UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

In re: Administrative Orders of the Chief Judge Case No. 3:24-mc-20-MMH

THIRD AMENDED ORDER RE: UTILIZATION OF MAGISTRATE JUDGES

Rule 1.02(a) of the Local Rules of the United States District Court for the Middle District of Florida, authorizes a United States magistrate judge in the Middle District to "exercise the maximum authority and perform any duty permitted by the Constitution and other laws of the United States." Rule 1.02(b) of the local rules states: "The chief judge must issue and publicize with the local rules an administrative order that delineates the authority and describes the duties of a United States magistrate judge. The chief judge can amend the administrative order as needed." This amended order replaces the Order entered October 30, 2024, in Case No. 3:21-mc-1-TJC at Doc. 157.

AUTHORITY OF UNITED STATES MAGISTRATE JUDGES

(a) **General Authority.** A magistrate judge may exercise the authority and perform the duties permitted by the Constitution, the statutes, and the rules of the United States and specified in 28 U.S.C. § 636.

(b) **Referral.** A district judge or the presiding district judges in any division may assign to a magistrate judge any additional duty consistent with governing law and the terms of this order.

(c) **Petit Jury and Ceremonial Proceedings.** A magistrate judge may conduct the following proceedings and enter an order concerning:

(1) A proceeding relating to petit juror qualification, excusal, and failure to appear in response to a summons for jury service.

(2) With the parties' consent, voir dire examination and empanelment of a petit jury.

(3) A naturalization ceremony.

(4) An attorney admission ceremony.

(d) **Criminal Proceedings.** In criminal proceedings, a magistrate judge may conduct proceedings and enter an order concerning:

(1) A warrant. Fed. R. Crim. P. 41.

(2) A pen register or a trap and trace device. 18 U.S.C. §§ 3122–3125.

(3) A warrant or order under the Stored Communications Act. 18 U.S.C. §§ 2703, 2705.

(4) A complaint and a related arrest warrant or summons. Fed. R. Crim. P. 4.

(5) A mutual legal assistance treaty request. 18 U.S.C. § 3512; 28 U.S.C. § 1782.

(6) Use of an undercover agent or informant under 42 C.F.R. § 2.67(d).

(7) Any pretrial proceeding, except a magistrate judge may not grant a motion by a defendant to dismiss or to quash an indictment or information, or to suppress evidence, but may file a report and recommendation.

(8) A status conference and a motion to postpone or to continue the trial.

(9) An initial appearance and related proceedings. Fed. R. Crim. P. 5.

(10) A detention or bail hearing. 18 U.S.C. §§ 3141–3143, 3146, 3148.

(11) A defendant's representation by counsel. 18 U.S.C. § 3006A; Fed. R. Crim. P. 44.

(12) A duty assigned to a magistrate judge under the court's Criminal Justice Act Plan. 18 U.S.C. § 3006A.

(13) A preliminary hearing. Fed. R. Crim. P. 5.1; 18 U.S.C. § 3060.

(14) A removal hearing. Fed. R. Crim. P. 40.

(15) A writ of habeas corpus *ad testificandum* or a writ of habeas corpus *ad prosequendum*. 28 U.S.C. § 2241(c)(5).

(16) A subpoena necessary to obtain the presence of a witness at trial or another proceeding.

(17) A detention hearing related to a material witness. 18 U.S.C. §§ 3144, 3149.

(18) A complaint regarding extradition and a related warrant. 18 U.S.C. § 3184.

(19) An indigent prisoner or person imprisoned for debt under process or execution issued by a federal court. 28 U.S.C. § 2007.

(20) An arraignment and entering a plea of not guilty. Fed. R. Crim. P. 10, 11(a), and 32(c).

(21) A defendant's waiver of appearance for an arraignment. Fed. R. Crim. P. 10(b).

(22) With the defendant's consent, a guilty plea hearing, except that a magistrate judge must enter a report and

recommendation regarding acceptance of the plea. Fed. R. Crim. P. 10, 11.

(23) A presentence investigation report for a defendant who pleads guilty or indicates an intention to plead guilty. Fed. R. Crim. P. 32(c).

(24) A grand jury, including empanelment, return of an indictment and issuance of related process, and a motion arising from grand jury proceedings.

(25) A waiver of indictment. Fed. R. Crim. P. 7(b).

(26) The United States' motion to dismiss an indictment, information, or complaint, or any separate count of an indictment, information, or complaint. Fed. R. Crim. P. 48(a).

(27) A psychiatric or psychological report to determine competency under 18 U.S.C. § 4241 and a competency hearing, except that a magistrate judge must file a report and recommendation concerning a defendant's competency if the parties dispute the defendant's competency.

(28) Revocation, modification, exoneration, or forfeiture of bond.

(29) An initial appearance, a detention or bail hearing, and a preliminary hearing related to revocation of probation or supervised release. Fed. R. Crim. P. 32.1.

(30) The United States' motion to dismiss a petition to revoke supervised release or any separate violation within a petition.

(e) **Civil Proceedings.** Upon unanimous consent of the parties, a magistrate judge may conduct any or all proceedings in a civil case and order the entry of judgment in the case. Upon the filing of a civil case, the Clerk must notify the parties in writing that they may consent to the jurisdiction of a magistrate judge and must provide the parties with a written consent form authorized by the court. In civil proceedings where the parties do not

unanimously consent, a magistrate judge may conduct proceedings and enter an order concerning:

(1) Pretrial proceedings and motions. Absent a stipulation by all affected parties, however, a magistrate judge may not appoint a receiver, enter an injunctive order, enter an order dismissing or permitting maintenance of a class action or collective action, grant in whole or in part a motion for judgment on the pleadings or for summary judgment, enter an order of involuntary dismissal, or enter any other final order or judgment that would be appealable if entered by a district judge, but a magistrate judge may file a report and recommendation concerning these matters. Consistent with the policy of the Judicial Conference Committee on the Administration of the Magistrate Judges System, absent extraordinary circumstances, magistrate judges will not be referred (even for a report and recommendation) motions for temporary restraining order, motions for preliminary injunction, and Hague Convention cases.

(2) Court-annexed mediation, including designating a mediator and determining a mediator's compensation rate.

(3) A writ of replevin, garnishment, attachment, or execution and any proceeding in aid of execution under Fed. R. Civ. P. 69.

(4) An attachment or request to enforce compliance with an Internal Revenue Service summons to produce records or to give testimony. 26 U.S.C. § 7604(a)–(b).

(5) An action instituted under any law of the United States providing for judicial review of a final decision of an administrative officer or agency based upon the record of an administrative proceeding, except that a magistrate judge must file a report and recommendation concerning disposition of the action.

(6) A magistrate judge's receipt of testimony and evidence as a master or special master, except that a magistrate judge must file a report and recommendation concerning:

(i) the assessment of damages in an admiralty case;
(ii) a non-jury proceeding under Fed. R. Civ. P. 55(b)(2); or
(iii) any other case on special reference under Fed. R. Civ. P. 53.

(7) In an admiralty case:

(i) appointing a substitute custodian of a vessel or property seized *in rem*;
(ii) fixing the amount of security a claimant of a vessel or property seized *in rem* must post under Rule E(5), Supplemental Rules for Certain Admiralty and Maritime Claims;
(iii) in limitation of liability proceedings, a monition, a restraining order, an *ad interim* stipulation filed with the complaint, the means of notice to potential claimants, and a deadline for filing claims; and
(iv) restraining further proceedings against the plaintiff in limitation except by filing a claim in the limitation proceeding.

(8) Appointment of a process server under Fed. R. Civ. P. 4(c). For *in rem* process, however, an appointment must be made only when the United States marshal has no deputy marshal immediately available and the United States marshal has approved the individual to serve process.

(9) A civil fine and penalty under the Federal Boat Safety Act. 46 U.S.C. § 4311(d).

(10) A habeas corpus petition filed under 28 U.S.C. §§ 2241, 2254, or 2255, including an evidentiary hearing, except that a magistrate judge must file a report and recommendation concerning disposition of the petition.

(11) An action filed by a state prisoner under 42 U.S.C. § 1983, including an evidentiary hearing, except that a magistrate judge must file a report and recommendation concerning disposition of the claim.

(12) A settlement conference.

REVIEW OF A MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

(a) **Definition.** The term "report and recommendation" in this order has the same meaning as the terms "proposed findings of fact and recommendations," "recommended disposition," "findings and recommendations," "proposed findings and recommendations," or similar language in 28 U.S.C. § 636(b), 18 U.S.C. § 3401, Fed. R. Civ. P. 72, and Fed. R. Crim. P. 59.

(b) **Objection.** Within fourteen days after service of a report and recommendation, any party may file and serve a written objection.

(c) **Response.** Within fourteen days after service of any written objection, any party opposing the objection may file and serve a written response.

(d) **Disposition.** The district judge may:

(1) accept, reject, or modify the report and recommendation in whole or in part;

(2) receive further evidence; or

(3) recommit the matter to the magistrate judge with instructions.

MISDEMEANORS AND PETTY OFFENSES

(a) **Misdemeanor.** With the parties' consent, a magistrate judge may try a person charged with, and sentence a person convicted of, a Class A misdemeanor or other misdemeanor that is not a petty offense.

(b) **Petty Offense.** A magistrate judge may try a person accused of, and sentence a person convicted of, a petty offense.

(c) **Transferred Misdemeanor.** With the defendant's consent, a misdemeanor case transferred to the district may be assigned to a magistrate judge for plea and sentence.

(d) **Forfeiture of Collateral.** The offenses for which collateral may be posted and forfeited in lieu of appearance, together with the amount of collateral to be posted, are specified in standing orders and published on the court's public website. In lieu of appearing, a person charged with a petty offense specified in a standing order may post collateral in the amount indicated for the offense, waive appearance before a magistrate judge, and consent to forfeiture of the collateral. For a petty offense not specified in a standing order, the person charged must appear before a magistrate judge. Nothing in this rule prohibits a law enforcement officer from arresting a person for committing a petty offense.

The Clerk must ensure the publication of this order to the Middle District's bar and maintain this order on the Middle District's public website.

DONE AND ORDERED in Jacksonville, Florida this 3rd day of November, 2026.

MARCIA MORALES HOWARD
Chief United States District Judge