

MAGISTRATE RULE 1 | AUTHORITY OF UNITED STATES MAGISTRATE JUDGES

(a) Duties under 28 U.S.C. §636(a). Each United States Magistrate Judge of this Court is authorized to perform the duties prescribed by 28 U.S.C. §636(a), and may -

- (1) Exercise all the powers and duties conferred or imposed upon United States Commissioners by law and the Federal Rules of Criminal Procedure;
- (2) Administer oaths and affirmations, impose conditions of release under 18 U.S.C. §3146, and take acknowledgments, affidavits, and depositions; and
- (3) Conduct extradition proceedings, in accordance with 18 U.S.C. §3184.

(b) Disposition of Misdemeanor Cases - 18 U.S.C. §3401; Federal Rule of Criminal Procedure 58. A Magistrate Judge may -

- (1) Arraign and try persons accused of, and sentence persons convicted of, misdemeanors committed within this District in accordance with 18 U.S.C. §3401 and Federal Rule of Criminal Procedure 58;
- (2) Direct the Probation Office of the Court to conduct a presentence investigation in any misdemeanor case; and
- (3) Conduct a jury trial in any misdemeanor case where the defendant so requests and is entitled to trial by jury under the Constitution and laws of the United States.

(c) Determination of Non-dispositive Pretrial Matters - 28 U.S.C. §636(b) (1) (A). A Magistrate Judge may hear and determine any procedural or discovery motion or other pretrial matter in a civil or criminal case, other than the motions which are specified in subsection 1(d), infra, of these rules.

(d) Recommendations Regarding Case-Dispositive Motions-28 U.S.C. §636(b) (1) (B) .

- (1) A Magistrate Judge may submit to a District Judge of the Court a report containing proposed findings of fact and recommendations for disposition by the District Judge of the following pretrial motions in civil and criminal cases:



(A) Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

(B) Motions for judgment on the pleadings;

(C) Motions for summary judgment;

(D) Motions to dismiss or permit the maintenance of a class action;

(E) Motions to dismiss for failure to state a claim upon which relief may be granted;

(F) Motions to involuntarily dismiss an action;

(G) Motions for review of default judgments;

(H) Motions to dismiss or quash an indictment or information made by a defendant; and

(I) Motions to suppress evidence in a criminal case.

(2) A Magistrate Judge may determine any preliminary matters and conduct any necessary evidentiary hearing or other proceeding arising in the exercise of the authority conferred by this subsection.

(e) Prisoner Cases Under 28 U.S.C. §§2254 and 2255. A Magistrate Judge may perform any or all of the duties imposed upon a District Judge by the rules governing proceedings in 28 U.S.C. §§2254 and 2255. In so doing, a Magistrate Judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding and shall submit to a District Judge a report containing proposed findings of fact and recommendations for disposition of the petition by the District Judge. Any order disposing of the petition may only be made by a District Judge.

(f) Prisoner Cases Under 42 U.S.C. §1983. A Magistrate Judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding and shall submit to a District Judge a report containing proposed findings of fact and recommendation for the disposition of petitions filed by prisoners challenging the conditions of their confinement.



(g) Special Master References. A Magistrate Judge may be designated by a District Judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. §636(b)(2) and Federal Rules of Civil Procedure 53. Upon the consent of the parties, a Magistrate Judge may be designated by a District Judge to serve as a special master in any civil case, notwithstanding the limitations of Federal Rule of Civil Procedure 53(b).

(h) Conduct of Trials and Disposition of Civil Cases Upon Consent of the Parties—28 U.S.C. §636(c). Upon the consent of the parties, a full-time Magistrate Judge may conduct any or all proceedings in any civil case which is filed in this Court, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. §636(c). In the course of conducting such proceedings upon consent of the parties, a Magistrate Judge may hear and determine any and all pre-trial and post-trial motions which are filed by the parties, including case-dispositive motions.

(i) Other Duties. A Magistrate Judge is also authorized to -

- (1) Exercise general supervision of civil and criminal calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the District Judges;
- (2) Conduct pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil and criminal cases;
- (3) Conduct arraignments in criminal cases not triable by the Magistrate Judge and take not guilty pleas in such cases;
- (4) Receive grand jury returns in accordance with Federal Rule of Criminal Procedure 6(f);
- (5) Accept waivers of indictment, pursuant to Federal Rule of Criminal Procedure 7(b);
- (6) Conduct voir dire and select petit juries for the Court;
- (7) Accept petit jury verdicts in civil cases in the absence of a District Judge;



- (8) Conduct necessary proceedings leading to the potential revocation of probation;
- (9) Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for Court proceedings;
- (10) Order the exoneration or forfeiture of bonds;
- (11) Conduct proceedings for the collection of civil penalties of not more than \$200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. §1484(d);
- (12) Conduct examinations of judgment debtors in accordance with Federal Rule of Civil Procedure 69;
- (13) Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act;
- (14) Perform the functions specified in 18 U.S.C. §§4107, 4108 and 4109, regarding proceedings for verification of consent by offenders to transfer to or from the United States and the appointment of counsel therein;
- (15) Preside at naturalization hearings and ceremonies; and
- (16) Perform any additional duty as is not inconsistent with the Constitution and laws of the United States.

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