

seded by the provisions of said section 178a of title 28, requiring an annual term to be held at Malone, which is in Franklin County.

References to seizures made, matters done and processes or orders issued respecting waters within the concurrent jurisdiction of the southern and eastern districts, were omitted as unnecessary and covered by the revised language.

Provision for 20 days' notice of the special term authorized in the discretion of the court in the counties of Clinton, Jefferson, Onondaga, Oswego, Rensselaer, St. Lawrence, Saratoga, and Schenectady was omitted as unnecessary, in view of section 141 of this title providing for such notice as the district judge orders.

The special provision permitting any district judge in New York to act as judge in any other district in that State upon request of the resident district judge was omitted, thus making applicable the uniform procedure for designation and assignment of district judges throughout the United States, provided by section 292 of this title.

Words "with the waters thereof" after the list of counties in each district were omitted as unnecessary and inconsistent with other sections of this chapter.

The provisions with reference to the return of process in admiralty cases, the designation of judges and their powers, and the holding of sessions for the hearing of motions and for proceedings in bankruptcy and admiralty, were omitted as unnecessary and more properly the subject of rule of court.

The provisions of sections 178 and 178a of title 28, U.S.C., 1940 ed., respecting court accommodations at Malone and in the counties of Schenectady, Rensselaer, Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin, were omitted as covered by section 142 of this title.

The county of Bronx, in the southern district, was formed out of a part of New York County in 1912.

Lockport was omitted as a place of holding court in the Western District. Court has not been held there for 32 years.

Changes were made in arrangement and phraseology.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-482 inserted "Plattsburgh," after "Malone,".

Pub. L. 108-455 substituted "Watertown, and Plattsburgh" for "and Watertown".

1999—Subsec. (c). Pub. L. 106-113 amended last sentence generally. Prior to amendment, last sentence read as follows: "Court for the Eastern District shall be held at Brooklyn, Hauppauge, and Hempstead (including the village of Uniondale)."

1996—Subsec. (b). Pub. L. 104-317 amended last sentence generally, substituting "Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Walkill area of Orange County or such nearby location as may be deemed appropriate." for "Court for the Southern District shall be held at New York and White Plains."

1990—Subsec. (a). Pub. L. 101-650 substituted "Utica, and Watertown" for "and Utica".

1984—Subsec. (c). Pub. L. 98-620 provided for holding court at Hauppauge.

1978—Subsec. (a). Pub. L. 95-408, §4(c)(1), added counties of Columbia, Greene, and Ulster to those counties comprising the Northern District of New York.

Subsec. (b). Pub. L. 95-573 provided for holding court at White Plains.

Pub. L. 95-408, §4(c)(2), struck out Columbia, Greene, and Ulster from those counties comprising the Southern District of New York.

Subsec. (c). Pub. L. 95-271 substituted "and Hempstead (including the village of Uniondale)" for "Mineola, and Westbury".

1970—Subsec. (c). Pub. L. 91-546 provided for holding court at Westbury.

1967—Subsec. (c). Pub. L. 90-217 provided for holding court at Mineola.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 effective Jan. 1, 1985, and not to affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on that date, see section 411 of Pub. L. 98-620, set out as a note under section 85 of this title.

#### 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.

#### PRETERMISSION OF REGULAR SESSION OF COURT AT HEMPSTEAD AND HOLDING OF SPECIAL SESSION AT WESTBURY; PROCEDURES APPLICABLE, APPROPRIATIONS, ETC.

Sections 2 to 5 of Pub. L. 95-271 provided that:

"SEC. 2. The United States District Court for the Eastern District of New York, by order made anywhere within its district, may pretermitt the regular session of court at Hempstead until Federal quarters and accommodations are available and ready for occupancy, except that for the entire period and such pretermission, a special session of the court shall be held at Westbury. Pretermission may be ordered without regard to the provisions of section 140(a) of title 28, United States Code.

"SEC. 3. Notwithstanding the provisions of section 142 of title 28, United States Code, the Administrator of General Services, at the request of the Director of the Administrative Office of the United States Courts, shall continue to provide existing quarters and accommodations at Westbury for the duration of the special session held pursuant to section 2 of this Act. Appropriations to the judicial branch of Government shall be available to the Director to make necessary disbursements for such quarters and accommodations, and to pay user charges as required by section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) [see now 40 U.S.C. 586, 587], at rates otherwise authorized by law.

"SEC. 4. Notwithstanding the provisions of section 456 of title 28, United States Code, any judge, and any officer or employee of the judicial branch, whose official station is, on the day before the date of enactment of this Act [Apr. 28, 1978], Westbury, may maintain that official station for the duration of the special session held pursuant to section 2 of this Act.

"SEC. 5. The Director of the Administrative Office of the United States Courts may pay travel and transportation expenses in accordance with subchapter II, chapter 57 of title 5, United States Code, to any officer or employee of the judicial branch whose official station changes as a consequence of this Act [enacting this provision and amending subsec. (c) of this section] and who relocates his residence incident to such change of official station."

#### § 113. North Carolina

North Carolina is divided into three judicial districts to be known as the Eastern, Middle, and Western Districts of North Carolina.

##### Eastern District

(a) The Eastern District comprises the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover,

Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson and that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina.

Court for the Eastern District shall be held at Elizabeth City, Fayetteville, Greenville, New Bern, Raleigh, Wilmington, and Wilson.

#### Middle District

(b) The Middle District comprises the counties of Alamance, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham (excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina), Forsythe, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, and Yadkin.

Court for the Middle District shall be held at Durham, Greensboro, and Winston-Salem.

#### Western District

(c) The Western District comprises the counties of Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey.

Court for the Western District shall be held at Asheville, Bryson City, Charlotte, Shelby, and Statesville.

(June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 89-319, Nov. 2, 1965, 79 Stat. 1186; Pub. L. 96-462, §5(a)-(c), Oct. 15, 1980, 94 Stat. 2053, 2054; Pub. L. 102-272, Apr. 21, 1992, 106 Stat. 112.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §179 (Mar. 3, 1911, ch. 231, §98, 36 Stat. 1120; Oct. 7, 1914, ch. 318, 38 Stat. 728; Mar. 17, 1920, ch. 101, §1, 41 Stat. 531; June 7, 1924, ch. 359, §1, 43 Stat. 661; Dec. 24, 1924, ch. 18, 43 Stat. 721; June 12, 1926, ch. 566, 44 Stat. 734; June 22, 1926, ch. 645, 44 Stat. 758; June 22, 1926, ch. 646, 44 Stat. 758; Mar. 2, 1927, ch. 276, 44 Stat. 1339; Apr. 25, 1928, ch. 432, 45 Stat. 457; May 10, 1928, ch. 516, 45 Stat. 495; Feb. 20, 1933, ch. 107, 47 Stat. 859; Feb. 28, 1933, ch. 133, 47 Stat. 1350; June 28, 1935, ch. 330, §§1, 2, 49 Stat. 429; June 24, 1936, ch. 744, 49 Stat. 1898; June 24, 1936, ch. 759, 49 Stat. 1910; Aug. 17, 1937, ch. 688, 50 Stat. 671).

References to civil and criminal terms at Raleigh were omitted as more properly the subject of rule of court.

The following language at the end of section 179 of title 28, U.S.C., 1940 ed., was omitted: "There shall be a judge appointed for the said middle district in the manner now provided by law who shall receive the salary provided by law for the judges of the eastern and western districts, and a district attorney, marshal, clerk, and other officers in the manner and at the salary now provided by law. All causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined."

The first sentence is superfluous in view of other sections of this title governing the appointment and com-

penation of the judges, clerks and marshals of the district courts and of district attorneys. The last sentence is obsolete, having been enacted in 1927, and being limited to cases affected by the creation of the middle district.

Provisions for maintenance of offices by the clerks at certain cities were omitted. (See Reviser's Note under sections 452 and 751 of this title.)

Provisions for furnishing rooms and accommodations at Durham, Rockingham, and Winston-Salem 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 such places.

The provisions respecting court accommodations at Bryson City and Shelby were omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-272, which directed the amendment of subsec. (a) by striking out "Clinton," and "Washington," and inserting "Greenville," after "Fayetteville," was executed to the second sentence to reflect the probable intent of Congress.

1980—Subsec. (a). Pub. L. 96-462, §5(a), added that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina to the Eastern District.

Subsec. (b). Pub. L. 96-462, §5(b), struck out references to Alleghany, Ashe, Watauga, and Wilkes counties in the list of counties comprising the Middle District; inserted "(excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina)" in first sentence as the probable intent of Congress; and struck out Rockingham, Salisbury, and Wilkesboro as places for holding court.

Subsec. (c). Pub. L. 96-462, §5(c), added Alleghany, Ashe, Watauga, and Wilkes counties to the Western District.

1965—Pub. L. 89-319 provided for holding court at Clinton.

#### EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISIONS

Amendment by Pub. L. 96-462 effective Oct. 1, 1981, but 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 Oct. 1, 1981, see section 7 of Pub. L. 96-462, set out as a note under section 84 of this title.

Pub. L. 96-462, §5(d), Oct. 15, 1980, 94 Stat. 2054, provided that: "The amendments made by this section [amending this section] shall not apply to any action commenced before the effective date of such amendments [Oct. 1, 1981] and pending in any judicial district of North Carolina on such date."

#### § 114. North Dakota

North Dakota constitutes one judicial district. Court shall be held at Bismarck, Fargo, Grand Forks, and Minot.

(Added Pub. L. 111-174, §3, May 27, 2010, 124 Stat. 1216.)

#### PRIOR PROVISIONS

A prior section 114, act June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 95-408, §3(b), Oct. 2, 1978, 92 Stat. 883, which provided that North Dakota consisted of one judicial district comprising four divisions, was repealed by Pub. L. 111-174, §3, May 27, 2010, 124 Stat. 1216.

#### § 115. Ohio

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