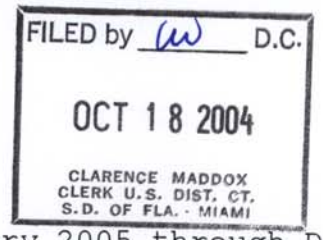
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2004-37



IN RE: DUTY JUDGE ASSIGNMENT SCHEDULE, WEST PALM BEACH

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The following is a schedule for January 2005 through December 2005, as to the Duty Judge for West Palm Beach. The Duty Judge's functions are as follows:

1. Handle all grand jury matters. This includes convening grand juries and ruling on matters affecting those grand juries during each month's duty. Grand jury matters, and all matters reasonably related to the original grand jury matter, will be handled by the District Judge before whom the original matter was filed. The Clerk's Office will call the offices of the Duty Judge to attempt to arrange a time convenient to the Judge for the empanelment of the grand jury (if one is scheduled for that month), but if the jurors have already been summoned, the date will be firm and the Judge will have to adjust his or her schedule accordingly. Once the date for the empanelment is set by the Duty Judge in consultation with the clerk, the date will have to be firm and not subject to change. Rule 6(f) of the Federal Rules of Criminal Procedure makes provisions for a grand jury return to be taken by a United States Magistrate Judge. However, whether the District Judge or the Magistrate Judge will take a return will be determined by the Duty Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.

2. Preside over all emergency naturalization matters in the West Palm Beach Division.

3. Preside over matters arising from Magistrate Judges' proceedings which are not assigned to a District Judge, including but not limited to, applications for reduction of bonds and competency examinations.

4. Transfer of Probation from foreign districts.

5. Swearing in of attorneys to practice.

6. Preside over wire tap applications in matters not assigned to any District Judge, with the exception that trap-and-trace and pen register orders will continue to be handled by the Magistrate Judges. All extensions, including all matters reasonably related to the original investigation, will be handled by the District Judge who granted the original application.

7. Approval of issuance of warrants of arrest in admiralty cases in any division where the assigned judge is out of the District or is otherwise unavailable.

8. The Duty Judge may preside over emergency petitions for writ of habeas corpus involving a petitioner's claim to immediate release, where the assigned judge is in the district, but otherwise unavailable to rule on the petition. After ruling on the emergency relief sought, and for all other purposes and proceedings, the case shall remain on the docket of the judge to whom it was originally assigned.

9. The Duty Judge, his or her designee, or the Clerk's designee, as appropriate, determines the validity of juror qualifications, exemptions, or excuses.

MONTHLY ASSIGNMENTS:

January	2005	Judge Donald M. Middlebrooks
February	2005	Judge James C. Paine
March	2005	Judge Kenneth L. Ryskamp
April	2005	Judge Kenneth Kenneth A. Marra
May	2005	Judge Daniel T. K. Hurley
June	2005	Judge Donald M. Middlebrooks
July	2005	Judge Kenneth A. Marra
August	2005	Judge James C. Paine
September	2005	Judge Daniel T. K. Hurley
October	2005	Judge Donald M. Middlebrooks
November	2005	Judge Kenneth A. Marra
December	2005	Judge James C. Paine

The Duty Judge should be present in the district and available for handling Duty Judge matters at all times during the month assigned. If it is necessary for the Duty Judge to be out of the district for a short period of time during the assignment month, it is the Duty Judge's responsibility to make arrangements with another Judge to handle all Duty Judge matters arising during the brief absence, and to notify the Chief Judge and Clerk of Court.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 15th day of October 2004.

WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

c: All Southern District Judges
All Southern District Magistrate Judges
United States Attorney
Federal Public Defender
Chief Probation Officer
Chief Pretrial Services Officer
Court Administrator • Clerk of Court
Jury Administrator
Daily Business Review
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