



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

GENERAL ORDER AMENDING LOCAL RULE 4

It is hereby ORDERED that the following amendment to Local Rule 4 concerning the filing of papers, having been approved by the judges of this court, is adopted for immediate implementation:¹

RULE 4

FILING OF PAPERS

(a) Generally.

(1) When offered for filing, all papers shall be (1) endorsed with the style and number of the action and a statement of the character of the paper (e.g., COMPLAINT, MOTION TO DISMISS), (2) plainly written, typed, or printed, double-spaced, on 8 ½ inch by 11 inch white paper, stapled at the top only, and punched at the top center with two holes 2 7/8 inches apart, (3) signed by the attorney in charge and contained beneath the signature line his or her name, bar I.D. number, post office address and telephone number. "Blue backs" and other covers are not to be submitted with papers. No brief or motion shall be filed with the court with a font or typeface smaller than twelve (12) point type (12 characters per inch). A certificate of service must be attached to and made a part of all papers when required by the Federal Rules of Civil or Criminal Procedure.

(2) The original and one copy of pleadings, motions and other papers shall be filed with the Clerk. Except where a judge has not yet been assigned to a case, pleadings, motions and other papers shall include in the case caption the last name or initials of the (a) assigned district judge and (b) the appropriate magistrate judge, in the event that a case has been referred to a magistrate

New language appears in redline text; omitted language appears in ~~strikeout~~ text.

judge for disposition.

(b) Complaint, Summons and Return.

(1) The original and one copy of the complaint in a civil action must be filed with the Clerk. Any waiver of service of summons shall be done in accordance with Rule 4(d), Fed.R.Civ.P. If service of summons is not waived, an original and two copies of the summons in a civil action must be prepared by the attorney for the plaintiff and submitted for each defendant to be served with a copy of the complaint. Additional copies of the complaint and summons in a civil action may be required by the Clerk for service through certain governmental agencies or on certain governmental defendants. The Clerk is required to collect the filing fee authorized by federal statute before accepting a complaint for filing.

(2) Service of civil process shall not be executed by the United States Marshal except for government initiated process, ~~in forma pauperis process,~~ extraordinary writ or when ordered to do so by a judge.

(a) The attorney (or any plaintiff if acting pro se) seeking service of civil process upon a pleading filed in this district will be responsible for designating a person over the age of 18 years who is not a party or attorney in the case, to make service.

(b) Service may be made by such designated person by personal service pursuant to Rule 4(d) 1-6 Fed.R.Civ.P. or by mailing a copy of the pleadings and summons by registered or certified mail to the person (restricted to addressee only) with return receipt requested. ~~PERSONAL SERVICE IS REQUIRED ON THE UNITED STATES ATTORNEY.~~

(c) The attorney (or pro se plaintiff) shall file a return or affidavit with the Clerk reflecting whether or not service was completed, together with a copy of the return receipt.

(d) The service of subpoenas shall be completed pursuant to Rule 45(c), Fed.R.Civ.P. and Rule 17(d), FRCrP Fed.R.Crim.P. A subpoena may be served by any person who is not a party or attorney in the case and who is not less than 18 years of age.

(e) The party requesting service shall be responsible for preparing all process forms to be supplied by the Clerk. When process other than

~~summons or subpoenas~~ are 15 to be served by the United States Marshal,
the party seeking service shall complete the required U.S. Marshal Form
285.

* * * * *

[residual text of Local Rule 4 remains the same].

Signed this 27th day of September, 1996.

FOR THE COURT:

Richard A. Schell

RICHARD A. SCHELL
Chief Judge