Office of the Clerk

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

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To: Candidates for the Part-time Magistrate Judge Position in Plattsburgh, NY

Date: February 26, 2014

Re: Inventory of United States Magistrate Duties

The attached document "Inventory of United States Magistrate Judge Duties" will provide candidates with information on the types of criminal proceedings that are handled in our Plattsburgh division.

The primary duties for the Part-Time Magistrate Judge involve proceedings that deal with the Criminal docket.

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FACT SHEET

Duties and Powers of Part-time Magistrate Judges

I. **Duties and Powers of Part-time Magistrate Judges**

A. Under 28 U.S.C. 636(a), part-time magistrate judges have jurisdiction in a variety of matters.

1. All powers and duties formerly held by United States Commissioners, including:

a. Acceptance of criminal complaints. (Fed. R. Crim. P. 4)
b. Issuance of arrest warrants and summonses. (Fed. R. Crim. P. 4)
c. Issuance of search warrants. (Fed. R. Crim. P. 41)
d. Initial appearances in criminal proceedings. (Fed. R. Crim. P. 5)
e. Appointment of attorneys for indigent defendants (18 U.S.C. 3006A)
f. Preliminary Examinations. (Fed. R. Crim. P. 5.1)
g. Extradition Proceedings. (18 U.S.C. 3184)

2. Power to Issue Oaths and Affirmations

3. Power to issue orders concerning release or detention of persons pending trial pursuant to 18 U.S.C. 3142.

4. Power to take acknowledgements, affidavits and depositions.

5. Power to conduct trials and enter sentences in misdemeanor cases upon consent of the parties pursuant to 18 U.S.C. 3401.

B. Under 28 U.S.C. 636(b), a district judge may also designate a part-time magistrate judge to handle a variety of pretrial and posttrial motions, applications and petitions. **Please note**: Both district judges and part-time magistrate judges should be aware of Rule 7 of the Conflict-of-Interest Rules for Part-time Magistrates promulgated by the Judicial Conference which prohibits a part-time magistrate judge designated to perform most duties under 636(b) from appearing in **any** case, civil or criminal, in the district court for which he or she is appointed. For a further explanation of this rule, see Section II, below, discussing conflict-of-interest rules governing part-time magistrate judges.

1. Pursuant to 28 U.S.C. 636(b)(1)(A), a district judge may designate a part-time magistrate judge to hear and determine a variety of non-case-dispositive pretrial matters, such as discovery motions. The district judge applies a clearly erroneous or contrary to law standard of review in reviewing a magistrate judge's decision on such motions.

2. Under 28 U.S.C. 636(b)(1)(B), a district judge may designate a part-time magistrate judge to conduct hearings and submit to the district judge findings of fact and recommendations of dispositions in case-dispositive pretrial matters in civil and criminal cases, including:

a. Motions for injunctive relief;
b. Motions for judgment on the pleadings;
c. Motions for summary judgment;
d. Motions to dismiss/quash indictments or informations;
e. Motions to suppress evidence;
f. Motions to dismiss or maintain a class action;
g. Motions to dismiss an action for failure to state a cause of action;
h. Motions to involuntarily dismiss an action;
i. Applications for posttrial relief made by individuals convicted of criminal offenses;
j. Prisoner petitions challenging conditions of confinement.
The applicable standard of review by a district judge of those portions of a magistrate judge's report of proposed findings or recommendations to which objection is made is de novo review.

3. Under 28 U.S.C 636(b)(2), a district judge may designate a part-time magistrate judge to serve as a special master.

4. Under 28 U.S.C. 636(b)(3), a part-time magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and the laws of the United States.

a. "Additional duties" include arraignments under Fed. R. Crim. P. 10.

b. Section 636(b)(3) is intended to give district judges the power to experiment in delegating various other duties to magistrate judges as need arises.

C. Pursuant to 28 U.S.C. 636(c), a part-time magistrate judge may be designated to hear civil cases upon the consent of the parties and pursuant to the parties' specific written request, if the chief judge of the district court certifies that a full-time magistrate judge is "not reasonably available" in accordance with guidelines established by the judicial council of the circuit.