

(b) The marshal's accounts of fees and costs paid to a witness or juror on certificate of attendance issued as provided by sections 1825 and 1871 of this title may not be reexamined to charge him for an erroneous payment of the fees or costs.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 621, §572; renumbered §567, Pub. L. 100-690, title VII, §7608(a)(2)(B), Nov. 18, 1988, 102 Stat. 4514.)

HISTORICAL AND REVISION NOTES
1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 551.	[None].

In subsection (b), the words "may not" are substituted for "shall not".

1948 ACT

Prior section 551.—Based on title 28, U.S.C., 1940 ed., §§ 577, 578a (R.S. §846; May 28, 1896, ch. 252, §§6, 13, 24, 29 Stat. 179, 183, 186; May 27, 1908, ch. 200, §1, 35 Stat. 375; June 6, 1930, ch. 409, 46 Stat. 522; Oct. 13, 1941, ch. 431, §1, 55 Stat. 736).

Section consolidates first sentence of section 577 with section 578a of title 28, U.S.C., 1940 ed., with changes of phraseology necessary to effect consolidation. Other provisions of said section 577 are incorporated in section 1929 of this title.

The qualification that payments of witness fees or costs be made upon "order of court," contained in said section 577 of title 28, U.S.C., 1940 ed., was omitted as obsolete and suitable reference was made to sections 1825 and 1871 of this title under which payments are now made on certificates of attendance.

Section 578a of title 28, U.S.C., 1940 ed., is rewritten in simplified terms without change of substance. The proviso of such section 578a, prohibiting the collection of fees from the United States, was omitted as covered by section 2412 of this title, providing that the United States should be liable only for fees when such liability is expressly provided by Congress.

The provision of section 578a of title 28, U.S.C., 1940 ed., requiring that fees and emoluments collected by the marshal shall be deposited by him in accordance with the provisions of section 495 of title 31, U.S.C., 1940 ed., Money and Finance, was omitted as said section 495 governs such deposits without implementation in this section.

PRIOR PROVISIONS

A prior section 567, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 620, related to expenses of marshals, prior to repeal by Pub. L. 100-690, §7608(a)(1). See section 565 of this title.

AMENDMENTS

1988—Pub. L. 100-690 renumbered section 572 of this title as this section.

§ 568. Practice of law prohibited

A United States marshal or deputy marshal may not practice law in any court of the United States.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 621, §575; renumbered §568, Pub. L. 100-690, title VII, §7608(a)(2)(B), Nov. 18, 1988, 102 Stat. 4514.)

HISTORICAL AND REVISION NOTES
1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 556.	[None].

The words "may not" are substituted for "shall not".

1948 ACT

Prior section 556.—Based on title 28, U.S.C., 1940 ed., §§395 and 396 (Mar. 3, 1911, ch. 231, §§273, 274, 36 Stat. 1164).

Section consolidates parts of sections 395 and 396 of title 28, U.S.C., 1940 ed. Similar provisions in said sections, relating to clerks, are incorporated in section 955 of this title.

The revised section substitutes, as simpler and more appropriate, the prohibition against practice of law "in any court of the United States" for the more involved language of section 395 of title 28, U.S.C., 1940 ed., which provided that no clerks or marshals, deputies, or assistants within the district for which appointed "shall act as solicitor, proctor, attorney or counsel, in any cause depending in any of said courts, or in any district for which he is acting as such officer."

Provisions of section 396 of title 28, U.S.C., 1940 ed., for striking the name of an offender from the roll of attorneys and for recommendation of dismissal, were omitted as unnecessary and as covered by section 541 of this title.

Changes were made in phraseology.

PRIOR PROVISIONS

A prior section 568, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 620, related to availability of appropriations for transfer of prisoners to narcotic farms, prior to repeal by Pub. L. 100-690, §7608(a)(1).

AMENDMENTS

1988—Pub. L. 100-690 renumbered section 575 of this title as this section.

§ 569. Reemployment rights

(a) A United States marshal for a judicial district who was appointed from a position in the competitive service (as defined in section 2102 of title 5) in the United States Marshals Service and who, for reasons other than misconduct, neglect of duty, or malfeasance, is removed from such office, is entitled to be reemployed in any vacant position in the competitive service in the United States Marshals Service at the same grade or pay level, or lower, as the individual's former position if—

- (1) the individual is qualified for the vacant position; and
- (2) the individual has made application for the position not later than ninety days after being removed from office as a United States marshal.

Such individual shall be so reemployed within thirty days after making such application or after being removed from office, whichever is later. An individual denied reemployment under this section in a position because the individual is not qualified for that position may appeal that denial to the Merit Systems Protection Board under section 7701 of title 5.

(b) Any United States marshal serving on the effective date of this section shall continue to serve for the remainder of the term for which such marshal was appointed, unless sooner removed by the President.

(Added Pub. L. 98-473, title II, §1211(a), Oct. 12, 1984, 98 Stat. 2163, §576; renumbered §569, Pub. L. 100-690, title VII, §7608(a)(2)(B), Nov. 18, 1988, 102 Stat. 4514.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (b), is Oct. 1, 1984. See Effective Date note set out below.