

Rule 5.1 Duties of United States Magistrate Judges

(a) Additional Duties - 28 U.S.C. § 636(b). In addition to the powers and duties set forth in 28 U.S.C. § 636(a), the Magistrate Judges are hereby authorized, pursuant to 28 U.S.C. § 636(b), to perform any and all additional duties as may be assigned to them from time to time by any District Judge of this Court which are not inconsistent with the Constitution and laws of the United States.

(b) Assignment of Duties. The assignment of duties to Magistrate Judges by the District Judges of this Court may be made by standing order entered jointly by the District Judges of the Court; or by any individual District Judge, in any case or cases assigned to such District Judge, through written order or oral directive made or given with respect to such case or cases.

(c) Authorized Duties. The duties authorized to be performed by Magistrate Judges, when assigned to them pursuant to subsection (b) of this Rule, shall include, but are not limited to:

(1) Acceptance of criminal complaints and issuance of arrest warrants or summonses (Fed. R. Crim. P. 4);

(2) Issuance of search warrants, including warrants based upon oral or telephonic testimony (Fed. R. Crim. P. 41);

(3) Conduct of initial appearance proceedings for defendants, informing them of the charges against them and of their rights, and imposing conditions of release (Fed. R. Crim. P. 5);

(4) Conduct of initial proceedings upon the appearance of an individual accused of an act of juvenile delinquency (18 U.S.C. § 5034);

(5) Appointment of attorneys for defendants who are unable to afford or obtain counsel and approval of attorneys' expense vouchers in appropriate cases (18 U.S.C. § 3006A);

(6) Appointment of interpreters in cases initiated by the United States (28 U.S.C. §§ 1827 and 1828);

(7) Direction of the payment of basic transportation and subsistence expenses for defendants financially unable to bear the costs of travel to required court appearances (18 U.S.C. § 4285);

(8) Setting of bail for material witnesses (18 U.S.C. § 3144);

(9) Conduct of preliminary examinations (Fed. R. Crim. P. 5.1 and 18 U.S.C. § 3060);

(10) Conduct of initial proceedings for defendants charged with criminal offenses in other districts (Fed. R. Crim. P. 40);

(11) Administration of oaths and taking bail, acknowledgments, affidavits and depositions (28 U.S.C. § 636(a)(2));

(12) Conduct of full extradition proceedings (18 U.S.C. § 3184); and

(13) Discharge of indigent prisoners or persons imprisoned for debt under process of execution issued by a federal court (18 U.S.C. § 3569 and 28 U.S.C. § 2007).

(d) Disposition of Misdemeanor Cases - 28 U.S.C. § 636(a)(3) & (4) and 18 U.S.C. § 3401. A Magistrate Judge may:

(1) Try persons accused of, and sentence persons convicted of, misdemeanors committed within this District in accordance with 18 U.S.C. § 3401 and pursuant to Fed. R. Crim. P. 58;

(2) Direct the Probation Office of the Court to conduct a presentence investigation in any misdemeanor case;

(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; and

(4) Conduct any necessary hearings upon applications to revoke probation and enter final orders when such probation was imposed by a Magistrate Judge after conviction of a misdemeanor.

(e) 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 motion or pretrial matter in a criminal case, other than the motions which are specified in subsection (f) of this Rule.

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

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

- (A) Motions to dismiss or quash an indictment or information made by a defendant;
- (B) Motions to suppress evidence;
- (C) Applications to revoke probation, including the conduct of the final probation revocation hearing; and
- (D) Applications for post-trial relief made by individuals convicted of criminal offenses.

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

(g) Additional Duties - 28 U.S.C. § 636(b)(3). A Magistrate Judge of this Court is also authorized to:

- (1) Exercise general supervision of criminal calendars, including the handling of calendar and status calls, and motions to expedite or postpone the trial of cases for the District Judges;
- (2) Conduct pretrial conferences, omnibus hearings, and related pretrial proceedings in criminal cases;
- (3) Conduct post-indictment arraignments and accept not guilty pleas;
- (4) Receive Grand Jury returns in accordance with Fed. R. Crim. P. 6(f);
- (5) Accept waivers of indictment, pursuant to Fed. R. Crim. P. 7(b);
- (6) 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;
- (7) Order the exoneration or forfeiture of bonds;
- (8) Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act;
- (9) Conduct preliminary hearings in probation violation proceedings;
- (10) 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;
- (11) Conduct removal proceedings in accordance with Fed. R. Crim. P. 40, and issue all necessary orders incident thereto;

(12) Hear motions and enter orders for examinations to determine mental competency (18 U.S.C. §§ 4241-4248);

(13) Authorize installation of pen registers, trap and trace devices (and issue orders to assist), beeper devices (transponders), clone beepers, and the like;

(14) Serve as a member of this District's Speedy Trial Act Planning Group, including service as the reporter (18 U.S.C. § 3168);

(15) Supervise this Court's Criminal Justice Act plan;

(16) Coordinate the Court's efforts in such areas as the promulgation of local rules and procedures;

(17) Supervise proceedings on requests for letters rogatory in criminal cases upon special designation by the Court as required under 28 U.S.C. § 1782;

(18) Hear and determine applications for admission to practice before this Court; and

(19) Perform any additional duty as is not contrary to the law of this District and Circuit or inconsistent with the Constitution and laws of the United States.