

judges or justices, one of whom shall be a judge of the United States Court of Appeals for the District of Columbia, to such division of the court. Not more than one judge or justice or senior or retired judge or justice may be named to such division from a particular court.

(e) Any vacancy in such division of the court shall be filled only for the remainder of the two-year period in which such vacancy occurs and in the same manner as initial assignments to such division were made.

(f) Except as otherwise provided in chapter 40 of this title, no member of such division of the court who participated in a function conferred on the division under chapter 40 of this title involving an independent counsel shall be eligible to participate in any judicial proceeding concerning a matter which involves such independent counsel while such independent counsel is serving in that office or which involves the exercise of such independent counsel's official duties, regardless of whether such independent counsel is still serving in that office.

(Added Pub. L. 95-521, title VI, §602(a), Oct. 26, 1978, 92 Stat. 1873; amended Pub. L. 97-409, §2(b)(1), Jan. 3, 1983, 96 Stat. 2039; Pub. L. 99-554, title I, §144(g)(3), Oct. 27, 1986, 100 Stat. 3097; Pub. L. 100-191, §§4, 5(a), Dec. 15, 1987, 101 Stat. 1307.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is Oct. 26, 1978.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-191, §4, inserted at end: "The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of such division of the court and shall provide such services as are needed by such division of the court."

Subsec. (f). Pub. L. 100-191, §5(a), substituted "involving an independent counsel" for "involving a independent counsel".

1986—Subsec. (f). Pub. L. 99-554 substituted "chapter 40" for "chapter 39" in two places.

1983—Pub. L. 97-409, §2(b)(1)(B), substituted "independent counsels" for "special prosecutors" in section catchline.

Subsec. (a). Pub. L. 97-409, §2(b)(1)(B), substituted "independent counsels" for "special prosecutors".

Subsec. (f). Pub. L. 97-409, §2(b)(1)(A), (C), substituted "independent counsel" for "special prosecutor" wherever appearing and "independent counsel's" for "special prosecutor's".

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

EFFECTIVE DATE

Section effective Oct. 26, 1978, see section 604 of Pub. L. 95-521, set out as a note under section 591 of this title.

CHAPTER 5—DISTRICT COURTS

Sec.	
81.	Alabama.
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83.	Arkansas.
84.	California.
85.	Colorado.

Sec.	
86.	Connecticut.
87.	Delaware.
88.	District of Columbia.
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90.	Georgia.
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92.	Idaho.
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103.	Minnesota.
104.	Mississippi.
105.	Missouri.
106.	Montana.
107.	Nebraska.
108.	Nevada.
109.	New Hampshire.
110.	New Jersey.
111.	New Mexico.
112.	New York.
113.	North Carolina.
114.	North Dakota.
115.	Ohio.
116.	Oklahoma.
117.	Oregon.
118.	Pennsylvania.
119.	Puerto Rico.
120.	Rhode Island.
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128.	Washington.
129.	West Virginia.
130.	Wisconsin.
131.	Wyoming.
132.	Creation and composition of district courts.
133.	Appointment and number of district judges.
134.	Tenure and residence of district judges.
135.	Salaries of district judges.
136.	Chief judges; precedence of district judges.
137.	Division of business among district judges.
138.	Terms abolished.
139.	Times for holding regular sessions.
140.	Adjournment.
141.	Special sessions; places; notice.
[142.]	Repealed.]
143.	Vacant judgeship as affecting proceedings.
144.	Bias or prejudice of judge.

HISTORICAL AND REVISION NOTES

Sections 81-131 of this chapter show the territorial composition of districts and divisions by counties as of January 1, 1945. All references to dates were omitted as unnecessary.

All references to fixed terms of holding court were also omitted in order to vest in each district court a wider discretion and greater flexibility in the disposition of its business. Such times will now be determined by rule of court rather than by statute. See sections 138 and 141 of this title.

AMENDMENTS

1982—Pub. L. 97-164, title I, §115(c)(3), Apr. 2, 1982, 96 Stat. 32, struck out item 142 "Accommodations at places for holding court".

1963—Pub. L. 88-139, §3(a), Oct. 16, 1963, 77 Stat. 248, substituted "Terms abolished" for "Times for holding

regular terms" in item 138, "Times for holding regular sessions" for "Term continued until terminated" in item 139, and "sessions" for "terms" in item 141.

1958—Pub. L. 85-508, §12(a), July 7, 1958, 72 Stat. 348, added item 81A.

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95-408, Oct. 2, 1978, 92 Stat. 883, as "Federal District Court Organization Act of 1978", see note set out under section 1 of this title.

§ 81. Alabama

Alabama is divided into three judicial districts to be known as the Northern, Middle, and Southern Districts of Alabama.

Northern District

(a) The Northern District comprises seven divisions.

- (1) The Northwestern Division comprises the counties of Colbert, Franklin, and Lauderdale.

Court for the Northwestern Division shall be held at Florence.

- (2) The Northeastern Division comprises the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan.

Court for the Northeastern Division shall be held at Huntsville and Decatur.

- (3) The Southern Division comprises the counties of Blount, Jefferson, and Shelby.

Court for the Southern Division shall be held at Birmingham.

- (4) The Eastern Division comprises the counties of Calhoun, Clay, Cleburne, and Talladega.

Court for the Eastern Division shall be held at Anniston.

- (5) The Western Division comprises the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa.

Court for the Western Division shall be held at Tuscaloosa.

- (6) The Middle Division comprises the counties of Cherokee, De Kalb, Etowah, Marshall, and Saint Clair.

Court for the Middle Division shall be held at Gadsden.

- (7) The Jasper Division comprises the counties of Fayette, Lamar, Marion, Walker, and Winston.

Court for the Jasper Division shall be held at Jasper.

Middle District

(b) The Middle District comprises three divisions.

- (1) The Northern Division comprises the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike.

Court for the Northern Division shall be held at Montgomery.

- (2) The Southern Division comprises the counties of Coffee, Dale, Geneva, Henry, and Houston.

Court for the Southern Division shall be held at Dothan.

- (3) The Eastern Division comprises the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa.

Court for the Eastern Division shall be held at Opelika.

Southern District

(c) The Southern District comprises two divisions.

- (1) The Northern Division comprises the counties of Dallas, Hale, Marengo, Perry, and Wilcox.

Court for the Northern Division shall be held at Selma.

- (2) The Southern Division comprises the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington.

Court for the Southern Division shall be held at Mobile.

(June 25, 1948, ch. 646, 62 Stat. 873; Pub. L. 87-36, §3(a), May 19, 1961, 75 Stat. 83.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed. §142 (Mar. 3, 1911, ch. 231, §70, 36 Stat. 1105; Feb. 28, 1913, ch. 89, 37 Stat. 698; June 27, 1922, ch. 247, 42 Stat. 667).

Provisions relating to the places for the maintenance of the clerks' offices were omitted as covered by section 751 of this title, providing that deputy clerks may be designated to reside and maintain offices at such places for holding court as the judge may determine.

Provisions that the offices of the court shall be kept open at all times were omitted as covered by section 452 of this title.

A provision requiring the district judge for the northern district to reside at Birmingham was omitted as incongruous with section 134 of this title, requiring every district judge to reside within the district for which he is appointed. Likewise the provision of section 142 of title 28, U.S.C., 1940 ed., requiring the court to remain in session at Birmingham at least 6 months in each calendar year was omitted as unnecessary and not in harmony with provisions respecting other districts.

The provisions for furnishing rooms and accommodations at Florence, Gadsden, Jasper and Opelika were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in each of these places.

Changes in arrangement and phraseology were made.

AMENDMENTS

1961—Subsec. (a)(2). Pub. L. 87-36 provided for holding court at Decatur.

§ 81A. Alaska

Alaska constitutes one judicial district.

Court shall be held at Anchorage, Fairbanks, Juneau, Ketchikan, and Nome.

(Added Pub. L. 85-508, §12(b), July 7, 1958, 72 Stat. 348; amended Pub. L. 86-70, §23(b), June 25, 1959, 73 Stat. 147.)

AMENDMENTS

1959—Pub. L. 86-70 inserted "Ketchikan,".

EFFECTIVE DATE OF 1959 AMENDMENT

Section 12 of Pub. L. 85-508 provided in part that this section, and the amendments to sections 133, 333, 373, 376, 460, 610, 753, 1252, 1291, 1292, 1294, 1346, 1963, 2072, 2201 and 2410 of this title, section 341b of Title 5, Government Organization and Employees, and sections 3241, 3401, 3771 and 3772 of Title 18, Crimes and Criminal Procedure, are effective on the admission of Alaska into the Union. Admission as a State was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24