

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

IN RE:  
ESTABLISHMENT OF SOUTHERN  
REGION OF CENTRAL DIVISION

**THIRD AMENDED  
GENERAL ORDER**  
(May 9, 2018)  
No. 18-01

**Background.** The Court has two divisions established by statute. The statute also defines locations of holding court for each division.<sup>1</sup>

A Southern Region of the Central Division has become necessary to fulfill the Court's mission. Many factors compel this conclusion, including:

- the growing population of Southern Utah;
- the fact that Utah has only one full-service federal court location in Salt Lake City;
- the distance between Salt Lake City and Southern Utah areas;
- the District of Utah's successful handling of bankruptcy, felony, and misdemeanor cases in St. George for the past 22 years;
- the convenience of parties, witnesses, victims, defendants, and their families; and
- the convenience and cost savings for attorneys and staff; and
- the presence of many federal agencies in Southern Utah.

**Establishment of the Southern Region.** IT IS HEREBY ORDERED that the Southern Region of the Central Division of the District of Utah with locations of holding court in St. George and Salt Lake City is established effective March 1, 2018. The Clerk of Court shall assign case numbers to civil and criminal cases arising in the Southern Region of the Central Division based on the county in which the case arises.

Case Number Prefixes	Counties	Current Locations of Holding Court
1. Northern	Box Elder, Cache, Davis, Morgan, Rich, and Weber.	Salt Lake
2. Central	Carbon, Daggett, Duchesne, Juab, Salt Lake, Summit, Tooele, Uintah, Utah, and Wasatch.	Salt Lake St. George
4. Southern Region	Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne.	Salt Lake St. George

<sup>1</sup> [28 U.S.C. § 125.](#)

IT IS FURTHER ORDERED that until local rules on these subjects are adopted, the following procedures are established for cases in the Southern Region:

**Motion to change location of holding court for civil cases in the Southern Region:**

The location of holding court for civil cases in the Southern Region is presumptively St. George. A party to a civil case assigned to the Southern Region who desires hearings to be held in Salt Lake City may, after meeting and conferring with other counsel, file a motion identifying the reasons for changing location. Hearings should proceed in the location most convenient for disposition of the action. Video conferencing is available in the Salt Lake City and St. George courthouses. A motion for change of location is not governed by rules and case law for change of venue. A change of judge is not presumed with a change of location for proceedings.

**Motion to change location of holding court for criminal cases in the Southern**

**Region:** Criminal cases are assigned a case number on the basis of the Place of Offense as listed in the AO257 form “Defendant Information Relative to a Criminal Action,” but the location of holding court for criminal cases in the Southern Region may be designated in the “Comments” field of that form, and the location will be entered on the docket.

A defendant in a criminal case arising in the Southern Region who desires hearings to be held in a different location may, after meeting and conferring with the prosecution, file a motion identifying the reasons for change of location. Fed. R. Crim. P. 18 provides, “The court must set the place of trial within the district with due regard for the convenience of the defendant, any victim, and the witnesses, and the prompt administration of justice.” Considerations such as resources of counsel, investigating agencies, and court facilities and security may be appropriate. Video conferencing is available in the Salt Lake City and St. George courthouses. Change of location is not governed by rules and case law for change of venue. A change of judge is not presumed with a change of location for proceedings.

**Judge assignment in the Southern Region cases:** Until a district judge is based in St. George, a district judge based in Salt Lake City will be assigned to cases in the Southern Region. To minimize travel expense, to ensure proceedings are actually held in St. George, to provide centralized management for cases in the Southern Region, and to satisfy the factors identified above in this Order, random assignment under DUCivR 83-2 is not used in the Southern Region.

Currently, all criminal cases in the Southern Region with St. George designated as the location of holding court are assigned to District Judge Ted Stewart. Criminal cases in the Southern Region with Salt Lake City designated as the location of holding court are assigned to Chief District Judge David Nuffer. After December 31, 2018, all criminal cases in the Southern Region will be assigned to Judge Nuffer.

All Southern Region civil cases are assigned to Chief District Judge David Nuffer, except that:

- a. until May 2019, appeals from decisions of administrative law judges regarding Social Security benefits shall be assigned, subject to the parties’ consent, to Magistrate Judge Dustin Pead; and

- b. cases arising under 28 U.S.C. § 2555 shall be assigned to the presiding judge in the criminal matter.

In the event that Judge Nuffer recuses or a party sends a Request for Change of Judge (as provided in the next paragraph), the case shall be reassigned to District Judge Dee Benson, or if he is unable to take the reassignment, the case shall be reassigned to District Judge Ted Stewart. Generally, proceedings in a case will be held in the location of holding court designated for that case.

**Change of district judge in Southern Region cases:** Any party may change the assigned district judge for a case in the Southern Region by sending a Request for Change of Judge to intake@utd.uscourts.gov. The request must be made within 28 days after the first defendant's appearance but cannot be made after a scheduling order has been entered in a civil case. The request shall not specify any reason for the change of judge, shall not be filed on the docket, and shall not be served on other parties. The assigned district judge shall not be notified which party sent the request. If a timely request is received, the clerk shall reassign the case as provided in this Order. Only one change of judge in an action is allowed under this procedure, though other means of challenging an assigned judge are available.<sup>2</sup>

**Cases filed before March 1, 2018, that arose in the Southern Region area:** Any party to a case filed before March 1, 2018, which after that date would have been assigned to the Southern Region, may move for change of location of holding court to St. George. If the motion is granted, the case will be reassigned to the judge who handles that type of case in the Southern Region, unless otherwise directed by the court. The judge currently presiding in the case shall determine the motion.

It is SO ORDERED this 9<sup>th</sup> day of May, 2018.

BY THE COURT:



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DAVID NUFFER,  
Chief United States District Judge

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<sup>2</sup> [DUCivR83-2](#); [28 USC § 144](#); [28 USC § 455](#).