U.S. District Court
N.D. of N.Y.
FILED
September 30, 2026

JOHN M. DOMURAD, CLERK

GENERAL ORDER #66

REPORT OF LACK OF CONCURRENCE BY GRAND JURY

DATED: September 30 2026

Brenda K Sannes

Hon. Brenda K. Sannes
U.S. District Chief Judge

THE NORTHERN DISTRICT OF NEW YORK
REPORT OF LACK OF CONCURRENCE BY GRAND JURY

The Board of Judges has considered whether notice should be provided to the duty magistrate judge when a grand jury fails to concur in an indictment in a Grand Jury Original (hereinafter, "GJO") investigation where no complaint or information is pending against the target. Federal Criminal Rule 6(f) requires such notice when the government has charged a defendant by complaint or information. The Court has considered whether such notice should also be provided in GJO investigations and appropriate procedures for the handling of such notifications.

Pursuant to Local Criminal Rule 59.1(a)(2)(c), "[a] Magistrate Judge is . . . authorized to . . . [i]mpanel and charge a Grand Jury and Special Grand Juries and receive grand jury returns in accordance with Fed. R. Crim. P. 6(f)," and "[o]versight and administration for each seated grand jury will be assigned to the Magistrate Judge who impaneled them." This Court has reviewed current practices relating to the return of indictments and notification of instances in which a grand jury has declined to indict. In furtherance of the interests of consistency and transparency, and in accord with Local Rule 59.1(a)(2)(c), this Court finds that notification should be provided to the duty magistrate judge whenever a grand jury fails to concur in an indictment, regardless of whether the defendant has already been charged.

Accordingly, it is hereby **ORDERED**, effective immediately, that:

1. When a grand jury fails to concur in an indictment in a GJO investigation, the foreperson shall promptly and in writing report the lack of concurrence to the duty magistrate judge under seal;
2. Notifications provided pursuant to this order shall be maintained in the confidential files of the Clerk's Office and will not be made public absent order of the Court; and

3. This order shall remain in effect until January 1, 2028, unless extended, during which time the Court will consider the adoption of a Local Rule requiring such notifications.