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AT ROANOKE, VA
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9/18/2020

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DEPUTY CLERK

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. 2020-16

(a) Prisoner Cases. In order to reduce the costs and expenses borne by the Court and by the parties in litigation of prisoner cases, special procedures are established in this district for processing such cases. For purposes of this Standing Order, the term "prisoner cases" shall include the following types of actions, filed *pro se* by prisoners or former prisoners, when the action concerns prison-related issues: (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) Federal Tort Claims Act actions pursuant to 28 U.S.C. §§ 2671-2680; and (4) petitions for Writ of Mandamus. The term "prisoner cases" shall also include: (5) habeas corpus petitions filed pursuant to 28 U.S.C. § 2241 (federal habeas); (6) habeas corpus petitions filed pursuant to 28 U.S.C. § 2254 (state habeas); and (7) motions to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 (federal habeas).

(b) Filing and Processing Prisoner Cases. In order to facilitate the establishment of a unified system for processing and adjudicating prisoner cases, all such cases shall be received and processed in the Roanoke division. With the exception of § 2255 motions, prisoner cases will be assigned a Roanoke division case number. To the extent practicable, however, courtroom proceedings in these cases will be conducted in the division where the cause of action arose.

(c) Referral to Magistrate Judges. Prisoner cases are referred to a magistrate judge, pursuant to 28 U.S.C. § 636(b)(1)(A), for purposes of consideration and ruling as to all nondispositive, pretrial matters and motions. Prisoner cases assigned to District Judges Jones and

Conrad are referred to United States Magistrate Judge Pamela Meade Sargent. Prisoner cases assigned to District Judges Urbanski, Dillon, and Moon are referred to United States Magistrate Judge Joel C. Hoppe. Prisoner cases assigned to District Judges Cullen and Kiser are referred to United States Magistrate Judge Robert S. Ballou.

(d) Cases Filed by Counsel. Cases filed by counsel pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 1331 (*Bivens*), and the Federal Tort Claims Act shall be received and processed in the division where the cause of action arose.

(e) Summary Judgment. The Court may direct a party or parties in a prisoner 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.

(f) 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.

(g) Temporary Custody of Inmates by U.S. Marshal. The United Sates 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.

(h) Effect. This Standing Order supersedes all other prior standing orders pertaining to the handling of prisoner cases. Accordingly, the Court's Standing Order No. 2019-5 dated August 2, 2019, is rescinded.

It is so **ORDERED.**

For the Court:

ENTER: September 18, 2020

Chief United States District Judge