## GENERAL ORDER NO. 89-25

U. S. DISTRICT COURT
EASTERN DISTRICT OF FEXAS

110V O 2 1989

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

It appearing that the current term of office of part-time United Magistrate Charles L. Attaway will expire on January 1, 1990; and

It appearing that the Judicial Conference of the United States has voted to continue the part-time magistrate position at Texarkana, Texas, for an additional four-year term of office; and The judges of this court desiring to consider the reappointment of such incumbent magistrate, accordingly, it is

ORDERED that the following named persons shall be, and they are hereby, appointed to a Merit Selection Panel as prescribed by Chapter 3 of the "Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment of United States Magistrates," viz.:

Lynn Cooksey, Esquire Attorney at Law 414 Texas Blvd. Texarkana, Texas 75501

Norman C. Russell, Esquire, of Counsel Atchley, Russell, Waldrop & Hlavinka P. O. Box 1049
Texarkana, Texas 75504-1049

William L. Peek, Jr., Esquire, of Counsel Hubbard, Patton, Peek, Haltom & Roberts P. O. Box 1928
Texarkana, Texas 75504-1928

It is further

ORDERED that the Panel shall review the incumbent's current service as Magistrate and other experience, the comments from members of the Bar and public, and other evidence of the incumbent's good character, ability, and commitment to equal justice under the law. It is further

ORDERED that the Panel shall report to the Court on or before December 1, 1989, whether the incumbent is recommended for reappointment. It is further

ORDERED that Norman C. Russell shall be, and is hereby, appointed as Temporary Chairperson of the Panel.

DATED this 2nd day of November, 1989.

For the Court.

### NOTICE OF APPOINTMENT OF PANEL TO CONSIDER

#### REAPPOINTMENT OF UNITED STATES MAGISTRATE

The current term of office of part-time United States Magistrate Roger D. Sanders will expire February 14, 1990. The United States District Court for the Eastern District of Texas is required by law to establish a panel of citizens to consider the reappointment of Magistrate Sanders to a new four-year term of office.

The duties of the part-time United States Magistrate are described in Title 28, United States Code, Section 636 to which reference is here made. In summary, they include the following:

- (1) All powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;
- (2) The power to administer oaths and affirmations, impose conditions of release under section 3146 of Title 18, and take acknowledgements, affidavits, and depositions;
- (3) A judge may designate a magistrate to hear and determine any pre-trial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action;
- (4) A judge may also designate a magistrate to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in (3), above, of applications for post-trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement;
- (5) A judge may designate a magistrate to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the

## GENERAL ORDER NO. 89-25

U. G. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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

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It appearing that the Judicial Conference of the United States has voted to continue the part-time magistrate position at Texarkana, Texas, for an additional four-year term of office; and The judges of this court desiring to consider the

reappointment of such incumbent magistrate, accordingly, it is

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Lynn Cooksey, Esquire Attorney at Law 414 Texas Blvd. Texarkana, Texas 75501

Norman C. Russell, Esquire, of Counsel Atchley, Russell, Waldrop & Hlavinka P. O. Box 1049
Texarkana, Texas 75504-1049

Appointment of United States Magistrates, " viz.:

William L. Peek, Jr., Esquire, of Counsel Hubbard, Patton, Peek, Haltom & Roberts P. O. Box 1928
Texarkana, Texas 75504-1928

It is further

ORDERED that the Panel shall review the incumbent's current service as Magistrate and other experience, the comments from members of the Bar and public, and other evidence of the incumbent's good character, ability, and commitment to equal justice under the law. It is further

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DATED this 2nd day of November, 1989.

For the Court.

2



110V O-2 **1989** 

NOTICE OF APPOINTMENT OF PANEL TO CONSIDER

REAPPOINTMENT OF UNITED STATES MAGISTRATE

DEFUTY MAZRIS, CLERA

The current term of office of part-time United States Magistrate Charles L. Attaway will expire January 1, 1990. The United States District Court for the Eastern District of Texas is required by law to establish a panel of citizens to consider the reappointment of Magistrate Attaway to a new four-year term of office.

The duties of the part-time United States Magistrate are described in Title 28, United States Code, Section 636 to which reference is here made. In summary, they include the following:

- (1) All powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;
- (2) The power to administer oaths and affirmations, impose conditions of release under section 3146 of Title 18, and take acknowledgements, affidavits, and depositions;
- (3) A judge may designate a magistrate to hear and determine any pre-trial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action;
- (4) A judge may also designate a magistrate to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in (3), above, of applications for post-trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement;
- (5) A judge may designate a magistrate to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the

United States District Courts. A judge may designate a magistrate to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of Rule 53(b) of the Federal Rules of Civil Procedure for the United States District Courts;

(6) A magistrate may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

A United States Magistrate must be competent to perform the duties of the office, of good moral character, emotionally stable and mature, committed to equal justice under the law, in good health, patient, courteous, and capable of deliberation and decisiveness when required to act on their own reason and judgment.

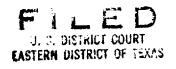
Comments from members of the public relating to the reappointment of Magistrate Attaway are invited. Any such comments should be addressed to the Temporary Chairman of the Panel selected by the court, whose name and address is as follows:

Norman C. Russell, Esquire Atchley, Russell, Waldrop & Hlavinka P. O. Box 1049

Texarkana, Texas 75504-1049

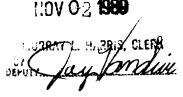
DATED this day of November, 1989.

For the Court:



## NOTICE OF APPOINTMENT OF PANEL TO CONSIDER

### REAPPOINTMENT OF UNITED STATES MAGISTRATE



The current term of office of part-time United States Magistrate Charles L. Attaway will expire January 1, 1990. The United States District Court for the Eastern District of Texas is required by law to establish a panel of citizens to consider the reappointment of Magistrate Attaway to a new four-year term of office.

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Comments from members of the public relating to the reappointment of Magistrate Attaway are invited. Any such comments should be addressed to the Temporary Chairman of the Panel selected by the court, whose name and address is as follows:

Norman C. Russell, Esquire Atchley, Russell, Waldrop & Hlavinka P. O. Box 1049

Texarkana, Texas 75504-1049

DATED this day of November, 1989.

For the Court:

# GENERAL ORDER NO. 89-25

U. S. DISTRICT COURT
EASTERN DISTRICT OF FEXAS

110V O 2 1989

WENT HARM

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

It appearing that the current term of office of part-time United Magistrate Charles L. Attaway will expire on January 1, 1990; and

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Texarkana, Texas 75504-1049

William L. Peek, Jr., Esquire, of Counsel Hubbard, Patton, Peek, Haltom & Roberts P. O. Box 1928
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ORDERED that Norman C. Russell shall be, and is hereby, appointed as Temporary Chairperson of the Panel.

DATED this 2nd day of November, 1989.

For the Court.

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#### **UNITED STATES DISTRICT COURT**

OFFICE OF THE CLERK
EASTERN DISTRICT OF TEXAS

MURRAY L. HARRIS

November 2, 1989

211 W. FERGUSON TYLER, TEXAS 75702

Ms. Anita Raney Deputy-in-Charge Office of the U. S. District Clerk P. O. Box 2667 Texarkana, Texas 75502

Dear Anita:

Enclosed you will find the necessary papers to initiate the procedures necessary to accomplish the reappointment of Charles L. Attaway as part-time Magistrate.

I am enclosing a copy of the letter which Judge Justice mailed to the Panel who will act in this matter, and also a copy of the Notice of Appointment of Panel to Consider Reappointment of U. S. Magistrate. Additionally you will find a copy of a General Order appointing the Panel.

You will recall when Mr. Attaway was first appointed you had the local newspaper publish the notice for one day only. Please do this for me again and have the notice published for one day as soon as possible. The date of publication doesn't matter so long as it is the first day they can accomplish it. Ask the newspaper to bill this office along with proof of publication and mail it to Tyler.

I am enclosing one pamphlet which sets out the regulations which we are to follow. Each of the panelists have served before and should be familiar with the procedure. The notice requires interested parties who wish to comment on the proposed reappointment to mail such comments to the temporary chairman, Norman Russell. I notice that Judge Justice authorizes the Panel to choose a permanent chairman, while the notice directs the comments to be mailed to the temporary chairman. Since the report from the Panel is due December 1, 1989, the Panel will not have too much time to receive comments.

I think this covers everything. If you have any questions at all, please call me. I'll probably be talking with you about it tomorrow.

Murray L. Harri

### NOTE TO PANEL MEMBERS:

Copies of the Regulations covering procedures for reappointment of magistrates have been ordered. A copy will be forwarded to you immediately upon receipt. One copy was enclosed and forwarded to Norman Russell.

Murray L. Harris, Clerk