

MAR 18 1982

BRUCE RIFKIN, Clerk
By _____ Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE:)
))
AMENDMENTS TO) GENERAL ORDER
LOCAL MAGISTRATES RULES)
("MRs"))
))
))
))

The local Magistrates' Rule 12 ("MR 12") of this Court is hereby amended to read as follows:

MR 12

Appeals to District Judge

(a) From Judgment in Criminal Case

(1) Perfecting Appeal

An appeal from a judgment of conviction by a magistrate to a judge of the district court shall be taken within 10 days after entry of the judgment. An appeal shall be taken by filing with the clerk of the district court a statement specifying the judgment from which an appeal is taken, and by serving a copy of the statement upon the United States Attorney, personally or by mail, and by filing a copy with the magistrate.

(2) Transcript or Recording of Proceeding Before Magistrate

Where the proceedings before a magistrate were tape recorded, that recording will be available for review by the district judge, without further action by the parties. Where either party wishes to have a transcript made from that recording, or where the proceedings were attended by a court reporter, the

1 parties shall be responsible for arranging for and
2 paying the cost of the preparation of the transcript.
3 A party who qualifies may obtain authorization for
4 the transcript pursuant to the Criminal Justice Act,
5 18 U.S.C. §3006A. Counsel for appellant shall
6 arrange to have such transcript filed within 21 days
7 after the Notice of Appeal is filed; but upon motion
8 made within such time, the district judge may extend
9 the deadlines for transcript and briefs.

10 (3) Other Record on Appeal

11 All documents filed and exhibits presented in the
12 proceedings before the Magistrate shall be part of
13 the record on appeal, without specific designation
14 by the parties.

15 (4) Briefs

16 Appellant shall file and serve his brief within
17 28 days after filing the Notice of Appeal. Appellee
18 shall file and serve his brief in response within
19 14 days thereafter. Appellant may file and serve
20 a reply brief within 7 days thereafter. If appellant
21 is representing himself, he may file a short state-
22 ment of the issues for the court to consider on
23 appeal, instead of a formal brief.

24 (5) Oral Argument

25 The district judge shall have discretion whether to
26 schedule oral argument on an appeal. Any party may
27 file and serve a written request for oral argument
28 not later than the deadline for the filing of his
29 initial brief.

30 (b) From Judgment in Civil Case, Tried Pursuant to 28 U.S.C.
31 §636(c)

32 (See Rule MR 13(f))

(c) From Other Orders

(See also Rules MR 3(b) and 4(c))

Rulings, orders or other actions by a magistrate in
this district, review of which is not otherwise specifically
provided for by law or these rules shall, nevertheless, be
subject to review by the district court as follows:

Any party may file and serve, not later than 10 days
thereafter, an application for a review of the magistrate's
action by the district judge having jurisdiction. Copies
of such application shall be served promptly upon the other
parties, the district judge, and the magistrate.

1 After conducting whatever further proceedings as he
2 or she deems appropriate, the district judge may adopt or
3 reject, in whole or in part, the action taken by the
4 magistrate, or take such other action as he or she deems
5 appropriate.

6 This amendment shall be effective immediately upon
7 the filing of this Order.

8 DATED this 17th day of March 1982.

9 Walter T. McEwen
10 Chief United States District Judge

11 James S. [unclear]
12 United States District Judge

13 Jul E. [unclear]
14 United States District Judge

15 Barbara [unclear]
16 United States District Judge

17 [unclear]
18 United States District Judge