

## **Detention Order Review Protocol for the Eastern District of Washington**

18 USC § 3145 (a) & (b) provide that parties may obtain *prompt review* by an Article III Judge of a Magistrate Judge's detention or release order.

The review procedure should (1) provide for prompt review, (2) insure a judicial officer with authority to rule on detention is accessible at any time during the review process, (3) establish a clear and well understood point/event at which responsibility transfers to the Article III judge, and (4) designate who has the burden of arranging and communicating the review process.

1. Once the Magistrate Judge has conducted a bail hearing pursuant to 18 USC § 3142 and has advised the parties, either orally or in writing, of his/her decision, any party *considering* review of the detention or release order shall immediately notify the Magistrate Judge and opposing counsel. A motion for a stay shall be filed with the Magistrate Judge pending review by an Article III Judge.
2. The Magistrate Judge shall then have the discretion to enter an order staying his/her detention or release decision pending review by an Article III Judge. Notwithstanding the entry of a stay order, the Magistrate Judge shall retain jurisdiction over the detention or release matter until the hearing before the Article III Judge occurs.
3. The party seeking review shall promptly docket with the Clerk a motion for review noting a date and time for review of the detention or release order before the assigned Article III Judge. If the case is not yet assigned to an Article III Judge, or if the assigned Article III Judge is unavailable, the motion for review shall be noted for hearing by the Chief Judge or the Chief Judge's designee. The party seeking review shall promptly notify the Magistrate Judge and opposing counsel of the date and time for review.