

APR 24 1990

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

MURRAY H. HARRIS, CLERK
Spicy Vandiver

GENERAL ORDER

It appearing that the current term of office of United States Magistrate Harry W. McKee will expire on August 5, 1990; and

It appearing that the Judicial Conference of the United States Courts has voted to continue the magistrate's position for an additional eight-year term of office; and

The judges of this court desiring to consider the reappointment of such incumbent magistrate, accordingly, it is

ORDERED that the following named persons shall be, and they are hereby, appointed to a Merit Selection Panel as prescribed by Chapter 3 of the "Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment of United States Magistrates," viz.:

Mr. T. John Ward, Temporary Chairman
Sharp, Ward, Price & Searcy
P. O. Box 3106
Longview, Texas 75606-3106

Mr. Dewey J. Gonsoulin
Mehaffy, Weber, Keith & Gonsoulin
P. O. Box 16
Beaumont, Texas 77704

Dr. George Hamm, President
University of Texas at Tyler
3900 University Blvd.
Tyler, Texas 75701

Mr. Jack W. Flock
Ramey, Flock, Jeffus, Crawford, Harper
and Collins
P. O. Box 629
Tyler, Texas 75710-0629

Mr. James W. Knowles
Wilson, Miller, Spivey, Sheehy
and Knowles
P. O. Box 7339
Tyler, Texas 75711

Mr. F. R. "Buck" Files, Jr.
Bain, Files, Allen, Caldwell
and Worthen
109 W. Ferguson St.
Tyler, Texas 75702

Mr. James Barton
3201 Lakepine Circle
Tyler, Texas 75701

Mr. John Hannah, Jr.
Attorney at Law
423 South Chilton Street
Tyler, Texas 75702

It is further


ORDERED that the Panel shall review the incumbent's current service as Magistrate and other experience, the comments from members of the Bar and public, and other evidence of the incumbent's good character, judgment, legal ability, temperament and commitment to equal justice under the law. It is further

ORDERED that the Panel shall report to the Court on or before *June 8*, 1990, whether the incumbent is recommended for reappointment. It is further

ORDERED that T. John Ward shall be, and is hereby, appointed as Temporary Chairman of the Panel.

DATED this *24th* day of April, 1990.

FOR THE COURT.



Robert M. Parker
Chief Judge

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

NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE

The current term of the office of United States Magistrate Harry W. McKee is due to expire on August 5, 1990. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate to a new eight-year term.

The duties of the magistrate position include the following:

- (1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts; and
- (2) the power to administer oaths and affirmations, issue orders pursuant to Section 3142 of Title 18 concerning release or detention of persons pending trial, and take acknowledgements, affidavits and depositions; and
- (3) the power to conduct trials under Section 3401, Title 18, United States Code, in conformity with and subject to the limitations of that section; and
- (4) a judge may designate a magistrate to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may consider any pretrial matter under this subparagraph where it has been shown that the magistrate's order is clearly erroneous or contrary to law;
- (5) a judge may also designate a magistrate to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and

recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (4) above, of applications for post-trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement; and

- (6) the magistrate shall file his proposed findings and recommendations under subparagraph (5) above, with the court and a copy shall forthwith be mailed to all parties; and
- (7) a judge may designate a magistrate to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States District Courts. A judge may designate a magistrate to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of Rule 53(b) of the Federal Rules of Civil Procedure for the United States District Courts; and
- (8) a magistrate may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

A United States Magistrate must be competent to perform the duties of the office, of good moral character, emotionally stable and mature, committed to equal justice under the law, in good health, patient, courteous, and capable of deliberation and decisiveness when required to act on their own reason and judgment.

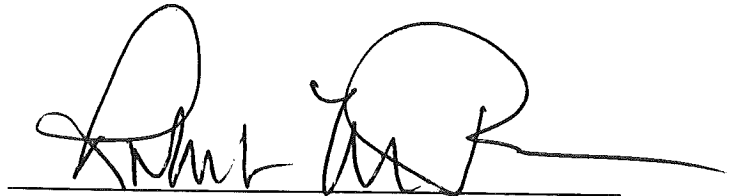
Comments from members of the bar and the public are invited as to whether the incumbent magistrate should be recommended by the panel for reappointment by the court and should be directed to the Temporary Chairman of the Panel selected by the Court, whose name and address is as follows:

Mr. T. John Ward
Sharp, Ward, Price & Searcy
P. O. Box 3106
Longview, Texas 75606-3106

Comments must be received no later than May 15, 1990.

DATED this 24th day of April, 1990.

FOR THE COURT.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a smaller 'M' and 'P', with a long horizontal line extending to the right.

Robert M. Parker
Chief Judge