

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

JUN 13 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
by _____
DEPUTY CLERK

IN RE:

ADOPTION OF AMENDMENT)
TO LOCAL RULE 58-422(b),)
APPEAL FROM CONVICTION)
BY A MAGISTRATE JUDGE)
_____)

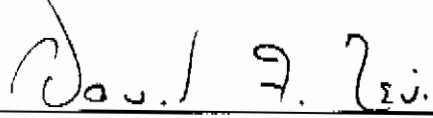
GENERAL ORDER NO. 416

Good cause appearing,

IT IS HEREBY ORDERED that the Judges of the Eastern District of California hereby adopt the attached amendment to Local Rule 58-422(b), Appeal From Conviction by a Magistrate Judge, effective June 13, 2003.

DATED: June 13, 2003.

FOR THE COURT:



DAVID F. LEVI, Chief Judge
Eastern District of California

RULE Crim 58-422

APPEAL FROM CONVICTION BY A MAGISTRATE JUDGE

(a) **Notice of Appeal.** A defendant who has been convicted in a trial by a Magistrate Judge may appeal to a Judge by proceeding in accordance with Fed. R. Crim. P. 58(g).

(b) **Record.** A transcript, if desired, shall be ordered *from the official court reporter or the electronic court recorder operator (E.C.R.O.)* as prescribed by Rule 10(b), Federal Rules of Appellate Procedure. *Arrangements for payment shall also be made (as approved by the Judicial Conference).* Parties shall have ten (10) court days to object to any specific matter contained therein by filing and serving a written statement of grounds for the objection. If no party objects, the parties will be referred to the assigned Magistrate Judge who shall, within ten (10) court days after the referral, correct if necessary and certify the accuracy of the transcript.

Within thirty (30) days after a transcript has been ordered, the Clerk shall file the original and one copy of the transcript, as stipulated to by the parties or corrected and certified by the assigned Magistrate Judge. Upon such filing of the transcript, the record on appeal shall be deemed complete.

If no transcript is ordered within ten (10) court days after the notice of appeal is filed and served, the record on appeal shall be deemed complete without a transcript.

(c) **Assignment to a Judge.** The Clerk shall assign the appeal to a Judge in the same manner as any indictment or felony information. See L.R. 3-120, Appendix A.

(d) **Notice of Hearing.** After assignment, the Clerk shall promptly notify the parties of the date and time set for oral argument which shall not be less than sixty (60) nor more than ninety (90) days after the date of the notice. An earlier date may be set upon joint application of the parties to the assigned Judge.

(e) **Time for Serving and Filing Briefs.** Appellant's brief shall be served and filed in duplicate within twenty-one (21) days after service of the notice of hearing. Appellee's brief shall be served and filed in duplicate within twenty-one (21) days after the filing and service of the appellant's brief. See L.R. 6-136. Appellant may serve and file a reply brief within five (5) court days after service of the appellee's brief. These periods may be altered by the assigned Judge upon application of the parties or sua sponte. See L.R. 6-142.