

111TH CONGRESS  
1ST SESSION

# S. 1653

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2009

Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. KAUFMAN, Mr. FRANKEN, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. BROWN, Mr. BAYH, Mr. BENNET, Mrs. BOXER, Mrs. SHAHEEN, Mr. INOUE, Mr. KERRY, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 2009”.

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

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

5 (1) 1 additional circuit judge for the first cir-  
6 cuit court of appeals;

7 (2) 2 additional circuit judges for the second  
8 circuit court of appeals;

9 (3) 1 additional circuit judge for the third cir-  
10 cuit court of appeals;

11 (4) 1 additional circuit judge for the sixth cir-  
12 cuit court of appeals; and

13 (5) 4 additional circuit judges for the ninth cir-  
14 cuit court of appeals.

15 (b) TEMPORARY JUDGESHIPS.—The President shall  
16 appoint, by and with the advice and consent of the Sen-  
17 ate—

18 (1) 1 additional circuit judge for the third cir-  
19 cuit court of appeals;

20 (2) 1 additional circuit judge for the eighth cir-  
21 cuit court of appeals; and

22 (3) 1 additional circuit judge for the ninth cir-  
23 cuit court of appeals.

24 For each of the judicial circuits named in this subsection,  
25 the first vacancy arising on the circuit court 10 years or  
26 more after a judge is first confirmed to fill the temporary

1 circuit judgeship created in that circuit by this subsection  
2 shall not be filled.

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

| <b>“Circuits</b>           | <b>Number<br/>of judges</b> |
|----------------------------|-----------------------------|
| District of Columbia ..... | 11                          |
| First .....                | 7                           |
| Second .....               | 15                          |
| Third .....                | 15                          |
| Fourth .....               | 15                          |
| Fifth .....                | 17                          |
| Sixth .....                | 17                          |
| Seventh .....              | 11                          |
| Eighth .....               | 11                          |
| Ninth .....                | 33                          |
| Tenth .....                | 12                          |
| Eleventh .....             | 12                          |
| Federal .....              | 12.”.                       |

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

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

12 (1) 1 additional district judge for the district of  
13 Arizona;

14 (2) 4 additional district judges for the northern  
15 district of California;

16 (3) 4 additional district judges for the eastern  
17 district of California;

1           (4) 4 additional district judges for the central  
2 district of California;

3           (5) 1 additional district judge for the district of  
4 Colorado;

5           (6) 4 additional district judges for the middle  
6 district of Florida;

7           (7) 3 additional district judges for the southern  
8 district of Florida;

9           (8) 1 additional district judge for the southern  
10 district of Indiana;

11          (9) 1 additional district judge for the district of  
12 Minnesota;

13          (10) 1 additional district judge for the district  
14 of New Jersey;

15          (11) 1 additional district judge for the district  
16 of New Mexico;

17          (12) 1 additional district judge for the southern  
18 district of New York;

19          (13) 1 additional district judge for the eastern  
20 district of New York;

21          (14) 1 additional district judge for the western  
22 district of New York;

23          (15) 1 additional district judge for the district  
24 of Oregon;

1           (16) 1 additional district judge for the district  
2 of South Carolina;

3           (17) 1 additional district judge for the eastern  
4 district of Texas;

5           (18) 2 additional district judges for the south-  
6 ern district of Texas;

7           (19) 4 additional district judges for the western  
8 district of Texas; and

9           (20) 1 additional district judge for the western  
10 district of Washington.

11       (b) TEMPORARY JUDGESHIPS.—The President shall  
12 appoint, by and with the advice and consent of the Sen-  
13 ate—

14           (1) 1 additional district judge for the middle  
15 district of Alabama;

16           (2) 1 additional district judge for the district of  
17 Arizona;

18           (3) 1 additional district judge for the northern  
19 district of California;

20           (4) 1 additional district judge for the eastern  
21 district of California;

22           (5) 1 additional district judge for the central  
23 district of California;

24           (6) 1 additional district judge for the middle  
25 district of Florida;

1           (7) 1 additional district judge for the district of  
2 Idaho;

3           (8) 1 additional district judge for the northern  
4 district of Iowa;

5           (9) 1 additional district judge for the district of  
6 Minnesota;

7           (10) 1 additional district judge for the district  
8 of Nebraska;

9           (11) 1 additional district judge for the southern  
10 district of New York;

11           (12) 1 additional district judge for the eastern  
12 district of New York; and

13           (13) 1 additional district judge for the eastern  
14 district of Virginia.

15 For each of the judicial districts named in this subsection,  
16 the first vacancy arising on the district court 10 years or  
17 more after a judge is first confirmed to fill the temporary  
18 district judgeship created in that district by this sub-  
19 section shall not be filled.

20           (c) EXISTING JUDGESHIPS.—

21           (1) The existing judgeships for the district of  
22 Kansas, and the eastern district of Missouri author-  
23 ized by section 203(c) of the Judicial Improvements  
24 Act of 1990 (Public Law 101–650; 104 Stat. 5089)  
25 as amended by Public Law 111–8 (relating to the

1 district of Kansas) and Public Law 109–115 (relat-  
2 ing to the eastern district of Missouri), and the ex-  
3 isting judgeships for the district of Arizona, the dis-  
4 trict of New Mexico, and the eastern district of  
5 Texas authorized by section 312(c) of the 21st Cen-  
6 tury Department of Justice Appropriations Author-  
7 ization Act (Public Law 107–273, 116 Stat. 1758),  
8 as of the effective date of this Act, shall be author-  
9 ized under section 133 of title 28, United States  
10 Code, and the incumbents in those offices shall hold  
11 the office under section 133 of title 28, United  
12 States Code, as amended by this Act.

13 (2) The existing judgeship for the northern dis-  
14 trict of Ohio authorized by section 203(c) of the Ju-  
15 dicial Improvements Act of 1990 (Public Law 101–  
16 650, 104 Stat. 5089) as amended by Public Law  
17 111–8, as of the effective date of this Act, shall be  
18 extended. The first vacancy in the office of district  
19 judge in this district occurring 23 years or more  
20 after the confirmation date of the judge named to  
21 fill the temporary judgeship created by section  
22 302(c) shall not be filled.

23 (d) TABLES.—In order that the table contained in  
24 section 133 of title 28, United States Code, will, with re-  
25 spect to each judicial district, reflect the changes in the

- 1 total number of permanent district judgeships authorized  
 2 as a result of subsections (a) and (c) of this section, such  
 3 table is amended to read as follows:

| <b>“Districts</b>          | <b>Judges</b> |
|----------------------------|---------------|
| Alabama:                   |               |
| Northern .....             | 7             |
| Middle .....               | 3             |
| Southern .....             | 3             |
| Alaska .....               | 3             |
| Arizona .....              | 14            |
| Arkansas:                  |               |
| Eastern .....              | 5             |
| Western .....              | 3             |
| California:                |               |
| Northern .....             | 18            |
| Eastern .....              | 10            |
| Central .....              | 31            |
| Southern .....             | 13            |
| Colorado .....             | 8             |
| Connecticut .....          | 8             |
| Delaware .....             | 4             |
| District of Columbia ..... | 15            |
| Florida:                   |               |
| Northern .....             | 4             |
| Middle .....               | 19            |
| Southern .....             | 20            |
| Georgia:                   |               |
| Northern .....             | 11            |
| Middle .....               | 4             |
| Southern .....             | 3             |
| Hawaii .....               | 3             |
| Idaho .....                | 2             |
| 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             |



| <b>“Districts</b>                    | <b>Judges</b> |
|--------------------------------------|---------------|
| 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 .....                         | 7             |
| New Hampshire .....                  | 3             |
| New Jersey .....                     | 18            |
| New Mexico .....                     | 8             |
| New York:                            |               |
| Northern .....                       | 5             |
| Southern .....                       | 29            |
| Eastern .....                        | 16            |
| Western .....                        | 5             |
| 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 .....                         | 7             |
| Pennsylvania:                        |               |
| Eastern .....                        | 22            |
| Middle .....                         | 6             |
| Western .....                        | 10            |
| Puerto Rico .....                    | 7             |
| Rhode Island .....                   | 3             |
| South Carolina .....                 | 11            |
| South Dakota .....                   | 3             |
| Tennessee:                           |               |
| Eastern .....                        | 5             |
| Middle .....                         | 4             |
| Western .....                        | 5             |
| Texas:                               |               |
| Northern .....                       | 12            |

| <b>“Districts</b> | <b>Judges</b> |
|-------------------|---------------|
| Southern .....    | 21            |
| Eastern .....     | 9             |
| Western .....     | 17            |
| Utah .....        | 5             |
| Vermont .....     | 2             |
| Virginia:         |               |
| Eastern .....     | 11            |
| Western .....     | 4             |
| Washington:       |               |
| Eastern .....     | 4             |
| Western .....     | 8             |
| West Virginia:    |               |
| Northern .....    | 3             |
| Southern .....    | 5             |
| Wisconsin:        |               |
| Eastern .....     | 5             |
| Western .....     | 2             |
| 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.

7 **SEC. 5. EFFECTIVE DATE.**

8       This Act (including the amendments made by this  
 9 Act) shall take effect on the date of enactment of this Act.

