TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

This title was enacted by act June 25, 1948, ch. 646, § 1, 62 Stat. 869

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1966—Pub. L. 89–554, § 4(a), Sept. 6, 1966, 80 Stat. 611, substituted ''Department of Justice'' for ''United States Attorneys and Marshals'' in item for part II.

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383	Rep. See Civ. Proc. R. 65(d).
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636	Rep. See Civ. Proc. R. 34, 55.
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645	Rep. See Civ. Proc. R. 27(a)(4).
646	Rep. See Civ. Proc. R. 26 et seq.
647	Rep. See Civ. Proc. R. 45; Cr. Proc. R. 17.
648	Rep. See Civ. Proc. R. 45(d); Cr. Proc. R. 17(f).
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655	Rep. See Civ. Proc. R. 45; Cr. Proc. R. 17.
656	Rep. See Cr. Proc. R. 17(b).
657	Rep. See Cr. Proc. R. 46(b).
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869	Rep.
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[1] Court of Claims Rules were replaced by U.S. Claims Court Rules effective Oct. 1, 1982, and subsequently by United States Court of Federal Claims Rules effective Dec. 4, 1992.

[2] Admiralty Rules were superseded July 1, 1966, by Supplemental Rules for Certain Admiralty and Maritime Claims.

ENACTMENT INTO LAW; CITATION

Section 1 of act June 25, 1948, ch. 646, 62 Stat. 869, provided in part: ''That title 28 of the United States Code, entitled 'Judicial Code and Judiciary' is hereby revised, codified, and enacted into law, and may be cited as 'Title 28, United States Code, section _____.' ''

LEGISLATIVE CONSTRUCTION

Section 33 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: ''No inference of a legislative construction is to be drawn by reason of the chapter in Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catchlines used in such title.''

SEPARABILITY

Section 34 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: ''If any part of Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby.''

EFFECTIVE DATE

Section 38 of act June 25, 1948, ch. 646, 62 Stat. 992, provided that: ''The provisions of this Act shall take effect on September 1, 1948.''

REPEALS; RIGHTS AND LIABILITIES SAVED

Section 39 of act June 25, 1948, ch. 646, 62 Stat. 992, repealed the sections or parts thereof of the Revised Statutes of the United States, Statutes at Large, or the Revised Statutes of the District of Columbia covering provisions codified in this title, but saved any rights or liabilities then existing under said sections or parts thereof.

R.S. §1012 as affected by act Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167 [section 880 of former Title 28, Judicial Code and Judiciary], provided that appeals from district courts shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error. This provision was repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992. Section 2 of act Jan. 31, 1928, ch. 14, 45 Stat. 54, as amended Apr. 26, 1928, ch. 440, 45 Stat. 466; June 25, 1948, ch. 646, §23, 62 Stat. 990 [section 861b of former Title 28, Judicial Code and Judiciary], provided that: ''All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error.''

WRITS OF ERROR

Act Jan. 31, 1928, ch. 14, §1, 45 Stat. 54 [section 861a of former Title 28, Judicial Code and Judiciary], provided that: ''The writ of error in cases, civil and criminal, is abolished. All relief which heretofore [Jan. 31, 1928] could be obtained by writ of error shall hereafter be obtainable by appeal.'' This provision was omitted from the 1948 Revised Judicial Code as obsolete, and repealed by act June 25, 1948, ch. 646, §39, 62 Stat. 992.

TITLE 28 AS CONTINUATION OF EXISTING LAW; CHANGE OF NAME OF CIRCUIT COURTS OF APPEALS

Section 2(b) of act June 25, 1948, ch. 646, 62 Stat. 985, provided that: ''The provisions of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act [Sept. 1, 1948], shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appro-

priate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however*, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.''

PART I—ORGANIZATION OF COURTS

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AMENDMENTS

2002—Pub. L. 107–273, div. C, title I, § 11042(b), Nov. 2, 2002, 116 Stat. 1855, added item for chapter 16.

1992—Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted ''United States Court of Federal Claims'' for ''United States Claims Court'' in item for chapter 7.

1990—Pub. L. 101–650, title I, § 103(d), Dec. 1, 1990, 104 Stat. 5096, added item for chapter 23.

1984—Pub. L. 98–353, title I, § 104(b), July 10, 1984, 98 Stat. 342, added item for chapter 6.

1982—Pub. L. 97–164, title I, §§ 105(b), 106, Apr. 2, 1982, 96 Stat. 28, substituted ''United States Claims Court'' for ''Court of Claims'' in item for chapter 7 and struck out item for chapter 9 ''Court of Customs and Patent Appeals''.

1980—Pub. L. 96–417, title V, § 501(1), Oct. 10, 1980, 94 Stat. 1742, substituted ''Court of International Trade'' for ''Customs Court'' in item for chapter 11.

1978—Pub. L. 98–598, title II, § 201(b), Nov. 6, 1978, 92 Stat. 2660, directed amendment of analysis of chapters comprising part I by adding item for chapter 6 ''Bankruptcy courts'', which amendment did not become effective pursuant to section 402(b) of Pub. L. 95–598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EXECUTIVE ORDER NO. 11992

Ex. Ord. No. 11992, May 24, 1977, 42 F.R. 27195, which established Committee on Selection of Federal Judicial Officers and provided for its membership, functions, etc., was revoked, and Committee terminated, by Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 1—SUPREME COURT

Sec.
1. Number of justices; quorum.
2. Terms of court.
3. Vacancy in office of Chief Justice; disability.
4. Precedence of associate justices.
5. Salaries of justices.
6. Records of former court of appeals.

[1] Chapter heading amended by Pub. L. 92–397 without corresponding amendment of analysis.

§ 1. Number of justices; quorum

The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 321 (Mar. 3, 1911, ch. 231, § 215, 36 Stat. 1152).

Appointment of ''judges of the Supreme Court'' by the President by and with the advice and consent of the Senate is provided by U.S. Constitution art. 2, § 2, cl. 2.

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–122, § 1, Dec. 22, 2009, 123 Stat. 3480, provided that: ''This Act [enacting section 509B of this title, amending sections 1103 and 1182 of Title 8, Aliens and Nationality, and sections 1091 and 2339A of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 1182 of Title 8] may be cited as the 'Human Rights Enforcement Act of 2009'.''

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–406, § 1(a), Oct. 13, 2008, 122 Stat. 4291, provided that: ''This Act [enacting section 2045 of this title, amending sections 103, 123, 333, 991, 1864, 1866, 1869, 1871, 1875, and 1920 of this title, section 104 of Title 11, Bankruptcy, and sections 3006A, 3152, 3154, 3161, 3563, 3583, 3599, and 3672 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 123 and 1871 of this title] may be cited as the 'Judicial Administration and Technical Amendments Act of 2008'.''

Pub. L. 110–177, § 1, Jan. 7, 2008, 121 Stat. 2534, provided that: ''This Act [see Tables for classification] may be cited as the 'Court Security Improvement Act of 2007'.''

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–34, § 1, June 14, 2007, 121 Stat. 224, provided that: ''This Act [amending section 546 of this title and enacting provisions set out as a note under section 546 of this title] may be cited as the 'Preserving United States Attorney Independence Act of 2007'.''

SHORT TITLE OF 2005 AMENDMENTS

Pub. L. 109–63, § 1, Sept. 9, 2005, 119 Stat. 1993, provided that: ''This Act [amending sections 48, 141, 152, and 636 of this title] may be cited as the 'Federal Judiciary Emergency Special Sessions Act of 2005'.''

Pub. L. 109–8, title XII, § 1223(a), Apr. 20, 2005, 119 Stat. 196, provided that: ''This section [amending section 152 of this title and enacting provisions set out as notes under section 152 of this title] may be cited as the 'Bankruptcy Judgeship Act of 2005'.''

Pub. L. 109–2, § 1(a), Feb. 18, 2005, 119 Stat. 4, provided that: ''This Act [enacting chapter 114 and section 1453 of this title, amending sections 1332, 1335, and 1603 of this title, and enacting provisions set out as notes under sections 1332, 1711, 2071, and 2074 of this title] may be cited as the 'Class Action Fairness Act of 2005'.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–273, div. C, title I, § 11020(a), Nov. 2, 2002, 116 Stat. 1826, provided that: ''This section [enacting sections 1369, 1697, and 1785 of this title, amending sections 1391 and 1441 of this title, and enacting provisions set out as a note under section 1369 of this title] may