
**LOCAL RULES OF COURT
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
[CHAPTER FOUR]**

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TABLE OF CONTENTS | CHAPTER FOUR | SPECIAL RULES

#	Rule No	Title	Page
1	4.01	Amendments of Pleadings	5
2	4.02	Removal of Cases from State Court	6
3	4.03	Time of Motion to Join Third Parties	7
4	4.04	Class Actions	8
5	4.05	Temporary Restraining Orders	9
6	4.06	Preliminary Injunctions	11
7	4.07	In Forma Pauperis Proceedings	12
8	4.08	Service of Subpoenas on State and Federal...	13
9	4.09	Marshal's Deeds	14
10	4.10	Release of Information	15
11	4.11	Photographs; Broadcasting or Televising; Use...	18
12	4.12	Pre-Sentence Investigation Reports; Pre-...	20
13	4.13	Court Plans	22
14	4.14	Proceedings Under 28 USC Sections 2254 and 2255	23
15	4.15	Written Stipulations Required	24
16	4.16	Management of Funds Held on Deposit With This...	25
17	4.17	Special Filing and Procedural Requirements...	26
18	4.18	Applications for Costs or Attorney's Fees	28
19	4.19	Provision of Pretrial Services	29

-	n/a	Appendix	30
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CHAPTER FOUR | LOCAL RULES OF COURT | USFLMD

RULES: 4.01 through 4.19

TITLE: SPECIAL RULES

Rule 4.01 | AMENDMENTS OF PLEADINGS

(a) Unless otherwise directed by the Court, any party permitted to amend a pleading shall file the amended pleading in its entirety with the amendments incorporated therein.

Rule 4.02 | REMOVAL OF CASES FROM STATE COURT

(a) All cases removed to this Court from the courts of the State of Florida shall be docketed and assigned, in accordance with Rule 1.03 of these rules, in the Division encompassing the county of the State in which the case was pending.

(b) The party effecting removal shall file with the notice of removal a true and legible copy of all process, pleadings, orders, and other papers or exhibits of every kind, including depositions, then on file in the state court.

(c) When a case is removed to this Court with pending motions on which briefs or legal memoranda have not been submitted, the moving party shall file and serve a supporting brief within fourteen (14) days after the removal in accordance with Rule 3.01(a) of these rules, and the party or parties opposing the motion shall then comply with Rule 3.01(b) of these rules.

Rule 4.03 | TIME OF MOTION TO JOIN THIRD PARTIES

(a) Any motion by a defendant for leave to join a third-party defendant pursuant to Rule 14(a), Fed.R.Civ.P., shall be made within six (6) months from the date of service of the moving defendant's answer to the complaint, or at least sixty (60) days prior to a scheduled trial date, whichever first occurs.

(b) A motion by a plaintiff for leave to join a third-party defendant pursuant to Rule 14(b), Fed.R.Civ.P., shall be made within six (6) months from the date of service of the moving plaintiff's reply to the counterclaim, or at least sixty (60) days prior to a scheduled trial date, whichever first occurs.

(c) The provision of this rule may be suspended upon a showing of good cause therefor.

Rule 4.04 | CLASS ACTIONS

(a) In any case sought to be maintained as a class action pursuant to Rule 23, Fed.R.Civ.P., the complaint shall contain, under a separate heading styled "**CLASS ACTION ALLEGATIONS**", detailed allegations of fact showing the existence of the several prerequisites to a class action as enumerated in Rule 23(a) and (b), Fed.R.Civ.P.

(b) Within ninety (90) days following the filing of the initial complaint in such an action, unless the time is extended by the Court for cause shown, the named plaintiff or plaintiffs shall move for a determination under Rule 23(c)(1) as to whether the case is to be maintained as a class action. The motion shall be supported by a memorandum as required by Rule 3.01(a) of these rules; and, in addition to a showing of the prerequisites as required by subsection (a) of this rule, the motion shall contain a detailed description or definition of the class (and sub-classes, if any), and the number of persons in the class. If a determination is sought that the action shall be maintained under Rule 23(b)(3), the motion shall also suggest a means of providing, and defraying the cost of, the notice required by Rule 23(c)(2), Fed.R.Civ.P. If discovery relating to class action issues is needed, the parties may move the Court for leave to take such discovery prior to the case management meeting.

(c) In ruling upon a motion made under subsection (b) of this rule, the Court may allow the class action, may disallow and strike the class action allegations, or may order postponement of the determination pending additional discovery or such other preliminary procedures as may appear appropriate in the circumstances.

(d) The foregoing provisions of this rule shall apply, with appropriate adaptations, to any complaint alleged to be brought against a class, and to counterclaims or cross-claims brought for a class.

Rule 4.05 | TEMPORARY RESTRAINING ORDERS

(a) Pursuant to Rule 65(b), Fed.R.Civ.P., temporary restraining orders may be issued without notice to be effective for a period of fourteen (14) days unless extended or sooner dissolved. Such orders will be entered only in emergency cases to maintain the status quo until the requisite notice may be given and an opportunity is afforded to opposing parties to respond to the application for a preliminary injunction. (See Rule 4.06 of these rules.)

(b) Due to previously scheduled business it will not ordinarily be possible for the Court to interrupt its daily calendar in order to conduct a hearing or entertain oral presentation and argument incident to an application for a temporary restraining order. The Court's decision, of necessity, will usually be made solely on the basis of the complaint and other supporting papers submitted pursuant to this rule. Accordingly, all applications for temporary restraining orders must be presented as follows:

(1) The request for the issuance of the temporary restraining order should be made by a separate motion entitled **"Motion for Temporary Restraining Order"**.

(2) The motion must be supported by allegations of specific facts shown in the verified complaint or accompanying affidavits, not only that the moving party is threatened with irreparable injury, but that such injury is so imminent that notice and a hearing on the application for preliminary injunction is impractical if not impossible (Rule 65(b), Fed.R.Civ.P.)

(3) The motion should also:

(i) describe precisely the conduct sought to be enjoined;

(ii) set forth facts on which the Court can make a reasoned determination as to the amount of security which must be posted pursuant to Rule 65(c), Fed.R.Civ.P.;

(iii) be accompanied by a proposed form of temporary restraining order prepared in strict accordance with the several requirements contained in Rule 65(b) and (d), Fed.R.Civ.P.; and

(iv) should contain or be accompanied by a supporting legal memorandum or brief.

(4) The brief or legal memorandum submitted in support of the motion must address the following issues:

(i) the likelihood that the moving party will ultimately prevail on the merits of the claim;

(ii) the irreparable nature of the threatened injury and the reason that notice cannot be given;

(iii) the potential harm that might be caused to the opposing parties or others if the order is issued; and

(iv) the public interest, if any.

(5) If a temporary restraining order is issued by the Court it will be the responsibility of the successful movant to obtain immediate service of process upon the defendants, or parties enjoined, pursuant to Rule 4, Fed.R.Civ.P. In addition to the summons, complaint and temporary restraining order, the papers served must also include all motions, briefs, affidavits and exhibits submitted to the Court, as well as such additional affidavits or other papers upon which the moving party will rely in seeking to convert the temporary restraining order into a preliminary injunction. The papers so served must also include a notice of the hearing time fixed by the Court for consideration of the application for preliminary injunction. The hearing will usually be scheduled within fourteen (14) days or prior to expiration of the temporary restraining order under Rule 65(b), Fed.R.Civ.P.

(6) If a temporary restraining order is denied; and if the reason for the denial would not, as a matter of law, also preclude the issuance of a preliminary injunction; and if the moving party desires to pursue the request for a preliminary injunction; then the requirements of the preceding paragraph (5), and the remaining provisions of this rule, shall apply to the same extent as if a temporary restraining order had been issued.

Rule 4.06 | PRELIMINARY INJUNCTIONS

(a) A preliminary injunction may not be issued absent notice (Rule 65(a)(1), Fed.R.Civ.P.), which must be given at least fourteen (14) days in advance of the hearing (Rule 6(c), Fed.R.Civ.P.).

(b) All hearings scheduled on applications for a preliminary injunction will be limited in the usual course to argument of counsel unless the Court grants express leave to the contrary in advance of the hearing pursuant to Rule 43(e), Fed.R.Civ.P. In order to develop a record and the positions of the parties in advance of the hearing, the following procedure shall apply:

(1) The party applying for the preliminary injunction shall fully comply with the procedural requirements of Rule 4.05(b)(1) through (b)(5) of these rules pertaining to temporary restraining orders.

(2) Service of all papers and affidavits upon which the moving party intends to rely must be served with the motion (Rule 6(c), Fed.R.Civ.P.).

(3) The party or parties opposing the application must file with the Clerk's Office, and deliver to the moving party, all counter or opposing affidavits, and a responsive brief, not later than at least seven (7) days before the hearing (Rule 6(c), Fed.R.Civ.P.).

(4) Lengthy briefs, affidavits and other papers are counterproductive and should be avoided. If the parties desire additional time to prepare, and so stipulate in writing, the scheduled hearing may be postponed and the temporary restraining order (if one has been issued) will be extended as provided in Rule 65(b), Fed.R.Civ.P. In the event the hearing is postponed, any additional papers must be filed in advance of the re-scheduled hearing according to the time periods specified in paragraphs (2) and (3) above (as required by Rule 6(d), Fed.R.Civ.P.).

Rule 4.07 | IN FORMA PAUPERIS PROCEEDINGS

(a) Cases commenced *in forma pauperis* with appropriate affidavit of indigency pursuant to 28 U.S.C. Section 1915, or other applicable statutes (including such proceedings initiated by prisoners under 28 U.S.C. Sections 2254 or 2255), shall be docketed and assigned by the Clerk in accordance with Rules 1.03 or 1.04 as in any other case; provided, however, the case shall then be transmitted, prior to issuance of any process, to the judge to whom the case has been assigned. The Court may dismiss the case if satisfied that the action is frivolous or malicious, as provided by 28 U.S.C. Section 1915(e); or may enter such other orders as shall seem appropriate to the pendency of the cause, including an order that the party seeking leave to proceed *in forma pauperis* shall pay a stated portion of the Clerk's and/or Marshal's fees within a prescribed time, failing which the action may be dismissed without prejudice. (See also Rule 4.14.)

(b) All persons applying to proceed *in forma pauperis* shall be deemed to have consented to the entry of an order by the Court directing payment of all non-prepaid fees and costs out of any recovery, including a reasonable attorney's fee if counsel has been appointed by the Court to represent such person.

Rule 4.08 | SERVICE OF SUBPOENAS ON STATE AND FEDERAL OFFICERS

(a) Absent prior permission of the Court, no party shall cause to be issued and served any subpoena requiring the attendance, for deposition or for trial, of any state or federal judicial officer, or other person then holding an elective state or federal office.

Rule 4.09 | MARSHAL'S DEEDS

(a) Unless otherwise ordered by the Court, Marshal's deeds for property sold in execution or upon foreclosure or other order or decree of the Court shall not be acknowledged or delivered until ten (10) days after the date of sale and thereafter pending a ruling by the Court upon objections or other applications, if any, filed within such fourteen (14) day period.

Rule 4.10 | RELEASE OF INFORMATION

(a) All government personnel, including Marshals, Deputy Marshals, Court Clerks, Deputy Clerks, Probation Officers, and Court Reporters, among others, together with state or federal law enforcement personnel associated or assisting in the preparation or trial of a criminal case, are prohibited from disclosing for dissemination by any means of public communication, without authorization by the Court, information relating to an imminent or pending criminal case that is not part of the public records of the Court.

(b) It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication in connection with pending or imminent criminal litigation with which he is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice. Where there is any such reasonable likelihood, the following will apply:

(1) With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(2) From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(i) the prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer may make a factual statement of the

accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(ii) the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(iii) the performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(iv) the identity, testimony or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(v) the possibility of a plea of guilty to the offense charged or a lesser offense; or

(vi) any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(c) The foregoing provisions of subsection (b) of this rule shall not be construed to preclude the lawyer, in the proper discharge of his official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of time of seizure of any physical evidence other than a confession, admission, or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.

(d) During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial, for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

(e) Unless otherwise provided by law, all preliminary criminal proceeding including preliminary examinations and hearings on pretrial motions, shall be held in open court and shall be available for attendance and observation by the public; provided that, upon motion made or agreed to by the defense, the Court, in the exercise of its discretion, may order that a pretrial proceeding be closed to the public in whole or in part, on the grounds:

(1) that there is a reasonable likelihood that the dissemination of information disclosed at such proceeding would impair the defendant's right to a fair trial; and

(2) that reasonable alternatives to closure will not adequately protect defendant's right to a fair trial. If the Court so orders, it shall state for the record its specific findings concerning the need for closure.

(f) Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him.

(g) In a widely publicized or sensational case, the Court on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of any party to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order.

Rule 4.11 | PHOTOGRAPHS; BROADCASTING OR TELEVISIONING; USE OF COMPUTERS AND COMMUNICATION DEVICES

(a)

(1) As approved by the Judicial Conference of the United States at its March, 1979 meeting, the taking of photographs and the recording or taping of ceremonies for the investing of judicial officers and of naturalization proceedings and the possession of necessary equipment therefor is authorized in courtrooms of this Court and the environs thereof. At least three (3) hours prior notice of the use of recording or television equipment shall be given to the presiding judge who may control the placement of such equipment in the courtroom.

(2) Otherwise, the taking of photographs, the operation of recording or transmission devices, and the broadcasting or televising of proceedings in any courtroom or hearing room of this Court, or the environs thereof, either while the Court is in session or at recesses between sessions when Court officials, attorneys, jurors, witnesses or other persons connected with judicial proceedings of any kind are present, are prohibited.

(b) In order to facilitate the enforcement of subsection (a)(2) of this rule, no photographic, broadcasting, television, sound or recording equipment of any kind (except that of Court personnel and as authorized by subsection (a)(1) hereof) will be permitted in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as is designated by the resident judges of the Division in which such building is located. Such designation shall be made by order, filed in the office of the Clerk in such division. Except that of Court personnel, cellular telephones and computer equipment are likewise prohibited in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as designated by the resident judges in the manner set forth in the preceding sentence, unless otherwise permitted by the judicial officer before whom the particular case or proceeding is pending. This rule does not prohibit the possession of telephonic pagers in such locations, provided that such pagers are either switched off or placed in a silent activation mode while in such locations.

(c) Employees of other federal agencies resident within the security perimeters of buildings in this District housing federal courts or proceedings, with valid agency identification, are permitted to transport any of the equipment identified above through security checkpoints for the purpose of using same, in their official capacities, within areas of such buildings not covered by subsection (b) of this rule. Said equipment shall be subject to inspection by the United States Marshals Service.

Rule 4.12 | PRE-SENTENCE INVESTIGATION REPORTS; PRE-SENTENCING PROCEDURES

(a) Ordinarily, sentencing will occur within seventy-five (75) calendar days following the defendant's plea of guilt or nolo contendere, or upon being found guilty. The Court may either shorten or lengthen for good cause the time limits prescribed in this rule. On request, the defendant's counsel is entitled to notice and a reasonable opportunity to attend any interview of the defendant by the probation officer in the course of a presentence investigation.

(b) Not less than thirty-five (35) days prior to the date set for sentencing, the probation officer shall disclose the presentence investigation report to the defendant and to counsel for the defendant and the Government, unless the defendant waives this minimum period. Within fourteen (14) days thereafter, counsel (or the defendant if acting pro se) shall communicate in writing to the probation officer and to each other any objections they may have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the report.

(c) After receiving counsel's objections, the probation officer shall conduct any further investigation and make any revisions to the presentence report that may be necessary. The officer may require counsel for both parties as well as the defendant and/or the case agent to meet with the officer to discuss unresolved factual and legal issues. All counsel shall make themselves available to the officer for this purpose on short notice regardless of place of residence.

(d) No later than seven (7) days prior to the date of the sentencing hearing, the probation officer shall submit the presentence report to the sentencing judge. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the officer's comments thereon. The probation officer shall certify that the contents of the report including any revisions thereof, have been disclosed to the defendant and to counsel for the defendant and the Government, that the content of the addendum has been communicated to the defendant and to counsel, and that the addendum fairly states any remaining objections.

(e) Except for any objection made under subdivision (b) that has not been resolved, the Court, at the sentencing, may accept the presentence report as its findings of fact. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed issues of fact, the Court may consider any reliable information presented by the probation officer, the defendant or the Government.

(f) The Court directs the probation officer not to disclose the probation officer's recommendation, if any, on the sentence, pursuant to its authority in Rule 32(e)(3).

(g) The presentence report shall be deemed to have been disclosed:

1. When a copy of the report is physically delivered.
2. One day after the report's availability for inspection is orally communicated.
3. Three (3) days after a copy of the report or notice of its availability is mailed.

(h) No confidential records of the Court maintained at the probation office, including presentence reports and probation supervision reports, shall be sought by any applicant except by written petition to the Court establishing with particularity the need for specific information believed to be contained in such records. When a demand for disclosure of such information for such records is made by way of subpoena or other judicial process served upon a probation officer of this Court, the probation officer may file a petition seeking instruction from the Court with respect to the manner in which he should respond to such subpoena or such process.

(i) Any party filing an appeal or cross appeal in any criminal case in which it is expected that an issue will be asserted pursuant to 18 U.S.C. Section 3742 concerning the sentence imposed by the Court shall immediately notify the probation officer who shall then file with the Clerk for inclusion in the record in camera a copy of the presentence investigation report. The probation officer shall also furnish, at the same time, a copy of the presentence report to the Government and to the defendant.

Rule 4.13 | COURT PLANS

(a) Pursuant to the requirements of the Criminal Justice Act of 1964, as amended, 18 U.S.C. Section 3006A, the Court has adopted, with the approval of the Judicial Council of the Eleventh Circuit, a plan for the assignment of counsel to represent indigent defendants in criminal proceedings pursuant to Rule 44, Fed.R.Cr.P.. A copy of the plan, as amended, shall be available for inspection in the Clerk's offices during regular business hours.

(b) Pursuant to the requirements of the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. Section 1863, the Court has adopted, with the approval of the Judicial Council of the Eleventh Circuit, a plan for the random selection of grand and petit jurors. A copy of the plan, as amended, shall be available for inspection in the Clerk's offices during regular business hours.

(c) Pursuant to the requirements of the Speedy Trial Act of 1974, 18 U.S.C. Section 3165, and Rule 50(b), Fed.R.Cr.P., the Court has adopted, with the approval of the Judicial Council of the Eleventh Circuit, a plan to minimize undue delay and further prompt disposition of criminal cases. A copy of the plan, as amended, shall be available for inspection in the Clerk's offices during regular business hours.

Rule 4.14 | PROCEEDINGS UNDER 28 U.S.C. SECTIONS 2254 and 2255

(a) All proceedings instituted in this Court pursuant to 28 U.S.C. Sections 2254 and 2255, respectively, shall be governed by the Rules pertaining to such proceedings as prescribed by the Supreme Court of the United States, including the model forms appended thereto.

(b) In proceedings instituted *in forma pauperis* under 28 U.S.C. Section 2254 and 42 U.S.C. Section 1983 by persons in custody, the Court may order, as a condition to allowing the case to proceed, that the Clerk's and Marshal's fees be paid by the petitioner if it appears that he has \$25.00 or more to his credit (in Section 2254 cases), or \$120.00 or more to his credit (in Section 1983 cases), in any account maintained for him by custodial authorities.

Rule 4.15 | WRITTEN STIPULATIONS REQUIRED

(a) No stipulation or agreement between any parties or their attorneys, the existence of which is not conceded, in relation to any aspect of any pending case, will be considered by the Court unless the same is made before the Court and noted in the record or is reduced to writing and subscribed by the party or attorney against whom it is asserted.

Rule 4.16 | MANAGEMENT OF FUNDS HELD ON DEPOSIT WITH THIS COURT

(a) Any party wishing to deposit funds pursuant to Rule 67, Fed.R.Civ.P., may do so upon notice to every other party and upon leave of Court. The party making the deposit should prepare an order for entry by the Court. Absent good cause shown, the order should direct the Clerk of Court to deposit the funds into a special interest bearing account. Pursuant to Rule 67, Fed.R.Civ.P., the party making the deposit shall also serve a copy of the order upon either the Clerk of Court, the Chief Deputy Clerk, the Chief Financial Deputy Clerk, or the appropriate resident clerk's office Division Manager. Absent personal service upon one of those individuals, the Clerk of Court and members of his staff shall be relieved and discharged of any personal liability which might result from non-compliance with the deposit instructions contained in the order or in this Rule.

(b) Except for funds held by the Clerk as non-appropriated funds, as provided in the Guidelines and Plan for the Administration of Non-Appropriated Funds adopted by the Middle District of Florida, funds deposited with the Court that are not governed by subsection (a) of this Rule shall be deposited by the Clerk into the treasury of the United States; provided, however, that the Court may, by administrative order, permit deposit of registry funds into interest bearing accounts when the amount to be deposited exceeds a minimum sum stated in the administrative order. Final disposition of such deposits, as well as any earned interest, shall be determined by subsequent order of the Court.

Rule 4.17 | SPECIAL FILING AND PROCEDURAL REQUIREMENTS APPLICABLE TO HABEAS CORPUS CAPITAL CASES

(a) **Applicability:** The provisions of this Rule shall only apply to those habeas corpus capital cases brought pursuant to 28 U.S.C. Section 2254 in which a Florida state court has imposed a sentence of death, a death warrant has been signed and the petitioner's execution has been scheduled. In view of the limited time normally available to the Court to fully consider the merits of a habeas corpus petition under such conditions, special filing and procedural requirements addressed in this Rule shall apply, except to the extent that in the opinion of the assigned judge their application in a particular proceeding would not be feasible or would work an injustice.

(b) **Responsibility for Lodging a Complete Copy of the State Court Record:** In any habeas corpus capital case falling within the scope of this Rule, the Attorney General's Office for the State of Florida shall promptly lodge with the appropriate divisional clerk's office an "Advance Appendix" containing a complete copy of the state court record. The appendix shall include, but not be limited to the record of: pretrial proceedings; guilt/innocence phase of trial proceedings; sentencing proceedings; and direct state court appeal and collateral proceedings including the appeal of post-trial motions. Any portion of the state court record that is not immediately available due to ongoing state court proceedings, shall be lodged immediately thereafter in the form of a "Supplemental Appendix."

(c) **Responsibility for Indexing and Tabbings the Appendices:** Coincident with the lodging of any appendices, the Attorney General's Office shall also be responsible for:

- (1) Preparing and lodging a Master Index to each appendix;
- (2) Tabbings the first page of every appendix document and cross referencing the index tab number to the appropriate item on the Index; and
- (3) Serving a copy of each Index on counsel for the petitioner and lodging a Certificate of Service to indicate compliance with this requirement.

(d) **Manner of Service:** In order to facilitate the timely and efficient processing of habeas corpus capital cases, all pleadings and other papers tendered for filing shall be served on opposing counsel by the most expeditious means available, including use of overnight mail delivery service.

(e) **Order to Answer:** Counsel for the respondent is hereby directed to file an answer to the petition immediately following receipt of the served petition and shall not await further Court order.

(f) **Disposition of Appendices:** The petition and/or answer may refer to any portion of the appendices lodged with the Clerk by citing to the appropriate tab number and page. All appendices lodged with the Clerk pursuant to Rule 4.17(b) shall be filed in the district court record upon the receipt and filing of a petition for writ of habeas corpus. In the event the petitioner receives a stay of execution at the state court level, the Clerk shall return the lodged appendices to the Attorney General's Office.

Rule 4.18 | APPLICATIONS FOR COSTS OR ATTORNEY'S FEES

(a) In accordance with Fed. R. Civ. P. 54, all claims for costs or attorney's fees preserved by appropriate pleading or pretrial stipulation shall be asserted by separate motion or petition filed not later than fourteen (14) days following the entry of judgment. The pendency of an appeal from the judgment shall not postpone the filing of a timely application pursuant to this rule.

Rule 4.19 | PROVISION OF PRETRIAL SERVICES

(a) Pretrial services within the purview of 18 U.S.C. Section 3152 et seq. shall be supervised and provided by the Chief Pretrial Services Officer of this Court pursuant to 18 U.S.C. Section 3152(a). Any federal officer taking or receiving custody of a defendant in the Middle District of Florida shall immediately notify the pretrial services office of such detention, the name of the defendant, the charge(s) against him, and the place in which the defendant is being detained. A pretrial services officer shall then interview the defendant as soon as practicable at his place of confinement or, if the defendant has been released, at such other places as the pretrial services office shall specify.

(b) No confidential records of the Court maintained at the pretrial services office shall be sought by any applicant except by written petition to the Court establishing with particularity the need for specific information believed to be contained in such records. When a demand for disclosure of such information or such records is made by way of subpoena or other judicial process served upon a pretrial services officer of this Court, the pretrial services officer may file a petition seeking instruction from the Court with respect to the manner in which he should respond to such subpoena or such process.

APPENDIX

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