

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE: AMENDMENTS TO LOCAL CIVIL
RULE 5.7(i)(v) AND LOCAL CRIMINAL
CRIMINAL RULE 49.10(h)(vi) TO
CONFORM TO THE REVISED FEDERAL
RULES OF PROCEDURE

Administrative Order
No. 16-RL-116

Certain amendments to the Federal Rules of Civil Procedure will become effective on December 1, 2016. These rule amendments require conforming amendments to this Court's Local Civil and Criminal Rules. Pursuant to the amendments to the Federal Rules of Civil Procedure, it is no longer necessary to afford three additional days for service made by electronic means. Accordingly:

IT IS ORDERED that the following section of Local Civil Rule 5.7 is hereby **REPEALED**:

5.7(i)(v) Effect on time computation - Electronic service under this rule is complete upon transmission. The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of Fed. R. Civ. P. 6(d).

IT IS FURTHER ORDERED that the following section of Local Criminal Rule 49.10 is hereby **REPEALED**:

49.10(h)(vi) Effect on time computation - Electronic service under this rule is complete upon transmission. The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of Fed. R. Crim. P. 45(c).

Additionally, it was discovered that the definition of the term "nonelectronic means of service" in Local Criminal Rule 49.10(a) inadvertently references Fed. R. Civ. P. 5(b)(2)(D) when it should in fact reference Fed. R. Civ. P. 5(b)(2)(E). Therefore:

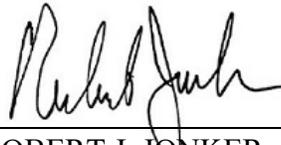
IT IS FURTHER ORDERED that the last sentence of Local Criminal Rule 49.10(a) shall be amended as follows:

- “nonelectronic means of service” means one of the methods of service authorized by Rule 49(b) of the Federal Rules of Criminal Procedure and Rule 5(b) of the Federal Rules of Civil Procedure, except electronic service under Fed. R. Crim. P. 5(b)(2)(E).

IT IS FURTHER ORDERED that the foregoing amendments shall take effect on December 1, 2016, because the amendments are dictated by the amendments to the Federal Rules of Civil Procedure which take effect the same day. *See* 28 U.S.C. § 2071(e). Any member of the public may, however, submit a comment in writing to the Clerk of Court by mail or electronically to ecfhelp@miwd.uscourts.gov, within 30 days of the date of this order. The Court will consider all comments and determine whether further amendments to the Rules are required.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this Administrative Order to the Judicial Council of the Sixth Circuit, the Administrative Office of the U.S. Courts, the Federal Bar Association, West Michigan Chapter, the State Bar of Michigan Committee on United States Courts, and the Michigan Lawyer’s Weekly. All attorneys registered for electronic service on the CM/ECF system shall be given electronic notice of this rule amendment, and the official rules posted on the Court’s website will be amended accordingly.

FOR THE COURT:



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

Dated: November 28, 2016