

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

IN RE: GUIDELINES FOR FILING AND
ASSIGNMENT OF HABEAS CORPUS
DEATH PENALTY CASES

4:95mc40111

ADMINISTRATIVE ORDER

When a death warrant is issued against a defendant within the jurisdiction of the U. S. District Court for the Northern District of Florida by the Governor of the State of Florida, the Attorney General of the State of Florida shall "pre-file" with this Court all papers, including trial transcripts, filed in the state court pertaining to the issuance of the death warrant; i.e., petition for writ of habeas corpus or motion to stay execution and subsequent filings.

All of these pre-filed papers shall be filed by the Attorney General of the State of Florida with the Clerk of Court in the Tallahassee Division, regardless of the division in which the action arose or where it would ordinarily be filed under Local Rule 3.2.

A miscellaneous docket number will be assigned to each such pre-filed case until such time as the petition is actually filed by the petitioner in this court, usually after the Supreme Court of Florida has denied the stay.

This miscellaneous pre-filed case will immediately be assigned to and referred to one of the Article III judges on a rotating, district-wide basis. Senior Article III judges may opt out of the assignment rotation on any given case. A second or

OFFICE OF CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
TALLAHASSEE, FLA.

00 JAN 13 PM 1:49

FILED

Richard Martell
Carolyn
Swerkowski
(AG o/c)
OOBY [Signature]
[] & 65 FRCP
Paul Jensen, Collier
Greg Martell
CCR + cks
CCR, Manning 16 -
EN
RU
CO
1174
1115

successive petition properly filed in accordance with Title 28, United States Code, Section 2244, will be assigned to the district judge, if available, who heard the former petition if the former petition was commenced on or after April 24, 1996. The Clerk of Court shall maintain an assignment list and periodically report the history of the assignments to the Chief Judge.

The Clerk of Court shall immediately advise the Attorney General of the State of Florida and the attorney for the petitioner which district judge has been assigned to the case. It shall be the responsibility of the Attorney General of the State of Florida to deliver copies of the pre-filed materials to the Clerk's Office in the division in which the district judge to whom the case is assigned is located.

When the petitioner actually files his writ of habeas corpus in this Court, the petition shall be assigned a regular civil case number in the division in which it arose. All papers pre-filed in the miscellaneous case shall be transferred to the civil case file. In the event a writ of habeas corpus is not subsequently filed in this Court within thirty days, all pre-filed papers shall be returned to the respective parties who filed them.

Absent recusal or other circumstances requiring reassignment, the civil case shall remain with the district judge to whom it was originally pre-assigned, regardless of the division in which the petition is filed. In the event of recusal or reassignment, the case will be assigned to the next eligible district judge.

A petition for writ of habeas corpus filed by a defendant who has been sentenced to death, but for whom a death warrant has not yet been issued, shall be included on the death penalty rotation assignment list to the Article III judges. It shall

be filed and assigned regular civil case number the division in which it arose and referred in the same manner those cases in which death warrant was issued

All judges of this district concur in the above.

DONE AND ORDERED at Pensacola, Florida, this 30th day of December, 1999



ROGER VINSON
CHIEF JUDGE

(death.ord)