

**Title II. Commencement of Action; Service of Process, Pleadings,  
Motions, and Orders**

**F.R.Civ.P. 3. Commencing an Action**

**LRCiv 3.1**

**CIVIL COVER SHEET; PATENT, TRADEMARK, AND COPYRIGHT NOTICES**

(a) **Civil Cover Sheet.** A pleading initiating a civil action must be accompanied by a completed JS 44 Civil Cover Sheet form. The Clerk is authorized and instructed to require a complete and executed AO form JS 44, Civil Cover Sheet, which shall accompany each civil case to be filed.

(b) **Detainees and Pro Se Litigants.** Persons filing civil cases who are at the time of such filing in custody of Civil, State, or Federal institutions, and persons filing civil cases pro se, are exempted from the foregoing requirements.

(c) **Patent, Trademark, and Copyright Notices.** A pleading initiating an action that includes a patent, trademark, or copyright claim must be accompanied by a Notice of Filing—Copyright, Trademark or Patent Information and the appropriate completed AO 120 (patent and trademark) or AO 121 (copyright) form(s). If any other patent, trademark, or copyright is later included in the action by amendment, answer, or other pleading, the document must be accompanied by a supplemental Notice and the appropriate form(s).

## LRCiv 16.2

### DIFFERENTIATED CASE MANAGEMENT

(a) **Statement of Purpose and Scope of Authority.** Pursuant to the Civil Justice Reform Act, 28 U.S.C § 471 et seq., the United States District Court for the District of Arizona has, ~~effective December 1, 1993,~~ established a Differentiated Case Management (“DCM”) system, ~~which~~ to screens cases for complexity, assigns cases to specific tracks based on that complexity, and manages cases to disposition according to predetermined milestones established for the respective tracks.

(b) **Tracks.** Unless otherwise ordered by the assigned District Judge or Magistrate Judge, the type of cases identified in the following tracks must be assigned as follows:

(1) Expedited Track.

(A) Assignment.

(i) Cases are assigned to this track ~~by the Clerk of Court~~ based on nature of suit, and are those ~~which~~ that usually are resolved on the pleadings. Expedited Track cases include:

Bankruptcy appeals;

Social Security appeals;

Student Loan, Veteran's Benefits, and other recovery actions;

Forfeiture/Penalty actions;

Freedom of Information Act (FOIA) actions;

Office of Navajo and Hopi Indian Relocation actions;

Summons and Subpoena Enforcement actions.

(ii) Other cases may be assigned to this track based on complexity. Such determination may be made either by the parties at filing, or by the Court at a preliminary scheduling conference.

(iii) A case in a nature of suit listed in (i) above, but which may have more complex issues or facts, may likewise be assigned to another track.

(B) Management. A preliminary scheduling conference is not required; however, a scheduling order ~~shall be~~ will issued.

(2) ~~Prisoner Pro Se~~ Detainee Track.

(A) Assignment. All cases filed by criminal or civil detainees are assigned to this track ~~Cases are assigned to this track by the Clerk of Court based on nature of suit and are administered by the District's Prisoner Pro Se Staff Attorneys' Office. Natures of suit include General Habeas Corpus cases, Motions to Vacate Sentence, Mandamus Petitions, and Prisoner Civil Rights actions, which include civil rights complaints lodged or filed by pro se prisoners challenging the conditions of their confinement pursuant to 42 U.S.C. § 1983, Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), or otherwise, and all other civil rights claims relating to the investigation and prosecution of criminal matters or to correctional agencies and institutions in connection with their decisions or acts arising out of their custodial functions.~~

(B) Management.

(i) Habeas Corpus and Mandamus Actions. A service order will set the briefing schedule.

(ii) All Other Actions Filed by Pro Se Detainees. ~~Prisoner Civil Rights Actions shall be managed according to the following deadlines. The A~~ service order ~~shall include a scheduling order, setting:~~ will set the

(i) ~~maximum date to effect service, as the limit set in pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, or sixty (60) days from filing of the service order, whichever is later;~~ When the first defendant makes an appearance in the action, a scheduling order will issue setting:

(ii) (I) a discovery cutoff one-hundred fifty (150) days from the date the scheduling order issues ~~maximum service date determined according to (i) above; and~~

(iii) (II) a dispositive motion or ~~proposed pretrial order~~ filing deadline one-hundred eighty (180) days from the date the scheduling order issues ~~maximum service date determined according to (i) above.~~

(iii) Detainee Actions Filed by an Attorney. After a screening order issues, the Court may assign these cases to the Standard Track.

(3) Standard Track.

(A) Assignment. Cases ~~which~~ that do not meet the criteria of the Expedited or ~~Prisoner/Pro Se~~ Detainee tracks, and are not determined to be complex, are assigned to this track.

(B) Management.

(i) A preliminary scheduling conference, pursuant to Rule 16 of the Federal Rules of Civil Procedure, ~~shall~~ will be scheduled within one-hundred eighty (180) days of filing, and conducted by the assigned District Judge or his or her designee, or the assigned Magistrate Judge.

(ii) If the assigned District Judge or Magistrate Judge is unable to try the case on the date set for trial, the case may be referred to the Chief Judge for reassignment to any available District Judge or Magistrate Judge.

(4) Complex Track.

(A) Assignment. Complex cases are those which require extensive judicial involvement, and ~~shall~~ will be so designated by the District Judge or Magistrate Judge, counsel, and parties.

(B) Management. A preliminary scheduling conference ~~shall~~ will be conducted before the assigned District Judge or Magistrate Judge for all cases on this Complex track, and an initial scheduling order, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, ~~shall be~~ will issued following ~~such~~ the conference.

(C) Multidistrict litigation. An attorney filing a complaint, answer, or other pleading ~~involving in~~ in a case ~~which~~ that may involve multidistrict litigation (see 28 U.S.C. § 1407), ~~shall~~ must file, with the ~~filing of the pleading, file in writing with the Clerk of the Court and the Judge to whom the case has been assigned,~~

paper describing the nature of the case listing the title(s) and number(s) of any other related case(s) filed in this or other jurisdictions.

## **F.R. Civ.P. 42. Consolidation; Separate Trials**

### **LRCiv 42.1.**

#### **TRANSFER OF CASES; FILING OF MOTIONS TO TRANSFER OR CONSOLIDATE; RESPONSIVE AND REPLY MEMORANDA; ASSIGNMENT**

(a) **Transfer of Cases.** When two or more cases are pending before different Judges, a party in any of those cases may file a motion to transfer the case or cases to a single Judge on the ground that the cases: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same questions of law; or (5) for any other reason would entail substantial duplication of labor if heard by different Judges.

(b) **Filing of a Motion to Transfer or Consolidate.** A motion to transfer under subparagraph (a) or a motion to consolidate under Rule 42(a) of the Federal Rules of Civil Procedure must identify all the cases that are the subject of the motion by case name and case number. The movant must file the motion in a case in which the movant is a party. If the movant is a party in more than one of the affected cases, the movant must file the motion in the case with the lowest case number in which the movant is a party. The ECF System or (when the movant is not an ECF Registered User) the Clerk's Office will electronically file the motion in each affected case identified in the motion. The motion will be heard and decided, after consulting with the Judges assigned to the other affected cases, in the case with the lowest case number that is assigned to a District Judge. If the affected cases are assigned only to Magistrate Judges, the Magistrate Judge assigned to the case with the lowest case number will hear and decide the motion after consulting with the Magistrate Judges assigned to the other affected cases.

(c) **Responsive and Reply Memoranda.** Any party in any case that is the subject of a motion to transfer or consolidate may file a responsive memorandum, and the movant may file a reply memorandum. Any responsive or reply memorandum must identify all the cases affected by the underlying motion. The filer must file the responsive or reply memorandum in a case in which the filer is a party. The ECF System

or (when the filer is not an ECF Registered User) the Clerk's Office will electronically file the responsive or reply memorandum in each affected case identified in the memorandum.

**(d) Assignment.** If a motion to transfer or consolidate is granted, the following factors may be considered in determining the Judge to whom the case or cases will be assigned: (1) whether substantive matters have been considered in a case; (2) which Judge has the most familiarity with the issues involved in the cases; (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other factor serving the interest of judicial economy.

**(e) Voluntary Judicial Reassignment of Cases.** In any of the following circumstances, a Judge may transfer a case to another Judge with that Judge's consent and with notice to the Chief Judge:

- (1) If the transferee Judge previously adjudicated a case that:
  - (A) arose from substantially the same transaction or event;
  - (B) involved substantially the same parties or property;
  - (C) involved the same patent, trademark, or copyright; or
  - (D) called for the determination of substantially the same questions of law;
- (2) For any other reason which would entail substantial duplication of labor if heard by the transferor Judge; or
- (3) For reasons of judicial economy and the availability of judicial resources.

**F.R.Civ.P. 79. Records Kept by the Clerk**

**LRCiv 79.1**

**CUSTODY AND DISPOSITION OF NON-ELECTRONICALLY SUBMITTED  
EXHIBITS, ADMINISTRATIVE RECORDS, AND SEALED DOCUMENTS**

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**(g) Sealed Documents – Search Warrants, Orders on Pen Registers, Orders on Trap and Trace Devices, and Mobile Tracking Device Warrants.** Unless otherwise ordered by the Court, any search warrant, order on pen register, order on trap and trace device, or mobile tracking device warrant ordered sealed by a magistrate judge in a criminal matter on or after December 1, 2014, will be unsealed 180 days after the file date of the search warrant or the expiration date of the pen/trap order or tracking warrant. At least 60 days before the expiration of the sealing order, the Clerk of Court must notify the Criminal Chief at the Office of the United States Attorney, or his or her designee, of the date when the documents will be unsealed. Before the expiration of the sealing order, the government may move the court to extend the sealing order. A motion to extend a sealing order may be filed ex parte. Documents that have been unsealed may be destroyed when eligible under the Records Disposition Schedule in the *Guide to Judiciary Policy*.



**LRCiv 83.1**  
**ATTORNEYS**

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(c) **Subscription to Court Electronic Newsletters.** Registered users of the Court's Electronic Case Filing (ECF) system must subscribe to the USDC District of Arizona News (at ~~www~~www2.azd.uscourts.gov/subscribe) to receive email notices relating to new or updated local rules, general orders, and electronic case filing procedures.

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## F.R.Crim.P. 16. Discovery and Inspection

### LRCrim 16.1

#### CONFESSIONS AND ADMISSIONS

(a) **Written Notice of Statements to be Used.** Consistent with Rule 16(a)(1) of the Federal Rules of Criminal Procedure, unless otherwise ordered, the United States Attorney shall give written notice to the Defendant through his or her attorney of any and all written or oral confessions, admissions, or statements of the Defendant which the government intends to use during the course of the trial.

(b) **Objections to Above.** The Defendant's attorney shall, unless otherwise ordered, file ~~with the Clerk and notify the United States Attorney of the~~ a motion setting forth objections, if any, which Defendant may have to the admissibility of such confessions, admissions, or statements. Upon request of the Defendant's attorney, the Court shall ~~fix a time and place for~~ set a hearing to consider such objections and ~~determining~~ the admissibility of the alleged confessions, admissions, or statements. However, no evidentiary hearing or oral argument need be set or held unless the Defendant's moving papers allege facts sufficient to enable the Court to conclude that contested issues of fact or law exist.

**Title VII. Post-Conviction Procedures**  
**F.R.Crim.P. 32. Sentencing and Judgment**

**LRCrim 32.1**

**SENTENCING - PRESENTENCE INVESTIGATIONS**

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**(d) Preparation and Use of Presentence Reports.**

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(3) The Probation Office, ~~after sentencing,~~ will file under seal ~~retain~~ the original (final) copy of the presentence report on behalf of the Clerk of the Court. When a request is made to the Clerk's Office to view a copy of the presentence report, the request shall be referred to the Probation Office. If appropriate, the Probation Office shall prepare for the requestor a copy of the presentence report exclusive of the Rule 32(d)(3), Fed.R.Crim.P., information.

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