

**RULE 9 | ARREST WARRANT OR SUMMONS ON AN INDICTMENT OR INFORMATION**

**(a) Issuance.** The court must issue a warrant — or at the government's request, a summons — for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it.

**(b) Form.**

**(1) Warrant.** The warrant must conform to Rule 4(b)(1) except that it must be signed by the clerk and must describe the offense charged in the indictment or information.

**(2) Summons.** The summons must be in the same form as a warrant except that it must require the defendant to appear before the court at a stated time and place.

**(c) Execution or Service; Return; Initial Appearance.**

**(1) Execution or Service.**

(A) The warrant must be executed or the summons served as provided in Rule 4(c)(1), (2), and (3).

(B) The officer executing the warrant must proceed in accordance with Rule 5(a)(1).

**(2) Return.** A warrant or summons must be returned in accordance with Rule 4(c)(4).

**(3) Initial Appearance.** When an arrested or summoned defendant first appears before the court, the judge must proceed under Rule 5.

**(d) Warrant by Telephone or Other Means.** In accordance with Rule 4.1, a magistrate judge may issue an arrest warrant or summons based on information communicated by telephone or other reliable electronic means.

*(As amended Apr. 24, 1972, eff. Oct. 1, 1972; Apr. 22, 1974, eff. Dec. 1, 1975; Pub. L. 94–64, §3(4), July 31, 1975, 89 Stat. 370, eff. Dec. 1, 1975; Pub. L. 94–149, §5, Dec. 12, 1975, 89 Stat. 806; Apr. 30, 1979, eff. Aug. 1, 1979; Apr. 28, 1982, eff. Aug. 1, 1982; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 2002, eff. Dec. 1, 2002; Apr. 26, 2011, eff. Dec. 1, 2011.)*