

6.2 Grand Jury Motion Practice.

(a) **Composition or Term of Impaneled Grand Jury.** Subject to the impaneling judge's approval, the clerk decides a grand jury pool member's request to be excused from participating in grand jury selection. The government, a panel member, or a grand juror must make all other requests for orders relating to service on or the term of an impaneled grand jury, or for appointment of an alternate grand juror, by ex parte motion or request to the chief judge or the impaneling district judge. If the impaneling judge is unavailable, the motion or request must be made to an available district judge assigned to the courthouse in which the grand jury sits.

(b) **Grand Jury Process or Proceedings.**

(1) **Form; Content.** Pre-indictment challenges to grand jury subpoenas, proceedings, or other grand jury matters, must be in writing, filed with the clerk under seal, and state all related facts including:

- (A) the grand jury docket number;
- (B) the date the subpoena was served;
- (C) the date in the subpoena when the person served is to appear or produce documents; and
- (D) the relevant law supporting the challenge to the subpoena.

Absent an ex parte order by the impaneling judge or a magistrate judge assigned to rule on the challenge, a motion filed by a private party must include proof of service of the motion on the government.

(2) **Motion to Quash; Timing.** Absent good cause shown, a motion to quash or limit a grand jury subpoena must be filed and served 7 days before the date in the subpoena for a witness's appearance or the production of documents.

(3) **Timing of Decision.** Upon the filing of a motion to quash or limit a grand jury subpoena, whenever possible the impaneling judge or assigned magistrate judge rules on the motion on or before the subpoena's return date.