

**UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
ANSWERS TO FREQUENTLY ASKED QUESTIONS**

see also www.ca10.uscourts.gov

Computation of Time: If ordered by a date certain, the 3-day mailing rule **does not** apply; if time to file runs “from the date of service,” the 3-day rule applies. Only briefs and appendices are treated as timely filed on the date mailed or delivered to a commercial carrier. Other pleadings must reach the court by the due date. For ECF filers, the brief or pleading must be filed electronically on the calendar day it is due.
 Fed R. App. P. 25(a), 26(c)

WHAT	WHO FILES	WHEN	REMARKS
Docketing Statement: 10th Cir. R. 3.4	Appellant	14 days after the notice of appeal (may file without appeal docket number).	<i>Must</i> attach the following: order or judgment and any post judgment motions.
Entry of Appearance and Certificate of Interested Parties: 10th Cir. R. 46.1	Counsel for all parties	14 days from case opening letter.	
Transcript Order Form: Fed. R. App. P. 10(b)	Appellant Appellee	14 days from notice of appeal. 14 days from the appellant’s form.	Must notify the district court, 10th Circuit, and parties – even if no transcript is ordered. If transcript ordered, must also notify court reporter.
Designation of Record: 10th Cir. R. 10.2	Court-appointed counsel ONLY	Appellant - 14 days from the notice of appeal.	Must attach the district court docket sheet with the designated documents indicated.
Motions: Fed. R. App. P. 27 10th Cir. R. 27	Any party	Varies.	Must include opposing parties’ position and, if applicable, the custody status, current due date or any previous extensions.
Appellant’s Opening Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant with retained counsel Appellant with appointed counsel	40 days from the date district court certifies the record as complete. 40 days from date record is filed in circuit court.	Blue cover (for hard copies). Must include: oral argument statement on the front cover (if requested, a reason must be given at conclusion); prior or related appeals; order or judgment appealed. If more than 30 pages, certificate of compliance needed (may not exceed 14,000 words or 1,300 lines of text). Size 14 font is preferred, but 13 is acceptable, including footnotes. 7 copies must be provided to the court two days after filing via ECF.
Appellee’s Response Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellee	30 days from service of appellant’s opening brief.	Red cover (for hard copies). Oral argument statement, etc., same as appellant’s opening brief. Attach order or judgment if appellant failed to include it in their brief. If more than 30 pages, certificate of compliance needed (may not exceed 14,000 words or 1,300 lines of text).

Appellant's Reply Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant	14 days from service of appellee's response brief.	Gray cover (for hard copies). If more than 15 pages, certificate of compliance needed (may not exceed half the type volumes of a principal brief).
Cross Appeals: Fed. R. App. P. 28, 28.1, 31, 32 10th Cir. R. 28, 31, 32	Appellant's Principal Brief	40 days from the date district court certifies the record as complete. (If court-appointed counsel, 40 days from the date the record is filed in the circuit court.)	Blue cover (for hard copies). Must include: oral argument statement on the front cover (if requested, a reason must be given at conclusion); prior or related appeals; order or judgment appealed. If more than 30 pages, certificate of compliance needed (may not exceed 14,000 words or 1,300 lines of text).
	Appellee's Principal and Response Brief	30 days from service of Appellant's Principal brief.	Red cover (for hard copies). If more than 35 pages, certificate of compliance needed (may not exceed 16,500 words or 1,500 lines of text).
	Appellant's Response and Reply Brief	30 days from service of Appellee's Principal and Response brief.	Yellow cover (for hard copies). If more than 30 pages, certificate of compliance needed (may not exceed 14,000 words or 1,300 lines of text).
	Appellee's Reply Brief	14 days from service of Appellant's Response and Reply brief.	Gray cover (for hard copies). If more than 15 pages, certificate of compliance needed (may not exceed half the type volumes of a principal brief).
Supplemental Authority: Fed. R. App. P. 28(j)	Any party	Any time after briefing.	Must be drafted in the form of a letter, with a 350-word limitation.
Appendix: Fed. R. App. P. 10, 30 10th Cir. R. 10, 30	Appellant or Appellee	With principal brief. <i>Sealed documents must be filed separately</i>	If a supplemental appendix is filed with the appellant's reply brief, it <i>must</i> be accompanied by a motion to file. Appendices are not filed via ECF; 2 hard copies of the appendix must submitted to the court with the hard copies of the brief
Addendum: 10th Cir. R. 10.3(D)(5)	Appellant or Appellee	With principal brief.	If an appendix is filed, it may be easier to include the exhibits in both copies of the appendix. Not to be filed via ECF; one copy (no originals) submitted to the court.
Petitions for Rehearing: Fed. R. App. P. 35, 40 10th Cir. R. 35, 40	Any party	14 days from the date of entry of judgment. In a civil appeal where the U.S. is a party, 45 days from entry of judgment.	Three-day mailing rule <i>does not apply</i> . A copy of the opinion or OJ <i>must be</i> attached. If en banc, must include Fed. R. App. P. 35(b)(1) statement. If en banc, must provide 12 copies to the court two days after filing via ECF.

NOTE: In counseled cases, all documents must be filed via ECF, except for appendices and addendums. Pro se litigants must request permission in writing to use ECF. In this regard, please see the Court's CM/ECF User's Manual, which can be found on our website. All documents must be double-spaced, except for footnotes and quotations containing more than two lines. Seven hard copies of all merits briefs must be provided to the court within 2 days of filing the brief via ECF.