

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

IN RE: REPORT OF LACK OF
CONCURRENCE BY GRAND JURY

Standing Order No. 25-09

Chief Judge James E. Boasberg

ORDER

Several recent matters have raised the question of whether notice should be provided to the duty magistrate judge when a grand jury fails to concur in an indictment in a Grand Jury Original (GJO) investigation – *i.e.*, where no complaint or information is pending against the target. Federal Rule of Criminal Procedure 6(f) requires such notice when the government has charged a defendant by complaint or information. In sealed memoranda submitted to the Court, the government has presented its views about whether such notice should also be provided in GJO investigations and appropriate procedures for the handling of such notifications.

Pursuant to Local Criminal Rule 57.14(b), the chief judge shall “hear and determine all matters relating to proceedings before the grand jury.” This Court has reviewed current practices relating to the return of indictments and notification of instances in which a grand jury has declined to indict. In furtherance of the interests of consistency and transparency, and pursuant to its authority under Rule 57.14(b), this Court finds that notification should be provided to the

duty magistrate judge whenever a grand jury fails to concur in an indictment, regardless of whether the defendant has already been charged.

Accordingly, it is hereby **ORDERED**, effective immediately, that

1. When a grand jury fails to concur in an indictment in a GJO investigation, the foreperson shall promptly and in writing report the lack of concurrence to the duty magistrate judge under seal;
2. Notifications provided pursuant to this order shall be maintained in the confidential files of the Clerk's Office and will not be made public absent order of the Court; and
3. This order shall remain in effect for 120 days, during which time the Court will consider the adoption of a local rule requiring such notifications. See LCvR 1.1(b).

SO ORDERED, this 4th day of March, 2026.



James E. Boasberg
Chief Judge