

LAR 116. WARRANTS FOR ARREST IN ACTION IN REM

(a) Order Authorizing Clerk to Issue Warrant for Arrest. Except in cases of actions by the United States for forfeitures for Federal statutory violations, before the clerk will issue a Warrant for Arrest under Supplemental Rule C, the verified complaint must be reviewed by a judicial officer. If a judicial officer finds that the conditions for an action in rem appear to exist, the judicial officer will sign an order so stating and authorizing the clerk to issue a warrant for arrest of a vessel or other property. Hereafter in these rules, the term "property" shall mean a vessel or other property. Supplemental process may thereafter be issued by the clerk upon application without further order of a judicial officer. If the plaintiff or his attorney certifies that exigent circumstances make review by a judicial officer impracticable, the clerk shall issue a warrant for arrest and the plaintiff shall have the burden at a post-arrest hearing under Rule E(4)(f) to show that exigent circumstances existed.

(b) Hearing. Whenever any property is arrested, any person claiming an interest in the property shall be entitled to a hearing before a judicial officer on not less than three court days' written notice to the plaintiff. The person claiming an interest shall be entitled to an order vacating the arrest forthwith and granting other appropriate relief unless plaintiff shows at the hearing why such an order should not be granted.

[Effective May 1, 1992; amended effective July 1, 1997.]