

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY
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OCT 25 2011

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Memphis

Re: Order Amending Local Rule 4.1
Service of Process
and
Local Criminal Rule 16.1 (c)(2)
Discovery Procedures in Criminal Cases

Administrative Order
No. 2011-22

ORDER

Pursuant to the rule-making authority granted the court by 28 U.S.C. § 2071, and in conformance with the consensus of the court reached October 13, 2011, Local Rule 4.1 and Local Criminal Rule 16.1(c)(2) are hereby amended.

The amended Local Rule 4.1 will read:

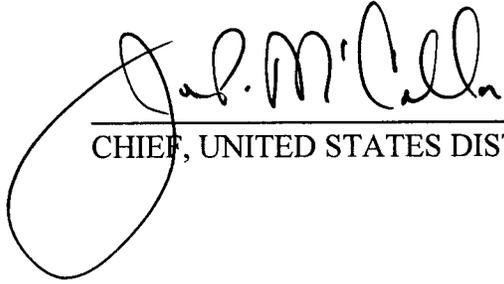
- (a) Service. Where a plaintiff has been granted leave to proceed in forma pauperis, the U.S. Marshal shall be directed to serve the summons and complaint, pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3), after the Court has first reviewed the complaint to determine whether sua sponte dismissal under section 1915(e)(2) is appropriate.
- (b) Waiver of Service. The provision for waiver of service in Fed. R. Civ. P. 4(d) shall not apply in cases filed by plaintiffs proceeding in forma pauperis. In all such cases, the U.S. Marshal shall serve the summons and complaint upon the Court's direction to do so.

The amended Local Criminal Rule 16.1(c)(2) will read:

- (2) **Disclosure of Expert Witnesses:** In response to the government's reciprocal discovery requests, if the defendant intends to call an expert witness at trial, the defendant shall notify the United States Attorney in writing at least twenty-eight (28) days before trial of the existence of the expert witness and provide a copy of the expert witness's report or a summary of the expert witness's anticipated testimony. Only the written notification shall be filed with the Clerk of the Court via the Court's ECF system, while a copy of the expert's identification information and a copy of the expert's report or summary of the expert's anticipated testimony shall be delivered in writing to the United States Attorney.

The Clerk of Court shall cause notice of these amendments to be published on the court's public website for a period of thirty (30) days, and thereafter furnish a copy of the amendments to the Local Rules to the Judicial Council of the Sixth Circuit.

DONE and ORDERED at Memphis, Tennessee on this 25th day of October 2011.



CHIEF, UNITED STATES DISTRICT JUDGE