

LOCAL CRIMINAL RULES

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DUCrimR 1-1 APPLICABILITY, AVAILABILITY, AND EFFECTIVE DATE

(a) Scope.

These rules govern all criminal proceedings in this district pending at the time these rules take effect except when, in the court's opinion, the application is not feasible or just.

(b) Availability.

DUCivR 1-1(b) governs access to copies of these rules.

(c) Notice and Public Comment.

DUCivR 1-1(c) governs the court's process for a public comment period on proposed substantive rule changes and providing notice of adopted changes.

(d) Effective Date.

These rules are effective December 1, 2025.

DUCrimR 1-2 SANCTIONS FOR CRIMINAL RULE VIOLATIONS

On a party's motion or on its own, the court may impose sanctions against an attorney, a party, or both for violating these rules. Sanctions include costs, reasonable attorney's fees, a fine, a combination of these, or any other sanction the court deems appropriate.

DUCrimR 5-1 UNITED STATES PROBATION OFFICE REPORTS AND DOCUMENTS

(a) Report.

When the United States requests the detention of a defendant, the magistrate judge will request a report (e.g., a pretrial services report or supervised release report) under 18 U.S.C. § 3154 from the probation office. The report must

address rebuttable presumptions of detention under 18 U.S.C. § 3142(e)(2) and potential penalties for the alleged violation.

(b) Filing.

Before the defendant's first court appearance, the probation officer must, when possible, file the report in the court's CM/ECF system consistent with General Order 24-004, unless the court orders otherwise.¹

(c) Documents.

- (1) When the court receives documents, excluding those received from probation, the government, or defense counsel, relevant to the issue of detention before a hearing and does not consider the documents, the courtroom deputy will forward a copy to the relevant party's attorney when represented or party when unrepresented and not file a copy in the case. If the court considers the documents in advance of the hearing or at the hearing, the courtroom deputy will provide copies to the parties and file copies in CM/ECF within 3 days after the hearing as a supplement to the report.
- (2) If a person brings documents relevant to the issue of detention to a hearing and the court considers the documents, the courtroom deputy will file copies in CM/ECF within 3 days after the hearing as a supplement to the report.

¹ In 2025, the Administrative Office of the U.S. Courts directed the district courts to implement new procedures for the storage and management of sealed documents. Consistent with that direction, the court issued General Order 25-004, which removes electronic access in CM/ECF to restricted and sealed documents. Although these documents must still be filed in CM/ECF in compliance with local rules, the ECF Procedures Manual, and General Order 24-004, parties must serve them by other appropriate means under the applicable Federal Rules of Procedure. For details, see General Orders 25-004 and 24-004. Additional general orders may be issued as needed regarding electronic access to sealed and restricted documents.

- (3) These documents must be filed in CM/ECF system consistent with General Order 24-004, unless the court orders otherwise.²

(d) Confidentiality, Use, and Disposal of Reports and Documents.

- (1) The reports are confidential, subject to the limitations and exceptions of 18 U.S.C. § 3153(c).
- (2) A copy of the report must be made available to court, defense counsel, and the government as soon as possible but no later than at the time of the hearing.
- (3) Defense counsel may discuss and review the report with the defendant.
- (4) Defense counsel and the government must not disclose the report to other parties or nonparties absent a court order, rule, or policy.
- (5) An unrepresented defendant must return the copy of the report they received to the probation officer within 7 days after the hearing where the report or document was considered. An unrepresented party must not disclose or disseminate copies of the report.
- (6) When information in a report or document is disclosed, the recipient must keep the information confidential and use the information only for administering justice.

(e) Requests for Additional Disclosure.

- (1) The court may authorize the additional disclosure of a report, separate from that which is authorized by this rule, after receiving a written motion and upon a showing a good cause and after considering:
 - (A) any promise of confidentiality to the source of the information;
 - (B) any harm that such disclosure might cause to any person;

² See n.1.

- (C) the objective of confidentiality, as stated in the confidentiality regulations; and
 - (D) the purpose of the disclosure.
- (2) The motion requesting disclosure of a report should be made to the district or magistrate judge assigned to the case.

DUCrimR 11-1 PLEA AGREEMENT

(a) Plea Agreement.

In addition to the requirements of Fed. R. Crim. P. 11, a plea agreement in a felony case must be in writing and signed by the government, defense counsel, and the defendant. The plea agreement must be accompanied by a written stipulation of facts relevant to a plea of guilty.

(b) Cooperation Agreement.

A cooperation agreement must be in writing and signed by the government, defense counsel, and the defendant. The government will retain the agreement.

DUCrimR 12-1 PRETRIAL MOTIONS

(a) Motion and Supporting Memorandum.

- (1) Motion and Memorandum. The motion and supporting memorandum must be contained in one document, except as otherwise allowed by this rule. The document must include the following:
 - (A) an initial section succinctly stating the precise relief sought and the specific grounds for the motion; and
 - (B) one or more additional sections including a recitation of relevant facts, supporting authority, and argument.
- (2) Page Limits. There are no page limits for motions and memoranda.

(b) Response.

A response memorandum must be filed within 14 days after service of the motion. There are no page limits for a response.

(c) Reply.

A reply memorandum may be filed at the discretion of the movant within 7 days after service of the memorandum opposing the motion. A reply memorandum must be limited to rebuttal of matters raised in the memorandum opposing the motion. There are no page limitations for a reply memorandum.

(d) No Motion Within a Response or Reply.

A party may not make a motion in a response or reply. Any motion must be separately filed.

(e) Supplemental Authority.

When pertinent and significant authority comes to the attention of a party before the court has entered a decision on the motion, the party may promptly file a Notice of Supplemental Authority, which may not exceed 2 pages.

(1) The notice must contain, without argument, the following:

- (A) a reference either to the page of the memorandum or to a point argued orally to which the supplemental authority pertains; and
- (B) the reasons why the supplemental authority is relevant.

(2) The court may decide a motion without waiting for a response to the notice. If the court has not ruled on the motion, a party may file a response, which may not exceed 2 pages, within 7 days after service of the notice.

(f) Unpublished Decisions.

The citation of unpublished decisions is governed by DUCivR 7-2.

(g) Limited Statement of Facts and Legal Authority.

No statement of facts and legal authority beyond the concise statement of the relief requested and the grounds for the relief is required for the following motions:

- (1) to extend time for the performance of an act, whether required or permitted, provided the motion is made prior to expiration of the time originally prescribed or previously extended by the court;
- (2) to continue a hearing; and
- (3) to suppress evidence, unless the court directs otherwise.

(h) Failure to Comply.

Failure to comply with the requirements of this rule may result in sanctions that may include terminating the motion and directing counsel to refile it in accordance with the rule, denial of the motion, or other sanctions the court deems appropriate.

(i) Failure to Respond.

Failure to timely respond to a motion may result in the court granting the motion without any further notice.

(j) Hearings.

The court may, on its own or on a party's request, schedule a hearing on the motion. Otherwise, the court will decide the motion based on the written memoranda.

(k) Motion to Suppress Evidence Requiring an Evidentiary Hearing.

- (1) Unless the court orders otherwise, a motion to suppress evidence must concisely state, without an accompanying legal brief, the following:
 - (A) the basis for standing;
 - (B) the evidence for which suppression is sought; and
 - (C) the legal grounds for the motion.

- (2) Unless the court orders otherwise, a response by the government is not required before the evidentiary hearing.
- (3) At the conclusion of the evidentiary hearing, the court will provide a reasonable time for all parties to respond to the issues of fact and law raised in the motion and at the hearing.

(l) Proposed Order.

The court may request that a party prepare a proposed order. Unless the court orders otherwise, the proposed order should be emailed in editable format (e.g., WordPerfect or MS Word) to the chambers email address of the judge deciding the motion.

(m) Motions to Continue Under the Speedy Trial Act.

- (1) A motion to continue under the Speedy Trial Act must state:
 - (A) the event and date that activated the time limits of the Speedy Trial Act;
 - (B) the current trial date;
 - (C) whether previous motions for continuance have been made and when, and the disposition of those motions;
 - (D) whether the delay resulting from the requested continuance is excludable under the Speedy Trial Act, including citation to the specific statutory provision;
 - (E) the specific reasons, supported by facts, for the continuance and why the act or event cannot be completed or occur within the time originally allotted. Specifically, if the motion seeks:
 - (i) an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A), the motion must address all relevant factors under 18 U.S.C. § 3161(h)(7)(B) and include an explanation of how those factors justify a continuance.

- (ii) a continuance under 18 U.S.C. § 3161(h)(7)(B)(ii) because of the complexity of the case, including voluminous discovery, the motion must include specific facts explaining the complexity.
- (iii) a continuance under 18 U.S.C. § 3161(h)(7)(B)(iv) to effectively prepare for trial, counsel must provide sufficient facts to allow the court to determine whether counsel has exercised due diligence, including a summary of what steps counsel has taken to prepare for trial and what preparations remain, consistent with counsel's obligation to protect privileges and trial strategy.
- (iv) a continuance because other litigation presents a scheduling conflict, the motion must:
 - (a) identify the case name, number and court;
 - (b) list the date of the scheduling conflict and identify the conflicting event;
 - (c) explain why those conflicts preclude counsel from adequately preparing for the trial;
 - (d) explain why another attorney cannot handle the trial or the conflicting event; and
 - (e) include any other relevant circumstances.
- (v) a continuance because of a personal hardship for counsel or the client, the motion must include specific facts regarding the nature of that hardship and when the hardship might be

resolved. The movant may file the motion under restriction or seal consistent with General Order 24-004.³

- (F) the period of continuance, the facts that justify the length of the continuance, and other relief requested;
 - (G) whether the defendant has been notified of the requested continuance;
 - (H) whether opposing counsel agrees with or objects to the requested continuance; and
 - (I) the impact, if any, of the continuance on other scheduled deadlines.
- (2) The motion must be accompanied by a proposed order. A form motion and a proposed order can be found on the court's [website](#). The proposed order, which must not differ in any respect from the relief requested in the motion, must state the following:
- (A) the deadline being extended;
 - (B) the proposed new deadline; and
 - (C) the findings required under the Speedy Trial Act.

DUCrimR 12-2 MOTION SEEKING RELIEF SIMILAR TO ANOTHER PARTY'S MOTION

- (a)** A party seeking relief similar to that requested in another party's motion must file a separate motion that:
- (1) specifies the relief sought and supporting grounds;
 - (2) indicates approval, adoption, or incorporation by reference of any of the reasons stated, arguments advanced, or authorities cited in the other motion;

³ See n.1.

- (3) explains how those reasons, arguments, or authorities apply to the party filing the separate motion; and
 - (4) identifies the title, docket number, and filing date of the other motion.
- (b)** A party may not file a “Notice of Joinder” or “Joinder” to another party’s motion.

DUCrimR 16-1 DISCOVERY

(a) Discovery Motion Practice.

The parties must make reasonable efforts to agree to a pretrial exchange of discovery before seeking court assistance.

(b) Electronically Stored Information (ESI).

General Order No. 22-003 establishes guidelines for the production of discoverable ESI in criminal proceedings.

(c) Expert Disclosure Deadline.

Unless the court orders otherwise, the parties must disclose experts related to their case in chief 30 days before the final pretrial conference by filing a notice of intent to use an expert.

DUCrimR 17-1 SEALING OF EX PARTE MOTIONS AND ORDERS IN CRIMINAL JUSTICE ACT CASES RELATING TO WITNESS SUBPOENAS (SUSPENDED)

Suspended. See General Order 24-004.⁴

DUCrimR 17-2 MOTION FOR SUBPOENA FOR DOCUMENTS AND OBJECTS

- (a)** A party who seeks documents or objects from a witness, regardless of whether the party has retained or appointed counsel or is self-represented, must file a

⁴ See n.1.

motion for a subpoena under Fed. R. Crim. P. 17(c). A party may file the motion ex parte and with restricted access consistent with General Order 24-004.⁵

(b) The motion must include:

- (1) a description of the specific material requested;
- (2) an explanation of the following—
 - (A) the likelihood of admissibility of the material requested;
 - (B) why the material is unavailable through other means; and
 - (C) why the matter cannot be adequately prepared without the material;
- (3) one of the following representations—
 - (A) the subpoena does not seek a victim's personal or confidential information;
 - (B) the movant does not know whether the subpoena seeks a victim's personal or confidential information; or
 - (C) the subpoena expressly seeks a victim's personal or confidential information; and
- (4) a copy of the proposed subpoena attached as an exhibit.

(c) If the court concludes that a subpoena should issue that expressly seeks a victim's personal or confidential information, the following steps will be taken, absent exceptional circumstances:

- (1) the court will enter an order directing the Clerk's Office to provide the contact information of the victim or the victim's legal representative to the movant;

⁵ See n.1.

- (2) the movant must serve the victim or the victim's legal representative, under Fed. R. Crim. P. 49, with a written notice that includes the following—
 - (A) a copy of the proposed subpoena;
 - (B) a statement that the victim has the right to file a sealed motion to quash or modify or otherwise object to the subpoena within 14 days after service of the notice;
 - (C) a copy of DUCrimR 17-2; and
 - (D) a copy of Fed. R. Crim. P. 17;
- (3) if a motion or objection is filed within 14 days after service, the subpoena will not issue until further order of the court;
- (4) if a motion or objection is not filed within 14 days after service, the movant must file an ex parte certificate of compliance with section 17-2(c)(2) consistent with General Order 24-004⁶ and request that the court grant the motion and direct the Clerk's Office to issue the subpoena; and
- (5) the Clerk's Office will issue the subpoena to the movant for service.

DUCrimR 20-1 TRANSFER FOR PLEA AND SENTENCE

(a) Case Assignment.

If a case is transferred to the District of Utah under Fed. R. Crim. P. 20(a) and the defendant has a case pending in this district, then the transferred case will be assigned to the judge presiding over the pending case. Otherwise, the Clerk's Office will randomly assign the case.

⁶ See n.1.

(b) Scheduling.

The government must contact the court to schedule further proceedings in the transferred case.

DUCrimR 32-1 PRESENTENCE INVESTIGATION REPORTS AND DOCUMENTS

(a) Objection to the Presentence Report.

- (1) Within 14 days after disclosure to the parties of the initial presentence report, a party must communicate any objections to the probation officer and opposing party.
- (2) The objection:
 - (A) must clearly identify the issues;
 - (B) must be in writing; and
 - (C) the written objection must not be filed with the court.
- (3) Within 7 days after notice of an objection, the parties and probation must make reasonable efforts to resolve the objections.

(b) Filing the Presentence Report and Sentencing-Related Documents.

- (1) No fewer than 7 days before sentencing, probation must file with court the presentence report, including an addendum that contains any unresolved objections and probation's comments on those objections.
- (2) No fewer than 7 days before sentencing, a party may file a sentencing memorandum or Position of Party with Respect to Sentencing Factors.
- (3) Unless ordered otherwise, documents pertaining to the defendant must be provided to probation no later than 10 days before the sentencing hearing.
- (4) When the court receives documents, excluding those received from probation, the government, or defense counsel, relevant to the issue of sentencing before a hearing and does not consider the documents, the

courtroom deputy will forward a copy to the relevant party's attorney when represented or party when unrepresented and not file a copy in the case. If the court considers the documents in advance of the hearing or at the hearing, the courtroom deputy will provide copies to the parties and file copies in CM/ECF within 3 days after the hearing as a supplement to the report.

- (5) If a person brings documents relevant to the issue of sentencing to the sentencing hearing and the court considers the documents, the courtroom deputy will file copies in CM/ECF within 3 days after the hearing as a supplement to the report.
- (6) These documents must be filed in CM/ECF consistent with General Order 24-004, unless the court orders otherwise.⁷

(c) Restrictions on Disclosure of Sentencing Recommendations.

A copy of the presentence report will exclude the probation officer's confidential recommendation.

(d) Dissemination and Disclosure.

- (1) Dissemination Generally. Except as otherwise provided by Fed. R. Crim. P. 32(e), presentence reports and confidential records maintained by the United States Probation Office will not be released except by order of the court.
- (2) Disclosure to Correctional and Treatment Agencies. Probation reports, including the presentence report, may be forwarded routinely to the United States Sentencing Commission, the Federal Bureau of Prisons, federal contract facilities, the United States Parole Commission, courts of appeals and respective parties, as well as other United States Probation

⁷ See n.1.

Offices, in accordance with federal probation system policies and procedures. The probation office may prepare a summary of background material in a case for other correctional or treatment agencies and may review the appropriate file with professional staff members from those agencies upon receipt of a Consent to Release Information form signed by the defendant.

DUCrimR 41-1 SEALING OF FED. R. CRIM. P. 41 CASES AND DOCUMENTS

(a) Motions to Seal.

- (1) Fed. R. Crim. P. 41 documents must be presented to a magistrate judge. These documents and the associated magistrate judge case will be public at the time of filing unless an order to seal has been entered. Any motion to seal must specify:
 - (A) the documents to be sealed, including the return;
 - (B) the grounds in support of the seal; and
 - (C) the term of seal, which will be no more than 1 year unless the court orders otherwise.
- (2) A motion to seal is not required if the only information to be redacted is that which is specified in Fed. R. Crim. P. 49.1(a). The person making the redacted filing must file an unredacted copy simultaneously with the filing of the Fed. R. Crim. P. 41 documents. The redacted copy will be added to the docket and the case and redacted documents will become available to the public. The unredacted copy of the Fed. R. Crim. P. 41 document will have an access level consistent with General Order 24-004.⁸

⁸ See n.1.

(b) Motion to Extend the Seal.

A motion to extend the seal and proposed order must be presented to a magistrate judge at least 10 days before the expiration of the seal.

(c) Redacted Copy.

At least 10 days before the seal expires, the government must provide to the Clerk's Office a redacted copy of the Fed. R. Crim. P. 41 document as required by Fed. R. Crim. P. 49.1. The redacted copy will be added to the docket and the case and redacted documents will become available to the public at the time the seal expires. The unredacted copy of the Fed. R. Crim. P. 41 document will be filed under seal, unless the court orders otherwise.

DUCrimR 49-1 FILING OF PAPERS

DUCivR 5-1 governs the filing of pleadings and papers in criminal matters.

**DUCrimR 49-2 FILING CRIMINAL CASES AND DOCUMENTS UNDER COURT SEAL
(SUSPENDED)**

Suspended. See General Order 24-004.⁹

DUCrimR 49.1-1 REDACTION OF PERSONAL IDENTIFIERS

(a) Redacting Personal Identifiers in Court Filings.

- (1) A party must redact the personal identifiers listed in Fed. R. Crim. P. 49.1 in every court filing made by that party.
- (2) When a motion to unseal is filed and granted or a seal is set to expire, at least 10 days before the seal expires, the filing party must provide to the

⁹ See n.1.

Clerk's Office a copy of the document that redacts the personal identifiers listed in Fed. R. Crim. P. 49.1. The redacted copy will be added to the docket and become available to the public at the time the seal expires.

(b) Reviewing Transcripts to Redact Personal Identifiers.

- (1) Within 14 days after receiving notice that a court reporter has filed an original transcript, each party must review the entire transcript for personal identifiers, including the following sections:
 - (A) opening and closing statements made on the party's behalf;
 - (B) statements of the party;
 - (C) the testimony of any witnesses called by the party;
 - (D) sentencing proceedings; and
 - (E) any other portion of the transcript if ordered by the court.
- (2) If no redactions are necessary, no action is needed, and the transcript will be electronically available on PACER 90 days after a court reporter files the original transcript.

(c) Procedure for Redacting Transcripts.

If redaction is required:

- (1) within 21 days after receiving notice that a transcript has been filed, a party must file a Notice of Intent to Request Redaction;
- (2) within 42 days after receiving notice that a transcript has been filed, a party must file a Redaction Request, specifically identifying the page and line number and the specific redaction requested; and
- (3) within 63 days after filing the transcript, a court reporter must make the requested redactions and file the redacted transcript.

DUCrimR 55-1 ACCESS TO COURT RECORDS

Access to records related to criminal proceedings and maintained by the clerk is governed by DUCivR 79-1.

DUCrimR 57-1 FORMAT OF DOCUMENTS

DUCivR 10-1 governs the formatting of documents filed in criminal cases.

DUCrimR 57-2 ASSIGNMENT OF CRIMINAL CASES

The Chief Judge oversees the assignment of criminal cases under DUCivR 83-2.

DUCrimR 57-3 REASSIGNING A POST-CONVICTION VIOLATION CASE

(a) Motion to Reassign.

When a defendant has both post-conviction violations and other pending criminal charges, a party may file a motion to reassign the lower-numbered case to the judge in the highest-numbered case with pending criminal charges.

(b) Filing the Motion.

The motion to reassign must be filed in the highest-numbered case with pending criminal charges.

(c) Notice.

The filing party must file a notice of the motion in all cases that could be reassigned under this rule.

(d) Reassignment.

A judge without a motion may reassign a post-conviction violation case.

(e) Order.

The filing party must email a proposed order in an editable format to chambers of the judge in the highest-numbered case with pending criminal charges.

DUCrimR 57-4 CUSTODY AND DISPOSITION OF TRIAL EXHIBITS

The custody and disposal of criminal trial exhibits and the attendant responsibilities of counsel are governed by DUCivR 83-3.

DUCrimR 57-5 COMMUNICATION WITH JURORS

Communications with jurors before, during, and after criminal trials are governed by DUCivR 47-1.

DUCrimR 57-6 COURT APPROVAL OF STIPULATIONS

The court must approve any stipulation that modifies a court order.

DUCrimR 57-7 REGULATION OF ATTORNEYS

DUCivR 83-1.1 through 83-1.7 govern attorney admission, registration, appearance, substitution and withdrawal, discipline and removal, and student practice in criminal cases.

DUCrimR 57-8 [RESERVED]

DUCrimR 57-9 MAGISTRATE JUDGE AUTHORITY IN CRIMINAL CASES

(a) Authority in Preliminary Matters.

In addition to the duties authorized by statute and the Federal Rules of Criminal Procedure, and unless the court orders otherwise, magistrate judges are authorized to:

- (1) administer oaths and affirmations;
- (2) take acknowledgments, affidavits, and depositions;
- (3) upon motion of the government, dismiss complaints in criminal proceedings before indictment or the filing of an information;
- (4) conduct detention hearings;
- (5) issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, and other orders necessary to secure the presence of parties, witnesses, or evidence for court proceedings;
- (6) order the forfeiture or exoneration of bonds;
- (7) issue warrants of removal;
- (8) conduct hearings under Fed. R. Crim. P. 5, 5.1, and 20;
- (9) set bail and appoint counsel, if appropriate, for material witnesses;
- (10) issue the following investigative orders:
 - (A) authorizing the installation of devices (for example, a trap and trace device or a pen register);
 - (B) directing a communication common carrier, as defined in 47 U.S.C. § 153(11), including a telephone company, to provide assistance to a named federal investigative agency in accomplishing the installation of a trap and trace device or a pen register; and
 - (C) directing a communication common carrier not to disclose the existence of a summons or subpoena in a criminal or preliminary matter;

- (11) issue pre-indictment protective orders; and
- (12) receive grand jury returns and conduct naturalization ceremonies.

(b) Authority in Pretrial Matters.

After an indictment or felony information has been filed and assigned to a district judge under DUCrimR 57-2, magistrate judges are authorized to:

- (1) conduct arraignments and initial appearances;
- (2) accept pleas of not guilty;
- (3) order presentence reports;
- (4) hear and rule on motions to modify bail and motions to modify conditions of release;
- (5) hear pretrial release and supervision violation petitions, authorize the issuance of arrest warrants or summonses, and conduct pretrial release revocation hearings;
- (6) conduct scheduling hearings under Fed. R. Crim. P. 17.1; and
- (7) accept a plea of guilty after receiving:
 - (A) an order of reference from the assigned district judge; and
 - (B) written consent of the parties.

(c) Authority Under Orders of Reference.

- (1) After a district judge enters an order of reference under 28 U.S.C. § 636(b)(1)(A), magistrate judges are authorized to determine nondispositive pretrial matters, manage the discovery process, and rule on motions by attorneys appointed under the Criminal Justice Act for services under that act, including appointment of experts and investigators.
- (2) After a district judge enters an order of reference under 28 U.S.C. § 636(b)(1)(B), magistrate judges are authorized to:
 - (A) hear motions to dismiss or quash an indictment and motions to suppress evidence; and

(B) file a Report and Recommendation.

(d) Authority in Misdemeanor Criminal Trials.

Magistrate judges may preside over the trial of persons accused of committing misdemeanors within this district under 18 U.S.C. § 3401 and as otherwise provided by statute. Magistrate judges may sentence persons convicted of misdemeanors.

(e) Authority in Extradition Proceedings.

Unless a district judge orders otherwise, magistrate judges are authorized to issue warrants and conduct extradition proceedings in accordance with 18 U.S.C. § 3184.

(f) Authority in Specialized Courts.

After a district judge enters an order of reference, or consistent with a sentencing order, a magistrate judge may preside over specialized court proceedings. In specialized courts, magistrate judges may address issues confronting offenders as they return to their communities, including overseeing services that provide diagnostic and risk assessments, education and job training, substance abuse treatment, mental health treatment, and mentoring.

DUCrimR 57-10 REVIEW OF MAGISTRATE JUDGE DETENTION AND RELEASE ORDERS

(a) Motion.

A party may file a motion seeking review of a magistrate judge's order releasing or detaining a defendant or material witness under 18 U.S.C. § 3145. A response is not required unless the court orders otherwise.

(b) Hearing.

The district judge will promptly schedule a hearing on the motion to conduct a de novo review.

(c) Motion to Stay the Magistrate Judge’s Detention or Release Order.

If a party files a motion to stay the magistrate judge’s order, the magistrate judge who issued the release or detention order will rule on the motion to stay.

DUCrimR 58-1 PETTY AND MISDEMEANOR OFFENSES

(a) Collateral Forfeiture Schedules.

The Collateral Forfeiture Schedules can be found on the court’s website and establishes the payment of a fixed sum for certain petty and misdemeanor offenses. Payments must be made to the Central Violations Bureau.

(b) Resolution.

A citation for a petty or misdemeanor offense may be resolved by:

- (1) timely paying the collateral forfeiture amount identified in the court’s Collateral Forfeiture Schedules in lieu of appearing before a magistrate judge in eligible cases;
- (2) paying a collateral forfeiture amount that is less than the amount identified in the court’s Collateral Forfeiture Schedules, either before or after appearing before a magistrate judge and as agreed to by the government and approved by the court;
- (3) negotiating an alternative resolution with the government in lieu of, or in addition to, paying a collateral forfeiture amount;
- (4) seeking dismissal for good cause or in the interest of justice, either before or after appearing before a magistrate judge and as agreed to by the government and approved by the court;
- (5) paying the collateral forfeiture amount as designated by a magistrate judge; or
- (6) asserting applicable rights at trial.

(c) Appearance Before a Magistrate Judge and Failure to Appear.

- (1) Appearance Not Required. Appearance in court is not required for petty or misdemeanor offenses on the Collateral Forfeiture Schedules if the individual pays the collateral forfeiture amount.
- (2) Appearance Required. If the citation states a mandatory court appearance is required, an individual cited for a petty or misdemeanor offense must appear before a magistrate judge. A notice will issue designating the place, date, and time for the appearance.
- (3) Failure to Appear and Warrant. The court may issue a warrant for an individual that has been cited for a petty or misdemeanor offense and fails to appear in court as required. A warrant remains active until the court orders otherwise.

(d) Effect of Payment and Non-Payment of Collateral Forfeiture.

- (1) The collateral forfeiture is not a fine. Paying the collateral forfeiture amount in full resolves the case without an admission of liability or an adjudication of guilt and is not reported to any state or tribal government.
- (2) Incomplete, partial, or untimely payment may result in the court reissuing a citation for the original offense or a warrant. If a citation is reissued, the court may give credit for any payment already rendered.

DUCrimR 58-2 APPEALS OF A MAGISTRATE JUDGE’S ORDER IN MISDEMEANOR AND PETTY OFFENSES

(a) Notice of Appeal.

A party appealing a magistrate judge’s order to a district judge must file and serve a notice within 14 days after entry of the order. The district judge may decide the issue without a hearing, unless the court orders otherwise or grants a written request for a hearing filed by the appellant.

(b) Briefs.

- (1) Appellant’s brief must be filed and served within 14 days after filing the notice of appeal.
- (2) Appellee’s brief must be filed and served within 14 days after service of appellant’s brief.
- (3) Appellant may file and serve a reply brief within 7 days after service of appellee’s brief.

(c) Page and Word Limitations.

- (1) Briefs. An opening brief must not exceed 20 pages or 6,200 words. A reply brief must not exceed 10 pages or 3,100 words.
- (2) Overlength Briefs. Unless modified by the assigned judge in a court order or on their “practices and procedures” page on the court website, a party must first obtain a court order authorizing the additional pages or words before filing a brief that exceeds the page or word limits in section 58-2(b). The motion must be filed, and the order obtained, before filing the overlength brief. The motion to exceed the page or word limit must include:
 - (A) the number of additional pages or words that are needed; and
 - (B) a statement of good cause why additional pages or words are needed.

(d) Service.

Serving and filing an appeal must comply with Fed. R. Civ. P. 5.

DUCrimR 59-1 OBJECTION TO AND MOTION TO STAY A MAGISTRATE JUDGE ORDER

DUCivR 72-2 governs an objection to and a motion to stay a magistrate judge's order.