

46.2 Appeal of Release or Detention Orders.

(a) Review of Another Court's Order.

When a judge of another district has entered a detention order in a criminal case pending in this court, the magistrate judge in this district to whom the case has been referred or assigned reviews the detention order under 18 U.S.C. § 3145(b).

(b) Motion to Reopen Proceeding.

When a magistrate judge enters a detention or release order after a hearing held under 18 U.S.C. § 3142(f), a motion to "reopen" the proceeding under § 3142(f) is considered as a motion for the same magistrate judge to review the matter of detention or release.

(c) Appeal of Detention Order.

When reviewing a magistrate judge's order of detention or release, a district judge may hear and consider additional evidence not considered by the magistrate judge if that evidence was not available to be presented to the magistrate judge at the hearing held under 18 U.S.C. § 3142(f) or for other good cause shown. In the alternative, the district judge may remand the matter to the magistrate judge to reopen the hearing. Unless additional evidence is received on review, the district judge reviews an order of release or detention de novo on the record made before the magistrate judge.