

74.1 PROCEDURE FOR REVIEWING MAGISTRATE JUDGES' ORDERS

(a) Appeal of Non-Dispositive Matters.

1. Any party may appeal from a magistrate judge's order determining a motion or matter under Rule 72.1(c). The appealing party must file, and serve on the magistrate judge and all parties, a written statement of appeal which specifically designates the order, or part thereof, appealed from and the basis for its objections.
2. Unless the magistrate judge or assigned district judge orders otherwise, the appealing party must file its written statement within 14 days after the magistrate judge issues the order.
3. The assigned district judge must consider the appeal and set aside any portion of the order he or she finds to be clearly erroneous or contrary to law.
4. The assigned district judge may reconsider sua sponte any matter determined by a magistrate judge under Rule 72.1(c), and set aside any portion of the order he or she finds to be clearly erroneous or contrary to law.

(b) Appeal of Dispositive Matters.

1. Any party may appeal from a magistrate judge's proposed findings, recommendations, or report under Rule 72.1(b). The appealing party must file, and serve on the magistrate judge and all parties, a written statement of appeal which specifically identifies the portions of the proposed findings, recommendations, or report to which objections are made and the basis for such objections.
2. The appealing party must file its objections within 14 days after the magistrate judge issues the findings, recommendations, or report. If the appealing party shows excusable neglect or good cause, the magistrate judge or district judge may extend this time by up to 21 days. A party may respond to another party's objections within 14 days after being served with a copy.
3. The assigned district judge must make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The assigned district judge may also recommit the matter to the magistrate judge with instructions.
4. In making its determination, the assigned district judge may consider the record developed before the magistrate judge and make his or her own determination on the basis of that record. The assigned district judge may conduct a new hearing, but does not have to unless required by law. In a new hearing, the assigned district judge may receive further evidence or recall witnesses.

5. A party waives its right to appeal any issue which has been determined by the magistrate judge but which it failed to present to the assigned district judge by timely written objections.
- (c) **Special Master Reports.** Any party may seek a review of, or action on, a special master's report filed by a magistrate judge in accordance with Fed. R. Civ. P. 53(f).
- (d) **Appeals from Judgments in Misdemeanor Cases.** A defendant may appeal a judgment of conviction by a magistrate judge after trial in a misdemeanor case. The appealing defendant must file a notice of appeal within 14 days after entry of the judgment, and serve a copy upon the United States Attorney. The scope of appeal is the same as on an appeal from a judgment of the district court to the court of appeals.