UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

IN THE MATTER OF:	**)**	
	)	**General Order No. 15-02**
LOCAL RULE CHANGES	**)**	

ORDER

The court approved amendments to Local Rules of Civil Procedure 5.7, 7.1, 8.1, 12.1, 40.1, 67.2 and 83.5. The amendments were sent to the Local Rules Advisory Committee and posted for public comment for a period of not less than thirty (30) days. No comments were received by the due date. The proposed amendments were sent to the Circuit Executive for review and approval by the Circuit Judicial Council. The judges of this court hereby adopt these changes effective with this order.

ENTERED this 1st day of June, 2015.

s/ James E. Shadid
JAMES E. SHADID
CHIEF UNITED STATES DISTRICT JUDGE

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE

s/ Sara Darrow
SARA DARROW
UNITED STATES DISTRICT JUDGE

s/ Colin S. Bruce
COLIN S. BRUCE
UNITED STATES DISTRICT JUDGE

Proposed Local Rule Changes. The entire local rule has been included for reference, with the changes highlighted in red. ~~Strikeout text~~ is being eliminated and underlined text is being added.

****

Local Rule 5.7: We propose to change Local Rule 5.7(B)(1)(b) to state that the only checks accepted are cashier's checks or law firm checks.

Local Rule 7.1: We propose to change Local Rule 7.1(D)(6) by removing the exemption as it pertains to pro se litigants. This proposal would bring pro se cases into line with other civil cases and would streamline the summary judgment motions for the Court. To aid pro se litigants, the Clerk's Office sends a Rule 56 Notice along with a copy of Local Rule 7.1 whenever a Motion for Summary Judgment is filed.

Local Rule 8.1: We propose to add Local Rule 8.1(C) for revised service in certain Social Security cases.

Local Rule 12.1: We propose to remove Local Rule 12.1 as obsolete due to the redundant information in Local Rule 16.3(E).

RESCINDED - SEE RULE
Local Rule 16.3: We propose to change the wording to Merit Review Opinion in Local Rule 16.3(C), (D) & (E)(2). We propose to change 16.3(E)(1) to remove the first three sentences of that paragraph and to add wording which directs parties to follow Federal Rule of Civil Procedure 12(a), thereby eliminating confusion. The original sentence "A motion to dismiss is not an answer" was inserted after the new first sentence referencing procedure 12(a).

Local Rule 40.1: The rule is being modified to include county changes in the Peoria, Springfield and Rock Island Divisions and also to amend the wording about the judges hearing cases in each division.

Local Rule 67.2: The entire rule is being changed because the Court is now investing new registry funds into the Court Registry Investment System (CRIS) maintained by the Administrative Office of the US Courts.

Local Rule 83.5: We propose to change Local Rule 83.5(I) to have attorneys wanting to be admitted to practice in our Court use our automated admission program.

RULE 5.7 ELECTRONIC FILING PROCEDURES

(A) Pleadings and documents other than case initiating documents.

All motions, pleadings, applications, briefs, memoranda of law, exhibits, or other documents in a civil case (except for complaints) must be electronically filed on the System except as otherwise provided by these Rules.

(1) A document submitted electronically will not be considered filed for purposes of the Federal Rules of Civil Procedure until the System-generated Notice of Electronic Filing has been sent electronically to the filing party.

(2) E-mailing a document to the Clerk's Office or to the assigned judge does not constitute "filing" of the document.

(3) A document filed electronically by 11:59 p.m. central standard time will be deemed filed on that date.

(B) Case Initiating Documents.

(1) The Clerk's Office will accept case initiating documents (i.e. complaints with civil cover sheets and summons, and notices of removal) sent by e-mail or directly into the CM/ECF system.

(a) A party submitting a case initiating document by e-mail for electronic filing must submit those documents in .pdf format to the proper divisional mailbox, as follows:

newcases.peoria@ilcd.uscourts.gov
newcases.urbana@ilcd.uscourts.gov
newcases.springfield@ilcd.uscourts.gov
newcases.rockisland@ilcd.uscourts.gov

(b) Payment of the filing fee must be made by cash, ~~check~~ cashier's check, law firm check, money order or credit card. Credit card payments may be made using pay.gov or by giving a credit card number, by phone, to the appropriate clerk's office.

(c) Case initiating documents submitted by e-mail will be deemed filed on the date that the complaint is received by e-mail or the date that the filing fee is paid, whichever is later.

(d) Case initiating documents filed by pro se plaintiffs will be deemed filed on the date received by the Clerk's Office. Legal issues regarding filing date or receipt of fees will be resolved by the Court.

(2) The Clerk's Office also will accept for filing case initiating documents sent by United States mail or delivered in person to the Clerk's Office when accompanied by the filing fee or a Petition to Proceed in forma pauperis. A case initiating document received in paper form will be scanned and uploaded by the Clerk's Office. Unless otherwise provided in these procedures, the paper documents will then be discarded.

(3) Only case initiating documents may be sent to the e-mail addresses listed above. If any other documents are sent to those e-mail addresses, the Clerk's Office will reply to the e-mail, notifying the party that the pleading has not been filed.

(4) A party may not electronically serve a case initiating document, but instead must effect service according to Fed. R. Civ. P. 4. Electronic service of a Notice of Filing does not constitute service of process where service of process is required by Fed. R. Civ. P. 4.

(C) Titling Docket Entries.

The party electronically filing a pleading or other document is responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.

(D) Filing Problems.

(1) Corrections.

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. The System will not permit the filing party to make changes to the document or docket entry filed in error once the transaction has been accepted. The filing party should not attempt to refile a document. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

(2) Technical Problems.

(a) Technical Failures.

The Clerk's Office will deem the Central District of Illinois CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently

over the course of any period of time greater than one hour after 10:00 a.m. that day. In the event a technical failure occurs, and despite the best efforts of the filing party a document cannot be filed electronically, the party should print (if possible) a copy of the error message received. As soon as possible, the party should file this message with a Declaration That Party Was Unable to File in a Timely Manner Due to Technical Difficulties.

(b) Filer's Problems.

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP) or hardware or software problems will neither constitute a technical failure nor excuse an untimely filing. If a party misses a filing deadline due to such problems, the document may be conventionally submitted, accompanied by a Declaration stating the reason for missing the deadline and a motion for leave to file instanter. The motion, document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. The Court will consider the matters stated in the declaration and order appropriate relief.

RULE 7.1 MOTIONS

(A) Disposition of Motions: Oral Argument: Extension of Time

(1) Any motion (other than summary judgment motions, which are governed by subparagraph (D) of this Rule) may, in the court's discretion, be:

(a) scheduled for oral argument, either at a specified time or on a Motion Day as suggested in Fed. R. Civ. P. 78;

(b) scheduled for determination by telephone conference call;

(c) referred to a United States magistrate judge for determination or recommendation; or

(d) determined upon the pleadings and the motion papers without benefit of oral argument.

(2) A party desiring oral argument on a motion filed under subparagraph (B) of this Rule must so specify in the motion or opposition thereto and must state the reason why oral argument is desired.

(3) Motions for extensions of time must be filed within the original time allowed.

(B) Memorandum of Law: Response; Reply; Length

(1) Every motion raising a question of law (except summary judgment motions, which are governed by Subparagraph (D) of this Rule) must include a memorandum of law including a brief statement of the specific points or propositions of law and supporting authorities upon which the moving party relies, and identifying the Rule under which the motion is filed.

(2) Any party opposing a motion filed pursuant to (B)(1) must file a response to the motion, including a brief statement of the specific points or propositions of law and supporting authorities upon which the responding party relies. The response must be filed within 14 days after service of the motion and memorandum. If no response is timely filed, the presiding judge will presume there is no opposition to the motion and may rule without further notice to the parties.

(3) No reply to the response is permitted.

(4) (a) A memorandum in support of and in response to a motion must be double-spaced and must not exceed 15 pages in length, unless

it complies with the following type volume limitation.

(b) A memorandum that exceeds 15 pages in length will comply with the type volume limitation if

(1) it does not contain more than 7000 words or 45,000 characters, or

(2) it uses monospaced type and does not contain more than 650 lines of text.

(c) A memorandum submitted under the type volume limitation must include a certificate by counsel, or by an unrepresented party, that the memorandum complies with the type volume limitation. The certificate of compliance must state the number of words, characters or lines of type in the memorandum. The person who prepares the certificate of compliance may rely on the word or character count of the word processing system used to prepare the document.

(d) All headings, footnotes, and quotations count toward the page, word, character, and line limitations.

(C) Supporting Documents.

If documentary evidence is to be offered in support of or in opposition to a motion, and if that evidence is conveniently susceptible of copying, copies thereof will be served and filed by the moving party with the motion and by the opposing party with the response thereto. If the evidence is not susceptible of convenient copying, the offering party instead will furnish to the court and to the adverse party, a concise summary of the contents and will immediately make the original available to the adverse party for examination.

(D) Summary Judgment

All motions for summary judgment and responses and replies thereto must comply with the requirements of this rule. Any filings not in compliance may be stricken by the court. The consequences for failing to comply are discussed thoroughly in *Waldridge v. American Hoechst Corp.*, 24 F.3d 918 (7th Cir. 1994). Motions for extension of time to file a motion for summary judgment or a response to a reply thereto will not be looked upon with favor; such motions may be summarily denied unless they are filed within the original time as allowed by this rule or by the scheduling order.

(1) Motion for Summary Judgment

Any party filing a motion for summary judgment pursuant to Fed. R. Civ. P. 56 and the scheduling order entered in the case, must include in that motion the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for the motion and the exact relief sought.

(b) Undisputed Material Facts:

List and number each undisputed material fact which is the basis for the motion for summary judgment. Include as exhibits to the motion all relevant documentary evidence. For each fact asserted, provide citations to the documentary evidence that supports it, appropriately referencing the exhibit and page.

A WORD OF CAUTION: Material facts are only those facts which bear directly on the legal issue raised by the motion.

(c) Argument:

Under an appropriate subheading for each separate point of law, explain the legal point, with citations to authorities, and why or how the application of that point to the undisputed material facts entitles movant to the relief sought.

(2) Response to Motion for Summary Judgment:

Within 21 days after service of a motion for summary judgment, any party opposing the motion must file a response. A failure to respond will be deemed an admission of the motion. The response must include the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for opposition to the motion and the exact relief sought.

(b) Response to Undisputed Material Facts:

In separate subsections state the following:

(1) Undisputed material facts:

List by number each fact from Section B of the motion for

summary judgment which is conceded to be undisputed and material.

(2) Disputed Material Facts:

List by number each fact from Section B of the motion for summary judgment which is conceded to be material but is claimed to be disputed. Each claim of disputed fact must be supported by evidentiary documentation referenced by specific page. Include as exhibits all cited documentary evidence not already submitted by the movant.

(3) Disputed Immaterial Facts:

List by number each fact from Section B of the motion for summary judgment which is claimed to be both immaterial and disputed. State the reason the fact is immaterial. Support the claim that the fact is disputed with evidentiary documentation referenced by specific page. Include as exhibits all cited documentary evidence not already submitted by the movant.

(4) Undisputed Immaterial Facts:

List by number each fact from Section B of the motion for summary judgment which is undisputed but is claimed to be immaterial. State the reason the fact is immaterial.

(5) Additional Material Facts:

List and number each additional material fact raised in opposition to the motion for summary judgment. Each additional fact must be supported by evidentiary documentation referenced by specific page. Include as exhibits all relevant documentary evidence not already submitted by the movant.

(6) A failure to respond to any numbered fact will be deemed an admission of the fact.

(c) Argument:

With or without additional citations to authorities, respond directly to the argument in the motion for summary judgment, for example, by explaining any disagreement with the movant's explanation of each point of law, why a point of law does not apply to the

undisputed material facts, why its application does not entitle movant to relief or why, for other reasons, summary judgment should not be granted.

(3) Movant's Reply:

Within 14 days after service of response, the movant may file a reply. The reply must include the following subsections, appropriately titled:

(a) Reply to Additional Material Facts

List by number the additional facts asserted in Section (b)(5) of the response. For each fact, state succinctly whether:

(1) it is conceded to be material and undisputed,

(2) it is conceded to be material but is disputed, in which case provide support the claim that the fact is disputed by providing citations to specific pages of evidentiary documentation. Include as exhibits all cited documentary evidence not already submitted,

(3) it is immaterial but disputed, in which case state the reason the the fact is immaterial and support the claim that the fact is disputed by providing citations to evidentiary documentation, attached as exhibits and referenced by specific page,

(4) it is immaterial and undisputed, in which case explain the reason it is immaterial,

(5) A failure to respond to any numbered fact will be deemed an admission of that fact.

(b) Argument

Succinctly and directly address any matters raised in the response with which the movant disagrees. THE REPLY WILL BE LIMITED TO NEW MATTERS RAISED IN THE RESPONSE AND MUST NOT RESTATE ARGUMENTS ALREADY RAISED IN THE MOTION.

(4) Oral Arguments

The Court may take the motion for summary judgment under advisement without oral argument or may schedule argument with appropriate notice

to the parties. A party may file a request for oral argument and hearing at the time of filing either a motion or response pursuant to this Rule.

(5) Page and Type Limitations

Page and type volume limitations, as set forth in Rule 7.1(B)(4), apply to Section (1)(c) of the motion for summary judgment and to Section (2)(c) of the response to the motion. The argument section of a reply must not exceed five double-spaced pages in length.

(6) Exceptions

Local Rule 7.1(D) does not apply to ~~pro se litigants,~~ social security appeals or any other case upon the showing of good cause.

(E) Amended Pleadings

Whenever an amended pleading is filed, any motion attacking the original pleading will be deemed moot unless specifically revived by the moving party within 14 days after the amended pleading is served.

RULE 8.1 SOCIAL SECURITY CASES: REVIEW UNDER 42 U.S.C. § 405(g)

(A) Complaints: Contents.

Any person seeking judicial review of a decision of the Commissioner of Social Security under Section 205(g) of the Social Security Act (42 U.S.C. § 405(g)) must provide, on a separate paper attached to the complaint served on the Commissioner of Social Security, the social security number of the worker on whose wage record the application for benefits was filed. The person must also state, in the complaint, that the social security number has been attached to the copy of the complaint served on the Commissioner of Social Security. Failure to provide a social security number to the Commissioner of Social Security will not be grounds for dismissal of the complaint.

(B) Complaints: Form of Allegation.

In keeping with Fed. R. Civ. P. 84 and the Appendix of Forms to the Federal Rules of Civil Procedure, the following form of allegations in a complaint is considered sufficient for § 405(g) review cases in this court:

(1) The plaintiff is a resident of _____
(City and State)

(2) The plaintiff complains of a decision which adversely affects (him) (her). The decision has become the final decision of the Commissioner for purposes of judicial review and bears the following caption:

In the case of Claim for

_____ _____
Claimant

_____
Wage Earner

(3) The plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction for judicial review pursuant to 42 U.S.C. § 405(g).

WHEREFORE, plaintiff seeks judicial review by this court and the entry of judgment for such relief as may be proper, including costs.

(C) Service

(1) Where a complaint for administrative review is filed pursuant to 42 U.S.C. Section 405(g) and plaintiff in that complaint is allowed to proceed in forma pauperis, then the United States Attorney and Social Security Administration agree that service of initial process (i.e. summons and complaint) upon the United States Attorney and Social Security Administration under Fed. R. Civ. P. 4(i)(1)(A and C) may be accomplished by electronic delivery of the summons and complaint through the court's Case Management and Electronic Filing System (CM/ECF) to e-mail addresses provided to the Clerk's Office by the United States Attorney. The United States Attorney and Social Security Administration will treat this electronic delivery of the summons and complaint as service under Fed. R.Civ.P. 4(i)(1)(A and C). Service on the Attorney General will still be required pursuant to Fed. R. Civ. P. 4(i)(1)(B).

(2) Where a complaint for administrative review is filed pursuant to 42 U.S.C. Section 405(g) and plaintiff is not proceeding in forma pauperis, service shall be accomplished pursuant to Fed. R. Civ. P. 4(i).

~~(C)~~ (D) Responsive Pleading, Transcript of Proceedings.

The respondent has 120 days from the date of service of summons within which to file a responsive pleading and transcript of administrative proceedings.

~~(D)~~ (E) Motions: Hearing.

Within 30 days after the filing of the responsive pleading and transcript, the plaintiff must file a Motion for Summary Judgment and a Memorandum of Law which must state with particularity which findings of the Commissioner are contrary to law. The plaintiff must identify the statute, regulation or case law under which the Commissioner allegedly erred. The plaintiff must cite to the record by page number the factual evidence which supports the plaintiff's position. Arguing generally, "the decision of the Commissioner is not supported by substantial evidence" is not sufficient to meet this rule. Within 45 days thereafter, the defendant must file a Cross-Motion and Memorandum of Law which must specifically respond to the plaintiff's assertions and arguments. The defendant must cite to the record by page number the factual evidence which supports the decision of the Commissioner. The case may be set for hearing at the discretion of the presiding judge.

~~RULE 12.1 STATE OF ILLINOIS – TIME TO ANSWER~~

~~In all civil actions in which a claim is asserted against an official, employee, or agency of the State of Illinois, the defendant must file an answer or otherwise plead within 60 days after service of process in which the claim is asserted.~~

~~In prisoner civil rights cases where the plaintiff appears pro se, the answer and subsequent pleadings must be to the issues stated in the Case Management Order accompanying the process and complaint. A defendant need not parse the complaint and respond to it. The responsive pleading must be only to the issues stated in the court's Case Management Order issued after merit review of the complaint.~~

THIS AMENDMENT WAS RESCINDED BY THE CENTRAL IL JUDGES IN MAY 2015.

RULE 16.3 PRETRIAL PROCEDURES IN PRISONER AND DETAINEE CASES

The following procedures apply to civil cases filed by prisoners and civil detainees proceeding pro se. For purposes of this section, a "prisoner" is a person defined in 28 U.S.C. § 1915(h). A "civil detainee" is a person held in detention or committed to civil law, including but not limited to persons detained or civilly committed pursuant to the Illinois Sexually Violent Persons Commitment Act, 725 ILCS 207/1 et seq., or the Illinois Sexually Dangerous Persons Act, 725 ILCS 205/0.01 et seq..

(A) Complaint

(1) Upon written request, the clerk of this court will provide each pro se plaintiff with a complaint form, a petition to proceed in forma pauperis and an instruction sheet. The plaintiff is not required to use the court's complaint form. No complaint will be rejected for filing because of improper form or because of failure to comply with Local Rules. However, failure to comply with Local Rules may result in dismissal of the plaintiff's case by the Court.

(2) The plaintiff's complaint may be handwritten or typed. However, the original complaint, as well as all pleadings, must be legible and signed by the plaintiff. If there is more than one plaintiff, each must sign the complaint. A complaint need not be notarized. However, if the complaint contains false statements of material fact, the plaintiff may be subject to dismissal of the case or other sanctions.

(3) All copies of the original complaint provided by the plaintiff must be carbon copies or photocopies. No other copies, such as handwritten copies, will be accepted.

(4) The complaint should set forth a short and plain statement of the plaintiff's claim(s) showing that the plaintiff is entitled to relief. A short statement of names, dates and facts about what each defendant did will usually be enough. Legal argument and case citations are not necessary. If the Court requires additional information about a claim, the plaintiff will be ordered to provide a more complete statement. The complaint should also state what relief the plaintiff seeks, and if known, the grounds for the court's jurisdiction.

(5) The complaint should include the full first and last name of each defendant to be served and a full address where that defendant may be served, usually a work address. Failure of the plaintiff, without good cause, to timely and adequately identify a defendant for service will result in dismissal of that defendant from the case.

(6) The plaintiff should mail the complaint, along with the filing fee or the petition to proceed in forma pauperis, together in one package to: CLERK, U.S. DISTRICT COURT in the division in which the claim arose.

(7) The clerk will file the complaint upon receipt, regardless of the form of the complaint and regardless of whether the complaint is accompanied by payment of the filing fee or a petition to proceed in forma pauperis.

(B) Payment of Fees and Other Costs

(1) If the plaintiff files a complaint without the filing fee or a petition to proceed in forma pauperis, a deficiency order will enter directing the plaintiff to either pay the filing fee or file a petition to proceed in forma pauperis. Failure to comply will result in dismissal of the case.

(2) If the plaintiff is a prisoner under 28 U.S.C. § 1915(h) and files a petition to proceed in forma pauperis which demonstrates inability to pay the filing fee, the petition will be granted and an initial partial filing fee will be assessed in accordance with 28 U.S.C. § 1915(b). The agency having custody of the plaintiff will be directed to pay the initial partial filing fee from the plaintiff's prison account and to forward monthly payments from that account in accordance with 28 U.S.C. § 1915(b). If the plaintiff is not a prisoner under 28 U.S.C. § 1915(h), this provision does not apply.

(3) All requests for file-stamped copies of documents must be accompanied by a stamped, self-addressed envelope and an extra copy to be file-stamped and returned.

(4) Security for Costs

(a) In any case removed to this court under the provisions of 28 U.S.C. §§ 1441 or 1443 in which the plaintiff is a pro se prisoner who has been barred from proceeding in forma pauperis under the provisions of 28 U.S.C. § 1915(g), and who does not meet the exception of that section, the court may require security from the plaintiff for payment of costs.

(b) The court may require security for payment of costs from any plaintiff, regardless of whether that plaintiff is barred from proceeding in forma pauperis under 28 U.S.C. § 1915(g), where the court determines that such plaintiff: 1) has filed three or more prior actions in federal court that were dismissed as frivolous, malicious, or for failure to state a federal claim for relief; or, 2) has unpaid costs or sanctions assessed in a prior federal case. This section does not limit the court's power to require security in other

appropriate cases.

(c) The security may be in the form of cash or a surety bond with corporate or justified sureties acceptable to the court. Failure by the plaintiff to provide the required security may result in the dismissal of the action.

(C) ~~Case Management Order~~ Merit Review Opinion

If practicable, the Court will conduct a review of the complaint before service is ordered, and enter a ~~Case Management Order~~ Merit Review Opinion delineating the viable claims stated, if any. At any time a ~~Case Management Order~~ Merit Review Opinion is issued by the court defining the remaining claims in the case, the case will proceed solely on those claims identified in the ~~Case Management Order~~ Merit Review Opinion. Any claims not defined in the ~~Case Management Order~~ Merit Review Opinion will not be included in the case, except in the Court's discretion on motion by a party for good cause shown, or pursuant to Federal Rule of Civil Procedure 15.

(D) Service of Process

In cases proceeding in forma pauperis, after the complaint is filed and a ~~Case Management Order~~ Merit Review Opinion enters, if any, a Scheduling Order will enter directing service of the complaint. Generally, waivers of service will be sought from the defendants in lieu of personal service. If a defendant fails to return a signed waiver of service, personal service will be attempted on that defendant, with the costs of personal service assessed against that defendant to the extent allowed under the Federal Rules of Civil Procedure.

If the full statutory filing fee is paid, the plaintiff is responsible for arranging for service.

(E) Answer

(1) ~~When the State of Illinois, any of its officers, agents, departments or employees is a defendant, a responsive pleading must be filed within 60 days of service or within 60 days of the date the waiver of service was sent, as the case may be. All other defendants, including officers and employees of counties and municipalities, must answer or otherwise plead within 21 days of personal service, or within 60 days after a waiver of service is sent, as the case may be. A motion to dismiss is not an answer.~~ All Parties must answer within the applicable time period set forth in Federal Rule of Civil Procedure 12(a). A motion to dismiss is not an answer. The answer must be considered a responsive pleading under Federal Rule of Civil Procedure 15(a) and should include all defenses appropriate under the Federal Rules. It is the responsibility of the

individual named as a defendant to arrange for representation within that time limit. The Court will not extend the time for answer unless exceptional circumstances are shown. Default may be entered against defendants who do not answer within the time limits.

(2) In civil rights cases where the pro se plaintiff is a prisoner or civil detainee, the answer and subsequent pleadings will be to the issues stated in the ~~Case Management Order~~ Merit Review Opinion accompanying the process and complaint, if such an order is entered. A defendant need not parse the complaint and respond to it. If no ~~Case Management Order~~ Merit Review Opinion has entered, the responsive pleading will be to the complaint.

(F) Scheduling Conference

A scheduling order directing service of the complaint will also set the case for a scheduling conference. At the scheduling conference, the parties will be prepared to argue all pending motions; determine whether all parties have been correctly designated and properly served; discuss the course and progress of discovery and resolve any disputes; determine whether a jury demand has been timely filed; set firm dates for the completion of discovery and the filing of case-dispositive motions. At the conclusion of the scheduling conference, the court will set the matter for further status conference or will set scheduling deadlines. Scheduling conferences will be held by telephone or video unless otherwise ordered by the court.

(G) Status Conference

A status conference may be set at any time by the court. At a status conference the parties will be prepared to argue all pending motions; discuss the progress of discovery and resolve any disputes; review dates for the completion of discovery and the filing of case-dispositive motions. Status conferences will be held by telephone or video unless otherwise ordered by the court.

(H) Motions

The parties are responsible for filing motions within the deadlines set by the Court. Responses to motions must be filed within 14 days, or a party must file a timely motion for extension of time to respond, that is within the time set for response. Motions to file "instanter" are not viewed favorably by the Court and will not be allowed routinely. Motions will not be specially set or noticed for hearing. The court may rule on any motion after the time for response has passed, whether a response is on file or not. At his or her discretion, the presiding judge may set any motion for hearing.

(I) Final Pretrial Conference

(1) As soon as practicable after the close of discovery and the resolution of dispositive motions, the presiding judge will set the case for final pretrial conference. All discovery MUST BE COMPLETED before the conference is held. Appropriate sanctions will be imposed upon any party failing to complete discovery as ordered. No case-dispositive motions will be accepted after the cut-off date for the filing of such motions, except by leave of court and a showing of extraordinary circumstances, e.g., a recently decided relevant court opinion or newly discovered evidence that with due diligence could not have been found during the time allotted for discovery. The conference must be by personal appearance, by telephone, or by video as directed by the Court, with the plaintiff, if not represented, and with the attorneys who will try the case.

(2) The following documents are to be prepared and exchanged between the litigants, BUT NOT FILED WITH THE COURT, at least 30 days before the date set for the final pretrial conference.

(a) A statement of uncontested facts.

(b) A statement of contested issues of fact and law.

(c) An itemized statement of damages (plaintiff only).

(d) A list of names and addresses of witnesses that each party intends to call to testify at trial, including the names of expert witnesses.

(e) A list of names and addresses of witnesses for whom subpoenas are requested, and a brief summary of the expected testimony of each such witness.

(f) A list of names, registration numbers (if applicable), and addresses of prisoner or detainee witnesses from whom writs of habeas corpus ad testificandum are requested, and a brief summary of the facts to which each such witness will testify.

(g) A list of exhibits, sequentially numbered, which each party intends to offer into evidence.

(h) A list of all demonstrative aids to be used at the trial.

(3) An attorney for the defendants must prepare a proposed final pretrial order based on the documents described above and must file the proposed final pretrial order at least 14 days before the final pretrial conference. A suggested form of the order is included as Appendix 2 to these Rules. As far as is practicable, the litigants are encouraged to resolve any disputes concerning the order prior to the conference. When the plaintiff is

represented by counsel, a final, agreed-to order will be presented at the conference.

(4) At the final pretrial conference, the presiding judge and the litigants will consider the following:

(a) The prospects of settlement. Plaintiff will make a definite demand for settlement and defendants will have authority to make a definite offer of settlement.

(b) Simplification of the issues for trial;

(c) The final witness lists, including the issuance of subpoenas and writs for witnesses;

(d) Any problems of evidence;

(e) Limitation on the number of expert witnesses;

(f) The desirability and timing of trial briefs;

(g) Such other matters that may aid in the fair and expeditious trial and disposition of the action;

(h) The estimated length of trial.

(5) In cases to be tried to a jury, the parties will submit an agreed set of jury instructions, unless otherwise directed by the court. Instructions upon which the parties are unable to agree will be submitted separately by each party, unless excused by the presiding judge. Each instruction will be appropriately numbered and on a separate sheet of 8 ½" by 11" (letter size) paper; will cover no more than one subject; will identify the source and authority upon which it is based; and will have the name of the party submitting it noted at the bottom of the page.

(6) Changes or amendments to the proposed final pretrial order will be made at the final pretrial conference. At the close of the pretrial conference, the parties and the presiding judge will sign the pretrial order. The court may direct that the parties' signatures be electronically affixed to the final pretrial order if the parties have not appeared in person for the final pretrial conference. The signed pretrial order takes the place of all prior pleadings. Any issue not contained in the final pretrial order WILL NOT BE TRIED. The parties are cautioned to consider the contents of the order very carefully, especially as to jury demand, types of damages sought, claims and defenses.

(7) A sample form of pretrial order is contained in Local Rules Appendix 2. The parties are cautioned to conform their pretrial order to the sample format.

(J) Sanctions

Failure of counsel or parties, if not represented by counsel, to appear at any scheduled pretrial conference, including telephone conferences, or otherwise to comply with the provisions of this Rule, may result in dismissal, default, awarding of attorney's fees and costs and such other sanctions as may be appropriate.

(K) Change of Address

Every pro se plaintiff must notify the clerk of this court in writing of any change of address during the entire pendency of his case. Failure to notify the clerk of a change of address will result in the dismissal of the case.

(L) Waiver

A plaintiff may request a waiver of any of the provisions of this rule by filing a motion with the clerk of this court stating in brief what requirements the plaintiff wants waived and why. The Court will consider each motion individually; however, motions to waive these requirements will not be routinely allowed.

RULE 40.1 ASSIGNMENT OF CASES AND PLACE OF FILING

(A) PEORIA

All complaints and subsequent filings in cases which arise from the following counties: ~~Bureau~~, Fulton, ~~Hancock, Knox~~, Livingston, Marshall, ~~McDonough~~, McLean, Peoria, Putnam, Stark, Tazewell, and Woodford will be filed at

PEORIA, ILLINOIS~~, and heard by the judges of this court regularly sitting in PEORIA, ILLINOIS~~.

(B) SPRINGFIELD

All complaints and subsequent filings in cases which arise from the following counties: Adams, Brown, Cass, Christian, DeWitt, Greene, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, ~~Schuyler,~~ Scott, and Shelby, will be filed at SPRINGFIELD, ILLINOIS~~, and heard by judges of this court regularly sitting at SPRINGFIELD, ILLINOIS~~.

(C) ROCK ISLAND

All complaints and subsequent filings in cases which arise from the following counties: Bureau, Hancock, Henderson, Henry, Knox, McDonough, Mercer, Rock Island, Schuyler, and Warren will be filed at ROCK ISLAND, ILLINOIS~~, and heard by the judges of this court regularly sitting at ROCK ISLAND, ILLINOIS~~.

(D) URBANA

All complaints and subsequent filings in cases which arise from the following counties: Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Macon, Moultrie, Piatt, and Vermillion will be filed at URBANA, ILLINOIS~~, and heard by the judges of this court regularly sitting at URBANA, ILLINOIS~~.

(E) All complaints and subsequent filings in cases filed in the Central District of Illinois must identify in the caption of such pleading or document, the division in which the case is pending.

(F) As part of the statement of jurisdiction, the initial pleadings in each case must state the basis for filing in the division selected.

~~RULE 67.2 ORDERS DIRECTING INVESTMENT OF FUNDS BY THE CLERK~~

~~(A) Any order obtained by a party that directs the clerk of this court to invest in an interest-bearing account or instrument, funds deposited with the Registry Account of the court pursuant to 28 U.S.C. § 2041 will include the following:~~

~~(1) the amount to be invested;~~

~~(2) the name of the bank or financial institution where the funds are to be invested;~~

~~(3) the type of account or instrument in which the funds are to be invested; and~~

~~(4) the terms of the investment.~~

~~(B) Before an order is entered directing the Clerk of Court to invest Registry Funds in an interest-bearing account, counsel must file a copy of such proposed order with the Financial Deputy or Financial Administrator in the division where the action is pending. Failure of the party to serve a copy of the order to invest funds at interest will absolve the clerk and his or her deputies from any civil liability for the loss of any interest which might have been earned on the funds resulting from a late deposit due to failure to serve a copy of the order as required above.~~

~~(C) The clerk will invest the funds within 7 working days of the filing of the order. The 7-day limit may be extended by order of the court should the funds to be invested surpass the $100,000 FDIC insurance level.~~

~~(D) Before an order is entered directing the Clerk to release funds deposited in the Registry Funds of the court or in an interest-bearing account, the party must file a copy of such proposed order with the Financial Deputy or Financial Administrator in the division where the action is pending. The order must specify the amount to be paid, the name of the person or persons to whom payment is to be made, and the name and address of the person or persons to whom the check is to be delivered.~~

~~(E) The Clerk of Court will deduct from income earned on registry funds invested in interest-bearing accounts or instruments, a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office in accordance with the schedule which will be published periodically by the Director in the Federal Register. The fee will be withdrawn whenever income earned becomes available for deduction and will be deposited in the United States Treasury, without further order of the court. This assessment applies to all registry fund investments.~~

RULE 67.2 INVESTMENT OF REGISTRY FUNDS

(A) Unless a statute requires otherwise, funds shall be tendered to the Court or its officers for deposit into the registry only pursuant to court order. Unless provided for elsewhere in this rule, all money ordered to be paid into the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. §2041 through depositaries designated by the Treasury to accept such deposit on its behalf.

(B) Unless otherwise ordered, all funds deposited into the registry shall be deposited in an interest bearing account through the Court Registry Investment System (CRIS) administered by the Administrative Office of the United States Courts.

(C) The custodian is authorized and directed by this rule to deduct, for maintaining accounts in CRIS, the registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference.

(D) Funds in the registry shall be disbursed only by court order. Before an order is entered directing the Clerk to release funds deposited in the registry of the court, the party must file a copy of such proposed order with the Financial Administrator. The order must specify the amount to be paid, the name of the person or persons to whom payment is to be made, and the name and address of the person or persons to whom the check is to be delivered.

RULE 83.5 ADMISSION TO PRACTICE

(A) Qualifications for Admission to Practice.

Any attorney licensed to practice law in any state or in the District of Columbia must be admitted to practice generally in this court on written motion of a member in good standing of the bar of this court, or upon the attorney's own motion accompanied by certification of good standing from the state in which the attorney is licensed, and upon payment of the fees required by law and by Local Rule 83.5(E). On motion made at the time of the written motion for admission to practice, the presiding judge may waive the admission fees for any attorney employed full time by the United States, any state, or county.

Students of accredited law schools or law school graduates awaiting bar results may, upon written motion of a member in good standing of the bar of this court, be provisionally admitted to practice and may appear in this court under the supervision and direction of the sponsoring attorney. There will be no fee for provisional admission.

(B) Oath.

All attorneys must, at the time of their admission to practice before this court, take an oath or affirmation to support the Constitution of the United States, faithfully to discharge their duties as attorneys and counselors, and to demean themselves uprightly and according to law and the recognized standards of ethics of the profession, and they must, under the direction of the clerk of this court, sign the oath of attorneys and pay the fees required by law and by Local Rule 83.5(E).

(C) Admission to Practice in All Divisions.

Admission to practice generally in this court includes all divisions.

(D) Reciprocal Admission.

Any attorney admitted to practice in District Courts of the Northern or Southern Districts of Illinois must be admitted to practice generally in this court upon the attorney's own motion accompanied by a copy of his/her admission certificate from the district in which the attorney is admitted, the attorney's certification that he/she is in good standing generally and upon payment of the fees required by law and Local Rule 83.5(E). Upon motion for reciprocal admission being allowed by the Court, movant will be summarily admitted to the CDIL bar.

(E) Fees Assessed Upon Admission.

Each petitioner shall pay an admission fee upon the filing of the motion for admission, provided that in the event the petitioner is not admitted, the petitioner

may request that the fee be refunded. The amount of the fee shall be established by the court, in conjunction with the fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. §1914.

(F) Admission Pro Hac Vice.

The court does not permit pro hac vice admissions generally. At the discretion of the presiding judge, an attorney who is duly licensed to practice in any state or the District of Columbia may file a motion seeking leave to participate in a case while his or her application for admission to practice in the Central District of Illinois is pending. The application for admission must be submitted contemporaneously with the motion for leave.

(G) Unauthorized Practice.

All attorneys who appear in person or by filing pleadings in this court must be admitted to practice in this court in accordance with this Rule. Only attorneys so admitted may practice or file pleadings in this court. Except as provided in Local Rule 83.5(F), upon entry of appearance as an attorney of record, the entry of appearance must include a certification that the attorney is a member in good standing of the bar of this court.

Any person who, before his or her admission to the bar of this court, or during his or her suspension or disbarment, exercises in this district any of the privileges of a member of the bar in any action or proceedings pending in this court, or who pretends to be entitled to do so, may be adjudged guilty of contempt of court and appropriately sanctioned.

(H) Changes Reported to the Clerk of This Court.

If at any time after admission any relevant circumstances change for an attorney (e.g., name, address, phone number, e-mail address, disciplinary status), he or she must notify the clerk of this court in writing of such change within 14 days.

(I) Admission.

Admission ~~may be in person, by mail, or~~ shall be completed electronically unless otherwise allowed by the court. Procedures for admission will be prescribed by the clerk of this court. Admission is deemed to be as of the date the oath card is received by the clerk.

(J) Pro Bono Panel.

The Pro Bono Panel of this court consists of all attorneys admitted to practice in this court whose place of business is in the Central District of Illinois. Attorneys

employed full time by the United States, the State of Illinois or a county are exempt from service on the panel. Attorneys appointed pro bono to represent litigants may not enter into any contingent fee arrangement with their clients concerning the subject case. Statutory fees and expenses may be awarded to a pro bono attorney as provided by law.

Any attorney appointed to represent an indigent party in a civil proceeding before this Court may petition the Court for reimbursement of expenses incurred in preparation and presentation of the proceeding, subject to the procedures and regulations contained in the plan of this Court adopted June 1, 2000, governing reimbursement of expenses from the District Court Fund.