



United States District Court

# DISTRICT OF SOUTH DAKOTA

## LR 57.11 MAGISTRATE JUDGE DUTIES

- A. General Designation.** In every criminal case, the court designates the magistrate judge assigned to the case to perform the following duties authorized by 28 U.S.C. § 636:
1. Hear and determine any pretrial matter pending before the court, except a motion to dismiss or quash an indictment or information by the defendant, or to suppress evidence in a criminal case;
  2. Conduct hearings, including evidentiary hearings, and submit to the district judge proposed findings and recommendation for the disposition of:
    - (a) dispositive pretrial matters such as to dismiss or quash an indictment or information by the defendant, or to suppress evidence in a criminal case;
    - (b) applications for posttrial relief made by individuals convicted of criminal offenses.
  3. In accordance with 18 U.S.C. § 3401, with respect to misdemeanors committed within the district:
    - (a) try a defendant accused of, and sentence a defendant convicted of, a petty offense (Infractions, Class C misdemeanors, and Class B misdemeanors); and
    - (b) with the defendant's consent, try a defendant accused of, and sentence a defendant convicted of non-petty offenses (Class A) misdemeanors.
  4. Conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and submit to the district judge proposed findings of fact and recommendations for such modification, revocation, or termination by the district judge.
  5. Serve as a special master upon consent of the parties in civil cases.

6. Preside over allocution and change of plea proceedings in felony criminal cases upon consent of the parties and submit to the district judge proposed recommendations for de novo review.

**B. Specific Designation.** The district judge assigned to a case may specifically designate a magistrate judge to perform any of the duties authorized by 28 U.S.C. § 636(b). In performing the designated duties, the magistrate judge must conform to the Local Rules and the instructions of the district judge.