

To look up a section, use this format: **28 USC Sec. #**

-CITE-

28 USC CHAPTER 5 - DISTRICT COURTS

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

CHAPTER 5 - DISTRICT COURTS

-MISC1-

Sec.

81. Alabama.

[81A-130 omitted]

131. Wyoming.

132. Creation and composition of district courts.

133. Appointment and number of district judges.

134. Tenure and residence of district judges.

135. Salaries of district judges.

136. Chief judges; precedence of district judges.

137. Division of business among district judges.

138. Terms abolished.

139. Times for holding regular sessions.

140. Adjournment.

141. Special sessions; places; notice.

[142. Repealed.]

143. Vacant judgeship as affecting proceedings.

144. Bias or prejudice of judge.

HISTORICAL AND REVISION NOTES

Sections 81-131 of this chapter show the territorial composition of districts and divisions by counties as of January 1, 1945. All references to dates were omitted as unnecessary.

All references to fixed terms of holding court were also omitted in order to vest in each district court a wider discretion and greater flexibility in the disposition of its business. Such times will now be determined by rule of court rather than by statute. See sections 138 and 141 of this title.

AMENDMENTS

1982 - Pub. L. 97-164, title I, Sec. 115(c)(3), Apr. 2, 1982, 96 Stat. 32, struck out item 142 "Accommodations at places for holding court".

1963 - Pub. L. 88-139, Sec. 3(a), Oct. 16, 1963, 77 Stat. 248, substituted "Terms abolished" for "Times for holding regular terms"

To look up a section, use this format: **28 USC Sec. #**

in item 138, "Times for holding regular sessions" for "Term continued until terminated" in item 139, and "sessions" for "terms" in item 141.

1958 - Pub. L. 85-508, Sec. 12(a), July 7, 1958, 72 Stat. 348, added item 81A.

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95-408, Oct. 2, 1978, 92 Stat. 883, as "Federal District Court Organization Act of 1978", see note set out under section 1 of this title.

-End-

-CITE-

28 USC Sec. 132

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 132. Creation and composition of district courts

-STATUTE-

(a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.

(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.

(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 895; Pub. L. 88-176, Sec. 2, Nov. 13, 1963, 77 Stat. 331.)

-MISC1-

HISTORICAL AND REVISION NOTES

To look up a section, use this format: **28 USC Sec. #**

Based on title 28, U.S.C., 1940 ed., Sec. 1, and section 641 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, Sec. 86, 31 Stat. 158; Mar. 3, 1909, ch. 269, Sec. 1, 35 Stat. 838; Mar. 3, 1911, ch. 231, Sec. 1, 36 Stat. 1087; July 30, 1914, ch. 216, 38 Stat. 580; July 19, 1921, ch. 42, Sec. 313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, Sec. 1, 44 Stat. 19).

Section consolidates section 1 of title 28, U.S.C., 1940 ed., and section 641 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect the consolidation.

Subsection (c) is derived from section 641 of title 48, U.S.C., 1940 ed., which applied only to the Territory of Hawaii. The revised section, by extending it to all districts, merely recognizes established practice.

Other portions of section 1 of title 28, U.S.C., 1940 ed., are incorporated in sections 133 and 134 of this title. The remainder of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 133 of this title.

AMENDMENTS

1963 - Subsec. (b). Pub. L. 88-176 inserted "regular" before "active service".

CONTINUATION OF ORGANIZATION OF COURT

Section 2(b) of act June 25, 1948, provided in part that the provisions of this title as set out in section 1 of act June 25, 1948, with respect to the organization of the court, shall be construed as a continuation of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on Sept. 1, 1948, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of this title pursuant to his prior appointment.

-End-

-CITE-

28 USC Sec. 133

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

To look up a section, use this format: **28 USC Sec. #**

-HEAD-

Sec. 133. Appointment and number of district judges

-STATUTE-

(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	12
Arkansas:	
Eastern	5
Western	3
California:	
Northern	14
Eastern	6
Central	27
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	15
Southern	17
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5

To look up a section, use this format: **28 USC Sec. #**

Southern	5	
Iowa:		
Northern	2	
Southern	3	
Kansas	5	
Kentucky:		
Eastern	5	
Western	4	
Eastern and Western		1
Louisiana:		
Eastern	12	
Middle	3	
Western	7	
Maine	3	
Maryland	10	
Massachusetts	13	
Michigan:		
Eastern	15	
Western	4	
Minnesota	7	
Mississippi:		
Northern	3	
Southern	6	
Missouri:		
Eastern	6	
Western	5	
Eastern and Western		2
Montana	3	
Nebraska	3	
Nevada	7	
New Hampshire		3
New Jersey	17	
New Mexico	6	
New York:		
Northern	5	
Southern	28	
Eastern	15	
Western	4	
North Carolina:		
Eastern	4	
Middle	4	
Western	4	
North Dakota		2
Ohio:		
Northern	11	
Southern	8	

To look up a section, use this format: 28 USC Sec. #

Oklahoma:		
Northern	3	
Eastern	1	
Western	6	
Northern, Eastern, and Western		1
Oregon	6	
Pennsylvania:		
Eastern	22	
Middle	6	
Western	10	
Puerto Rico	7	
Rhode Island	3	
South Carolina	10	
South Dakota	3	
Tennessee:		
Eastern	5	
Middle	4	
Western	5	
Texas:		
Northern	12	
Southern	19	
Eastern	7	
Western	13	
Utah	5	
Vermont	2	
Virginia:		
Eastern	11	
Western	4	
Washington:		
Eastern	4	
Western	7	
West Virginia:		
Northern	3	
Southern	5	
Wisconsin:		
Eastern	5	
Western	2	
Wyoming	3.	

(b)(1) In any case in which a judge of the United States (other than a senior judge) assumes the duties of a full-time office of Federal judicial administration, the President shall appoint, by and with the advice and consent of the Senate, an additional judge for the court on which such judge serves. If the judge who assumes the duties of such full-time office leaves that office and resumes

To look up a section, use this format: **28 USC Sec. #**

the duties as an active judge of the court, then the President shall not appoint a judge to fill the first vacancy which occurs thereafter in that court.

(2) For purposes of paragraph (1), the term "office of Federal judicial administration" means a position as Director of the Federal Judicial Center, Director of the Administrative Office of the United States Courts, or administrative assistant to the Chief Justice.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 895; Aug. 3, 1949, ch. 387, Sec. 2(a), 63 Stat. 493; Aug. 14, 1950, ch. 708, 64 Stat. 443; Aug. 29, 1950, ch. 819, Sec. 1, 64 Stat. 562; Sept. 5, 1950, ch. 848, Sec. 1, 64 Stat. 578; Feb. 10, 1954, ch. 6, Sec. 2(a)(3), 68 Stat. 9; Pub. L. 85-310, Sept. 7, 1957, 71 Stat. 631; Pub. L. 85-508, Sec. 12(c), July 7, 1958, 72 Stat. 348; Pub. L. 86-3, Sec. 9(b), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87-36, Sec. 2(d), May 19, 1961, 75 Stat. 81; Pub. L. 87-562, Sec. 3, July 30, 1962, 76 Stat. 248; Pub. L. 89-242, Sec. 1(c), Oct. 7, 1965, 79 Stat. 951; Pub. L. 89-372, Sec. 4, Mar. 18, 1966, 80 Stat. 77; Pub. L. 91-272, Sec. 1(d), June 2, 1970, 84 Stat. 295; Pub. L. 92-208, Sec. 3(d), Dec. 18, 1971, 85 Stat. 742; Pub. L. 95-408, Sec. 4(b)(2), Oct. 2, 1978, 92 Stat. 885; Pub. L. 95-486, Sec. 1(c), Oct. 20, 1978, 92 Stat. 1630; Pub. L. 97-471, Sec. 3, Jan. 14, 1983, 96 Stat. 2601; Pub. L. 98-353, title II, Sec. 202(e), July 10, 1984, 98 Stat. 348; Pub. L. 101-650, title II, Sec. 203(d), title III, Sec. 303, Dec. 1, 1990, 104 Stat. 5101, 5105; Pub. L. 105-53, Sec. 4, Oct. 6, 1997, 111 Stat. 1174; Pub. L. 106-113, div. B, Sec. 1000(a)(1) [title III, Sec. 309(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-37; Pub. L. 106-553, Sec. 1(a)(2) [title III, Sec. 305(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-85; Pub. L. 107-273, div. A, title III, Sec. 312(a)(2), (b)(2), Nov. 2, 2002, 116 Stat. 1786, 1787.)

-MISC1-

HISTORICAL AND REVISION NOTES

[omitted]

-CITE-

28 USC Sec. 134

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

To look up a section, use this format: **28 USC Sec. #**

**PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS**

-HEAD-

Sec. 134. Tenure and residence of district judges

-STATUTE-

(a) The district judges shall hold office during good behavior.

(b) Each district judge, except in the District of Columbia, the Southern District of New York, and the Eastern District of New York, shall reside in the district or one of the districts for which he is appointed. Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.

(c) If the public interest and the nature of the business of a district court require that a district judge should maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the district judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 896; Aug. 3, 1949, ch. 387, Sec. 2(b)(1), 63 Stat. 495; Feb. 10, 1954, ch. 6, Sec. 2(b)(13)(a), 68 Stat. 12; Pub. L. 86-3, Sec. 9(c), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87-36, Sec. 2(e)(3), May 19, 1961, 75 Stat. 83; Pub. L. 89-571, Sec. 1, Sept. 12, 1966, 80 Stat. 764; Pub. L. 92-208, Sec. 3(e), Dec. 18, 1971, 85 Stat. 742; Pub. L. 104-317, title VI, Sec. 607, Oct. 19, 1996, 110 Stat. 3860.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 1 and section 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 12, 1900, ch. 191, Sec. 34, 31 Stat. 84; Mar. 3, 1911, ch. 231, Sec. 1, 36 Stat. 1087; Jan. 7, 1913, ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 2, 1917, ch. 145, Sec. 41, 39 Stat. 965; Mar. 4, 1921, ch. 161, Sec. 1, 41 Stat. 1412; Sept. 14, 1922, ch. 306, Sec. 1, 42 Stat. 837; Mar. 26, 1938, ch. 51, Sec. 2, 52 Stat. 118).

Section consolidates the last paragraph of section 1 of title 28, U.S.C., 1940 ed., with portions of section 863 of title 48, U.S.C.,

To look up a section, use this format: **28 USC Sec. #**

1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 1 of title 28, U.S.C., 1940 ed., relating to the number of judges in the various districts are incorporated in section 133 of this title.

A portion of section 863 of title 48, U.S.C., 1940 ed., is retained in said title 48. For remainder of section 863, see Distribution Table.

The exception in subsection (b) "except in the District of Columbia" conforms with the recent decision in *U.S. ex. rel. Laughlin v. Eicher*, 1944, 56 F.Supp. 972, holding that residence requirement of section 1 of title 28, U.S.C., 1940 ed., did not apply to district judges in the District of Columbia. (See reviser's note under section 44 of this title.)

The clause in said last paragraph of section 1 of title 28 providing that any district judge, who violates the residence requirement, shall be deemed guilty of a high misdemeanor, was omitted. This penalty provision was attached to the residence requirement at the time of compilation of the Revised Statutes of 1878, although it is apparent that Congress only intended that the penalty should be invoked upon the unauthorized practice of law. See *U.S. ex. rel. Laughlin v. Eicher*, supra, in which an outline of the history of said section 1 of title 28 is given.

AMENDMENTS

1996 - Subsec. (b). Pub. L. 104-317 inserted "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia," and inserted "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed." at end.

1971 - Subsec. (c). Pub. L. 92-208 struck out provision requiring that one of the district judges for the Eastern District of Louisiana reside in East Baton Rouge Parish, Louisiana.

1966 - Subsec. (a). Pub. L. 89-571 struck out provisions which excepted district judges in Puerto Rico from tenure during good behavior and which instead set eight-year terms for them to be served until their successors were appointed and qualified.

1961 - Subsec. (c). Pub. L. 87-36 required the residence of one of the district judges for the Eastern District of Louisiana to be in East Baton Rouge Parish, Louisiana.

1959 - Subsec. (a). Pub. L. 86-3 struck out provisions which limited district judges in Hawaii to a term of six years.

1954 - Subsecs. (a) and (b) reenacted without change by act Feb. 10, 1954.

Subsec. (c). Act Feb. 10, 1954, substituted entirely new

To look up a section, use this format: **28 USC Sec. #**

provisions giving the judicial council of the circuit the authority to determine residence of district judges when it is in the public interest and the nature of the business of the district court necessitates the presence of a judge at or near a particular place for holding court in the district or within a particular part of the district, for former provisions relating to residence of one of the district judges for the District of Kansas.

Subsecs. (d), (e). Act Feb. 10, 1954, struck out subsecs. (d) and (e) which related to residence of one of the district judges for the Southern District of California and one of the district judges for the Southern District of Texas.

1949 - Subsecs. (c) to (e). Act Aug. 3, 1949, added subsecs. (c) to (e).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-208 effective 120 days after Dec. 18, 1971, see section 3(f) of Pub. L. 92-208, set out as a note under section 98 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-3 effective on admission of Hawaii into the Union, see Effective Date of 1959 Amendment note set out under section 133 of this title. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

TENURE AND SALARY RIGHTS OF JUDGES IN PUERTO RICO IN OFFICE ON SEPTEMBER 12, 1966

Section 4 of Pub. L. 89-571 provided that: "The amendments made by this section to sections 134 and 373 of title 28, United States Code, shall not affect the tenure of office or right to continue to receive salary after resignation, retirement, or failure of reappointment of any district judge for the district of Puerto Rico who is in office on the date of enactment of this Act [Sept. 12, 1966]."

APPLICABILITY OF ORDERS UNDER 1954 AMENDMENT

Section 2(b)(13)(b) of act Feb. 10, 1954, provided: "Orders made by the judicial councils of the circuits under the second sentence of subsection (c) of section 134 of Title 28, as amended by this section, determining that a specified district judge shall maintain his abode at or near a place or within an area which the council has theretofore designated for the abode of a district judge under

To look up a section, use this format: **28 USC Sec. #**

the first sentence of such subsection, shall be applicable only to district judges appointed after the enactment of this act [Feb. 10, 1954]."

-End-

-CITE-

28 USC Sec. 135

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 135. Salaries of district judges

-STATUTE-

Each judge of a district court of the United States shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Mar. 2, 1955, ch. 9, Sec. 1(c), 69 Stat. 10; Pub. L. 88-426, title IV, Sec. 403(c), Aug. 14, 1964, 78 Stat. 434; Pub. L. 94-82, title II, Sec. 205(b)(3), Aug. 9, 1975, 89 Stat. 422.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 5, and District of Columbia Code, 1940 ed., Sec. 11-302 (Mar. 3, 1911, ch. 231, Sec. 2, 36 Stat. 1087; Feb. 25, 1919, ch. 29, Sec. 1, 40 Stat. 1156; Dec. 13, 1926, ch. 6, 44 Stat. 919; May 17, 1932, ch. 190, 47 Stat. 158; July 31, 1946, ch. 704, Sec. 1, 60 Stat. 716).

Section consolidates section 5 of title 28, U.S.C., 1940 ed., and section 11-302 of the District of Columbia Code, 1940 ed.

"Chief judge," in the District of Columbia, was substituted for "Chief Justice" which appeared in section 11-302 of the District of Columbia Code. (See reviser's note under section 136 of this title.)

Words "to be paid in monthly installments" were omitted, since

To look up a section, use this format: **28 USC Sec. #**

the time of payment is a matter of administrative convenience. See 20 Comp. Gen. 834.

The provision of section 5 of title 28, U.S.C., 1940 ed., for salaries of judges of the district court of Alaska was omitted as covered by section 101 of Title 48, U.S.C., 1940 ed., Territories and Insular Possessions, as amended by a separate section in the bill to enact this revised title. The provision of said section for salary of the Virgin Islands district judge was omitted as covered by section 5a of title 28, U.S.C., 1940 ed., as amended by a separate section in the bill to enact this revised title. Such section 5a is recommended for transfer to title 48, U.S.C., 1940 ed., because of the dual nature of the Virgin Islands district court.

For salary of the district judge of Canal Zone district court, see section 1348 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions.

Changes were made in phraseology.

-REFTEXT-

REFERENCES IN TEXT

Section 225 of the Federal Salary Act of 1967, referred to in text, is section 225 of Pub. L. 90-206, Dec. 16, 1967, 81 Stat. 642, as amended, which is classified to chapter 11 (Sec. 351 et seq.) of Title 2, The Congress.

-MISC2-

AMENDMENTS

1975 - Pub. L. 94-82 substituted provision that each judge of a district court shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provision that each such judge receive a salary of \$30,000.

1964 - Pub. L. 88-426 increased the salary of the district court judges from \$22,500 to \$30,000, and that of the chief judge of the District Court for the District of Columbia from \$23,000 to \$30,500.

1955 - Act Mar. 2, 1955, increased the salaries of the district court judges from \$15,000 to \$22,500 a year and increased the salary of the chief judge of the District Court for the District of Columbia from \$15,500 to \$23,000 a year.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see

To look up a section, use this format: **28 USC Sec. #**

section 501 of Pub. L. 88-426.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of act Mar. 2, 1955, set out as a note under section 31 of Title 2, The Congress.

SALARY INCREASES

2005 - Salaries of district judges increased to \$162,100 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2005, by Ex. Ord. No. 13368, Dec. 30, 2004, 70 F.R. 1147, set out as a note under section 5332 of Title 5, Government Organization and Employees.

2004 - Salaries of district judges increased to \$158,100 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2004, by Ex. Ord. No. 13332, Mar. 3, 2004, 69 F.R. 10891, formerly set out as a note under section 5332 of Title 5.

Salaries of district judges increased to \$157,000 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2004, by Ex. Ord. No. 13322, Dec. 30, 2003, 69 F.R. 231.

2003 - Salaries of district judges increased to \$154,700 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2003, by Ex. Ord. No. 13282, Dec. 31, 2002, 68 F.R. 1133, as amended by Ex. Ord. No. 13291, Sec. 3, Mar. 21, 2003, 68 F.R. 14525, formerly set out as a note under section 5332 of Title 5.

2002 - Salaries of district judges increased to \$150,000 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2002, by Ex. Ord. No. 13249, Dec. 28, 2001, 67 F.R. 639, formerly set out as a note under section 5332 of Title 5.

2001 - Salaries of district judges increased to \$145,100 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2001, by Ex. Ord. No. 13182, Dec. 23, 2000, 65 F.R. 82879, 66 F.R. 10057, formerly set out as a note under section 5332 of Title 5.

2000 - Salaries of district judges increased to \$141,300 per annum, effective on first day of first pay period beginning on or after Jan. 1, 2000, by Ex. Ord. No. 13144, Dec. 21, 1999, 64 F.R. 72237, formerly set out as a note under section 5332 of Title 5.

1999 - Salaries of district judges continued at \$136,700 per annum, by Ex. Ord. No. 13106, Dec. 7, 1998, 63 F.R. 68151, formerly set out as a note under section 5332 of Title 5.

1998 - Salaries of district judges increased to \$136,700 per annum, effective on first day of first pay period beginning on or after Jan. 1, 1998, by Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, formerly set out as a note under section 5332 of Title 5.

To look up a section, use this format: **28 USC Sec. #**

1997 - Salaries of district judges continued at \$133,600 per annum, by Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, formerly set out as a note under section 5332 of Title 5.

1996 - Salaries of district judges continued at \$133,600 per annum, by Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, formerly set out as a note under section 5332 of Title 5.

1995 - Salaries of district judges continued at \$133,600 per annum, by Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5.

1993 - Salaries of district judges increased to \$133,600 per annum, effective on first day of first pay period beginning on or after Jan. 1, 1993, by Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, formerly set out as a note under section 5332 of Title 5.

1992 - Salaries of district judges increased to \$129,500 per annum, effective on first day of first pay period beginning on or after Jan. 1, 1992, by Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, formerly set out as a note under section 5332 of Title 5.

1991 - Salaries of district judges increased to \$125,100 per annum, effective on first day of first pay period beginning on or after Jan. 1, 1991, by Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, formerly set out as a note under section 5332 of Title 5.

1990 - Salaries of district judges continued at \$89,500 per annum, and increased to \$96,600, effective on first day of first pay period beginning on or after Jan. 31, 1990, by Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, formerly set out as a note under section 5332 of Title 5.

1989 - Salaries of district judges increased in the amount of 25 percent of their rates (as last in effect before the increase), effective Jan. 1, 1991, see Pub. L. 101-194, title VII, Sec. 703(a)(3), Nov. 30, 1989, 103 Stat. 1768, set out as a note under section 5318 of Title 5.

Salaries of district judges continued at \$89,500 per annum by Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, formerly set out as a note under section 5332 of Title 5.

1988 - Salaries of district judges continued at \$89,500 per annum by Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5.

1987 - Salaries of district judges increased to \$89,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Salaries of district judges increased to \$81,100 effective on first day of first pay period beginning on or after Jan. 1, 1987, by Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

1985 - Salaries of district judges increased to \$78,700 effective

To look up a section, use this format: **28 USC Sec. #**

on first day of first pay period beginning on or after Jan. 1, 1985, by Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, formerly set out as a note under section 5332 of Title 5.

1984 - Salaries of district judges increased to \$76,000 effective on first day of first pay period beginning on or after Jan. 1, 1984, by Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

1982 - Salaries of district judges increased to \$73,100 effective on first day of first pay period beginning on or after Oct. 1, 1982, by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12387 further provided that pursuant to section 140 of Pub. L. 97-92 funds are not available to pay a salary at a rate which exceeds the rate in effect on Dec. 15, 1981, which was \$70,300.

Maximum rate payable after Dec. 17, 1982, increased from \$70,300 to \$73,100, see Pub. L. 97-377, title I, Sec. 129(b)-(d), Dec. 21, 1982, 96 Stat. 1914, set out as a note under section 5318 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97-276, as amended, set out as a note under section 5318 of Title 5.

1981 - Salaries of district judges increased to \$70,300 effective on first day of first pay period beginning on or after Oct. 1, 1981, by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92, set out as a note under section 5318 of Title 5.

1980 - Salaries of district judges increased to \$67,100 effective on first day of first pay period beginning on or after Oct. 1, 1980, by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12248 further provided that pursuant to Pub. L. 96-369 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was \$57,497.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay salary or pay of any

To look up a section, use this format: **28 USC Sec. #**

individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(c) of Pub. L. 96-536, as amended, set out as a note under section 5318 of Title 5.

1979 - Salaries of district judges increased to \$61,500 effective on first day of first pay period beginning on or after Oct. 1, 1979, by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12165 further provided that pursuant to Pub. L. 96-86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over applicable rate payable for such position or office in effect on Sept. 30, 1978, which was \$57,497.50 for district judges.

Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of Executive Schedule, see section 101 of Pub. L. 96-86, set out as a note under section 5318 of Title 5.

1978 - Salaries of district judges increased to \$57,500 effective on first day of first pay period beginning on or after Oct. 1, 1978, by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12087, further provided that pursuant to Legislative Branch Appropriation Act, 1979 [Pub. L. 95-391, title III, Sec. 304, Sept. 30, 1978, 92 Stat. 788, set out as a note under section 5318 of Title 5], funds are not available to pay a salary at a rate which exceeds rate in effect on Sept. 30, 1978, which was \$54,500.

1977 - Salaries of district judges increased to \$54,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1976 - Salaries of district judges increased to \$44,000 effective on first day of first pay period beginning on or after Oct. 1, 1976, by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43889, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees. Ex. Ord. No. 11941, further provided that pursuant to Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds rate in effect on Sept. 30, 1976, which was \$42,000.

1975 - Salaries of district judges increased to \$42,000 effective on first day of first pay period beginning on or after Oct. 1, 1975, by Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, formerly set out as a note under section 5332 of Title 5.

1969 - Salary of judge increased from \$30,000 to \$40,000 per annum, commencing Feb. 14, 1969, on recommendation of President of

To look up a section, use this format: **28 USC Sec. #**

United States, see note set out under section 358 of Title 2, The Congress.

1946 - Salary of chief judge of District Court for District of Columbia increased from \$10,500 to \$15,500 a year, and salaries of all other district court judges increased from \$10,000 to \$15,000 a year by act July 31, 1946, ch. 704, Sec. 1, 60 Stat. 716.

1926 - Salary of chief judge of District Court of District of Columbia increased from \$7,500 to \$10,500 a year, and salaries of all other district court judges increased from \$7,500 to \$10,000 a year by act Dec. 13, 1926, ch. 6, Sec. 1, 44 Stat. 919.

1919 - Salaries of district court judges increased from \$6,000 to \$7,500 a year by act Feb. 25, 1919, ch. 29, Sec. 1, 40 Stat. 1156.

Salaries of chief justice and associate justices of Supreme Court of District of Columbia, forerunner of District Court for District of Columbia, were set at \$5,000 by act Mar. 3, 1901, ch. 854, Sec. 1, 30 Stat. 1199, and increased to \$7,500 a year by act Feb. 25, 1919, ch. 29, Sec. 1, 40 Stat. 1156.

1911 - Salaries of district court judges set at \$6,000 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, Sec. 1, 36 Stat. 1087.

-End-

-CITE-

28 USC Sec. 136

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 136. Chief judges; precedence of district judges

-STATUTE-

(a)(1) In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who -

- (A) are sixty-four years of age or under;
- (B) have served for one year or more as a district judge; and
- (C) have not served previously as chief judge.

(2)(A) In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in

To look up a section, use this format: **28 USC Sec. #**

regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge.

(B) In any case under subparagraph (A) in which there is no district judge in regular active service who has served as a district judge for one year or more, the district judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

(3)(A) Except as provided in subparagraph (C), the chief judge of the district appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the district.

(B) Except as provided in subparagraph (C), a district judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

(C) No district judge may serve or act as chief judge of the district after attaining the age of seventy years unless no other district judge is qualified to serve as chief judge of the district under paragraph (1) or is qualified to act as chief judge under paragraph (2).

(b) The chief judge shall have precedence and preside at any session which he attends.

Other district judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

(c) A judge whose commission extends over more than one district shall be junior to all district judges except in the district in which he resided at the time he entered upon the duties of his office.

(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as district judge, he may so certify to the Chief Justice of the United States, and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a).

(e) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the district judge in active service, present in the district and able and qualified to act, who is next in precedence.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Oct. 31, 1951, ch. 655, Sec. 37, 65 Stat. 723; Pub. L. 85-593, Sec. 2, Aug. 6, 1958, 72 Stat.

To look up a section, use this format: **28 USC Sec. #**

497; Pub. L. 97-164, title II, Sec. 202, Apr. 2, 1982, 96 Stat. 52.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 375 and District of Columbia Code, 1940 ed., Sec. 11-301 (Mar. 3, 1901, ch. 854, Secs. 60, 61, 31 Stat. 1199; Mar. 3, 1911, ch. 231, Sec. 260, 36 Stat. 1161; Mar. 3, 1911, ch. 231, Sec. 289, 32 Stat. 1167; Feb. 25, 1919, ch. 29, Sec. 6, 40 Stat. 1157; Dec. 20, 1928, ch. 41, 45 Stat. 1056; Mar. 1, 1929, ch. 419, 45 Stat. 1422; June 19, 1930, ch. 537, 46 Stat. 785; May 31, 1938, ch. 290, Sec. 5, 52 Stat. 584).

Section consolidates portions of section 375 of title 28, U.S.C., 1940 ed., and section 11-301 of the District of Columbia Code, 1940 ed. The provisions of said section 375 relating to resignation and retirement of judges, and appointment of court officers, are incorporated in sections 294, 371, and 756 of this title. Other provisions of said section 11-301 of the District of Columbia Code are incorporated in section 133 of this title.

Subsection (a), providing for a "chief judge" is new. Such term replaces the terms "senior district judge," and "Chief Justice" of the District Court in the District of Columbia. It is employed in view of the great increase of administrative duties of such judge. The use of the term "chief judge" with respect to the District of Columbia will result in uniform nomenclature for all district courts. The district judges of that court have expressed approval of such designation.

The provision in said section 11-301 of the District of Columbia Code, 1940 ed., that the "Chief Justice" shall be appointed by the President, by and with the advice and consent of the Senate, was omitted for the purpose of establishing a uniform method of creating the position of chief judge in all districts. The District of Columbia is expressly made a judicial district by section 88 of this title.

Subsection (b) is new and conforms with similar provisions respecting associate justices of the Supreme Court and circuit judges in sections 4 and 45 of this title.

Subsection (c) is from the proviso in the second paragraph of section 375 of title 28, U.S.C., 1940 ed., which applied only in cases of appointment of court officers. Here it is made applicable to all district judges.

Subsections (d) and (e) are new, and conform with section 44 of this title relating to precedence of circuit judges.

The official status of the Chief Justice of the District Court

To look up a section, use this format: **28 USC Sec. #**

for the District of Columbia holding office at the effective date of this act is preserved by section 2 of the bill to enact revised title 28.

AMENDMENTS

1982 - Subsec. (a). Pub. L. 97-164, Sec. 202(a), designated existing first sentence of subsec. (a) as par. (1), substituted "In any district having more than one district judge, the chief judge of the district shall be the district judge in regular active service who is senior in commission of those judges who - (A) are sixty-four years of age or under; (B) have served for one year or more as a district judge; and (C) have not served previously as chief judge" for "In each district having more than one judge the district judge in regular active service who is senior in commission and under seventy years of age shall be the chief judge of the district court" in par. (1) as so designated, designated existing second sentence of subsec. (a) as par. (2)(A), substituted "In any case in which no district judge meets the qualifications of paragraph (1), the youngest district judge in regular active service who is sixty-five years of age or over and who has served as district judge for one year or more shall act as the chief judge" for "If all the district judges in regular active service are seventy years of age or older the youngest shall act as chief judge until a judge has been appointed and qualified who is under seventy years of age, but a judge may not act as chief judge until he has served as a district judge for one year" in par. (2)(A) as so designated, and added pars. (2)(B) and (3).

Subsec. (d). Pub. L. 97-164, Sec. 202(b), substituted "and thereafter, the chief judge of the district shall be such other district judge who is qualified to serve or act as chief judge under subsection (a)" for "and thereafter the district judge in active service next in precedence and willing to serve shall be designated by the Chief Justice as the chief judge of the district court".

1958 - Subsec. (a). Pub. L. 85-593 provided that chief judges of district courts cease to serve as such upon reaching the age of seventy, that the youngest district judge act as chief judge where all district judges in regular active service are seventy years or older until a judge under seventy has been appointed and qualified, and that district judge must have served one year before acting as chief judge.

1951 - Subsec. (a). Act Oct. 31, 1951, inserted "in active service who is".

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section

To look up a section, use this format: **28 USC Sec. #**

402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-593 effective at expiration of one year from Aug. 6, 1958, see section 3 of Pub. L. 85-593, as amended, set out as a note under section 45 of this title.

SAVINGS PROVISION

Amendment by Pub. L. 97-164 not to apply or affect any person serving as chief judge on the effective date of Pub. L. 97-164 [Oct. 1, 1982], and the provisions of subsec. (a) of this section as in effect on the day before the effective date of part A of title II of Pub. L. 97-164 [Oct. 1, 1982] applicable to the chief judge of a district court serving on such effective date, see section 203 of Pub. L. 97-164, set out as a note under section 45 of this title.

-End-

-CITE-

28 USC Sec. 137

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 137. Division of business among district judges

-STATUTE-

The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders.

-SOURCE-

To look up a section, use this format: **28 USC Sec. #**

(June 25, 1948, ch. 646, 62 Stat. 897.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 27 (Mar. 3, 1911, ch. 231, Sec. 23, 36 Stat. 1090).

Section was rewritten and the practice simplified. It provided for division of business and assignment of cases by agreement of judges and, in case of inability to agree, that the senior circuit judge of the circuit should make necessary orders.

The revised section is consistent with section 332 of this title, that the last paragraph of which requires the judicial council to make all necessary orders for the effective and expeditious administration of the business of the courts within the circuit.

-End-

-CITE-

28 USC Sec. 138

01/03/05

-EXPCITE-

**TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS**

-HEAD-

Sec. 138. Terms abolished

-STATUTE-

The district court shall not hold formal terms.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88-139, Sec. 1, Oct. 16, 1963, 77 Stat. 248.)

-MISC1-

HISTORICAL AND REVISION NOTES

This section was substituted for a number of special provisions fixing stated times for holding terms of court in the several districts, in order to vest in the courts wider discretion and promote greater efficiency in the administration of the business of such courts.

To look up a section, use this format: **28 USC Sec. #**

AMENDMENTS

1963 - Pub. L. 88-139 substituted "The district court shall not hold formal terms" for "The times for holding regular terms of court at the places fixed by this chapter shall be determined by rule of the district court" in text, and "Terms abolished" for "Times for holding regular terms" in section catchline.

-End-

-CITE-

28 USC Sec. 139

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 139. Times for holding regular sessions

-STATUTE-

The times for commencing regular sessions of the district court for transacting judicial business at the places fixed by this chapter shall be determined by the rules or orders of the court. Such rules or orders may provide that at one or more of such places the court shall be in continuous session for such purposes on all business days throughout the year. At other places a session of the court shall continue for such purposes until terminated by order of final adjournment or by commencement of the next regular session at the same place.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88-139, Sec. 1, Oct. 16, 1963, 77 Stat. 248.)

-MISC1-

HISTORICAL AND REVISION NOTES

The purpose of this section is to remove all doubt as to whether the mere beginning of a new term at one place ends a prior term begun at another place. As revised, it conforms to a uniform course of judicial decisions. See U.S. v. Perlstein, 39 F.Supp. 965, 968 (D.C.N.J. 1941), and cases cited.

To look up a section, use this format: **28 USC Sec. #**

AMENDMENTS

1963 - Pub. L. 88-139 substituted provisions requiring the times for commencing regular sessions of the district court to be determined by the rules or orders of the court, authorizing such rules or orders to provide that at one or more of the places fixed by this chapter, the court shall be in continuous session on all business days throughout the year, and that at other places, a session continues until terminated by order of final adjournment or by commencement of the next regular session at the same place, for provisions that a term continues until terminated by order of final adjournment or by commencement of the next term at the same place, in the text, and "Times for holding regular sessions" for "Term continued until terminated" in section catchline.

-End-

-CITE-

28 USC Sec. 140

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 140. Adjournment

-STATUTE-

(a) Any district court may, by order made anywhere within its district, adjourn or, with the consent of the judicial council of the circuit, pretermite any regular session of court for insufficient business or other good cause.

(b) If the judge of a district court is unable to attend and unable to make an order of adjournment, the clerk may adjourn the court to the next regular session or to any earlier day which he may determine.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88-139, Sec. 1, Oct. 16, 1963, 77 Stat. 248.)

-MISC1-

To look up a section, use this format: **28 USC Sec. #**

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 16, 146, 182 (Mar. 3, 1911, ch. 231, Secs. 12, 73, 101, 36 Stat. 1088, 1108, 1122; June 12, 1916, ch. 143, 39 Stat. 225; Feb. 20, 1917, ch. 102, 39 Stat. 927; June 13, 1918, ch. 98, 40 Stat. 604; Feb. 26, 1919, ch. 54, 40 Stat. 1184; May 29, 1924, ch. 209, 43 Stat. 243; June 5, 1924, ch. 259, 43 Stat. 387; Jan. 10, 1925, chs. 68, 69, 43 Stat. 730, 731; Feb. 16, 1925, ch. 233, Sec. 1, 43 Stat. 945; May 7, 1926, ch. 255, 44 Stat. 408; Apr. 21, 1928, ch. 395, 45 Stat. 440; Mar. 2, 1929, ch. 539, 45 Stat. 1518; June 28, 1930, ch. 714, 46 Stat. 829; May 13, 1936, ch. 386, 49 Stat. 1271; Aug. 12, 1937, ch. 595, 50 Stat. 625).

Section consolidates section 16 with the third sentence of section 146, and the final proviso in the third paragraph of section 182, all of title 28, U.S.C., 1940 ed.

Said section 16 of title 28 provided for adjournment by the marshal, or clerk, on written order of the judge, in case of inability of the district judge to attend at the commencement of any regular, adjourned or special term, or any time during such term. Said sections 146 and 182 thereof, related to the district courts of Colorado and Oklahoma, only, and contained special provisions for adjournment. Subsection (b) omits the requirement of written order where the judge is unable to make such order.

The revised section broadens these provisions, and vests discretionary power in the court, by order made anywhere within the district, to adjourn any term of court "for insufficient business or other good cause." To establish uniformity, the special provisions relating to Colorado and Oklahoma were omitted.

Other provisions of said sections 146 and 182 of title 28, U.S.C., 1940 ed., are incorporated in sections 85 and 116 of this title.

The provision of subsection (a) authorizing the district court, with the consent of the judicial council of the circuit, to pretermite any term of court for insufficient business or other good cause, is inserted to obviate the expense and inconvenience of convening and adjourning a term for which no need exists.

AMENDMENTS

1963 - Subsecs. (a), (b). Pub. L. 88-139 substituted "session" for "term".

-End-

-CITE-

To look up a section, use this format: **28 USC Sec. #**

28 USC Sec. 141

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 141. Special sessions; places; notice

-STATUTE-

Special sessions of the district court may be held at such places in the district as the nature of the business may require, and upon such notice as the court orders.

Any business may be transacted at a special session which might be transacted at a regular session.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88-139, Sec. 1, Oct. 16, 1963, 77 Stat. 248.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 15 (Mar. 3, 1911, ch. 231, Sec. 11, 36 Stat. 1089).

Section was rewritten to include provision that notice of special terms should conform to rules approved by the judicial council of the circuit, thus insuring a uniform practice among the courts for convening special terms.

Changes of phraseology were made.

AMENDMENTS

1963 - Pub. L. 88-139 substituted "sessions" for "terms" and "session" for "term" wherever appearing in text and section catchline, and struck out "pursuant to rules approved by the judicial council of the circuit" after "court orders" in text.

-End-

-CITE-

28 USC Sec. 142

01/03/05

-EXPCITE-

To look up a section, use this format: **28 USC Sec. #**

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

[Sec. 142. Repealed. Pub. L. 97-164, title I, Sec. 115(c)(3), Apr. 2, 1982, 96 Stat. 32]

-MISC1-

Section, acts June 25, 1948, ch. 646, 62 Stat. 898; Oct. 9, 1962, Pub. L. 87-764, 76 Stat. 762; Nov. 19, 1977, Pub. L. 95-196, 91 Stat. 1420, related to the providing of accommodations at places for holding court. See section 462 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

WAIVER OF LIMITATIONS AND RESTRICTIONS

The limitations and restrictions contained in this section prior to its repeal were waived with respect to the holding of court at certain places by the following Acts:

Pub. L. 87-833, Oct. 15, 1962, 76 Stat. 959, related to Akron, Ohio.

Pub. L. 87-699, Sept. 25, 1962, 76 Stat. 598, related to Richland, Washington.

Pub. L. 87-562, Sec. 4, July 30, 1962, 76 Stat. 248, related to Fort Myers, Saint Petersburg, Fort Pierce, and West Palm Beach, Florida.

Pub. L. 87-560, July 27, 1962, 76 Stat. 247, related to Marshall, Texas.

Pub. L. 87-559, July 27, 1962, 76 Stat. 246, related to Decatur, Alabama.

Pub. L. 87-553, July 27, 1962, 76 Stat. 222, related to Winchester, Tennessee.

Pub. L. 87-551, July 27, 1962, 76 Stat. 221, related to Bridgeport, Connecticut.

Pub. L. 87-337, Oct. 3, 1961, 75 Stat. 750, related to Lafayette, Louisiana.

Pub. L. 87-36, Sec. 3(g), May 19, 1961, 75 Stat. 83, related to Kalamazoo, Michigan; Fayetteville, North Carolina; and Dyersburg, Tennessee.

Pub. L. 86-366, Sept. 22, 1959, 73 Stat. 647, related to Durant, Oklahoma.

Act July 20, 1956, ch. 657, 70 Stat. 594, related to Bryson City,

To look up a section, use this format: **28 USC Sec. #**

North Carolina.

Act Sept. 23, 1950, ch. 1006, 64 Stat. 982, related to Klamath Falls, Oregon.

Act Aug. 21, 1950, ch. 767, 64 Stat. 469, related to Newnan, Georgia.

Act Aug. 10, 1950, ch. 675, Sec. 2, 64 Stat. 438, related to Rock Island, Illinois.

Act Oct. 26, 1949, ch. 744, 63 Stat. 923, related to Thomasville, Georgia.

Act Oct. 26, 1949, ch. 740, 63 Stat. 921, related to Brunswick, Georgia.

-End-

-CITE-

28 USC Sec. 143

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART I - ORGANIZATION OF COURTS

CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 143. Vacant judgeship as affecting proceedings

-STATUTE-

When the office of a district judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 898.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 26 (Mar. 3, 1911, ch. 231, Sec. 22, 36 Stat. 1090).

The last clause of section 26 of title 28, U.S.C., 1940, ed., prescribing the powers of a designated judge was omitted as covered by section 296 of this title.

Minor changes were made in phraseology.

To look up a section, use this format: **28 USC Sec. #**

-End-

-CITE-

28 USC Sec. 144

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 5 - DISTRICT COURTS

-HEAD-

Sec. 144. Bias or prejudice of judge

-STATUTE-

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, Sec. 65, 63 Stat. 99.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 25 (Mar. 3, 1911, ch. 231, Sec. 21, 36 Stat. 1090).

The provision that the same procedure shall be had when the presiding judge disqualifies himself was omitted as unnecessary. (See section 291 et seq. and section 455 of this title.)

Words, "at which the proceeding is to be heard," were added to clarify the meaning of words, "before the beginning of the term." (See U.S. v. Costea, D.C.Mich. 1943, 52 F.Supp. 3.)

Changes were made in phraseology and arrangement.

To look up a section, use this format: **28 USC Sec. #**

1949 ACT

This amendment clarifies the intent in section 144 of title 28, U.S.C., to conform to the law as it existed at the time of the enactment of the revision limiting the filing of affidavits of prejudice to one such affidavit in any case.

AMENDMENTS

1949 - Act May. 24, 1949, substituted "in any case" for "as to any judge" in second sentence of second par.

ABOLITION OF TERMS

For abolition of formal terms of the court and replacement by sessions, see sections 138 and 139 of this title.

-End-