

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF LOCAL)
RULES OF CIVIL PRACTICE)
IN THIS COURT)

ORDER AMENDING)
LOCAL RULE 32.2 OF)
CRIMINAL PRACTICE)

IT APPEARING that in March, 2009, the Supreme Court approved an amendment to Federal Criminal Rule 45, which simplified the method for computing time deadlines in the Federal Criminal Rules;

IT ALSO APPEARING that many 20-day periods in the Federal Rules were changed to 21-day periods as a part of the 2009 rule simplification process; and

IT ALSO APPEARING that to be consistent with the 2009 federal rule simplification changes, the 20-day deadline for filing sentencing documents under Local Criminal Rule 32.2(d) should be changed to 21 days. For good cause appearing to the Court, and pursuant to the authority of 28 U.S.C. § 2071,

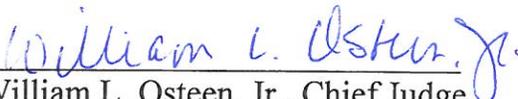
IT IS ORDERED that the first sentence of Local Criminal Rule 32.2(d) be amended as follows:

Within 21 days after disclosure of the presentence investigation report, any party, Defendant and/or Government, having an unresolved dispute shall file a pleading entitled, "Position of Parties with Respect to Sentencing Factors," in accordance with Policy Statements §§ 6A1.2 and 6A1.3 of the United States Sentencing Commission Guidelines Manual or any other rules issued by the United States Sentencing Commission.

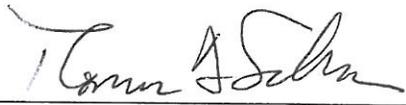
IT IS FURTHER ORDERED that the Clerk of Court shall alert the public of this newly amended rule through prominent display on the Court's website and shall provide notice of the

local rule amendments to this Court's bar through the CM/ECF electronic noticing system.

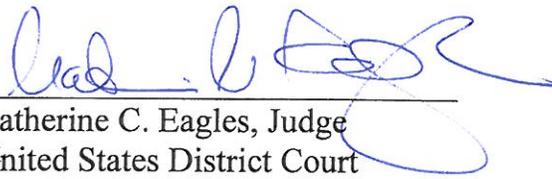
This the 24th Day of September, 2014.



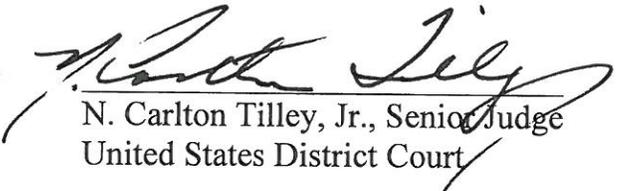
William L. Osteen, Jr., Chief Judge
United States District Court



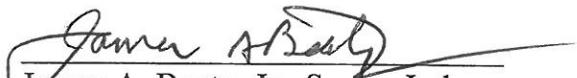
Thomas D. Schroeder, Judge
United States District Court



Catherine C. Eagles, Judge
United States District Court



N. Carlton Tilley, Jr., Senior Judge
United States District Court



James A. Beaty, Jr., Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



ORDER ADOPTING LOCAL RULES OF)
CIVIL AND CRIMINAL PRACTICE)

IT APPEARING that the Local Rules Committee for the Middle District of North Carolina has proposed new or amended rules for Local Civil Rules 5.4, 7.1(a), 7.3(i), 7.6, 15.1, 16.2, 16.3, 26.2, 37.1, 54.1, 72.4, 83.7, 83.9e(i), 83.10h(d), 83.11 and 103.2(b).

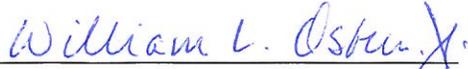
IT ALSO APPEARING that the Local Rules Committee has proposed an amendment to Local Criminal Rule 57.1.

IT ALSO APPEARING that pursuant to Fed. R. Civ. P. 83 and Fed R. Crim. P. 57 this Court has given appropriate public notice and opportunity to comment, and that comments were received regarding the proposed amendments. Upon consideration of the public comments and comments from the Local Rules Committee, it is hereby

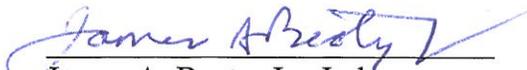
ORDERED that the proposed amendments posted on this Court's website on October 2, 2013 at www.ncmd.uscourts.gov are approved and shall take effect on March 1, 2014, and shall govern all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

IT IS FURTHER ORDERED that the Clerk of Court shall alert the public of the newly amended rules through prominent display on the Court's website and shall provide notice of the local rule amendments to this Court's bar through the CM/ECF electronic noticing system.

This the 31st day of January, 2014.



William L. Osteen, Jr., Chief Judge
United States District Court



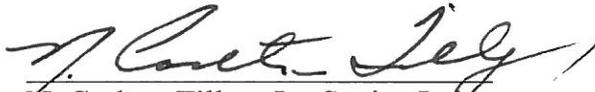
James A. Beaty, Jr., Judge
United States District Court



Thomas D. Schroeder, Judge
United States District Court



Catherine C. Eagles, Judge
United States District Court



N. Carlton Tilley, Jr., Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



ORDER ADOPTING LOCAL RULES OF)
CIVIL AND CRIMINAL PRACTICE)

IT APPEARING that the Local Rules Committee for the Middle District of North Carolina has proposed new or amended rules for Local Civil Rules 5.1, 7.2(a), 7.5, 16.1(f), 72.4, 83.1(d)(1), 83.1(e)(2), 83.10n, and 101.1 through 105.2.

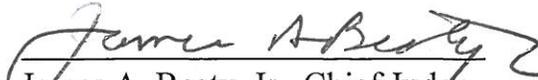
IT ALSO APPEARING that the Local Rules Committee has proposed an amendment to Local Criminal Rule 57.1.

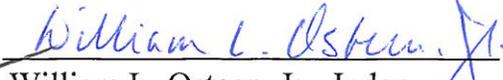
IT ALSO APPEARING that pursuant to Fed. R. Civ. P. 83 and Fed R. Crim. P. 57 this Court has given appropriate public notice and opportunity to comment, and that comments were received regarding the proposed amendments. Upon consideration of the public comments and comments from the Local Rules Committee, it is hereby

ORDERED that the proposed amendments dated April 2, 2012 and posted on this Court's website at www.ncmd.uscourts.gov are approved and shall take effect on April 2, 2012, and shall govern all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

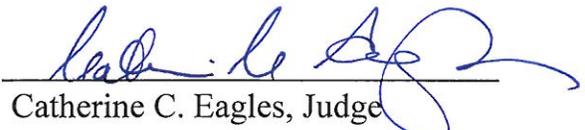
IT IS FURTHER ORDERED that the Clerk of Court shall alert the public of the newly amended rules through prominent display on the Court's website and shall provide notice of the local rule amendments to this Court's bar through the CM/ECF electronic noticing system.

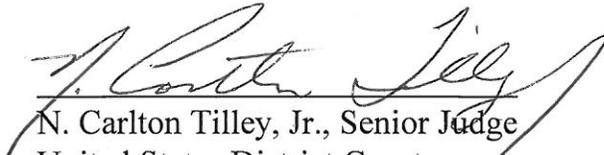
This the 28th Day of March, 2012.


James A. Beaty, Jr., Chief Judge
United States District Court


William L. Osteen, Jr., Judge
United States District Court


Thomas D. Schroeder, Judge
United States District Court


Catherine C. Eagles, Judge
United States District Court


N. Carlton Tilley, Jr., Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ORDER ADOPTING LOCAL RULES OF)
CIVIL AND CRIMINAL PRACTICE)

IT APPEARING to the Court that the Committee on Rules of Practice and Procedures of the Judicial Conference of the United States Court has issued Guidelines on the use of standing orders and local rules, and that the content of Standing Orders 10, 11, 13, 20, 21, 22 and 34 should be placed in the Court's local rules;

IT FURTHER APPEARING that the provisions of Local Civil Rule 7.1(b) regarding personal data identifiers are no longer needed in the Court's local rules as the personal data identifier rules are now included in Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1;

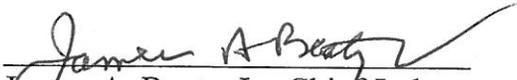
IT FURTHER APPEARING that certain typographical errors, gender descriptions and minor organizational changes should be made to the Court's local rules; and

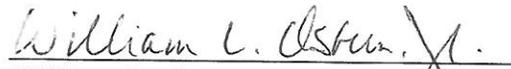
IT FURTHER APPEARING that changes have been proposed to the Local Rules to address the above described concerns, and that such changes have been given appropriate notice and opportunity for comment as required by 28 U.S.C. § 2071(b), Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure.

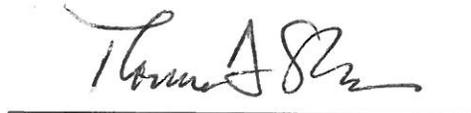
IT IS THEREFORE ORDERED that the following Local Rules of Civil and Criminal Practice in the United States District court for the Middle District of North Carolina be, and, they hereby are, adopted, effective 12:01 a.m., on the 1st day of April,

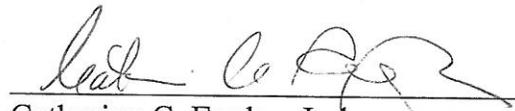
2011. At that time these local rules shall supersede local rules theretofore in effect and shall apply to all pending cases.

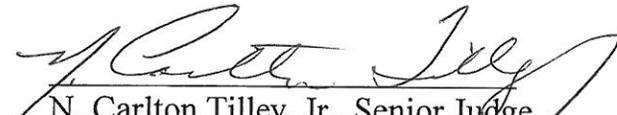
This the 30th day of March, 2011.


James A. Beaty, Jr., Chief Judge
United States District Court

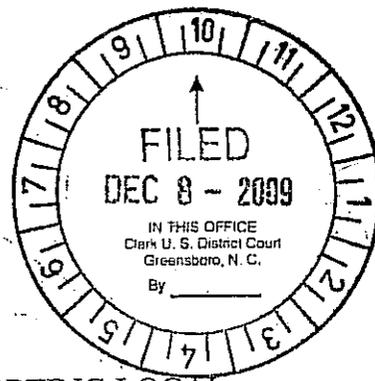

William L. Osteen, Jr., Judge
United States District Court


Thomas D. Schroeder, Judge
United States District Court


Catherine C. Eagles, Judge
United States District Court


N. Carlton Tilley, Jr., Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF LOCAL) ORDER ADOPTING LOCAL
RULES OF CIVIL PRACTICE) RULE 83.7 OF CIVIL
IN THIS COURT) PRACTICE

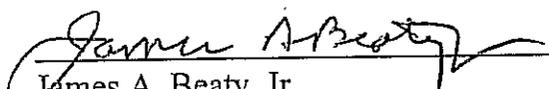
For good cause appearing to the Court, and pursuant to the authority of 28 U.S.C. § 2071, it is ordered that the following Local Civil Rule be adopted:

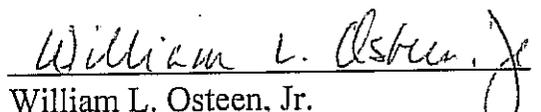
LR83.7

PHOTOGRAPHS, RECORDINGS, AND BROADCASTS

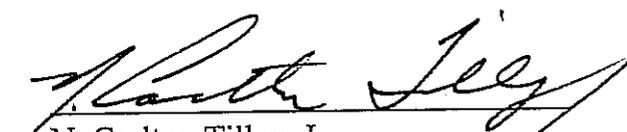
Radio, television, Internet broadcasting and the use of photographic, electronic, or mechanical reproduction or recording equipment is prohibited in courtrooms or their environs. "Environs" is defined to mean the courtrooms, the offices of the judges, clerk, probation officers, or any corridor connecting or adjacent thereto. Ceremonial proceedings such as the administration of oaths of office to appointed officials of the court, naturalization, and presentation of portraits, may be photographed in or broadcast from the courtroom under the supervision of the court. Attorneys may request Court permission to bring laptops in courtrooms or their environs by obtaining a Laptop Request and Acknowledgment Form from the clerk's office. Otherwise, use of photographic, electronic, or mechanical reproduction or recording equipment without court permission is prohibited.

This the 8th of December, 2009.

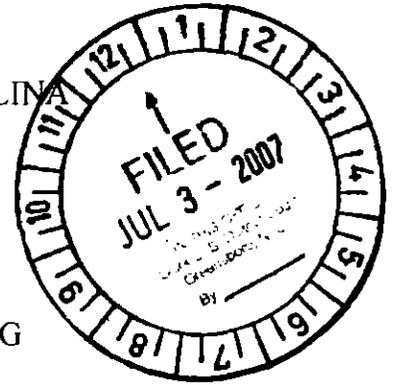

James A. Beaty, Jr.
Chief, United States District Judge


William L. Osteen, Jr.
United States District Judge


Thomas D. Schroeder
United States District Judge


N. Carlton Tilley, Jr.
Senior United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



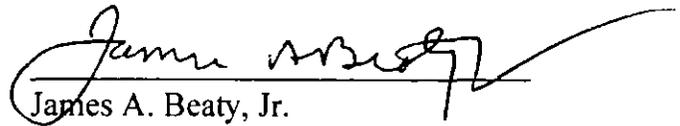
In the Matter of)
Forfeiture of Collateral) ORDER SUPPLEMENTING
in Lieu of Trial of) LCrR58.1
Misdemeanors Before)
U.S. Magistrates)

FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE:
AMENDMENT OF SCHEDULE B (NATIONAL FOREST SERVICE VIOLATIONS)

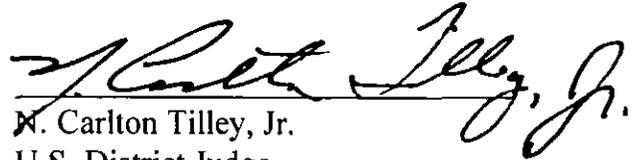
Pursuant to Rule 58, Federal Rules of Criminal Procedure, and Local Criminal Rule 58.1, the schedule of collateral which may be posted and forfeited by a person charged with a petty offense in lieu of the appearance for trial of the offender is hereby amended. The attached schedule, which applies only to National Forest Service violations of the listed federal regulations, amends and supersedes in its entirety Section B of the forfeiture of collateral schedule enacted by the Court on September 24, 2003. All other provisions of the Court's order of September 24, 2003, remain in full force and effect.

This Order is effective for all offenses listed in Section B which arise on or after the date this order is filed.

This the 3rd day of July, 2007.



James A. Beaty, Jr.
Chief U.S. District Judge



N. Carlton Tilley, Jr.
U.S. District Judge



William L. Osteen, Sr.
Senior U.S. District Judge

B. National Forest Service Violations
(36 C.F.R. Chapter II, Part 261, dated July 1, 2006)

<u>Section</u>	<u>Offense</u>	<u>Collateral</u>
<u>Subpart A - General Prohibitions</u>		
<u>Interference</u>		
261.3(a)	Threaten/resist/intimidate/interfere with forest officer	\$ 150.00
261.3(b)	Provide false information	\$ 150.00
261.3(c)	Threaten/intimidate/interfere with forest staff	\$ 150.00
<u>Disorderly Conduct</u>		
261.4(a)	Fighting	\$ 150.00
261.4(b)	Communications tending to cause violence	\$ 150.00
261.4(c)	Actions tending to incite lawlessness	\$ 150.00
261.4(d)	Unreasonably loud noise	\$ 75.00
<u>Fire</u>		
261.5(a)	Carelessly or negligently causing fire	MA ¹
261.5(b)	Firing tracer/incendiary ammunition	MA
261.5(c)	Burning without permit	MA
261.5(d)	Failure to extinguish fire	\$ 75.00
261.5(e)	Allowing fire to escape from control	MA
261.5(f)	Failure to remove flammable material around campfire	\$ 75.00

¹MA = Mandatory Appearance.

Timber/Forest Products

261.6(a)	Unauthorized cutting/damaging	\$ 150.00
261.6(b)	Cutting undesignated standing tree	\$ 150.00
261.6(c)	Unauthorized removal	\$ 150.00
261.6(d)	Unauthorized marking of tree/forest product	MA
261.6(e)	Unauthorized loading/removing/hauling	\$ 150.00
261.6(f)	Sale or exchange of timber or forest product obtained pursuant to §§ 223.5- 223.11	\$ 150.00
261.6(g)	Violation of timber export/substitution restriction	MA
261.6(h)	Removing timber without permit	\$ 150.00
261.6(i)	Violation of Forest Resources Conservation and Shortage Relief Act	MA

Livestock

261.7(a)	Placing or allowing unauthorized livestock	\$ 75.00
261.7(b)	Failure to remove unauthorized livestock	\$ 75.00
261.7(c)	Failure to reclose gate	\$ 50.00
261.7(d)	Molest, injure, remove, or release impounded livestock	MA

Fish and Wildlife

261.8(a)	Hunt, trap, fish, catch, molest, kill, or possess wildlife or bird eggs illegally	\$ 100.00
261.8(b)	Possess weapon illegally	\$ 100.00
261.8(c)	Possess hunting, fishing, trapping equipment illegally	\$ 75.00
261.8(d)	Unsecured dog	\$ 50.00
261.8(e)	Curtail movement of plant or animal in/out of cave	MA

Property/Natural Features

261.9(a)	Damaging natural features or property	\$ 100.00
261.9(b)	Removing natural feature or property	\$ 100.00
261.9(c)	Damage threatened, endangered or sensitive plants	\$ 100.00
261.9(d)	Remove threatened, endangered or sensitive plants	\$ 100.00
261.9(e)	Entering closed building or area	\$ 75.00
261.9(f)	Unauthorized pesticide	MA
261.9(g)	Disturbing archeological site	MA
261.9(h)	Removing archeological resource	MA
261.9(i)	Damaging or commercial use of paleontological resource	MA
261.9(j)	Damaging or removing cave resource	MA

Occupancy and Use

261.10(a)	Constructing or maintaining improvements	\$ 100.00
261.10(b)	Illegal occupation (squatting)	\$ 150.00
261.10(c)	Selling merchandise/service without permit	\$ 100.00
261.10(d)	Unlawful/dangerous discharge of firearm	\$ 150.00
261.10(e)	Abandoning personal property	\$ 75.00
261.10(f)	Vehicle/object: impediment/hazard	\$ 50.00
261.10(g)	Commercial distribution of printed material without permit	\$ 50.00
261.10(h)	Improper commercial distribution of printed material	\$ 100.00
261.10(i)	Unreasonable noise (mechanical)	\$ 50.00

261.10(j)	Use of public address system without permit	\$ 50.00
261.10(k)	Use of land/facilities without permit	\$ 50.00
261.10(l)	Violating terms of a permit	\$ 75.00
261.10(m)	Failure to stop for forest officer	\$ 100.00
261.10(n)	Failure to pay fee	\$ 25.00
261.10(o)	Discharge firecracker/rocket/firework/ explosive into or within cave	\$ 100.00

Sanitation

261.11(a)	Deposit to damage toilet/fixtures	\$ 100.00
261.11(b)	Possess or leave refuse, debris, or litter in exposed or unsanitary condition	\$ 75.00
261.11(c)	Polluting stream, lake or other water	\$ 150.00
261.11(d)	Littering	\$ 75.00
261.11(e)	Unauthorized dumping into Govt. facility	\$ 75.00

Roads and Trails

261.12(a)	Violate vehicle limitations	\$ 50.00
261.12(b)	Failure to weigh vehicle	\$ 50.00
261.12(c)	Leaving road/trail damaged	\$ 100.00
261.12(d)	Blocking road, trail, or gate	\$ 50.00

Motor Vehicle Use

261.13	Prohibited motor vehicle use	\$ 75.00
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Use by Over-snow Vehicles

261.14	Prohibited over-snow vehicle use	\$ 75.00
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Use of Vehicles Off-Road

261.15(a)	Operate off-road without required license	\$ 75.00
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261.15(b)	Operate off-road without operable brakes	\$ 75.00
261.15(c)	Operate off-road during darkness without lights	\$ 75.00
261.15(d)	Operate off-road in violation of noise limits	\$ 75.00
261.15(e)	Operate off-road while under influence of alcohol or drug	MA
261.15(f)	Operate off-road with excessive smoke	\$ 75.00
261.15(g)	Operate off-road: careless or reckless operation	\$ 100.00
261.15(h)	Operate off-road to damage resources	\$ 100.00
261.15(i)	Operate off-road in violation of state law	\$ 75.00

Developed Recreation Sites

261.16(a)	Occupying site for other than recreation	\$ 50.00
261.16(b)	Fire outside designated fire ring/grill	\$ 50.00
261.16(c)	Washing items at undesignated spigot	\$ 50.00
261.16(d)	Unauthorized use of fireworks	\$ 75.00
261.16(e)	Unauthorized occupancy of day-use area	\$ 50.00
261.16(f)	Failure to remove property	\$ 50.00
261.16(g)	Placing/using camping equipment in undesignated area	\$ 50.00
261.16(h)	Failure to occupy site	\$ 50.00
261.16(i)	Leaving equipment unattended more than 24 hours	\$ 50.00
261.16(j)	Dog/animal off-leash/unsecured	\$ 50.00
261.16(k)	Animals in swimming area	\$ 50.00
261.16(l)	Unauthorized use of horses/stock	\$ 50.00
261.16(m)	Vehicle in unauthorized area	\$ 50.00

261.16(n)	Motorbikes or bicycles on undesignated trail	\$ 50.00
261.16(o)	Unauthorized use of motorbike or motor vehicle	\$ 50.00
261.16(p)	Unauthorized disposal of body waste	\$ 50.00

Fees

261.17	Failure to pay fees	\$ 50.00
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National Forest Wilderness

261.18(a)	Unauthorized use of motor vehicle/motorized equipment	\$ 100.00
261.18(b)	Unauthorized use of hang glider or bicycle	\$ 75.00
261.18(c)	Unauthorized use of aircraft	MA

National Forest Primitive Areas

261.21(a)	Landing aircraft/use of motorboat	MA
261.21(b)	Possession/use of motorized equipment	MA

Use of Forest Service Symbols

261.22(a)	Unauthorized use of "Smokey Bear" symbol	\$ 75.00
261.22(b)	Unauthorized use of "Woodsy Owl" symbol	\$ 75.00

Wild Horses and Burros

261.23(a)	Removing wild horse or burro from FS land	MA
261.23(b)	Harassment of wild horse or burro	MA
261.23(c)	Remove or alter official mark on wild horse or burro	MA
261.23(d)	Violate terms of wild horse/burro permit	MA

Subpart B - Prohibitions in Areas Designated by Order

Supervisor's Orders (Fire)

261.52(a)	Unauthorized fire	\$ 75.00
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261.52(b)	Using an explosive	MA
261.52(c)	Smoking	\$ 50.00
261.52(d)	Smoking except in approved area	\$ 50.00
261.52(e)	Entering closed area	\$ 50.00
261.52(f)	Possess or use fireworks	\$ 50.00
261.52(g)	Failure to carry fire-fighting tools	\$ 50.00
261.52(h)	Operate internal combustion engine	\$ 50.00
261.52(i)	Welding/use of torch	\$ 50.00
261.52(j)	Engine without working spark arrestor	\$ 50.00
261.52(k)	Violate state fire/burning laws	\$ 150.00

Supervisor's Orders (Closures)

261.53(a)	Entering closed area: threatened/endangered/ rare/unique/vanishing species	\$ 100.00
261.53(b)	Entering closed area: biological communities	\$ 100.00
261.53(c)	Entering closed area: historical/ archeological/geological/paleontological	\$ 100.00
261.53(d)	Entering closed area: scientific	\$ 100.00
261.53(e)	Entering closed area: public health/safety	\$ 50.00
261.53(f)	Entering closed area: property	\$ 50.00

Supervisor's Orders (Roads)

261.54(a)	Prohibited vehicle	\$ 50.00
261.54(b)	Prohibited traffic	\$ 50.00
261.54(c)	Unauthorized commercial hauling	\$ 100.00
261.54(d)	Violate vehicle restrictions	\$ 75.00
261.54(e)	Being on the road, unauthorized	\$ 50.00

261.54(f) Reckless/careless operation \$ 150.00

Supervisor's Orders (Trails)

261.55(a) Being on trail, unauthorized \$ 75.00

261.55(b) Unauthorized vehicle \$ 75.00

261.55(c) Unauthorized traffic \$ 75.00

261.55(d) Violate vehicle/trail restrictions \$ 75.00

261.55(e) Short-cutting a switchback \$ 75.00

Supervisor's Orders (Off-road)

261.56 Unauthorized use of vehicle off designated road system \$ 75.00

Supervisor's Orders (Wilderness)

261.57(a) Entering or being in designated area, unauthorized \$ 75.00

261.57(b) Possess unauthorized equipment \$ 75.00

261.57(c) Possess firearm or firework \$ 75.00

261.57(d) Possess unauthorized food/beverage containers \$ 75.00

261.57(e) Unauthorized grazing \$ 75.00

261.57(f) Unauthorized storing equipment/personal property/supplies \$ 75.00

261.57(g) Unauthorized disposing of debris/garbage/waste \$ 100.00

261.57(h) Unauthorized possession or use of wagon/cart/vehicle \$ 75.00

Supervisor's Orders (Occupancy and Use)

261.58(a) Camping for a period longer than allowed \$ 50.00

261.58(b) Unauthorized entry into developed area \$ 75.00

261.58(c)	Unauthorized entry into camping areas at night	\$ 75.00
261.58(d)	Prohibited camping equipment	\$ 50.00
261.58(e)	Unauthorized camping	\$ 50.00
261.58(f)	Exceed allowable number of persons	\$ 50.00
261.58(g)	Violate parking instructions	\$ 50.00
261.58(h)	Parking off own campsite	\$ 50.00
261.58(i)	More than two vehicles, except motorbikes, per site	\$ 50.00
261.58(j)	Public nudity	\$ 100.00
261.58(k)	Unauthorized entry into body of water	\$ 50.00
261.58(l)	Being in an area between sundown and sunrise	\$ 50.00
261.58(m)	Discharging a weapon	\$ 75.00
261.58(n)	Possessing or operating a motorboat	\$ 50.00
261.58(o)	Water skiing	\$ 50.00
261.58(p)	Storing or leaving a boat or raft	\$ 50.00
261.58(q)	Operate watercraft in excess of posted limits	\$ 50.00
261.58(r)	Launching a boat except at designated ramp	\$ 50.00
261.58(s)	Possess or transport bird, fish, animal	\$ 50.00
261.58(t)	Possession of marijuana	\$ 250.00
261.58(u)	Unauthorized presence in area between 10 PM and 6 AM	\$ 50.00
261.58(v)	Hunting or fishing	\$ 50.00
261.58(w)	Possess or transport any boat motor	\$ 50.00
261.58(x)	Unauthorized transport method for watercraft	\$ 50.00
261.58(y)	Unauthorized use of aircraft	\$ 100.00

261.58(aa)	Violate horse/stock use restrictions	\$ 50.00
261.58(bb)	Possess alcohol beverage in closed area	\$ 50.00
261.58(cc)	Possess/store food or refuse	\$ 75.00
261.58(ee)	Depositing any body waste in caves	MA

OFFENSES PUNISHABLE UNDER THE ASSIMILATIVE CRIMES STATUTE
(18 U.S.C. § 13)

N.C.G.S. § 90-113.22	Possession of drug paraphernalia	\$ 250.00
N.C.G.S. § 20-138.7	Transporting an open container of alcoholic beverage in a motor vehicle	\$ 75.00

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF LOCAL) ORDER ADOPTING LOCAL
RULES OF CIVIL PRACTICE) RULE 32.2 OF CRIMINAL
IN THIS COURT) PRACTICE

For good cause appearing to the Court, and pursuant to the authority of 28 U.S.C. § 2071, it is ordered that the following Local Criminal Rule be adopted:

LCrR32.2

MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL

The filer of a motion to extend the time to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(b)(4) shall ensure that a notice of appeal has been filed or will be filed contemporaneously with the filing of the motion to extend time.

This rule shall be adopted effective July 1, 2007.

This the 30th of May, 2007.

Handwritten signature of James A. Beaty, Jr. in cursive.

James A. Beaty, Jr.
Chief, United States District Judge

Handwritten signature of N. Carlton Tilley, Jr. in cursive.

N. Carlton Tilley, Jr.
United States District Judge

Handwritten signature of William L. Osteen in cursive.

William L. Osteen
Senior United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



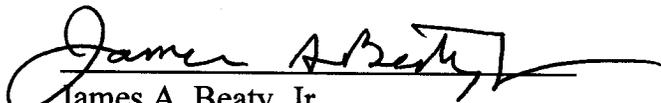
IN THE MATTER OF LOCAL) ORDER AMENDING LOCAL
RULES OF CIVIL PRACTICE) RULE 30.1(3) OF CIVIL
IN THIS COURT) PRACTICE

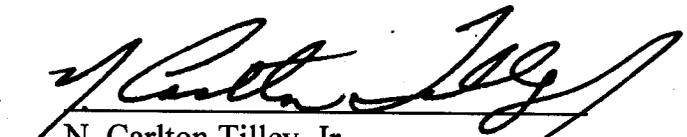
For good cause appearing to the Court, and pursuant to the authority of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED that Local Rule 30.1(3) is amended as follows:

(3) Counsel and their witness-clients shall not engage in private, off-the-record conferences while the deposition is proceeding in session, except for the purpose of deciding whether to assert a privilege. Counsel may confer with their clients during mid-morning, lunch, mid-afternoon, or overnight breaks in the deposition. However, counsel for a deponent may not request such a break while a question is pending or while there continues a line of questioning that may be completed within a reasonable time preceding such scheduled breaks.

This the 22nd of December, 2006.


James A. Beaty, Jr.
Chief, United States District Judge


N. Carlton Tilley, Jr.
United States District Judge


William L. Osteen
Senior United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF LOCAL RULES OF)
CIVIL AND CRIMINAL PRACTICES IN)
THIS COURT)

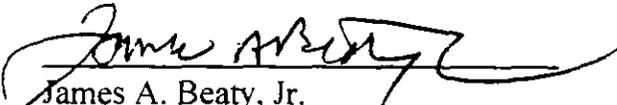
ORDER ADOPTING LOCAL
RULES OF CIVIL AND
CRIMINAL PRACTICE

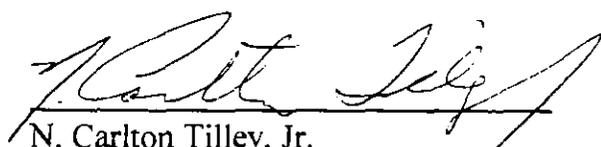
For good cause appearing to the Court,

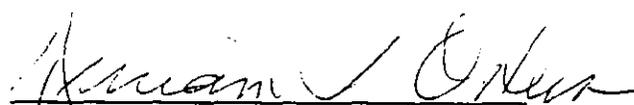
IT IS ORDERED that:

1. The following Local Rules of Civil and Criminal Practice in the United States District court for the Middle District of North Carolina be and they hereby are adopted, effective 12:01 a.m., on the 1st day of November, 2006. At that time these local rules shall supersede local rules theretofore in effect and shall apply to all pending cases.
2. These rules are adopted in compliance with and pursuant to the authority of Rule 83, Fed.R.Civ.P.; Rule 57, Fed.R.Crim.P.; and other federal rules and statutes providing for district court rules.
3. The Clerk is directed to make appropriate arrangements to see that these rules are published promptly and that the rules are made available for distribution to the bar and public.

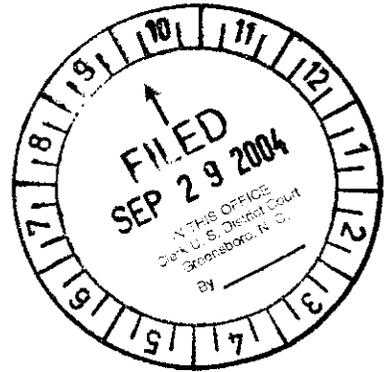
This the 27th of September, 2006.


James A. Beaty, Jr.
Chief, United States District Judge


N. Carlton Tilley, Jr.
United States District Judge


William L. Osteen
Senior United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA



IN THE MATTER OF)
RULES OF PRACTICE)
AND PROCEDURE IN)
THIS COURT)

Pursuant to the authority of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED THAT: Local Rule 7.1 is amended by inserting the language below as 7.1(b):

(b) **Personal Data Identifiers.** In compliance with the Policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- a. **Social Security Numbers.** If the individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned in a pleading, only the initials of that child should be used.
- c. **Dates of birth.** If the individual's date of birth must be included in a pleading, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant and must be included in a pleading, only the last four digits of the financial account number should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may

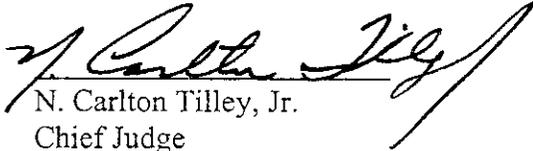
- a. file an unredacted version of the document under seal, or
- b. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The court may, however, still require a redacted copy for the public file. The redacted version of the document or the reference list shall be retained by the court as part of the record and disposed of in accordance with Local Rule 83.5. Counsel who file personal identifier data under seal should be mindful that the confidentiality of sealed documents transferred to the General Services Administration for holding after the case is closed cannot be assured.

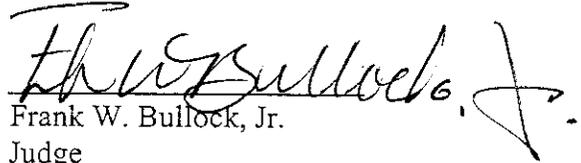
The responsibility for redacting these personal identifiers rests solely with counsel and parties. The Clerk will not review each pleading for compliance with this rule.

This amendment will be effective ~~NOVEMBER~~ 1, 2004.

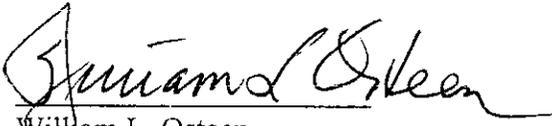
This the 29th th day of ~~SEPTEMBER~~, 2004.



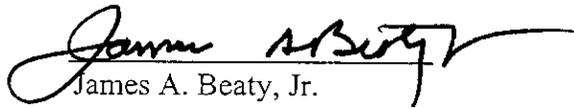
N. Carlton Tilley, Jr.
Chief Judge
United States District Court



Frank W. Bullock, Jr.
Judge
United States District Court



William L. Osteen
Judge
United States District Court

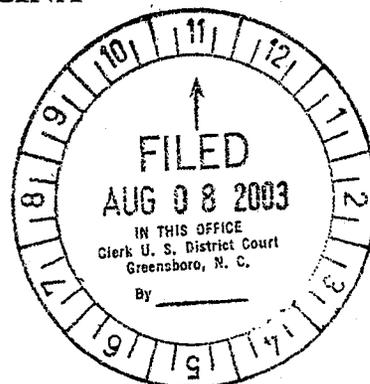


James A. Beaty, Jr.
Judge
United States District Court

Amended: August 8, 2003

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF)
RULES OF PRACTICE)
AND PROCEDURE IN)
THIS COURT)



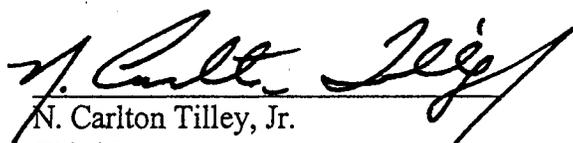
Pursuant to the authority of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure:

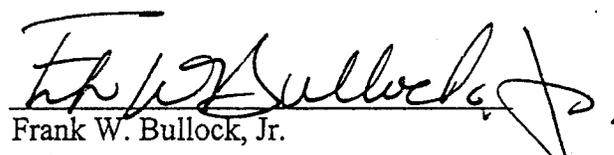
IT IS ORDERED THAT: Local Rule 16.1(b) is amended by deleting the language below:

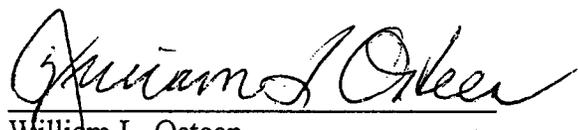
“Lead counsel for each party must meet and discuss the above-listed matters in a face-to-face meeting unless the offices of the parties' lead counsel are separated by more than 150 miles, in which event lead counsel may conduct the conference by telephone. In the absence of agreement to the contrary, the meeting of the parties shall be held in the office of the attorney nearest the court location where the initial pretrial conference is scheduled.”

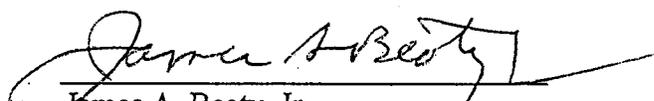
This amendment will be effective September 1, 2003.

This the 8th day of August, 2003.


N. Carlton Tilley, Jr.
Chief Judge
United States District Court


Frank W. Bullock, Jr.
Judge
United States District Court


William L. Osteen
Judge
United States District Court


James A. Beaty, Jr.
Judge
United States District Court

Amended: May 1, 2003

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF)
RULES OF PRACTICE)
AND PROCEDURE IN)
THIS COURT)

Pursuant to the authority of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure:
IT IS ORDERED THAT: Local Rule 7.1 is amended by inserting the language below as 7.1(b)
and the present sections of Local Rule 7.1 (b) through (e) are renumbered as sections 7.1 (c) through (f):

“(b) **Personal Data Identifiers.** In compliance with the Policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- a. **Social Security Numbers.** If the individual’s social security number must be included in a pleading, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned in a pleading, only the initials of that child should be used.
- c. **Dates of birth.** If the individual’s date of birth must be included in a pleading, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant and must be included in a pleading, only the last four digits of the financial account number should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. The court may, however, still require the party to file a redacted copy for the public file. The unredacted document shall be retained by the court as part of the record and disposed in accordance with Local Rule 83.5. Counsel who file personal identifier data under seal should be mindful that the confidentiality of sealed documents transferred to the General Services Administration for holding after the case is closed cannot be assured.

The responsibility for redacting these personal identifiers rests solely with counsel and parties. The Clerk will not review each pleading for compliance with this rule.”

This amendment will be effective May 1, 2003.

This the 30th day of April, 2003.

s/ N. Carlton Tilley, Jr.
N. Carlton Tilley, Jr.
Chief Judge
United States District Court

s/ Frank W. Bullock, Jr.
Frank W. Bullock, Jr.
Judge
United States District Court

s/ William L. Osteen
William L. Osteen
Judge
United States District Court

s/ James A. Beaty, Jr.
James A. Beaty, Jr.
Judge
United States District Court

Amended: March 5, 2002

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF :
RULES OF PRACTICE :
AND PROCEDURE IN :
THIS COURT :

Pursuant to the authority of 28 U.S.C. §2071 and
Rules 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED THAT: Local Rule 16.1 is amended
by deleting from paragraph (b) the sentence which reads:
“Parties are not required to make initial disclosures identified
in Fed. R. Civ. P. 26(a)(1); the court elects to be exempt from
the provisions of Rule 26(a)(1).”

This amendment is effective immediately.

This the 5th day of March 2002.

s/ N. Carlton Tilly Jr.
N. Carlton Tilly, Jr.
Chief Judge
United States District Court

s/ Frank W. Bullock Jr.
Frank W. Bullock, Jr.
Judge
United States District Court

s/ William O. Osteen
William O. Osteen
Judge
United States District Court

s/ James A. Beaty, Jr.
James A. Beaty, Jr.
Judge
United States District Court

Amended: November 29, 2000

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF :
RULES OF PRACTICE :
AND PROCEDURE IN :
THIS COURT :

Pursuant to the authority of 28 U.S.C. §2071 and
Rules 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED THAT: Local Rule 26.2 (dated July
1, 1997) is *rescinded*.

This amendment will effective December 1, 2001.

This the 29th day of November 2000.

s/ N. Carlton Tilly Jr.
N. Carlton Tilly, Jr.
Chief Judge
United States District Court

s/ Frank W. Bullock Jr.
Frank W. Bullock, Jr.
Judge
United States District Court

s/ William O. Osteen
William O. Osteen
Judge
United States District Court

s/ James A. Beaty, Jr.
James A. Beaty, Jr.
Judge
United States District Court

Amended: April 26, 2000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF :
RULES OF PRACTICE :
AND PROCEDURE IN :
THIS COURT :

Pursuant to the authority of 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED THAT: Local Rule 83.10c(b) is amended by replacing the first sentence with the following: **“Compensation of Mediators.** Mediators under these rules shall be compensated by the parties at the hourly rate set by the Chief Judge, except that in the case of an agreed-upon mediator, the parties may agree to greater compensation and expense reimbursement.”

FURTHER, IT IS ORDERED THAT: Local Rule 5.3 has been added and it reads: “A party who presents to the clerk filings which relate to a matter noticed for hearing within the next three business days shall so advise the clerk.”

These amendments will be effective April 26, 2000.

This the 26 day of April, 2000.

s/ N. Carlton Tilley, Jr.
Chief Judge
United States District Court

s/ Frank W. Bullock, Jr.
Judge
United States District Court

s/ William L. Osteen
Judge

s/ James A. Beaty, Jr.
Judge

Amended: November 12, 1997

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF :
RULES OF PRACTICE :
AND PROCEDURE IN :
THIS COURT :

Pursuant to the authority of 28 U.S.C. §2071 and Rule 83 of the Federal Rules of Civil Procedure:

IT IS ORDERED THAT: Local Rule 67.1(b)(2) is amended by reversing the order of the last two sentences, so that the last sentence in the subsection reads: "If an order is entered prior to the filing of a response in opposition, the motion will be reconsidered by the court."

FURTHER IT IS ORDERED THAT: The following be inserted in Local Rule 67.1 as Local Rule 67.1 (b)(3): "When an order is issued to invest or reinvest registry funds into some form of interest-bearing account or accounts, the party presenting the order shall deliver a copy of said order either personally, or by certified mail, return receipt requested, to the Clerk, or in his absence, the Chief Deputy Clerk or the Financial Deputy. Further it shall be incumbent upon the presenting party to confirm that the appropriate action has been accomplished by the Clerk in accordance with the provisions of the particular order."

FURTHER, IT IS ORDERED THAT: Local Rule 67.1(b)(3) is renumbered as Local Rule 67.1(b)(4) and that it read: "(4) The clerk of court shall deduct from the income earned the fee specified in Chapter VII, *Guide to Judiciary Policies and Procedures*, for deposit to the credit of the Judiciary, without order of the court."

These amendments will be effective January 1, 1998.

This the 12th day of November, 1997.

s/ Frank W. Bullock, Jr.
Chief Judge
United States District Court

s/ N. Carlton Tilley, Jr.
Judge
United States District Court

s/ William L. Osteen
Judge
United States District Court

s/ James A. Beaty, Jr.
Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF LOCAL)
RULES OF CIVIL AND) ORDER ADOPTING
CRIMINAL PRACTICE IN) LOCAL RULES OF CIVIL
THIS COURT) AND CRIMINAL PRACTICE

For good cause appearing to the Court,

IT IS ORDERED that:

1. The following Local Rules of Civil and Criminal Practice in the United States District Court for the Middle District of North Carolina be and they hereby are adopted, effective at 12:01 a.m., on the 1st day of July, 1997. At that time these local rules shall supersede local rules theretofore in effect and shall apply to all pending cases, unless the Court finds that their application in a specific case would result in injustice or hardship.

2. These rules are adopted in compliance with and pursuant to the authority of Rule 83, Fed.R.Civ.P.; Rule 57, Fed.R.Crim.P.; and other federal rules and statutes providing for district court local rules.

3. These rules conform to the uniform numbering system prescribed by the Judicial Conference of the United States. Each local rule is numbered according to its corresponding Federal Rule. Local rules for which there are no corresponding Federal Rules are correlated with the respective Federal Rule on local rulemaking. (Fed.R.Civ.P. 83; Fed.R.Crim.P. 57)

4. Pursuant to Bankruptcy Rule 9029, the Court authorizes the Bankruptcy Judges of this district to adopt Local Rules of Practice and Procedure for the Bankruptcy Court.

5. The Clerk is directed to make appropriate arrangements to see that these rules are published promptly and that copies of the rules are made available for distribution to the bar and the public.

This the 4th day of June, 1997.

s/ Frank W. Bullock, Jr.
Chief United States District Judge

s/ N. Carlton Tilley, Jr.
United States District Judge

s/ William L. Osteen
United States District Judge

s/ James A. Beaty, Jr.
United States District Judge

s/ Hiram H. Ward
Senior United States District Judge

s/ Richard C. Erwin
Senior United States District Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:)
) ORDER
Local Bankruptcy Rules)

It appearing that local bankruptcy rules would facilitate the administration of bankruptcy cases in this district and would assist the court in the management and orderly disposition of contested matters and adversary proceedings; and

It further appearing that Rule 9029 of the Federal Rules of Bankruptcy Procedure permits the United States District Court to authorize bankruptcy judges to make and amend local rules of practice and procedure for the bankruptcy court which are consistent with Acts of Congress and the Federal Rules of Bankruptcy Procedure; and

It further appearing that by order of the United States District Court for the Middle District of North Carolina, dated June 4, 1997, the bankruptcy judges of this district are authorized, subject to the requirements of Rule 83 of the Federal Rules of Civil Procedure, to make and amend local rules of practice and procedure not inconsistent with Acts of Congress and the Federal Rules of Bankruptcy Procedure; and

It further appearing that appropriate public notice and an opportunity to comment regarding the rules attached hereto has been given; now, therefore

IT IS ORDERED that the local bankruptcy rules attached hereto are hereby adopted and shall be effective from and after June 4, 1997, with respect to all cases and proceedings before the United States Bankruptcy Court for the Middle District of North Carolina. Such rules shall be referred to as Local Bankruptcy Rules, Middle District of North Carolina.

This the 4th day of June, 1997.

s/ William L. Stocks
Chief Bankruptcy Judge

s/ Catherine L. Carruthers
Bankruptcy Judge

s/ James B. Wolfe, Jr.
Bankruptcy Judge