

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2018-20

**IN RE: POLICY GOVERNING  
INITIAL APPEARANCES OF  
DEFENDANTS**

---



Effective April 9, 2018, the following shall govern the location of initial appearances for defendants arrested in the Southern District of Florida:

1. Where a defendant is arrested on a warrant issued pursuant to a criminal complaint, that defendant should be presented for an initial appearance before the duty magistrate judge in the division where the magistrate judge who signed the complaint sits.
2. Where a defendant is arrested on a warrant issued pursuant to an indictment, that defendant should be presented for an initial appearance before the duty magistrate judge in the division where the paired magistrate judge to the assigned district judge sits.
3. Where a defendant is not arrested on a warrant but solely on probable cause, the defendant should be presented for an initial appearance before the duty magistrate judge in the division where the criminal complaint will be sought and the case prosecuted.
4. Where a defendant is arrested in Monroe County or arrested in any division on a Key West case, whether on a warrant or solely on probable cause, the Assistant United States Attorney shall contact the Key West duty magistrate judge for instructions.
5. Where a defendant is arrested on a warrant from another district, that defendant should be presented for an initial appearance before the nearest available duty magistrate judge.
6. Where other hearings handled by the duty magistrate judge (bond hearings, detention hearings, arraignments, preliminary hearings, etc.) have not been held during the initial appearance, a defendant should receive such hearings in the same division as the initial appearance.

In exceptional cases, where compliance with the above practices may raise serious safety concerns relating to the transport or housing of defendants or create significant hardships for law enforcement or U.S. Marshals personnel, a party may, on motion, move the presiding Magistrate Judge and request that the initial appearance or other scheduled matter be held in a different division. The transferring Magistrate Judge may then, with the consent of the receiving Magistrate Judge, transfer the proceeding.

This Administrative Order supersedes prior Administrative Orders regarding the division in the District where a defendant is to be brought for initial appearance.

**ORDERED AND ADJUDGED** that the above shall take effect on April 9, 2018.

**DONE AND ORDERED** in Chambers at Miami, Miami-Dade County, Florida, this 2nd day of April, 2018.

**K. Michael Moore**  
K. MICHAEL MOORE  
Chief United States District Judge

Digitally signed by K. Michael Moore  
DN: cn=K. Michael Moore, o=Southern District of Florida,  
ou=United States District Court,  
email=k\_michael\_moore@fisd.uscourts.gov, c=US  
Date: 2018.04.02 12:09:44 -04'00'

cc: All Southern District Judges and Magistrate Judges  
Steven M. Larimore, Court Administrator • Clerk of Court  
Benjamin Greenberg, Acting United States Attorney  
Amos Rojas, Jr., United States Marshal  
Michael Caruso, Federal Public Defender  
Katherine Koonce, Chief United States Probation Officer