

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
21-JP-1-BM

FILED

NOV 19 2021

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  CLK

IN RE:)
PROCEDURES OF UNITED STATES)
MAGISTRATE JUDGE BRIAN S. MEYERS)
FOR HANDLING CASES INVOLVING)
MISDEMEANOR OFFENSES AT THE)
FORT BRAGG MILITARY)
RESERVATION AND DEPARTMENT OF)
VETERANS AFFAIRS FAYETTEVILLE)
MEDICAL CENTER)

JUDICIAL PREFERENCE ORDER

To promote the efficient disposition of cases and for the reasons specified, the following provisions will apply to matters related to misdemeanor offenses at the Fort Bragg Military Reservation and Department of Veterans Affairs Fayetteville Medical Center that come before United States Magistrate Judge Brian S. Meyers:

1. **Charging Assimilated Offenses.** To facilitate determination of the need for and performance of the calculation provided for under the Speedy Trial Act, 18 U.S.C. § 3161, all criminal informations charging the assimilated offense of impaired driving under N.C. Gen. Stat. § 20-138.1 shall specify if the government seeks Level One or Level Two punishment under N.C. Gen. Stat. § 20-179.

2. **Motions to Continue.** Without extenuating circumstances, any request to continue a scheduled court date must be filed no later than seven (7) calendar days prior to the scheduled court date. Until the court grants a motion to continue, both the defendant and defendant's attorney are expected to be present at the scheduled date and time. If a defendant is not present as required, the court may impose sanctions on the defendant, defendant's attorney, or both. The sanctions may include issuing a warrant for the defendant's arrest for failure to appear.

3. **Scheduling of Trials.** In all cases in which a defendant pleads not guilty before the undersigned, the trial will be held at the federal courthouse in Raleigh, North Carolina or such

other location as the court designates on the date set by the court. At the time of the entry of the not guilty plea, the attorney for the government and the defendant's attorney shall be prepared to propose mutually agreed upon trial dates for the court's consideration. The court will thereafter issue a scheduling order setting the date of trial.

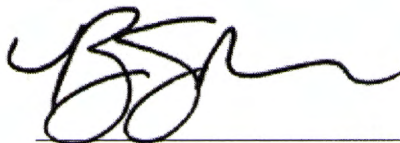
4. **Victim Notification.** The attorney for the government shall file a notice with the court not less than five (5) calendar days prior to any proceeding as to whether participation by any victim or victims is anticipated. The attorney for the government may file the notice *ex parte* and under seal pursuant to the Local Criminal Rules, if good cause exists to do so, subject to review of such determination by the court.

5. **Interaction with Other Orders.** If any aspect of this order conflicts with a standing order issued by the court or an order entered by a district judge presiding over a case, the provisions of those orders will control.

6. **Effective Date.** This order will be effective upon entry. It will govern proceedings in actions commenced after its entry. It will also apply to proceedings in actions then pending unless the court so specifies, or the court determines that applying it in a particular action would be impracticable or work an injustice.

7. The court reserves the discretion to vary from the provisions herein as it deems appropriate.

SO ORDERED, this 19th day of November 2021.



Brian S. Meyers
United States Magistrate Judge