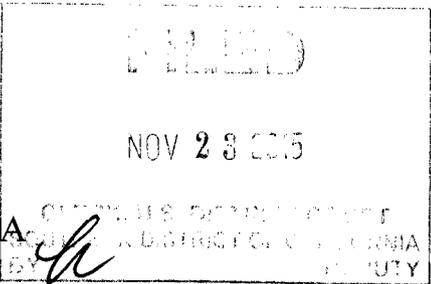


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of )  
 ) General Order No. 648  
LOCAL RULES AMENDMENTS )  
 )  
 )  
\_\_\_\_\_ )

Good cause appearing, and following a public comment period, the Court amends the following Local Rules as follows:

**Criminal Local Rule 1.1.e.**

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e. **Applicable Civil Rules.** The provisions of the following Civil Local Rules will apply to all criminal actions and proceedings, except where they may be inconsistent with the Federal Rules of Criminal Procedure or provisions of law specifically applicable to criminal cases:

\* \* \* \* \*

- 20. Rule 83.2 Security of the Court ~~Rule 83.3 Attorney Admissions, Standards~~
- 21. Rule 83.3 Attorney Admissions, Standards ~~Rule 83.2 Security of the Court~~
- 22. Rule 83.4 Professionalism
- 23. Rule 83.5 Discipline
- 24. Gratuities
- 25. Free Press, Fair Trial
- 26. Non-appropriated Funds
- 27. Correspondence and Communications with the Judge
- 28. Jury Selection Plan

### **Criminal Local Rule 16.1.**

“A magistrate judge may hear motions ~~at or before the arraignment to~~ preserve evidence before a case is assigned to a district judge, and thereafter as requested by the assigned district judge.”

### **Criminal Local Rule 32.1.8.**

**Motions for Departure under 5K1.1.** Motions for departure under 5K1.1 and any written materials relating to those motions, including notice by sentencing summary chart, must be ~~delivered to the chambers of the sentencing judge and copies made available to~~ filed and served on opposing counsel seven (7) days before the sentence hearing date. ~~Service on pro per defendants will be accomplished on an ad hoc basis at the direction of the sentencing judge.~~ Counsel wishing to file ~~Such motions and supporting written materials under seal, must seek a court order in advance showing a compelling interest justifying the restriction to public access of this material on the docket. will not be filed in the court clerk's file.~~

### **Criminal Local Rule 58.2.b.**

Direct the probation ~~service~~ office of the court to conduct a presentence investigation in any misdemeanor case;

### **Civil Local Rule 4.1 Service.**

- a. Service of Process. Service of process, i.e., service of the summons and complaint, must be performed in accordance with Rule 4, Fed. R. Civ. P.

All complaints must be served within ~~one hundred and twenty (120)~~ ninety (90) days. Any extension will be granted only upon good cause shown.

- b. Failure to Serve. On the one hundred~~th~~ ~~thirtieth (130th)~~ (100<sup>th</sup>) day following the filing of the complaint, or on the fourteenth (14<sup>th</sup>) day following an extension of time to serve, if proof of service has not yet been filed, the clerk will prepare an order to show cause with notice to plaintiff why the case should not be dismissed without prejudice and submit it to the

assigned district judge for signature.

**Civil Local Rule 5.1.a.**

- a. **Legibility.** Each document filed . . . Must be in English . . . typed in double space one and one half space . . .

**Civil Local Rule 7.1.e.6**

Social Security Cases. . . Any opposition to the cross motion must be filed and served no later than fourteen (14) days prior . . .

**Civil Local Rule 16.1.a.1 Pretrial.**

Pretrial proceedings and setting of cases for trial are governed by Fed. R. Civ. P. 16 and this rule, and by such orders as are issued pursuant thereto. The timing of the Federal Rule 16(b) scheduling order is adjusted to accommodate the Early Neutral Evaluation Conference, as allowed under Fed. R. Civ P. 1.

**Civil Local Rule 40.1.e and g.**  
**Patent Related Cases and General Order 598.**

- e. **Low Number Rule, Criteria.** The clerk must promptly examine the original complaint or petition in each civil action and proceeding hereafter filed and ascertain whether any one or more civil actions or proceedings pending or any one or more currently filed appear . . . [to] (3) involve the same patent or the same trademark.,~~except where in one or both of the actions concerned, the same patent or trademark is joined with other patents or trademarks which do not cover the same or substantially identical things or devices.~~
- g. **Definition of Related Action.** An action or proceeding is related to another action or proceeding where both of them: . . . 2. Involve the same property, transaction, patent, trademark, or event . . .

**Civil Local Rule 83.1.a Sanctions for Noncompliance**

- a. Failure of counsel or of any party to comply with these rules, with the Federal Rules of Civil or Criminal Procedure, or with any order of the court may be grounds for imposition by the court of any and all sanctions authorized by statute or rule or within the inherent power of the court, . . .

**Civil Local Rule 83.4. Standards of Professional Conduct.**

- b. Every member of the bar of this court and any attorney admitted to practice in this court must be familiar with and comply with the standards of professional conduct required of the members of the State Bar of California, ~~and decisions of any court applicable professional conduct~~ which are now adopted as standards of professional conduct of this court. ~~This specification will not be interpreted to be exhaustive of the standards of professional conduct. In that connection, the Code of Professional Responsibility of the American Bar Association should be noted.~~ No attorney permitted to practice before this court will engage in any conduct which degrades or impugns the integrity of the court or in any manner interferes with the administration of justice within the court.

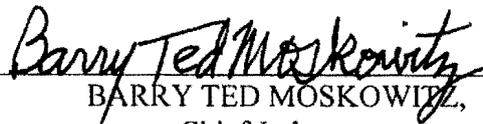
**Patent Local Rule 1.5**

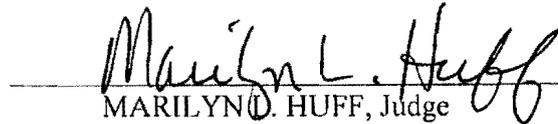
**Notice of Related Patent Case.** Civil Local Rule 40.1 applies to patent cases. The parties must notify the Court of any other cases in the district involving the same patent

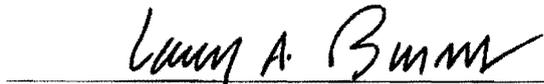
The period for public comment will be until December 31, 2015. Absent further order of this Court, the effective date of the Rules is January 30, 2016. Any comments should be submitted to the Clerk, U.S. District Court, at 333 West Broadway, Suite 420, San Diego, California 92101. Please note on the envelope: In Re: Local Rules Amendments.

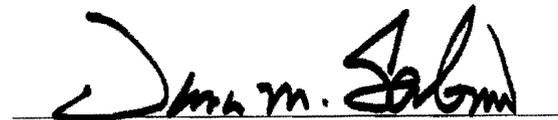
IT IS SO ORDERED.

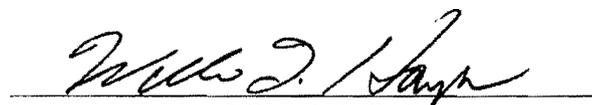
Dated: November 23, 2015

  
BARRY TED MOSKOWITZ,  
Chief Judge  
United States District Court

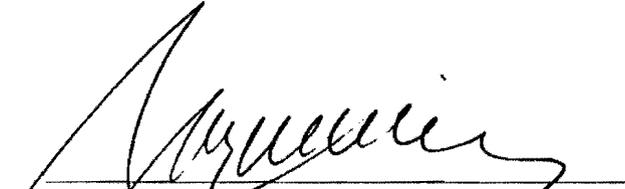
  
MARILYN D. HUFF, Judge  
United States District Court

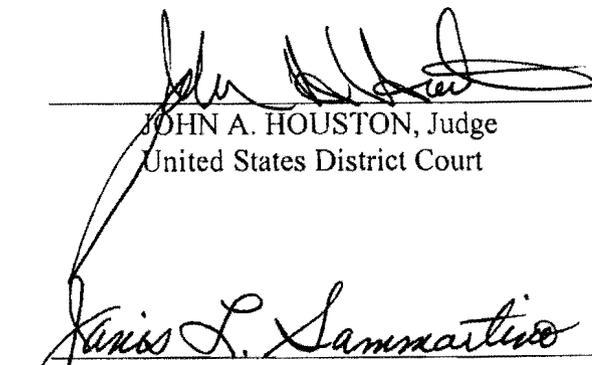
  
LARRY A. BURNS, Judge  
United States District Court

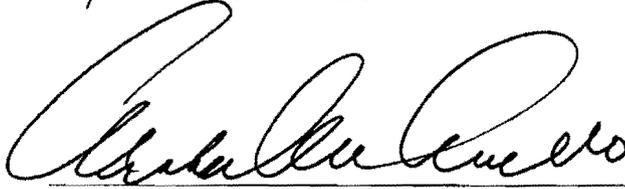
  
DANA M. SABRAW, Judge  
United States District Court

  
WILLIAM Q. HAYES, Judge  
United States District Court

  
JOHN A. HOUSTON, Judge  
United States District Court

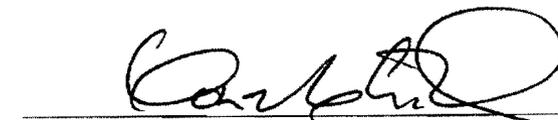
  
ROGER T. BENITEZ, Judge  
United States District Court

  
JANIS L. SAMMARTINO, Judge  
United States District Court

  
MICHAEL M. ANELLO, Judge  
United States District Court

  
ANTHONY J. BATTAGLIA, Judge  
United States District Court

  
CATHY ANN BENCIVENGO, Judge  
United States District Court

  
GONZALO P. CURIEL, Judge  
United States District Court

*Cynthia Bashant*

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CYNTHIA BASHANT, Judge  
United States District Court

*OUT OF DISTRICT*

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WILLIAM B. ENRIGHT, Judge  
United States District Court

*Jeffrey T. Miller*

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JEFFREY T. MILLER, Judge  
United States District Court

*Thomas J. Whelan*

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THOMAS J. WHELAN, Judge  
United States District Court

*M. James Lorenz*

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M. JAMES LORENZ, Judge  
United States District Court