

Rule 57.9 Assignment of Cases

(a) **Assignment.** Subject to the latter provisions of this Rule, upon filing, each criminal case, shall be assigned by random draw to a District Judge. He or she shall continue in the case or matter until its final disposition. Any case received from the random draw may be transferred, with the concurrence of the receiving District Judge and the approval of the Chief Judge.

(1) With regard to all criminal proceedings in the Eastern Division of the Court, after each case is assigned by random draw to a District Judge, the Clerk shall immediately assign a Magistrate Judge to the case in accordance with orders of the Court.

(2) Preliminary matters in criminal cases, including but not limited to, the acceptance of criminal complaints and issuance of arrest warrants or summonses and applications for the issuance of search warrants, applications for seizure warrants, and applications for administrative inspection warrants, shall be presented by the applicant to the Magistrate Judge on warrant duty at the time of application, unless directly related to a matter previously considered by another Magistrate Judge, in which case the application shall be presented to such other Magistrate Judge.

(b) **Reassignment.** Cases shall be assigned other than by random draw only in the instances set forth in this paragraph. Such assignments shall be made by the Clerk in accordance with these Rules. When an additional assignment is thus made to a District Judge under any of the following sub-paragraphs, on the next draw by said District Judge of a case of the same category, that assignment shall be passed, and said case shall be reassigned to the District Judge whose card is next drawn in that category.

(1) **Disqualification.** Should a District Judge be disqualified from hearing a case assigned to him or her, the case shall be reassigned by random draw in the respective division.

(2) **Subsequent Proceedings.** Subsequent proceedings in criminal cases (including supervised release violations, probation violations and petitions under 28 U.S.C. § 2255) shall be assigned to the District Judge who heard the original case. In instances where the District Judge who heard the original case is no longer with the Court, the subsequent proceedings shall be assigned to an active District Judge in the respective division by random draw from the deck maintained for post-judgment matters. Whenever a new criminal case is filed contemporaneously with a subsequent proceeding against the same defendant, the subsequent proceeding shall be assigned pursuant to this paragraph and the new case shall be assigned separately pursuant to subsection (a) of this Rule.

(3) **Related cases.** A case may be re-assigned as related to an earlier assigned case with the concurrence of both the transferee and the transferor

~~District Judges~~Judicial Officers. There is a presumption of the Court not to re-assign a case when the earlier case is closed. The United States Attorney's Office shall, in any case which is, or might be considered, related to another case, file a motion/notice with both ~~District Judges~~Judicial Officers advising the Court of the relationship. A new violation resulting in a federal indictment or information may be considered related to the previously filed case. The United States Attorney's Office shall notify the Court pursuant to this paragraph.

(4) Refiled Cases. If an action is discontinued and subsequently refiled, it shall be assigned to the same District Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel shall be responsible for indicating relatedness on the Criminal Designation Form (Appendix C).

When it becomes apparent to the District Judge to whom a case is assigned that the case was previously filed in this Court and assigned to another District Judge and was discontinued, the two District Judges shall sign an order reassigning the case to the District Judge who had been assigned the earlier case.

(5) Superseding Matters An indictment or information which ~~superecedessupersedes~~ another shall be assigned to the District Judge to whom the superseded matter was assigned.