

Feb 11 2022

United States District Court
Northern District of Ohio
General Order

AMENDED GENERAL ORDER NO. 2011-31

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

CRIMINAL DUTY PROTOCOL OF
MAGISTRATE JUDGES

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ORDER NO. 2011-31-3


Effective immediately, the following procedures will apply to criminal proceedings conducted by Magistrate Judges of the Northern District of Ohio, 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 (AMJ), there will be a Criminal Duty Magistrate Judge (CDMJ). In Cleveland, Magistrate Judges shall serve as the CDMJ on a rotating two-week basis. In Toledo, Akron, and Youngstown, Magistrate Judges shall serve as the CDMJ for their respective locations. The Criminal Duty Magistrate Judge will perform the following responsibilities:
 - Review and rule on ex parte applications for pen registers and traps and traces, and 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, and 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 initial proceedings under Criminal Rule 5(c)(2) and (3) where the offense was allegedly committed in a district other than the Northern District of Ohio;
 - Review and rule on ex parte motions for appointment of counsel;
 - Conduct and process grand jury returns.

2. The assigned magistrate judge will perform the following responsibilities regardless of the criminal duty assignment:
 - Conduct arraignments if the defendant is arrested on a warrant or the defendant is appearing on a summons, if the assigned District Judge so requests;
 - Conduct detention hearings following arraignments;
 - Conduct any proceedings in “MJ” misdemeanor cases;
 - Conduct hearings on motions to revoke or modify the terms of orders of pre-trial supervised release by the Magistrate Judge;
 - Conduct supervised release and probation violation warrants and initial appearances upon summons; where necessary, detention and preliminary hearings; and, when referred, the final revocation hearing on fact of violation;
 - 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. When a magistrate judge leaves the bench and there is a temporary vacancy, every effort will be made to keep the magistrate judge case docket intact. Until the vacancy is filled, criminal magistrate judge cases will be assigned to the CDMJ as needed. The Clerk’s Office is to randomly reassign any pending misdemeanor cases.
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.
5. These procedures will apply until the court is no longer able to use video conferencing for its criminal proceedings.

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge