

113TH CONGRESS
1ST SESSION

S. 1385

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2013

Mr. COONS (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

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 Judgeship Act
5 of 2013”.

6 **SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF AP-**

7 **PEALS.**

8 (a) IN GENERAL.—The President shall appoint, by
9 and with the advice and consent of the Senate—

1 (1) 4 additional circuit judges for the ninth cir-
 2 cuit court of appeals; and

3 (2) 1 additional circuit judge for the sixth cir-
 4 cuit court of appeals.

5 (b) TEMPORARY JUDGESHIP.—

6 (1) IN GENERAL.—The President shall appoint,
 7 by and with the advice and consent of the Senate 1
 8 additional circuit judge for the ninth circuit court of
 9 appeals.

10 (2) VACANCY NOT FILLED.—The first vacancy
 11 in the office of circuit judge in the ninth circuit oc-
 12 ccurring 10 years or more after the confirmation date
 13 of the circuit judge named to fill the temporary cir-
 14 cuit judgeship created in the ninth circuit by para-
 15 graph (1) shall not be filled.

16 (c) TABLES.—In order that the table contained in
 17 section 44 of title 28, United States Code, will, with re-
 18 spect to each judicial circuit, reflect the changes in the
 19 total number of permanent circuit judgeships authorized
 20 as a result of subsection (a) of this section, such table
 21 is amended to read as follows:

“Circuits	Number of Judges
District of Columbia	11
First	6
Second	13
Third	14
Fourth	15

“Circuits	Number of Judges
Fifth	17
Sixth	17
Seventh	11
Eighth	11
Ninth	33
Tenth	12
Eleventh	12
Federal	12.”.

1 **SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

2 (a) IN GENERAL.—The President shall appoint, by
3 and with the advice and consent of the Senate—

4 (1) 1 additional district judge for the district of
5 Delaware;

6 (2) 6 additional district judges for the eastern
7 district of California;

8 (3) 2 additional district judges for the eastern
9 district of Texas;

10 (4) 4 additional district judges for the western
11 district of Texas;

12 (5) 6 additional district judges for the district
13 of Arizona;

14 (6) 10 additional district judges for the central
15 district of California;

16 (7) 5 additional district judges for the northern
17 district of California;

18 (8) 2 additional district judges for the district
19 of Colorado;

1 (9) 2 additional district judges for the western
2 district of Washington;

3 (10) 1 additional district judge for the southern
4 district of Indiana;

5 (11) 3 additional district judges for the south-
6 ern district of Florida;

7 (12) 5 additional district judges for the middle
8 district of Florida;

9 (13) 1 additional district judge for the western
10 district of New York;

11 (14) 1 additional district judge for the northern
12 district of Florida;

13 (15) 1 additional district judge for the western
14 district of Wisconsin;

15 (16) 3 additional district judges for the south-
16 ern district of California;

17 (17) 2 additional district judges for the eastern
18 district of New York;

19 (18) 2 additional district judges for the district
20 of New Jersey;

21 (19) 1 additional district judge for the district
22 of Idaho;

23 (20) 2 additional district judges for the south-
24 ern district of Texas;

1 (21) 1 additional district judge for the district
2 of Minnesota;

3 (22) 1 additional district judge for the northern
4 district of Georgia;

5 (23) 1 additional district judge for the district
6 of Nevada;

7 (24) 1 additional district judge for the district
8 of New Mexico; and

9 (25) 1 additional district judge for the southern
10 district of New York.

11 (b) TEMPORARY JUDGESHIPS.—

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

14 (A) 1 additional district judge for the east-
15 ern district of California;

16 (B) 1 additional district judge for the
17 western district of Texas;

18 (C) 4 additional district judges for the dis-
19 trict of Arizona;

20 (D) 2 additional district judges for the
21 central district of California;

22 (E) 1 additional district judge for the
23 northern district of California;

24 (F) 1 additional district judge for the mid-
25 dle district of Florida;

1 (G) 1 additional district judge for the
2 southern district of California;

3 (H) 1 additional district judge for the dis-
4 trict of New Jersey;

5 (I) 1 additional district judge for the dis-
6 trict of Minnesota;

7 (J) 1 additional district judge for the west-
8 ern district of Missouri;

9 (K) 1 additional district judge for the
10 northern district of Georgia;

11 (L) 1 additional district judge for the dis-
12 trict of Nevada;

13 (M) 1 additional district judge for the dis-
14 trict of Oregon;

15 (N) 1 additional district judge for the
16 southern district of New York;

17 (O) 1 additional district judge for the mid-
18 dle district of Tennessee; and

19 (P) 1 additional district judge for the east-
20 ern district of Virginia.

21 (2) VACANCIES NOT FILLED.—

22 (A) IN GENERAL.—The first vacancy in
23 the office of district judge in each of the offices
24 of district judge authorized by paragraph (1),
25 except for the district of Arizona and the cen-

1 tral district of California, occurring 10 years or
2 more after the confirmation date of the judge
3 named to fill the temporary district judgeship
4 created in the applicable district by this sub-
5 section, shall not be filled.

6 (B) ARIZONA.—The first 4 vacancies in
7 the office of district judge in the district of Ari-
8 zona occurring 10 years or more after the date
9 on which judge are confirmed to fill all 4 tem-
10 porary district judgeships under paragraph
11 (1)(C), shall not be filled.

12 (C) CENTRAL DISTRICT OF CALIFORNIA.—
13 The first 2 vacancies in the office of district
14 judge in the central district of California occur-
15 ring 10 years or more after the date on which
16 judge are confirmed to fill both temporary dis-
17 trict judgeships under paragraph (1)(D), shall
18 not be filled.

19 (c) EXISTING JUDGESHIPS.—The existing judgeships
20 for the district of Kansas and the eastern district of Mis-
21 souri authorized by section 203(e) of the Judicial Improve-
22 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
23 note) and the existing judgeships for the eastern district
24 of Texas, the district of Arizona, the central district of
25 California, the southern district of Florida, the northern

1 district of Alabama, and the district of New Mexico au-
 2 thorized by section 312(e) of the 21st Century Depart-
 3 ment of Justice Appropriations Authorization Act (Public
 4 Law 107–273, 28 U.S.C. 133 note), as of the effective
 5 date of this Act, shall be authorized under section 133
 6 of title 28, United States Code, and the incumbents in
 7 those offices shall hold the office under section 133 of title
 8 28, United States Code, as amended by this Act.

9 (d) TABLES.—In order that the table contained in
 10 section 133 of title 28, United States Code, will, with re-
 11 spect to each judicial district, reflect the changes in the
 12 total number of permanent district judgeships authorized
 13 as a result of subsections (a) and (c) of this section, such
 14 table is amended to read as follows:

“Districts	Number of Judges
Alabama:	
Northern	8
Middle	3
Southern	3
Alaska	3
Arizona	19
Arkansas:	
Eastern	5
Western	3
California:	
Northern	19
Eastern	12
Central	38
Southern	16
Colorado	9
Connecticut	8
Delaware	5
District of Columbia	15
Florida:	
Northern	5

“Districts	Number of Judges
Middle	20
Southern	21
Georgia:	
Northern	12
Middle	4
Southern	3
Hawaii	3
Idaho	3
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	6
Iowa:	
Northern	2
Southern	3
Kansas	6
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	7
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	8
New Hampshire	3
New Jersey	19
New Mexico	8
New York:	
Northern	5
Southern	29
Eastern	17
Western	5

“Districts	Number of Judges
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	10
Western	17
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	9
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	3
Wyoming	3.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the provisions of this
4 Act, including such sums as may be necessary to provide
5 appropriate space and facilities for the judicial positions
6 created by this Act.

○