

eastern shore wherever such river forms the boundary between the western and middle districts from the north line of Alabama north to the point in Henry County, Tennessee, where the south boundary of Kentucky strikes the east bank of the river.

Court for the Eastern Division shall be held at Jackson and Dyersburg.

- (2) The Western Division comprises the counties of Fayette, Lauderdale, Shelby, and Tipton.

Court for the Western Division shall be held at Memphis.

The district judge for the Eastern District in office on November 27, 1940, shall hold court in the Northern and Northeastern Divisions. The other judge of that district shall hold the terms of court in the Southern and Winchester Divisions. Each may appoint and remove all officers and employees of the court whose official headquarters are located in the divisions within which he holds court and whose appointments are vested by law in a district judge or chief judge of a district.

(June 25, 1948, ch. 646, 62 Stat. 890; Pub. L. 87-36, §3(e), May 19, 1961, 75 Stat. 83; Pub. L. 87-86, July 11, 1961, 75 Stat. 203; Pub. L. 91-272, §12, June 2, 1970, 84 Stat. 298; Pub. L. 110-406, §2(a), Oct. 13, 2008, 122 Stat. 4291.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §188 (Mar. 3, 1911, ch. 231, §107, 36 Stat. 1124; Aug. 20, 1912, ch. 306, 37 Stat. 314; June 22, 1916, ch. 161, 39 Stat. 232; Mar. 4, 1923, ch. 289, 42 Stat. 1520; May 17, 1926, ch. 310, 44 Stat. 561; Mar. 1, 1927, ch. 244, 44 Stat. 1262; May 13, 1932, ch. 179, 47 Stat. 153; June 16, 1933, ch. 94, 48 Stat. 253; July 30, 1937, ch. 539, 50 Stat. 546; June 12, 1940, ch. 341, 54 Stat. 348; Nov. 27, 1940, ch. 920, §1, 54 Stat. 1216; Dec. 3, 1943, ch. 332, 57 Stat. 595).

Words "The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges," and words, "The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions," were deleted as superfluous, in view of sections 132 and 141 of this title.

Words "The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to November 27, 1940, shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this section. The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this section and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville. The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson," at the end of the section, were deleted as temporary, and as superfluous, in view of the remainder of the section, prescribing the places for holding terms of court.

A provision for furnishing rooms and accommodations by the local authorities for holding court at Columbia "but only until such time as such accommoda-

tions shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose," was omitted on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available.

An identical provision with reference to Winchester is retained in part, but the words quoted above were omitted as unnecessary since, when such buildings become available, the Director will, under section 604 of this title, provide court accommodations therein.

The last paragraph of the revised section consolidates the provisions of paragraphs (e) and (f) of section 188 of title 28, U.S.C., 1940 ed., relating to the terms of court to be held in the two divisions of the eastern district by the two judges, and their respective powers of appointment of court officers and employees.

Provisions relating to appointment and residence of deputy marshals and maintenance of clerk's office, were omitted as covered by sections 542 [see 561] and 751 of this title.

The clerk of court in a letter dated February 7, 1945, calls attention to a rule of court providing for hearing of all bankruptcy matters arising in Haywood County at Jackson in the eastern division of the western district.

The provision respecting court accommodations at Winchester was omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2008—Subsec. (c)(1). Pub. L. 110-406, §2(a)(1), inserted "Dyer," after "Decatur," and "and Dyersburg" after "Jackson".

Subsec. (c)(2). Pub. L. 110-406, §2(a)(2), struck out "Dyer," after "counties of" and "and Dyersburg" after "Memphis".

1970—Subsec. (c)(1). Pub. L. 91-272, §12(a), added Haywood County to the enumeration of counties comprising the Eastern Division of the Western District.

Subsec. (c)(2). Pub. L. 91-272, §12(b), struck out Haywood County from the enumeration of counties comprising the Western Division of the Western District.

1961—Subsec. (c)(2). Pub. L. 87-36, as amended by Pub. L. 87-86, provided for holding court at Dyersburg.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-406, §2(b), Oct. 13, 2008, 122 Stat. 4291, provided that:

"(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Oct. 13, 2008].

"(2) PENDING CASES NOT AFFECTED.—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

"(3) JURIES NOT AFFECTED.—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section."

§ 124. Texas

Texas is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of Texas.

Northern District

- (a) The Northern District comprises seven divisions.

- (1) The Dallas Division comprises the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall.

Court for the Dallas Division shall be held at Dallas.

- (2) The Fort Worth Division comprises the counties of Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise.

Court for the Fort Worth Division shall be held at Fort Worth.

- (3) The Abilene Division comprises the counties of Callahan, Eastland, Fisher, Haskell, Howard, Jones, Mitchell, Nolan, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton.

Court for the Abilene Division shall be held at Abilene.

- (4) The San Angelo Division comprises the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green.

Court for the San Angelo Division shall be held at San Angelo.

- (5) The Amarillo Division comprises the counties of Armstrong, Brisco, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

Court for the Amarillo Division shall be held at Amarillo.

- (6) The Wichita Falls Division comprises the counties of Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger, and Young.

Court for the Wichita Falls Division shall be held at Wichita Falls.

- (7) The Lubbock Division comprises the counties of Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry, and Yoakum.

Court for the Lubbock Division shall be held at Lubbock.

Southern District

- (b) The Southern District comprises seven divisions.

- (1) The Galveston Division comprises the counties of Brazoria, Chambers, Galveston, and Matagorda.

Court for the Galveston Division shall be held at Galveston.

- (2) The Houston Division comprises the counties of Austin, Brazos, Colorado, Fayette, Fort Bend, Grimes, Harris, Madison, Montgomery, San Jacinto, Walker, Waller, and Wharton.

Court for the Houston Division shall be held at Houston.

- (3) The Laredo Division comprises the counties of Jim Hogg, La Salle, McMullen, Webb, and Zapata.

Court for the Laredo Division shall be held at Laredo.

- (4) The Brownsville Division comprises the counties of Cameron and Willacy.

Court for the Brownsville Division shall be held at Brownsville.

- (5) The Victoria Division comprises the counties of Calhoun, DeWitt, Goliad, Jackson, Lavaca, Refugio, and Victoria.

Court for the Victoria Division shall be held at Victoria.

- (6) The Corpus Christi Division comprises the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, and San Patricio.

Court for the Corpus Christi Division shall be held at Corpus Christi.

- (7) The McAllen Division comprises the counties of Hidalgo and Starr.

Court for the McAllen Division shall be held at McAllen.

Eastern District

- (c) The Eastern District comprises seven divisions.

- (1) The Tyler Division comprises the counties of Anderson, Cherokee, Gregg, Henderson, Panola, Rains, Rusk, Smith, Van Zandt, and Wood.

Court for Tyler Division will be held at Tyler.

- (2) The Beaumont Division comprises the counties of Hardin, Jasper, Jefferson, Liberty, Newton, and Orange.

Court for the Beaumont Division is to be held at Beaumont.

- (3) The Sherman Division comprises the counties of Collin, Cook, Delta, Denton, Fannin, Grayson, Hopkins, and Lamar.

Court for the Sherman Division shall be held at Sherman and Plano.

- (4) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, and Upshur.

Court for the Marshall Division shall be held at Marshall.

- (5) The Texarkana Division comprises the counties of Bowie, Franklin, Red River, and Titus.

Court for the Texarkana Division shall be held at Texarkana, and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas.

- (6) The Lufkin Division comprises the counties of Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, Shelby, Trinity, and Tyler.

Court for the Lufkin Division shall be held at Lufkin.

Western District

- (d) The Western District comprises seven divisions.

- (1) The Austin Division comprises the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson.

Court for the Austin Division shall be held at Austin.

- (2) The Waco Division comprises the counties of Bell, Bosque, Coryell, Falls, Free-

- stone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell.
- Court for the Waco Division shall be held at Waco.
- (3) The El Paso Division comprises the county of El Paso.
- Court for the El Paso Division shall be held at El Paso.
- (4) The San Antonio Division comprises the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, and Wilson.
- Court for the San Antonio Division shall be held at San Antonio.
- (5) The Del Rio Division comprises the counties of Edwards, Kinney, Maverick, Terrell, Uvalde, Val Verde, and Zavalla.
- Court for the Del Rio Division shall be held at Del Rio.
- (6) The Pecos Division comprises the counties of Brewster, Culberson, Jeff Davis, Hudspeth, Loving, Pecos, Presidio, Reeves, Ward, and Winkler.
- Court for the Pecos Division shall be held at Pecos.
- (7) The Midland-Odessa Division comprises the counties of Andrews, Crane, Ector, Martin, Midland, and Upton.
- Court for the Midland-Odessa Division shall be held at Midland. Court may be held, in the discretion of the court, in Odessa, when courtroom facilities are made available at no expense to the Government.

(June 25, 1948, ch. 646, 62 Stat. 891; Feb. 10, 1954, ch. 6, §2(b)(9)(a), (b), 68 Stat. 11; Pub. L. 85-298, §§1, 2, Sept. 4, 1957, 71 Stat. 618; Pub. L. 87-352, Oct. 4, 1961, 75 Stat. 772; Pub. L. 88-282, Mar. 11, 1964, 78 Stat. 163; Pub. L. 88-512, Aug. 30, 1964, 78 Stat. 695; Pub. L. 90-216, Dec. 18, 1967, 81 Stat. 661; Pub. L. 96-462, §6, Oct. 15, 1980, 94 Stat. 2054; Pub. L. 98-620, title IV, §407(a), Nov. 8, 1984, 98 Stat. 3362; Pub. L. 108-157, §1(a), Dec. 3, 2003, 117 Stat. 1947; Pub. L. 108-455, §3, Dec. 10, 2004, 118 Stat. 3628.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §189 (Mar. 3, 1911, ch. 231, §108, 36 Stat. 1125; May 29, 1912, ch. 144, 37 Stat. 120; Feb. 5, 1913, ch. 28, §§1, 2, 37 Stat. 663; Feb. 26, 1917, ch. 122, 39 Stat. 939; Mar. 1, 1919, ch. 87, 40 Stat. 1270; Mar. 2, 1923, ch. 172, §§1, 2, 42 Stat. 1373; Apr. 3, 1924, ch. 82, 43 Stat. 64; May 29, 1924, ch. 211, §§1, 2, 43 Stat. 244; May 26, 1928, ch. 752, §1, 45 Stat. 747; June 6, 1930, ch. 408, 46 Stat. 521; June 24, 1930, ch. 596, 46 Stat. 807; Feb. 20, 1932, ch. 51, 47 Stat. 52; July 25, 1939, ch. 356, §1, 53 Stat. 1082; June 6, 1940, ch. 252, 54 Stat. 241.)

Words "and all prosecutions against persons for offenses committed in the county of Reagan shall be tried in the court at San Angelo: Provided, That no civil or criminal cause begun and pending prior to May 29, 1924, shall be in any way affected," words "and all prosecutions against persons for offenses committed in the county of Pecos shall be tried in the district court at El Paso, or Pecos City: Provided, That no civil or criminal cause begun and pending prior to March 2, 1923, shall be in any way affected," and words "Provided, That no civil or criminal cause commenced prior to June 24, 1930, shall be in any way affected," were all deleted as superseded by Federal Rules of Criminal Procedure, Rules 18-22, and as obsolete, in view of the lapse of time after the dates included in such provisions.

Provisions for furnishing rooms and accommodations at Pecos and Wichita Falls were omitted as obsolete, on advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available at such places.

Provisions relating to the maintenance of offices at various cities by the clerks were omitted as covered by sections 452 and 751 of this title.

Provisions that process against residents of Pecos County shall issue from and be returnable to the court at Pecos City and against residents of Reagan County at San Angelo, were omitted since such matter can be regulated more appropriately by court rule or order. (See Rule 4 of Federal Rules of Civil Procedure.)

The provisions requiring notice to be given for time of holding court in Pecos division and at Corpus Christi, were omitted as covered by section 141 of this title.

Five counties included in this section were created since the enactment of section 189 of title 28. These were Kleberg County and Kenedy County of the Corpus Christi division of the southern district, Culberson County and Hudspeth County of the El Paso division of the western district, and Real County of the San Antonio division of the western district. Pecos County is included in the Pecos division and omitted from the El Paso division of the western district to conform to the practice of the court.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

2004—Subsec. (c)(5). Pub. L. 108-455 inserted "and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas" after "held at Texarkana".

2003—Subsec. (c)(3). Pub. L. 108-157, §1(a)(1), substituted "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar" for "Denton, and Grayson" and inserted "and Plano" after "held at Sherman".

Subsec. (c)(4) to (7). Pub. L. 108-157, §1(a)(2), (3), redesignated pars. (5) to (7) as (4) to (6), respectively, in par. (5) inserted "Red River," after "Franklin," and struck out former par. (4) which read "The Paris Division comprises the counties of Delta, Fannin, Hopkins, Lamar, and Red River.

"Court for the Paris Division shall be held at Paris."

1984—Subsec. (b). Pub. L. 98-620, §407(a)(1), substituted "seven" for "six" in provisions preceding par. (1).

Subsec. (b)(4). Pub. L. 98-620, §407(a)(2), struck out references to Hidalgo and Starr counties from the counties comprising the Brownsville Division of the Southern District.

Subsec. (b)(7). Pub. L. 98-620, §407(a)(3), added par. (7). 1980—Subsec. (b)(2). Pub. L. 96-462, §6(a), struck out references to Polk and Trinity counties in list of counties comprising Houston Division of Southern District.

Subsec. (c). Pub. L. 96-462, §6(b), in provisions preceding par. (1) substituted "seven" for "six"; in par. (1) struck out references to Angelina, Houston, Nacogdoches, and Shelby counties in list of counties comprising Tyler Division of Eastern District; in par. (2) struck out references to Sabine, San Augustine, and Tyler counties in list of counties comprising Beaumont Division of Eastern District; and added par. (7).

1967—Subsec. (d). Pub. L. 90-216, §1(4), enlarged from six to seven the number of divisions comprising Western District.

Subsec. (d)(3). Pub. L. 90-216, §1(1), transferred counties of Brewster, Culberson, Hudspeth, and Presidio from El Paso Division to Pecos Division.

Subsec. (d)(6). Pub. L. 90-216, §1(2), added counties of Brewster, Culberson, Hudspeth, and Presidio to Pecos Division from El Paso Division, and transferred counties of Andrews, Crane, Ector, Martin, Midland, and Upton from Pecos Division to Midland-Odessa Division.

Subsec. (d)(7). Pub. L. 90-216, §1(3), added par. (7), which created Midland-Odessa Division, comprised of

counties of Andrews, Crane, Ector, Martin, Midland, and Upton, transferred from Pecos Division.

1964—Subsec. (b)(1). Pub. L. 88-282, §1(a), struck out Austin, Fort Bend, and Wharton counties from list comprising Galveston Division.

Subsec. (b)(2). Pub. L. 88-282, §1(b), added Austin, Fort Bend, and Wharton counties to list comprising Houston Division.

Subsec. (c)(4). Pub. L. 88-512, §1(a), added county of Hopkins to Paris Division.

Subsec. (c)(5). Pub. L. 88-512, §1(b), struck out county of Hopkins from Marshall Division.

1961—Subsec. (c)(5). Pub. L. 87-352 changed the name of Division from Jefferson to Marshall, and provided for holding court at Marshall.

1957—Subsec. (c)(1). Pub. L. 85-298, §2, inserted Shelby County in list of counties comprising Tyler Division.

Subsec. (c)(2). Pub. L. 85-298, §1, struck out Shelby County from list of counties comprising Beaumont Division.

1954—Subsec. (d)(4). Act Feb. 10, 1954, §2(b)(9)(a), struck out Edwards County from list of counties comprising San Antonio Division of Western District.

Subsec. (d)(5). Act Feb. 10, 1954, §2(b)(9)(b), inserted Edwards County in list of counties comprising Del Rio Division of Western District.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-157, §1(b), Dec. 3, 2003, 117 Stat. 1947, provided that:

“(1) IN GENERAL.—This section [amending this section] and the amendments made by this section shall take effect on the date of the enactment of this Act [Dec. 3, 2003].

“(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

“(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-620, title IV, §407(b), Nov. 8, 1984, 98 Stat. 3362, provided that: “The amendments made by subsection (a) of this section [amending this section] shall apply to any action commenced in the United States District Court for the Southern District of Texas on or after the effective date of this subtitle [Jan. 1, 1985], and shall not affect any action pending in such court on such effective date.”

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 1980 AMENDMENT; SAVINGS PROVISION

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.

§ 125. Utah

Utah constitutes one judicial district comprising two divisions.

- (1) The Northern Division comprises the counties of Box Elder, Cache, Davis, Morgan, Rich, and Weber.

Court for the Northern Division shall be held at Salt Lake City and Ogden.

- (2) The Central Division comprises the counties of Beaver, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, and Wayne.

Court for the Central Division shall be held at Salt Lake City, Provo, and St. George.

(June 25, 1948, ch. 646, 62 Stat. 893; Pub. L. 104-317, title VI, §606, Oct. 19, 1996, 110 Stat. 3859.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §190 (Mar. 3, 1911, ch. 231, §109, 36 Stat. 1127).

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

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1996—Par. (1). Pub. L. 104-317, §606(a), inserted “Salt Lake City and” before “Ogden”.

Par. (2). Pub. L. 104-317, §606(b), inserted “, Provo, and St. George” after “Salt Lake City”.

§ 126. Vermont

Vermont constitutes one judicial district.

Court shall be held at Bennington, Brattleboro, Burlington, Montpelier, Rutland, Saint Johnsbury, and Windsor.

(June 25, 1948, ch. 646, 62 Stat. 893; Pub. L. 88-312, May 28, 1964, 78 Stat. 201; Pub. L. 98-620, title IV, §410, Nov. 8, 1984, 98 Stat. 3362.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §191 (Mar. 3, 1911, ch. 231, §110, 36 Stat. 1127; Feb. 1, 1912, ch. 26, 37 Stat. 58; Feb. 28, 1929, ch. 360, 45 Stat. 1345).

Provision that “any stated term may, when adjourned, be adjourned to meet at any of the other places at Montpelier or Newport,” was omitted as unnecessary and inconsistent with sections 140 and 141 of this title.

Changes in arrangement and phraseology were made.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-620 provided for holding court at Bennington.

1964—Pub. L. 88-312 provided for holding court at Montpelier and Saint Johnsbury.

Statutory Notes and Related Subsidiaries

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.

§ 127. Virginia

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