

Rule 1.15

**REVIEW AND APPEAL JUDGMENTS OF MAGISTRATE JUDGES**

(a) **Special Master Reports (28 U.S.C. §636 (b)(2)(A)).** Any party may seek review of, or action on, a special master report filed by a Magistrate Judge in accordance with the provisions of Rule 53(e) of the Federal Rules of Civil Procedure.

(b) **Appeal from Judgments in Misdemeanor Cases (18 U.S.C. §3402).**

(1) A defendant may appeal a judgment of conviction by a Magistrate Judge in a misdemeanor case by filing a notice of appeal with the Clerk of the Court within ten (10) days after entry of the judgment, and by serving a copy of the notice upon the United States Attorney. The scope of appeal shall be the same as on an appeal from a judgment of the District Court to the Court of Appeals.

(2) The record on appeal to a District Judge shall consist of the original papers and exhibits filed with the Court and the transcript or tape recording of proceedings before the Magistrate Judge, if any.

(3) The appellant shall, within thirty (30) days of the filing of the notice of appeal, file a typewritten memorandum with the Clerk of the Court. The memorandum shall include the following: (A) A statement of the issues presented for review and a statement of the case including a statement of the nature of the case; (B) the course of proceedings; and (C) its disposition. There shall follow a statement of the facts relevant to the issues presented for review. The memorandum shall also include any argument which shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefore, with citations to the authorities and statutes relied on. The argument shall be followed by a short conclusion stating the precise relief sought. The appellant shall serve a copy of the memorandum on the appellee.

(4) The appellee shall file an answering memorandum within twenty (20) days of the filing and service of the appellant's memorandum. The memorandum shall follow a format

similar to the appellant's memorandum, except that a statement of the issues presented for review, a statement of the case, and a conclusion shall be optional.

(5) The appellant may file a reply memorandum within ten (10) days of the date of service of the appellee's memorandum.

(6) Upon the filing of the memorandum, the case will be deemed submitted for decision. Counsel may request oral argument, in writing, at the time their memoranda are filed, and the Court, in its discretion, may allow oral argument.

(7) The Court may extend the time limits set in this Rule upon a showing of good cause made by the party requesting the extension. Such good cause may include reasonable delay in the preparation of any necessary transcript. If an appellant fails to file a memorandum within the time provided by this Rule, or an extension thereof, the Court may dismiss the appeal.