

General Order 92-12 (revised)

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 06 1992

MURRAY L. HARRIS, CLERK

GENERAL ORDER

BY
DEPUTY

Rita Robbins

Acting by consent of the judges of this Court, it is **ORDERED**, effective immediately, in accordance with 28 U.S.C. § 1915, that the following rules be adopted with respect to any cause of action submitted with an application to proceed *in forma pauperis*, except for social security and E.E.O.C. cases:

1. The Clerk of the Court shall file on the regular docket any cause of action submitted by a plaintiff or plaintiffs which is accompanied by an application to proceed *in forma pauperis* and such application is signed under penalty of perjury. In the event the application to proceed *in forma pauperis* is not signed, the Clerk shall assign the cause of action a miscellaneous number and submit the case to a magistrate judge for an order notifying the plaintiff(s) that the cause of action will not be filed on the regular docket until a signed application to proceed *in forma pauperis* is received by the Court.

2. When a cause of action is filed on the regular docket, the Clerk will assign the case to a district judge and submit to the judge the attached referral order. The referral order will instruct the magistrate judge, pursuant to 28 U.S.C. § 1915(d), to determine if the plaintiff(s) should be allowed to proceed *in forma pauperis* or whether the case should be dismissed because the allegation of poverty is untrue, or if satisfied that the action

is frivolous or malicious. The determination on the application to proceed *in forma pauperis* shall be included in the report and recommendation or memorandum opinion that is filed with respect to whether the case should proceed on the merits or dismissed as frivolous or malicious.

3. The United States Marshal shall serve summons on the defendants when so ordered by a presiding district or magistrate judge.

Any provision herein which is in conflict with provisions contained in previous general orders supersedes the provisions contained in the previous order.

SIGNED this 10th day of July, 1992, on behalf of the Court.



Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
DIVISION

§
V. § CIVIL ACTION NO.
§

O R D E R

The above-entitled and numbered civil action has been submitted to the Court, along with an application to proceed *in forma pauperis*, thus pursuant to the provisions of 28 U.S.C. § 636(b)(1)(C), it is hereby

ORDERED that the Honorable shall be, and hereby is DESIGNATED to file proposed findings and recommendations with respect to whether the plaintiff(s) should be allowed to proceed *in forma pauperis* or whether the case should be dismissed if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious. 28 U.S.C. § 1915(d).

Pursuant to the provisions of 28 U.S.C. § 636(b)(1), it is further **ORDERED** that the Magistrate Judge is DESIGNATED to hear and determine any pretrial matters pending in such civil action, except for a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss such action. It is further

ORDERED that, in relation to such action, the Magistrate Judge shall be, and hereby is, DESIGNATED to conduct hearings, including evidentiary hearings, and to submit to the undersigned judge proposed findings of fact and recommendations for the disposition, by the undersigned judge, of any matters that are excepted in the third paragraph of this order. It is finally

ORDERED that the Magistrate Judge shall file proposed findings and recommendation pertaining to any of the matters alluded to in the fourth paragraph of this order with the Clerk of the Court, and that a copy be forthwith mailed to all parties by certified mail (return receipt requested).

SIGNED this _____ day of _____, 1992.

UNITED STATES DISTRICT JUDGE

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAY 04 1992

MURRAY L. HARRIS, CLERK

BY
DEPUTY Rita Robbins

GENERAL ORDER

Acting by consent of the judges of this Court, it is **ORDERED**, effective immediately, in accordance with 28 U.S.C. § 1915, that the following rules be adopted with respect to any cause of action submitted by a prisoner or prisoners with an application to proceed *in forma pauperis*:

1. The Clerk of the Court shall file on the regular docket any cause of action submitted by a prisoner or prisoners which is accompanied by a application to proceed *in forma pauperis* and such application is signed under penalty of perjury. In the event the application to proceed *in forma pauperis* is not signed, the Clerk shall assign the cause of action a miscellaneous number and submit the case to a magistrate judge for an order notifying the prisoner(s) that the cause of action will not be filed on the regular docket until a signed application to proceed *in forma pauperis* is received by the Court.

2. When a cause of action is filed on the regular docket, the Clerk will assign the case to a district judge and submit to the judge the attached referral order. The referral order will instruct the magistrate judge, pursuant to 28 U.S.C. § 1915(d), to determine if the prisoner should be allowed to proceed *in forma pauperis* or whether the case should be dismissed because the allegation of poverty is untrue, or if satisfied that the action

is frivolous or malicious. The determination on the application to proceed *in forma pauperis* shall be included in the report and recommendation or memorandum opinion that is filed with respect to whether the case should proceed on the merits or dismissed as frivolous or malicious.

3. The United States Marshal shall serve summons on the defendants when so ordered by a presiding district or magistrate judge.

Any provision herein which is in conflict with provisions contained in previous general orders supersedes the provisions contained in the previous order.

SIGNED this 14th day of May, 1992, on behalf of the Court.



Chief Judge