

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

2015 JAN -5 PM 1:11

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY M.S.
ALL CRIMINAL CASES

IN THE MATTER OF DISMISSAL §
OF AN INDICTMENT OR §
INFORMATION UPON MOTION §
BY THE GOVERNMENT §

STANDING ORDER REGARDING DISMISSAL
OF AN INDICTMENT OR INFORMATION
UPON MOTION BY THE GOVERNMENT

Pursuant to Title 28 United States Code §636(b)(3), a United States Magistrate Judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States. Title 28 § 636 (b)(1)(A), in pertinent part, provides that a District Judge may assign to a Magistrate Judge any pretrial matter pending before the court, “except a motion . . . to dismiss or quash an indictment or information made by the defendant” Federal Rule of Criminal Procedure, Rule 59(b)(1), provides that a District Judge may refer to a Magistrate Judge “for recommendation a defendant’s motion to dismiss or quash an indictment or information”

By implication, neither of the above-referenced provisions prevent a Magistrate Judge from dismissing an indictment or information upon motion by the government.

IT IS THEREFORE ORDERED AND ADJUDGED that when a felony case is referred by the District Judge to a Magistrate Judge for resolution by a misdemeanor plea and sentencing, that Magistrate Judge is authorized to dismiss the pending indictment or information upon motion by the government.

This Standing Order applies to any motion to dismiss an indictment or information filed by the government on or after January 1, 2015, in a felony case resolved by a misdemeanor plea before a Magistrate Judge.

IT IS SO ORDERED.

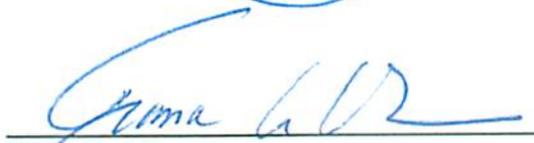
SIGNED ON THIS 5 DAY OF January, 20 15.



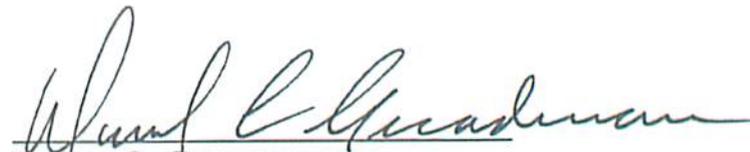
PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE



DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE