

111TH CONGRESS
1ST SESSION

H. R. 314

To increase the number of Federal judgeships in certain judicial districts
with heavy caseloads of criminal immigration cases.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. CUELLAR introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To increase the number of Federal judgeships in certain
judicial districts with heavy caseloads of criminal immi-
gration cases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Criminal Im-
5 migration Courts Act of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Based on the recommendations
8 made by the 2007 Judicial Conference and the statistical
9 data provided by the 2006 Federal Court Management

1 Statistics (issued by the Administrative Office of the
2 United States Courts), the Congress finds the following:

3 (1) Federal courts along the southwest border
4 of the United States have a greater percentage of
5 their criminal caseload affected by immigration cases
6 than other Federal courts.

7 (2) The percentage of criminal immigration
8 cases in most southwest border district courts totals
9 more than 49 percent of the total criminal caseloads
10 of those districts.

11 (3) The current number of judges authorized
12 for those courts is inadequate to handle the current
13 caseload.

14 (4) Such an increase in the caseload of criminal
15 immigration filings requires a corresponding increase
16 in the number of Federal judgeships.

17 (5) The 2007 Judicial Conference recommended
18 the addition of judgeships to meet this growing bur-
19 den.

20 (6) The Congress should authorize the addi-
21 tional district court judges necessary to carry out
22 the 2007 recommendations of the Judicial Con-
23 ference for district courts in which the criminal im-
24 migration filings represented more than 49 percent

1 of all criminal filings for the 12-month period ending
2 September 30, 2006.

3 (b) PURPOSE.—The purpose of this Act is to increase
4 the number of Federal judgeships, in accordance with the
5 recommendations of the 2007 Judicial Conference, in dis-
6 trict courts that have an extraordinarily high criminal im-
7 migration caseload.

8 **SEC. 3. ADDITIONAL DISTRICT COURT JUDGESHIPS.**

9 (a) Permanent Judgeships—

10 (1) IN GENERAL.—The President shall appoint,
11 by and with the advice and consent of the Senate—

12 (A) 4 additional district judges for the dis-
13 trict of Arizona;

14 (B) 1 additional district judge for the dis-
15 trict of New Mexico;

16 (C) 2 additional district judges for the
17 southern district of Texas; and

18 (D) 1 additional district judge for the
19 western district of Texas.

20 (2) CONFORMING AMENDMENTS.—In order that
21 the table contained in section 133(a) of title 28,
22 United States Code, reflect the number of additional
23 judges authorized under paragraph (1), such table is
24 amended—

1 (A) in the item relating to Arizona, by
2 striking “12” and inserting “16”;

3 (B) in the item relating to New Mexico, by
4 striking “6” and inserting “7”;

5 (C) in the item relating to Texas—

6 (i) by striking “19” and inserting
7 “21” and;

8 (ii) by striking “13” and inserting
9 “14”.

10 (b) TEMPORARY JUDGESHIPS.—

11 (1) IN GENERAL.—The President shall appoint,
12 by and with the advice and consent of the Senate—

13 (A) 1 additional district judge for the dis-
14 trict of Arizona; and

15 (B) 1 additional district judge for the dis-
16 trict of New Mexico.

17 (2) VACANCY NOT FILLED.—For each of the ju-
18 dicial districts named in this subsection, the first va-
19 cancy arising on the district court 10 years or more
20 after a judge is first confirmed to fill the temporary
21 district judgeship created in that district by this
22 subsection shall not be filled.

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