

Dec 16 2011

United States District Court
Northern District of Ohio
General Order

GENERAL ORDER NO. 2011-31

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CRIMINAL DUTY PROTOCOL OF)
CLEVELAND MAGISTRATE JUDGES) ORDER NO. 2011-31
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)

Effective January 8, 2012, the following procedures will apply to criminal proceedings conducted by Magistrate Judges of the Northern District of Ohio at Cleveland, upon assignment of such proceedings by the District Judges of the Court:

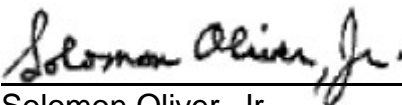
1. In addition to the Magistrate Judge assigned by random draw to each criminal case, there will be a rotating two-week Criminal Duty Magistrate Judge (CDMJ) who will perform the following responsibilities:
 - Review and rule on new ex parte applications for pen registers and traps and traces (once the CDMJ rules on such an application, he or she will review and rule on any additional, related applications);
 - Review and issue search warrants;
 - Review complaints and issue arrest warrants thereon;
 - Conduct initial appearances on arrests upon warrants issued on complaints
 - Conduct detention hearings and/or preliminary hearings following initial appearances on arrests upon warrants issued on complaints (The magistrate judge who issued the warrant will conduct the detention and/or preliminary hearing, even if the arrest occurs after the duty period.);
 - Conduct arraignments if
 - a) the defendant is arrested on warrant during the duty period, or the defendant is appearing on notice during the duty period, provided the assigned District Judge will not do the arraignment because of general practice or unavailability, or

(b) the defendant appears during the duty period on a writ (the writ will be reviewed and issued by the magistrate judge who will be on duty as of the date the arraignment is scheduled) to the state court, and the assigned District Judge will not do the arraignment because of general practice or unavailability;

- Supervised release and probation violation initial appearance upon arrest on warrant during the duty period; and
 - Grand jury returns
2. The assigned magistrate judge will perform the following responsibilities regardless of the criminal duty assignment:
- Detention hearings following arraignments;
 - Any proceedings in “MJ” misdemeanor cases;
 - Hearings on motions to revoke or modify the terms of orders of pre-trial supervised release by the Magistrate Judge;
 - Proceedings following reports of violations of terms of orders of pre-trial supervised release issued by the Magistrate Judge;
 - Supervised release and probation violation initial appearances upon summons; where necessary, detention and preliminary hearings; and, when appropriate, the final revocation hearing; and
 - Receive guilty pleas. (The assigned Magistrate Judge may pass the guilty plea to the CDMJ with the approval of the assigned District Judge if the assigned Magistrate Judge is not available.)
3. If the assigned Magistrate is unavailable, the matter will be handled by the CDMJ, subject to the approval of the assigned District Judge.
4. This protocol is intended as a guide for the distribution of responsibilities in criminal cases and should be applied with common sense to promote the objectives of predictability, uniformity, and judicial economy.

IT IS SO ORDERED.

FOR THE COURT



Solomon Oliver, Jr.
Chief Judge
United States District Court