

General Order No. 97-21

FILED-CLERK
U.S. DISTRICT COURT

97 DEC 23 PM 12:27

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS TX EASTERN - BEAUMONT

GENERAL ORDER AMENDING LOCAL RULES CV-10 and CR-49

It is hereby ORDERED that the following amendments to Local Rules CV-10 and CR-49, having been approved by the judges of this court, are adopted for immediate implementation:

LOCAL RULE CV-10 Form of Pleadings

(a) Generally. 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 1/2 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 contain 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 and 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 Procedure.

(b) Deficient pleadings/documents. The clerk shall monitor papers for compliance with the federal and local rules as to format and form. If the paper sought to be filed is deficient as to form, the clerk shall immediately notify counsel, who should be given a reasonable opportunity to cure the perceived defect. If the perceived defect is not cured in a timely fashion, the clerk shall refer the matter to the appropriate district or magistrate judge for a ruling as to whether the papers should be made part of the record.

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LOCAL RULE CR-49 Service and Filing of Papers

(a) Generally. 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., MOTION TO SUPPRESS), (2) plainly written, typed, or printed, double-spaced, on 8 1/2 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 contain 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 and 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 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 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 judge for disposition.

(3) **Deficient Documents.** The clerk shall monitor papers for compliance with the federal and local rules as to format, page length and form. If the paper sought to be filed is deficient, the clerk shall immediately notify counsel, who should be given a reasonable opportunity to cure the perceived defect. If the perceived defect is not cured in a timely fashion, the clerk shall refer the matter to the appropriate district or magistrate judge for a ruling as to whether the papers should be made part of the record.

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Signed this 23rd day of December, 1997.

FOR THE COURT:



RICHARD A. SCHELL
Chief Judge