

An interim local rule is required immediately to bring the court's practice in conformance with the federal rules. The rule-making power of the court is outlined under 28 U.S.C. § 2071. If the court finds that "there is an immediate need for a rule, the court may proceed . . . without public notice and opportunity for comment." 28 U.S.C. § 2071(e). Accordingly, pursuant to the court's authority under 28 U.S.C. § 2071(e) and Local Civil Rule 100.4, the following local rule is hereby ADOPTED to address an immediate and emergent need:

Rule 58.2 Forfeiture of Collateral in Lieu of Appearance

As provided in Fed. R. Crim. P. 58(d)(1), a person who is charged with a petty offense or other misdemeanor, whether it is a violation of a federal statute or regulation, or a violation of an assimilated state law, may be permitted, in lieu of appearance, to post collateral for the offense, waive appearance before the court, and consent to forfeiture of the collateral. The offenses for which collateral may be posted and forfeited in lieu of appearance and the amount of collateral to be posted are set out in written schedules approved by the court, on file with the clerk, and posted on the court's website. Collateral may not be forfeited in lieu of appearance with respect to any offense for which appearance is specified as mandatory in a schedule or any offense the citation for which specifies that appearance is required.

The Clerk of Court is DIRECTED to post this Standing Order and Local Criminal Rule 58.2 on the court's website and to invite public comment for consideration by the Local Criminal Rules Committee. Local Criminal Rule 58.2 remains in effect until such time as the district court, upon the recommendation of the Local Rules Committees and after public notice and commentary, approves a permanent Local Criminal Rule 58.2.

SO ORDERED. This 5 day of November 2013.



JAMES C. DEVER III
Chief United States District Judge