United States District Court
Northern District of Texas

ELECTRONIC CASE FILING

Opening a Civil Case / Filing a Complaint

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Opening a Civil Case / Filing a Complaint

A. Introduction

This document will guide you through the process of opening a civil case in ECF, docketing the complaint or other initiating document, paying the filing fee (if one is due) through pay.gov, and requesting a summons. It also explains how you may determine which judge has been assigned to your case after you have successfully opened your new civil case and filed your complaint.

A licensed attorney who is a registered ECF user may electronically file the following initiating documents for a civil case:

- Application for Writ of Garnishment;
- Complaint (except a sealed Complaint);
- Notice of Removal (from a state court);
- Petition for Writ of Habeas Corpus; or
- Petition for Writ of Mandamus.

The following initiating documents for a civil case must continue to be filed on paper at the clerk's office:

- Motion to Quash Administrative Summons or Subpoena;
- Motion to Quash an IRS Subpoena or Application to Enjoin under 12 U.S.C. § 3410 (Customer Challenge cases);
- Petition to Enforce IRS Summons; or
- Sealed Complaint.

Miscellaneous civil initiating documents must also continue to be filed on paper at the clerk's office, including:

- Letters Rogatory or Letters of Request;
- Motion to Quash or Compel Foreign Subpoena;
- Motion to Quash or Enforce Grand Jury Subpoena;
- Petition to Perpetuate Testimony, Fed. R. Civ. Proc. 27(a); or
- Registration of Foreign Judgment or Receivership.

A user should have the following available before starting the civil case opening process:

1. The complaint (or other initiating document) saved in Portable Document Format (PDF). Any accompanying document(s), including exhibits, should be saved as separate PDF documents. A 5 MB size limit applies to each PDF file.

2. A valid credit or debit card (VISA, MasterCard, American Express, Discover, Diner's Club) to pay the required filing fee (if one is due).

3. A completed civil cover sheet and, for a Notice of Removal from state court, a copy of the supplemental cover sheet, to be used for reference when entering civil case information into ECF. These should be saved in PDF - see Item 1., above.

4. A certificate of interested persons. See LR 3.1(c) and LR 81.2.

Questions concerning electronic civil case opening should be directed to your local clerk's office, the Dallas ECF Help Desk at 1-866-243-2866, or the Fort Worth ECF Help Desk at 1-800-240-7240.

B.   Opening a Civil Case

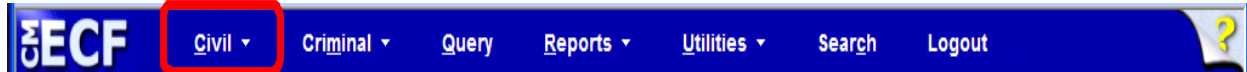To file a new civil case using ECF, log into the system and select "Civil" on the main menu bar. See Figure 1.

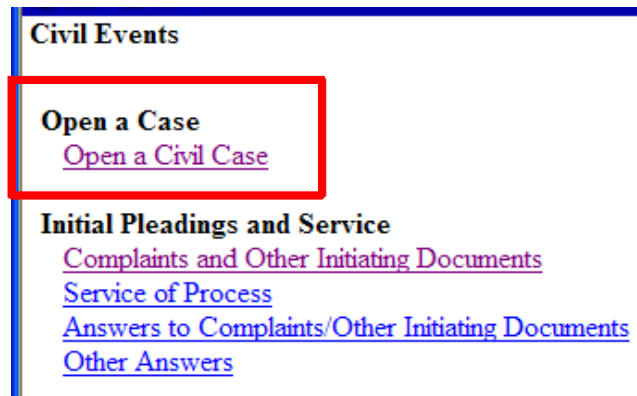**Figure 1**

Click on the link Open a Civil Case. See Figure 2.

Figure 2

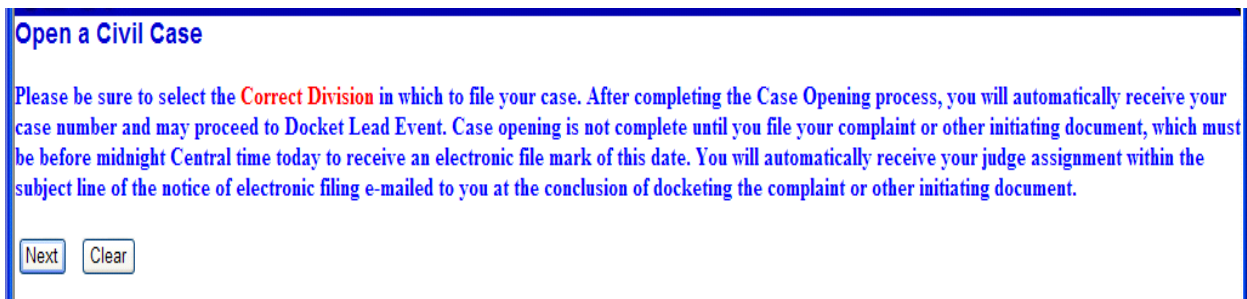Review the opening message and click the **[Next]** button. See Figure 3.

Figure 3

WARNING: **A sealed case may not be electronically filed at this time.**

The Open a Civil Case screen appears. See Figure 4.

Figure 4

- Select the appropriate divisional **Office** for this case from the drop-down list.

WARNING: **It is critically important for you to select the appropriate divisional office. Selecting the incorrect division will delay your case.**

- Select the default **Case type**, which is "cv" for Civil.

- The **Lead case number** and **Association type** fields are for internal use only. Do not enter anything in these fields.

- If filing a Notice of Removal from state court, enter the court name in the **Other court name** field (e.g., 302nd Judicial District). Enter the case number from the other court in the **Other court number** field.

- Do not check the **Related cases** box, and click **[Next]** to continue.

C.   Entering the JS44 /Civil Cover Sheet Information

Most of the information needed to complete this screen is on the civil cover sheet. See Figure 5.

Figure 5

Enter the **Jurisdiction** code. See Figure 6.

Figure 6

If there is more than one basis for jurisdiction, select the basis for jurisdiction by giving precedence in the following order.

1.   United States Plaintiff - Jurisdiction based on 28 U.S.C. §1345 and §1348. Suits by agencies and officers of the United States are included.

2.   United States Defendant - The plaintiff is suing the United States, its officers or agencies.

3.   Federal Question - Suits brought under 28 U.S.C. §1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress, or a treaty of the United States.

4. Diversity of Citizenship - Suits brought under 28 U.S.C. §1332, where parties are citizens or businesses of different states or countries. Citizenship for plaintiff and defendant must be entered in the corresponding fields. See Figure 9.

5. Local Question - **This option is not currently used. Do not select this option.**

Select the **Cause of action** and the **Nature of suit** code from the drop down lists. See Figure 7.

Figure 7

When entering an **Origin** code, choose 1 (Original Proceeding) for most new case types, including a Complaint, or 2 (Removal from State Court) for a Notice of Removal. All other options are for internal use only. See Figure 8.

Figure 8

If jurisdiction is based on diversity (see Figure 6, above), enter **Citizenship plaintiff** and **Citizenship defendant**. See Figure 9. Otherwise, skip this step.

Figure 9

If no jury demand has been made, leave the **Jury demand** field at its default of "n (None)." If you are making a jury demand in your complaint, or if a jury demand was made in the state court action, choose the appropriate code to indicate whether the jury demand was made by the defendant, plaintiff, or both. See Figure 10.
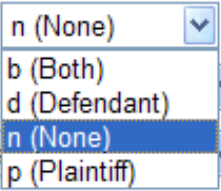

Figure 10

If you are requesting class action certification, change the **Class Action** field to "y." See Figure 11.


Figure 11

If applicable, enter the monetary **Demand ($000)** of the plaintiff. This must be entered in thousands, rounded to the nearest thousand dollars. For example, if the demand is for $149,800, enter "150." Do not include the dollar sign. See Figure 12.

Figure 12

Except for a case in which jurisdiction is based on the plaintiff being the United States, in the **County** field, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.) See Figure 13.
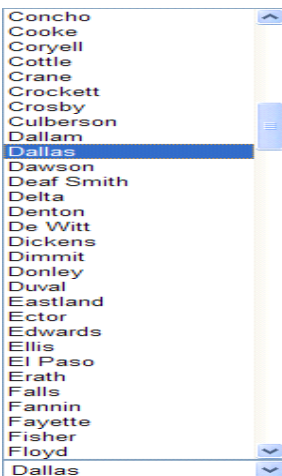

Figure 13

7
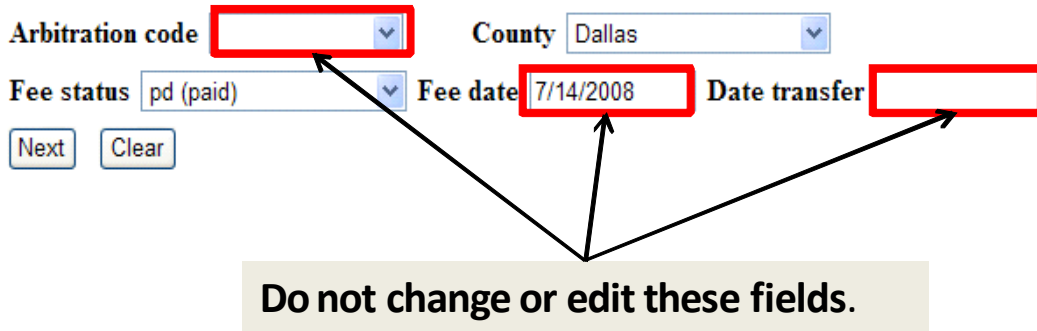
If the case filing fee is waived, or if you are filing on behalf of the United States, change the **Fee status** field to "wv (waived or USA)." If an Application to Proceed In Forma Pauperis will be included with the initiating document you file, change the **Fee status** field to "ifp (in forma pauperis)." Otherwise, leave the **Fee status** field at its default of "pd (paid)." All other selections are for internal use only. See Figure 14.
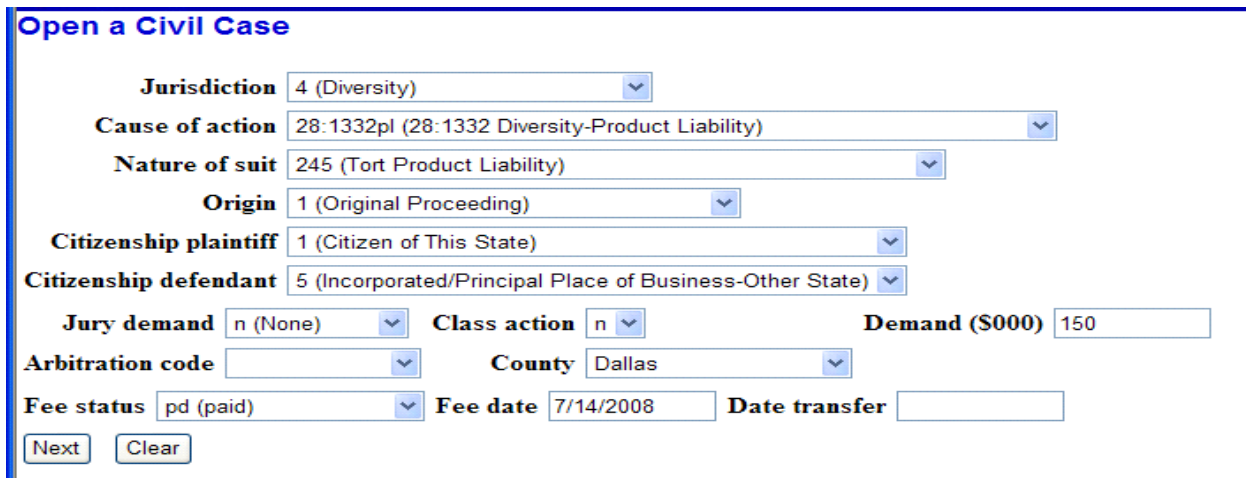
Do not change or edit these fields.

Figure 14

After selecting or entering all of the required information on the Open a Civil Case screen, click the **[Next]** button. See Figure 15.
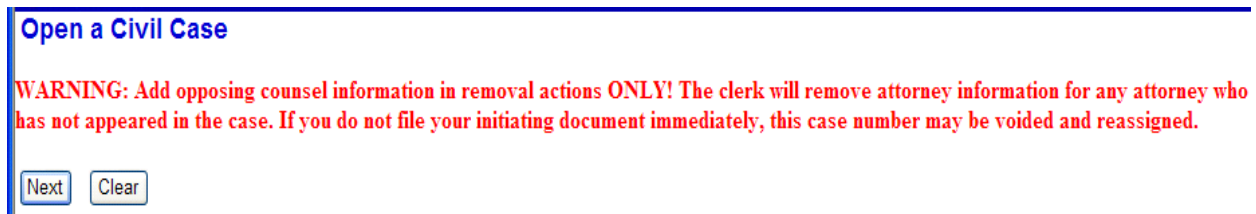
Figure 15

A warning screen appears. Read the warning message and click **[Next]**. See Figure 16.

Figure 16

D. Adding Party Information

The Party Search screen appears. If the party has previously been involved in litigation in this district, the name will already exist in the ECF database. To minimize the number of duplicate names in the database, it is a best practice to search for and use an existing name, rather than automatically selecting **[Create new party]**.

To search for the name of a party, enter the last name of the individual or the business name in the **Last/Business Name** field. Using fewer search characters will give you more search results. For example, you may enter "Wi" to find "John Williams." If you get too many search results, use more letters. For example, "John Williams" will also be returned if you enter "Williams." For assistance in searching for party names, please contact your local clerk's office, the Dallas ECF Help Desk at 1-866-243-2866, or the Fort Worth ECF Help Desk at 1-800-240-7240.

Enter the first few letters of the plaintiff's last name, and click **[Search]**. See Figure 17.

Figure 17

Party Name Search Hints:

- The search is not case sensitive.
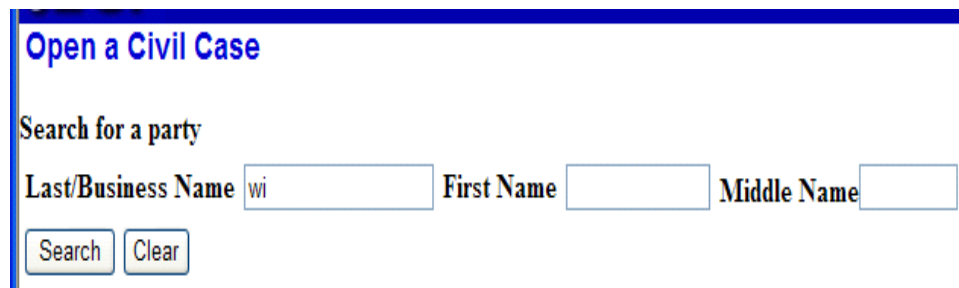- A wildcard (*) is not required at the beginning or end of a search string, but if it is used it will return different results. For example, entering "wi" without a wildcard character in the **Last/Business Name** field will display John Williams and Wilson's Auto Parts, but will not display Willie Smith or John Switzer. Entering a wildcard (e.g., "*am") before (or after) the character string will search for the character string within the words. For example, entering "*am" will display Bob Cunning**am** and the United States of **Am**erica.
- Try alternative searches if the first search was not successful.

If the name of the party is found in the **Party search results**, highlight the name and click on **[Select name from list]**. See Figure 18.
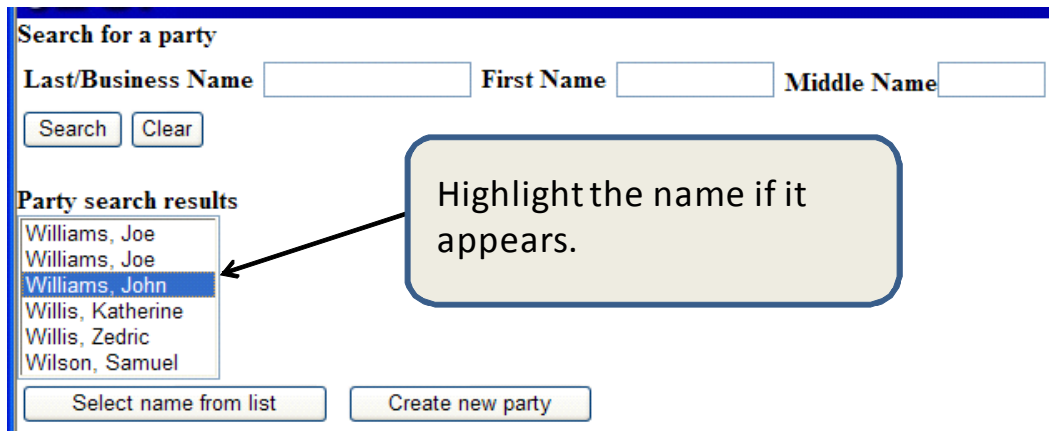
Figure 18

Helpful Hint: Before selecting the name from the list, you may double click the name to see the party record information, including the party's address, if any. See Figure 19.
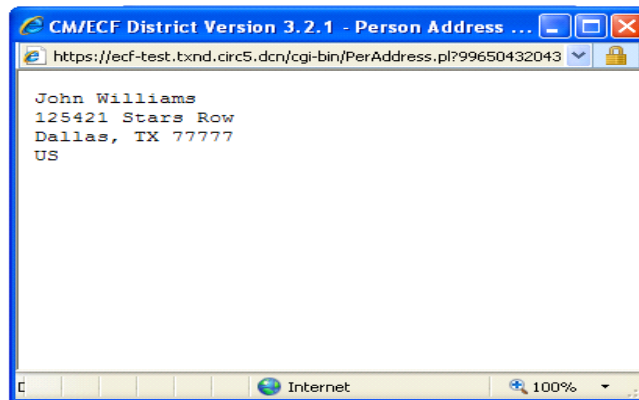
Figure 19

If the address is your party's address, or if there is no address, minimize the party record information, highlight the party name, and click **[Select name from list]**.

If an address is already associated with the party name, but the address is not the address of your party, minimize the party record information and then click on **[Create new party]**. You must also click on **[Create new party]** if you do not find your party listed.

When creating a new party, be sure to add the complete name in the appropriate fields at the top of the page. The standard for capitalization in the Northern District of Texas is to capitalize only the first letter of each name. PLEASE DO NOT ENTER THE NAME IN ALL CAPS. If filing on behalf of a minor, enter only the minor's initials, not the minor's full name. See Fed. R. Civ. P. 5.2(a)(3). See Figure 20.

Party Information

Last name Williams	First name John
Middle name	Generation
Title	

Figure 20

You must identify the role that the party has in the case. Click on the drop down arrow next to the **Role** field and select the appropriate party role (e.g., **Plaintiff (pla:pty), Petitioner (pet:pty))**. See Figure 21.

Party Information
John Williams

Title
Role Plaintiff (pla:pty)   Pro se No
Prisoner Id   Unit
Office
Address 1   Be sure to select the
Address 2   correct role for the party.
Address 3
City   State   Zip
County   Country
Prison Not Associated with Prison
ALDERSON
Populate Prison Address Lines

Figure 21

Do not add or modify address information. See Figure 22.

Figure 22

Use the **Party text** field at the bottom of the Party Information screen if additional identifying information is needed (e.g., "Individually and as surviving spouse," "Individually and in his official capacity," " A minor," "Estate of," "Trustees of"). Do not change the **Start date** field. See Figure 23.
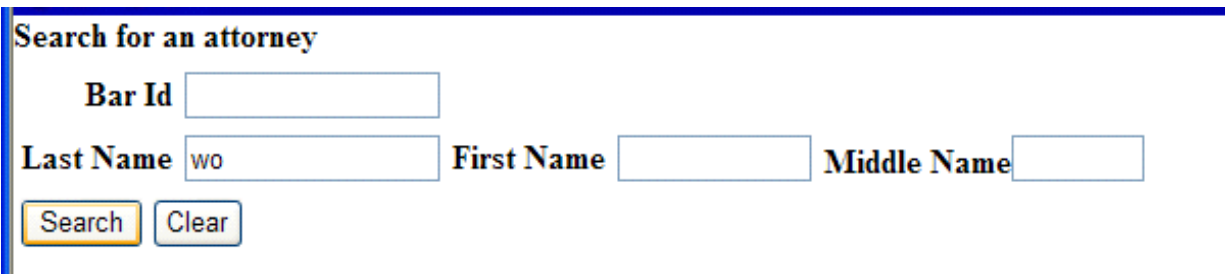
Figure 23

E.   Adding an Attorney

Next, you must add yourself to the case. Click the **[Attorney]** button to use the search techniques discussed under **Search for a party**, and, then enter your information. See Figure 24.
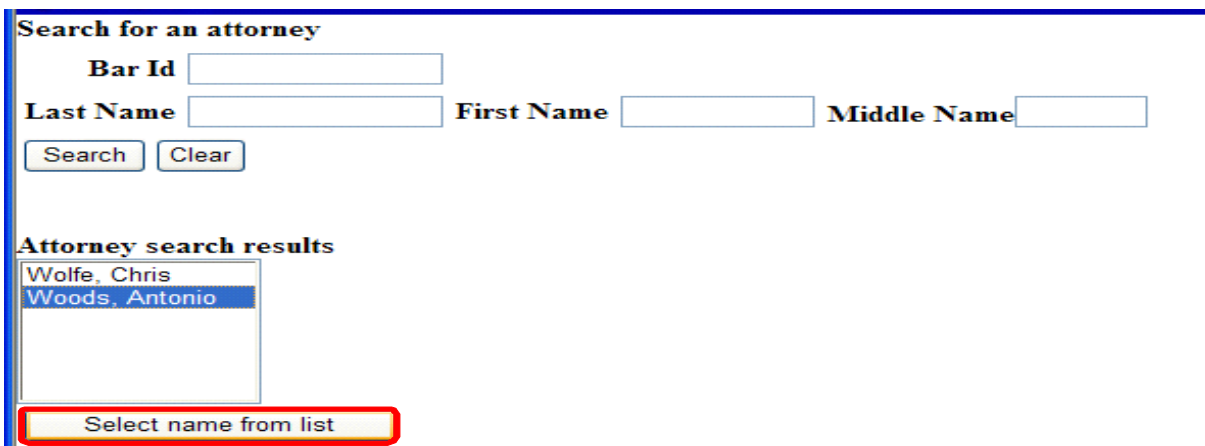
Figure 24

Search for an attorney by entering your Bar Id or part or all of your last name, and click **[Search]**. See Figure 25.
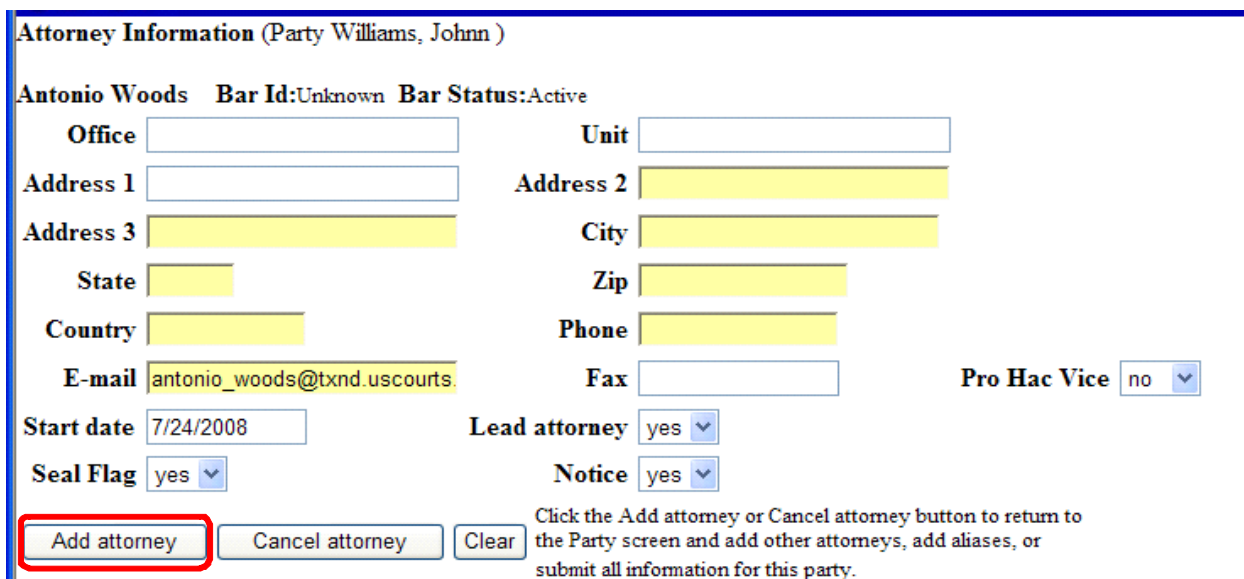
Figure 25

Review the Attorney search results, highlight your name, and click **[Select name from list]**. See Figure 26.

Figure 26

The Attorney Information screen appears. If your address is incorrect, but you are confident the attorney record is yours, you may proceed to add yourself to the case with the incorrect address. (Do not change the information in these fields. Immediately following case opening, you must update this information using the Maintaining Your Account instructions.) Since you are opening the case under your login and password, leave the **Lead attorney** selection set to **Yes** to designate yourself as the lead attorney for the case. Only one attorney per party should be designated as lead attorney. See LR 77.1 (b) and LCrR 49.4(b). Make sure that the **Notice** field is also set to **Yes** to receive Notices of Electronic Filing in this case. Do not change the **Start date** or the **Seal Flag**, these fields are for internal use only. Click the **[Add attorney]** button. See Figure 27.

Figure 27

F.   Entering an Alias

If a party has an alias that is identified in the complaint, (e.g., dba, aka) click the **[Alias...]** button and use the search techniques discussed under **Search for a party**. See Figure 28.

Figure 28

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Search for an alias by entering part or all of the last name or business name. See Figure 29.
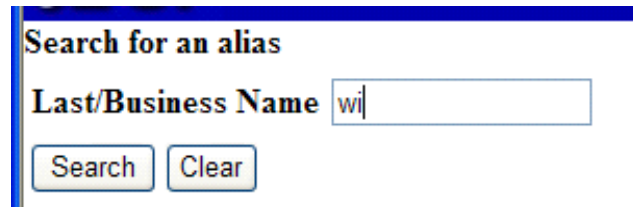
Figure 29

Review the Alias search results, highlight a name, and click **[Select name from list]**. If you do not find the alias you are seeking, click **[Create new alias]**. See Figure 30.
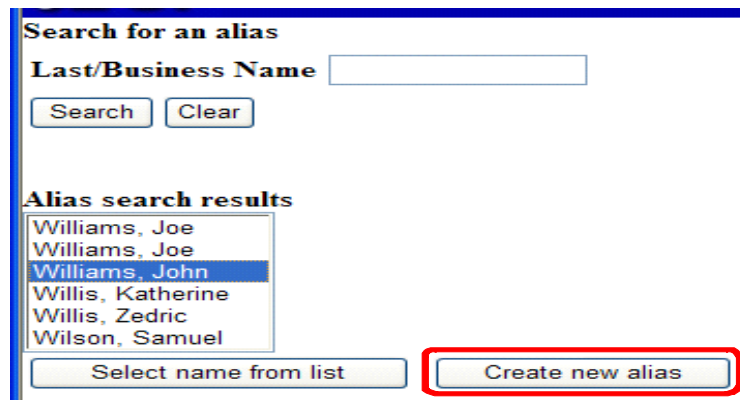
Figure 30

After clicking on **[Create new alias]**, enter the complete name on the Alias Information screen. Next, change the **Role** to the correct type. Choose from:

        agent = agent of, one acts for another
        aka = also known as
        dba = doing business as
        fdba = formerly doing business as
        fka = formally known as
        nee = born (placed before a married woman's maiden name)
        obo = on behalf of
        other = an alias of a role not otherwise listed
        rpi = real property in interest
        ta = trading as

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After completing the Alias Information screen, click the **[Add alias]** button. See Figure 31.

Figure 31

Note: Do not add a corporate parent or other affiliate at this time. You will add these, if
necessary, when docketing the certificate of interested persons.

After adding all Party Information, including any aliases, click **[Submit]** to add the party to the
case. See Figure 32.
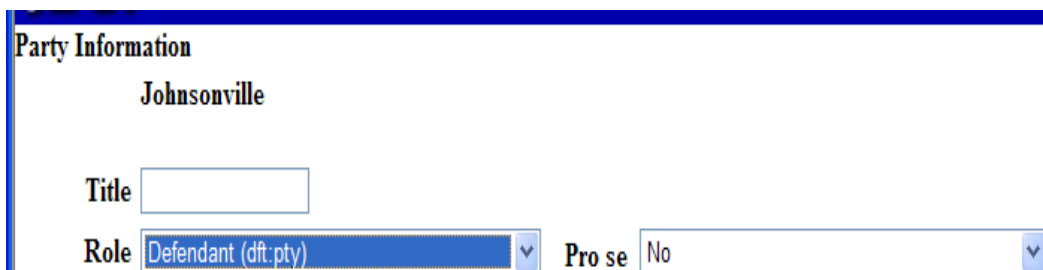
Figure 32

G.   Adding Additional Party(ies)

After adding a party, the system again displays the Search for a party screen. See Figure 33.

Figure 33

Complete the same steps outlined above to add all other parties to the case. Be careful to choose the appropriate role for each party. See Figure 34.

Figure 34

After adding all parties, click **[End party selection]**. See Figure 35.

Figure 35

H. Filing a Complaint

Once **[End party selection]** is clicked, the case number has been assigned. See Figure 31. Write down or otherwise note the case number before continuing. The case number displayed will show only the year and civil case number (e.g., "08-810). It will not display the division in which the case was filed ("1" for Abilene; "2" for Amarillo; "3" for Dallas; "4" for Fort Worth: "5" for Lubbock; "6" for San Angelo; or "7" for Wichita Falls), nor the type of case (e.g., "cv" for civil).

Note: After the case number is assigned, you may not use the back button to make corrections or additions. If you did not add all parties to the case before the case number was assigned, you may add additional parties in the next step when you file your complaint (or other initiating document).

WARNING: **Even though your case number has been assigned, you are not finished. The case opening process is incomplete until you docket your complaint or other initiating document and pay any required filing fee.**

Click on the <u>Docket Lead Event?</u> hyperlink to file your complaint or other initiating document. See Figure 36.

Open a Civil Case

Case Number 08-810 has been opened

<u>Docket Lead Event?</u>

Click here to continue.
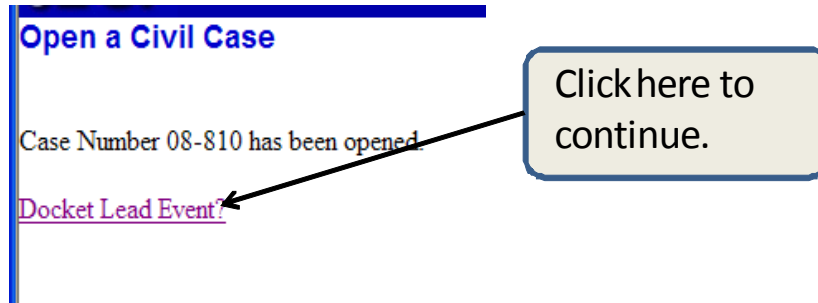
Figure 36

From the Available Events list, select the applicable initiating document type (e.g., Complaint, Notice of Removal, Petition for Writ of Habeas Corpus) and click the **[Next]** button. For this example, Complaint is selected. See Figure 37.

Complaints and Other Initiating Documents

Start typing to find another event.

Available Events (click to select events)

| Amended Complaint |
| Application for Writ of Garnishment |
| Complaint |
| Counterclaim |
| Crossclaim |
| Intervenor Complaint |
| Leave to Appeal |
| Notice of Removal |
| Petition for Writ of Habeas Corpus |
| Petition for Writ of Mandamus |
| Third Party Complaint |
| Withdraw Reference |

Selected Events (click to remove events)

Complaint

[Next] [Clear]

Figure 37

The system automatically displays the last case number accessed. See Figure 38.

Complaints and Other Initiating Documents

Civil Case Number

3:08-cv-810

Next   Clear
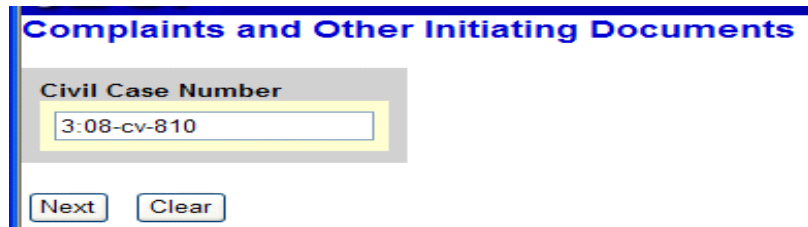
Figure 38

A new screen appears and displays the case number and the style of the case. See Figure 39.

Complaints and Other Initiating Documents

3:08-cv-00810 Williams v. Johnsonville

Next   Clear

Figure 39

Verify the case number before continuing. If incorrect, use your back button to return to the previous screen and enter the correct case number. When you have verified that you have the correct case number, click **[Next]** to continue.

The next process is to select the party(ies) you represent as the filer of the complaint or other initiating document. If you did not add all of the plaintiffs earlier in the Case Opening process, add them now by clicking **[Add/Create New Party]**. Follow the procedure for adding or creating a new party explained above.

Select the party or parties filing the complaint. Select multiple parties by holding down the "Ctrl" key on the keyboard and using the mouse to highlight more than one name. See Figure 40. Click **[Next]** to continue.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Select the filer.

Select the Party:

Johnsonville [Defendant]   Add/Create New Party
Williams, John [Plaintiff]

Next   Clear

Figure 40

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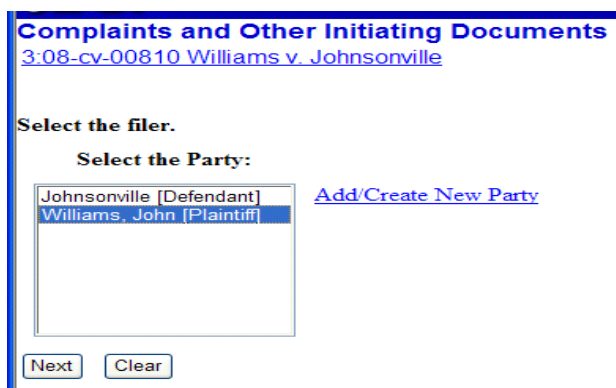
You now need to identify the party(ies) this filing is against. If any of the defendants were not added previously, add them now by clicking Add/Create New Party. Follow the procedure for adding or creating a new party explained above.

You may filter the list of parties by clicking on a Group (e.g., **All Defendants**). Click and highlight the name of the party (or parties) against whom the complaint is being filed. You may select multiple parties by holding the "Ctrl" key down and clicking to highlight more than one name. When all defendants have been highlighted, click **[Next]** to continue. See Figure 41.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Please select the party that this filing is **against**.

Select the Party:	OR	Select a Group:	
Johnsonville [Defendant]			Add/Create New Party
Williams, John [Plaintiff]		⊙ No Group	
		○ All Defendants	
		○ All Plaintiffs	
		○ All Parties	

Next   Clear

Figure 41

If, as plaintiff, you have made a jury demand, select **Yes**; otherwise, leave the radio button set to **No**. See Figure 42.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Does this Complaint include a jury demand?

○ Yes
⊙ No

Next   Clear

Figure 42

The next step is to attach the complaint. Click **[Browse]**. See Figure 43.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Select the **pdf** document (for example: C:\199cv501-21.pdf).
Filename

[   ] [Browse...]
Attachments to Document: ⦿ No ○ Yes

[Next] [Clear]

Figure 43

A pop-up box will appear. Navigate to the appropriate folder containing the PDF document(s) you wish to file. Right-click on the document and select the option to open the document in Adobe Acrobat. This allows you to preview the document to ensure you have selected the correct file. (Remember, once submitted, a document cannot be edited.) See Figure 44.
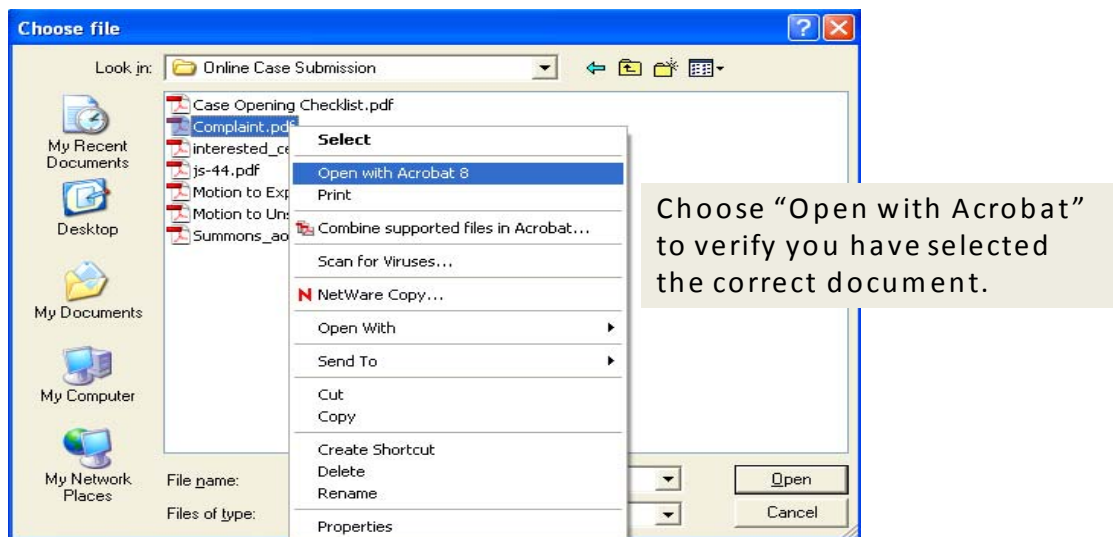
Figure 44

After verifying you have selected the correct PDF document, click **[Open]** to accept the PDF for filing. See Figure 45.
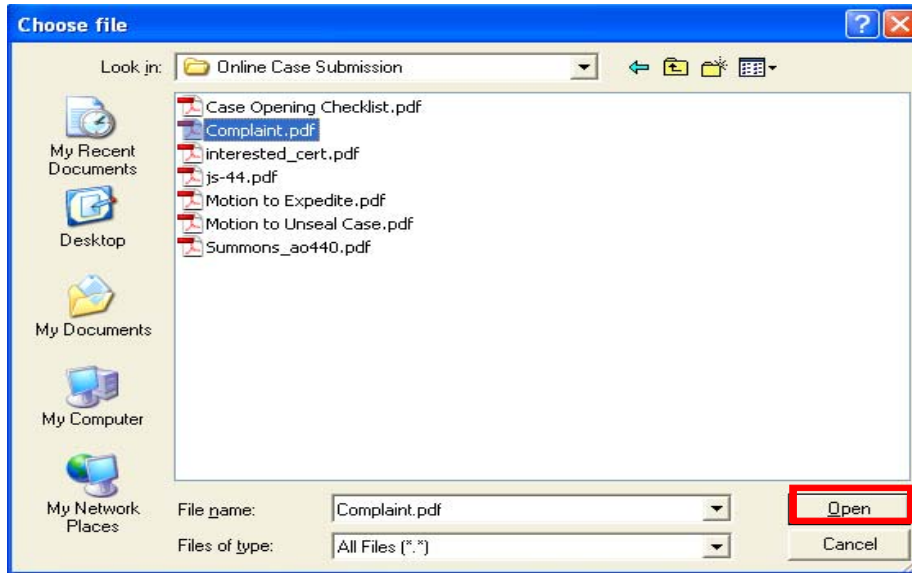
Figure 45

The path to the **Filename** will appear in the text field box. Since you are required to attach additional PDF documents to the initiating document (e.g., civil cover sheet, supplemental civil cover sheet, certificate of interested persons), and may have other documents (e.g., exhibits) to attach, change the radio button next to **Attachments to Document** to **Yes**. See Figure 46. Click **[Next]** to continue.

Figure 46

Click **[Browse...]** to navigate to the appropriate folder and select the next PDF document to be attached. View the document before attaching it. After attaching it, enter a **Category** and/or a **Description** for the attachment using the Category list and/or the Description field. When finished, click **[Add to List]**. Click **[Browse...]** to repeat the process until all attachments have been added. See Figure 47.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Select one or more attachments.
1) Enter the **pdf** document that contains attachment (for example: C:\appendix.pdf).
Filename
M:\USER\AWoods\Online Case Submiss [Browse...]

2) Before proceeding to step 3, describe the document using the Category list, the Description box, or both.
Category   **Description**
Affidavit ▾   Affidavit of John Brown

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

[Add to List]

[Remove from List]

[Next]

Figure 47

When all of the documents are attached, click the **[Next]** button. See Figure 48.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Select one or more attachments.
1) Enter the **pdf** document that contains attachment (for example: C:\appendix.pdf).
Filename
[   ] [Browse...]

2) Before proceeding to step 3, describe the document using the Category list, the Description box, or both.
Category   **Description**
[▾]   [   ]

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

M:\USER\AWoods\Online Case Submission\Affidavit.pdf   [Add to List]

[Remove from List]

[Next]

Figure 48

I.   Paying the Filing Fee

After attaching all of the documents, you will be asked if this complaint is being filed under any of three possible exemptions from the payment of the filing fee. If you do not qualify under any of these three options, select **None of the above**, and Click **[Next]** to continue. The option for filing a complaint in an existing case (fee previously paid) should not be used when filing a complaint in a new civil case. See Figure 49.

Complaints and Other Initiating Documents
3:08-cv-00810-K Williams v. Johnsonville

Is this complaint being filed:

○ On behalf of the USA
○ In Forma Pauperis status granted or CJA appointment
○ In Forma Pauperis status requested
○ In an existing case (fee previously paid)
⊙ None of the above

[Next] [Clear]

Figure 49

If **None of the above** was selected, a filing fee is required, and the filing fee payment screen will appear. See Figure 50. Click **[Next]** to continue.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Fee: $350

[Next] [Clear]

Figure 50

Note: Secure payment screens will guide you through paying the filing fee. See Figure 51.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Now loading the payment processing screen. This process might take a few seconds.

Figure 51

For additional instructions on how to electronically pay a filing fee, please see the Online Filing Fee Payment Guide.

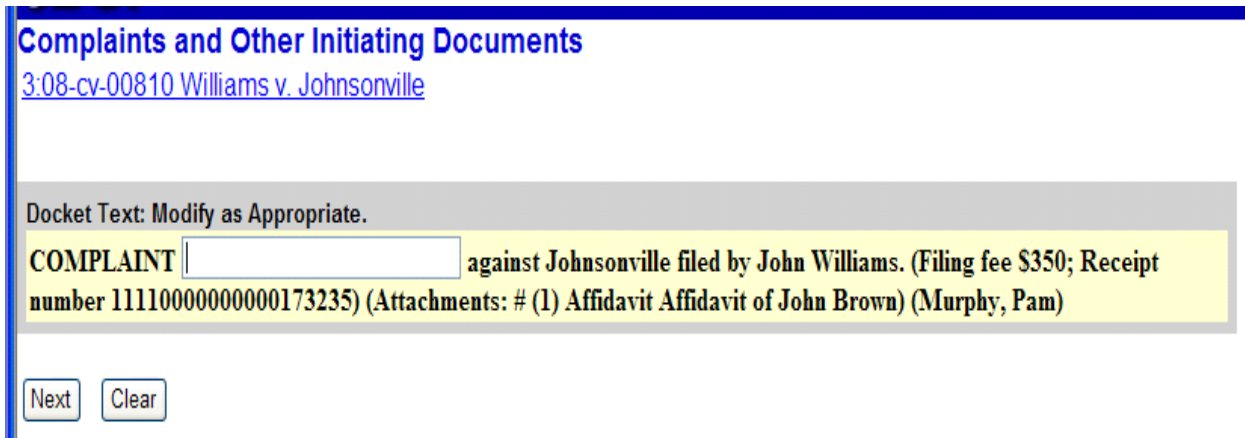## J.   Requesting Summons for Service of Process

You will be presented with the opportunity to request summons to be issued by the clerk. Six options will be presented to you. Select the appropriate option for your case:

- The clerk is requested to issue a summons for each defendant, noting a 20 day deadline to answer (default)
- The clerk is requested to issue a summons for each federal defendant, noting a 60 day deadline to answer
- The clerk is requested to issue a summons for each federal defendant, noting a 60 day deadline to answer, and for each non-federal defendant, noting a 20 day deadline to answer
- The clerk is requested to issue summons if the motion to proceed IFP is granted
- I will submit the summons form(s) to the clerk for issuance using the "Request for Clerk to Issue Document" event
- I do not wish for a summons to be issued at this time - e.g., waiver of service of summons requested, IFP requested, delayed service, etc

If you request summons to be issued, the clerk's office will electronically issue the summons(es) within one business day. A Notice of Electronic Filing will be sent to you with links to the requested summons forms. You may print the summons forms and then effect service of process pursuant to Fed. R. Civ. P. 4.
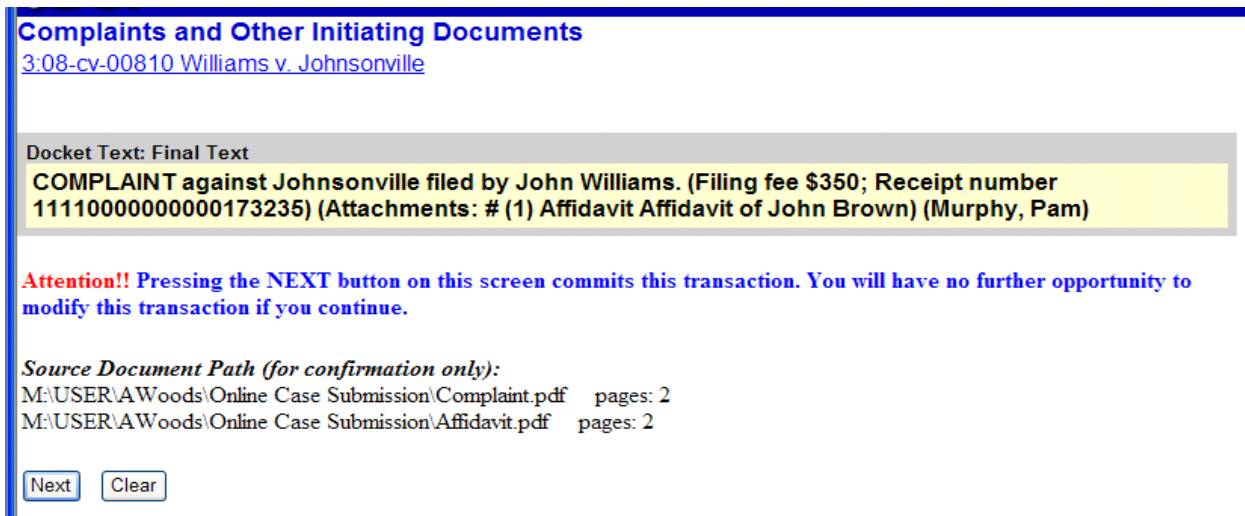
K. Completing the Filing

The docket text field for the complaint is displayed. Review the final docket text. Enter any additional docket text into the text field. See Figure 52. Click **[Next]**.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Docket Text: Modify as Appropriate.

COMPLAINT [   ] against Johnsonville filed by John Williams. (Filing fee $350; Receipt number 11110000000000173235) (Attachments: # (1) Affidavit Affidavit of John Brown) (Murphy, Pam)

Next   Clear

Figure 52

The final docket text will be displayed. Complete the transaction by clicking the **[Next]** button. If you need to correct any errors (e.g., linking the complaint to the wrong party), contact the clerk's office for assistance. See Figure 53.

Complaints and Other Initiating Documents
3:08-cv-00810 Williams v. Johnsonville

Docket Text: Final Text

COMPLAINT against Johnsonville filed by John Williams. (Filing fee $350; Receipt number 11110000000000173235) (Attachments: # (1) Affidavit Affidavit of John Brown) (Murphy, Pam)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):
M:\USER\AWoods\Online Case Submission\Complaint.pdf   pages: 2
M:\USER\AWoods\Online Case Submission\Affidavit.pdf   pages: 2

Next   Clear

Figure 53

Review the Notice of Electronic Filing. In addition to serving as notification that the event was accepted by the court's database, and providing document filing information and relevant hyperlinks, the NEF indicates who will and will not receive a "Notice of Electronic Filing" via email. **WARNING: Only the filing attorney will receive a Notice of Electronic Filing when opening a new case, since no other attorneys have appeared. The filing attorney is responsible for service on all other parties.** See Figure 54.

Figure 54

L.   Determining the Judge Assigned to the Case

After you have successfully opened your case, attached your documents, and paid any filing fee, a judge will be assigned to your case. This judge assignment will not be shown in the Notice of Electronic Filing presented to you at the completion of case opening (see Figure 54, above), but it will be included in the Notice of Electronic Filing e-mailed to you.

The subject line of this e-mail will include the case number, <u>followed by the presiding judge's alpha designation</u>. See Figure 55.

Figure 55

A table listing all of the district and magistrate judges' alpha designations is provided below.

District Judges	Magistrate Judges
Chief - Sidney A. Fitzwater - (**D**)	
Mary Lou Robinson - (**J**)	Wm. F. Sanderson, Jr. - (**AH**)
Sam R. Cummings - (**C**)	Clinton E. Averitte - (**BB**)
John H. McBryde - (**A**)	Jeff Kaplan - (**BD**)
Jorge A. Solis - (**P**)	Charles Bleil - (**BE**)
Terry R. Means - (**Y**)	Paul Stickney - (**BF**)
Sam A. Lindsay - (**L**)	Nancy M. Koenig - (**BG**)
Barbara M. G. Lynn - (**M**)	Irma C. Ramirez - (**BH**)
David C. Godbey - (**N**)	Philip R. Lane - (**BI**)
Ed Kinkeade - (**K**)	Robert K. Roach (**KA**)
Jane J. Boyle - (**B**)	
Reed O'Connor - (**O**)	
Sr. - A. Joe Fish - (**G**)	

In this illustration, case 3:08-cv-00810-K was randomly assigned to U.S. District Judge Ed Kinkeade.

Note: **If the filing user is signed up to receive a summary notice instead of individual NEFs, the judge assignment information will be included in the summary e-mail received within one business day after the e-filing.**

The presiding judge's alpha designation may also be seen at the top of each PDF document when you click on the link contained in the Notice of Electronic Filing. See Figure 56.
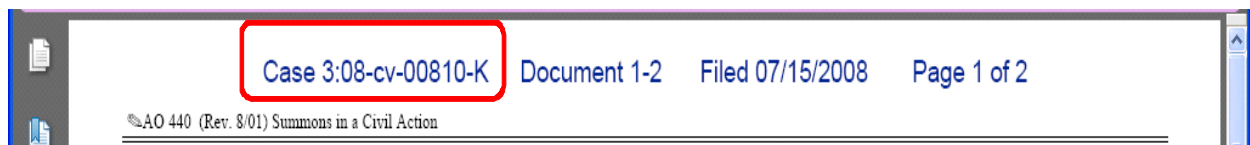

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Figure 56