

59.3 Magistrate Judge Duties in Misdemeanor Cases.

- (a) **Authority.** A full-time magistrate judge is responsible for all pretrial matters in misdemeanor cases. When the misdemeanor charge is for a petty offense, or when the misdemeanor charge is not for a petty offense and the defendant has consented orally or in writing to proceed with trial, judgment, and sentencing before a magistrate judge rather than a district judge, a full-time magistrate judge is authorized under 18 U.S.C. § 3401 to:
- (1) try persons accused of, and sentence persons convicted of, misdemeanors committed within this district;
 - (2) direct the probation office to conduct a presentence investigation in any misdemeanor;
 - (3) conduct a jury trial in any misdemeanor case where the defendant so requests and is entitled to a jury trial under the Constitution and laws of the United States;
 - (4) conduct any necessary hearings relating to petitions to revoke probation and supervised release and enter final orders when a magistrate judge imposed probation or supervised release after conviction of a misdemeanor; and
 - (5) with the defendant's consent, hear and determine cases brought under 28 U.S.C. § 2255 in which the magistrate judge entered judgment in the underlying misdemeanor criminal prosecution.
- (b) **Part-Time Magistrate Judge.** Designation of part-time magistrate judges to conduct duties under 18 U.S.C. § 3401 is made by specific order as required.
- (c) **Exception.** This rule does not preclude a district judge from (1) reserving any proceeding for conduct by a district rather than a magistrate judge or (2) modifying the method of assigning matters to a magistrate judge as required.