

FILED

UNITED STATES DISTRICT COURT

APR 12 1972

EASTERN DISTRICT OF CALIFORNIA CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
Deputy Clerk

RE:)	
REFERRAL OF MINOR OFFENSES BY)	
MAGISTRATE TO U. S. DISTRICT)	GENERAL ORDER NO. 40
COURT)	
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The following procedure shall be observed in each instance where a defendant charged with a minor offense elects to be tried by a United States Judge pursuant to provisions of Title 18, U.S.C. Section 3401(b):

The defendant will first be arraigned and his bail fixed by the Magistrate, if bail has not already been fixed. Thereafter, his right to trial by either the Magistrate or the District Court will be explained to the defendant and if he declines to be tried by the Magistrate, the Magistrate shall order the defendant to appear before a Judge of the United States District Court on a day and time certain, but not less than 20 days thereafter.

The Magistrate shall forthwith inform the United States Attorney by written notice of the pendency of the action and of the election of the defendant to proceed in the United States District Court. Said notice to the United States Attorney shall be accompanied by copies of all

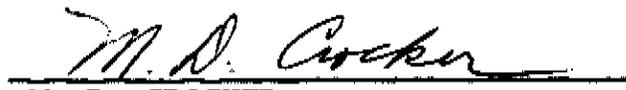
documents theretofore filed with the Magistrate in the said matter. At this point the Magistrate's responsibility in the matter shall terminate, except that the Magistrate may entertain a motion from the United States Attorney to dismiss.

Whether or not the charge against the defendant shall be continued will be left to the discretion of the United States Attorney. He may file an information against the defendant if he elects to prosecute him on the charge. If he elects not to proceed with the matter, then he will move the United States Magistrate for a dismissal and exoneration of the bail if any has been posted.

DATED: April 4, 1972.


THOMAS J. MacBRIDE
CHIEF JUDGE


PHILIP C. WILKINS
UNITED STATES DISTRICT JUDGE


M. D. CROCKER
UNITED STATES DISTRICT JUDGE