

Procedures for Litigants Appearing Before Magistrate Judge William E. Duffin

GENERAL	
1. Electronic court filing (ECF)	<p>A. <u>Motions</u>: Any request for relief from the court, including any request for an extension of time, must be made by way of a motion. This includes a joint or agreed motion when parties mutually seek relief or when the relief sought is unopposed.</p> <p>B. <u>Letters</u>: The ECF event "Letter" should be reserved for filings that do not include any request for relief, for example, responding to a deputy clerk's request for the status of a case or informing the court that a reply brief will not be filed.</p> <p>C. <u>Requests</u>: The ECF event "Request" should be reserved for requests for action from the Clerk of Court and should not be used for any request for relief by the judge.</p> <p>D. <u>Stipulation</u>: The ECF event "Stipulation" (which is separate from the event "Stipulation of Dismissal") should be utilized for an agreement of the parties only when no relief from the court is sought.</p> <p>E. <u>Attachments</u>: Care should be taken to properly name electronically filed attachments. Rather than simply "Attachment 1" a descriptive title should be used, e.g., "Ex. A – 2015 Sales Figures."</p>
2. Courtesy Copies of Electronically Filed Documents	<p>It is unnecessary to submit paper copies of electronically filed documents. If the court seeks a courtesy paper copy, e.g., when a filing is particularly lengthy, the court will contact the filing party.</p>

3. Citation Form	<p>A. Parties should follow the citation form in <i>The Bluebook: A Uniform System of Citation</i>. Citations should be placed within the text of a brief rather than in footnotes.</p> <p>B. Footnotes, if they are used at all, should be limited. It is never appropriate to attempt to reserve or advance an argument by way of a footnote.</p>
4. Motions to Seal	<p>A. In addition to complying with Gen. L.R. 79(d), any party seeking to seal any document must ensure that only the confidential portions of that document are withheld from public view. For example, a document that contains confidential sections generally should not be sealed in its entirety. Rather, a redacted document should be publicly filed and an un-redacted version filed under seal.</p> <p>B. Filers are responsible for ensuring effective redaction prior to public filing.</p>
5. Motions to Strike	Motions to strike are disfavored and should be reserved for extraordinary circumstances.
6. Oral Argument	Oral argument is set at the court's discretion. Most motions are decided on briefs.
7. Other Rules and Procedures	This list of procedures is not intended to be comprehensive. Parties must pay attention to and abide by all applicable Federal Rules of Procedure, this District's Local Rules , the court's orders, and the procedures set forth in the ECF User Manual .

CIVIL	
8. Extensions of Time	<p>A. In all civil cases, a party seeking the extension of any deadline should, prior to filing, confer with all other represented parties in the case to determine whether the extension is contested.</p> <p>B. If all parties agree to the extension, a joint or agreed motion should be filed along with a proposed order. Parties should not seek an extension of time (or any other relief from the court) by way of a stipulation.</p> <p>C. Any request for an extension of time, including a joint or unopposed motion, must set forth the reasons for the extension so that the court can determine whether good cause exists under Fed. R. Civ. P. 6(b).</p>
9. Motions to Amend Pleadings	<p>Prior to bringing a motion to file an amended pleading under Fed. R. Civ. P. 15(a)(2), counsel should first consult any represented party to determine whether the motion is opposed. If the request to amend is unopposed, counsel is expected to provide written consent so the amended pleading may be filed without the need for a motion.</p>
10. Discovery Disputes	<p>Following the parties conferring, as required under Fed. R. Civ. P. 37(a) and Civ. L.R. 37, if a party believes that a telephonic conference with the court will be helpful in avoiding the need to file a formal discovery motion, the party is invited to file a motion requesting a telephonic conference regarding the dispute.</p>

CRIMINAL	
11. Motions Pertaining to Release or Detention	<p>A. <i>Prior</i> to an adjudication of guilt, all motions pertaining to release or detention (e.g., motion for reduction of bail, modifications of conditions of release, travel requests, and reconsideration of detention orders) shall be addressed to the magistrate judge who set the conditions of release or issued the order of detention.</p> <p>B. Any motion or response pertaining to release or detention to be addressed by Judge Duffin must be emailed to DuffinPO@wied.uscourts.gov in addition to being electronically filed.</p> <p>C. Prior to filing any motion pertaining to conditions of release (including motions to travel), counsel must consult with the Pretrial Services officer supervising the defendant and the Assistant United States Attorney assigned to the case and state in the motion each person's position as to the relief sought.</p> <p>D. Every request for court action regarding detention or the conditions of release must be made by way of a motion and not, for example, by a "letter" or "request."</p> <p>E. <i>After</i> an adjudication of guilt, all motions pertaining to release or detention shall be addressed to the district judge assigned to the case.</p>

<p>12. Criminal Evidentiary Hearings</p>	<p>A. In accordance with Criminal Local Rule 12(c), defense counsel filing any pretrial motion wherein an evidentiary hearing is requested must consult with the assigned Assistant United States Attorney as to whether the parties agree that an evidentiary hearing is necessary.</p> <p>B. Criminal Local Rule 12(c) requires both that this consultation occur sufficiently in advance of the filing of the motion to provide the prosecutor sufficient time to meaningfully evaluate the need for a hearing and that the prosecutor will evaluate the need for a hearing prior to the filing of the motion. It is generally not appropriate for a prosecutor to attempt to reserve an opinion as to the need for an evidentiary hearing until after reviewing the filed motion; Rule 12(c) contemplates that this evaluation occur before the motion is filed.</p> <p>C. Consistent with the informal agreement between this district's magistrate judges and the United States Attorney's Office as to timing under Crim. L.R. 12(c), any response to a request for an evidentiary hearing must be filed within 3 calendar days. Therefore, if a motion requesting an evidentiary hearing is filed on Wednesday, Thursday, or Friday, the prosecutor's response, if any, is due no later than the following Monday.</p>
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