

LR crim 58.2

~~REVIEW AND APPEAL JUDGMENTS OF MAGISTRATE JUDGES~~  
APPEAL FROM JUDGMENTS OF MAGISTRATE JUDGES IN MISDEMEANOR  
CASES (18 U.S.C. § 3402)

~~(a) Appeal from Judgments in Misdemeanor Cases (18 U.S.C. § 3402).~~

~~(1)~~ (a) Notice of Appeal; Service. 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)~~ (b) Record on Appeal. 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)~~ (c) Opening Memorandum. 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)~~ (1) A statement of the issues presented for review and a statement of ~~the case including a statement of the nature of the case;~~ ~~(B)~~ (2) the course of proceedings; and ~~(C)~~ (3) 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)~~ **(d) Answering Memorandum.** 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)~~ **(e) Reply Memorandum.** The appellant may file a reply memorandum within ten (10) days of the date of service of the appellee's memorandum.

~~(6)~~ **(f) Request for Oral Argument.** ~~Upon the filing of the memorandum, the case will be deemed submitted for decision. Counsel may request oral argument, Either party may request oral argument by placing "Oral Argument Requested" immediately below the title of their memorandum. If oral argument is granted, notice shall be given in a manner directed by the Court. in writing, at the time their memoranda are filed, and the Court, in its discretion, may allow oral argument.~~

~~(7)~~ **(g) Extension of Time Limits; Dismissal of Appeal.** The Court may extend the time limits set in this Local 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 Local Rule, or an extension thereof, the Court may dismiss the appeal.