

## **NOTICE OF AVAILABILITY**

### **FULL-TIME UNITED STATES MAGISTRATE JUDGE POSITION LAS CRUCES, NEW MEXICO**

#### **UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO**

The President of the United States has nominated current United States Magistrate Judge Kevin R. Sweazea to fill a vacancy on the U.S. District Court in Las Cruces. Upon the anticipated confirmation of Judge Sweazea's nomination to be a district judge, the District of New Mexico will have a full-time magistrate judge vacancy in Las Cruces. In order to begin the process of filling the anticipated magistrate judge vacancy, the U.S. District Court for the District of New Mexico announces this Notice of Availability for a full-time U.S. Magistrate Judge for the District of New Mexico at Las Cruces, New Mexico. *This authorization is contingent upon the appointment of incumbent U.S. Magistrate Judge Kevin Sweazea as a District Judge for the District of New Mexico and is contingent upon approval to fill this anticipated magistrate judge vacancy by the Judicial Conference of the United States.*

The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's racial, ethnic, and gender diversity.

The duties of the position are demanding and wide-ranging: (1) conduct of most preliminary proceedings in criminal cases such as initial presentments, detention and bail hearings, preliminary proceedings, receiving reports of grand juries and arraignments; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a District Judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must:

1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized);
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than 70 years old; and
4. Not be related to a Judge of the District Court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the District Judges in confidence the five persons it considers best qualified. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The Court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the Court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified at 5 U.S.C. app. §§ 101-111).

The current annual salary of the position is \$194,028. The term of office is eight years.

The U.S. Magistrate Judge Application form is available on the Court's website at [www.nmd.uscourts.gov](http://www.nmd.uscourts.gov) or by calling (575) 528-1439. Application materials must be submitted by email in one PDF to [usmjnewmexico@nmd.uscourts.gov](mailto:usmjnewmexico@nmd.uscourts.gov) no later than **August 9, 2019**. PDF size is limited to 10MB. ZIP files, paper copies and faxes will not

be accepted. Applications may only be submitted by applicants on their own behalf (i.e., the nomination of another person will not be accepted).

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the Magistrate Judge Merit Selection Panel and the United States District Court Judges. The panel's deliberations will remain confidential.