

AUG 29 2013

IN THE UNITED STATES DISTRICT COURT for the Northern Mariana Islands
FOR THE NORTHERN MARIANA ISLANDS By _____
(Deputy Clerk)

In re:) GENERAL ORDER No. 13-00004
DISPOSITION OF SURRENDERED)
PASSPORTS)

In criminal cases, the district court has authority to impose travel restrictions and other conditions reasonably necessary to assure the appearance of a defendant who is released pending trial. *See* 18 U.S.C. § 3142(c)(1)(B)(iv), (xiv). Pursuant to this authority, a defendant may be ordered to surrender his or her passport to the Office of Probation and Pretrial Services (“the Office”) as a condition of pretrial release.

With respect to the disposition of surrendered passports, the Court now ORDERS as follows:

(1) *Dismissal or acquittal*: If the defendant is acquitted of all charges or all charges are dismissed, the Office shall return the surrendered passport to the defendant.

(2) *Conviction*: If the defendant is convicted of any charge, the Office shall retain the surrendered passport pending sentencing.

(a) Foreign passports

After sentencing, any foreign passport shall be returned to the appropriate Immigration and Customs Enforcement Detention and Removal Operations field office in accordance with the procedures set forth in the Guide to Judiciary Policy, Vol. 8, Pt. C, § 535.45.20(b)(1)(B).

(b) United States passports

If the defendant is sentenced to a term of probation or other noncustodial supervision, the Office shall return the surrendered U.S. passport to the defendant.

If the defendant is sentenced to a term of imprisonment followed by a term of supervised release, prior to commencement of the term of imprisonment the Office shall have the defendant

1 determine a suitable third party (family member or attorney) to whom to release the U.S.
2 passport for safekeeping. Determination of suitability shall be within the sole discretion of the
3 Office. Upon commencement of the term of imprisonment, the defendant's U.S. passport shall
4 be released to the suitable third party. If the defendant is unable to provide the name of a
5 suitable third party, the Office shall retain the U.S. passport until the defendant's release from
6 custody, at which time the Office shall return it to the defendant.

7 If the defendant is sentenced to a term of imprisonment only, without supervised release,
8 the Office shall make a recommendation to the Court as to the disposition of the surrendered
9 U.S. passport and shall dispose of the U.S. passport in accordance with the Court's instruction.

10 (3) *Discretion of the Office:* Without seeking a specific Court order, the Office may
11 temporarily release a surrendered passport to a defendant, or to the defendant's family, for the
12 purpose of (i) traveling for medical treatment; (ii) traveling for any purpose specifically
13 authorized by the Court; or (iii) renewing the passport.

14 In a specific case, the Office may ask the Court's permission to dispose of a passport in
15 a manner different from that set forth in this General Order. In any such motion, the Office shall
16 set forth the reason or reasons why a different disposition of the passport is appropriate.

17 In addition to passports, this General Order applies to any other travel documents
18 surrendered to the Office by a defendant pursuant to a Court order.

19 SO ORDERED this 29th day of August, 2013.

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RAMONA V. MANGLONA
Chief Judge