

**APPEAL FROM CONVICTION  
BY A MAGISTRATE JUDGE**

- a) **Notice of Appeal.** A defendant who has been convicted by a magistrate judge may appeal to a district judge by filing a timely notice of appeal within fourteen (14) days after entry of judgment with the Clerk of Court and by serving a copy on the United States Attorney pursuant to Fed. R. Crim. Pro. 58(c)(4).
- b) **Record.** A transcript, if desired, shall be ordered as prescribed by Fed. R. App. Pro. 10(b), except that, in the absence of a reporter, the transcript shall be ordered as directed by the magistrate judge. Applications for orders pertaining thereto shall be made to the magistrate judge. Within thirty (30) days after a transcript has been ordered, the transcript shall be filed with the Clerk.
- If no transcript is ordered within fourteen (14) days after the notice of appeal is filed, the record on appeal shall be deemed complete.
- c) **Assignment to a District Judge.** The Clerk of Court shall assign the appeal to a District judge in the same manner as any indictment or felony information.
- d) **Notice of Hearing.** After assignment, the Clerk shall promptly notify the parties of the time set for oral argument. Argument shall be scheduled not less than sixty (60) days, nor more than ninety (90) days, after the date of the notice. However, an earlier date may be set upon application to the judge to whom the appeal has been assigned.
- e) **Time for Serving and Filing Briefs.** The appellant shall serve and file his or her brief within twenty-one (21) days after the notice of hearing. The appellee shall serve and file his or her brief within twenty-one (21) days after service of the brief of the appellant. The appellant may serve and file a reply brief within seven (7) days after service of the brief of the appellee. These periods may be altered by order of the assigned judge upon application of a party for good cause shown.
- f) **Scope of Appeal.** The scope of the appeal shall be the same as on an appeal from a judgment of the District Court to the Court of Appeals.

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**RELATED AUTHORITY**

None

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