FILED

JUN 14 1979

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

In the Matter of ASSIGNMENT OF DUTIES TO MAGISTRATES	GENERAL ORDER NO. 194

PART ONE

IT IS HEREBY ORDERED that the following duties are assigned to the full-time Magistrates:

I. CIVIL MATTERS

A. The following civil matters are assigned to Magistrates.

I. Review of an Administrative or Judicial Record (Rule 1.1)

a. Social Security Act

b. Interstate Commerce Commission

c. Immigration and Naturalization Service (mandamus excepted)

d. Civil Service Commission

e. Military Services re Discharge

f. Firearms Licensing

g. Alien Employment Certification

2. Collection and Enforcement of Civil Penalties (Rule 1.2)
   a. Boating
   b. Federal Aviation Administration
   c. Civil Bomb Hoax
   d. Interstate Commerce Commission
   e. Packers and Stockyards Act
   f. Wheat Marketing Allocation Act
3. Civil rights complaints filed pro se (Rule 1.3)
4. Habeas corpus petitions filed by or on behalf of state or federal prisoners. (Rule 1.4)
5. Motions pursuant to 28 U.S.C. §2255 as limited by Rule 1.5.01. (Rule 1.5)
6. Mandamus actions or other applications filed pro se by state or federal prisoners. (Rule 1.6)
7. Motions pursuant to 28 U.S.C. §2255 filed with regard to a sentence imposed by a Magistrate shall, if possible, be assigned to the Magistrate who imposed sentence or by lot to a Magistrate.
8. Civil Trials as provided in Local Magistrate Rule 1.10.
9. Letters Rogatory. (Rule 1.7.01)
10. Writs of Attachment. (Rule 1.7.02)
11. Judgment Debtor Proceedings Filed by Private Parties (cases filed by U. S. Attorney are excluded - see E.) (Rule 1.7.03)

12. Civil Rights Proceedings Against Persons Violating Civil Rights Statutes under 42 U.S.C. §§1987, 1989 and 1990. (Rule 1.7.08)

13. Settlement of Seaman's Wages. (Rule 1.7.10)

14. Crew Awards. (Rule 1.7.11)

15. Writs of Execution. (Rule 1.7.17)

16. Writs of Seizure. (Rule 1.7.18)

17. Contested Extradition Matters. (Rule 2.11)

18. Discovery Matters. (Rule 1.11.7)

19. Writs of Possession. (Rule 1.7.19)

20. (See GO 194-H)

B. The Presiding Magistrate shall issue a duty roster designating a Duty Magistrate to hear and determine the following matters: (Rule 1.7)

1. Judgment Debtor Proceedings filed by the U.S. Attorney. (Rule 1.7.03)

2. Petition for Discharge of Indigent Prisoners. (Rule 1.7.07)

3. Inspection Warrants (Rule 1.7.12)

II. CRIMINAL MATTERS

A. The Presiding Magistrate shall issue a duty roster designating a Duty Magistrate to hear and determine the following matters: (Rule 2.0)

1. Consider applications for and issue complaints, summons, and/or arrest warrants. (Rule 2.1)

2. Issue search and seizure warrants. (Rule 2.2)

3. Conduct initial appearance proceedings. (Rule 2.4)

4. Conduct preliminary examinations. (Rule 2.4)

(Revised per General Order 194B, filed 4-16-81)

5. Administer oaths, set bail, and approve sureties. (Rule 2.6)
6. Consider applications designating material witnesses and set bail. (Rule 2.7)
7. Conduct proceedings re holding to security of the peace and for good behavior. (Rule 2.8)
8. Conduct removal proceedings. (Rule 2.9)
9. Conduct trials of petty and minor offenses charged by complaint. (Rule 2.12)
10. Preside over the weekly Post-Indictment Arraignment Calendar. (Rule 2.13)
11. Receive Grand Jury reports and determine applications for sealing of indictments, affidavits for search warrants and complaints and warrants, and other applications for sealing documents related to cases prior to the assignment of the case to a Judge. (Rule 2.15)
12. Issue subpoenas, writs of habeas corpus ad prosequendum or ad testificandum, or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for the arraignment calendar or other court proceedings. (Rule 2.16)
13. ~~Fix or modify bail as provided in Rule 2.19.~~

Amended pursuant to GO 214-H

14. Hear and determine motions for appointment of interpreters or expert witnesses including the approval of payment vouchers for them. (Rule 2.19.06)

15. Hear and determine motions filed at the complaint stage or at the information or indictment stage, but prior to the time that the case is assigned to a District Court Judge, regarding the availability of the defendant for a line-up indentification, handwriting exemplars, voiceprint or other authorized methods of identification. (Rule 2.19.07)

16. Appoint a psychiatrist as provided in Rule 2.19.10 and subject to the limitations stated therein. (Rule 2.19.10)

17. Appoint attorneys under the Court's Criminal Justice Act plan and approve their vouchers. (Rule 2.19.11)

18. Issue bench warrants for failure of defendants or witnesses to appear, order forfeiture of bond, and set aside forfeiture. (Rule 2.19.12)

19. Conduct initial appearance and set bail in extradition proceedings. (Rule 2.11)

20. Order installation of a pen register or transponder. (Rule 2.3)

B. Cases on the Post-Indictment Arraignment Calendar triable by a United States Magistrate shall be assigned to a Magistrate by drawing a card. (Rule 2.14.03

III. ADMINISTRATIVE MATTERS

The Presiding Magistrate shall administer the Central Violations Bureau and recommend amendments to the bail schedule. (Rule 2.18)

PART TWO

IT IS FURTHER ORDERED that the following duties are assigned to the part-time Magistrates in cases arising in their respective locations:

I. CIVIL MATTERS

A. Conduct proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. §1484(d); upon transfer of the case as provided in Rule 3.4.04. (Rule 7.1.01)

B. Conduct examinations of judgment debtors in accordance with Rule 69 of the Federal Rules of Civil Procedure if the judgment debtor sought to be examined resides or has a place of business in excess of 150 miles from the United States Courthouse in Los Angeles. (Rule 7.1.01)

C. Petition for Discharge of Indigent Prisoners. (Rule 7.1.0

D. Civil rights proceedings against persons violating Civil Rights statutes under 42 U.S.C. §§§1987, 1989 and 1990. (Rule 7.1.04)

E. Settlement of Seaman's Wages. (Rule 7.1.06)

F. Crew awards. (Rule 7.1.07)

II. CRIMINAL MATTERS

Each of the part-time United States Magistrates shall perform all of the duties and functions previously performed by United States Commissioners and the following additional duties:

A. Consider applications for and issue complaints, summons, and/or arrest warrants. (Rule 7.2.01)

B. Issue search and seizure warrants. (Rule 7.2.02)

C. Conduct initial appearance proceedings. (Rule 7.2.03)

D. Conduct preliminary examinations. (Rule 7.2.04)

E. Administer oaths, set bail, and approve sureties. (Rule 7.2.05)

F. Set bail for material witnesses. (Rule 7.2.06)

G. Conduct proceedings re holding to security of the peace and for good behavior. (Rule 7.2.07)

H. Conduct removal proceedings. (Rule 7.2.08)

I. Try petty and minor offenses as specified in 18 U.S.C. §3401. (Rule 7.2.9)

IT IS FURTHER ORDERED that upon the effective date of this Order, General Orders 104 through 104-F inclusive are hereby revoked with the following exceptions: The provisions of General Order 104, Part II, relating to Arraignments and Pleas, Division of Functions Between Magistrates and the Court, and creation of the Criminal Duty Judge, and General Order 104-E, relating to the assignment of subsequent cases pursuant to Rule 20, shall remain in full force and effect as to all provisions which do not conflict with this Order.

IT IS FURTHER ORDERED that the effective date of this Order shall be July 1, 1979.

DATED: June 14, 1979.

Irving Hill
Chief Judge

Harry Pregerson

A. Andrew Hauk

David W. Williams

William P. Gray

Robert J. Kelleher

Warren J. Ferguson

Wm. Matthew Byrne, Jr.

Manuel L. Real

Lawrence T. Lydick