

-CITE-

28 USC Sec. 2072

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART V - PROCEDURE

CHAPTER 131 - RULES OF COURTS

-HEAD-

Sec. 2072. Rules of procedure and evidence; power to prescribe

-STATUTE-

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

(c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.

-SOURCE-

(Added Pub. L. 100-702, title IV, Sec. 401(a), Nov. 19, 1988, 102 Stat. 4648; amended Pub. L. 101-650, title III, Secs. 315, 321, Dec. 1, 1990, 104 Stat. 5115, 5117.)

-MISC1-

PRIOR PROVISIONS

A prior section 2072, acts June 25, 1948, ch. 646, 62 Stat. 961;

May 24, 1949, ch. 139, Sec. 103, 63 Stat. 104; July 18, 1949, ch. 343, Sec. 2, 63 Stat. 446; May 10, 1950, ch. 174, Sec. 2, 64 Stat. 158; July 7, 1958, Pub. L. 85-508, Sec. 12(m), 72 Stat. 348; Nov. 6, 1966, Pub. L. 89-773, Sec. 1, 80 Stat. 1323, authorized the Supreme Court to prescribe rules of civil procedure, prior to repeal by Pub. L. 100-702, Secs. 401(a), 407, effective Dec. 1, 1988.

AMENDMENTS

1990 - Subsec. (c). Pub. L. 101-650 added subsec. (c).

-CHANGE-

CHANGE OF NAME

Words "magistrate judges" substituted for "magistrates" in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

-MISC2-

EFFECTIVE DATE

Section effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as an Effective Date of 1988 Amendment note under section 2071 of this title.

APPLICABILITY TO VIRGIN ISLANDS

Rules of civil procedure promulgated under this section as applicable to the District Court of the Virgin Islands, see section 1615 of Title 48, Territories and Insular Possessions.

ADMIRALTY RULES

The Rules of Practice in Admiralty and Maritime Cases,

promulgated by the Supreme Court on Dec. 20, 1920, effective Mar. 7, 1921, as revised, amended, and supplemented, were rescinded, effective July 1, 1966, in accordance with the general unification of civil and admiralty procedure which became effective July 1, 1966. Provision for certain distinctly maritime remedies were preserved however, in the Supplemental Rules for Certain Admiralty and Maritime Claims, Rules **A** to F, Federal Rules of Civil Procedure, Appendix to this title.