

June 2, 1970, 84 Stat. 297; Pub. L. 110-161, div. D, title III, § 308, Dec. 26, 2007, 121 Stat. 1990.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 193 (Mar. 3, 1911, ch. 231, § 112, 36 Stat. 1128; June 15, 1937, ch. 351, 50 Stat. 260; Dec. 28, 1945, ch. 596, 59 Stat. 661).

Words “with the waters thereof,” after the list of counties in each division, were omitted as unnecessary, and in view of the absence of such words in most similar sections relating to other States.

A provision relating to the maintenance of offices by the clerks were omitted as covered by section 751 of this title.

Provisions that the counties in both divisions of the eastern district included all Indian reservations in such counties and that the counties in both divisions of the western district included all Indian reservations in such counties were omitted as surplusage. (See Reviser’s Note under section 114 of this title.)

Pend Oreille County of the northern division of the eastern district and Grays Harbor of the southern division of the western district were created since the enactment of the Judicial Code.

Changes in arrangement and phraseology were made.

AMENDMENTS

2007—Subsec. (b). Pub. L. 110-161 substituted “Bellevue, Seattle, Tacoma, and Vancouver” for “Bellevue, Seattle, and Tacoma”.

1970—Subsec. (a). Pub. L. 91-272, § 4(a), struck out provisions which had divided Eastern District into a Northern Division and a Southern Division.

Subsec. (b). Pub. L. 91-272, § 4(b), struck out provisions which had divided Western District into a Northern Division and a Southern Division.

1962—Subsec. (a)(2). Pub. L. 87-699 provided for holding court at Richland.

§ 129. West Virginia

West Virginia is divided into two judicial districts to be known as the Northern and Southern Districts of West Virginia.

Northern District

(a) The Northern District comprises the counties of Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, and Wetzell.

Court for the Northern District shall be held at Clarksburg, Elkins, Fairmont, Martinsburg, and Wheeling.

Southern District

(b) The Southern District comprises the counties of Boone, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, and Wyoming.

Court for the Southern District shall be held at Beckley, Bluefield, Charleston, Huntington, Lewisburg, and Parkersburg.

(June 25, 1948, ch. 646, 62 Stat. 894; Pub. L. 97-471, § 1, Jan. 14, 1983, 96 Stat. 2601.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 194 (Mar. 3, 1911, ch. 231, § 113, 36 Stat. 1129; Mar. 23, 1912, ch. 63, 37 Stat.

76; Aug. 22, 1914, ch. 265, 38 Stat. 702; Feb. 27, 1922, ch. 83, 42 Stat. 398; June 22, 1936, ch. 695, 49 Stat. 1805; Aug. 23, 1937, ch. 737, 50 Stat. 744; June 29, 1938, ch. 817, 52 Stat. 1245).

Words “with the waters thereof,” after the list of counties in each district, were omitted as unnecessary, and in view of the absence of such words in similar sections relating to other States.

Provisions relating to special terms of court were omitted as covered by section 141 of this title.

A provision that the term at Fairmont be held “when suitable rooms and accommodations for holding terms of the court shall be furnished at Fairmont free of cost to the United States or until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Fairmont, a Federal building containing such suitable rooms and accommodations for holding court shall be erected at such place,” was omitted as obsolete on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

Provisions respecting court accommodations at Beckley and Lewisburg were omitted as covered by section 142 of this title.

Changes were made in arrangement and phraseology.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-471, § 1(1), struck out references to Parkersburg, Wirt, and Wood counties and inserted references to Braxton, Pocahontas, and Webster counties.

Subsec. (b). Pub. L. 97-471, § 1(2), struck out references to Braxton, Pocahontas, and Webster counties and inserted references to Parkersburg, Wirt, and Wood counties.

§ 130. Wisconsin

Wisconsin is divided into two judicial districts to be known as the Eastern and Western districts of Wisconsin.

Eastern District

(a) The Eastern District comprises the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Menominee, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago.

Court for the Eastern District shall be held at Green Bay, Milwaukee, and Oshkosh.

Western District

(b) The Western District comprises the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood.

Court for the Western District shall be held at Eau Claire, La Crosse, Madison, Superior, and Wausau.

(June 25, 1948, ch. 646, 62 Stat. 894; Pub. L. 87-573, Aug. 6, 1962, 76 Stat. 307.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 195 (Mar. 3, 1911, ch. 231, § 114, 36 Stat. 1129; July 24, 1935, ch. 413, 49 Stat. 495).

Provisions for keeping the courts and their offices open at all times were omitted as covered by section 452 of this title.

Provisions for maintenance of offices by the clerk and marshal, and for the appointment and residence of a deputy marshal for Superior, were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

Words "All causes and proceedings instituted in the court at Superior shall be tried therein, unless by consent of the parties, or upon the order of the court, they are transferred to another place for trial," were omitted as unnecessary. Such provision, as to civil cases, is covered by section 1404 of this title, and, as to criminal cases, is rendered unnecessary because of inherent power of the court and Rules 18-20 of the Federal Rules of Criminal Procedure.

Provisions for the return of process, including criminal warrants, at Superior and other places in the western district and for the keeping of records in the clerk's office at Superior, were omitted, since such matters can be regulated more appropriately by court rule or order. (See Federal Rules of Civil Procedure, Rule 4, and Federal Rules of Criminal Procedure, Rule 4(g).)

Changes in arrangement and phraseology were made.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-573 inserted reference to Menominee county.

DESIGNATION OF JUDGE TO HOLD COURT, EASTERN DISTRICT

Pub. L. 106-553, §1(a)(2) [title III, §305(c)], Dec. 21, 2000, 114 Stat. 2762, 2762A-85, provided that: "The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin."

§ 131. Wyoming

Wyoming and those portions of Yellowstone National Park situated in Montana and Idaho constitute one judicial district.

Court shall be held at Casper, Cheyenne, Evanston, Lander, Jackson, and Sheridan.

(June 25, 1948, ch. 646, 62 Stat. 895; Pub. L. 98-353, title II, §203(a), July 10, 1984, 98 Stat. 350.)

HISTORICAL AND REVISION NOTES

Based on section 27 of title 16, U.S.C., 1940 ed., Conservation, and title 28, U.S.C., 1940 ed., §196 (May 7, 1894, ch. 72, §5, 28 Stat. 74; Mar. 3, 1911, ch. 231, §§115, 291, 36 Stat. 1130, 1167; June 5, 1924, ch. 260, 43 Stat. 388; June 28, 1938, ch. 778, §1, 52 Stat. 1213).

Section consolidates section 196 of title 28, U.S.C., 1940 ed., with a portion of section 27 of title 16, U.S.C., 1940 ed., with necessary changes in arrangement and phraseology. Reference to parts of Yellowstone National Park in Montana and Idaho is derived from said section 27. Other provisions of said section are incorporated in sections 631 and 632 of this title.

A provision of section 196 of title 28, U.S.C., 1940 ed., for furnishing rooms and accommodations at Casper was omitted as obsolete, upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available there.

Provisions of section 196 of title 28, U.S.C., 1940 ed., for appointment of deputies and maintenance of offices by the clerk and marshal were omitted as covered by sections 541 [see 561], 542 [see 561], and 751 of this title.

AMENDMENTS

1984—Pub. L. 98-353 provided for holding court at Jackson.

§ 132. Creation and composition of district courts

(a) There shall be in each judicial district a district court which shall be a court of record

known as the United States District Court for the district.

(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.

(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

(June 25, 1948, ch. 646, 62 Stat. 895; Pub. L. 88-176, §2, Nov. 13, 1963, 77 Stat. 331.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §1, and section 641 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087; July 30, 1914, ch. 216, 38 Stat. 580; July 19, 1921, ch. 42, §313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Dec. 13, 1926, ch. 6, §1, 44 Stat. 19).

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

Act June 25, 1948, ch. 646, §2(b), 62 Stat. 985, 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 |