

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**IN RE: PROCEDURES FOR PRISONER CASES AND PROVISIONS  
FOR CUSTODY OF PRISONERS**

**STANDING ORDER NO. 2013 - 6**

(a) **Additional Procedures for Prisoner Civil Rights Cases.** In order to reduce the costs and expenses borne by the Court and by the parties in litigation of prisoner civil rights cases and petitions for writs of habeas corpus, special procedures are established in this district for processing such cases. Accordingly, the Court may direct a party or parties in a prisoner civil rights case to file a motion for summary judgment supported by affidavits. Failure to comply with such an order in an appropriate case may result in the imposition of sanctions including, but not limited to, motion preclusion at trial.

(b) **Filing and Processing all Prisoner Civil Rights Cases and Petitions for Writs of Habeas Corpus.** In order to facilitate the establishment of a unified system for processing and disposing of prisoner civil rights cases, federal prisoner tort claims cases, and petitions for writs of habeas corpus, all such cases shall be received and processed in the Roanoke division, except for counseled prisoner cases filed in the Abingdon and Big Stone Gap divisions. For purposes of this Standing Order, the terms “prisoner civil rights cases,” “federal prisoner tort claims cases,” and “petitions for writs of habeas corpus” are deemed to include the following: (1) civil rights complaints filed pursuant to 42 U.S.C. § 1983; (2) civil rights complaints filed pursuant to 28 U.S.C. § 1331 (*Bivens* actions); (3) habeas corpus petitions filed pursuant to 28 U.S.C. § 2241 (federal habeas); (4) habeas corpus petitions filed pursuant to 28 U.S.C. § 2254 (state habeas); (5) habeas corpus petitions filed pursuant to 28 U.S.C. § 2255 (federal habeas); and (6) Federal Tort Claims Act actions filed by federal prison inmates pursuant to 28 U.S.C. §§

2671-2680. All such cases are referred to United States Magistrate Judge Robert S. Ballou for purposes of consideration and ruling as to any and all nondispositive, pretrial matters and motions as may arise, pursuant to 28 U.S.C. § 636 (b)(1)(A). All such cases, with the exception of § 2255 motions, will be assigned a Roanoke division docket number. To the extent practicable, however, courtroom proceedings in these cases will be conducted in the division of court where the case arose.

**(c) Abingdon and Big Stone Gap Counseled Cases.** All counseled prisoner cases filed in the Abingdon and Big Stone Gap divisions shall be retained in those divisions and assigned an appropriate number.

**(d) Transportation of Prisoner-Witnesses by Law Enforcement Agents.** All federal law enforcement agents, including deputized federal task force officers, with the concurrence of the United States Marshals Service, are authorized to transport prisoner-witnesses to and from the United States Marshals Service holding cells within the Western District of Virginia for interview by the United States Attorney, or his designee, as needed, and to take the prisoner-witness to the office of the federal agents having this temporary custody of the prisoner-witness for the interview. The federal law enforcement agents who are moving the prisoner-witnesses must remain with the prisoner-witnesses at all times until the prisoner-witnesses are returned to the custody of the United States Marshal. The United States Attorney's Office must give proper advanced notice to the United States Marshals Service so that the prisoner will be available in the holding cell. The law enforcement agents taking custody of the prisoner-witnesses will sign a receipt at the time of taking custody of the prisoner-witness from the United States Marshals Service. At no time will the leg restraints be removed from the prisoner outside of the holding cells. A minimum of two law enforcement agents, one of whom must be a federal

law enforcement agent or deputized federal task force officer, must accompany each prisoner at all times.

(e) **Temporary Custody of Inmates by U.S. Marshal.** The United States Marshal for the Western District of Virginia must, upon receipt of an appropriate order from a circuit court of the Commonwealth of Virginia, entered pursuant to the Agreement of Temporary Custody dated November 10, 1975, by and between the Attorney General of Virginia and the United States Attorney for the Western District of Virginia, approved by this Court on December 19, 1975, and the purposes stated therein, temporarily relinquish federal custody of named individuals to appropriate officials of the Commonwealth of Virginia.

This Standing Order supersedes all other prior standing orders pertaining to the handling of prisoner civil rights cases and all petitions for writs of habeas corpus cases. Accordingly, the court's Interim Standing Order No. 2011-3 dated October 7, 2011, is rescinded.

It is so **ORDERED**.

For the Court:

ENTER: July 1, 2013



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Chief United States District Judge