

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA**

MISC. NO. 1:13 MC 29

**IN RE: ALLOCATION OF CRIMINAL AND CIVIL CASES FROM
THE ASHEVILLE, BRYSON CITY, AND SHELBY DIVISIONS
ORDER**

The following case assignment allocations will be applied in the Asheville, Bryson City and Shelby Divisions and supersede all other prior orders as they may relate to these divisions, except as referred to herein. Unless specifically stated otherwise, these case assignment allocations are effective October 1, 2013.

1. All Asheville, Bryson City and Shelby Division criminal cases will be assigned to Judge Reidinger.
2. Any criminal case filed in these divisions in which Judge Reidinger must recuse himself due to a conflict shall be assigned first to Judge Cogburn, then to Judge Voorhees, then to Judge Conrad, and then to Chief Judge Whitney.
3. Judge Reidinger shall be assigned $\frac{3}{4}$ of all civil cases and Judge Cogburn $\frac{1}{4}$ of all civil cases from the Asheville and Shelby divisions except for death penalty cases, prisoner cases and social security cases which are the subject of a separate order or other provisions herein.
 - a. To contain costs associated with holding court in Bryson City, only one judge, Judge Reidinger will be assigned all of the civil cases from the Bryson City division.
 - b. All Miscellaneous matters from the Bryson City division shall be assigned to Judge Reidinger.
 - c. All miscellaneous matters from the Asheville division shall be assigned to Judge Reidinger and Judge Cogburn on an equal basis.
4. Any civil case in which Judge Reidinger has a conflict shall be reassigned in the following order taking into consideration potential conflicts: first to Judge Cogburn, then to Senior Judge Mullen, and then to Judge Voorhees, then to Judge Conrad, and then to Chief Judge Whitney.

5. Any civil case in which Judge Cogburn has a conflict shall be reassigned in the following order taking into consideration potential conflicts: first to Judge Reidinger, then to Senior Judge Mullen, and then to Judge Voorhees, then to Judge Conrad, and then to Chief Judge Whitney.
6. Judge Reidinger shall continue to be assigned all “prisoner cases” (cases in which the plaintiff is a former criminal defendant relating to his conviction, including those alleging claims pursuant to 28 U.S.C. §§ 2255, 2241, 1651, audita querella or corum nobis, but not those identified below in Paragraph 8) in which he was the presiding judge in the underlying criminal case. He shall also be assigned all prisoner cases in which Judge Thornburg was the presiding judge in the underlying criminal case.
7. Any case that is remanded for further proceedings pursuant to a mandate of the U.S. Court of Appeals for the Fourth Circuit in which Judge Thornburg was the presiding judge shall be assigned to Judge Reidinger.
8. Chief Judge Whitney shall be assigned all prisoner pro se cases filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases).
9. Non-consent civil cases are referred to Magistrate Judge Howell for all pretrial proceedings in accordance with Judge Reidinger’s and Judge Cogburn’s referral orders with the exception of all social security cases. Consent cases will be handled by Magistrate Judge Howell for all purposes and in all respects. Pretrial matters in criminal cases are referred to Magistrate Judge Howell.

The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.

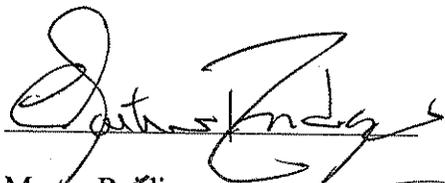
IT IS SO ORDERED, this 20th day of August 2013.



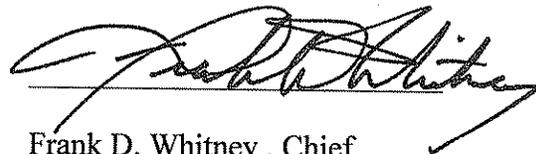
Robert J. Conrad, Jr.,
United States District Court Judge



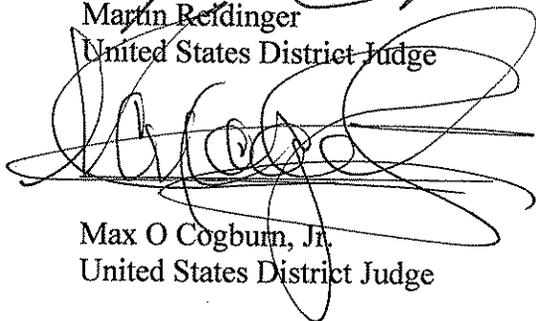
Richard L. Voorhees
United States District Judge



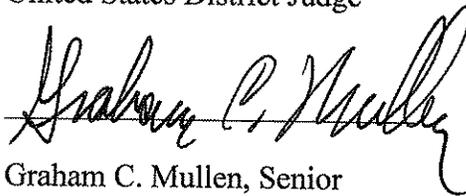
Martin Reidinger
United States District Judge



Frank D. Whitney , Chief
United States District Judge



Max O Cogburn, Jr.
United States District Judge



Graham C. Mullen, Senior
United States District Judge