

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

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”, Fed R. App. P. 25(a), 26(c) 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.

WHAT	WHO FILES	WHEN	HOW MANY	REMARKS
Docketing Statement: 10th Cir. R. 3.4	Appellant	10 days after the notice of appeal (may file without appeal docket number)	Original + 4	Must attach the following: district court docket sheet, order or judgment; any post judgment motions and the notice of appeal.
Entry of Appearance and Certificate of Interested Parties 10th Cir. R. 46.1	Counsel for all parties	10 days from case opening letter	Original + 3	Must file original and three copies <i>even when</i> no certificate of interested parties is filed.
Transcript Order Form Fed. R. App. P. 10(b)	Appellant Appellee	10 days from notice of appeal 10 days from the appellant’s form	1 to district court 1 to court reporter 1 to 10th Circuit 1 to all parties	Must notify the district court, 10th Circuit, and parties - even if no transcript is ordered.
Designation of Record 10th Cir. R. 10.2	Court appointed counsel ONLY	Appellant - 10 days from the notice of appeal	1 to district court 1 to 10th Circuit 1 to all parties	Must attach the district court docket sheet with the designated documents circled.
Motions Fed. R. App. P. 27, 10th Cir. R. 27	Any party	Varies	Original + 3; motion to dismiss - orig. + 7; en banc - orig. +18	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	Original + 7 30 pages or 14,000 words or 1,300 lines of text	White or blue cover. 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. Size 14 font is preferred, but 13 is acceptable, including footnotes.

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	Original + 7 30 pages or 14,000 words or 1,300 lines of text	White or red cover. Oral argument statement, etc., same as appellant's opening brief. Attach order or judgment if appellant failed to include it in their brief.
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	Original + 7 15 pages or no more than half the type volume of a principal brief	White or gray cover.
Cross Appeals Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	First 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.)	Original + 7 30 pages or 14,000 words or 1,300 lines of text	Same as appellant's opening brief. (White or blue cover.)
	Second Brief	30 days from service of 1st brief	Same as above	White or red cover.
	Third Brief	30 days from service of 2nd brief	Same as above	White, red or gray cover.
	Fourth Brief	14 days from service of 3rd brief	Same as reply brief	White or gray cover.
Supplemental Authority Fed. R. App. P. 28(j)	Any party	Any time after briefing	Original + 7	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>	2 copies NO originals	If a supplemental appendix is filed with the appellant's reply brief, it <i>must</i> be accompanied by a motion to file.
Addendum 10th Cir. R. 10.3(D)(5)	Appellant or Appellee	With principal brief	One copy NO originals	If an appendix is filed, it may be easier to include the exhibits in both copies of the appendix.
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	Original + 3; If en banc, orig. + 18 (no more than 15 pages)	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.

NOTE: All documents must be double spaced, except for footnotes and quotations containing more than two lines.

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