

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF THE RULES OF
THE COURT PERTAINING TO THE
FEDERAL PROTECTIVE SERVICE
FORFEITURE OF COLLATERAL
SCHEDULES

Administrative Order No. 25-MS-109

The United States Attorney's Office has submitted a proposed Forfeiture of Collateral Schedule for certain petty offenses in the Western District of Michigan, pertaining to the United States Department of Homeland Security, Federal Protective Service (FPS). This proposed Forfeiture of Collateral Schedule incorporates the new regulations governing conduct on government property found at Title 6, Code of Federal Regulations, Part 139, Subpart B.

IT IS HEREBY ORDERED that the prior Administrative Order (25-MS-097) regarding forfeiture of collateral schedules in the Western District of Michigan is hereby vacated as to the portion regarding FPS only.

IT IS FURTHER ORDERED that, pursuant to Rule 58(d) of the Federal Rules of Criminal Procedure and Local Criminal Rule 58.2(a), persons charged with committing an offense listed in the attached Forfeiture of Collateral Schedule ("Schedule") may, in lieu of appearance before a United States Magistrate Judge, post and forfeit collateral in accordance with this Order and the attached Schedule.


IT IS FURTHER ORDERED that:

- (a) Where the attached Schedule provides a collateral amount, the officer issuing a Violation Notice shall write that amount in the box at the lower right on the Violation Notice, unless the officer determines that the circumstances are aggravated, in which event the officer may fix the offense as a Mandatory Appearance offense, requiring the offender's appearance before a United States Magistrate Judge.
- (b) Where the issuing officer fixed an amount to be forfeited in accordance with the attached Schedule, the offender may, with the concurrence of the United States Attorney's Office for the Western District of Michigan, post and consent to forfeiture of a lesser collateral amount, if the lesser amount is approved by the United States Attorney's Office.
- (c) Where the issuing officer fixed an offense as a Mandatory Appearance offense, the offender may, with the concurrence of the United States Attorney's Office for the Western District of Michigan, post a forfeit collateral in lieu of appearance before a United States Magistrate Judge, in an amount not to exceed the maximum fine under the law, if the collateral amount is approved by the United States Attorney's Office.

IT IS FURTHER ORDERED that the attached Forfeiture of Collateral Schedule for the United States Department of Homeland Security, Federal Protective Service is adopted and approved.

FOR THE COURT:

Dated: December 5, 2025



HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

RULES AND PROCEDURES FOR FORFEITURE OF COLLATERAL

Forfeiture of collateral in lieu of appearance will be in accordance with the following rules and procedures:

Fed. R. Crim. P. 58(d): Paying a Fixed Sum in Lieu of Appearance

- (1) *In General.* If the court has a local rule governing forfeiture of collateral, the court may accept a fixed-sum payment in lieu of the defendant's appearance and end the case, but the fixed sum may not exceed the maximum fine allowed by law.

W.D. Mich. LCrR 58.2: Petty Offenses and Collateral Forfeitures

- (a) Posting collateral in lieu of appearance - A person who is charged with a violation of a Federal Wildlife Act, parking regulation governing the federal building, National Forest offense, conduct on postal service property, violation of law on military property or any other petty offense as defined in 18 U.S.C. § 19, may, in lieu of appearance, post collateral in the amount indicated for the offense, waive appearance before a magistrate judge, and consent to the forfeiture of collateral to the United States. The posting of said collateral shall signify that the offender does not contest the charge or request a hearing before the designated magistrate judge. If the collateral is forfeited, such action shall be tantamount to a finding of guilty. Collateral will be permitted only for those offenses specifically authorized by the court in separate orders. There shall be maintained in the office of the clerk and with each magistrate judge a current list of the petty offenses and collateral applicable thereto which the court has established as collateral forfeiture offenses.
- (b) Failure to post and forfeit collateral - If a person charged with an offense under this rule fails to post and forfeit collateral, any punishment, including fine, imprisonment or probation may be imposed within the limits established by law upon conviction.
- (c) Aggravated offenses - If, within the discretion of the law enforcement officer, the offense is of an aggravated nature, the law enforcement officer may require appearance. Any punishment, including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction.
- (d) Appearance required - Nothing contained in this rule shall prohibit law enforcement officers from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a magistrate judge or, upon arrest, taking the person immediately before a magistrate judge.