

Section consolidates section 1 of title 28, U.S.C., 1940 ed., and section 641 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect the consolidation.

Subsection (c) is derived from section 641 of title 48, U.S.C., 1940 ed., which applied only to the Territory of Hawaii. The revised section, by extending it to all districts, merely recognizes established practice.

Other portions of section 1 of title 28, U.S.C., 1940 ed., are incorporated in sections 133 and 134 of this title. The remainder of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 133 of this title.

AMENDMENTS

1963—Subsec. (b). Pub. L. 88-176 inserted “regular” before “active service”.

CONTINUATION OF ORGANIZATION OF COURT

Section 2(b) of act June 25, 1948, provided in part that the provisions of this title as set out in section 1 of act June 25, 1948, with respect to the organization of the court, shall be construed as a continuation of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on Sept. 1, 1948, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of this title pursuant to his prior appointment.

§ 133. Appointment and number of district judges

(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

	Districts	Judges
Alabama:		
Northern .....		7
Middle .....		3
Southern .....		3
Alaska .....		3
Arizona .....		12
Arkansas:		
Eastern .....		5
Western .....		3
California:		
Northern .....		14
Eastern .....		6
Central .....		27
Southern .....		13
Colorado .....		7
Connecticut .....		8
Delaware .....		4
District of Columbia .....		15
Florida:		
Northern .....		4
Middle .....		15
Southern .....		17
Georgia:		
Northern .....		11
Middle .....		4
Southern .....		3
Hawaii .....		3
Idaho .....		2
Illinois:		
Northern .....		22
Central .....		4
Southern .....		4
Indiana:		
Northern .....		5
Southern .....		5
Iowa:		
Northern .....		2

	Districts	Judges
Southern .....		3
Kansas .....		5
Kentucky:		
Eastern .....		5
Western .....		4
Eastern and Western .....		1
Louisiana:		
Eastern .....		12
Middle .....		3
Western .....		7
Maine .....		3
Maryland .....		10
Massachusetts .....		13
Michigan:		
Eastern .....		15
Western .....		4
Minnesota .....		7
Mississippi:		
Northern .....		3
Southern .....		6
Missouri:		
Eastern .....		6
Western .....		5
Eastern and Western .....		2
Montana .....		3
Nebraska .....		3
Nevada .....		7
New Hampshire .....		3
New Jersey .....		17
New Mexico .....		6
New York:		
Northern .....		5
Southern .....		28
Eastern .....		15
Western .....		4
North Carolina:		
Eastern .....		4
Middle .....		4
Western .....		4
North Dakota .....		2
Ohio:		
Northern .....		11
Southern .....		8
Oklahoma:		
Northern .....		3
Eastern .....		1
Western .....		6
Northern, Eastern, and Western .....		1
Oregon .....		6
Pennsylvania:		
Eastern .....		22
Middle .....		6
Western .....		10
Puerto Rico .....		7
Rhode Island .....		3
South Carolina .....		10
South Dakota .....		3
Tennessee:		
Eastern .....		5
Middle .....		4
Western .....		5
Texas:		
Northern .....		12
Southern .....		19
Eastern .....		7
Western .....		13
Utah .....		5
Vermont .....		2
Virginia:		
Eastern .....		11

Districts	Judges
Western .....	4
Washington:	
Eastern .....	4
Western .....	7
West Virginia:	
Northern .....	3
Southern .....	5
Wisconsin:	
Eastern .....	5
Western .....	2
Wyoming .....	3.

(b)(1) In any case in which a judge of the United States (other than a senior judge) assumes the duties of a full-time office of Federal judicial administration, the President shall appoint, by and with the advice and consent of the Senate, an additional judge for the court on which such judge serves. If the judge who assumes the duties of such full-time office leaves that office and resumes the duties as an active judge of the court, then the President shall not appoint a judge to fill the first vacancy which occurs thereafter in that court.

(2) For purposes of paragraph (1), the term "office of Federal judicial administration" means a position as Director of the Federal Judicial Center, Director of the Administrative Office of the United States Courts, or Counselor to the Chief Justice.

(June 25, 1948, ch. 646, 62 Stat. 895; Aug. 3, 1949, ch. 387, §2(a), 63 Stat. 493; Aug. 14, 1950, ch. 708, 64 Stat. 443; Aug. 29, 1950, ch. 819, §1, 64 Stat. 562; Sept. 5, 1950, ch. 848, §1, 64 Stat. 578; Feb. 10, 1954, ch. 6, §2(a)(3), 68 Stat. 9; Pub. L. 85-310, Sept. 7, 1957, 71 Stat. 631; Pub. L. 85-508, §12(c), July 7, 1958, 72 Stat. 348; Pub. L. 86-3, §9(b), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87-36, §2(d), May 19, 1961, 75 Stat. 81; Pub. L. 87-562, §3, July 30, 1962, 76 Stat. 248; Pub. L. 89-242, §1(c), Oct. 7, 1965, 79 Stat. 951; Pub. L. 89-372, §4, Mar. 18, 1966, 80 Stat. 77; Pub. L. 91-272, §1(d), June 2, 1970, 84 Stat. 295; Pub. L. 92-208, §3(d), Dec. 18, 1971, 85 Stat. 742; Pub. L. 95-408, §4(b)(2), Oct. 2, 1978, 92 Stat. 885; Pub. L. 95-486, §1(c), Oct. 20, 1978, 92 Stat. 1630; Pub. L. 97-471, §3, Jan. 14, 1983, 96 Stat. 2601; Pub. L. 98-353, title II, §202(e), July 10, 1984, 98 Stat. 348; Pub. L. 101-650, title II, §203(d), title III, §303, Dec. 1, 1990, 104 Stat. 5101, 5105; Pub. L. 105-53, §4, Oct. 6, 1997, 111 Stat. 1174; Pub. L. 106-113, div. B, §1000(a)(1) [title III, §309(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-37; Pub. L. 106-553, §1(a)(2) [title III, §305(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-85; Pub. L. 107-273, div. A, title III, §312(a)(2), (b)(2), Nov. 2, 2002, 116 Stat. 1786, 1787; Pub. L. 110-402, §1(b)(1), Oct. 13, 2008, 122 Stat. 4254.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §1 and notes; sections 641, 643, 863, and 864 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions; District of Columbia Code, 1940 ed., §11-301 (Apr. 12, 1900, ch. 191, §§34, 35, 31 Stat. 84, 85; Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; Mar. 3, 1901, ch. 854, §60, 31 Stat. 1199; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087; Jan. 7, 1913, ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 3, 1915, ch. 100, §1, 38 Stat. 961; Apr. 11, 1916, ch. 64, §1, 39 Stat. 48; Feb. 26, 1917, ch. 120, 39 Stat. 938; Mar. 2, 1917, ch. 145, §§41, 42, 39 Stat. 965, 966; Feb. 26, 1919, ch. 50, §1, 40 Stat. 1183; Mar. 4, 1921, ch. 161, §1,

41 Stat. 1412; July 9, 1921, ch. 42, §313, 42 Stat. 119; Sept. 14, 1922, ch. 306, §1, 42 Stat. 837; Jan. 16, 1925, ch. 83, §3, 43 Stat. 752; Feb. 12, 1925, ch. 220, 43 Stat. 890; Feb. 13, 1925, ch. 229, §§1, 13, 43 Stat. 936, 942; Feb. 16, 1925, ch. 233, §§2, 3, 43 Stat. 946; Mar. 2, 1925, ch. 397, §§1-3, 43 Stat. 1098; Mar. 3, 1927, ch. 297, §1, 44 Stat. 1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, §1, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat. 1370; Mar. 3, 1927, ch. 336, §§1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344, 44 Stat. 1380; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Apr. 21, 1928, ch. 393, §5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Dec. 20, 1928, ch. 41, 45 Stat. 1056; Jan. 17, 1929, ch. 72, §1, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929, ch. 358, §1, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, §1, 46 Stat. 431; June 19, 1930, ch. 537, 46 Stat. 785; June 27, 1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, §1, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20, 1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May 17, 1932, ch. 190, 47 Stat. 158; May 20, 1932, ch. 196, 47 Stat. 161; Aug. 2, 1935, ch. 425, 49 Stat. 508; Aug. 19, 1935, ch. 558, §§1, 2, 49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, 49 Stat. 1476; June 15, 1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, §1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804; June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, §1, 50 Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; Mar. 26, 1938, ch. 51, §2, 52 Stat. 118; May 31, 1938, ch. 290, §§4, 5, 6, 52 Stat. 584, 585; June 20, 1938, ch. 528, 52 Stat. 780; Jan. 20, 1940, ch. 11, 54 Stat. 16; May 24, 1940, ch. 209, §2(c), 54 Stat. 220; June 8, 1940, ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 92, §1, 54 Stat. 1216; Nov. 21, 1941, ch. 479, 55 Stat. 773; July 7, 1942, ch. 489, 56 Stat. 648; Dec. 24, 1942, ch. 817, 56 Stat. 1083; Dec. 24, 1942, ch. 827, 56 Stat. 1092; Dec. 7, 1944, ch. 521, 58 Stat. 796; Dec. 22, 1944, ch. 663, 58 Stat. 887; Oct. 16, 1945, ch. 419, §§1, 2, 59 Stat. 545, 546; June 15, 1946, ch. 413, 60 Stat. 260; July 24, 1946, chs. 600, 602, 60 Stat. 654.)

Section consolidates provisions of section 1 of title 28, U.S.C., 1940 ed., and sections 641, 643, 863, and 864 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 1 of title 28, U.S.C., 1940 ed., relating to residence of judges, are covered by section 134 of this title.

The act of Dec. 7, 1944, amended section 2 of the act of May 24, 1940, 54 Stat. 219, section 1, note, of title 28, U.S.C., 1940 ed., to read as follows: "(a) Provided, That the first vacancy in the office of district judge in each of said districts except in the eastern district of Pennsylvania, shall not be filled."

The act of Dec. 22, 1944, amended the same section to read as follows: "(a) Provided, That the first vacancy occurring in the office of district judge in each of said districts except the district of New Jersey shall not be filled."

The act of July 24, 1946, ch. 600, §1, 60 Stat. 654, amended the proviso in the 1940 act to read as follows: "Provided, That the first vacancy occurring in the office of district judge in each of said districts, except the district of New Jersey and the eastern district of Pennsylvania, shall not be filled."

The following additional but temporary judgeships, authorized by Congress, are not included in the revised section:

<i>Districts</i>	<i>Judges</i>
Delaware .....	1
Florida, Northern and Southern .....	1
Georgia, Northern .....	1
Kansas .....	1
Missouri, Eastern and Western .....	1
Ohio, Northern .....	1
Oklahoma, Western .....	1
Pennsylvania, Eastern, Middle and Western .....	1
West Virginia, Northern and Southern .....	1

Other provisions of said section 11-301 of the District of Columbia Code, 1940 ed., are incorporated in section 136 of this title.

A part of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 132 of this title.

Parts of sections 863 and 864 of title 48, U.S.C., 1940 ed., are retained in title 48. For other parts of those sections, see Distribution Table.

Other provisions of section 643 of title 48, U.S.C., 1940 ed., are incorporated in sections 501 [now 541], 504 [now 541 to 544], and 541 [see 561] of this title.

SENATE REVISION AMENDMENT

Provisions for one district judge in the Southern District of Indiana were inserted in this section by Senate amendment. See 80th Congress Senate Report No. 1559.

CODIFICATION

Paragraph (2) of subsection (b) of section 4 of Pub. L. 95-408, cited as a credit to this section, was amended generally by Pub. L. 96-4, §1, Mar. 30, 1979, 93 Stat. 6, and enacted provisions which are set out as a note under section 93 of this title.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110-402 substituted “Counselor” for “administrative assistant”.

2002—Subsec. (a). Pub. L. 107-273 increased number of permanent district judgeships as follows: in Southern District of California from 8 to 13, in Central and Southern Districts of Illinois from 3 to 4, in Northern District of New York from 4 to 5, in Western District of North Carolina from 3 to 4, in Western District of Texas from 11 to 13, and in Eastern District of Virginia from 10 to 11.

2000—Subsec. (a). Pub. L. 106-553 increased number of permanent district judgeships as follows: in Arizona from 11 to 12, in Southern District of Florida from 16 to 17, in Eastern District of Kentucky from 4 to 5, in Nevada from 6 to 7, in New Mexico from 5 to 6, in South Carolina from 9 to 10, in Southern District of Texas from 18 to 19, in Western District of Texas from 10 to 11, in Eastern District of Virginia from 9 to 10, and in Eastern District of Wisconsin from 4 to 5.

1999—Subsec. (a). Pub. L. 106-113 increased number of permanent district judgeships in Arizona from 8 to 11, increased number of permanent district judgeships in Middle District of Florida from 11 to 15, and increased number of permanent district judgeships in Nevada from 4 to 6.

1997—Subsec. (a). Pub. L. 105-53 in item relating to Louisiana, reduced number of permanent district judgeships in Eastern District from 13 to 12 and increased number in Middle District from 2 to 3.

1990—Pub. L. 101-650, §303(1), designated existing provisions as subsec. (a) and added subsec. (b).

Pub. L. 101-650, §203(d), altered number of permanent district judgeships in named districts as follows:

<i>State</i>	<i>Former</i>	<i>New</i>
Alabama:		
Northern .....	7	7
Middle .....	3	3
Southern .....	3	3
Alaska .....	3	3
Arizona .....	8	8
Arkansas:		
Eastern .....	3	5
Western .....	1	3
Eastern and Western .....	2	0
California:		
Northern .....	12	14
Eastern .....	6	6
Central .....	22	27
Southern .....	7	8
Colorado .....	7	7
Connecticut .....	6	8
Delaware .....	4	4
District of Columbia .....	15	15
Florida:		
Northern .....	3	4
Middle .....	9	11
Southern .....	15	16
Georgia:		
Northern .....	11	11

<i>State</i>	<i>Former</i>	<i>New</i>
Middle .....	3	4
Southern .....	3	3
Hawaii .....	3	3
Idaho .....	2	2
Illinois:		
Northern .....	20	22
Central .....	3	3
Southern .....	3	3
Indiana:		
Northern .....	4	5
Southern .....	5	5
Iowa:		
Northern .....	1	2
Southern .....	2	3
Northern and Southern .....	1	0
Kansas .....	5	5
Kentucky:		
Eastern .....	4	4
Western .....	4	4
Eastern and Western .....	1	1
Louisiana:		
Eastern .....	13	13
Middle .....	2	2
Western .....	6	7
Maine .....	2	3
Maryland .....	10	10
Massachusetts .....	11	13
Michigan:		
Eastern .....	15	15
Western .....	4	4
Minnesota .....	7	7
Mississippi:		
Northern .....	3	3
Southern .....	5	6
Missouri:		
Eastern .....	5	6
Western .....	5	5
Eastern and Western .....	2	2
Montana .....	3	3
Nebraska .....	3	3
Nevada .....	4	4
New Hampshire .....	2	3
New Jersey .....	14	17
New Mexico .....	4	5
New York:		
Northern .....	4	4
Southern .....	27	28
Eastern .....	12	15
Western .....	3	4
North Carolina:		
Eastern .....	3	4
Middle .....	3	4
Western .....	3	3
North Dakota .....	2	2
Ohio:		
Northern .....	10	11
Southern .....	7	8
Oklahoma:		
Northern .....	2	3
Eastern .....	1	1
Western .....	4	6
Northern, Eastern, and Western .....	2	1
Oregon .....	5	6
Pennsylvania:		
Eastern .....	19	22
Middle .....	5	6
Western .....	10	10
Puerto Rico .....	7	7
Rhode Island .....	3	3
South Carolina .....	8	9
South Dakota .....	3	3
Tennessee:		
Eastern .....	4	5
Middle .....	3	4
Western .....	4	5
Texas:		
Northern .....	10	12
Southern .....	13	18
Eastern .....	6	7
Western .....	7	10
Utah .....	4	5
Vermont .....	2	2
Virginia:		
Eastern .....	9	9
Western .....	4	4
Washington:		
Eastern .....	3	4
Western .....	6	7
West Virginia:		
Northern .....	2	3

State	Former	New
Southern .....	4	5
Wisconsin:		
Eastern .....	4	4
Western .....	2	2
Wyoming .....	2	3

1984—Pub. L. 98-353 altered number of permanent district judgeships in named districts as follows:

State	Former	New
Alabama:		
Northern .....	7	7
Middle .....	3	3
Southern .....	2	3
Alaska .....	2	3
Arizona .....	8	8
Arkansas:		
Eastern .....	3	3
Western .....	1	1
Eastern and Western .....	2	2
California:		
Northern .....	12	12
Eastern .....	6	6
Central .....	17	22
Southern .....	7	7
Colorado .....	6	7
Connecticut .....	5	6
Delaware .....	3	4
District of Columbia .....	15	15
Florida:		
Northern .....	3	3
Middle .....	9	9
Southern .....	12	15
Georgia:		
Northern .....	11	11
Middle .....	2	3
Southern .....	3	3
Hawaii .....	2	3
Idaho .....	2	2
Illinois:		
Northern .....	16	20
Central .....	3	3
Southern .....	2	3
Indiana:		
Northern .....	4	4
Southern .....	5	5
Iowa:		
Northern .....	1	1
Southern .....	2	2
Northern and Southern .....	1	1
Kansas .....	5	5
Kentucky:		
Eastern .....	4	4
Western .....	3	4
Eastern and Western .....	1	1
Louisiana:		
Eastern .....	13	13
Middle .....	2	2
Western .....	5	6
Maine .....	2	2
Maryland .....	9	10
Massachusetts .....	10	11
Michigan:		
Eastern .....	13	15
Western .....	4	4
Minnesota .....	5	7
Mississippi:		
Northern .....	2	3
Southern .....	3	5
Missouri:		
Eastern .....	4	5
Western .....	5	5
Eastern and Western .....	2	2
Montana .....	2	3
Nebraska .....	3	3
Nevada .....	3	4
New Hampshire .....	2	2
New Jersey .....	11	14
New Mexico .....	4	4
New York:		
Northern .....	3	4
Southern .....	27	27
Eastern .....	10	12
Western .....	3	3
North Carolina:		
Eastern .....	3	3
Middle .....	3	3

State	Former	New
Western .....	3	3
North Dakota .....	2	2
Ohio:		
Northern .....	9	10
Southern .....	6	7
Oklahoma:		
Northern .....	2	2
Eastern .....	1	1
Western .....	3	4
Northern, Eastern, and Western .....	2	2
Oregon .....	5	5
Pennsylvania:		
Eastern .....	19	19
Middle .....	5	5
Western .....	10	10
Puerto Rico .....	7	7
Rhode Island .....	2	3
South Carolina .....	8	8
South Dakota .....	3	3
Tennessee:		
Eastern .....	3	4
Middle .....	3	3
Western .....	3	4
Texas:		
Northern .....	9	10
Eastern .....	4	6
Southern .....	13	13
Western .....	6	7
Utah .....	3	4
Vermont .....	2	2
Virginia:		
Eastern .....	8	9
Western .....	4	4
Washington:		
Eastern .....	2	3
Western .....	5	6
West Virginia:		
Northern .....	2	2
Southern .....	4	4
Wisconsin:		
Eastern .....	4	4
Western .....	2	2
Wyoming .....	1	2

1983—Pub. L. 97-471 in item relating to West Virginia increased the number of judges for the Northern District from 1 to 2, increased the number of judges for the Southern District from 3 to 4, and struck out an item which had authorized a Northern and Southern District with 1 judge.

1978—Pub. L. 95-486 altered the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama:		
Northern .....	4	7
Middle .....	2	3
Southern .....	2	2
Alaska .....	2	2
Arizona .....	5	8
Arkansas:		
Eastern .....	1	3
Western .....	1	1
Eastern and Western .....	2	2
California:		
Northern .....	11	12
Eastern .....	3	6
Central .....	16	17
Southern .....	5	7
Colorado .....	4	6
Connecticut .....	4	5
Delaware .....	3	3
District of Columbia .....	15	15
Florida:		
Northern .....	2	3
Middle .....	6	9
Southern .....	7	12
Georgia:		
Northern .....	6	11
Middle .....	2	2
Southern .....	2	3
Hawaii .....	2	2
Idaho .....	2	2
Illinois:		
Northern .....	13	16
Central .....	2	3
Southern .....	2	2

<i>State</i>	<i>Former</i>	<i>New</i>
Indiana:		
Northern .....	3	4
Southern .....	4	5
Iowa:		
Northern .....	1	1
Southern .....	1	2
Northern and Southern .....	1	1
Kansas .....	4	5
Kentucky:		
Eastern .....	2	4
Western .....	3	3
Eastern and Western .....	1	1
Louisiana:		
Eastern .....	9	13
Middle .....	1	2
Western .....	4	5
Maine .....	1	2
Maryland .....	7	9
Massachusetts .....	6	10
Michigan:		
Eastern .....	10	13
Western .....	2	4
Minnesota .....	4	5
Mississippi:		
Northern .....	2	2
Southern .....	3	3
Missouri:		
Eastern .....	3	4
Western .....	3	5
Eastern and Western .....	2	2
Montana .....	2	2
Nebraska .....	3	3
Nevada .....	2	3
New Hampshire .....	1	2
New Jersey .....	9	11
New Mexico .....	3	4
New York:		
Northern .....	2	3
Southern .....	27	27
Eastern .....	9	10
Western .....	3	3
North Carolina:		
Eastern .....	2	3
Western .....	2	3
Middle .....	2	3
North Dakota .....	2	2
Ohio:		
Northern .....	8	9
Southern .....	5	6
Oklahoma:		
Northern .....	1	2
Eastern .....	1	1
Western .....	2	3
Northern, Eastern, and Western .....	2	2
Oregon .....	3	5
Pennsylvania:		
Eastern .....	19	19
Middle .....	3	5
Western .....	10	10
Puerto Rico .....	3	7
Rhode Island .....	2	2
South Carolina .....	5	8
South Dakota .....	2	3
Tennessee:		
Eastern .....	3	3
Middle .....	2	3
Western .....	3	3
Texas:		
Northern .....	6	9
Southern .....	8	13
Eastern .....	3	4
Western .....	5	6
Utah .....	2	3
Vermont .....	2	2
Virginia:		
Eastern .....	6	8
Western .....	2	4
Washington:		
Eastern .....	1	2
Western .....	3	5
West Virginia:		
Northern .....	1	1
Southern .....	2	3
Northern and Southern .....	1	1
Wisconsin:		
Eastern .....	3	4
Western .....	1	2
Wyoming .....	1	1

Pub. L. 95-408 substituted "Central" for "Southern" and "Southern" for "Eastern" in item relating to Illinois.

1971—Pub. L. 92-208 created a Middle District in the Louisiana listing with one judge and reduced from 10 to 9 the number of judges for the Eastern District of Louisiana.

1970—Pub. L. 91-272 altered the number of permanent district judgeships in the named districts as follows:

<i>State</i>	<i>Former</i>	<i>New</i>
Alabama:		
Northern .....	3	4
Middle .....	1	2
Southern .....	1	2
Middle and Southern .....	1	0
Arizona .....	4	5
California:		
Northern .....	9	11
Central .....	13	16
Southern .....	2	5
Colorado .....	3	4
Florida:		
Middle .....	5	6
Southern .....	5	7
Georgia:		
Northern .....	3	6
Southern .....	1	2
Illinois: Northern .....	11	13
Kansas .....	3	4
Kentucky:		
Eastern .....	1	2
Western .....	2	3
Louisiana:		
Eastern .....	8	10
Western .....	3	4
Maryland .....	5	7
Michigan: Eastern .....	8	10
Missouri: Eastern .....	2	3
Nebraska .....	2	3
New Jersey .....	8	9
New Mexico .....	2	3
New York:		
Southern .....	24	27
Eastern .....	8	9
Ohio:		
Northern .....	7	8
Southern .....	4	5
Pennsylvania:		
Eastern .....	11	19
Western .....	8	10
Puerto Rico .....	2	3
South Carolina .....	4	5
Tennessee: Western .....	2	3
Texas:		
Northern .....	5	6
Southern .....	7	8
Eastern .....	2	3
Western .....	4	5
Virginia: Eastern .....	5	6
West Virginia: Southern .....	1	2
Wisconsin: Eastern .....	2	3

1966—Pub. L. 89-372 altered the number of permanent district judgeships in the named districts as follows:

<i>State</i>	<i>Former</i>	<i>New</i>
Alabama: Middle and Southern .....	0	1
Arizona .....	3	4
California:		
Northern .....	9	9
Eastern .....	0	3
Central .....	0	13
Southern .....	13	2
Florida:		
Northern .....	1	2
Middle .....	3	5
Southern .....	3	5
Northern, Middle, and Southern .....	1	0
Illinois: Northern .....	10	11
Indiana: Southern .....	3	4
Louisiana: Eastern .....	4	8
Maryland .....	4	5
Mississippi:		
Northern .....	1	2
Southern .....	2	3
New York: Western .....	2	3

State	Former	New
Ohio:		
Northern .....	6	7
Southern .....	3	4
Rhode Island .....	1	2
Texas:		
Southern .....	5	7
Western .....	3	4
Vermont .....	1	2
Virginia: Eastern .....	3	5

1965—Pub. L. 89-242 changed the South Carolina listing by removing references to an Eastern and Western District, with 1 judge listed for the Eastern, 1 judge for the Western, and 2 judges for the Eastern and Western combined, and substituted therefor a single reference to a South Carolina District with 4 judges.

1962—Pub. L. 87-562 amended the Florida listing by adding the Middle District with its designation of 3 judges, substituted "Northern, Middle, and Southern" for "Northern and Southern", and reduced the number of judges in the Southern District from 6 to 3.

1961—Pub. L. 87-36 increased the number of permanent district judgeships in the named districts as follows:

State	Former	New
Alabama:		
Northern .....	2	3
Alaska .....	1	2
Arizona .....	2	3
Arkansas:		
Eastern and Western .....	1	2
California:		
Northern .....	7	9
Southern .....	11	13
Colorado .....	2	3
Connecticut .....	2	4
Florida:		
Southern .....	4	6
Georgia:		
Northern .....	2	3
Middle .....	1	2
Illinois:		
Northern .....	8	10
Indiana:		
Northern .....	2	3
Southern .....	2	3
Iowa:		
Northern and Southern .....	0	1
Kansas .....	2	3
Louisiana:		
Eastern .....	2	4
Western .....	2	3
Maryland .....	2	4
Massachusetts .....	5	6
Michigan:		
Eastern .....	6	8
Mississippi:		
Southern .....	1	2
Missouri:		
Western .....	2	3
Nevada .....	1	2
New Jersey .....	7	8
New Mexico .....	1	2
New York:		
Southern .....	18	24
Eastern .....	6	8
North Carolina:		
Eastern .....	1	2
Western .....	1	2
Middle .....	1	2
Ohio:		
Northern .....	5	6
Oklahoma:		
Northern, Eastern, and Western .....	1	2
Pennsylvania:		
Eastern .....	8	11
Middle .....	2	3
Western .....	5	8
Puerto Rico .....	1	2
South Carolina:		
Eastern and Western .....	1	2
Tennessee:		
Eastern .....	2	3
Middle .....	1	2
Western .....	1	2

State	Former	New
Texas:		
Northern .....	3	5
Southern .....	4	5
Western .....	2	3
Utah .....	1	2
Washington:		
Western .....	2	3

1959—Pub. L. 86-3 struck out provisions that restricted eligibility for appointment as district judges for the district of Hawaii to citizens of the Territory of Hawaii who have resided therein for at least three years.

1958—Pub. L. 85-508 inserted "Alaska ——— 1".

1957—Pub. L. 85-310 increased the number of permanent judgeships in the district of South Dakota from 1 to 2.

1954—Act Feb. 10, 1954, increased the number of permanent judgeships in the named districts as follows:

State	Former	New
California:		
Southern .....	10	11
Delaware .....	2	3
Florida:		
Southern .....	3	4
Idaho .....	1	2
Indiana:		
Northern .....	1	2
Southern .....	1	2
Kentucky:		
Western .....	1	2
Massachusetts .....	4	5
Michigan:		
Eastern .....	5	6
Western .....	1	2
Missouri:		
Eastern and Western .....	1	2
New Jersey .....	6	7
New York:		
Southern .....	16	18
North Dakota .....	1	2
Ohio:		
Northern .....	4	5
Pennsylvania:		
Eastern .....	7	8
Western .....	4	5
Texas:		
Southern .....	3	4
Eastern .....	1	2
Virginia:		
Eastern .....	2	3
West Virginia:		
Northern and Southern .....	0	1
Wisconsin:		
Eastern .....	1	2

1950—Act Sept. 5, 1950, increased the number of permanent judgeships in the district of Delaware from 1 to 2.

Act Aug. 29, 1950, increased the number of permanent judgeships in the western district of Pennsylvania from 3 to 4.

Act Aug. 14, 1950, increased the number of permanent judgeships in the northern district of Illinois from 6 to 8.

1949—Act Aug. 3, 1949, increased the numbers of permanent judgeships in the named districts as follows:

State	Former	New
California:		
Northern .....	5	7
Southern .....	8	10
District of Columbia .....	12	15
Florida:		
Northern and Southern .....	0	1
Georgia:		
Northern .....	1	2
Kansas .....	1	2
New Jersey .....	5	6
New York:		
Southern .....	12	16
Ohio:		
Northern .....	3	4

<i>State</i>	<i>Former</i>	<i>New</i>
Oklahoma:		
Western .....	1	2
Oregon .....	2	3
Pennsylvania:		
Eastern .....	5	7
Texas:		
Southern .....	2	3

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. A, title III, §312(a)(3), Nov. 2, 2002, 116 Stat. 1787, provided that: "This subsection [amending this section and enacting provisions set out as a note under this section] shall take effect on July 15, 2003."

Pub. L. 107-273, div. A, title III, §312(b)(3), Nov. 2, 2002, 116 Stat. 1788, provided that: "With respect to the central or southern district of Illinois, the northern district of New York, or the eastern district of Virginia, this subsection [amending this section and enacting provisions set out as a note under this section] shall take effect on the earlier of—

- "(A) the date on which the first vacancy in the office of district judge occurs in such district; or
- "(B) July 15, 2003."

EFFECTIVE DATE OF 1978 AMENDMENT; WAIVER OF STANDARDS AND GUIDELINES; FAILURE TO COMPLY

Section 7 of Pub. L. 95-486 provided that:  
 "(a) The first section and section 2 of this Act [amending this section and enacting provisions set out as notes under this section] shall take effect immediately upon the President's promulgation and publication of standards and guidelines for the selection, on the basis of merit, of nominees for United States district court judgeships authorized by this Act [amending this section, sections 44, 46, 1337, and 1445 of this title, and section 5108 of Title 5, Government Organization and Employees, enacting provisions set out as notes under this section and sections 41 and 44 of this title, and amending provisions set out as a note under section 45 of this title].  
 "(b) The President may waive such standards and guidelines with respect to any nomination by notifying the Senate of the reasons for such waiver.  
 "(c) Following the promulgation and publication of such standards and guidelines, no nomination or appointment to a United States district court judgeship may be invalidated on the basis of the President's failure to comply with this section or with any standards or guidelines promulgated under this section.  
 "(d) This Act, other than the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall take effect on the date of enactment of this Act [Oct. 20, 1978]."

Section 11 of Pub. L. 95-486 provided that: "Notwithstanding any other provision of this Act the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall not take effect before November 1, 1978."

Section 11 of Pub. L. 95-486 provided that: "Notwithstanding any other provision of this Act the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall not take effect before November 1, 1978."

Section 11 of Pub. L. 95-486 provided that: "Notwithstanding any other provision of this Act the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall not take effect before November 1, 1978."

Section 11 of Pub. L. 95-486 provided that: "Notwithstanding any other provision of this Act the first section and section 2 [amending this section and enacting provisions set out as notes under this section] shall not take effect before November 1, 1978."

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95-408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95-408, set out as a note under section 89 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-208 effective 120 days after Dec. 18, 1971, see section 3(f) of Pub. L. 92-208, set out as a note under section 98 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-242 effective on first day of month following Oct. 7, 1965, see section 6 of Pub. L. 89-242, set out as a note under section 121 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-562 effective 90 days after July 30, 1962, see section 5 of Pub. L. 87-562, set out as a note under section 89 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Section 9 of Pub. L. 86-3 provided in part that the amendment of this section and section 134 of this title is effective on admission of the State of Hawaii into the Union. Admission of Hawaii into the Union was accomplished Aug. 21, 1959, upon issuance of Proc. No. 3309, Aug. 21, 1959, 25 F.R. 6868, 73 Stat. 74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-508 effective Jan. 3, 1959, on admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. 16, as required by sections 1 and 8(c) of Pub. L. 85-508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

ADDITIONAL JUDGESHIPS

Pub. L. 109-115, div. A, title IV, §406, Nov. 30, 2005, 119 Stat. 2470, provided that: "The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650, 104 Stat. 5089) [set out below] as amended by Public Law 105-53, as of the effective date of this Act [Nov. 30, 2005], shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled."

Pub. L. 107-273, div. A, title III, §312(a)(1), Nov. 2, 2002, 116 Stat. 1786, provided that: "The President shall appoint, by and with the advice and consent of the Senate—

- "(A) 5 additional district judges for the southern district of California;
- "(B) 1 additional district judge for the western district of North Carolina; and
- "(C) 2 additional district judges for the western district of Texas."

Pub. L. 107-273, div. A, title III, §312(b)(1), Nov. 2, 2002, 116 Stat. 1787, provided that: "The existing district judgeships for the central district and the southern district of Illinois, the northern district of New York, and the eastern district of Virginia authorized by section 203(c)(3), (4), (9), and (12) of the Judicial Improvements Act of 1990 (Public Law 101-650, 28 U.S.C. 133 note [set out below]) shall be authorized under section 133 of title 28, United States Code, and the incumbents in such offices shall hold the offices under section 133 of title 28, United States Code (as amended by this section)."

Pub. L. 107-273, div. A, title III, §312(c), Nov. 2, 2002, 116 Stat. 1788, provided that:

"(c) TEMPORARY JUDGESHIPS.—

"(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

- "(A) 1 additional district judge for the northern district of Alabama;
- "(B) 1 additional judge for the district of Arizona;
- "(C) 1 additional judge for the central district of California;
- "(D) 1 additional judge for the southern district of Florida;
- "(E) 1 additional district judge for the district of New Mexico;
- "(F) 1 additional district judge for the western district of North Carolina; and
- "(G) 1 additional district judge for the eastern district of Texas.

"(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occur-

ring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

“(3) EFFECTIVE DATE.—This subsection shall take effect on July 15, 2003.”

Pub. L. 106-553, §1(a)(2) [title III, §305(a)], Dec. 21, 2000, 114 Stat. 2762, 2762A-84, provided that: “The President shall appoint, by and with the advice and consent of the Senate—

“(1) 1 additional district judge for the district of Arizona;

“(2) 1 additional district judge for the southern district of Florida;

“(3) 1 additional district judge for the eastern district of Kentucky;

“(4) 1 additional district judge for the district of Nevada;

“(5) 1 additional district judge for the district of New Mexico;

“(6) 1 additional district judge for the district of South Carolina;

“(7) 1 additional district judge for the southern district of Texas;

“(8) 1 additional district judge for the western district of Texas;

“(9) 1 additional district judge for the eastern district of Virginia; and

“(10) 1 additional district judge for the eastern district of Wisconsin.”

Pub. L. 106-113, div. B, §1000(a)(1) [title III, §309(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-37, provided that: “The President shall appoint, by and with the advice and consent of the Senate—

“(1) three additional district judges for the district of Arizona;

“(2) four additional district judges for the middle district of Florida; and

“(3) two additional district judges for the district of Nevada.”

Pub. L. 101-650, title II, §203(a)-(c), Dec. 1, 1990, 104 Stat. 5099-5101, as amended by Pub. L. 104-60, §1, Nov. 28, 1995, 109 Stat. 635; Pub. L. 104-317, title III, §304, Oct. 19, 1996, 110 Stat. 3852; Pub. L. 105-53, §3, Oct. 6, 1997, 111 Stat. 1173; Pub. L. 107-273, div. A, title III, §312(d)(1), Nov. 2, 2002, 116 Stat. 1788; Pub. L. 109-289, div. B, title II, §21056, as added by Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 55; Pub. L. 110-161, div. D, title III, §309, Dec. 26, 2007, 121 Stat. 1990; Pub. L. 111-8, div. D, title III, §309, Mar. 11, 2009, 123 Stat. 649; Pub. L. 111-117, div. C, title III, §307, Dec. 16, 2009, 123 Stat. 3177; Pub. L. 112-10, div. B, title V, §1530, Apr. 15, 2011, 125 Stat. 134; Pub. L. 112-74, div. C, title III, §306, Dec. 23, 2011, 125 Stat. 902, provided that:

“(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

“(1) 1 additional district judge for the western district of Arkansas;

“(2) 2 additional district judges for the northern district of California;

“(3) 5 additional district judges for the central district of California;

“(4) 1 additional district judge for the southern district of California;

“(5) 2 additional district judges for the district of Connecticut;

“(6) 2 additional district judges for the middle district of Florida;

“(7) 1 additional district judge for the northern district of Florida;

“(8) 1 additional district judge for the southern district of Florida;

“(9) 1 additional district judge for the middle district of Georgia;

“(10) 1 additional district judge for the northern district of Illinois;

“(11) 1 additional district judge for the southern district of Iowa;

“(12) 1 additional district judge for the western district of Louisiana;

“(13) 1 additional district judge for the district of Maine;

“(14) 1 additional district judge for the district of Massachusetts;

“(15) 1 additional district judge for the southern district of Mississippi;

“(16) 1 additional district judge for the eastern district of Missouri;

“(17) 1 additional district judge for the district of New Hampshire;

“(18) 3 additional district judges for the district of New Jersey;

“(19) 1 additional district judge for the district of New Mexico;

“(20) 1 additional district judge for the southern district of New York;

“(21) 3 additional district judges for the eastern district of New York;

“(22) 1 additional district judge for the middle district of North Carolina;

“(23) 1 additional district judge for the southern district of Ohio;

“(24) 1 additional district judge for the northern district of Oklahoma;

“(25) 1 additional district judge for the western district of Oklahoma;

“(26) 1 additional district judge for the district of Oregon;

“(27) 3 additional district judges for the eastern district of Pennsylvania;

“(28) 1 additional district judge for the middle district of Pennsylvania;

“(29) 1 additional district judge for the district of South Carolina;

“(30) 1 additional district judge for the eastern district of Tennessee;

“(31) 1 additional district judge for the western district of Tennessee;

“(32) 1 additional district judge for the middle district of Tennessee;

“(33) 2 additional district judges for the northern district of Texas;

“(34) 1 additional district judge for the eastern district of Texas;

“(35) 5 additional district judges for the southern district of Texas;

“(36) 3 additional district judges for the western district of Texas;

“(37) 1 additional district judge for the district of Utah;

“(38) 1 additional district judge for the eastern district of Washington;

“(39) 1 additional district judge for the northern district of West Virginia;

“(40) 1 additional district judge for the southern district of West Virginia; and

“(41) 1 additional district judge for the district of Wyoming.

“(b) EXISTING JUDGESHIPS.—(1) The existing district judgeships for the western district of Arkansas, the northern district of Illinois, the northern district of Indiana, the district of Massachusetts, the western district of New York, the eastern district of North Carolina, the northern district of Ohio, and the western district of Washington authorized by section 202(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353, 98 Stat. 347-348) [set out below] shall, as of the effective date of this title [Dec. 1, 1990], be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this title.

“(2)(A) The existing 2 district judgeships for the eastern and western districts of Arkansas (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be district judgeships for the eastern district of Arkansas only, and the incumbents of such judgeships shall hold the offices under section 133 of title 28, United States Code, as amended by this title.



“(B) The existing district judgeship for the northern and southern districts of Iowa (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) shall be a district judgeship for the northern district of Iowa only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

“(C) The existing district judgeship for the northern, eastern, and western districts of Oklahoma (provided by section 133 of title 28, United States Code, as in effect on the day before the effective date of this title) and the occupant of which has his or her official duty station at Oklahoma City on the date of the enactment of this title [Dec. 1, 1990], shall be a district judgeship for the western district of Oklahoma only, and the incumbent of such judgeship shall hold the office under section 133 of title 28, United States Code, as amended by this title.

“(c) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

“(1) 1 additional district judge for the eastern district of California;

“(2) 1 additional district judge for the district of Hawaii;

“(3) 1 additional district judge for the central district of Illinois;

“(4) 1 additional district judge for the southern district of Illinois;

“(5) 1 additional district judge for the district of Kansas;

“(6) 1 additional district judge for the western district of Michigan;

“(7) 1 additional district judge for the eastern district of Missouri;

“(8) 1 additional district judge for the district of Nebraska;

“(9) 1 additional district judge for the northern district of New York;

“(10) 1 additional district judge for the northern district of Ohio;

“(11) 1 additional district judge for the eastern district of Pennsylvania; and

“(12) 1 additional district judge for the eastern district of Virginia.

Except with respect to the district of Kansas, the western district of Michigan, the eastern district of Pennsylvania, the district of Hawaii, and the northern district of Ohio, the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the district of Kansas occurring 21 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. The first vacancy in the office of district judge in the northern district of Ohio occurring 19 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled. The first vacancy in the office of the district judge in the district of Hawaii occurring 18 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled. For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.”

[Pub. L. 107-273, div. A, title III, §312(d)(2), Nov. 2, 2002, 116 Stat. 1788, provided that: “The amendments

made by this subsection [amending section 203(c) of Pub. L. 101-650, set out above] shall take effect on the date of enactment of this Act [Nov. 2, 2002].”]

Section 202(a)–(d) of Pub. L. 98-353 provided that:

“(a) Subject to the provisions of subsection (c), the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Alabama, one additional district judge for the district of Alaska, five additional district judges for the central district of California, one additional district judge for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the district of Delaware, three additional district judges for the southern district of Florida, one additional district judge for the middle district of Georgia, one additional district judge for the district of Hawaii, four additional district judges for the northern district of Illinois, one additional district judge for the southern district of Illinois, one additional district judge for the western district of Kentucky, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the district of Massachusetts, two additional district judges for the eastern district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the northern district of Mississippi, two additional district judges for the southern district of Mississippi, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Montana, one additional district judge for the district of Nevada, three additional district judges for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the southern district of Ohio, one additional district judge for the western district of Oklahoma, one additional district judge for the district of Rhode Island, one additional district judge for the eastern district of Tennessee, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, two additional district judges for the eastern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, one additional district judge for the eastern district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, and one additional district judge for the district of Wyoming.

“(b) Subject to the provisions of subsection (c) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in each of the offices of district judge authorized by this subsection, occurring five years or more after the effective date of this Act [probably means July 10, 1984], shall not be filled.

“(c) For the judgeships created in subsections (a) and (b), the President shall appoint, by and with the advice and consent of the Senate, no more than twenty-nine of such judges prior to January 21, 1985.

“(d) The existing district judgeship for the district of Minnesota and the existing district judgeship for the northern district of Ohio, heretofore authorized by section 2 of the Act of October 20, 1978 (Public Law 95-486, 92 Stat. 1631) [set out below], shall, as of the effective date of this Act [probably means July 10, 1984], be authorized under section 133 of title 28, United States

Code, and the incumbents of those offices shall henceforth hold their offices under section 133, as amended by this Act.”

Section 1(a) of Pub. L. 95-486 provided that: “The President shall appoint, by and with the advice and consent of the Senate, three additional district judges for the northern district of Alabama, one additional district judge for the middle district of Alabama, three additional district judges for the district of Arizona, two additional district judges for the eastern district of Arkansas, one additional district judge for the northern district of California, three additional district judges for the eastern district of California, one additional district judge for the central district of California, two additional district judges for the southern district of California, two additional district judges for the district of Colorado, one additional district judge for the district of Connecticut, one additional district judge for the northern district of Florida, three additional district judges for the middle district of Florida, five additional district judges for the southern district of Florida, five additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, three additional district judges for the northern district of Illinois, one additional district judge for the central district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the southern district of Iowa, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Kentucky, four additional district judges for the eastern district of Louisiana, one additional district judge for the middle district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maine, two additional district judges for the district of Maryland, four additional district judges for the district of Massachusetts, three additional district judges for the eastern district of Michigan, two additional district judges for the western district of Michigan, one additional district judge for the district of Minnesota, one additional district judge for the eastern district of Missouri, two additional district judges for the western district of Missouri, one additional district judge for the district of Nevada, one additional district judge for the district of New Hampshire, two additional district judges for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the northern district of New York, one additional district judge for the eastern district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the middle district of North Carolina, one additional district judge for the western district of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, one additional district judge for the western district of Oklahoma, one additional district judge for the northern district of Oklahoma, two additional district judges for the district of Oregon, two additional district judges for the middle district of Pennsylvania, four additional district judges for the district of Puerto Rico, three additional district judges for the district of South Carolina, one additional district judge for the district of South Dakota, one additional district judge for the middle district of Tennessee, three additional district judges for the northern district of Texas, one additional district judge for the eastern district of Texas, five additional district judges for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the district of Utah, two additional district judges for the eastern district of Virginia, two additional district judges for the western district of Virginia, one additional district judge for the eastern district of Washington, one additional district judge for the western district of Washington, one additional district judge for the southern district of

West Virginia, one additional district judge for the eastern district of Wisconsin, and one additional district judge for the western district of Wisconsin.”

Section 2 of Pub. L. 95-486 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of Kentucky, one additional district judge for the district of Minnesota, one additional district judge for the northern district of Ohio, and one additional district judge for the southern district of West Virginia. The first vacancy in the office of district judge in the judicial districts named in this section occurring five years or more after the effective date of this Act [Oct. 20, 1978] shall not be filled.”

Section 1(a) of Pub. L. 91-272 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.”

Section 2(a) of Pub. L. 89-372 provided that: The President shall appoint, by and with the advice and consent of the Senate, one district judge for the middle and southern districts of Alabama, one additional district judge for the district of Arizona, one additional district judge for the northern district of Florida, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, one additional district judge for the northern district of Illinois, one additional district judge for the southern district of Indiana, four additional district judges for the eastern district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the northern district of Mississippi, one additional district judge for the southern district of Mississippi, one additional district judge for the western district of New York, one additional district judge for the northern district of

Ohio, one additional district judge for the southern district of Ohio, one additional district judge for the district of Rhode Island, two additional district judges for the southern district of Texas, one additional district judge for the western district of Texas, two additional district judges for the eastern district of Virginia, and one additional district judge for the district of Vermont.”

Section 2(a) of Pub. L. 87-36 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the district of Alaska, one additional district judge for the district of Arizona, one additional district judge for the eastern and western districts of Arkansas, two additional district judges for the northern district of California, two additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the district of Connecticut, two additional district judges for the southern district of Florida, one additional district judge for the northern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the northern and southern districts of Iowa, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, one additional district judge for the district of Massachusetts, two additional district judges for the eastern district of Michigan, one additional district judge for the southern district of Mississippi, one additional district judge for the western district of Missouri, one additional district judge for the district of Nevada, one additional district judge for the district of New Jersey, two additional district judges for the eastern district of New York, six additional district judges for the southern district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the middle district of North Carolina, one additional district judge for the western district of North Carolina, one additional district judge for the northern district of Ohio, one additional district judge for the northern, eastern, and western districts of Oklahoma, three additional district judges for the eastern district of Pennsylvania, one additional district judge for the middle district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the eastern and western districts of South Carolina, one additional district judge for the eastern district of Tennessee, one additional district judge for the middle district of Tennessee, one additional district judge for the western district of Tennessee, two additional district judges for the northern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas and one additional district judge for the eastern and western districts of Washington.”

Subsec. (a)(1) of section 2 of act Feb. 10, 1954, subsec. (a)(3) of which section amended the table in this section, provided for the appointment by the President, by and with the advice and consent of the Senate, of the additional judges for the districts for which additional permanent judgeships were provided in the amendment.

*Alabama.*—Section 1(b) of Pub. L. 91-272 provided that: “The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under such section 133, as amended by subsection (d) of this section.”

*California.*—Section 3(h) of Pub. L. 89-372 provided that: “The President shall appoint, by and with the ad-

vice and consent of the Senate, three additional district judges for the central district of California, and two additional district judges for the northern district of California.”

*Delaware.*—Act July 24, 1946, ch. 602, 60 Stat. 654, which authorized the appointment of an additional judge for the district of Delaware was repealed by section 2 of act Sept. 5, 1950, which by section 1 of act Sept. 5, 1950, made the additional judgeship permanent. However, section 2 of act Sept. 5, 1950 also provided that the repeal in no way affected the tenure of the present incumbent.

*Florida.*—Section 2(b) of Pub. L. 89-372 provided that: “The existing district judgeship for the northern, middle and southern districts of Florida heretofore provided for by section 133 of title 28, United States Code, shall hereafter be a district judgeship for the middle district of Florida only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.”

*Georgia.*—Act Mar. 29, 1949, ch. 37, 63 Stat. 16, which authorized the appointment of an additional judge for the middle district, was repealed by section 2(b) of Pub. L. 87-36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Mar. 29, 1949, should henceforth hold his office under this section, as amended by Pub. L. 87-36, §2(d).

*Kansas.*—Section 5(a) of Pub. L. 89-372, Mar. 18, 1966, 80 Stat. 78, which authorized the appointment of an additional district judge for the eastern district of Kansas and which provided that the first vacancy which occurred in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91-272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeship be a permanent judgeship and that the present incumbent henceforth hold his office under this section, as amended by section 1(d) of Pub. L. 91-272.

*Missouri.*—The additional judgeship for the eastern and western districts, which was authorized by act Dec. 24, 1942, ch. 827, 56 Stat. 1083, was made permanent by section 2(a)(2) of act Feb. 10, 1954, which by section 2(b)(10) of act Feb. 10, 1954 provided that the incumbent of the judgeship created by act Dec. 24, 1942, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

*Nevada.*—Section 2(b)(2) of act Feb. 10, 1954, provided: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Nevada. The first vacancy occurring in the office of district judge in said district shall not be filled.”

*New Jersey.*—Section 2(a) of Pub. L. 91-272 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in that district shall not be filled.”

*New Mexico.*—Act Feb. 10, 1954, ch. 6, §2(b)(1), 68 Stat. 10, which authorized the appointment of an additional judge for the district, was repealed by section 2(b) of Pub. L. 87-36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should henceforth hold his office under this section, as amended by Pub. L. 87-36, §2(d).

*North Carolina.*—Section 2(c) of Pub. L. 91-272 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in that district shall not be filled.”

*Ohio.*—Act May 1, 1941, ch. 83, 55 Stat. 148, which provided for the appointment of an additional judge for the northern district was repealed by section 2(e) of act Aug. 3, 1949, which also provided that the incumbent of the judgeship created by act May 1, 1941, should henceforth hold his office under this section, as amended by act Aug. 3, 1949, §2(a).

Section 2(e)(1), (2) of Pub. L. 87-36 provided that:

“(1) The President shall appoint, by and with the advice and consent of the Senate, one additional district

judge for the southern district of Ohio. The first vacancy occurring in the office of district judge in said district shall not be filled.

“(2) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Ohio. The first vacancy occurring in the office of district judge in said district shall not be filled.”

*Oklahoma.*—Act May 24, 1940, ch. 209, §2(a), 54 Stat. 219, providing for additional judgeships was amended by section 2(b) of act Aug. 3, 1949, to strike out “western district of Oklahoma”, and to make the incumbent of the judgeship created by act May 24, 1940, henceforth hold his office under this section, as amended by act Aug. 3, 1949, §2(a).

*Pennsylvania.*—Section 2(b) of Pub. L. 91-272 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in that district shall not be filled.”

Section 5(b) of Pub. L. 89-372, Mar. 18, 1966, 80 Stat. 78, as amended by Pub. L. 90-90, Sept. 23, 1967, 81 Stat. 228, which authorized the appointment of three additional district judges for the eastern district of Pennsylvania and which provided that the second, third, and fourth vacancies occurring after Mar. 18, 1966, in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91-272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeships be permanent judgeships and that the present incumbents henceforth hold their offices under this section, as amended by section 1(d) of Pub. L. 81-272.

Act Feb. 10, 1954, ch. 6, §2(b)(5), 68 Stat. 10, which authorized the appointment of an additional judge for the western district, was repealed by section 2(b) of Pub. L. 87-36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should henceforth hold his office under this section, as amended by Pub. L. 87-36, §2(d).

Section 2 of act July 24, 1946, ch. 600, 60 Stat. 654, as amended by section 6 of act Feb. 10, 1954, ch. 6, 68 Stat. 14, provided: “The President is authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge, who shall be an additional district judge for the eastern, middle, and western districts of Pennsylvania. The judge so appointed shall at the time of his appointment be a resident and a citizen of the State of Pennsylvania: *Provided*, That when a vacancy occurs in said office it shall not be filled: *Provided further*, That unless the President shall submit a nomination to the Senate to fill the office hereby created within ninety days after the effective date of this Act [July 24, 1946], then in that event this Act shall be of no force and effect. If a vacancy arises in the office of district judge for the middle district of Pennsylvania while the judge appointed pursuant to this section is holding the office created by this section, such judge shall thereafter be a district judge for the middle district of Pennsylvania.”

Section 2(c) of act Aug. 3, 1949, which provided for an additional temporary judgeship for the western district of Pennsylvania was repealed by section 2 of act Aug. 29, 1950, which by section 1 of act Aug. 29, 1950, made the additional judgeship permanent. However, section 2 of act Aug. 29, 1950 also provided that the repeal in no way affected the tenure of the present incumbent.

*South Carolina.*—Section 1(b) of Pub. L. 89-242 provided that: “The existing district judgeships for the Eastern District of South Carolina, the Western District of South Carolina, and the Eastern and Western Districts of South Carolina heretofore provided for by section 133 of title 28 of the United States Code [this section] shall hereafter be district judgeships for the District of South Carolina and the present incumbents of such judgeships shall henceforth hold their offices under section 133, as amended by this Act.”

*South Dakota.*—Pub. L. 85-310 provided: “The President is authorized to appoint, by and with the advice and consent of the Senate an additional district judge

for the district of South Dakota as authorized by paragraph (3) of section 2(b) of the act of February 10, 1954 [set out as a note below].”

Section 2(b)(3) of act February 10, 1954, as amended by Pub. L. 85-310, provided: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of South Dakota.”

*Tennessee.*—Section 2(b)(4) of act Feb. 10, 1954, provided: “The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Tennessee. The first vacancy occurring in the office of district judge in said district shall not be filled.”

*Texas.*—Act Aug. 3, 1949, ch. 387, §2(d), 63 Stat. 495, which authorized the appointment of an additional judge for the Southern district, was repealed by section 2(b)(11) of act Feb. 10, 1954, which by section 2(a)(2) of act Feb. 10, 1954, made the additional judgeship permanent. Section 2(b)(11) of act Feb. 10, 1954 also provided that the incumbent of the judgeship created by section 2(d) of act Aug. 3, 1949, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

*Utah.*—Act Feb. 10, 1954, ch. 6, §2(b)(6), 68 Stat. 11, which authorized the appointment of an additional judge for the district, was repealed by section 2(b) of Pub. L. 87-36, which made the judgeship permanent and also provided that the incumbent of the judgeship created by act Feb. 10, 1954, should henceforth hold his office under this section, as amended by Pub. L. 87-36, §2(d).

*Virgin Islands.*—Section 3(a) of Pub. L. 91-272 provided that: “The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.”

*Washington.*—Section 1(b) of Pub. L. 95-486 provided that: “The existing district judgeship for the eastern and western districts of Washington, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the western district of Washington only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act.”

Section 2(c) of Pub. L. 87-36 provided that: “The existing district judgeship for the eastern and western districts of Washington, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the western district of Washington only, and the present incumbent of such judgeship shall henceforth hold his office under section 133, as amended by this Act [Pub. L. 87-36].”

*West Virginia.*—Section 2 of Pub. L. 97-471 provided that:

“(a) The existing district judgeship for the Southern District of West Virginia, authorized by section 2 of the Act entitled ‘An Act to provide for the appointment of additional district and circuit judges and for other purposes’, approved October 20, 1978 [Pub. L. 95-486] (92 Stat. 1632; 28 U.S.C. 133 note), shall, as of the date of enactment of this Act [Jan. 14, 1983], be authorized under section 133 of title 28 of the United States Code as a district judgeship for the Northern District of West Virginia, and the incumbent of that office shall henceforth hold office under section 133, as amended by this Act.

“(b) The existing district judgeship for the Northern and Southern Districts of West Virginia shall be authorized as the district judgeship for the Southern District.”

The additional judgeship for the northern and southern districts, which was authorized by act June 22, 1936, ch. 695, 49 Stat. 1805, was made permanent by section 2(a)(2) of act Feb. 10, 1954, which by section 2(b)(12) of act Feb. 10, 1954, provided that the incumbent of the judgeship created by act June 22, 1936, should henceforth hold his office under this section, as amended by act Feb. 10, 1954, §2(a)(3).

*Wisconsin.*—Section 5(c) of Pub. L. 89-372, Mar. 18, 1966, 80 Stat. 78, which authorized the appointment of an additional district judge for the district of Wisconsin and which provided that the first vacancy occurring in the office of district judge in such district not be filled was repealed by section 1(c) of Pub. L. 91-272, June 2, 1970, 84 Stat. 294, which provided, in part, that such judgeship be a permanent judgeship and that the present incumbent henceforth hold his office under this section, as amended by section 1(d) of Pub. L. 91-272.

#### NOMINATION OF WOMEN AND BLACKS TO FEDERAL JUDGESHIPS

Section 8 of Pub. L. 95-486 provided that: “The Congress—

“(1) takes notice of the fact that only 1 percent of Federal judges are women and only 4 percent are blacks; and

“(2) suggests that the President, in selecting individuals for nomination to the Federal judgeships created by this Act [for classification see Effective Date of 1978 Amendment note above], give due consideration to qualified individuals regardless of race, color, sex, religion, or national origin.”

#### RESIDENCE OF ADDITIONAL JUDGE FOR KANSAS

Section 2(b)(2) act Aug. 3, 1949, provided that: “The judge first appointed for the district of Kansas under the authority contained in subsection (a) [amending this section] shall reside at Wichita.”

#### EXECUTIVE ORDER NO. 12084

Ex. Ord. No. 12084, Sept. 27, 1978, 43 F.R. 44815, as amended by Ex. Ord. No. 12097, Nov. 8, 1978, 43 F.R. 52455, which established the Judicial Nominating Commission for the District of Puerto Rico and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

#### EXECUTIVE ORDER NO. 12097

Ex. Ord. No. 12097, Nov. 8, 1978, 43 F.R. 52455, which provided standards and guidelines for the selection of nominees for United States district court judgeships, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

### § 134. Tenure and residence of district judges

(a) The district judges shall hold office during good behavior.

(b) Each district judge, except in the District of Columbia, the Southern District of New York, and the Eastern District of New York, shall reside in the district or one of the districts for which he is appointed. Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.

(c) If the public interest and the nature of the business of a district court require that a district judge should maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the district judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so.

(June 25, 1948, ch. 646, 62 Stat. 896; Aug. 3, 1949, ch. 387, §2(b)(1), 63 Stat. 495; Feb. 10, 1954, ch. 6,

§2(b)(13)(a), 68 Stat. 12; Pub. L. 86-3, §9(c), Mar. 18, 1959, 73 Stat. 8; Pub. L. 87-36, §2(e)(3), May 19, 1961, 75 Stat. 83; Pub. L. 89-571, §1, Sept. 12, 1966, 80 Stat. 764; Pub. L. 92-208, §3(e), Dec. 18, 1971, 85 Stat. 742; Pub. L. 104-317, title VI, §607, Oct. 19, 1996, 110 Stat. 3860.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §1 and section 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 12, 1900, ch. 191, §34, 31 Stat. 84; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087; Jan. 7, 1913, ch. 6, 37 Stat. 648; July 30, 1914, ch. 216, 38 Stat. 580; Mar. 2, 1917, ch. 145, §41, 39 Stat. 965; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1412; Sept. 14, 1922, ch. 306, §1, 42 Stat. 837; Mar. 26, 1938, ch. 51, §2, 52 Stat. 118).

Section consolidates the last paragraph of section 1 of title 28, U.S.C., 1940 ed., with portions of section 863 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Provisions of section 1 of title 28, U.S.C., 1940 ed., relating to the number of judges in the various districts are incorporated in section 133 of this title.

A portion of section 863 of title 48, U.S.C., 1940 ed., is retained in said title 48. For remainder of section 863, see Distribution Table.

The exception in subsection (b) “except in the District of Columbia” conforms with the recent decision in *U.S. ex. rel. Laughlin v. Eicher*, 1944, 56 F.Supp. 972, holding that residence requirement of section 1 of title 28, U.S.C., 1940 ed., did not apply to district judges in the District of Columbia. (See reviser’s note under section 44 of this title.)

The clause in said last paragraph of section 1 of title 28 providing that any district judge, who violates the residence requirement, shall be deemed guilty of a high misdemeanor, was omitted. This penalty provision was attached to the residence requirement at the time of compilation of the Revised Statutes of 1878, although it is apparent that Congress only intended that the penalty should be invoked upon the unauthorized practice of law. See *U.S. ex. rel. Laughlin v. Eicher*, supra, in which an outline of the history of said section 1 of title 28 is given.

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-317 inserted “the Southern District of New York, and the Eastern District of New York,” after “the District of Columbia,” and inserted “Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.” at end.

1971—Subsec. (c). Pub. L. 92-208 struck out provision requiring that one of the district judges for the Eastern District of Louisiana reside in East Baton Rouge Parish, Louisiana.

1966—Subsec. (a). Pub. L. 89-571 struck out provisions which excepted district judges in Puerto Rico from tenure during good behavior and which instead set eight-year terms for them to be served until their successors were appointed and qualified.

1961—Subsec. (c). Pub. L. 87-36 required the residence of one of the district judges for the Eastern District of Louisiana to be in East Baton Rouge Parish, Louisiana.

1959—Subsec. (a). Pub. L. 86-3 struck out provisions which limited district judges in Hawaii to a term of six years.

1954—Subsecs. (a) and (b) reenacted without change by act Feb. 10, 1954.

Subsec. (c). Act Feb. 10, 1954, substituted entirely new provisions giving the judicial council of the circuit the authority to determine residence of district judges when it is in the public interest and the nature of the business of the district court necessitates the presence of a judge at or near a particular place for holding court in the district or within a particular part of the district, for former provisions relating to residence of one of the district judges for the District of Kansas.