

## **Rule 101. Assignment of Cases**

(a) IN GENERAL. The clerk will assign new criminal cases to the appropriate calendar using criteria established by the Chief Judge or the Chief Judge's designee.

(b) SPECIAL ASSIGNMENTS. The Chief Judge may specially assign a criminal case for all purposes to a specific calendar or a single judge. The Chief Judge may delegate to the Presiding Judge of the Criminal Division the authority to make special assignment of cases to a judge currently assigned to the Criminal Division.

(c) RELATED CASES.

(1) *"Related Case" Defined.* Criminal cases are deemed related when:

(A) more than one indictment or complaint is filed or pending against the same defendant or defendants, unless the case designation is different;

(B) more than one information is filed or pending against the same defendant or defendants, unless the prosecuting authority or case designation is different; or

(C) prosecution against different defendants arises from a common wiretap, search warrant, or activities that are a part of the same alleged criminal act or transaction.

(2) *Notice.* At the time the indictment, complaint, or information is filed, the attorney for the government must indicate whether there is a related case.

(3) *Assignment.*

(A) *At Time of Filing.* When the existence of a related case is noted at the time the indictment, complaint, or information is filed, the clerk must assign the new case to the judge or magistrate judge to whom the oldest related pending case is assigned.

(B) *After Initial Assignment.* When the existence of a related case is revealed after the cases are assigned, the judge or magistrate judge, who has the later-numbered case, may transfer that case to the judge or magistrate judge, who has the earlier case.

(d) REFILED CASE.

(1) *"Refiled Case" Defined.* A criminal case is deemed refiled if, after it was terminated by nolle prosequi or by dismissal without prejudice, the attorney for the government elects to reinstitute the prosecution or to bring a subsequent prosecution against the same defendant or defendants arising out of the same act or transaction that was the subject of the terminated case.

(2) *Assignment.* The clerk must reassign the refiled case to the original calendar unless the Presiding Judge orders otherwise.

## COMMENT TO 2020 AMENDMENTS

As used in this rule, "case designation" includes designations such as Felony 1 ("CF1"), Domestic Violence Misdemeanor ("DVM"), or General Misdemeanor ("CMD"). Thus, in accordance with subsection (c)(1)(B), the clerk would assign two CMD cases involving the same defendant to the same judge, but if there was a pending CMD case, the clerk would not assign a new DVM case involving the same defendant to the same judge. This rule does not prevent a judge or magistrate judge from transferring the case at a later time on motion or on its own initiative.