

Judge Karlin's Bench Warrant Guidelines

Revised December 5, 2016

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 ("USMS") 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.¹ Bench Warrants are usually granted only after the offender has had significant notice of the existence of the court order requiring certain action.

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 or she has, in fact, complied, or the offender requests additional time to 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.

Bench Warrant Procedure:

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. Offender will be detained by USMS pending an appearance before the Bankruptcy Judge;
5. If an offender is apprehended by the USMS for purpose of forcing offender to appear at a show cause hearing:
 - 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.

/s/ Janice Miller Karlin
United States Bankruptcy Judge
District of Kansas

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