

5.1 Initial Appearance Before Magistrate Judge.

(a) Scheduling.

The government must schedule an initial appearance by contacting the magistrate judge’s courtroom deputy, or an individual authorized by the magistrate judge to assist with scheduling. The initial appearance must be scheduled as soon as possible after an information, indictment, or complaint is filed.

(b) Initial Appearance; Arrest Before Finding of Probable Cause.

In the absence of a filed information, indictment, or complaint, or a prior judicial finding of probable cause to arrest, the following procedures apply.

(1) Scheduling.

Unless a represented defendant agrees to delay the proceeding, an arrested defendant’s initial appearance must be scheduled as soon as the court’s business allows and no more than 48 hours after the defendant’s arrest and placement in custody. If necessary, the government attorney may contact a magistrate judge at home to conduct an initial appearance outside of business hours.

(2) Judicial Review.

Before an initial appearance:

- (A) the government must present a criminal complaint to the magistrate judge for review;
- (B) the magistrate judge, upon review and consideration, must sign the complaint; and
- (C) the complaint must be filed.