

**Bench Warrants**  
rev. February 7, 2011  
Judge Karlin's Guidelines

To assure the sanctity of this Court's orders for turnover, appearance, etc., the Court may issue a Bench Warrant directed to the United States Marshals Service to bring the party who has failed to comply with a court order (hereafter "offender") before the Court to show cause why the Court should not find the offender in contempt.<sup>1</sup> Bench Warrants are usually granted only after the offender has had significant notice of the existence of the court order requiring certain action, and the USMS-Topeka division also usually sends a warning letter to the offender upon receipt of a Bench Warrant indicating that if the matter is not immediately resolved, the USMS will bring the offender before the Court. This letter is not required by this Court; this is left to the discretion of the USMS.

Processing Bench Warrants takes valuable time from other important USMS business. The Court is aware that sometimes, when the USMS has physically located the offender at a residence, job site, or otherwise, the offender represents to the USMS that he has, in fact, complied, or the offender requests additional time to comply. The Court has recently been made aware that frequently the offender has not, in fact, complied, or, upon being given additional time, does not comply. **The Court has directed the USMS to proceed to bring the offender in on a Bench Warrant the first time, leaving the task of determining whether there has been compliance to the Court.** This will result in more offenders being detained and brought before the Court, which counsel for represented parties should communicate to their clients.

**USMS Procedure**

It is the Court's understanding that the USMS will proceed in the following manner upon receipt of a Bench Warrant from the Clerk's Office:

1. Clerk's Office will provide USMS with a copy of the Bench Warrant and current address (work and home if available) for offender, as well as SSN;
2. USMS-Topeka Division will likely send a letter or make other informal contact with the offender, but is not required to do so;
3. USMS staff will check with Court personnel to verify Judge Karlin's schedule before Marshal staff proceed to apprehend the offender;
4. Court contacts: Donna Johnson (785-338-5964); Donna Urbom-McClure (785-338-5912) or Joyce Ridgeway (785-338-5913);
5. Offender will be detained by USMS pending an appearance before the Bankruptcy Judge.;

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<sup>1</sup> The party requesting the Bench Warrant is responsible for preparing and uploading the warrant for my signature.

6. If an offender is apprehended by the USMS for purpose of forcing offender to appear at a show cause hearing, the following policies are applicable:
  - a. The USMS is not responsible for providing return transportation to the offender;
  - b. The Court will award costs to the USMS for its time and expenses incurred in processing these warrants. Costs must be paid before the debtor will receive a discharge, if the debtor is the offender.