

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

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE, VA
FILED

DEC 29 2023

LAURA A. AUSTIN, CLERK
BY: 
DEPUTY CLERK

IN RE: DIVISION OF CASES)
 AMONG DISTRICT JUDGES) STANDING ORDER
) No. 2023-29

The Clerk of Court is directed to implement the random assignment of cases and miscellaneous proceedings as follows:

- (1) Abingdon Division. All civil cases and miscellaneous civil proceedings are to be assigned to Senior Judge James P. Jones. All criminal cases and miscellaneous criminal proceedings are to be assigned to Judge Robert S. Ballou.
- (2) Charlottesville Division. All civil cases and miscellaneous civil proceedings: Two cases to Judge Robert S. Ballou, and one case to Senior Judge Norman K. Moon. All criminal cases and miscellaneous criminal proceedings: One case to Judge Robert S. Ballou and two cases to Senior Judge Norman K. Moon.
- (3) Danville Division. All cases and miscellaneous proceedings are to be assigned to Judge Thomas T. Cullen.
- (4) Harrisonburg Division. All civil cases and miscellaneous civil proceedings: one case to Judge Elizabeth K. Dillon and one case to Chief Judge Michael F. Urbanski. All criminal cases and miscellaneous criminal proceedings: one case to Judge Elizabeth K. Dillon and one case to Judge Thomas T. Cullen.
- (5) Lynchburg Division. All cases and miscellaneous proceedings are to be assigned to Senior Judge Norman K. Moon.

(6) Roanoke Division. Cases and miscellaneous proceedings are to be assigned on rotation in the following manner.

- a. All prisoner cases, as defined by separate Standing Order of the Court: one case to Senior Judge James P. Jones, one case to Chief Judge Michael F. Urbanski, one case to Judge Elizabeth Dillon, one case to Judge Thomas T. Cullen, and one case to Judge Robert S. Ballou.
- b. All civil cases and miscellaneous civil proceedings: one case to Chief Judge Michael F. Urbanski, one case to Judge Elizabeth K. Dillon, one case to Judge Thomas T. Cullen, and one case to Judge Robert S. Ballou.
- c. All criminal cases and miscellaneous criminal proceedings: nine cases to Judge Elizabeth K. Dillon, nine cases to Judge Thomas T. Cullen, and two cases to Judge Robert S. Ballou.

(7) Capital Cases. Criminal cases in which one or more of the defendants is eligible for the death penalty are to be assigned to the active district judges in the rotation of criminal cases for the division in which the case arises. If there is more than one active district judge in the rotation of criminal cases for that division, the case is to be assigned to the active district judge next in rotation who is not currently assigned a capital case, or who is currently assigned the least number of capital cases. If there is no active judge in the rotation for the division, the case is to be assigned to an active district judge by the Chief Judge, taking into account the desire to balance capital cases among the active district judges. Habeas cases in which the petitioner is under sentence of death are to be assigned to the active district judges in the district in rotation by order of seniority, regardless of the division in which the case arose.

(8) Miscellaneous—Case Conflicts and Related Cases.

- a. Conflicts. Assignment of cases in which a judge has a conflict will be made in the following manner.
- i. Abingdon. Judge Robert S. Ballou will be assigned civil cases in which Senior Judge James P. Jones has a conflict. Judge Thomas T. Cullen will be assigned criminal cases in which Judge Robert S. Ballou has a conflict.
 - ii. Charlottesville. In the event a judge has a conflict in a case or miscellaneous proceeding that would have been assigned him/her under the rotation, the Clerk shall assign that case to the next judge in the rotation without a conflict and shall assign the disqualified judge two cases when he/she is next in the rotation.
 - iii. Danville. Chief Judge Michael F. Urbanski will be assigned cases in which Judge Thomas T. Cullen has a conflict.
 - iv. Harrisonburg. In the event a judge has a conflict in a case or miscellaneous proceeding that would have been assigned him/her under the rotation, the Clerk shall assign that case to the next judge in the rotation without a conflict and shall assign the disqualified judge two cases when he/she is next in the rotation.
 - v. Lynchburg. Judge Elizabeth K. Dillon will be assigned cases in which Senior Judge Norman K. Moon has a conflict.
 - vi. Roanoke. In the event a judge has a conflict in a case or miscellaneous proceeding that would have been assigned him/her under the rotation, the Clerk shall assign that case to the next judge in the rotation without a conflict and shall assign the disqualified judge two cases when he/she is next in the rotation.

vii. Chief Judge. If all judges assigned to a division have a conflict or are unable to hear a given case, the Chief Judge will assign the case.

b. Related Cases. The Clerk shall assign a new case or miscellaneous proceeding that is related to a pending case or miscellaneous proceeding within the division to the district judge before whom the related case or miscellaneous proceeding is pending, and in the event of multiple related filings (five or more related cases), shall obtain the guidance of the judges within the division before making the assignment and determining its effect on the rotation within the division.

(9) Nothing in this order shall be construed to prevent any district judge from relinquishing any case on his/her docket or from reassigning any case on his/her docket to a judge in a rotation in that division with the consent of the judge to whom the case is reassigned. When a judge reassigns a case to another judge, an order will be entered transferring that case to the second judge's docket. If the assignment is for a limited purpose, the order shall state the limits of the second judge's involvement, so that the Clerk's Office and parties are fully informed.

(10) This Standing Order supersedes all prior case assignment orders and memoranda of this Court and shall take effect on Tuesday, January 2, 2024.

It is **SO ORDERED**.

ENTER: This 29th day of December, 2023.


Michael F. Urbanski
Chief U.S. District
Judge
2023.12.29 12:14:13
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Michael F. Urbanski
Chief United States District Judge