

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**GENERAL ORDER AMENDING LOCAL RULES CV-10 and CR-49**

It is hereby ORDERED that the following amendments to Local Rules CV-10 and CR-49, having been approved by the judges of this court, are adopted for immediate implementation:

**LOCAL RULE CV-10 Form of Pleadings**

**(a) Generally.** When offered for filing, all papers shall be (1) endorsed with the style and number of the action and a statement of the character of the paper (e.g., COMPLAINT, MOTION TO DISMISS), (2) plainly written, typed, or printed, double-spaced, on 8 1/2 inch by 11 inch white paper, stapled at the top only, and punched at the top center with two holes 2 7/8 inches apart, (3) signed by the attorney in charge and contain beneath the signature line his or her name, bar I.D. number, post office address and telephone number. "Blue backs" and other covers are not to be submitted with papers. No brief or motion shall be filed with the court with a font or typeface smaller than twelve (12) point type and 12 characters per inch. A certificate of service must be attached to and made a part of all papers when required by the Federal Rules of Civil Procedure.

**(b) Deficient pleadings/documents.** The clerk shall monitor papers for compliance with the federal and local rules as to format and form. If the paper sought to be filed is deficient as to form, the clerk shall immediately notify counsel, who should be given a reasonable opportunity to cure the perceived defect. If the perceived defect is not cured in a timely fashion, the clerk shall refer the matter to

the appropriate district or magistrate judge for a ruling as to whether the papers should be made part of the record.

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## **LOCAL RULE CR-49 Service and Filing of Papers**

**(a) Generally.** When offered for filing, all papers shall be (1) endorsed with the style and number of the action and a statement of the character of the paper (e.g., MOTION TO SUPPRESS), (2) plainly written, typed, or printed, double-spaced, on 8 1/2 inch by 11 inch white paper, stapled at the top only, and punched at the top center with two holes 2 7/8 inches apart, (3) signed by the attorney in charge and contain beneath the signature line his or her name, bar I.D. number, post office address and telephone number. "Blue backs" and other covers are not to be submitted with papers. No brief or motion shall be filed with the court with a font or typeface smaller than twelve (12) point type and 12 characters per inch. A certificate of service must be attached to and made a part of all papers when required by the Federal Rules of Civil Procedure.

(2) The original and one copy of pleadings, motions and other papers shall be filed with the Clerk. Except where a judge has not yet been assigned to a case, pleadings, motions and other papers shall include the case caption, the last name or initials of the (a) assigned district judge and (B) the appropriate magistrate judge, in the event that a case has been referred to a magistrate judge for disposition.

(3) **Deficient Documents.** The clerk shall monitor papers for compliance with the federal and local rules as to format and form. If the paper sought to be filed is deficient as to form, the clerk shall immediately notify counsel, who should be given a reasonable opportunity to cure the perceived defect. If the perceived defect is not cured in a timely fashion, the clerk shall refer the matter to the appropriate district or magistrate judge for a ruling as to whether the papers should be made part of the

record.

\* \* \* \* \*

Signed this \_\_\_\_\_ day of December, 1997.

FOR THE COURT:

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RICHARD A. SCHELL  
Chief Judge

**DEFICIENCY NOTICE**

**To:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Case No.** \_\_\_\_\_ **Style** \_\_\_\_\_

The following pleading \_\_\_\_\_ was received on \_\_\_\_\_, but is perceived to be deficient for the following reason(s):

1. \_\_\_\_\_ The document is a dispositive motion or response thereto that exceeds thirty (30) pages in length excluding attachments. See Local Rule CV-7(a)(1).

2. \_\_\_\_\_ The document is a non-dispositive motion or response thereto that exceeds fifteen (15) pages in length including attachments. See Local Rule CV-7(a)(2).

*To cure either of the defects in sections 1 and 2, please submit a conforming motion or response, or a motion for leave to file the overlength document, along with a copy of this deficiency notice.*

3. \_\_\_\_\_ The document does not conform to the format requirements contained in Local Rule CV-10 in the following regard:

- a. \_\_\_\_\_ font is smaller than 12 point
- b. \_\_\_\_\_ pitch is more than 12 characters per inch
- c. \_\_\_\_\_ document/pleading is not double-spaced
- d. \_\_\_\_\_ document/pleading not on 8 1/2 by 11 inch paper

*To cure any of the defects in sections 3a-3d, please submit a conforming document, or a motion for leave to file the non-conforming document, along with a copy of this deficiency notice.*

- e. \_\_\_\_\_ no original signature by the attorney-in-charge or by permission of the attorney-in-charge
- f. \_\_\_\_\_ no certificate of service

*To cure either of the defects in sections 3e-3f, please submit either the original signature page or the certificate of service, whichever is applicable, along with a copy of this deficiency notice.*

***THIS IS TO ADVISE YOU THAT YOU HAVE UNTIL \_\_\_\_\_ TO CORRECT THIS DOCUMENT/PLEADING. FAILURE TO MAKE THE CORRECTION BY THIS DATE MAY RESULT IN IT NOT***

***BEING FILED.***

David J. Maland, Clerk  
U. S. District Court

By \_\_\_\_\_  
Deputy Clerk

cc: District or Magistrate Judge  
All Parties or Counsel of Record

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

<b>PLAINTIFF</b>	§	
V.	§	<b>CASE NO.</b>
<b>DEFENDANT</b>	§	
	§	

**DEFICIENT DOCUMENT ORDER**

The document set forth below was received by the clerk on **DATE RECEIVED**. Notification was made to the attorney-in-charge that the document did not conform to local rules regarding form. The attorney-in-charge did not tender a conforming document or a motion for leave to file the non-conforming document. After review, this Court is of the opinion that **DOCUMENT NAME** should

- ( ) be allowed for filing as of the date originally received.
- ( ) not be allowed for filing, as it does not conform to **LOCAL RULE NUMBER**.

SO ORDERED this \_\_\_\_\_ day of **MONTH, YEAR**.

JUDGE

\_\_\_\_\_  
U.S. DISTRICT OR MAGISTRATE