

**JUDGE SOMERS**  
**BENCH WARRANT GUIDELINES**  
**June 11, 2019**

To assure the sanctity of this Court's orders for turnover, appearance, etc., the Court will on rare occasion issue a Bench Warrant directed to the United States Marshal 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. Bench Warrants are usually granted only after the offender has had significant notice of the existence of the court order requiring 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 has, in fact, complied, or the offender requests additional time to comply. **Therefore, this 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 or not compliance has occurred, to the Court. This will result in more offenders being detained and brought before the Court, which should be communicated to represented parties by their counsel.

**Bench Warrant Procedure**

The Court, the Clerk's Office, and the USMS will in most cases follow the following procedures:

1. Bench Warrants are usually approved by the Judge at a hearing. The party requesting the Bench Warrant (trustee/counsel) is responsible for preparing and submitting the Bench Warrant Order to the Court.
2. The Clerk's Office will provide USMS with a copy of the Bench Warrant Order and current address for offender, as well as SSN, if available.
3. In Topeka, the USMS will usually send a warning letter to offender, but is not required to do so.
4. USMS staff will check with Court personnel to verify Judge Somers' schedule before Marshal staff proceeds to apprehend the offender.

5. The offender will be detained by USMS pending an appearance before the Bankruptcy Judge.
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 may award costs to the USMS for its time and expenses incurred in processing these warrants.
  - C. Costs must be paid before the debtor will receive a discharge, if the debtor is the offender.