

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

GENERAL ORDER NO. 16-5

FILED
May 18, 2016

CASE ASSIGNMENT AND RECUSAL ORDER

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Effective immediately, **IT IS HEREBY ORDERED** that all newly-filed cases shall be assigned as follows:

1. **Lexington civil (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty) and criminal cases** are randomly and equally assigned to Chief Judge Karen K. Caldwell, Judge Danny C. Reeves, and Judge Joseph M. Hood.

a. Should the assigned Judge recuse in a civil case, it is to be assigned by random draw to another Judge assigned to accept a civil case on the Lexington docket.

b. Should the assigned Judge recuse in a criminal case, it is to be assigned by random draw to another Judge assigned to accept a criminal case on the Lexington docket.

2. **Frankfort civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty) and criminal cases** are assigned to Judge Gregory F. Van Tatenhove.

a. Should Judge Van Tatenhove recuse in a civil case, it is to be assigned to Judge William O. Bertelsman; and if Judge Bertelsman should recuse, the case is to be assigned to Judge Caldwell.

b. Should Judge Van Tatenhove recuse in a criminal case, it is to be assigned to Judge Caldwell; and if Chief Judge Caldwell should recuse, the case is to be assigned to Judge Reeves.

3. **Covington civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge David L. Bunning (40%) and Judge William O. Bertelsman (60%). **Covington criminal cases** are assigned to Judge Bunning (50%) and Judge Amul R. Thapar (50%).

a. Should Judge Bunning recuse in a civil case, it is to be assigned to Judge Bertelsman; and if Judge Bertelsman should recuse, the case is to be assigned to Judge Thapar.

b. Should Judge Bertelsman recuse in a civil case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Bunning.

c. Should Judge Bunning recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Reeves.

d. Should Judge Thapar recuse in a criminal case, it is to be assigned to Judge Bunning; and if Judge Bunning should recuse, the case is to be assigned to Judge Reeves.

4. **Ashland civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge Henry R. Wilhoit, Jr. (100%). **Ashland criminal cases** are assigned to Judge David L. Bunning.

a. Should Judge Wilhoit recuse in a civil case, it is to be assigned to Judge Bunning; and if Judge Bunning should recuse, the case is to be assigned to Judge Hood.

b. Should Judge Bunning recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Hood.

5. **London civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Chief Judge Karen K. Caldwell (25%), Judge Danny C. Reeves (25%), Judge Gregory F. Van Tatenhove (25%) and Judge David L. Bunning (25%). **London criminal cases** are assigned to Judge Amul R. Thapar (33.33%) and Judge Van Tatenhove (66.66%).

a. Should the assigned Judge recuse in a civil case, it is to be assigned by random draw to another Judge assigned to accept a case on the London docket.

b. Should Judge Thapar recuse in a criminal case, it is to be assigned to Judge Van Tatenhove; and if Judge Van Tatenhove should recuse, the case is to be assigned to Judge Caldwell.

c. Should Judge Van Tatenhove recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Caldwell.

6. **Pikeville civil cases (except social security, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 and death penalty)** are assigned to Judge Amul R. Thapar (100%). **Pikeville criminal cases** are assigned to Chief Judge Karen K. Caldwell (100%).

- a. Should Judge Thapar recuse in a civil case, it is to be assigned to Chief Judge Caldwell; and if Judge Caldwell should recuse, the case is to be assigned to Judge Van Tatenhove.
- b. Should Chief Judge Caldwell recuse in a criminal case, it is to be assigned to Judge Thapar; and if Judge Thapar should recuse, the case is to be assigned to Judge Reeves.

7. **All social security cases**, regardless of the docket on which they are filed, will be randomly and equally assigned under a separate draw from the pool of all district judges, including senior judges, with the exception of Judge William O. Bertelsman.

- a. Should any judge recuse in a social security case, it is to be assigned by random draw to another judge from the pool of all district judges, including senior judges, with the exception of Judge William O. Bertelsman.

8. **Death Penalty cases** are to be assigned as delineated in General Order 14-3, which is incorporated herein by reference.

9. **All petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254**, regardless of the docket on which they are filed, will be assigned under a separate rotating draw from the pool of all district judges, including senior judges.

10. All judges are authorized to reassign their cases to another willing judge.

11. In the event all the judges listed for a docket should recuse, the matter shall be referred to Chief Judge Caldwell for reassignment.

12. In the event all the judges in the district should recuse, the matter shall be referred to the Chief Judge of the United States Court of Appeals for the Sixth Circuit, for reassignment.

13. This Order supersedes General Order 14-7.

Dated this 18th day of May, 2016.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY