment in state court, or before trial has begun in state court, whichever is earlier. (Federal court may waive this requirement for good cause.)

* (2) A petition for removal shall include all grounds for removal. A failure to state grounds which exist at the time for the filing of the petition shall constitute a waiver of such grounds. (Federal court may waive this requirement for good cause.)

* (3) The filing of a petition for removal shall not prevent the state court from proceeding with the prosecution, except that a judgment of conviction shall not be entered unless the petition is first denied. (NOTE: The state court may proceed all the way through the trial, to accepting the state court verdict, but cannot pronounce sentence or enter a judgment of conviction.)

* (4) The United States District Court (meaning the Judge) shall examine the petition promptly. If it clearly appears on the face of the petition that removal should not be granted, the court shall enter an order for its summary dismissal.

* (5) If the court does not order the summary dismissal of a petition, it shall order an evidentiary hearing to be held promptly. If the court determines that such petition should be granted, it shall so notify the state court in which the proceeding is pending and the prosecution shall proceed no further.

d. Pertains only to civil removals.

e. Pertains only to civil removals.

f. If the court decides the removal petition has merit and is a proper case for determination in federal court, and the defendant is in custody, the court will forthwith issue its writ of habeas corpus and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of the state court.

It is recommended that the handling of removal petitions be as expeditious as possible so that the judge will be able to make a determination as soon as possible and the state prosecution will suffer a minimum of disruption.

The deputy clerk handling the filing of removal petitions will especially need to know the following:

1. No filing fee is required from the defendant.
2. No removal bond is required.
3. The clerk should make no effort to determine whether the district court has jurisdiction, as this is a judicial determination.

DIST.	OFF.	DOCKET		FILING DATE			J	N/S	O	D		R	S	DEMAND		JUDGE/MAG NUMBER	JURY DEAL.	DOCKET	
		YR.	NUMBER	MO.	DAY	YEAR				PTF	DEF			23	OTHER			YR.	NUMBER
0860	4	78	0098	06	15	78	4	350	1	1	2			150	NEAREST \$1,000	8615	P	78	0098

PLAINTIFFS

EXHIBIT I

DEFENDANTS

(1) SUPERIOR AIR PARTS, INC.

INTERVENING PLAINTIFF

(2) AMERICAN-MUTUAL-FIRE-INS-
COMPANY-OF-NEW-YORK *

* dismissed per order 3/15/79

THIRD PARTY PLAINTIFF

WILLIAM A. STREET

vs.

(1) GENERAL ELECTRIC CO.
(2) WILLIAM W. ENZOR
(3) ~~W-T-JAGSON~~ *
(4) MARY H. HOOD
(5) ALVIE J. RAINWOOD
(6) WILLIAM A. STREET

* dismissed per order 1/14/79

THIRD PARTY DEFENDANT

(7) JOHN-BOE *

* dismissed per order 3/17/79

CAUSE

28 USC 1332. Personal Injury
Motor Vehicle

ATTORNEYS

(1) Edward A. McConwell
Cloverleaf V Bldg.
6701 West 6th Street
Suite 210
Overland Park, Kansas 66202
913-644-3321

Passman, Jones, Andrews, Coplin
Holley & Company
Shannon Jones, Jr.
2525 One Main Place
Dallas, Texas 75250
214-742-2121

(2) Stephen E. Darling
Sinkler, Gibbs & Simons
2 Prioleau Street
Charleston, S.C. 29401
803-722-3366

(1) Lowe, Terry & Roberts
George Lowe
Colonial Building
Olathe, Kansas 66061
913-231-4458

(2) Arthur J. Cerra
2100 Ten Main Center
P. O. Box 19251
Kansas City, Missouri 64141
813-244-5578

(3) Deacy & Deacy
Thomas Deacy, Jr.
1102 Grand Avenue
Kansas City, Missouri 64106
812-421-2813

(4) Gerald L. Rushfelt
225 Oak Park National Bank Bldg.
1111 W. 95th Street
Overland Park, Kansas 66214
913-888-9000

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS		
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DAT	ED
				JS-5		
				JS-6		

DATE	NR.	PROCEEDINGS	
19,			
Oct 16	1	COMPLAINT, with demand for Jury trial.	br
Oct 16		5 summonses issued, delivered to USM	br
Oct 16		1 summons/Complaint delivered to atty for serv by certified mail or other service pursuant to State Statute	br
Oct 25	2	RETURN of summons exec on defts General Electric Co., Enzor, and Jackson on 10/22/78.	br
Oct 25	3	RETURN of summons exec on defts Rainwood and Street on 10/25/78.	br
Oct 26	4	RETURN of summons exec on deft. Hood by certified mail on 10/21/78.	br
Nov 3	5	ANSWER of defts General Electric Co., Enzor and Jackson	br
Nov 4	6	MOTION for extension of time to answer by deft Hood. (Ref. 11/7/78)	br
Nov 6	7	ANSWER & COUNTERCLAIM of defts Rainwood and Street against pltf.	br
Nov 7	8	ORDER (EEO) Granting deft Hood's motion for extension of time to answer to 12/1/78 (EOD 11/7/78) cc: attys	br
Nov 25	9	REPLY to defts Rainwood and Street's Counterclaim by pltf.	br
Dec 1	10	ANSWER of deft Hood.	br
Dec 1	11	MOTION to dismiss by deft Jackson. (Ref. 1/15/79)	br
Dec 1	12	MEMO BRIEF in support of deft Jackson's motion to dismiss.	br
Dec 2	13	MOTION to Amend Complaint by pltf. (Ref. 1/14/79)	br
Dec 2	14	MEMO BRIEF in support of motion to Amend Complaint by pltf.	br
Dec 12	15	MEMO BRIEF in opposition to pltf's motion to Amend Complaint by defts General Electric Co., Enzor and Jackson.	br
Dec 12	16	MEMO BRIEF in opposition to pltf's motion to Amend Complaint by defts Rainwood and Street.	br
Dec 13	17	MEMO BRIEF in opposition to deft Jackson's motion to dismiss by pltf.	br
Dec 15	18	PETITION to intervene as pltf by American Mutual Mfg. Ins. Co. (Ref. 1/27/79)	br
Dec 15	19	MEMO BRIEF in support of petition to intervene as pltf by American Mutual Mfg. Ins. Co. of NY.	br
Dec	20	MEMO BRIEF in opposition to petition of American Mutual Mfg. Ins. Co. of NY by defts. General Electric Co., Enzor and Jackson.	br
1979			
Jan 14	21	ORDER (EEO) Granting pltf's motion to Amend Complaint; Amended Complaint to be filed within 10 days; Granting deft Jackson's motion to dismiss. (EOD 1/16/79) cc: attys	br
Jan 24	22	AMENDED COMPLAINT	br
Jan 25	23	PETITION to file Third Party Complaint against John Doe by deft. Street. (Ref. 1/26/79)	br
Jan 26	24	ORDER (EEO) Granting Petition of American Mutual Mfg. Ins. Co. of NY to intervene and Granting the Petition of deft Street to file Third Party Complaint against John Doe. (EOD 1/28/79) cc: attys	br
Jan 27	25	COMPLAINT of American Mutual Mfg. Ins. Co. of NY as intervening pltf.	br
		Vol. II	
Jan 29	26	THIRD PARTY COMPLAINT against John Doe by deft Street.	br
Jan 29		Third Party Summons issued, delivered to USM	br
Feb 14	27	RETURN of Third Party summons exec on John Doe on 2/10/79.	br
Feb 15	28	INTERROGATORIES to pltf by deft Hood.	br
Feb 16	29	REQUEST for production of documents to deft General Electric Co. by pltf.	br
Feb 17	30	NOTICE to take deposition of deft Street by pltf.	br
Feb 18	31	ANSWER of Third Party Deft John Doe	br
Feb 20	32	ANSWER to Amended Complaint by defts General Electric Co., Enzor and Jackson	br
Feb 21	33	ANSWER to Amended Complaint by deft Hood.	br
Feb 21	34	ANSWER to Amended Complaint by defts Rainwood and Street.	br

-- Continued --

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>18</u>
SUPERIOR AIR PARTS INC.		GENERAL ELECTRIC CO., et al	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
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ATTORNEYS CONTINUATION SHEET --- DEFENDANTS

- (5) Richard W. Pogue
1700 Union Commerce Bldg.
Cleveland, Ohio 44115
783-631-2241
- (6) John J. Jurcyk, Jr.
601 Minnesota Avenue
6th Floor
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913-631-3838
- (7) J. Frank Looper
P. O. Box 208
Florence, S.C. 29503
802-662-2629

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>78</u> <u>8</u>
SUPERIOR AIR PARTS INC,		GENERAL ELECTRIC CO., et al	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
<u>1979</u>			
Feb 25	35	ANSWERS to interroragories of deft Hood by pltf.	br
Feb 27	36	ANSWERS to request for production of documents of pltf by deft. General Electric.	br
Feb 29	37	DEPOSITION of deft Street taken by pltf.	br
Feb 29	38	MOTION to dismiss the complaint of intervening pltf by deft General Electric Co. (Ref. 3/15/79)	br
Feb 29	39	MEMO BRIEF in support of motion to dismiss intervening pltf by deft General Electric Co.	br
Mar 10	40	MEMO BRIEF in opposition to motion of deft General Electric Co. to dismiss by intervening pltf.	br
Mar 15	41	ORDER (EEO) Granting motion of deft, General Electric Co. to dismiss intervening pltf. (EOD 3/15/79) cc: attys	br
Mar 17	42	STIPULATION to dismiss Third Party Complaint against John Doe by the parties.	br
Mar 17	43	ORDER (EEO) Granting stipulation of the parties to dismiss Third Party Complaint against John Doe. (EOD 3/17/79) cc: attys	br
Mar 18	44	HEARING/PRE-TRIAL CONFERENCE (JMS) List of witnesses and Exhibits to be filed in 10 days; Jury trial set for 5/2/79. Est. Trial Time 2 days.	br
May 2	45	JURY TRIAL. (EEO)	br
May 3		JURY TRIAL. (EEO) Trial resumed, verdict returned.	br
May 3	46	VERDICT for pltf in the amount of \$10,000	br
May 3	47	JUDGMENT (EEO) that pltf Superior Air Parts Inc. recover from defts General Electric Co., William W. Enzor, Mary H. Hood, Alvie J. Rainwood and William A. Street the sum of \$10,000 and costs. (EOD 5/3/79) cc: attys	br
Jun 1	48	NOTICE OF APPEAL by defts. Copies to George Lowe; Arthur J. Cerra; Gerald L. Rushfelt; Richard W. Pogue; John J. Jurcyk, Jr.; J. Frank Looper; Howard K. Phillips, Clerk, U.S. Court of Appeals.	br
Jun 1	49	BOND on appeal, sum of \$250.00	br
Jul 7	50	TRANSCRIPT of 5/2/79, 5/3/79. (Vols. I and II)	br
Jul 8		RECORD on Appeal mailed to USCA by cert. mail	br
<u>1980</u>			
Feb 1	51	MANDATE, USCA, affirming judgment. cc: attys	br
Feb 1	52	OPINION, USCA, affirming judgment.	br

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS

PETTY OFFENSE PO JUDGE/MAGISTRATE Assigned U.S.
 OTHER MINOR OFFENSE MO 1083 6 vs.
 OTHER MISDEMEANOR Mis District Office
 FELONY Fel (LAST, FIRST, MIDDLE)

DOE, JOHN E.

Case Filed
 Mo. Day
 03 31
 No. of Def's
 * 1

78-10046-01 1
 Yr. Docket Def.

U.S. TITLE/SECTION 18:1341	OFFENSES CHARGED Mail theft	ORIGINAL COUNTS 3
-------------------------------	--------------------------------	----------------------

U.S. MAG. CASE NO.
 BAIL • RELEASE

AMT Fugitive
 Denied Set Pers. Recog.
 \$ 50,000 PSA
 Date 3-31-78 10% Deposit
 Surety Bond
 Bail Not Made Collateral
 Status Changed (See Docket) 3rd Prty Cust Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 3-31-78	Information <input type="checkbox"/> 3-31-78	4-5-78	Trial Set For 6-23-78
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 4-5-78	Voir Dire <input checked="" type="checkbox"/> 6-23-78
First Appearance	In Charging District	Final Plea	Trial Began <input checked="" type="checkbox"/> 6-23-78
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>		Trial Ended 6-25-78

SENTENCE
 Disposition of Charges
 6-25-78 9-1-78
 Convicted On All Charges
 Accruited On Lesser *
 Dismissed: WOP: WP
 On Govern'ts Motion

MAGISTRATE		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued			3-31-78		<input type="checkbox"/> DISMISSED
	Return					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Summons	Issued					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
	Served					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued						
COMPLAINT						
OFFENSE (In Complaint)						

U.S. Attorney or Asst.

AUSA John Brown

ATTORNEYS

Joe Lawyer

Defense: CJA, Ret, Waived, Self, None / Other, PD, ...

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
	DEFT. ADDRESS	ATTY. ADDRESS	SURETY
	1218 Shadybrook Wichita, Kansas 67214 942-6618	2234 Legal Way Wichita, Kansas 67202 662-8103	Richard D. Jones Allied Ins. Co. 318 Main Street Wichita, Kansas 67203 681-4497

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)
			Interval Section I (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	
1978	(DOCUMENT NO.)						
Mar	1 INDICTMENT	cb					A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
Mar	2 PRAECIPE for Warrant WARRANT issued	cb					
Mar 31	3 RETURN on Warrant exec. 3/31/78	cb					
Mar 31	4 INITIAL HEARING (JBW) Bond set at \$50,000 cash/surety. Arr. set 4/5/78.						
Apr 1	5 MOTION for Bond Reduction (Ref. 4-2-78)	cb					B. NARA Examination (28 U.S.C. 2902).
Apr 2	6 ORDER (JSP) setting Bond Reduction Hearing on 4/3/78 cc: attys	cb					C. State or Federal trials on other charges.
Apr 3	7 BOND HEARING (JSP) Bond reduced to \$10,000 cash/surety						D. Interlocutory Appeals.
Apr 3	8 BOND \$10,000 w/surety	cb					E. Hearings on pretrial motions.
Apr 5	9 ARRAIGNMENT (JBW) P/NG. 15 days to file motions.						F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
Apr 7	10 MOTION to Suppress (Ref. 4-20-78)	cb					
Apr 7	11 BRIEF in Support of Motion to Suppress	cb					
Apr 9	12 RESPONSE of Govt. to Motion to Suppress	cb					
Apr 19	13 HEARING (JSP) on Motion to Suppress -- DENIED.						
Apr 20	14 ORDER (JSP) Denying Motion to Suppress cc: attys	cb					
Apr 21	15 MOTION of Deft. for Psy. Exam. (Ref. 4-22-78)	cb					G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
Apr 22	16 ORDER (JSP) for Psy. Exam 4/26/78 at MCFP, Springfield. Report to be filed by 5/12/78. cc: attys, USM	cb					H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
May 10	17 PSYCHIATRIC Report rec'd						I. Prosecution deferred by mutual agreement.
May 20	NOTICE of Trial Setting 6/23/78	cb					M. Unavailability of defendant or essential witness.
Jun 23	JURY TRIAL. Voir Dire. Verbal motion to dismiss -- DENIED.						N. Period of mental or physical incompetence of defendant to stand trial.
Jun 24	JURY TRIAL						O. Period of NARA Commitment or Treatment.
Jun	JURY TRIAL. Note from jury. Bond cont'd. PSI ordered. Sent. set 9/1/78.						P. Superseding indictment and/or new charges.
Jun	18 VERDICT of GUILTY to Ct. 1 & 2, NOT GUILTY to Ct. 3.	cb					R. Defendant awaiting trial of Co-defendant when no severance has been granted.
Jul 1	19 MOTION for Judg/NOV (Ref. 7-5-78)	cb					
Jul 5	20 ORDER (JSP) Denying Motion for Judg/NOV cc: attys	cb					T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
Sep 1	21 SENTENCE HEARING (JSP) Appeal bond set at \$10,000 cash/surety						U. Time between guilty plea and plea withdrawal.
Sep 2	22 JUDGMENT (JSP) Ct. 1, 2 yrs. impr. 18:4205(b)(2); Ct. 2, ISS 3 yrs. prob. w/super. to follow impr. (EOD 9/3/78) cc: attys, deft., USM, Prob.	cb					W. Grand Jury indictment extended per 3161 (b).
Sep 11	23 NOTICE OF APPEAL cc: Joe Lawyer, AUSA, Ct. Rep., Clk, USCA	cb					
Sep 11	24 APPEAL BOND \$10,000 cash/surety	cb					
Oct 12	25 TRANSCRIPT of 6/23, 6/24 & 6/25/78 (Vols. I, II, III)	cb					
Oct 13	RECORD on Appeal mailed to USCA by cert. mail						
1979							
Apr 5	26 MANDATE and Opinion AFFIRMING judg. from USCA. cc: attys, deft., USM, Prob.	cb					
Apr 5	27 ORDER (JSP) directing deft. to report to USM within 10 days. cc: attys, deft., USM, Surety	cb					

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT
 CRIMINAL DOCKET U. S. vs

DATE	PROCEEDINGS (continued)	V. EXCLUDA.		DELAY	
		(a)	(b)	(c)	(d)
	(Document No.)				
<u>1979</u>					
Apr 26	RECORD ret. from USCA (4 vols.)				
Apr 28	28 RETURN on J & C exec. 4/15/79. Deft. del. to USP, Leavenworth, Ks. cb				
Jul 11	29 MOTION to Reduce Sentence (Rule 35) cb				
Jul 11	30 ORDER (JSP) Denying Motion to Reduce cc: attys, deft. cb				
Aug 1	31 MOTION to Vacate Sentence (2255)(Civil No. 78-3145) cb				
Aug 1	32 ORDER (JSP) Denying Motion to Vacate cc: attys, deft.				
<u>1981</u>					
Nov 2	33 PETITION and ORDER (JSP) for Issuance of Show Cause Warrant on Prob. Violation cc: attys, USM cb				
Nov 2	WARRANT issued cb				
Nov 6	34 RETURN on Prob. Warrant exec. 11/5/81 cb				
Nov 8	35 INITIAL HEARING (JBW) Counsel apptd. Bond set at \$5,000 cash/surety				
Nov 12	36 PROBATION REVOCATION HEARING (JSP)				
Nov 13	37 JUDGMENT on Prob. Rev. (JSP) Prob. revoked. Reinstated on prob. for 3 yrs. w/super. cb (EOD 11-14-78) cc: attys, deft., USM, Prob.				

UNITED STATES DISTRICT COURT
 CRIMINAL DOCKET

r	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				

PETTY OFFENSE PO JUDGE/MAGISTRATE Assigned U.S. vs. **BLACK, MARCUS WELBY**
 OTHER MINOR OFFENSE MO 53E | 1 | 3E08
 OTHER MISDEMEANOR Mis District Office 3E08
 FELONY Fel (LAST, FIRST, MIDDLE)

Case Filed Mo. Day 5 | 15
 No. of Def's * 3
 Yr. 77 Docket No. 180 Def. 01
 U.S. MAG. CASE NO. 158A
 BAIL • RE

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:371	Conspiracy, to wit: devise mail fraud scheme and use of mails to defraud, viol.	
18:1341	Use of mails to defraud Cts. 2 & 3	1 2

AMT Fugitive
 Denied Pers. Recog.
 Set PSA
 \$22,000 conditions
 Date 4/28/77 10% Deposit
 Surety Bond
 Bail Not Made Collateral
 Status Changed (See Docket) 3rd Prty Cust Other

II. KEY DATES & INTERVALS

ARREST or U.S. Custody Began 4/28/77
 Summons Served
 First Appearance

INDICTMENT Information 5/15/77
 Appeared on Writ
 Indict. Waived
 In Charging District
 Superseding
 Indict/Info

ARRAIGNMENT 5/20/77
 1st Plea 5/20/77
 Final Plea 9/30/77
 Trial Set For
 NG G NOL
 W/Drawn

TRIAL
 Voir Dire
 Trial Began
 Trial Ended

SENTENCE
 Disposition of Charges 9/30/77
 2/4/78
 Convicted On All Charges
 Acquitted On Lesser Offense(s)
 Dismissed: WOP: WP
 On Govern'ts Motion

		MAGISTRATE		OUTCOME:	
SEARCH WARRANT	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	
Issued	4/25/77	JOF/3EAG	PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
Return			Date Scheduled		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Issued	4/25/77	JOF/3EAG	Date Held		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Served			Waived <input type="checkbox"/> NOT WAIVED <input type="checkbox"/>	Tape Number	
Arrest Warrant Issued	4/25/77	JOF/3EAG	INTERVENING INDICTMENT <input type="checkbox"/>		
COMPLAINT	4/25/77	JOF/3EAG			
OFFENSE (In Complaint)	MAIL FRAUD (18 USC 1341)				

U.S. Attorney or Asst. ATTORNEYS Defense: CJA, Ret, Waived, Self, None / Other, Pt

Jill Kendricks

Thomas Winters

* Show last names and suffix numbers of other defendants on same indictment/information.

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
2-Green	3-White		
	DEFT. ADDRESS	ATTY. ADDRESS	SURETY
	113 Rockmart Drive Conyers, Ga. 30022 529-1330	1001 Peachtree St. NE Atlanta, Ga. 30336 565-4900	Acc Bonding Co. 414 Decatur St. SW Atlanta, Ga. 30303

DATE	IV. PROCEEDINGS (continued) (DOCUMENT NO.)	PAGE TWO	V. EXCLUDABLE DELAY				Total Days (d)	LETTER CODE
			Interval Section (a)	Start Date End Date (b)	Ltr. Code (c)			
								A. Examination, or hearing for mental or physical incapacity (18 U.S.C. 4244). B. NARA Examination (28 U.S.C. 2902). C. State or Federal trials on other charges. D. Interlocutory Appeals. E. Hearings on pretrial motions. F. Transfers from other districts (per F.R.C.P. Rules 20, 21 & 40). G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G). H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition. I. Prosecution deferred by mutual agreement. M. Unavailability of defendant or essential witness. N. Period of mental or physical incompetence of defendant to stand trial. O. Period of NARA Commitment or Treatment. P. Superseding indictment and/or new charges. R. Defendant awaiting trial of Co-defendant when no severance has been granted. T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendant's interests). U. Time between guilty plea and plea withdrawal. W. Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

CRIMINAL DOCKET - U.S. District Court

PETTY OFFENSE PO JUDGE/MAGISTRATE Assigned U.S.
 OTHER MINOR OFFENSE MO vs. GREEN, BEN CASEY
 OTHER MISDEMEANOR Mis 53E | 1 | 3E08
 FELONY Fel District Office 3E08
 (LAST, FIRST, MIDDLE)

U.S. vs. GREEN, BEN CASEY
 (LAST, FIRST, MIDDLE)

Case Filed Mo. Day 5 15
 No. of Def's 77 180 02 A
 Yr. Docket No.
 JUVENILE * 3

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:371	Conspiracy, to wit: devise mail fraud scheme and use of mails to defraud, viol. 18:1341 Ct. 1	1
18:1341	Use of mails to defraud Cts. 2 & 3	2

U.S. MAG. CASE NO. M 76-
 BAIL • RELEASE
 Denied AMT Fugitive
 Set Pers. Recog.
 \$50,000 PSA
 Date 4/28/77 10% Deposit
 Surety Bond
 Bail Not Made Collateral
 Status Changed (See Docket) 3rd Pny Cust Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody Began 4/28/77 Summons Served First Appearance	<input type="checkbox"/> Information 5/15/77 <input type="checkbox"/> Appeared on Writ <input type="checkbox"/> Indict. Waived <input type="checkbox"/> In Charging District <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info	5/20/77 1st Plea 5/20/77 Final Plea	Trial Set For 12/12/77 Voir Dire <input checked="" type="checkbox"/> Trial Began 12/12/77 Trial Ended 12/20/77

SENTENCE
 Disposition of Charges 12/20/77 1-27-78
 Convicted On All Charges
 Acquitted On Lesser Offense(s)
 Dismissed: WOP: WP
 On Governm'ts Motion

		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued					<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
	Return					
Summons	Issued					<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Served					
Arrest Warrant Issued		4/25/77	JOF/3EAG			
COMPLAINT		4/25/77	JOF/3EAG			
OFFENSE (In Complaint)	MAIL FRAUD (18 USC 1341)					

U.S. Attorney or Asst. Jill Kendricks
 ATTORNEYS Defense: CJA, Ret: Waived, Self, None / Other, PD, CD
 George Morgan

* Show last names and suffix numbers of other defendants on same indictment/information:
 1-Black 3-White

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
	DEFT. ADDRESS	ATTY. ADDRESS	SURETY
	2025 Hopkins Court Atlanta, Ga. 30307 202-4410	965 Market Street East Point, Ga. 30236 767-2022	Ace Bonding Co. 414 Decatur St. SW Atlanta, Ga. 30303

DATE	IV. PROCEEDINGS (continued) (DOCUMENT NO.)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
FINE AND RESTITUTION PAYMENTS						
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER	

- A. Examination hearing for mental or physical incapacity (18 U.S.C. 4244).
- B. NARA Examination (28 U.S.C. 2902).
- C. State or Federal trials on other charges.
- D. Interlocutory Appeals.
- E. Hearings on pretrial motions.
- F. Transfers from other districts (per F.R.C.P. Rules 20, 21 & 40).
- G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
- H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
- I. Prosecution deferred by mutual agreement.
- M. Unavailability of defendant or essential witness.
- N. Period of mental or physical incompetence of defendant to stand trial.
- O. Period of NARA Commitment or Treatment.
- P. Superseding indictment and/or new charges.
- R. Defendant awaiting trial of Co-defendant when no severance has been granted.
- T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
- U. Time between guilty plea and plea withdrawn.
- W. Grand Jury indictment extended per 3161 (b).

CRIMINAL DOCKET - U.S. District Court

PETTY OFFENSE PO JUDGE/MAGISTRATE Assigned U.S.
 OTHER MINOR OFFENSE MO **538 1 3E08**
 OTHER MISDEMEANOR MIs Disp./Sentence
 FELONY Fel District Office **3E08**

vs. **WHITE, STEPHEN KILEY**
 (LAST, FIRST, MIDDLE)

Case Filed Mo. Day **5 15** Yr. **77** Docket No. **180 03 A**
 No. of Def's * **3** JUVENILE

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	SUPERSEDING COUNTS
18:371	Conspiracy, to wit: devise mail fraud scheme and use of mails to defraud, viol. 18:1341 Ct. 1	1	
18:1341	Use of mails to defraud Cts. 2 & 3	2	

U.S. MAG. CASE NO. **M 76-**
 BAIL • RELEASE
 Denied AMT Fugitive
 Set Pers. Recog. PSA
\$10,000 conditions
 Date **5/18/77** 10% Deposit
 Surety Bond
 Collateral
 3rd Prty Cust Other
 Status Changed (See Docket)

II. KEY DATES & INTERVALS

ARREST or U.S. Custody Began **5/18/77** Summons Served **5/18/77** First Appearance **5/18/77**

INDICTMENT Information **5/15/77** Appared on Writ Indict. Waived Superseding Indict/Info In Charging District

ARRAIGNMENT **5/20/77** 1st Plea **5/20/77** Final Plea

TRIAL Trial Set For **12/12/77** NG G NOL W/Drawn NG G NOL
 Voir Dire **12/12/77** Trial Began **12/12/77** Trial Ended **12/20/77**

SENTENCE Disposition of Charges **12/20/77** **1-27-78**
 On All Charges On Lesser * Offense(s)
 Convicted Acquitted Dismissed: WOP: WP On Govern'ta Motion

		DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
	Return					
Summons	Issued			Tape Number		
	Served					
Arrest Warrant Issued		4/25/77	JOF/3EAG			
COMPLAINT		4/25/77	JOF/3EAG			
OFFENSE (In Complaint)	MAIL FRAUD (18 USC 1341)					

U.S. Attorney or Asst.
Jill Kendrick

ATTORNEYS Defense: CJA, Ret, Waived, Self, None / Other, PD, CD
George Morgan (stricken, 8-19-77)
Robert Young (appt., 8-19-77)

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
		DEFT. ADDRESS	ATTY. ADDRESS
		1473 Riverdale Rd. Atlanta, Ga. 30307 562-4532	3042-Aeres-Mill-Rd- Chamblee, Ga---30341 565-3289 101 Marietta Tower Suite 1812 Atlanta, Ga. 30303 688-7530
			SURETY

DATE	IV. PROCEEDINGS (continued) (DOCUMENT NO.)	PAGE TWO	V. EXCLUDABLE DELAY			
			Interval Section (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)

- A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
- B. NARA Examination (28 U.S.C. 2902).
- C. State or Federal trials on other charges.
- D. Interlocutory Appeals.
- E. Hearings on pretrial motions.
- F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
- G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).
- H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
- I. Prosecution deferred by mutual agreement.
- M. Unavailability of defendant or essential witness.
- N. Period of mental or physical incompetence of defendant to stand trial.
- O. Period of NARA Commitment or Treatment.
- P. Superseding indictment and/or new charges.
- R. Defendant awaiting trial of Co-Defendant when no severance has been granted.
- T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendant's interests).
- U. Time between guilty plea and plea withdrawal.
- W. Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE 1977	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
May 15	INDICTMENT in three counts ALL DEFTS STATUS SHEETS, est. trial, 8 days BLACK/GREEN REQUESTS for arr. (cc: Mag.) WHITE PRAECIPE for warrant WARRANT issd. vtb				
May 19	WHITE RETURN on warrant, exec. 5/18/78 BOND \$10,000.00 PR aea				
May 20	ALL DEFTS ARRAIGNMENT (JOF) P/NG. 15 days to file mots. Assigned to NE/JOF jsr				
June 4	GREEN/WHITE MOTION for Production Documentary Evidence GREEN/WHITE MOTION for Severance w/Aff. (Ref. 10-12-77) BLACK MOTION by deft. for psy. exam. vtb				
June 10	BLACK ORDER for psy. exam. 6/20/77 at USP; Rpt. to be filed by 7/15/77 (cc: attys & USM) jsr				
June 30	GOVT RESPONSE to mots. for Production of Documentary Evidence and Severance (cc: Mag) vtb				
July 15	BLACK PSYCHIATRIC Report recd. vtb				
July 16	ALL DEFTS ORDER (JOF) setting pre-trial conf. for 7/30/77 (cc: attys)				
July 30	ALL DEFTS PRE-TRIAL CONFERENCE (JOF) Discovery ruled completed. Transc. of hrg. to be filed by 8/15/77; Defts brief to mots. for Severance to be filed by 8/25/77; Govt allowed 10 days thereafter to file resp. to mot. for Severance. vtb				
Aug. 2	GREEN ORDER (JOF) directing clerk to rec. passbooks for safekeeping and directing Natl. Bank to prevent reduction of balance used as security in deft's bond; term "balance" to be principal plus accrued interest. (cc: attys and Natl Bank) vtb				
Aug. 15	ALL DEFTS TRANSC. of hrg. of 8/15/78 (to Mag) jsr				
Aug. 18	BLACK PETITION to tender P/Nolo, w/statements in support (to Mag.) aea				
Aug. 19	WHITE ORDER (JOF) appt FPD atty. jsr				
Aug. 25	GREEN/WHITE BRIEF in Support of Mot. for Severance (to Mag)				
Aug. 26	GOVT RESPONSE to deft. Black's Pet. to tender nolo (to Mag) aea				
Aug. 30	GOVT RESPONSE to defts' Mot. for Severance (to Mag) Mot. taken under advisement vtb				
Sept. 19	BLACK ORDER (NE) P/Nolo to be accepted, subject to arr. (cc: attys) jsr				
Sept. 30	BLACK PETITION AND ORDER to chg. plea. PLEA CHANGE P/Nolo to indict., accepted (NE) aea Sent. date to be set after trial of co-defts. aea				
	GREEN/WHITE REPORT MAG. (JOF) that Mot. for Severance be DENIED. Clk to subm for approval, w/ objs. w/in 10 days. jsr				
	ORDER (JOF) declaring case ready for trial, subject to approval of Mags. Report & Recommendation (cc: attys & ct.room dep) jsr				

DATE 1978	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE C			
			(a)	(b)	(c)	(d)
Mar. 9	GREEN/WHITE	TRANSCRIPT (PUGH) of 12/12, 12/13, 12/14, 12/15, 12/16. 12/19, 12/20 (Vols I-V)				
Mar. 9	GREEN/WHITE	RECORD ON APPEAL mailed to USCA by Cert. Mail (Vols. I-VI)				
Sept. 1	GREEN/WHITE	MANDATE and Opinion USCA AFFIRMING Judg. (cc: USM, Prob. attys. defts) vtb ORDER (NE) directing defts to rpt. to USM w/in 10 days (cc: defts., attys., surety, USM, AUSA) vtb				
Sept. 15	GREEN/WHITE	RETURN on J&C exec. 9/11/78. vtb				
Sept. 30	GREEN/WHITE	RECORD retd from USCA (Vols. I-VI) jsr				
Nov. 1	GREEN	MOTION to Reduce Sent. (Rule 35) vtb				
Nov. 20	GREEN	ORDER (NE) DENYING Mot. to Reduce Sent. (cc: attys) vtb				
<u>1979</u>						
Feb. 1	WHITE	MOTION to Vacate Sent. (2255) (Civil # 79-205)				
Feb. 10	WHITE	ORDER (NE) directing Govt. to resp. to 2255 motion (cc: AUSA, deft) vtb				
Feb. 19	GOVT	RESPONSE to 2255 Petn. dwp				
Feb. 28	WHITE	ORDER (NE) DENYING Mot. to Vacate Sent. (cc: deft. and AUSA) dwp JUDGMENT entered. EOD 3/1/79 (cc: deft., AUSA and Civil Clk) dwp				
Mar. 10	BLACK	PETITION AND ORDER for issuance of warrant to show cause (NE) WARRANT issd. dwp				
Apr. 1	BLACK	RETURN on warrant, exec. 3/28/79.				
Apr. 2	BLACK	INITIAL APPEARANCE (JOF) Mag's. Cond. of Rel. Bond set at \$25,000.00 C/S jsr				
Apr. 15	BLACK BLACK	BOND, \$25,000.00 C/S jsr PROBATION REVOCATION HRG. (NE) Prob. revoked. JUDGMENT (NE) 3 yrs. impr. EOD 4/15/79 (cc: attys., USM, Prob. vtb				
Apr. 20	BLACK	RETURN on J&C exec. 4/15/79. jsr				

UNITED STATES DISTRICT COURT
 CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
(Document No.)					

EXHIBIT IV

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
Supreme Court Building
Washington, D.C. 20544

ROWLAND F. KIRKS
Director

WILLIAM E. FOLEY
Deputy Director

WILLIAM E. DAVIS
Chief of the Division
of Information Systems

January 14, 1977

TO ALL CLERKS OF THE UNITED STATES DISTRICT COURTS
CLERKS OF COURTS OF APPEALS (Information only)
CIRCUIT EXECUTIVES (Information only)

SUBJECT: CHANGES IN STATISTICAL REPORTING

On December 16, 1976 the Subcommittee on Judicial Statistics approved changes in reporting that affect the civil reporting requirements set forth in the Civil Docket Package and Civil Cover Sheet Form JS-44 dated July 1, 1975.

The changes are as follows:

1. Reporting of 2255 motions

Beginning February 1, 1977, all motions to vacate sentence filed under Title 28 USC Section 2255, Rules 2 and 3* are to be recorded on the original criminal docket together with the outcome of the motion.

Each 28 USC 2255 motion filed on the criminal docket is also to be recorded on a padded JS-5 filing card and the decision on a padded JS-6 card.

The JS card information is to include a number from the civil docket series with the criminal docket number appearing as part of the plaintiff's portion of the style of case.

* Rules Governing Section 2255 Proceedings for the United States District Courts, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, February 1, 1977.

Thus:

DIST.	OFF.	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	D		R	23	DEMAND \$ OTHER	JUDGE/MAG NUMBER
							PTF	DEF				
866	/2	77-0521	01 10 77	2	510	1					Nearest \$1,000	6611
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>			<u>6</u>	<u>7</u>				
DOE, JOHN 76-00351-01							<u>9</u>		<u>10</u>		United States of America	

Padded JS-5
SAMPLE

Motion to vacate. 28 U.S.C. 2255 **CAUSE** RST

JS-5 (Rev. 1/78) Mail to: Statistical Analysis and Reports Division, Administrative Office of the U.S. Courts, Washington, D.C. 20544

The effect of this regulation is to provide continuity with previous recording of Section 2255 motions to vacate sentence and to permit the inclusion or exclusion of such motions in the study of civil filings and dispositions.

All matters docketed in the criminal case pertaining to the Section 2255 motion are to be entered on the criminal docket. The padded JS-5 and JS-6 and civil docket number statistically identify the 2255 motion. Further the docket/defendant number in the plaintiff identification will serve as a cross index for the court and for the JS-5 and JS-6 statistical cards.

EXHIBIT V

ARREST NOTIFICATION WORKSHEET

Rec'd from _____
Date rec'd _____
Time rec'd _____
Rec'd by _____

Defendant _____

Ind./Inf./Complaint No. _____

Offense charged _____

District charged _____

Date arrested _____

Place arrested _____

Date initial appearance _____ before _____

Attorney appointed/retained _____

Bond set \$ _____

Posted? If no, place of custody _____

Address if on Bond or OR _____

Removal scheduled, place and date _____

_____ Other District telephonically notified on _____

_____ Referred to Speedy Trial Act Coordinator on _____

EXHIBIT VI

TITLE 28

JUDICIARY AND JUDICIAL PROCEDURE

PART IV--JURISDICTION AND VENUE--Continued

CHAPTER 89--DISTRICT COURTS; REMOVAL OF
CASES FROM STATE COURTS--Continued

§ 1446. Procedure for removal

[See main volume for text of (a) and (b)]

(c)(1) A petition for removal of a criminal prosecution shall be filed not later than thirty days after the arraignment in the State court or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the petitioner leave to file the petition at a later time.

(2) A petition for removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds which exist at the time of the filing of the petition shall constitute a waiver of such grounds, and a second petition may be filed only on grounds not existing at the time of the original petition. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

(3) The filing of a petition for removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the petition is first denied.

(4) The United States district court to which such petition is directed shall examine the petition promptly. If it clearly appears on the face of the petition and any exhibits annexed thereto that the petition for removal should not be granted, the court shall make an order for its summary dismissal.

(5) If the United States district court does not order the summary dismissal of such petition, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the petition as justice shall require. If the United States district court determines that such petition shall be granted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

(d) Each petition for removal of a civil action or proceeding, except a petition in behalf of the United States, shall be accompanied by a bond with good and sufficient surety conditioned that the defendant or defendants will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.

(e) Promptly after the filing of such petition for the removal of a civil action and bond the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the petition with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

(f) If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such State court.

As amended July 30, 1977, Pub.L. 95-78, § 3, 91 Stat. 321.

EXHIBIT VII

EXPUNGEMENT OF A CRIMINAL CASE

If a person convicted solely of possession of a controlled substance under the Controlled Dangerous Substance Act (21:844(b)), has no prior drug record, the court may, with the individual's consent, defer further proceedings and without entering a judgment of guilty, place him on probation for a period not exceeding one year. The court may dismiss the proceedings and discharge the defendant from probation before the expiration of the sentence. If the term of probation is successfully completed, the court shall discharge the person and dismiss the proceedings and discharge the case where the individual proceeded against is not over 21 at the time of the offense, following discharge from probation he may apply to the court for an order expunging from the official records all recordation of the arrest, indictment, or information, trial, dismissal and discharge.

In such cases, the J.S. 2 and J.S. 3 cards are filed as usual with the offense reported as:

Title 21, U.S.C. 844(b)

The sentence on the J.S. 3 is reported as:

1 year prob.

The Judicial Conference adopted the following procedure for the clerks to follow in the case where an order has been entered by the court to expunge the official records:

- 5 -

"Pursuant to an order under this section the Clerk shall first obliterate the name of the individual from all indexes, and shall withdraw the docket sheets and the file containing the papers of the case from the court records. He then shall notify the Administrative Office, the court reporter, the probation officer and the magistrate of the order instructing them to make a similar obliteration and withdrawal of the papers in the case and delivery of papers to the Clerk.

"All the papers shall thereupon be expunged by being placed in the sealed records of the court to be opened only upon court order, and shall be physically destroyed after 10 years." (Conf. Report 1971, p. 5)

Following notice of the court order to expunge the individual's record, the Operation Branch will return to the court the related J.S. 2 and J.S. 3 statistical cards.

EXHIBIT VIII

RECOMMENDED STANDARDIZED ABBREVIATIONS

acquittal	acq
additional	addl
adjudicate, adjudicated	adj
admissions	adms
ad prosequendum	ad pros
ad testificandem	ad test
affidavit	aff
also known as	AKA
alternate	alt
and	&
appearance	app
application	applic
appointed(ed) (ment)	appt
arraign(ed) (ment)	arr
arraignment plea of not guilty	arr P/NJ
arraignment plea of guilty	arr P/G
Assistant U.S. Attorney	AUSA
associate	assoc
association	assn
attorney	atty
Attorney General	A/G
authorize(ation)(ities)	auth
balance	bal
bench warrant	B/W
calendar	cal
certify(ied)(icate)	cert
charge	chg
commitment, committed	comm
complaint	complt
concurrent	conc
condition	cond
conference	conf
consecutive	consec
conspiracy	consp
continue, continued, continuance	cont
corporation	corp
count(s)	ct, cts
Court Reporter	Ct. Rep.
Court of Appeals	USCA
criminal	crim, cr
custody	cust
defendant	defnt
deposition	dep
Asst. Federal Public Defender	AFPD
discovery	disc
dismissed, dismissal	dism

ABBREVIATIONS, Continued

dismissed with prejudice	dism w/prej
dismissed without prejudice	dism w/o prej
district	dist
EOD	entered on docket
exhibit	exhb
examination	exam
excludable, exclude	excl
execution, execute	exec
execution of sentence suspended	ESS
expiration	exp
Federal	Fed
Federal Correctional Institution	FCI
Federal Juvenile Delinquency Act	FJDA
Federal Public Defender	FPD
forfeited, forfeiture	forf
fugitive	fug
government	govt
Grand Jury	GJ
Habeas Corpus	H/C
hearing	hrg
imposition of sentence suspended	ISS
imprisonment	impr
inclusive, including, included	incl
incompetent	incomp
indeterminate	indet
indictment	ind
individually	indiv
information	info
injunction	inj
interpreter	interp
interrogatories	interrog
issued	issd
Magistrate	Mag
Medical Center for Federal Prisoners	MCFP
memorandum	memo
modification, modified	mod
months	mos
motion	mot
Narcotic Addict Rehabilitation Act	NARA
Nolo contendere	nolo
notwithstanding the verdict (non obstante verdicto)	NOV
objection	obj
opposition	opp
original sentence	orig sent
own recognizance	O/R

ABBREVIATIONS, Continued

personal recognizance	PR
petition	petn
petitioner	petr
plaintiff	pltf
possession	poss
prejudice	prej
preliminary	prel
preliminary injunction	prel inj
permanent injunction	perm inj
presentence report or investigation	PSR or PSI
previous(ly)	prev
probation	prob
probation office/officer	USPO or Prob. Off.
probation revoked or revocation	prob rev
probation with supervision	prob w/super
probation without supervision	prob w/o super
psychiatric	psy
pursuant	purs
received	recd
report	rpt
respondent, respond, response	resp
retained	ret
returned	retd
sentence, sentencing	sent
service	svc
stipulation	stip
submission, submitted	subm
subpoena	subp
subpoena duces tecum	subp d/t
substitution	subst:
supplemental	suppl.
suspended	susp
temporary	temp
Temporary restraining order	TRO
transcript	transc
transfer (red)	transf
transportation	transp
unexecuted	unexec
versus	vs
violation	viol
violation of probation	viol/prob
without	w/o
Youth Corrections Act	YCA
year (s)	yr (s)