General Order 26-10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

GENERAL ORDER AMENDING LOCAL RULES

It is hereby ORDERED that the following amendments to the local rules, having been approved by the judges of this court, are adopted for implementation subject to a reasonable period for public notice and comment, as determined by the Clerk.[1] See 28 U.S.C. § 2071(b).

LOCAL RULE CV-3 Commencement of Action

(e) **Response to Petition for Writ of Habeas Corpus**. A respondent is not required to answer or otherwise respond to a petition for a writ of habeas corpus under 28 U.S.C. §§ 2241 or 2254, or a motion under 28 U.S.C. § 2255, unless the court enters an order to show cause or otherwise directs a response.

COMMENT: The practice of the Court is not to require a response to a petition for writ of habeas corpus unless the presiding judge issues an order to answer, an order to show cause, or any other such order requiring a response. This practice is applied both to petitioners held in federal custody and those held in state custody. Local Rule CV-3 is amended to add new subsection (e) to codify the Court's practice.

LOCAL RULE CV-7 Pleadings Allowed; Form of Motions and Other Documents

(j) **Re-urged Motions in Transferred/Removed Cases**. Except in prisoner cases, any motions pending in another federal or state court made by any party will be ~~considered moot~~ automatically administratively terminated by the Clerk's Office at the time of transfer or removal without entry of a Court Order and without prejudice to refiling ~~unless they are re-urged~~ in this court. See Local Rule CV-81(d).

COMMENT: The proposed amendment to CV-7(j) clarifies the treatment of motions pending at the time of transfer or removal to this Court consistent with the existing practice of the Clerk's Office. Under the current practice, when a case is transferred or removed to this Court, the Clerk's Office administratively terminates pending motions.[2] This proposed amendment conforms the

[1] New language appears in red underlined text, and deleted language appears in red strikeout text.
[2] This administrative termination can occur in one of two ways. Either the motions are not imported as "pending" in the Court's Electronic Filing System, or, alternatively, if the motions are imported as "pending," they are immediately terminated by the Clerk's Office, without necessitating entry of a Court Order.

language of the rule with the practice of the Clerk's Office, and in doing so removes the language about considering motions moot, which may implicate substantive principles of the doctrine of mootness that are more appropriately reserved for the judgment of the presiding judge. This amendment will not change the existing practice of the Clerk's Office.

LOCAL RULE CV-77 District Courts and Clerks

(a) **Notice of Orders, Judgments, and Other Filings**. The clerk may serve and give notice of orders, judgments, and other filings as provided in Fed. R. Civ. P. 5(b).

(b) **Entry of Oral Orders**. The notation on the docket, including in a minute entry, of an oral decision shall constitute the entry of the order.

COMMENT: Certain deadlines in the Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure, and this Court's Local Rules, are calculated from the entry of a court order. *See, e.g.*, Fed. R. Civ. P. 23(f) ("A party must file a permission to appeal with the circuit clerk within 14 days after the ordered is entered…"); Fed. R. App. P. 4(a)(1) ("the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from"); Local Admiralty Rule (e)(7) ("The party so ordered shall post the security within seven days after the order is entered."). To avoid ambiguity in calculating deadlines implicated by such rules, proposed Rule CV-77(b) clarifies that an oral court order is entered when it is noted on the docket.

LOCAL RULE CV-81 Removed Actions

Parties removing cases from state court to federal court shall comply with the following:

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(e) Any motions pending in state court will be ~~considered moot~~ automatically administratively terminated by the Clerk's Office at the time of removal ~~unless they are re-urged~~ without entry of a Court Order and without prejudice to refiling in this court.

COMMENT: See Comment for CV-7 above.

LOCAL RULE CR-57 District Court Rules

Use of Generative Artificial Intelligence Technology. Attorneys for the government, attorneys for the defendant, and *pro se* defendants are all responsible for the accuracy of legal documents produced with the assistance of generative artificial intelligence technology. You are cautioned

that certain generative artificial intelligence technologies may produce factually or legally inaccurate content. If you choose to employ generative artificial intelligence technology, you must review and verify all content to ensure its accuracy.

COMMENT: In recent years, the Court's Local Rules were amended to include provisions addressing the use of generative artificial intelligence. *See* General Orders 25-07; 23-11. Such provisions were adopted and now exist in Section I governing Civil Rules and Section III governing Attorneys. *See* CV-11(g); AT-3(m). As a result, such amendments addressing use of generative artificial intelligence apply to all civil litigants (*pro se* and represented), to all lawyers, and to criminal defendants represented by counsel, but they do not currently apply to *pro se* criminal defendants. New Local Rule CR-57 is proposed under Rule 57 of the Federal Rules of Criminal Procedure to extend the provisions in CV-11(g) and AT-3(m) to *pro se* criminal defendants for consistency in practice and to ensure that the Court's rules addressing generative artificial intelligence apply to all parties appearing before the Court.

FOR THE COURT:

So ORDERED and SIGNED this 4th day of November, 2026.



AMOS L. MAZZANT, III
CHIEF JUDGE