

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 and pretrial services 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.