

May 24 2023

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. 2011-31-5

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 CDMJ will perform the following responsibilities:
 - Review and rule on new ex parte applications for pen registers/traps and traces, non-disclosure orders, and all other similar ex parte criminal case applications. Once the CDMJ rules on such an application, the CDMJ will review and rule on any subsequent, related applications.
 - Review applications for and issue search warrants. Once the CDMJ issues such a warrant, the CDMJ will review any subsequent, related search warrants or ex parte applications.
 - Review complaints and issue arrest warrants thereon.
 - Conduct initial appearances on arrests upon warrants issued on complaints.
 - Conduct preliminary hearings and detention 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.
 - Likewise, the magistrate judge who granted bond shall conduct all pre-indictment proceedings arising from bond violation allegations.
 - Conduct initial proceedings under Criminal Rules 5(c)(2) and (3) where the offense was allegedly committed in a district other than the Northern District of Ohio.
 - Conduct arraignments if:
 - The defendant is arrested on a warrant during the duty period, or the defendant is appearing on a summons during the duty period, provided the assigned district judge will not do the arraignment because of general practice or unavailability, or
 - 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 that the arraignment is scheduled) to the state court, and that the assigned district judge will not do the arraignment because of general practice or unavailability.
 - Supervised release and probation violation initial appearances upon arrest on warrant during the duty period.
 - Review and rule on ex parte motions for the 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:
- Review and issue search warrants and address ex parte applications on assigned cases (after indictment).
 - Conduct detention hearings following arraignments.
 - When referred, the magistrate judge who granted bond shall conduct all proceedings arising from bond violation allegations.
 - Conduct any proceedings in “MJ” misdemeanor cases.
 - Conduct hearings on motions to revoke or modify the terms of orders of pre-trial release by the magistrate judge, if referred by the assigned district judge.

- Conduct all referred proceedings on supervised release and probation violations (initial appearances (via summons or writ), preliminary hearings and detention hearings, and preliminary revocation proceedings); and issue reports and recommendations as required.
 - Receive guilty pleas.
 - If the AMJ is unavailable, the matter will be handled by the CDMJ, subject to the approval of the assigned district judge.
3. When a magistrate judge leaves the bench and there is a temporary vacancy, every effort will be made to keep the affected 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.

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge