



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

539 THEODORE LEVIN UNITED STATES COURTHOUSE  
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**NOTICE OF PROPOSED NEW RULES TO LOCAL RULES**

At their regular meeting on September 3, 2024, the Judges of the United States District Court for the Eastern District of Michigan approved for publication and comment new LCrR 32.2, Standard Conditions of Probation and Supervised Release and LCrR 32.3, Preliminary Orders of Forfeiture.

In order to be assured consideration, comments in writing, which may include recommended changes to the proposed new rules, should be received by the Court no later than October 25, 2024. Comments may be sent to [Local\\_Rules@mied.uscourts.gov](mailto:Local_Rules@mied.uscourts.gov) or to Local Rules, 539 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

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[Additions are indicated by underline, and deletions by strikethrough.]

**LCrR 32.2: Standard Conditions of Probation and Supervised Release**

The following standard mandatory and discretionary conditions, which the Court has adopted, will be included in every sentence of probation, and for every sentence that includes a provision for supervised release:

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

September 13, 2024

6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

**Comment:** In *United States v. Hayden*, 102 F.4th 368 (6th Cir. 2024), the court of appeals explained that supervised release conditions fall into three categories: “(1) mandatory conditions required by statute; (2) standard conditions that are either (a) recommended in all cases, such as the suggested extensions of the mandatory conditions, (b) special conditions for specific circumstances such as any sex offense, or (c) additional special conditions such as a curfew appropriate on a case-by-case basis; and (3) other discretionary conditions.” *Id.* at 372. Mandatory and standard conditions that are recommended in all cases may be incorporated by reference at a sentencing hearing if they are “contained in a publicly available districtwide order, an individual defendant’s presentence investigation report, or other document provided to the defendant before sentencing.” *Ibid.* The court has adopted these mandatory and discretionary conditions, and sentencing judges may incorporate them by reference at sentencings.

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### **LCrR 32.3: Preliminary Orders of Forfeiture**

In all cases in which the government intends to ask for forfeiture of property or a money judgment in lieu of

forfeiture as part of the judgment of sentence, the government must file and serve its motion for entry of a preliminary order of forfeiture no later than three weeks before the initial date scheduled for the sentencing hearing.

**Comment:** Federal Rule of Criminal Procedure 32.2 says preliminary orders should be entered promptly after conviction and in advance of sentencing. Establishing a deadline for filing a motion for entry of such orders will allow the defendant and the court sufficient time in advance of the sentencing hearing to address any disputes over the forfeiture of property.