

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

JAN 18 1980

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

RE:

DUTIES OF UNITED STATES
MAGISTRATES

GENERAL ORDER NO. 85

Pursuant to the provisions of "The Federal Magistrates Act of 1979", Local Rule No. 300 adopted by this Court on April 25, 1978 is hereby amended as set forth below:

RULE 300

MAGISTRATE'S AUTHORITY

(a) Each Magistrate appointed by the Court shall exercise all powers and perform all duties conferred upon Magistrates by 28 U.S.C. §636(a)(1) and (2) and issue warrants of removal pursuant to Federal Rules of Criminal Procedure, Rule 40. The powers and duties of the part-time Magistrates and the full-time Magistrate in Yosemite shall be limited to the foregoing powers, the powers and duties conferred by 28 U.S.C. §636(a)(3), except the power to conduct jury trials, and any additional powers specifically designated to a particular Magistrate by a United States District Court Judge pursuant to Local Rule 304. The full-time Magistrates in Fresno and Sacramento are specially designated to exercise all powers

and perform all duties conferred upon Magistrates pursuant to 28 U.S.C. §636(a)(3).

(b) All duly appointed Magistrates in the District may be designated to try jury trials by the District Court notwithstanding anything to the contrary stated herein.

(c) Those persons charged with a misdemeanor violation before a part-time Magistrate or the full-time Magistrate in Yosemite who are entitled to a jury trial and choose to exercise their right to a jury trial, shall have their case transferred to either Fresno or Sacramento for all purposes.

DATED: January 18, 1980.

FOR THE COURT:


PHILIP C. WILKINS
CHIEF U.S. DISTRICT JUDGE

APPROVED:


LAWRENCE K. KARLTON
United States District Judge


MILTON L. SCHWARTZ
United States District Judge


M. D. CROCKER
United States District Judge


E. DEAN PRICE
United States District Judge