UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

DOCKETING STATEMENT

Case Name: _____

Appeal No. (if available) : _____

Court/Agency Appeal From: _____

Court/Agency Docket No.: _____District Judge: _____

Party or Parties filing Notice of Appeal/Petition: _____

_____

I. TIMELINESS OF APPEAL OR PETITION FOR REVIEW

A. APPEAL FROM DISTRICT COURT

1. Date notice of appeal filed:_____

   a. Was a motion filed for an extension of time to file the notice of appeal? If so, give the filing date of the motion, the date of any order disposing of the motion, and the deadline for filing notice of appeal:
   _____
   _____

   b. Is the United States or an officer or an agency of the United States a party to this appeal? _____

2. Authority fixing time limit for filing notice of appeal:

Fed. R. App. 4 (a)(1)(A) ____	Fed. R. App. 4(a)(6) ____
Fed. R. App. 4 (a)(1)(B) ____	Fed. R. App. 4(b)(1) ____
Fed. R. App. 4 (a)(2) ____	Fed. R. App. 4(b)(3) ____
Fed. R. App. 4 (a)(3) ____	Fed. R. App. 4(b)(4) ____
Fed. R. App. 4 (a)(4) ____	Fed. R. App. 4(c) ____
Fed. R. App. 4 (a)(5) ____	

Other: _____

3. Date final judgment or order to be reviewed was filed and **entered**

on the district court docket: _____

4. Does the judgment or order to be reviewed dispose of **all** claims by and against **all** parties? *See* Fed. R. Civ. P. 54(b).

_____

(If the order being appealed is not final, please answer the following questions in this section.)

a. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done?

_____

b. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)? _____

c. If none of the above applies, what is the **specific** statutory basis for determining that the judgment or order is appealable? _____

5. Tolling Motions. *See* Fed. R. App. P. 4(a)(4)(A); 4(b)(3)(A).

a. Give the filing date of any motion under Fed. R. Civ. P. 50(b), 52(b), 59, 60, including any motion for reconsideration, and in a criminal appeal any motion for judgment of acquittal, for arrest of judgment or for new trial, filed in the district court:

_____

b. Has an order been entered by the district court disposing of that motion, and, if so, when? _____

_____

6. Bankruptcy Appeals. (To be completed only in appeals from a judgment, order or decree of a district court in a bankruptcy case or from an order of the Bankruptcy Appellate Panel.)

Are there assets of the debtor subject to administration by a district or bankruptcy court?_____

Please state the approximate amount of such assets, if known.

_____

_____

B. **REVIEW OF AGENCY ORDER** (To be completed only in connection with petitions for review or applications for enforcement filed directly with the Court of Appeals.)

1. Date petition for review was filed: _____

2. Date of the order to be reviewed: _____

3. Specify the statute or other authority granting the court of appeals jurisdiction to review the order: _____

_____

4. Specify the time limit for filing the petition (cite specific statutory section or other authority): _____

_____

C. **APPEAL OF TAX COURT DECISION**

1. Date notice of appeal was filed: _____
(If notice was filed by mail, attach proof of postmark.)

2. Time limit for filing notice of appeal: _____

3. Date of entry of decision appealed: _____

4. Was a timely motion to vacate or revise a decision made under the Tax Court's Rules of Practice, and if so, when? *See* Fed. R. App. P. 13(a) _____

II. **LIST ALL RELATED OR PRIOR RELATED APPEALS IN THIS COURT WITH APPROPRIATE CITATION(S).** If none, please so state.

III. **GIVE A BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW.**

IV. **ISSUES RAISED ON APPEAL.**

V. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.

A. Does this appeal involve review under 18. U.S.C. § 3742(a) or (b) of the sentence imposed? _____

B. If the answer to question in A is yes, does the defendant also challenge the judgment of conviction? _____

C. Describe the sentence imposed. _____
_____

D. Was the sentence imposed after a plea of guilty? _____

E. If the answer to question D is yes, did the plea agreement include a waiver of appeal and/or collateral challenges?_____

F. Is defendant on probation or at liberty pending appeal? _____

G. If the defendant is incarcerated, what is the anticipated release date if the judgment of conviction is fully executed?_____

NOTE: In the event expedited review is requested, the defendant shall consider whether a transcript of any portion of the trial court proceedings is necessary for the appeal. Necessary transcripts must be ordered at the time of appeal by completing and delivering the transcript order form to the clerk of the district court when a notice of appeal is filed. Defendant/appellant must refrain from ordering any unnecessary transcript as this will delay the appeal. If the court orders this appeal expedited, it will set a schedule for preparation of necessary transcripts, for designation and preparation of the record on appeal, and for filing briefs. If issues other than sentencing are raised by this appeal, the court will decide whether bifurcation is desirable.

VI. **INDICATE WHETHER ORAL ARGUMENT IS DESIRED IN THIS APPEAL.** If so, please state why.

VII. **ATTORNEY FILING DOCKETING STATEMENT:**

Name**:** _____ Telephone: _____

Firm: _____

Email Address:_____

Address: _____

_____

_____

PLEASE IDENTIFY ON WHOSE BEHALF THE DOCKETING STATEMENT IS FILED:

A. ☐ Appellant

☐ Petitioner

☐ Cross-Appellant

B. **PLEASE IDENTIFY WHETHER THE FILING COUNSEL IS**

☐ Retained Attorney

☐ Court-Appointed

☐ Employed by a government entity
(please specify_____)

☐ Employed by the Office of the Federal Public Defender.

_____ _____
Signature Date

☐ Attorney at Law

NOTE: A copy of the court or agency docket sheet, the final judgment or order appealed from, any pertinent findings and conclusions, opinions, or orders, any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, or 60, including any motion for reconsideration, for judgment of acquittal, for arrest of judgment, or for new trial, and the dispositive order(s), any motion for extension of time to file notice of appeal and the dispositive order, and the notice of appeal or petition for review **must be attached to the Docketing Statement**, except as otherwise provided in Section I of the instructions.

The Docketing Statement must be e-filed with the Clerk care of esubmission@ca10.uscourts.gov. In addition, within two business days counsel must forward one hard copy of the statement, with attachments, to the court. .

This Docketing Statement must be accompanied by proof of service.

The following Certificate of Service may be used.

CERTIFICATE OF SERVICE

I, _____ hereby certify that on
[appellant/petitioner or attorney therefor]

_____ I sent [or emailed with permission] a copy of the foregoing **Docketing Statement,**
[date]
to:

_____, care of _____

[counsel for/or appellee/respondent]

_____

_____, the last known address, by way of United States mail or courier, or email address if service is via email.

_____
Signature

_____
Dated signed

_____

_____

_____

_____
[Printed name and address of person completing service]