UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
OFFICE OF THE CLERK
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DEBRA C. POPLIN
Clerk of the Court

JOHN L. MEDEARIS
Chief Deputy Clerk

N O T I CE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend Local Rule 16.1(a) as indicated below:

LR16.1 Pretrial Orders and Conferences in Civil Actions

(a) Pretrial Orders and Conferences. In accordance with Rule 16 of the Federal Rules of Civil Procedure, the district judge or magistrate judge assigned to the case will ensure that Rule 16(b) is complied with and that ~~by means of a scheduling conference, telephone, mail, or other suitable means,~~ a scheduling order is entered ~~as soon as is practicable, but in any event within 90 days after the appearance of a defendant or within 120 days after the complaint has been served on a defendant~~within the time set forth in the federal rule, except in the following classes of cases:

(1) Social Security cases;
(2) Petitions for relief under 28 U.S.C. §§ 2254 and 2255;
(3) Actions brought under 42 U.S.C. § 1983 in which the plaintiff is *pro se* and is in the custody of either state or federal authorities;
(4) Bankruptcy appeals;
(5) Student loan cases.

Comments should be directed in writing to Debra C. Poplin, Clerk of Court, by June 10, 2016, at the above address.

Comment: Revised Federal Rule of Civil Procedure 16(b) provides as follows:

> *Except in categories of actions exempted by local rule, the district judge—or a magistrate judge when authorized by local rule—must issue a scheduling order . . . The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.*

The proposed local rule amendment deletes the specific times the scheduling order must entered (which have changed with the revision to the federal rule) and instead states the order must be entered within the time set forth in the federal rule, which will obviate the need to revise the local rule in the future should the federal rule be changed. The local rule remains needed in order to set forth the case types exempted from the scheduling order requirement.