

FILED

AUG - 5 1983

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY CLERK

REFERENCE OF SUPPRESSION)
MOTIONS IN CONSENT)
MISDEMEANOR CASES TO)
UNITED STATES MAGISTRATES)
_____)

GENERAL ORDER NO. 139

The judges of the Sacramento Division of the Eastern District hereby refer for hearing to the United States Magistrates for the Eastern District of California, all suppression motions in criminal cases where (1) the charge or charges are not felonies, and (2) where the defendant has consented to the jurisdiction of the Magistrate to try the case.

The Magistrate shall hear such suppression motion and shall make proposed findings of fact and conclusions of law and present them to the District Court together with a proposed order for final adjudication.

The proposed findings of fact and conclusions of law shall be served on the parties for each side who shall then have seven (7) days to file written objections thereto.

If the parties do not file objections to the proposed findings of fact, the facts proposed by the Magistrate will be deemed stipulated to.

Where the facts are contested:

A. The District Court shall listen to the tape recording of the evidence and proceedings before the Magistrate, and the court shall make a de novo determination of the facts.

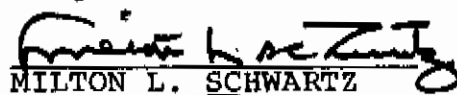
B. Upon motion, for good cause shown, or on its own motion, the court may call for and receive additional evidence and it may, in its discretion, call and hear the testimony of a witness or witnesses whether or not that witness testified before the Magistrate.

The court may accept, reject, or modify the proposed findings of fact and conclusions of law and, accordingly, may reject same and enter new findings.

DATED: 8-5-83



LAWRENCE K. KARLTON
Chief, U.S. District
Judge



MILTON L. SCHWARTZ
U.S. District Judge



RAUL A. RAMIREZ
U.S. District Judge