AMENDED GENERAL ORDER NO. 89-28

FILED
U.S. SPROLOGERI
EASTERN CONTRACTOR

DEC 41988

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

MUBRATIO HARBES, CLERK .

BY ANGLES

It appearing that the current term of office of part-time United Magistrate Roger D. Sanders will expire on February 14, 1990; and

It appearing that the Judicial Conference of the United States has voted to continue the part-time magistrate position at Sherman 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.:

Lawrence W. Evans, Esquire Attorney at Law P. O. Box 151 Denison, Texas 75020-0151

Rayburn M. Nall, Esquire of Counsel Nall, Pelley & Wynne P. O. Box 2228 Sherman, Texas 75090

Richard M. Abernathy, Esquire, of Counsel Abernathy, Roeder, Robertson & Joplin 101 East Davis Street McKinney, Texas 75069-0576

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 January 16, 1990, whether the incumbent is recommended for reappointment. It is further

ORDERED that Rayburn M. Nall, shall be, and is hereby, appointed as Temporary Chairperson of the Panel.

DATED this 3rd day of December, 1989.

For the Court.

U. S DISTRICT COURT
EASTERN DISTRICT OF TEXAS

general order no. 82-28

NOV 3 O 1989

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

MURRAY L. HARRIS, CLERK.
BY
DEPUTY

AND MARKET

MURRAY L. HARRIS, CLERK.

It appearing that the current term of office of part-time United Magistrate Roger D. Sanders will expire on February 14, 1990; and

It appearing that the Judicial Conference of the United States has voted to continue the part-time magistrate position at Sherman 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.:

Lawrence W. Evans, Esquire Attorney at Law P. O. Box 151 Denison, Texas 75020-0151

Rayburn Nall, Jr., Esquire of Counsel Nall, Pelley & Wynne
P. O. Box 2228
Sherman, Texas 75090

Richard M. Abernathy, Esquire, of Counsel Abernathy, Roeder, Robertson & Joplin 101 East Davis Street McKinney, Texas 75069-0576

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 January 16, 1990, whether the incumbent is recommended for reappointment. It is further

ORDERED that Rayburn Nall, Jr. shall be, and is hereby, appointed as Temporary Chairperson of the Panel.

DATED this 30th day of November, 1989. For the Court.

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FILED

U.S. ONESICE COURT

EASTIME AND MICH OF TEXAS

NOTICE OF APPOINTMENT OF PANEL TO CONSIDER

NOV 3 0 1989

REAPPOINTMENT OF UNITED STATES MAGISTRATE MURRAY L. HARRIS, CLERK

BY DEPUTY Jay Kanding

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

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 Sanders 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:

Rayburn Nall, Jr. P. O. Box 2228 Sherman, Texas 75090

DATED this 30th day of November, 1989.

For the Court: