



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 3.1 COMPLAINTS

- A. Presentation.** Complaints ordinarily should be presented to a magistrate judge for review and execution, but a complaint may be presented to a district judge if no magistrate judge is available. If no federal judge is reasonably available, a complaint may be presented to a state judicial officer.

Copies of the complaint and supporting affidavits should be delivered to the judge for his or her private review before a request is made for the judge to sign the complaint. In an emergency, the judge may waive this requirement.

- B. Emergencies.** In an emergency, a magistrate judge may be contacted away from the courthouse, including at his or her home, for purposes of considering a proposed complaint. If no magistrate judge is available, a district judge may be contacted away from the courthouse, including at his or her home, for purposes of considering a proposed complaint.