

72.1 DUTIES AND POWERS OF MAGISTRATE JUDGES

(a) **Generally.** This Rule describes and defines the general, specific, and additional duties of magistrate judges in the District. Unless otherwise limited or prohibited by an order of the Court en banc, each magistrate judge is designated, authorized, and empowered to exercise all powers and perform all duties under this Rule that are assigned to them. In performing these duties, a magistrate judge must conform to all applicable provisions of federal statutes and rules, to the Local Rules, and to the requirements specified in any order of reference from a district judge.

(b) **Recommendations Regarding Dispositive Motions.**

1. A magistrate judge may conduct a hearing, and submit to the district judge a report containing proposed findings of fact and recommendations for disposition by the district judge, on any of the following motions and matters:
 - A. Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;
 - B. Motions for judgments on the pleadings;
 - C. Motions for summary judgment;
 - D. Motions to dismiss or permit the maintenance of a class action;
 - E. Motions to dismiss for failure to state a claim upon which relief may be granted;
 - F. Motions to involuntarily dismiss an action;
 - G. Motions for review of default judgments;
 - H. Motions to dismiss or quash an indictment or information made by a defendant;
 - I. Motions to suppress evidence in a criminal case;
 - J. Proceedings for pleas pursuant to Fed. R. Crim. P. 11;
 - K. Motions under 18 U.S.C. § 4241 to determine whether a defendant may presently be suffering from a mental disease or defect that would render the defendant mentally incompetent to the extent that the defendant is unable to understand the nature of the proceedings against him or her or to assist properly in his or her defense;
 - L. Petitions and motions for post-conviction relief under 28 U.S.C. §§ 2241, 2254, and 2255;

- M. Petitions filed by prisoners challenging the conditions of their confinement; and
 - N. Applications or petitions for enforcement of summonses issued under 26 U.S.C. §§ 6420(e)(2), 6421(g)(2), 6427(j)(2), and 7602, in accordance with 26 U.S.C. § 7604.
2. While exercising the authority conferred by Rule 72.1(b)(1), a magistrate judge may determine any preliminary matter, issue any procedural order, and conduct any necessary proceeding, including an evidentiary hearing.
- (c) **Determining Non-Dispositive Pretrial Matters.** A magistrate judge may hear and determine any non-dispositive motion or matter not specified in Rule 72.1(b)(1).
- (d) **Conducting Trials and Disposing of a Civil Case upon the Parties' Consent.** If all parties consent, a magistrate judge may conduct any and all proceedings in a civil case, including the conduct of a jury or non-jury trial, and may enter a final judgment in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings, a magistrate judge may hear and determine any and all pretrial and post-trial motions which are filed by the parties, including case-dispositive motions and motions specified in Rule 72.1(b)(1).
- (e) **Other Duties.** A magistrate judge may:
1. Exercise all powers and perform all duties prescribed by 28 U.S.C. § 636(a);
 2. Exercise general supervision of civil and criminal calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases before the district judges;
 3. Conduct pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil and criminal cases;
 4. Conduct arraignments in criminal cases not triable by the magistrate judge and take not guilty pleas in such cases;
 5. Receive grand jury returns in accordance with Fed. R. Crim. P. 6(f) and issue orders for the issuance of warrants of arrest and summonses;
 6. Accept waivers of indictment in accordance with Fed. R. Crim. P. 7(b);
 7. Conduct voir dire and select petit juries for a district judge;
 8. Accept petit jury verdicts in civil and admiralty cases for a district judge;
 9. Conduct necessary proceedings leading to the potential revocation of probation;
 10. Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

11. Approve sureties, both corporate and individual, to proffer bail, surety, and other bonds, and order previously approved sureties to be precluded from proffering bail, surety, and other bonds to the Court because of conduct of such nature to cause a loss of confidence in the personal or business integrity of the surety, and order the exoneration of forfeiture of bonds;
12. Conduct proceedings for the collection of civil penalties of not more than \$200.00 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 U.S.C. § 4311(d);
13. Conduct examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;
14. Perform the functions specified in 18 U.S.C. §§ 4107, 4108, and 4109, regarding proceedings for verification of consent by offenders to transfer to or from the United States and the appointment of an attorney therein;
15. Audit Criminal Justice Act forms submitted by appointed attorneys for payment of expert, investigative, or other services or for payment of counseling services and expenses, and make a written recommendation to the Court in respect to the amount to be approved for payment;
16. Institute prosecutions under 42 U.S.C. § 1987;
17. With the consent of a defendant who has not been convicted but has signified an intention to enter a plea of guilty or nolo contendere, order presentence investigations to be commenced in respect to that defendant;
18. Issue orders authorizing the installation and use of devices, such as traps and traces, which are used to determine from which telephone number a telephone call originated, and pen registers, which are used to register telephone numbers dialed or pulsed from a particular telephone; and issue orders directing a communications common carrier, as that term is defined in 47 U.S.C. § 153(11), including a telephone company, to provide assistance to a named federal investigative agency in accomplishing the installation of traps, traces, and pen registers;
19. Issue statutory administrative inspection or search warrants on determination of probable cause;
20. Issue search warrants for searches and seizures which are not within the purview of Fed. R. Crim. P. 41;
21. Issue warrants of arrest for persons who have been determined, in accordance with 18 U.S.C. § 3144, to be material witnesses;
22. Preside over naturalization ceremonies, administer the oath required by 8 U.S.C.

§ 1448(a), and submit a written list of persons who took the oath to a district judge;

23. Enforce the award or arbitration or decree of any consul, vice consul, or commercial agent of any foreign nation in differences between the captain and the crew of a vessel belonging to the nation whose interests are committed to his charge, in accordance with 22 U.S.C. § 258a;
24. Conduct extradition proceedings in accordance with 18 U.S.C. § 3184;
25. Serve as a member of the District's Speedy Trial Act Planning Group and assist the Court en banc in drafting and promulgating local rules and procedures;
26. Preside over and conduct proceedings relating to any Re-entry, Drug or similar court conducted in the District; and
27. Perform any other additional duty that is consistent with the Constitution and the laws of the United States.

(f) **Territorial Assignments and Administrative Provisions.**

1. **Chief Magistrate Judge Assignments.** Under the Chief District Judge's supervision and with the assistance of the Clerk, the Chief Magistrate Judge is responsible for assigning and reassigning actions, proceedings, and petitions to magistrate judges.
2. **Doubts about Administrative Actions.** In case of doubt about any administrative action, the Chief Magistrate Judge must secure directions from the Chief District Judge, or if the Chief District Judge is unavailable, from the active district judge with the most seniority who is available.
3. **Full-Time Magistrate Judges Generally Must Perform Duties at Their Duty Stations.**
 - A. Generally, a full-time magistrate judge with a duty station at Kansas City must perform duties to be performed in the Western and St. Joseph Divisions or in connection with actions and proceedings arising therein.
 - B. Generally, a full-time magistrate judge with a duty station at Springfield must perform duties to be performed in the Southern and Southwestern Divisions or in connection with actions and proceedings arising therein.
 - C. Generally, a full-time magistrate judge with a duty station at Jefferson City must perform duties to be performed in the Central Division or in connection with actions and proceedings arising therein.
4. **Full-Time Magistrate Judges May Perform Duties Elsewhere in the District.** Any full-time magistrate judge may perform any duty or exercise any power

granted, conferred, or imposed by this Rule in any division of the District or in any action or proceeding arising herein.

5. **Part-Time Magistrate Judges Must Perform All Duties at Their Duty Stations.** Unless otherwise ordered by the Chief Magistrate Judge, the Court en banc, or a district judge, a part-time magistrate judge must perform the general duties and powers of a full-time magistrate judge in the division in which the part-time magistrate judge's duty station is located.
6. **Part-Time Magistrate Judge at Fort Leonard Wood.** The United States District Court for the Western and Eastern Districts of Missouri may jointly appoint a part-time magistrate judge for the Western and Eastern Districts of Missouri, with an official station at Fort Leonard Wood, Missouri. The order of appointment must specify the part-time magistrate judge's territorial jurisdiction. This part-time magistrate judge must perform such duties in or arising from actions or omissions occurring only within the territorial jurisdiction specified. The United States District Court for the Western and Eastern Districts of Missouri may expand or alter the territorial jurisdiction by any subsequent joint supplemental order.

(g) **Reserving or Assigning Additional Duties from or to Magistrate Judges.**

1. **Reserving Proceedings for Conduct by a District Judge.** Notwithstanding this Rule, the Court en banc or any district judge may reserve any proceeding for conduct by a district judge, rather than by a magistrate judge. The Court en banc may, by order, modify the method of assigning proceedings to a magistrate judge as changing conditions may warrant.
2. **Assigning Additional Duties to a Magistrate Judge.** Absent exceptional circumstances requiring a temporary emergency assignment, the Court en banc, as a part of a system of assignment or by special order, must approve a district judge's assignment of duties or functions to a magistrate judge beyond those permitted in this Rule.
3. **District Judge Orders Supersede Magistrate Judge Orders.** In case of conflict, the order of a district judge prevails over the order of any magistrate judge.