

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

MISC. NO. 5;13 MC 3

**IN RE: ALLOCATION OF STATESVILLE  
DIVISION CASES  
ORDER**

The following case assignment allocations will be applied in the Statesville Division and supersede all other prior orders as they may relate to the Statesville Division. Unless specifically stated otherwise, these case assignment allocations are effective October 1, 2013.

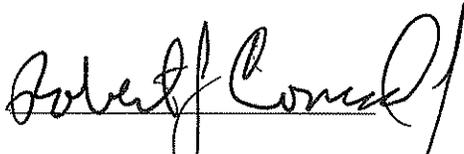
- 1.) All Statesville Division criminal cases will be assigned to Judge Voorhees.
- 2.) Any criminal case filed in the Statesville Division in which Judge Voorhees must recuse himself due to a conflict shall first be assigned to Judge Cogburn, then to Chief Judge Whitney, then to Judge Conrad and then to Judge Reidinger.
- 3.) Judge Voorhees shall be assigned all civil cases, including actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions. Death penalty and social security cases are subject of a separate allocation order and, therefore, are not automatically assigned to Judge Voorhees when filed in the Statesville Division.
- 4.) Judge Voorhees shall continue to be assigned all 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case.
- 5.) Any civil cases in which Judge Voorhees has a conflict shall be reassigned in the following order taking into consideration potential conflicts: Judge Cogburn, then to Senior Judge Mullen, then to Judge Conrad, then to Chief Judge Whitney, then to Judge Reidinger.
- 6.) 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).
- 7.) Non-consent civil cases, with the exception of social security cases are referred to Charlotte Division magistrate judges by docket number for all pretrial proceedings and in accordance with any standing Orders of reference issued by a district judge. Consent cases will be handled by Charlotte Division magistrate judges for all purposes and in all respects. The general division of cases between magistrate judges shall be according to docket number with odd numbered cases

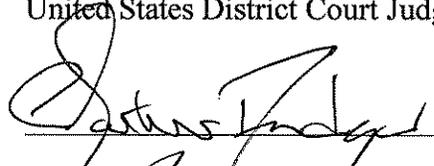
being assigned to Magistrate Judge Keesler and even numbered cases being assigned to Magistrate Judge Cayer.

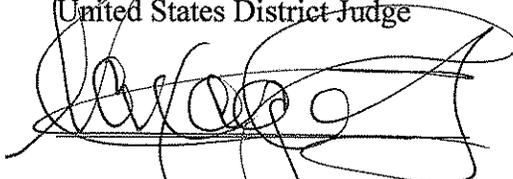
- 8.) The rules allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order Number 3: 07-MC-61.

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 19<sup>th</sup> day of August, 2013.

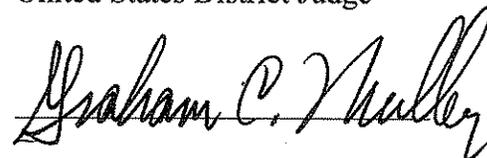
  
Robert J. Conrad, Jr.  
United States District Court Judge

  
Martin Reidinger  
United States District Judge

  
Max O Cogburn, Jr.  
United States District Judge

  
Richard L. Voorhees  
United States District Judge

  
Frank D. Whitney, Chief  
United States District Judge

  
Graham C. Mullen, Senior  
United States District Judge