District Local Rule Crim 59.1 (Criminal)

MAGISTRATE JUDGE RULES

(a) **Authority of United States Magistrate Judges in Felony Matters.**

(1) Upon referral by a district judge, a magistrate judge shall impanel the grand jury.

(2) A magistrate judge may accept waivers of indictment pursuant to Federal Rule of Criminal Procedure 7(b).

(3) A magistrate judge shall preside over all arraignments, establish deadlines within which parties shall file and respond to pretrial motions, and fix trial dates.

(4) A magistrate judge may conduct plea inquiry hearings pursuant to Fed. R. Crim. P. 11 if a district judge has referred the matter to the magistrate judge, and the defendant, in writing, has waived his or her right to have a district judge take the plea. If, during the hearing, the requirements of Fed. R. Crim. P. 11 are met, the magistrate judge shall:

(A) Order the probation officer to conduct a presentence investigation and prepare a presentence report pursuant to Fed. R. Crim. P. 32;

(B) Set deadlines in accordance with Fed. R. Crim. P. 32 for disclosure of the presentence report;

(C) Set the date for objections and responses to objections;

(D) Calendar the case for sentencing before the district judge; and

(E) File a report certifying that the requirements of Fed. R. Crim. P. 11 have been met and recommending that the district court accept the defendant's plea.

(5) A magistrate judge may conduct voir dire and select petit juries if the district court has referred the matter to the magistrate judge for that purpose and the parties have consented in writing.

(6) A magistrate judge may at the request of a district judge, and with the consent of the parties, accept petit jury verdicts, fix dates for imposition of sentence, determine if release pending appeal is appropriate, and set the terms and conditions of that release.

(7) Perform any additional duties not inconsistent with the Constitution and laws of the United States.

(b) **Orders and Reports and Recommendations**

Objections to an order on a non-dispositive matter or to a report and recommendation on a dispositive matter filed by a magistrate judge shall be filed pursuant to Fed. R. Crim. P. 59 and shall not exceed twenty (20) pages. A party may respond to another party's objections within fourteen (14) days of being served with a copy of the objections, or at some other time set by the magistrate judge. Any response shall not exceed ten (10) pages.

RELATED AUTHORITY

Fed. R. Crim. P. 59
Fed. R. Crim. P. 11
Fed. R. Crim. P. 32
