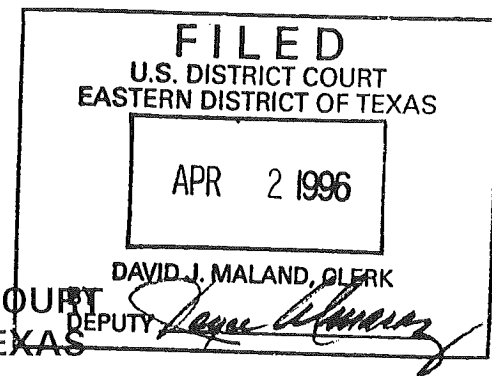


General Order No. 96- 6

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



GENERAL ORDER REGARDING PHYSICAL EXHIBITS AND HAZARDOUS PAPERS OR
ITEMS SENT TO THE COURT

It is hereby ORDERED that prisoners and other litigants shall not send to this court (including the district clerk, any judges and any other court agency) papers or items that constitute a health hazard as defined below. Prisoners and other litigants also shall not send physical exhibits to this court (including the district clerk, any judges and any other court agency) prior to trial without permission of the court.

It is further ORDERED that the clerk is authorized to routinely and immediately dispose of, without seeking a judge's permission, any papers or items sent to the court by prisoners or litigants that are smeared with or contain blood, hair, food, feces, urine or other body fluids. Although "[t]he clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form," Fed.R.Civ.P. 5(e), papers or items containing or smeared with excrement or body fluids can be excepted from this rule on the ground that they constitute a health hazard to court employees and can be refused by the clerk for that reason, which is a reason other than improper form.

The clerk also shall return to the prisoner or litigant any physical exhibits not mentioned above, except for weapons and drugs, on ground that they cannot be filed

prior to trial without express permission of the court. In the event weapons or drugs are received, the clerk shall notify the judge assigned to the case of that fact, or in the event that no case has been assigned, the chief judge.

The clerk shall maintain a log of the items that are disposed of pursuant to this general order. The log shall contain the case number and style, if any, the name of the prisoner or litigant who sent the offending materials, and a brief description of the item disposed of. The clerk shall convey a copy of this order to the Texas Department of Criminal Justice - Institutional Division for appropriate dissemination. The clerk also shall notify the prisoner/litigant and, if applicable, the warden or other supervising official of the appropriate correction facility that the item in question was destroyed pursuant to this general order and that sanctions will be imposed if the prisoner continues to forward papers, items or physical exhibits in violation of this general order.

Signed this 28th day of March, 1996.

FOR THE COURT:

A handwritten signature in cursive script that reads "Richard A. Schell". The signature is written in black ink and is positioned above a horizontal line.

RICHARD A. SCHELL
Chief Judge