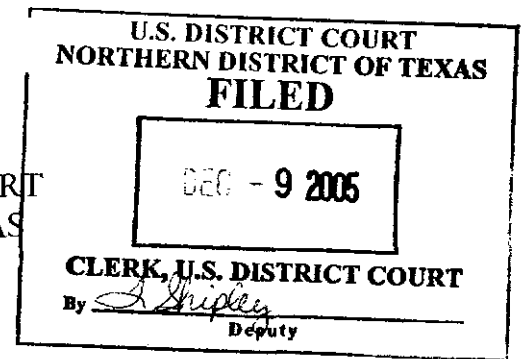


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS



Special Order No. 2-62

1. By Special Order No. 2-61, the District Judges of this Court considered and adopted new local criminal rules 59.1 and 59.2, on the condition that new FED. R. CRIM. P. 59 took effect on December 1, 2005.
2. Following a period of public comment and the taking effect of FED. R. CRIM. P. 59 on December 1, 2005, the Court has determined to amend the local criminal rules in the manner set forth in the attachment to Special Order No. 2-61.
3. The amendments shall take effect as of December 1, 2005 and shall apply to all proceedings in criminal actions thereafter commenced and, insofar as just and practicable, all proceedings in criminal actions then pending.
4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

December 9, 2005.

FOR THE COURT:

A. Joe Fish
A. JOE FISH, CHIEF JUDGE

Proposed Local Criminal Rules 59.1 and 59.2

LCrR 59.1 and 59.2 are adopted effective December 1, 2005, if new Fed. R. Crim. P. 59, adopted by the Supreme Court of the United States and transmitted to Congress, takes effect on December 1, 2005.

LCrR 59.1 Briefing Practice Concerning Objections to Magistrate Judge Orders in Nondispositive Matters.

- (a) **Brief.** Objections filed under Fed. R. Crim. P. 59(a) must be accompanied by a brief that sets forth the party's contentions of fact and/or law, and argument and authorities, and complies with LCrR 47.2.
- (b) **Response Brief.** A response brief to objections filed under Fed. R. Crim. P. 59(a) must comply with LCrR 47.2 and be filed within 10 days from the date the objections are filed.
- (c) **Reply Brief.** Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief shall be filed no later than the deadline set by the presiding judge and comply with LCrR 47.2.
- (d) **Preparing the Record.** A party who files objections under Fed. R. Crim. P. 59(a) is responsible for preparing the record and—if necessary for disposition of the objections—obtaining a hearing transcript. Unless otherwise directed by the presiding judge, the transcript must be filed contemporaneously with the objections.

LCrR 59.2 Briefing Practice Concerning Objections to Magistrate Judge Recommendations on Dispositive Motions.

- (a) **Brief.** Objections filed under Fed. R. Crim. P. 59(b)(2) must be accompanied by a brief that sets forth the party's contentions of fact and/or law, and argument and authorities, and complies with LCrR 47.2.
- (b) **Response Brief.** A response brief to objections filed under Fed. R. Crim. P. 59(b)(2) must comply with LCrR 47.2 and be filed within 10 days from the date the objections are filed.
- (c) **Reply Brief.** Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief shall be filed no later than the deadline set by the presiding judge and comply with LCrR 47.2.