

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**PROCEDURES FOR INITIAL  
APPEARANCES**

**Misc. No. 26-mc-135 (RAM)**

**GENERAL STANDING ORDER**

**I. Introduction**

A. The initial appearance before a United States Magistrate Judge ("MJ") is, in most cases, a defendant's first contact and first appearance before the United States District Court after arrest. It is also when the court determines whether the defendant will be detained or granted pretrial release pursuant to Federal Rule of Criminal Procedure 5(d)(3).

B. Upon arrest, defendants must be brought promptly and without unnecessary delay before a judicial officer. Therefore, to promote efficient coordination among the federal agencies and court dependencies involved in the process of bringing the defendant before the duty MJ and to comply with the parameters set forth in the Constitution and Federal Rule of Criminal Procedure 5, the District of Puerto Rico has adopted the following procedures concerning Initial Appearances. This Standing Order does not create third-party rights. Further, it does not apply to juvenile

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proceedings or multi-defendant cases involving three or more defendants.

**II. Procedures**

A. Law Enforcement Officers ("LEOs") must be present in the courthouse with the defendant. If the United States has charged the defendant by way of a complaint, the LEO must arrive at the courthouse with the charging documents, approved by the Assistant United States Attorney ("AUSA"), by 3:00 p.m. The AUSA must send the arrest package electronically to the MJ before the LEO arrives at the courthouse.

B. MJs will efficiently conduct the initial appearances throughout the day on all days the courthouse is open to the public, but must observe a cutoff time of 4:30 p.m. MJs shall not schedule or conduct civil or other proceedings in a manner that impairs observance of the cutoff time established for conducting initial appearances.

C. MJs will exercise their discretion and hold initial appearances after the 4:30 p.m. cutoff time by way of exception, when the particularities of the case require, i.e., defendants that are likely candidates for same day release. Initial Appearances may also be held by video conference pursuant to Federal Rule of Criminal Procedure 5(g).

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### **III. U.S. Probation Office**

A. The United States Probation Officer ("USPO") will interview witnesses in available designated spaces, in accordance with the availability of the courthouse, respecting interview protocol and safety concerns.

B. USPO pre-trial interviews should be held promptly and should be completed in 45 minutes or less. When a defendant forgoes the pre-trial interview, the USPO should be able to collect demographic information and finish interacting with the defendant in approximately 10 minutes.

C. Processing by the United States Marshals Service ("USMS") shall be conducted after the pre-trial interview and the initial appearance.

### **IV. Federal Public Defender's Office**

A. Assistant Federal Public Defenders ("AFPD") will conduct initial interviews in a designated space in the courthouse. The designated space will be based on availability.

B. The AFPD's initial interviews should also be conducted in an efficient manner and should focus on matters relevant to the initial appearance, and whether the defendant will argue for release.

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**V. U.S. Marshals Service**

A. On a weekly basis, the USMS will designate a Deputy USM that will be responsible for the "Duty Week." That responsibility will encompass movement of defendants within the courthouse and its premises. Additionally, the designated Duty Deputy USM will assume custody of the defendant upon arrival at the courthouse. The designated Duty Deputy USM will also oversee the defendant's departure after the initial appearance.

B. LEOs will coordinate arrival to the courthouse and transfers of defendants within court premises, including transfers to the cell block, with the Duty Deputy USM. To safeguard everyone's safety, LEOs and defendants will always be escorted by USMS personnel.

C. Once the initial appearance hearing is held and the defendant's custody is transferred to the USMS, the USMS will be responsible for the processing and transfer of the defendant, if detained, to the proper detention center. Importantly, initial appearance hearings will not be delayed because of matters concerning the defendant's processing by a law enforcement agency or the USMS.

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**VI. Effective Date**

This Standing Order is effective May 4, 2026. The practices and procedures established in this Order will be reevaluated, if necessary, in six months.

**BY ORDER OF THE COURT.**

In San Juan, Puerto Rico, on this 16<sup>th</sup> April 2026.

s/ Raúl M. Arias-Marxuach  
Chief United States District Judge