

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
2211 UNITED STATES COURTHOUSE
75 TED TURNER DRIVE, S.W.
ATLANTA, GEORGIA 30303

KEVIN P. WEIMER
DISTRICT COURT EXECUTIVE
AND CLERK OF COURT

404-215-1610

May 3, 2023



NOTICE OF PROPOSED LOCAL RULE AMENDMENTS
AND OPPORTUNITY FOR PUBLIC COMMENT

The United States District Court for the Northern District of Georgia has approved amendments to Local Rule 72.1, Local Rule 83.5, and Local Criminal Rule 59. The amendments to LR 72.1 and LCrR 59 set forth page limitations and filing deadlines for objections to reports and recommendations of magistrate judges; responses to objections; and, if permitted by the presiding judge, replies. The amendments to LR 83.5, which governs weapons prohibited in courthouses, clarify that ammunition is not permitted, add additional exemptions from the rule, and include other revisions to improve clarity.

The amendments are attached to this notice and available for review on the court's website at www.gand.uscourts.gov and at the clerk's office public counter in each courthouse.

Members of the bar and public are invited to submit written comments on these revisions until June 2, 2023. Please address all comments to:

Kevin P. Weimer
District Court Executive and Clerk of Court
2211 United States Courthouse
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303

LR 72: MAGISTRATE JUDGES: PRETRIAL ORDERS

LR 72.1 MAGISTRATE JUDGES: CIVIL JURISDICTION AND DUTIES

(A) Non-Dispositive Pretrial Matters on Reference from District Judge.

Non-dispositive matters in a civil action referred to a magistrate judge by a district judge shall be heard and an order entered in compliance with Fed. R. Civ. P. 72(a).

(B) Dispositive Motions on Reference from District Judge. A magistrate judge shall promptly conduct any such proceedings as may be required in connection with a dispositive pretrial motion referred to the magistrate judge by a district judge. Objections to the magistrate judge's recommendation for disposition shall be processed in accordance with Fed. R. Civ. P. 72(b)(2). A listing of dispositive motions is contained in 28 U.S.C. § 636(b)(1).

(C) Prisoner Petitions. Except in cases in which the death penalty has been imposed, the magistrate judges may, unless otherwise directed:

(1) Review habeas corpus petitions filed by state prisoners under 28 U.S.C. §§ 2241, 2254 to determine the petitioner's eligibility to proceed in forma pauperis, issue orders to show cause, and any other orders necessary to obtain a complete record and issue orders pursuant thereto; conduct evidentiary hearings; and submit a report and recommendation to the district judge as to the proper disposition of the petition.

(2) Review habeas corpus petitions and motions filed by federal prisoners under 28 U.S.C. §§ 2241, 2254 to determine the petitioner's eligibility to proceed in forma pauperis, issue orders to show cause, and orders pursuant thereto; conduct evidentiary hearings; and submit a report and recommendation to the district judge as to the proper disposition of the petition or motion.

(3) Review civil suits challenging conditions of confinement and for deprivation of rights filed under 42 U.S.C. § 1983 to determine the petitioner's eligibility to proceed in forma pauperis, and issue orders pursuant thereto; conduct

evidentiary proceedings; and submit a report and recommendation to the district judge as to the proper disposition of the case. Such proceedings shall be conducted in compliance with Fed. R. Civ. P. 72(b).

(D) Assignments to a Magistrate Judge. In a case referred to a magistrate judge, the magistrate judge will perform the duties assigned to him or her by the Court or a district judge under Court rule, plan, order or other document. A magistrate judge will perform other duties when those duties are assigned to him or her by the Court or a district judge under Court rule, plan order, or other document. The duties assigned to a magistrate judge by the Court, and the manner of their distribution and assignment, are specified in a standing order of the Court, available in the clerk's office and on the Court's website at www.gand.uscourts.gov.

(E) Briefing Practice for Objections and Responses. Absent prior permission of the Court, objections and any responses thereto are limited in length to twenty-five (25) pages. Objections must be filed within fourteen (14) days from the date the magistrate judge's report and recommendation or order is filed, and responses may be filed within fourteen (14) days from the date the objections are filed. Objections and responses thereto must meet the form and formatting requirements of LR 5.1. Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief must be filed no later than the deadline set by the presiding judge, and, unless the Court orders otherwise, be limited in length to fifteen (15) pages and meet the form and formatting requirements of LR 5.1.

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LR 83.5 WEAPONS ~~NOT ALLOWED~~PROHIBITED IN COURTHOUSES

(A) **Weapons ~~Not Allowed~~Prohibited.** Firearms, ammunition, or other weapons ~~shall must~~ not be worn or brought into ~~the courtrooms of this Court or into the buildings in which they are located~~any district courthouse, ~~except with the~~unless specifically authorization authorized of by the Court. ~~The Court has excused, to the extent hereinafter stated, the~~ following persons or groups, however, are exempt from this rule:

(1) The United States Marshal and ~~his~~ duly assigned deputy marshals, court security officers, and other security personnel engaged by the U.S. Marshal.

(2) Federal Protective Service officers on assignment or ~~up~~on call.

(3) Any federal law enforcement officer presenting a prisoner before a magistrate judge for initial appearance.

(4) Other federal law enforcement officials whose permanent assignments ~~offices~~ are located within the security parameters of ~~the various~~a district courthouses; ~~provided, however, that, ¶~~This exemption, however, elusion does not ~~allow permit~~ these officials to carry weapons into the facilities of the United States District Court, including, but not limited to, judges' chambers, offices, and courtrooms.

(5) United States Probation Officers are authorized to wear or carry firearms to and from their offices within the district's courthouses, but ~~probation officers~~ are not authorized to wear firearms inside their offices. Firearms brought to the probation office ~~will~~must be secured in a locked container.

~~(5)~~(6) Federal law enforcement officers assigned to full-time protective duties for a current or former President of the United States, Vice President of the United States, or Attorney General of the United States.

~~(6)~~(7) Other ~~officers~~persons or groups as designated by Court order.

(B) **Checking of Weapons.** Firearms, ammunition, ~~and~~ other weapons must be checked with security personnel. If no security officer is on duty or locatable, these

~~items~~ ~~weapons should~~ must be checked with ~~either the clerk or~~ the United States Marshal.

(C) **Sanction for Noncompliance.** Any person, including any ~~or~~ law enforcement officer, who fails to comply with this rule ~~shall~~ will be guilty of contempt and ~~shall be~~ subject to sanctions ~~the appropriate disciplinary action~~.

LR 83.5 WEAPONS PROHIBITED IN COURTHOUSES

(A) Weapons Prohibited. Firearms, ammunition, or other weapons must not be worn or brought into any district courthouse, unless specifically authorized by the Court. The following persons or groups, however, are exempt from this rule:

(1) The United States Marshal and duly assigned deputy marshals, court security officers, and other security personnel engaged by the U.S. Marshal.

(2) Federal Protective Service officers on assignment or on call.

(3) Any federal law enforcement officer presenting a prisoner before a magistrate judge for initial appearance.

(4) Other federal law enforcement officials whose permanent assignments are located within the security parameters of a district courthouse. This exemption, however, does not permit these officials to carry weapons into the facilities of the United States District Court, including, but not limited to, judges' chambers, offices, and courtrooms.

(5) United States Probation Officers are authorized to wear or carry firearms to and from their offices within the district's courthouses but are not authorized to wear firearms inside their offices. Firearms brought to the probation office must be secured in a locked container.

(6) Federal law enforcement officers assigned to full-time protective duties for a current or former President of the United States, Vice President of the United States, or Attorney General of the United States.

(7) Other persons or groups as designated by Court order.

(B) Checking of Weapons. Firearms, ammunition, and other weapons must be checked with security personnel. If no security officer is on duty or locatable, these items must be checked with the United States Marshal.

(C) Sanction for Noncompliance. Any person, including any law enforcement officer, who fails to comply with this rule will be guilty of contempt and subject to sanctions.

LR 83.5 WEAPONS NOT ALLOWED IN COURTHOUSE

(A) Weapons Not Allowed. Firearms or other weapons shall not be worn or brought into the courtrooms of this Court or into the buildings in which they are located, except with the specific authorization of the Court. The Court has excused, to the extent hereinafter stated, the following persons or groups from this rule:

(1) The United States Marshal and his duly assigned deputy marshals, court security officers and other security personnel engaged by the U.S. Marshal.

(2) Federal Protective Service officers on assignment or upon call.

(3) Any federal law enforcement officer presenting a prisoner before a magistrate judge for initial appearance.

(4) Other federal law enforcement officials whose permanent assignment offices are located within the security parameters of the various courthouses; provided, however, that this exclusion does not allow these officials to carry weapons to the facilities of the United States District Court, including, but not limited to judges' chambers, offices and courtrooms.

(5) United States Probation Officers are authorized to wear or carry firearms to and from their offices within the district's courthouses, but probation officers are not authorized to wear firearms inside their offices. Firearms brought to the probation office will be secured in a locked container.

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(B) Checking of Weapons. Firearms and weapons must be checked with security personnel. If no security officer is on duty or locatable, weapons should be checked with either the clerk or the United States Marshal.

(C) Sanction for Noncompliance. Any person or law enforcement officer who fails to comply with this rule shall be guilty of contempt and shall be subject to the appropriate disciplinary action.

LCrR 59: ADDITIONAL DUTIES OF MAGISTRATE JUDGES AND OTHER POWERS GRANTED BY STATUTE

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(1) Prisoner Petitions. Except in cases in which the death penalty has been imposed, the magistrate judges may, unless otherwise directed, review civil petitions filed by prisoners. Information regarding these civil petitions is set forth in LR 72.1(C).

(2) Pretrial Matters on Reference from Judge.

(a) The magistrate judges are authorized, under 28 U.S.C. § 636(b)(1)(B), to conduct hearings, including evidentiary hearings, on dispositive pretrial motions filed by defendants, such as motions to dismiss or quash an indictment or information and to suppress evidence. At the conclusion of the hearings, the magistrate judge shall submit proposed findings of fact and recommendations for disposition of the motion to the judge to whom the case is assigned. Any objections to the magistrate judge's proposed findings and recommendations shall be processed in accordance with the provisions of 28 U.S.C. § 636(b)(1).

(b) The magistrate judges are also authorized, under 28 U.S.C. § 636(b)(1)(A), to hear and determine pretrial matters pending before the Court which are not dispositive of the case. When appropriate, the magistrate judge shall enter into the record a written order setting forth the magistrate judge's disposition of the matter. Objections to the magistrate judge's order must be served and filed within fourteen (14) days after entry of the order. Upon consideration of the objections, the judge to whom the case is assigned shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.

If the order to which a party objects is oral, the parties must file, within fourteen (14) days after the objections are served and filed, a joint statement showing how the issues presented by the objection arose and were decided by the magistrate judge. Only those facts essential to a decision of

the issues presented in the objection should be set forth.

(3) Briefing Practice for Objections and Responses. Absent prior permission of the Court, objections and any responses thereto are limited in length to twenty-five (25) pages. Objections must be filed within fourteen (14) days from the date the magistrate judge's report and recommendation or order is filed, and responses may be filed within fourteen (14) days from the date the objections are filed. Objections and responses thereto must meet the form and formatting requirements of LR 5.1. Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief must be filed no later than the deadline set by the presiding judge, and, unless the Court orders otherwise, be limited in length to fifteen (15) pages and meet the form and formatting requirements of LR 5.1

(4) Other Powers Granted by Statute. The magistrate judges are also authorized to exercise all powers and perform all duties conferred or imposed by 28 U.S.C. § 636.

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