

# Rule 47 – Motions and Supporting Affidavits

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## OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

### LCrR47. Motions.

#### 47.1 Motions in Writing.

Motions shall be in writing and state with particularity the grounds therefor and the relief or order sought. All motions and responses thereto must be accompanied by a concise brief citing all authorities upon which the movant or respondent relies.

#### 47.2 ~~Notice-Timing of Motions-Dates.~~

In cases where counsel for defendant has made an appearance of record, notice may be sent by the Court Clerk, setting a time for the filing of motions and responses thereto. Unless ordered otherwise, all motions shall be filed within fourteen days after defendant's arraignment. Responses shall be filed within seven (7) days of the motion's filing.

#### 47.3 Proposed Order.

A proposed order granting the requested relief shall be submitted pursuant to the CM/ECF Administrative Guide of Policies & Procedures.

#### 47.4 Statement of Objection.

A motion must state on the first page whether or not it is opposed. If opposed, the motion must recite whether concurrence was refused or explain why concurrence could not be obtained. A motion that fails to recite concurrence of each party may be summarily denied.

#### ~~47.5 Citation of Authority.~~

~~—————A motion or response must cite authority in support of legal positions advanced.~~

#### DUPLICATIVE OF 47.1

#### ~~47.6 Time for Filing in Absence of Notice.~~

~~Unless ordered otherwise, all motions shall be filed within fourteen (14) days after defendant's arraignment. Responses shall be filed within seven (7) days of the motion's filing.~~

#### **MOVED TO BE PART OF 47.2**

#### 47.75 Length of Motion and Brief.

- No brief shall be submitted that is longer than twenty-five pages without leave of Court. Motions for leave to file a brief in excess of twenty-five typewritten pages shall state the requested number of pages and shall be filed no later than one day prior to the date the brief is due.
- ~~The print style, including footnotes, shall not be smaller than twelve (12) characters to an inch (i.e., 12 pitch font), and margins shall be a minimum of one (1) inch on the top, bottom, and sides.~~ Briefs exceeding fifteen pages in length shall be accompanied by an indexed table of statutes, rules, ordinances, cases, and other authorities cited.

~~• A response brief must not exceed twenty four (24) double spaced pages.~~

**47.86 Motions for Extensions of Time and Continuances.**

Motions and proposed orders to continue the trial date must address with particularity [18 U.S.C. § 3161\(h\)](#).

**47.97 Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges in Connection with Ex Parte Applications.**

Once a motion or application has been presented and an order entered by a district judge or magistrate judge, a request to reconsider or overrule such determination shall be presented to the district judge or magistrate judge entering the order, if available. If presented to a different district judge or magistrate judge, the movant or applicant shall make known the action taken by the district judge or magistrate judge to whom it was previously submitted. This provision is intended to apply to such matters as applications for search warrants, wiretaps, pen registers, and other such applications or motions which are made to a district judge or magistrate judge without a case having been filed. It is not a means to appeal an order entered in a case, nor is it intended to apply where a case is transferred from one district judge to another and a motion to reconsider a prior ruling is made.

**47.10 Motions for Evidentiary Hearing.**

A party requesting an evidentiary hearing in connection with a motion shall state the factual and legal bases for the request in the motion or response, state whether each party agrees to or opposes the request and estimate the length of time the requested evidentiary hearing would take.

~~**47.11 Motions Regarding Release or Detention.**~~

~~— A motion regarding release or detention must state the position of the U.S. Probation Office.~~

~~**47.12**~~**47.11 Motions Regarding Modification of Conditions or Early Termination of Supervision.**

A motion requesting modification of conditions of pretrial release, probation, or supervised release, or a request for early termination of probation or supervised release must state the position of the U.S. Probation Office.

**47.13 Joinder of Co-Defendant's Motion.**

A co-defendant who seeks to join a specific motion previously filed by a co-defendant must file a joinder in motion.