

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

GENERAL ORDER AMENDING LOCAL RULES

Based on public commentary received, the local rules changes contained in General Order 11-3 are amended as follows¹:

1. LOCAL RULE CV-5 Service and Filing of Pleadings and Other Papers

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(7) Sealed Documents.

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~~(D) — Unless otherwise ordered by the court, an order that rules on a sealed motion will be sealed by the clerk for 7 days. During this time, a party may request that the order remain permanently sealed. If no such request is received upon expiration of the seven day period, the order ruling on the sealed motion will be unsealed.~~

Comment: The court has decided to table this rule for the time being, since there have been no documented incidents where an unsealed judicial order ruling on a motion to seal caused an inadvertent disclosure of sensitive case-related information. Counsel are, however, encouraged to alert the court whenever there is a potential need to seal an order.

2. APPENDIX B

**LOCAL RULES OF COURT FOR THE ASSIGNMENT OF DUTIES
TO UNITED STATES MAGISTRATE JUDGES
UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS**

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RULE 4. REVIEW AND APPEAL

¹New language appears in **redline** text; deleted language appears in **strikeout** text.

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(B) Review of Case-Dispositive Motions and Prisoner Litigation -28 U.S.C. Section 636(b)(1)(B).

Any party may object to a magistrate judge's proposed findings, recommendations or report under Subsections 1(d), (e), and (f) of these rules, *supra*, within 14 days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections, which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. Any party may respond to another party's objections within 7 14 days after being served with a copy thereof. A district judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district judge, however, need conduct a new hearing only in his discretion or where required by law, and may consider the record developed before the magistrate judge, making his own determination on the basis of that record. The district judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Comment: This change conforms this provision to Fed. R. Civ. P. 72(b)(3), which specifies a 14 day deadline to respond to another party's objection to a report and recommendation.

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The local rule amendments contained in this order and General Order 11-3, as amended, are effective as of the date of this order.

Signed this 21 day of April, 2011.

FOR THE COURT:



DAVID FOLSOM
Chief Judge