

**IN RE: DUTY JUDGE ASSIGNMENT
SCHEDULE, MIAMI**

This Administrative Order amends Administrative Order 97-28 due to the appointment of Judge Stanley Marcus as an Eleventh Circuit Court of Appeals Judge.

The following is the schedule for January 1998 through December 1998, as to the Duty Judge for Miami. 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. 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 have to be firm and the Judge will have to adjust his or her schedule accordingly. Once the date for the empanelment is set by the 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 will take a return will be determined by the Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.
2. Key West Grand Juries will be empaneled and supervised by Judge James Lawrence King.
3. Preside over all court naturalization ceremonies and emergency naturalization matters in the Miami Division.
4. Preside over matters arising from Magistrates' proceedings which are not assigned to a District Judge, including but not limited to, applications for reduction of bonds and competency examinations.
5. Transfer of Probation from foreign districts.
6. Swearing in of attorneys to practice.


7. 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.
8. 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.
9. 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.
10. The Duty Judge will consider and rule upon all written and verbal requests for excuses from complying with both grand and petit jury summonses.

MONTHLY ASSIGNMENTS:

January	1998	Judge Federico A. Moreno
February	1998	Judge Lenore C. Nesbitt
March	1998	Judge Shelby Highsmith
April	1998	Judge Donald L. Graham
May	1998	Judge K. Michael Moore
June	1998	Judge Ursula Ungaro-Benages
July	1998	Judge Joan A. Lenard
August	1998	Judge Donald M. Middlebrooks
September	1998	Judge Alan S. Gold
October	1998	Judge Lenore C. Nesbitt
November	1998	Judge Federico A. Moreno
December	1998	Judge Shelby Highsmith

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 his or her 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 the James Lawrence King Federal Justice Building, 99 Northeast Fourth Street, Miami, Florida, this 18 day of December, 1997.



EDWARD B. DAVIS
CHIEF UNITED STATES DISTRICT JUDGE

c: All District Judges and Magistrate Judges
United States Attorney
Federal Public Defender
Court Administrator/Clerk of Court
Jury Administrator
Daily Business Review, Miami
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