

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY  D.C.

94 SEP -2 PM 1:58

Administrative Order No. 94-14

Robert R. Di Trollo  
CLERK, U.S. DIST. CT.  
W. D. OF TN, MEMPHIS

IN RE: AUTHORITY OF MAGISTRATE  
JUDGES TO CONDUCT PRE-  
LIMINARY HEARINGS IN  
PROBATION AND SUPER-  
VISED RELEASE MATTERS

---

Twenty-eight U.S.C. §636(a)(1) provides that United States magistrates (now United States magistrate judges) shall have "all powers and duties conferred or imposed upon United States Commissioners by law or by the rules of Criminal Procedure for the United States District Courts." Further, 18 U.S.C. §3041 states of the power of courts and magistrates that

[f]or any offense against the United States, the offender may, by any ... United States magistrate [formerly U.S. commissioner and now United States magistrate judge] ... of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned, or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense.

With regard to preliminary hearings as they relate to revocation of probation or supervised release, Criminal Procedure Rule 32.1(a)1 states:

Whenever a person is held in custody on the ground that the person has violated a condition of probation or supervised release, the person shall be afforded a prompt hearing before any judge, or a United States magistrate who has been given the authority pursuant to 28 U.S.C. §636 to conduct such hearings, in order to determine whether there is probably [probably meant to be "probable"] cause to hold the person for a revocation hearing.

Consistent with the aforementioned, it is

ORDERED, that the United States Magistrate Judges for the Western District of Tennessee, without specific orders of reference, are authorized to conduct preliminary, detention, and bail hearings for persons charged with violation of probation or supervised release.

DONE and ORDERED at Memphis, Tennessee, on this 1<sup>st</sup> day of September, 1994.

FOR THE COURT: Julia Smith Gibbons  
Julia Smith Gibbons  
Chief United States District Judge