

UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

LOCAL MAGISTRATE JUDGE
RULES

2023 REVISED EDITION

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Local Magistrate Judge Rule 1 Title and Citation

These rules are the Local Magistrate Judge Rules of the United States District Court for the District of Alaska and may be cited as “LMJR ____.”

Local Magistrate Judge Rule 2 Authority of Magistrate Judges

A magistrate judge appointed by this court is, with respect to matters assigned or referred to that judge, authorized to exercise all powers and perform all duties conferred expressly or by implication upon magistrate judges by, and in accordance with, procedures now or hereafter provided in the United States Code, rules promulgated by the Supreme Court, and the rules of this court.

Local Magistrate Judge Rule 3 Consent to Trial in a Civil Case

Upon the written consent of all parties to the matter as provided in Rule 73, Federal Rules of Civil Procedure, magistrate judges in this district are authorized to exercise the authority provided by 28 U.S.C. § 636(c).

Local Magistrate Judge Rule 4 Criminal Matters Routinely Assigned to Magistrate Judges

Unless otherwise ordered by a district judge, all criminal matters that may be heard by a magistrate judge by statute or the Federal Rules of Criminal Procedure will be assigned to magistrate judges, including but not limited to:

- (1) issuance of search warrants;
- (2) issuance of arrest warrants;
- (3) initial appearances;
- (4) preliminary examinations;
- (5) motions to appoint counsel;
- (6) waivers of indictment;
- (7) return of indictments;
- (8) warrants and summonses upon indictment or information;
- (9) arraignments;
- (10) pretrial release and detention hearings;
- (11) pretrial motions within the scope of 28 U.S.C. § 636(b)(1)(A), except motions related to scheduling the time and place of trials;

- (12) pre-trial motions within the scope of 28 U.S.C. § 636(b)(1)(B) for reports and recommendations;
- (13) mental competency hearings for reports and recommendations;
- (14) Class B and Class C misdemeanor cases, and infractions in their entirety;
- (15) Class A misdemeanor cases in their entirety upon consent of the defendant;
- (16) change of plea hearings upon consent of the defendant;
- (17) removal hearings;
- (18) extradition proceedings under 18 U.S.C. § 3184; and
- (19) petitions to revoke supervised release and petitions to revoke probation pursuant to Federal Rule of Criminal Procedure 32.1.

Local Magistrate Judge Rule 5 Civil Matters Routinely Assigned to Magistrate Judges

Unless otherwise provided by order of a district judge, the following civil matters will be assigned to magistrate judges for disposition or findings and recommendations as appropriate:

- (1) administrative inspection warrants;
- (2) matters relating to nonpayment of seaman's wages;
- (3) *habeas corpus* petitions under 28 U.S.C. § 2254;
- (4) preferred ship mortgage foreclosures;
- (5) matters relating to the arrest, seizure, or release of vessels and other property under the Supplemental Rules for Certain Admiralty and Maritime Claims;
- (6) matters relating to the enforcement of administrative subpoenas;
- (7) prisoner petitions challenging conditions of confinement; and
- (8) judgment debtor examinations.

Local Magistrate Judge Rule 6 Review of Magistrate Judge Civil Pretrial Orders

(a) Unless otherwise ordered:

- (1) within fourteen (14) days of being served with a copy of the recommended disposition, a party may serve and file specific objections to the proposed findings and recommendations;
- (2) a response to the objections may be filed with fourteen (14) days after any objection is filed; and
- (3) unless ordered by the district judge, no reply shall be filed to the response.

(b) Unless leave of court is obtained, for good cause shown, objections are limited to those matters fairly presented to the magistrate judge.

(c) The court may, on its own motion or the motion of any party, set the matter for a further evidentiary hearing before the district court, or it may remand the matter to the magistrate judge to take such further evidence as the district judge may deem necessary.

(d) A party requesting a further evidentiary hearing must serve and file a motion not later than seven (7) days after the transcript of the record is certified, which motion must:

(1) describe the nature of the evidence to be proffered and its relevance to the specific objections; and

(2) contain a statement of the reason the proffered evidence could not be presented to the magistrate judge.

Local Magistrate Judge Rule 7 Review of Matters under 28 U.S.C. § 636(b)(1) in Criminal Cases

(a) Objections and Replies: Unless otherwise ordered:

(1) objections to orders entered under 28 U.S.C. § 636(b)(1)(A) or findings and recommendations entered under 28 U.S.C. § 636(b)(1)(B) must be filed within fourteen (14) days after service of the order or findings and recommendations;

(2) a response to the objections may be filed within seven (7) days after any objection is filed; and

(3) unless ordered by a district judge, no reply shall be filed to the response.

(b) Unless leave of court is obtained, for good cause shown, objections are limited to those matters fairly presented to the magistrate judge.

(c) For objections to findings and recommendations entered under 28 U.S.C. § 636(b)(1)(B), the court may, on its own motion or the motion of any party, set the matter for a further evidentiary hearing before the district judge, or it may remand the matter to the magistrate judge to take such further evidence as the district judge may deem necessary.

(d) A party requesting a further evidentiary hearing must serve and file a motion not later than three (3) business days after the transcript of the record is certified, which motion must:

(1) describe the nature of the evidence to be proffered and its relevance to the specific objections; and

(2) contain a statement of the reason the proffered evidence could not be presented to the magistrate judge.