

Individual Rules and Practices Regarding Matters in which the United States Attorney for the Southern District of New York Represents a Party

Margaret M. Garnett, United States District Judge

The following rules shall govern Judge Garnett’s recusal from criminal and civil matters in which the United States Attorney for the Southern District of New York represents a party. The U.S. Attorney’s Office shall ensure that each Assistant United States Attorney (“AUSA”) is familiar with these rules and applies them appropriately. Nothing in these rules prevents any party from making a recusal motion, on any applicable basis, in a case in which the United States Attorney for the Southern District of New York represents a party, even if that case falls outside of the recusal parameters identified below.

Criminal Matters

Judge Garnett served as the Deputy United States Attorney in the Southern District of New York from November 29, 2021, until May 12, 2023, and Special Counsel to the United States Attorney from May 12, 2023, until December 15, 2023. In that capacity, she had supervisory authority and/or confidential information regarding all investigations and cases pending in the Criminal Division during those time periods. Accordingly, Judge Garnett has decided to recuse from any criminal matter, including both charged cases and matters assigned through the Court’s miscellaneous assignment and Title III warrant application processes that relate to criminal investigations or cases, that was initiated or pending in the U.S. Attorney’s Office prior to December 15, 2023.

AUSAs handling criminal matters shall consult the records and files of the U.S. Attorney’s Office to determine whether the matter, warrant application, or case falls within the recusal parameters set forth above.

For indicted cases, the AUSA shall indicate in the appropriate place on the Criminal Information & Designation Form whether, pursuant to these rules, Judge Garnett is recused from the case. If Judge Garnett’s name is drawn from the wheel in a recused matter, the presiding Magistrate Judge is directed to note the selection and recusal and promptly draw another card from the wheel. For notices of intent to file an information or a Title III application, the AUSA and the presiding Magistrate Judge shall follow the same procedure: noting the recusal in the appropriate box on the cover sheet and promptly assigning the matter to another judge if Judge Garnett’s name is drawn from the relevant wheel in a recused matter.

When an AUSA is requesting the unsealing of a previously-filed sealed indictment, the requesting AUSA must indicate in the letter or motion requesting unsealing and in the proposed unsealing order: (i) that he or she has reviewed these rules and the relevant records of the U.S. Attorney’s Office and (ii) whether, pursuant to those rules and records, Judge Garnett is recused. If, upon unsealing, Judge Garnett’s name is drawn from the wheel in a recused matter, the presiding Magistrate Judge is directed to note the selection and recusal and promptly draw another card from the wheel.

If a matter assigned to Judge Garnett through the Court's Miscellaneous case assignment process or Part I emergency coverage duty relates to a criminal investigation or case, the AUSA handling the matter shall promptly submit a letter to Chambers identifying whether the underlying criminal matter falls within the recusal parameters described above. Judge Garnett's Chambers email is GarnettNYSDChambers@nysd.uscourts.gov.

As to all criminal matters, AUSAs should be prepared to affirm their compliance with these procedures at the first appearance before Judge Garnett in a given matter.

Civil Matters

Judge Garnett served as the Deputy United States Attorney in the Southern District of New York from November 29, 2021, until May 12, 2023, and Special Counsel to the United States Attorney from May 12, 2023, until December 15, 2023. In that capacity, she had supervisory authority and/or confidential information regarding all matters pending in the Civil Division during the first time period, and had personal involvement and/or confidential information on a small number of particular Civil Division matters during the second time period. Accordingly, Judge Garnett has decided to recuse from any civil matter that was initiated by or pending in the U.S. Attorney's Office on or prior to May 12, 2023; Judge Garnett will also recuse from any civil matter as to which she had personal involvement or confidential information between May 12, 2023, and December 15, 2023; and, finally, Judge Garnett will recuse from any civil matter that derives from or relates to a criminal matter that was initiated or pending in the U.S. Attorney's Office on or prior to December 15, 2023.

AUSAs handling civil matters shall consult the records and files of the U.S. Attorney's Office to determine whether the matter or case falls within the recusal parameters set forth above.

Prior to any appearance before, or application made to, Judge Garnett in any civil matter in which the United States Attorney represents a party—or in any event, no later than ten (10) calendar days from the assignment of any such matter to Judge Garnett—the AUSA handling the matter shall file a letter on the docket indicating whether, based on the records of the U.S. Attorney's Office, the matter falls within the recusal parameters set forth above. Judge Garnett will promptly determine whether recusal is required, notify all parties, and, if necessary, request the Clerk of Court to randomly re-assign the matter to another judge. AUSAs should be prepared to affirm their compliance with these procedures at the first appearance before Judge Garnett in a given matter.