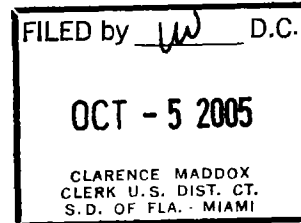


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2005-40

IN RE: DUTY JUDGE ASSIGNMENT  
SCHEDULE, MIAMI

---



The following is a schedule for January 2006 through December 2006, as to the Duty Judge for Miami. The Duty Judge's functions are as follows:

1. Handle all grand jury matters. This includes convening grand juries and ruling on matters affecting those grand juries during each month's duty. Grand jury matters, and all matters reasonably related to the original grand jury matter, will be handled by the District Judge before whom the original matter was filed. The Clerk's Office will call the offices of the Duty Judge to attempt to arrange a time convenient to the Judge for the empanelment of the grand jury (if one is scheduled for that month), but if the jurors have already been summoned, the date will be firm and the Judge will have to adjust his or her schedule accordingly. Once the date for the empanelment is set by the Duty Judge in consultation with the clerk, the date will have to be firm and not subject to change. Rule 6(f) of the Federal Rules of Criminal Procedure makes provisions for a grand jury return to be taken by a United States Magistrate Judge. However, whether the District Judge or the Magistrate Judge will take a return will be determined by the Duty Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.
2. The Chief Judge will preside over all court naturalization ceremonies and emergency naturalization matters in the Miami Division, unless the Duty Judge is otherwise notified.
3. Preside over matters arising from Magistrate Judges' proceedings which are not assigned to a District Judge, including but not limited to, applications for reduction of bonds and competency examinations.
4. Transfer of Probation from foreign districts.

5. Swearing in of attorneys to practice.
6. Preside over wire tap applications in matters not assigned to any District Judge, with the exception that trap-and-trace and pen register orders will continue to be handled by the Magistrate Judges. All extensions, including all matters reasonably related to the original investigation, will be handled by the District Judge who granted the original application.
7. Approval of issuance of warrants of arrest in admiralty cases in any division where the assigned judge is out of the district or is otherwise unavailable.
8. The Duty Judge may preside over emergency petitions for writ of habeas corpus involving a petitioner's claim to immediate release, where the assigned judge is in the district, but otherwise unavailable to rule on the petition. After ruling on the emergency relief sought, and for all other purposes and proceedings, the case shall remain on the docket of the judge to whom it was originally assigned.
9. The Duty Judge, his or her designee, or the Clerk's designee, as appropriate, determines the validity of juror qualifications, exemptions, or excuses.

**MONTHLY ASSIGNMENTS:**

January	2006	Judge Federico A. Moreno
February	2006	Judge Donald L. Graham
March	2006	Judge K. Michael Moore
April	2006	Judge Ursula Ungaro-Benages
May	2006	Judge Joan A. Lenard
June	2006	Judge Alan S. Gold
July	2006	Judge Patricia A. Seitz
August	2006	Judge Adalberto Jordan
September	2006	Judge Paul C. Huck
October	2006	Judge Jose E. Martinez
November	2006	Judge Cecilia M. Altonaga
December	2006	Judge Marcia G. Cooke

The Duty Judge should be present in the district and available for handling Duty Judge matters at all times during the month assigned. If it is necessary for the Duty Judge to be out of the

district for a short period of time during the assignment month, it is the Duty Judge's responsibility to make arrangements with another Judge to handle all Duty Judge matters arising during the brief absence, and to notify the Chief Judge and Clerk of Court.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 4<sup>th</sup> day of October 2005.



---

WILLIAM J. ZLOCH  
CHIEF UNITED STATES DISTRICT JUDGE

c: All Southern District Judges  
All Southern District Magistrate Judges  
United States Attorney  
Federal Public Defender  
Chief Probation Officer  
Court Administrator • Clerk of Court  
Jury Administrator  
Daily Business Review  
Library