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5 **IN THE UNITED STATES DISTRICT COURT FOR THE**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **YOSEMITE DIVISION**

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10 **POLICY**
11 **REGARDING**
12 **DEFENDANTS IN CUSTODY**
13 (Effective September 1, 2010)

14 Until further notice, and except during the Magistrate Judges' absence from
15 Yosemite National Park, the U.S. Magistrate Court in Yosemite National Park will be
16 available to hear matters involving defendants in custody at 1:30 p.m. daily. The following
17 procedures for these matters shall be followed by the U.S. Government, its agencies and
18 representatives, and by defense counsel:
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20 1. A representative for the National Park Service ("NPS") shall notify the Court and
21 the Federal Defender by 8:30 a.m. if there are individuals in custody to be brought before
22 the Court for initial appearance that day. If there are, the Court shall also be notified at that
23 time of the number and sex of the individual(s) in custody, whether any court interpreter(s)
24 is (are) needed, and whether there is reason to believe that any individual in custody is
25 under the influence of alcohol or drugs or otherwise of questionable competency.
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27 2. The Government shall file with the Clerk's Office by 10:00 a.m. all documents

1 pertinent to a 1:30 p.m. court appearance for an individual in custody (redacted in
2 compliance with the Local Rules of the Eastern District of California), including proposed
3 complaints, if any. The Government's representative shall appear before the U.S.
4 Magistrate Judge at 10:00 a.m. to have any complaints sworn and signed. The
5 Government shall provide copies of all documents referred to in this paragraph to defense
6 counsel or, if none has then been retained, to the Assistant Federal Defender by 11:00
7 a.m.
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9 3. The Court will communicate and coordinate with the NPS Holding Facility staff
10 as necessary to obtain additional information needed by the Court regarding the in-custody
11 individual(s) and to advise of changes, if any, in procedures for and/or timing of
12 transporting those individuals to the Court. The procedures set out below are designed to
13 apply when there are only one or two individuals to be transported to the Court in one day
14 and neither requires unusual accommodation (e.g., requires an interpreter, faces complex
15 charges, is one of two co-defendants on the same complaint or citation, etc.)
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17 4. Unless the Court directs otherwise, the NPS Holding Facility shall transport any
18 in-custody defendant scheduled for an initial appearance to the Court not later than 12:30
19 p.m. Defense counsel shall be present at the Court and available to meet with their clients
20 not later than 12:30 p.m..
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22 5. Unless the defendant or his/her counsel request otherwise, an in-custody
23 defendant's blood alcohol level or apparent state of intoxication shall not delay transporting
24 that individual to the Court.
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26 6. Absent extraordinary circumstances as determined by the Court, daily
27 proceedings for in-custody defendants shall begin at 1:30 p.m. sharp.