10th CIRCUIT COURT OF APPEALS

CM/ECF USER'S MANUAL

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10TH CIRCUIT APPEALS COURT CM/ECF USER MANUAL

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I. GETTING STARTED

A. Common Terms

1. Electronic Filing: The process of uploading a document from the filer's computer, using the court's internet-based Case Management/Electronic Case Filing System (CM/ECF) to file the document in the Court's electronic case file. The CM/ECF System only accepts documents in Portable Document Format (PDF).

2. Filing User: An individual who has a login and password to file documents electronically using the court's CM/ECF System. Since an individual can use the same login and password to file in any federal appellate court in which the individual has registered, the terms Appellate Filer and Appellate ECF Filer are also used.

3. Notice of Docket Activity (NDA): A Notice of Docket Activity (NDA) is a notice sent via email that is generated when a docket transaction requires that notice be sent to attorneys, case participants, or court personnel. NDAs can be generated when a party or attorney files a document with the clerk's office or when the court enters an order or takes other public action in a case. If you are a CM/ECF participant, your receipt of the NDA is service of that document or order, and registration for the CM/ECF system constitutes consent to receive service through the NDA. Generally, an NDA contains a hyperlink back to the court's docket sheet and the document in question. When parties receive an NDA they can click on the document and obtain a "free look" at the document. In the district court and bankruptcy court systems the NDA is called the Notice of Electronic Filing (NEF). Parties should save the NDAs as proof of the filing. In this regard, please see Fed. R. App. P. 25(c)(1)(D) and 10th Cir. R. 31.5 and 25.6.

4. PACER: "Public Access to Court Electronic Records" is an automated system that allows subscribers to view, print, and download Court docket information and documents via the internet. An NDA generated for a filing will contain a hyperlink to the document(s) filed. The PACER system allows case participants "one free look" at that document. The document(s) should be saved or printed when it is first opened from the NDA. Subsequent electronic access to the document, or electronic access to the docket through PACER will be billed by the PACER Service Center at

$0.08/page with a maximum charge of $2.40 per document.

5. PDF: "Portable Document Format"is a file format used for document exchange. The advantage of using PDF for documents lies in the fact that the document's format becomes device-independent, resolution-independent, and fixed-layout. The document can be viewed as created, regardless of the software that created it, because PDF files do not encode information that is specific to the application software used to create the document.

WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF by clicking "File" on the toolbar, then selecting "Publish to PDF."
Microsoft Word 2003 does not include free PDF conversion software. You may use Adobe Acrobat or download free PDF conversion software from any source of your choosing to convert Word documents to PDF. Microsoft Word 2007 has the ability to convert documents to PDF if you download and install an add-in that is free from Microsoft and available on their web site.

Interactive on-line training on converting Word or WordPerfect documents to PDF is available at http://pacer.psc.uscourts.gov/ecfcbt/dc/cccnvtpdf/.

There are two types of PDF files. Whenever possible, native PDF files should be used. **The Court requires that all pleadings be submitted in native PDF.** Attachments to pleadings may be submitted in scanned PDF if native format is not available. A maximum of 10 megabytes (regardless of format) may be uploaded per PDF file.

a. Native PDF: Electronically converted PDF documents are created from word processing documents (Word, WordPerfect, etc.) using Adobe Acrobat or similar software. Native PDF documents are text searchable and generally have a small file size. Native PDF documents up to 10 megabytes may be uploaded as a single file; documents exceeding those limits should be split into separate files with appropriate identification.

b. Scanned PDF: Scanned PDF documents are created by putting paper documents through an optical scanner. Scanned image PDF documents are not text searchable and have a large file size. Scanned PDFs up to 10 megabytes) may be uploaded as one file;

documents exceeding those limits should be split into separate files with appropriate identification.

B. Hardware and Software

The following hardware and software are needed for CM/ECF:

1. Personal Computer: You will need a personal computer running Windows, and equipped with Java 1.6 (or higher). Mac users will need the 64-bit Macintosh with OS X Leopard 10.5. Mac users with an older 32-bit OS will not be able to launch CM/ECF at this time.

2. Word Processing Software: WordPerfect, Microsoft Word, or any other word processing software that will permit you to convert text documents to PDF.

3. Internet Service Provider and Web Browser: CM/ECF has been certified to work with Mozilla Firefox versions 1.5 or higher and Internet Explorer versions 5.5 or higher.

4. Email Account: You may register more than one email address for receipt of Notices of Docket Activity. The address(es) must be regularly monitored, as your only notification of case activity will be via email. Counsel must ensure that the spam filter operation on the network and computer receiving the email are set to allow notices from ca10.uscourts.gov. The size of your email account must be sufficient to receive NDAs from the ECF system. In general, an account with storage space of at least 100 megabytes is sufficient.

5. PDF Conversion Software: WordPerfect versions 9, 10, 11, and 12 include the capability to convert text documents to PDF. Microsoft Word does not currently include PDF conversion software. You may use Adobe Acrobat Writer or download free PDF conversion software from any source of your choosing. Interactive on-line training on converting Word or WordPerfect documents to PDF is available at http://pacer.psc.uscourts.gov/ecfcbt/dc/cccnvtpdf/.

6. Scanner: A scanner will only be necessary if you have attachments to documents that are not available in native PDF. Paper documents should be scanned into PDF format at 200dpi with a “black and white” setting.

7. Java Runtime Environment (JRE) 6: Java6 is required for CM/ECF to operate on your computer. It is available at www.java.com. Select "Do I Have Java"on the main screen to verify which version you currently have on your computer. If you do not have Java6, you will be prompted to download it. Mac users will need the 64-bit Macintosh with OS X Leopard 10.5. Mac users with an older 32-bit OS will not be able to launch CM/ECF at this time.

II. POLICIES AND PROCEDURES

A. Scope of Electronic Filing

1. Effective Date: Attorneys have been permitted to register on PACER as Filing Users since October, 2008. The CM/ECF system will be available for optional filing effective March 31, 2009. Use of the CM/ECF System is mandatory for filings made by counsel in all cases effective June 1, 2009.

2. Service of Electronic Documents Prior to (Mandatory Date): Effective June 1, 2009, the Notice of Docket Activity generated by the Court's CM/ECF System constitutes service of the filed document on participants served electronically through CM/ECF. Prior to that date, parties electing to use Electronic Case Filing to file documents with the court may use Notices of Docket Activity for service provided they comply with the general service rules (i.e., that they include a certificate of service and also make sure everyone in the case is served in the manner they wish--ECF for those who are registered but email or hard copy for those who are not).

3. Persons Covered: As of June 1, 2009, all attorneys filing documents in the Tenth Circuit must file electronically using CM/ECF (regardless of when the case was initially opened) unless counsel applies for and the Court grants an exemption for good cause shown in a particular case. Motions seeking an exemption may come in paper form. *See* Fed. R. App. P. 25(a)(2)(D). Pro se litigants may continue to file documents conventionally (i.e., in hard copy form) A pro se litigant may, however, request permission to file documents electronically in an individual case by filing a motion in his/her case. Pro se litigants seeking permission to submit documents via ECF should file a hard copy motion seeking permission at the earliest opportunity. If approved, the pro se litigant will be authorized to file via ECF in that matter only.

4. Required Documents: All documents filed by counsel as of June 1, 2009 must be filed electronically in native PDF format except:

a. Appendices and addendums (must be filed in paper format only within 2 business days of submission of the accompanying pleading or brief via ECF);

b. Case initiating documents such as petitions for review and petitions for permission to appeal (may be filed in paper format, or emailed to the Clerk at Clerk@ca10.uscourts.gov in Native PDF); **please note that any accompanying appendices or addendums to case initiating documents may not be emailed to the clerk- they must be filed in paper form only within 2 business days of submission of the accompanying pleading via ECF.**

c. CJA and other payment vouchers (filed in paper format only)

d. More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 50 megabytes. Any attachment to a pleading exceeding 50 megabytes may not be submitted electronically. Counsel seeking to submit attachments so large they cannot be filed via ECF must submit a motion prior to submission seeking exemption from the electronic filing requirements and justifying the need to submit attachments of this size.

B. Eligibility, Registration, Passwords

1. Attorneys: Attorneys who are members in good standing of the Tenth Circuit Bar and who intend to practice in this Court must register as filing users of the Court's CM/ECF System by following these steps:

a. Register with PACER for a PACER account: If you or your law firm have not previously obtained a PACER account (used to view documents), you must obtain a PACER account. Register for a PACER account at the PACER Registration web site (http://pacer.psc.uscourts.gov).

b. Register with PACER for Appellate Filer Account: An appellate filer account is required to file documents through CM/ECF. It is also required to view documents in social security and immigration cases, and sealed cases, in which you are participating. Register for an appellate filer account at the PACER Service Center Appellate ECF Filer Registration web site (http://pacer.psc.uscourts.gov). The registration process takes approximately five minutes.

c. Training: The court has made available a training/instruction manual, and several Captivate modules, for ECF users on its web site. Counsel/Parties are strongly encouraged to take advantage of these training tools. In addition, both the manual and a Frequently Asked Questions guide are available in ECF via the "Help" menu at the top of the screen.

After you have completed your registration form, PACER will submit your information to the Court for approval. Registration requests are generally processed by the next business day. You will receive notice via email when you are approved for electronic filing; if your registration is rejected, you will be notified via email and informed what step(s) need to be taken to correct your registration.

2. Pro Se Litigants: Pro se litigants are not required to file documents electronically. However, should a pro se litigant wish to file documents electronically, he/she must file a motion in paper format requesting permission to file documents electronically in a specific case in the Tenth Circuit. If granted, the pro se litigant will be directed to register with PACER as a pro se appellate filer. The Court will terminate the pro se litigant's filing user status upon the termination of the case or termination of the litigant's pro se status.

3. Registration Constitutes Consent to Electronic Service: Completion of the appellate filer registration constitutes consent to electronic service of documents via CM/ECF.

4. Passwords:

a. Security: Filing users agree to protect the security of their passwords. Contact the PACER Service Center and the clerk immediately if you learn that your password has been compromised.

b. Changing Your Password: Login to the PACER Appellate Filer Account Update site to change your password.

c. Forgotten Password: If you forget your password, you can retrieve it electronically through the Pacer Service Center Forgotten Password Request website. You will need your account ID, security question answer, and the email address and telephone number associated with your account.

d. Delegation of Authority to Use Login and Password: You may allow a secretary, paralegal, or other authorized person to use your login and password to file documents on your behalf. Remember that use of your login and password to utilize the Court's CM/ECF system constitutes compliance with all rules and regulations governing use of the system regardless of whether you personally use them or you delegate that authority to someone else.

5. Revoking E-Filing Privileges: The Court may revoke a filer user's privileges for good cause.

C. Consequences of Electronic Filing

1. Filing Complete at Date and Time Stated on Notice of Docket Activity: Electronic transmission of a document to CM/ECF, together with the transmission of the Notice of Docket Activity from the Court, constitutes filing of the document **unless the pleading is subsequently cited as deficient under the Federal Rules of Appellate Procedure and/or local rules of the court, or unless hard copy follow-up is required (please see the court's General Order with regard to these requirements--hard copies are required for briefs, addenda, appendices and petitions for rehearing but not for other pleadings)**. Electronic filing must be completed before midnight, Mountain Standard Time, as shown on the Notice of Docket Activity, to be considered timely filed.

2. Electronic Document is Official Record: When a document has been filed electronically, the official record is the electronic document stored by the Court. Counsel must take care to verify the accuracy of the electronic document before committing the transaction to the docket.

D. Service of Documents by Electronic Means

1. Service of Documents Prior to (mandatory go-live date): Effective June 1, 2009, the Notice of Docket Activity generated by the Court's CM/ECF System constitutes service of the filed document on participants served electronically through CM/ECF. Prior to that date, parties electing to use Electronic Case Filing to file documents with the court may use Notices of Docket Activity for service provided they comply with the general service rules (i.e., that they include a certificate of service and also make sure everyone in the case is served in the manner they wish--ECF for those who are registered but email or hard copy for those who are not).

2. Preparing the Certificate of Service: A certificate of service must be attached as the final page to all documents filed with the Court, in accordance with FRAP 25(d).

To determine whether case participants are registered to receive ECF service, and to confirm how service should be effected on each party, please review the "Service Method Report" report available within CM/ECF.

3. Notice of Docket Activity Constitutes Service on Filing Users: Effective June 1, 2009, the Notice of Docket Activity generated by the Court's CM/ECF System constitutes service of the filed document on participants served electronically through CM/ECF. The Notice of Docket Activity will state who has been served electronically through CM/ECF.

4. Conventional Service Required for Those Not Registered as Filing Users: Participants in a case not served through CM/ECF must be served conventionally. The Notice of Docket Activity will state who must be served conventionally.

5. Conventional Service Required for Paper Filings: Documents filed in paper form must be served conventionally. For example:

a. Case Initiating Documents: File original in paper form, or via email (in PDF format), with the Clerk, and serve copies in paper form or via email.

b. Appendix: File two copies with the court in paper form with the Court and serve copies in paper form.

6. Three Days Added to Prescribed Period if Service was by Electronic Means: Under FRAP 26(c), when a party is required or permitted to act within a prescribed period after a paper is served on a party, three calendar days are added unless the paper is delivered on the date of service. **Under the rule, a paper that is served electronically is not treated as delivered on the date of service.**

E. Entry of Court-Issued Documents

1. Court orders, opinions, judgments, and other documents are filed on the

docket electronically and issued as such (via a Notice of Docket Activity), unless a participant in a case does not have an email address; in that case, the Court will mail a copy in paper form.

F. Attachments and Exhibits to Pleadings

1. Electronic Filing Required: All attachments and exhibits to pleadings must be filed in electronic form unless otherwise directed by the Court.

2. PDF required: All attachments and exhibits must be filed in PDF format. The Court prefers that attachments be submitted in native PDF; however, if attachments are not available in native PDF, they may be submitted in scanned PDF.

3. File Size: Documents filed with the Court electronically are limited to 10 megabytes per uploaded file. **More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 50 megabytes.**

4. Multiple Attachments/Exhibits: Multiple attachments/exhibits to a document should be merged into a single PDF, not to exceed 10 megabytes; if the size limit would be exceeded by merging into a single PDF, the attachments may be divided into two (or more, if size warrants) separate PDFs. Each PDF may be uploaded using the "Add Another" button within a docket entry. After uploading each file, use the text box to properly describe each file.

   a. Large PDFs may be reduced in size by using Adobe Acrobat's built-in "Reduce File Size" option (available in Version 7 via the File menu, and in Version 8 via the Document menu), or by printing the existing PDF to Adobe PDF. If printing to Adobe PDF, select 'Properties,' and select 'Smallest File Size' on the "Adobe PDF Settings" tab. In addition, select "Black & White" on the Paper/Quality tab.

G. Sealed Documents

1. After logging into CM/ECF and entering your appeal number, select the "Sealed Briefs and Motions" category. These events were specifically designed to allow for submission of sealed pleadings and briefs. You may file a sealed motion, response, or brief in this manner. Failure to select the "Sealed Briefs and Motions" category will result in your pleading being

filed as a public document. Counsel are responsible for ensuring that sealed materials are filed using these events. In addition, please note that if you are submitting a motion to seal materials simultaneously with the sealed materials themselves you should use these events, even if the motion to seal is not submitted as sealed.

H. Signatures

1. Use of Digital Signature: The name of the filing user under whose login and password the document is filed must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

2. Documents Requiring Multiple Signatures: Documents requiring signature by more than one party may be completed via the use of digital signature (name of party preceded by an "s/" and typed in the space where the signature would otherwise appear).

I. Technical Failures

1. A party or attorney adversely affected by a technical failure in connection with filing or receipt of an electronic document may seek relief by appropriate motion.

L. Public Access

1. Information Publicly Available on Internet: Counsel should exercise caution with regard to any sensitive personal data in filings. **It is counsel's responsibility to redact documents as required by FRAP 25(a)(5). The clerk will not review documents for redaction or sealing.**

2. Sealed cases, Immigration and Social Security Cases: Remote public access to electronic documents in immigration and social security cases is limited to orders, opinions, and documents issued by the Court. Remote electronic access to other documents in immigration and social security cases is available only to parties and attorneys in the case who have registered through CM/ECF. Remote electronic access to all documents in sealed cases is available only to parties and attorneys in the case who have registered through CM/ECF.

3. Establishing Link Between ECF and PACER Accounts: After your ECF registration has been approved by the court, you will need to link your ECF

account to your PACER account. This is quite important, as it will be the only way you will be able to view sealed pleadings in a case if you are counsel of record.

You will only need to do this one. To link your accounts, please do the following:

a. Log into ECF.

b. Select PACER Report from the Reports Menu.

c. The PACER login screen will appear. Enter your PACER login and password, and check the "Make this my default PACER login" box.

d. Click Login.

e. You will need to log out of ECF and log back in for the change to take effect.

You will now be able to access PACER from your ECF account. If you are counsel of record in a case, this is the only way you will be able to view sealed documents in the case. You will not be able to view sealed documents in your case if you access the docket via the PACER site; you must access via your ECF account.

M. Address, E-Mail, Telephone Number Changes

Filing users must update personal and address changes with the PACER Service Center using the Appellate CM/ECF Filer Account Update option. Generally, the court's records will be updated within one business day after PACER's receipt of the updated information. Please note a change of address form submitted to the court will be insufficient to update personal and address changes in PACER.

N. Review of Electronically Filed Pleadings

The clerk's office will review all pleadings to ensure compliance with appropriate appellate and local rules, and to ensure that each pleading was filed correctly. Should a pleading be deemed noncompliant, counsel will be contacted and instructed to refile the pleading.

O. Interested Parties to an Appeal

Individuals wishing to register as interested parties for particular cases may do so via the PACER site (registering as an interested party allows the registrant to receive public NDAs issued in a particular case). Attorneys who are registered with ECF may add themselves to the notice list for cases in which they are not involved. Interested parties are not considered "of record," however, so they will not be able to file in cases they follow, nor will they have the "one free look" available in the NDAs sent. Likewise, they will not be able to view sealed materials. Individuals registered as pro se filers will not be able to add themselves as interested parties to other cases.

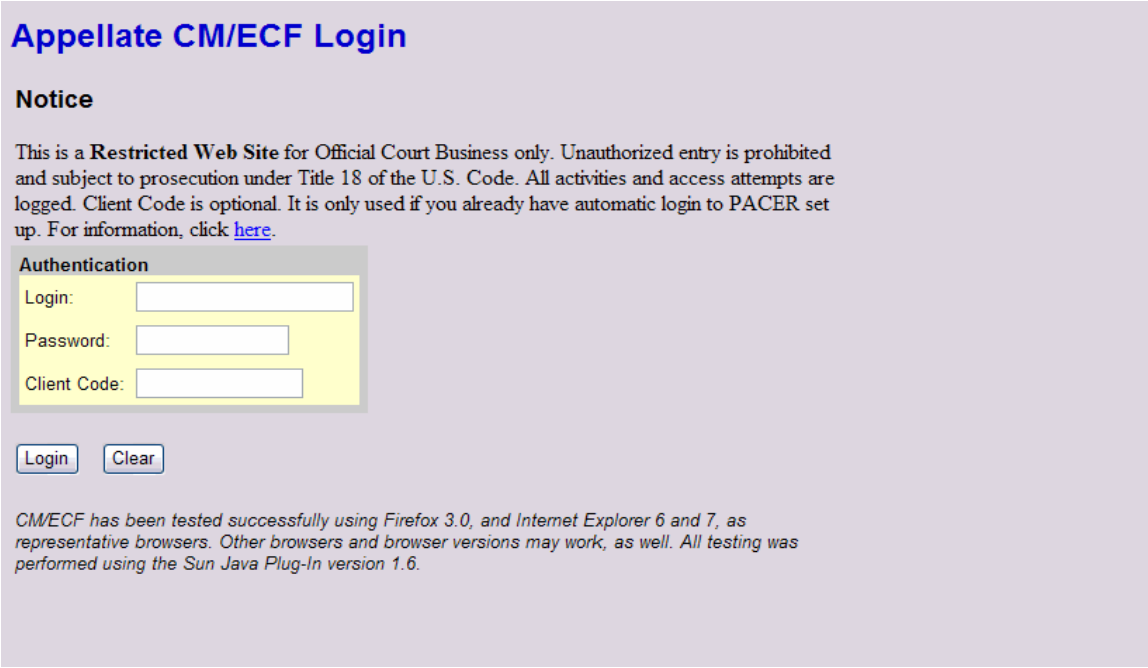
P. Document Filing Chart

Type of Document	How to File
Case Initiating Documents- petitions for permission to appeal; petitions for review; applications for enforcement; petitions for mandamus/prohibition; petitions for successive habeas petitions	File original in paper form in court of appeals, or email to Clerk in PDF format. The email address is Clerk@ca10.uscourts.gov.
Notice of Appeal	File electronically in district court.
Preliminary Documents- entry of appearance; docketing statement; transcript order form; designation of record	File electronically in court of appeals.
Motions, Responses, Replies	File electronically in court of appeals. Attachments should be filed as part of the Motion Filed or Response/Reply event, using the "attach additional forms" feature.
Briefs	File electronically in court of appeals; also submit original and 7 copies in paper form within two business days of electronic filing.
Sealed Briefs	File electronically in court of appeals using appropriate "Sealed Brief Filed" event; also submit original and 7 copies in paper form within two days of electronic filing.
Appendix and Addendum	File two copies in paper form in court of appeals at same time as filing the required additional paper copies of briefs. Appendices and addenda are not filed via ECF.

Supplemental authorities, status reports, memoranda, correspondence	File electronically in court of appeals.
Oral argument acknowledgment forms and custody status questionnaires	File electronically in court of appeals.
Petitions for rehearing and rehearing en banc	File electronically in court of appeals; if requesting en banc rehearing, also submit 18 copies in paper form within two business days of electronic filing.
Bills of cost and objections therein	File electronically in court of appeals
Criminal Justice Act Vouchers	Send to court of appeals in paper form.

HOW TO USE THE CM/ECF SYSTEM

As mentioned previously in this guide, attorneys must register as filing users of the Court's CM/ECF System in order to obtain a Login name and Password. Registration may be accomplished by visiting the Pacer web site (www.pacer.gov).



Enter your Login name and password in the appropriate boxes on the Login screen. Click "Login" to proceed.

The Startup Page will appear.

The menu options on the top of the screen are as follows:

1. Docketing- select to file in a case;
2. Reports- select to be connected to Pacer;
3. Utilities- select to edit/update your account information;
4. Logout- select to end your session;
5. Help- select to access the courts' ECF training manual and FAQ.

Establishing Link Between ECF and PACER Accounts

After your ECF registration has been approved by the court, you will need to link your ECF account to your PACER account. This is quite important, as it will be the only way you will be able to view sealed pleadings in a case if you are counsel of record.

You will only need to do this one. To link your accounts, please do the following:

1. Log into ECF.

2. Select PACER Report from the Reports Menu.

3. The PACER login screen will appear. Enter your PACER login and password, and check the "Make this my default PACER login" box.

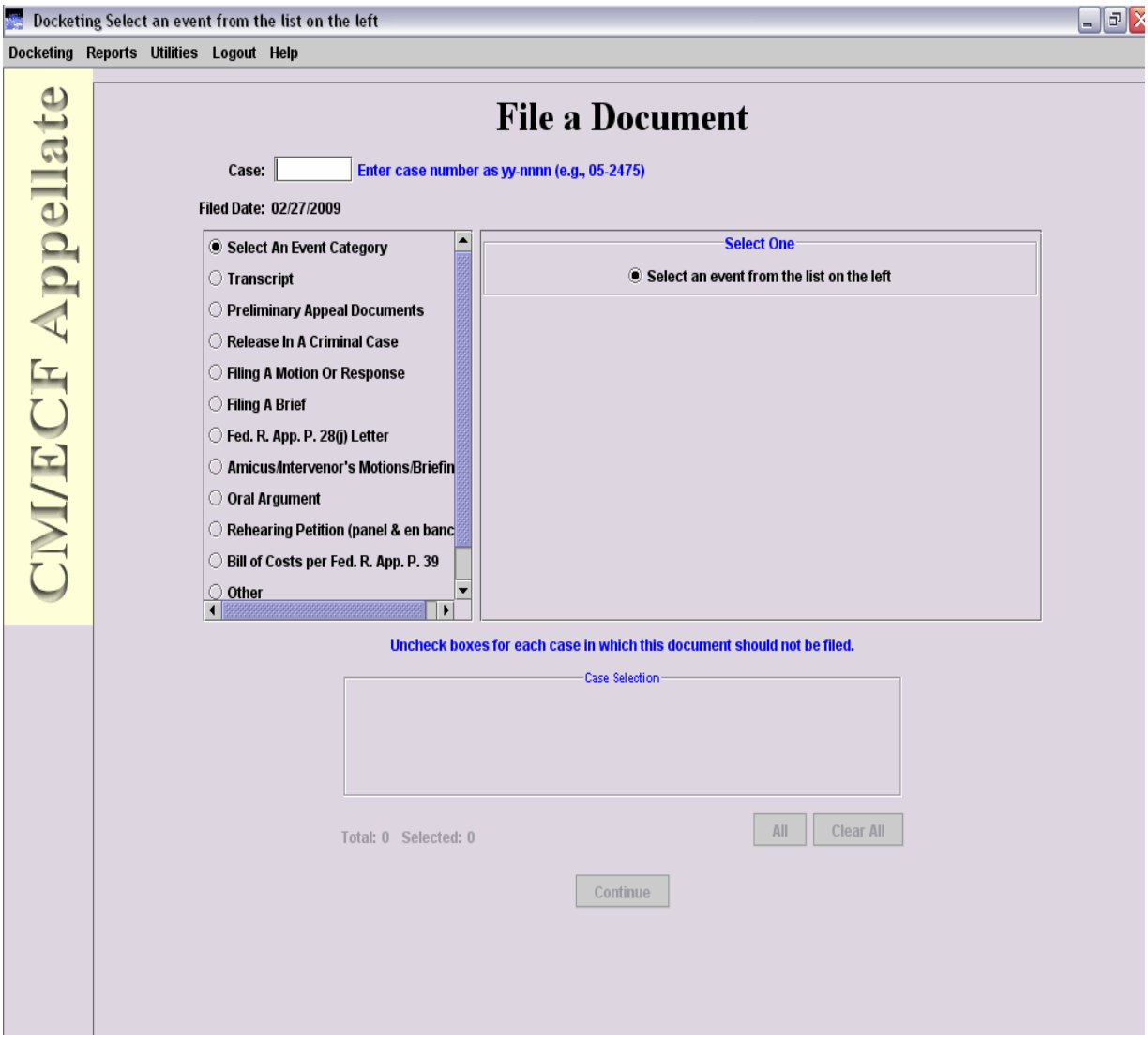
4. Click Login.

5. You will need to log out of ECF and log back in for the change to take effect.

You will now be able to access PACER from your ECF account. If you are counsel of record in a case, this is the only way you will be able to view sealed documents in the case. You will not be able to view sealed documents in your case if you access the docket via the PACER site; you must access via your ECF account.

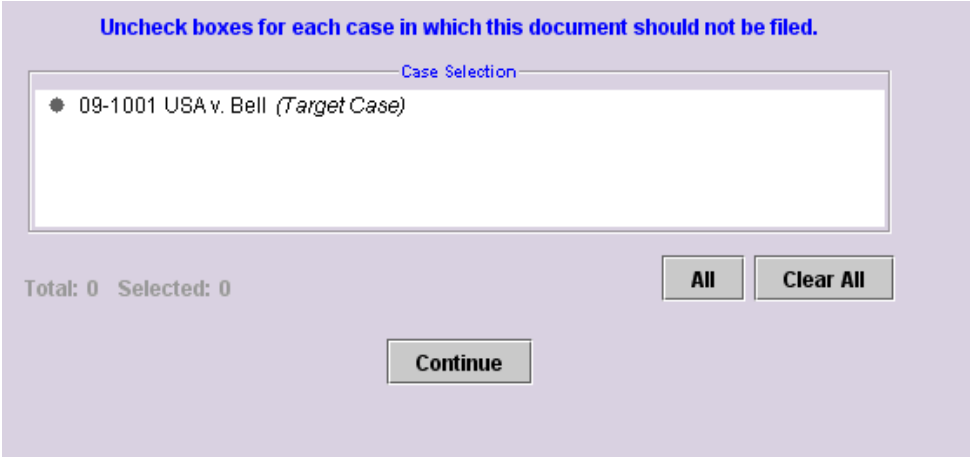
I. Docketing A Pleading In A Case- The Basics

A. Select "File A Document" from the Docketing menu at the top of the Startup Page. The following screen will appear:

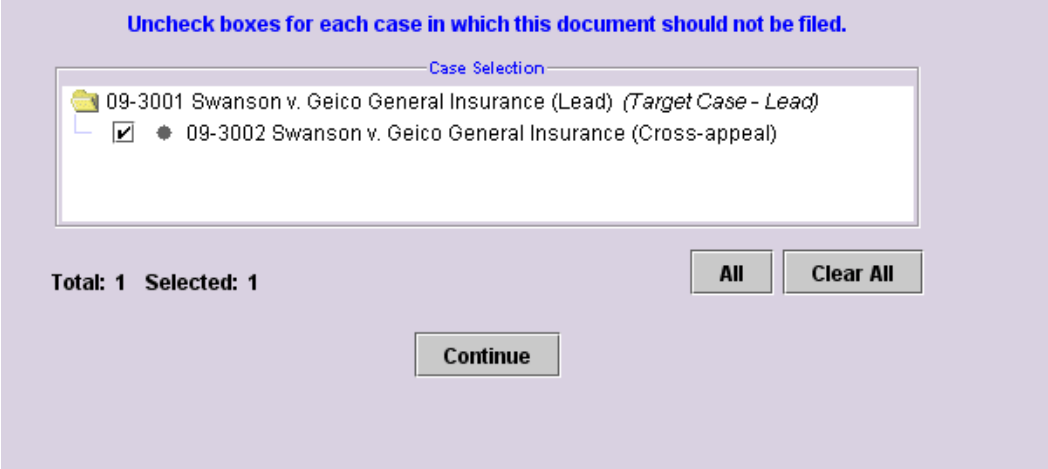


B. Enter a case number in the Case field (make sure to use the correct format– yy-nnnn– when entering the number in the field). Click "Tab" on your keyboard.

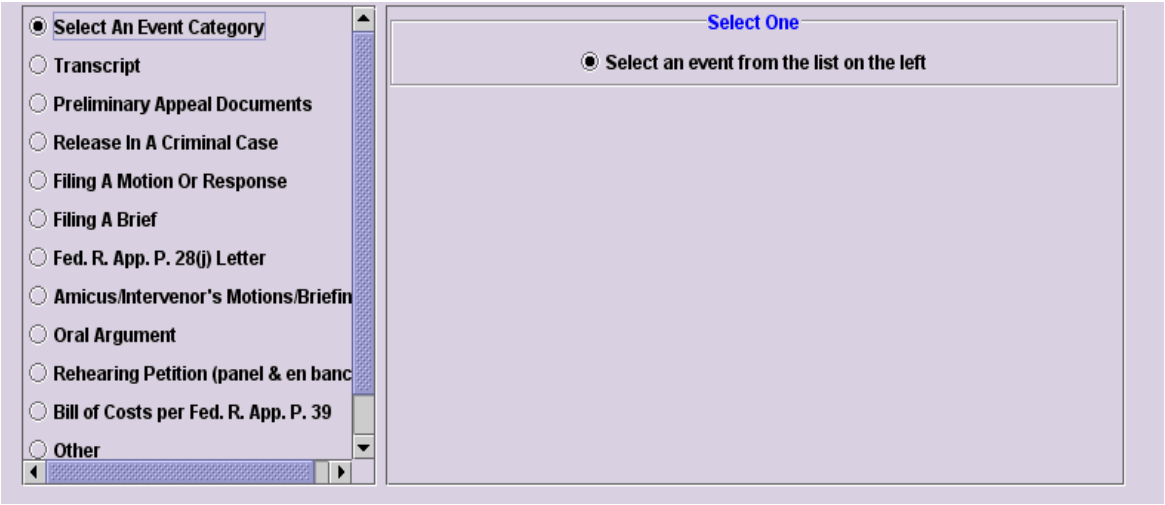
C. The case number and short title of the case will appear in the Case Selection box:



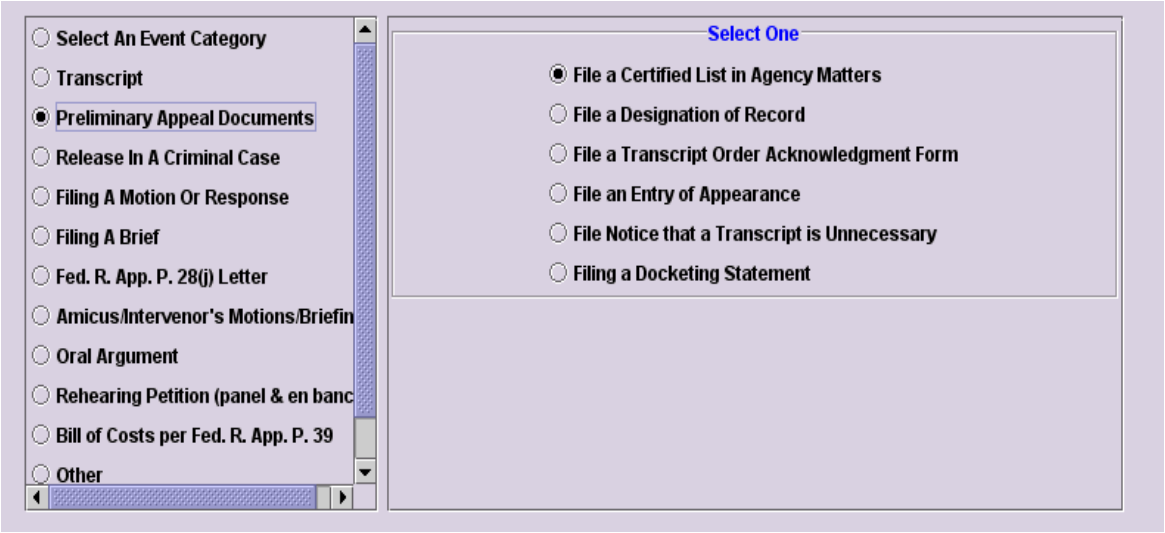
D. If a selected case has additional cases linked to it, those cases will also appear in this section. **To file in more than one case (for example, filing a brief in a cross-appeal or in two consolidated cases), you must check the box next to the appropriate case number; otherwise, your filing will only appear in the case number that you entered in the Case box. Conversely, if you do not want your filing to appear in a linked case, you must uncheck the box for that case.**



E. Next, you will need to select an Event Category from the menu on the left side of the screen. Selecting a category will bring up a number of docketing event options.

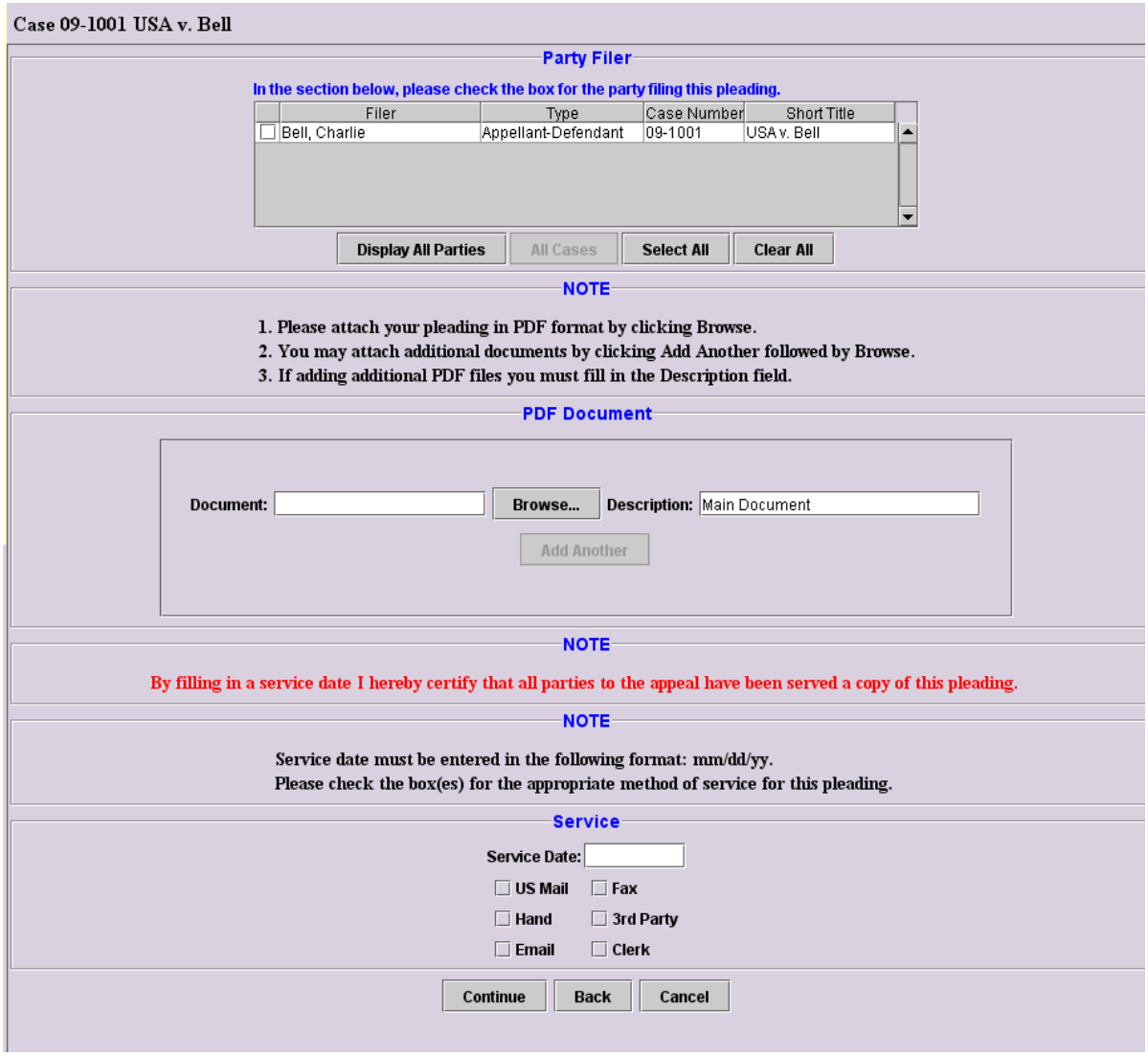


Select the corresponding event option for the pleading you wish to file:

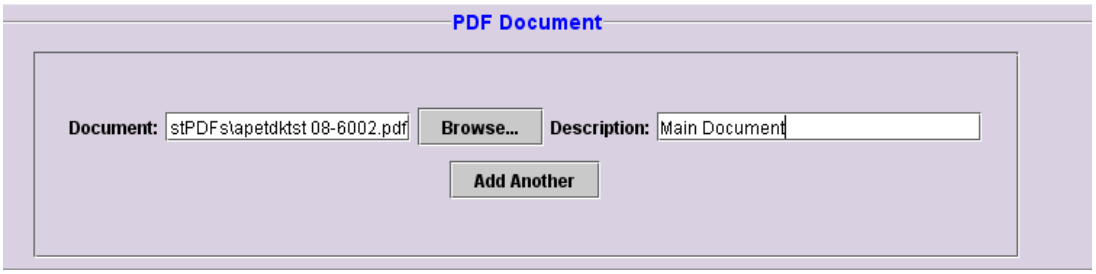


Click ‘Continue’ at the bottom of the screen.

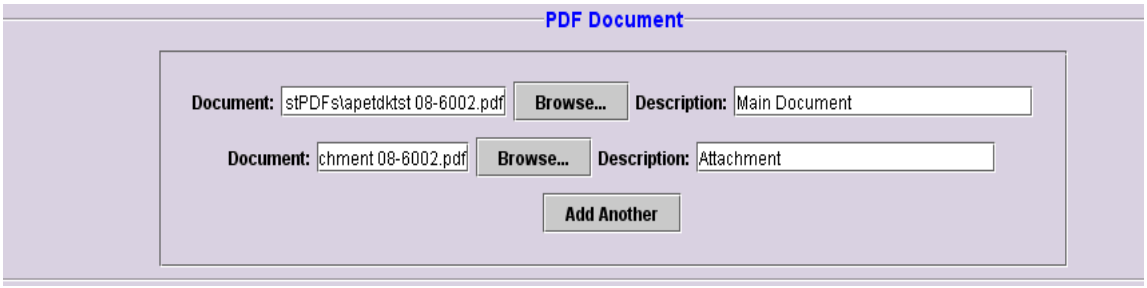
F. On the next screen, you will be prompted to select the party filer, attach the PDF for the pleading, and enter the date and method of service. Depending on the type of pleading you are filing, you may be required to enter additional information.



G. To attach a PDF to your entry, click the 'Browse' button in the PDF Document section on the screen. This will cause a pop-up screen to appear. Locate the appropriate PDF on your computer and select it. You may leave "Main Document" in the Description field, or you may edit to state what you are filing (for example, "Docketing Statement," "Appellant's Brief," etc.).

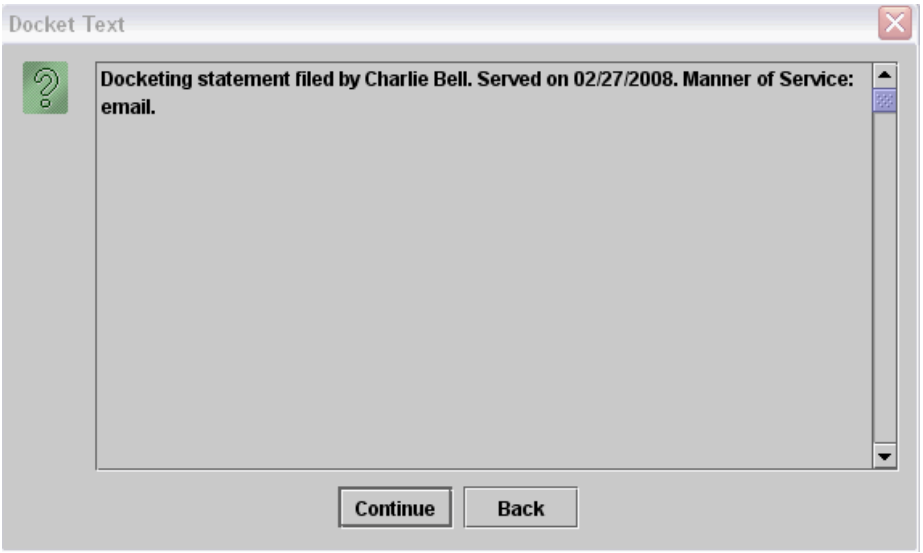


If you are attaching more than one PDF (for example, you have two PDFs to submit- one containing the pleading, and one containing attachments to the pleading), you will need to click the 'Add Another' button and repeat the process described above. Please note: when adding a second (and subsequent) PDF, you must fill in the Description field.

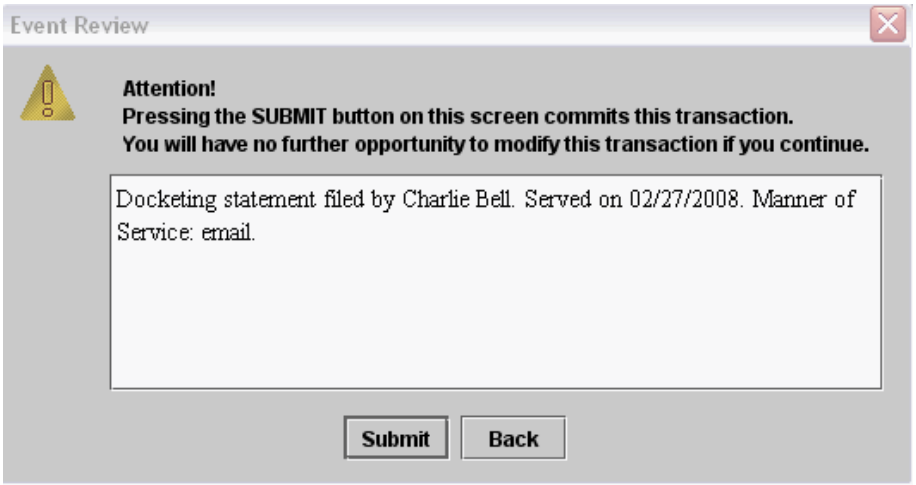


After you have completed all of the sections on the screen, click the 'Continue' button at the bottom.
The 'Back' button will take you back to the previous screen.
The "Cancel' button will void the transaction.

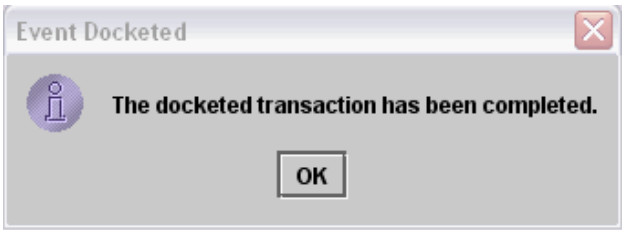
H. Next, a Docket Text pop-up window will appear. This will display how your entry will appear on the court's docket. Verify the information (pleading filed, filer name, service information, etc.) before clicking 'Continue.' If there are any errors, click the 'Back' button to go back to the prior screen and make any necessary corrections. Note- you will not be able to edit the docket text.



I. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



J. After selecting the 'Submit' button, you should see the following message:



In addition, for most transactions, the following screen will appear. This is the Notice of Docket Activity (NDA). You may close this screen after it appears.

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

Tenth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was entered on 02/27/2009 at 10:23:24 AM MST and filed on 02/27/2009

Case Name: USA v. Bell
Case Number: 09-1001
Document(s): Document(s)

Docket Text:
[9526576] Docketing statement filed by Charlie Bell. Served on 02/27/2008. Manner of Service: email.

The following document(s) are associated with this transaction:
Document Description: Main Document
Original Filename:apetdktst 08-6002.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1104938855 [Date=02/27/2009] [FileNumber=9526576-0]
[d18650faddf7d8340ca218960ed4bc5b16fa25e698eb5c8ecf1c21c70e07906f70c990f13206b9b37a9469eb2e6d07038754ddf2676a6e34ab194b6310af3fee]]

Document Description: Attachment
Original Filename:apetdktst attachment 08-6002.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1104938855 [Date=02/27/2009] [FileNumber=9526576-1]
[1cbc36e8d3025acbcbe4bfe1e5eb6d48ed0d3f7ed277cdb05e5d40293504c784ecc9b49611378909f2b5e56634bd28fc74a95ee43971758fa27848bc40f8fc62]

Notice will be electronically mailed to:

Tester, Joe: kevin_schwalbe@ca10.uscourts.gov, greg_heerdt@ca10.uscourts.gov, supervike@msn.com
Eresattorney, Jon: kevin_schwalbe@ca10.uscourts.gov, greg_heerdt@ca10.uscourts.gov, supervike@msn.com

The following information is for the use of court personnel:

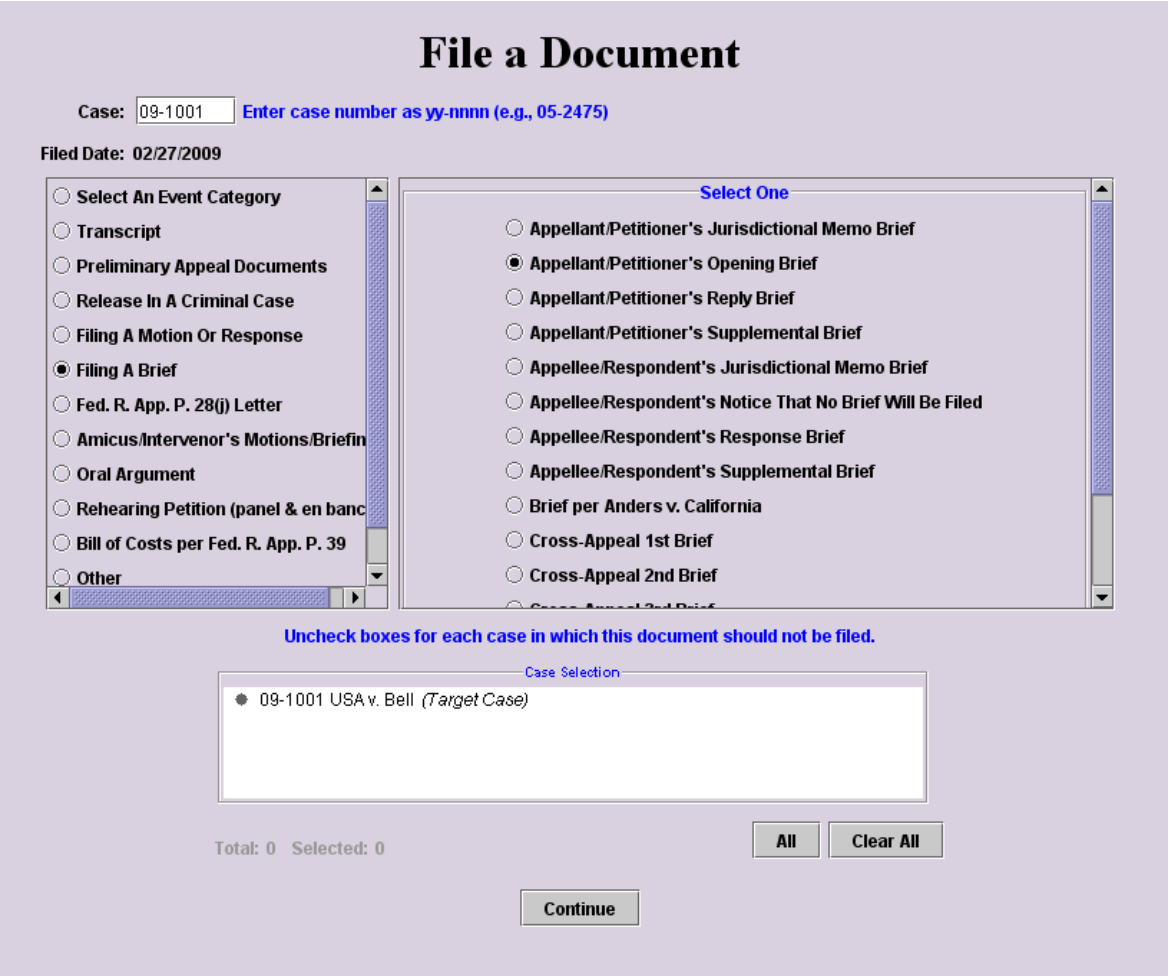
DOCKET ENTRY ID: 9526576
RELIEF(S) DOCKETED:
DOCKET PART(S) ADDED: 2397865, 2397866

Don't forget to logout if you are finished!

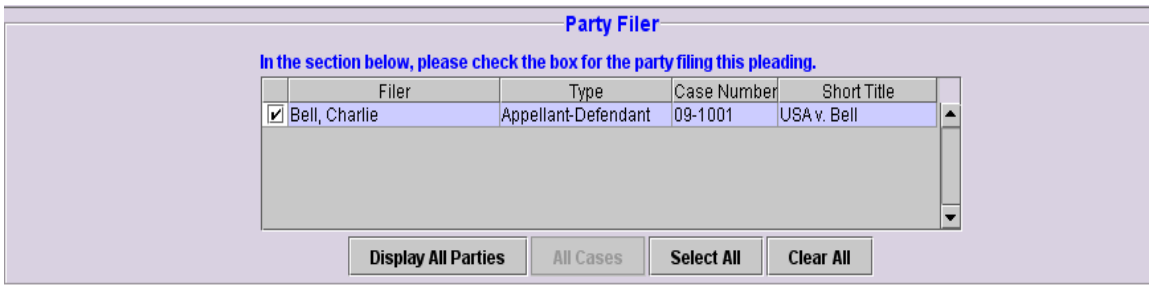
II. Docketing a Brief

A. Select the "Filing A Brief" category from the left side of the main screen. Select the type of brief you are filing from the menu that appears on the right side of the main screen. If your brief needs to be filed in more than one case (for example, a cross-appeal brief), select the additional cases in the Case Selection box. Click 'Continue'.

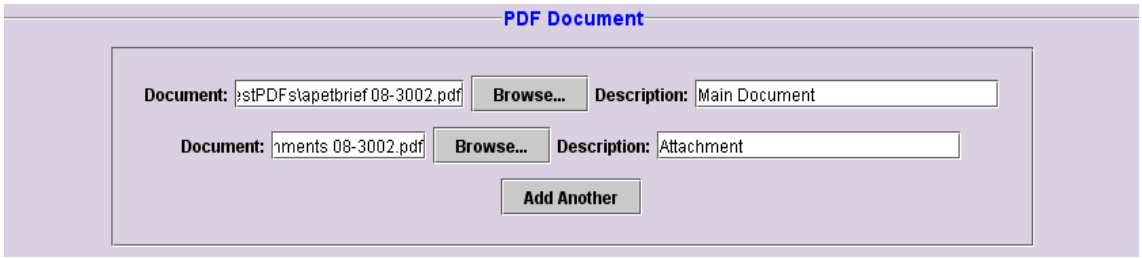
In this example, we will file appellant's opening brief.



B. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected.



Attach the PDF containing your brief. If your brief has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

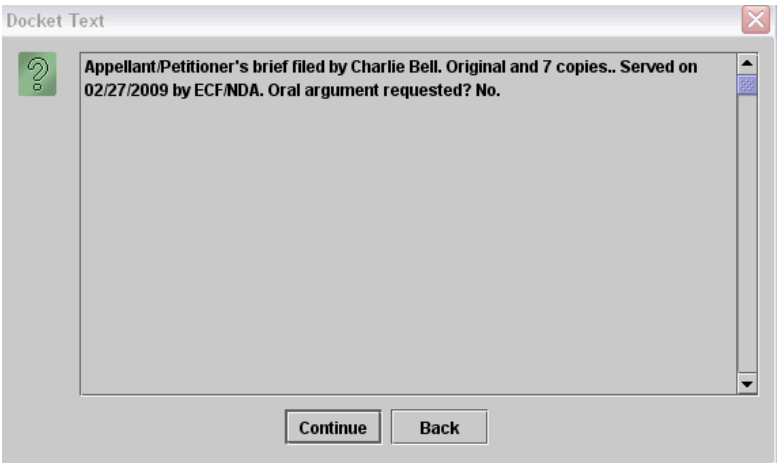


Enter the number of paper copies of the brief that will be submitted to the clerk's office (note: pursuant to the court's General Order governing Electronic Case Filing, seven paper copies of all briefs must be submitted to the court within two business days of electronic filing of the brief).

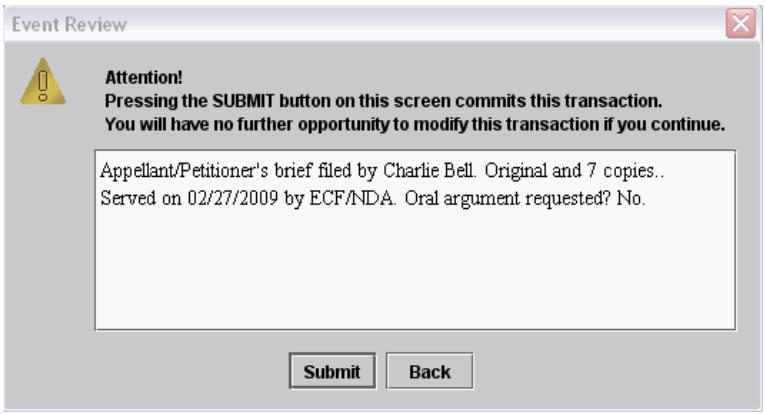
If filing a merits brief, you will need to indicate whether you are requesting oral argument from the Oral Argument drop-down menu.

Complete the Service section by entering the date of service of the brief in the Service Date box, and selecting the appropriate boxes in the Service field indicating who was served and by what method (if relying on ECF for service, select Ecf/Nda). Click 'Continue.'

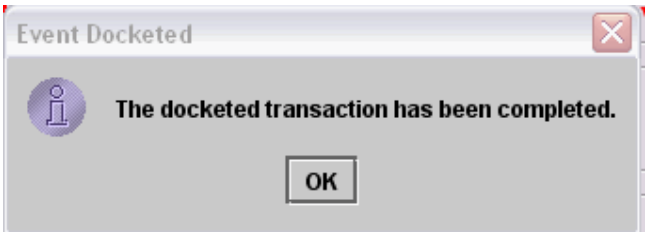
C. Verify in the Docket Text pop-up window that you have selected the correct Brief event, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.



D. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



E. If successful, you will see this message:

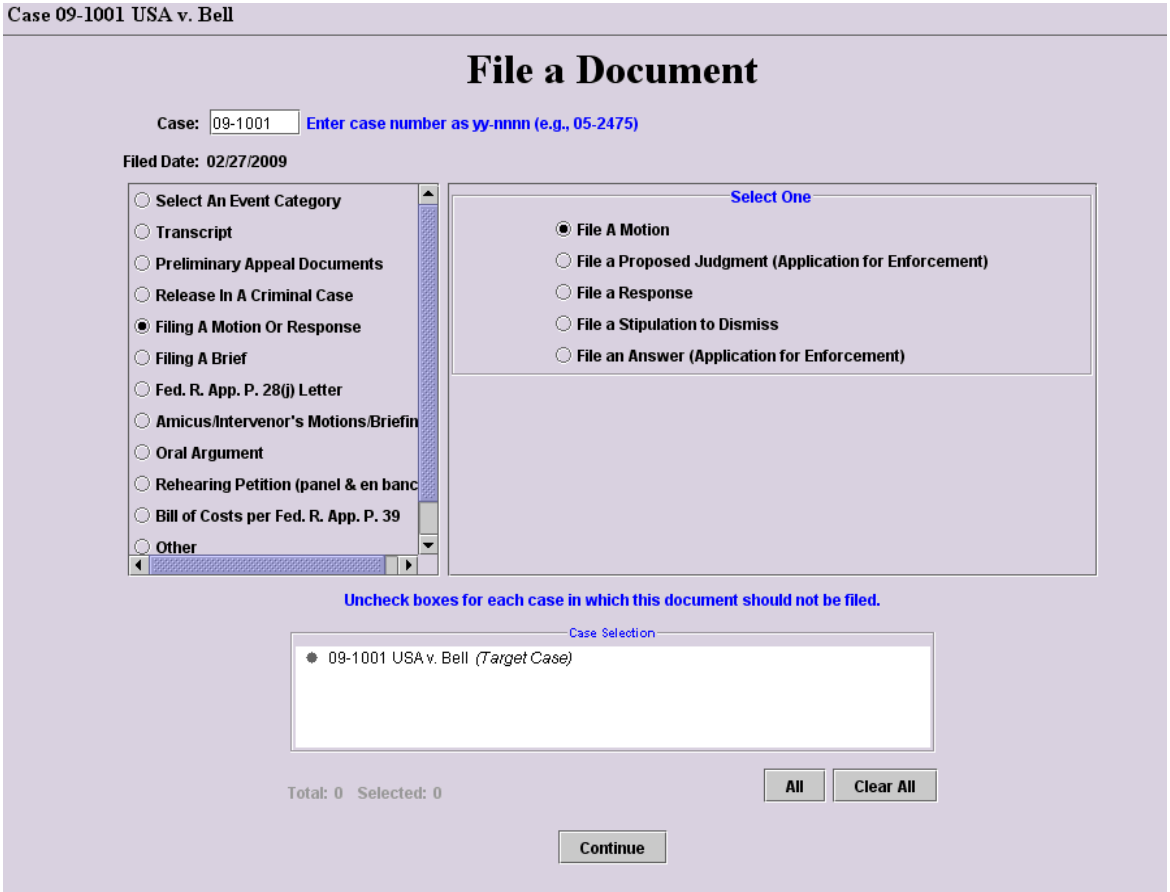


F. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears.

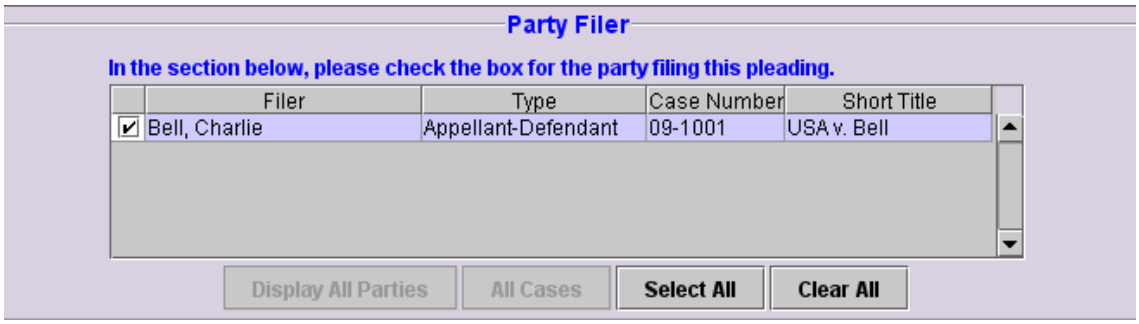
III. Docketing A Motion

A. Select the "Filing A Motion Or Response" category from the left side of the main screen. Select "File A Motion" from the menu that appears on the right side of the main screen. If your motion needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue'.

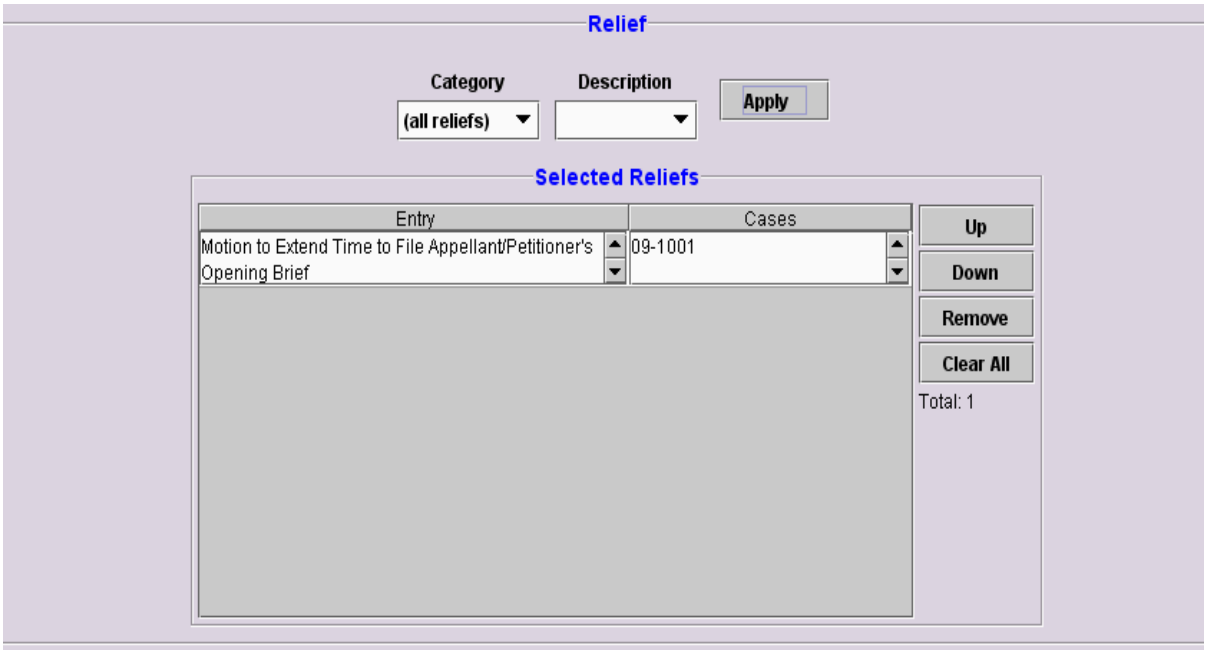
In this example, we will file appellant's motion for extension of time to file appellant's brief.



B. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected.



C. Next, you will need to select at least one relief (i.e., what you are requesting in your motion) from the Description drop-down menu. You may use the Category drop-down menu to narrow the list of Descriptions. Once you locate the most accurate description for what you are requesting in your motion, select it and click 'Apply.' Your selection will appear in the Selected Reliefs section.



If you are requesting more than one relief in your motion, you will need to repeat the Relief selection process as described above. Click 'Continue' when done.

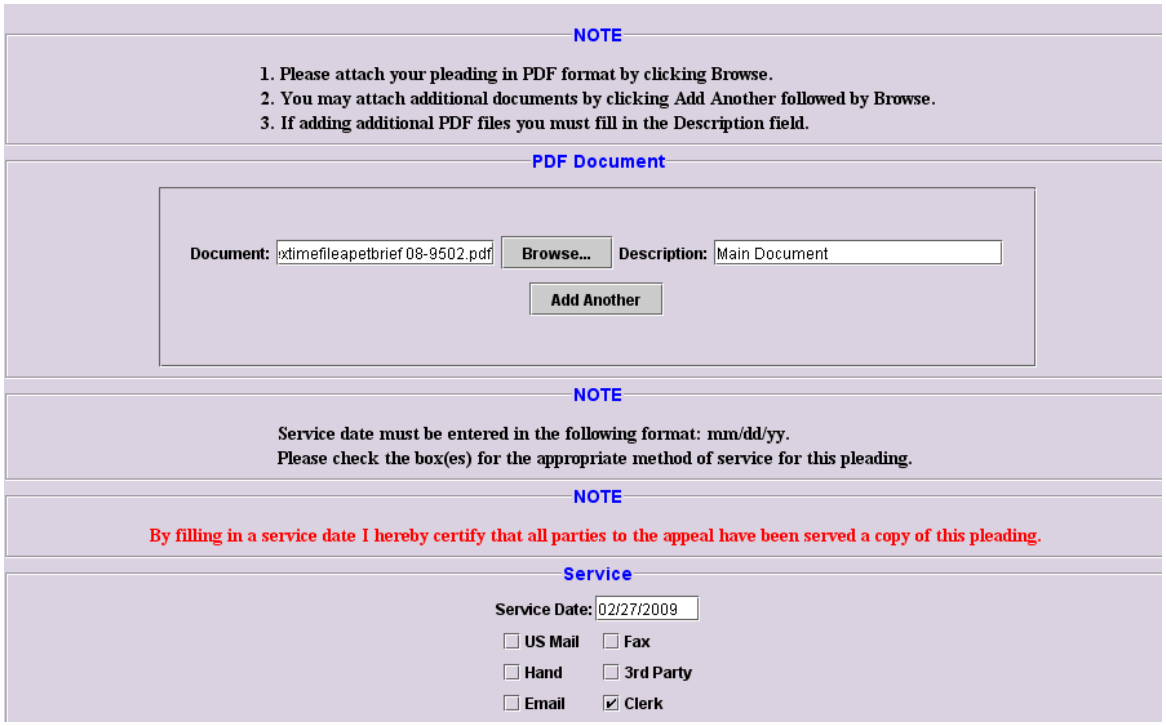
The Selected Reliefs section has four tabs on the right side of the menu:

a. Up/Down: when more than one relief is selected, the order of the reliefs may be changed using these tabs. To move a relief up/down in the list, select the relief, followed by the Up or Down tab.

b. Remove: to remove a selected relief; select the relief you wish to remove from this section, followed by the Remove tab.

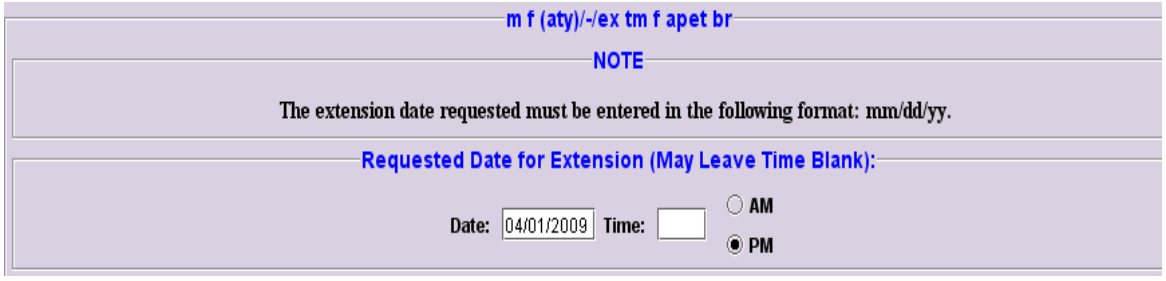
c. Clear All: will remove all selected reliefs.

D. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.



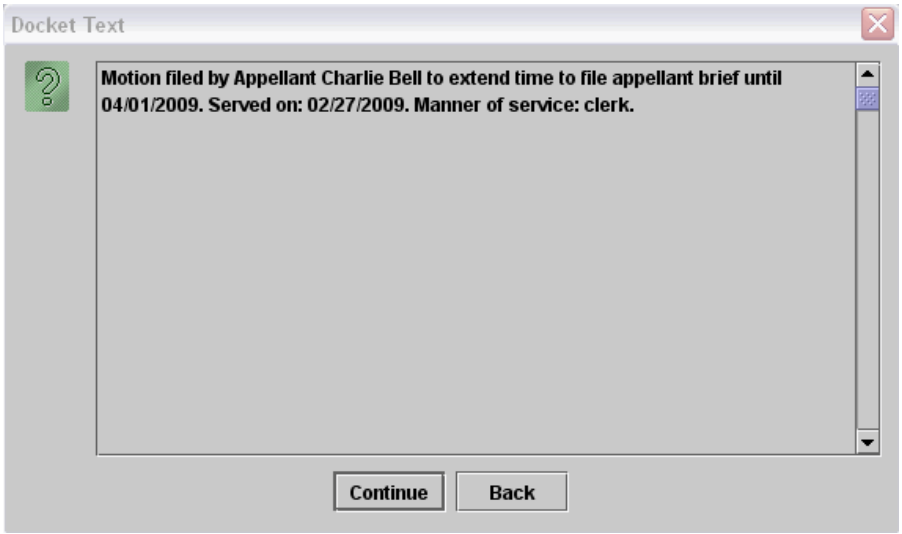
E. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Clerk').

F. Depending on the relief(s) you are requesting, you may have additional fields to complete. In this example, the requested date for the briefing extension must be given.

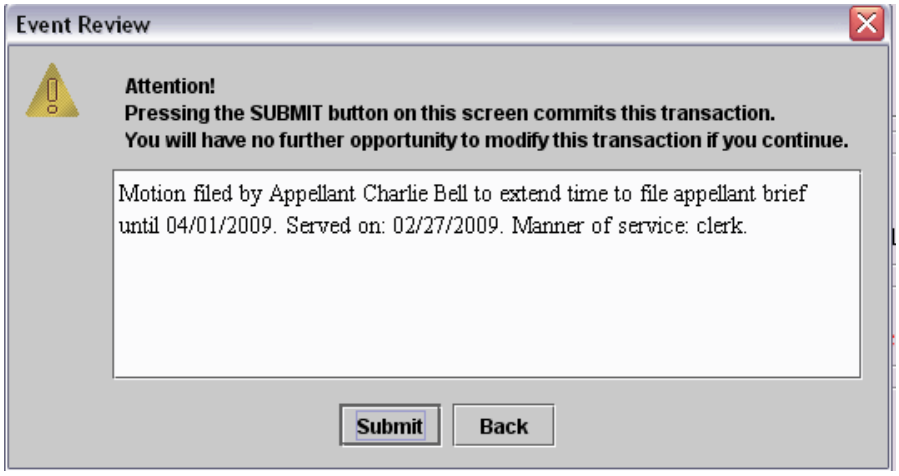


Click 'Continue' when finished with this screen.

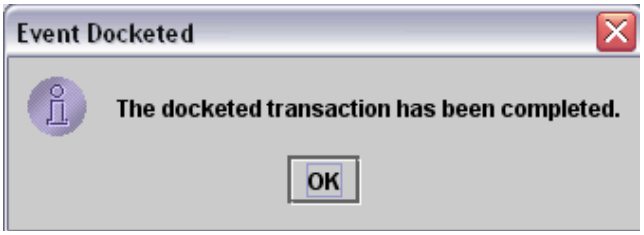
G. Verify in the Docket Text pop-up window that you have selected the correct event and relief, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.



H. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



I. If successful, you will see this message:

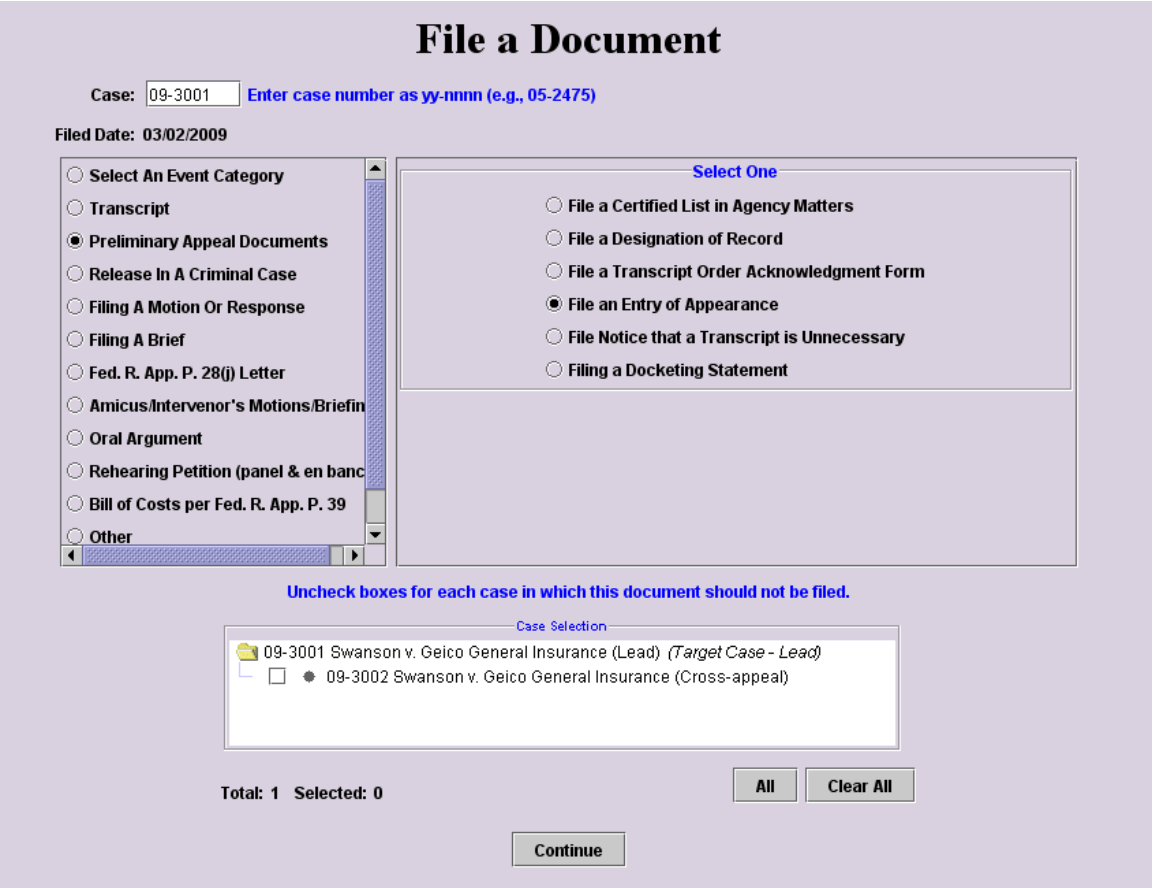


J. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears.

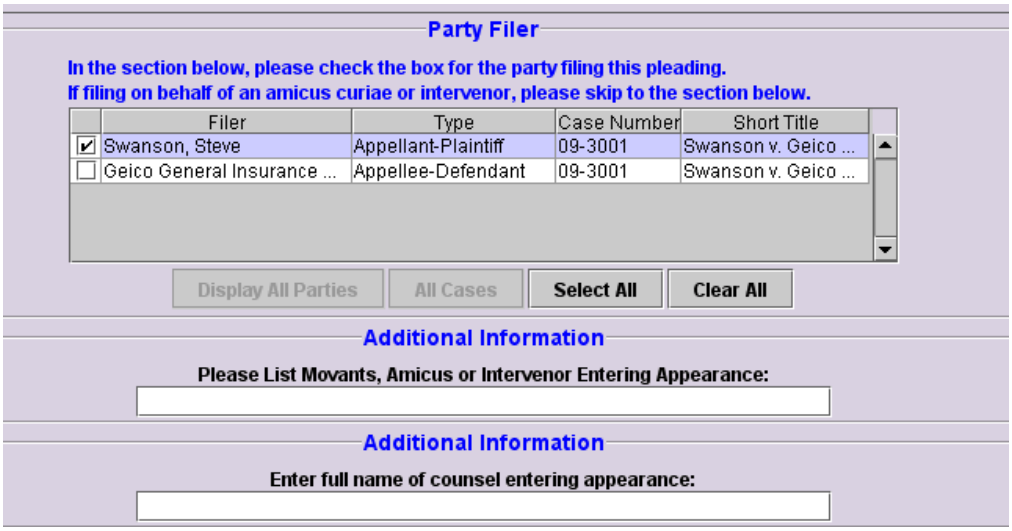
IV. Docketing An Entry of Appearance

A. **PLEASE NOTE**: if you are not an existing counsel of record in a case, your entry of appearance must be submitted to the court via ECF and reviewed by a case manager before you will be able to docket any other pleadings in that case. Please plan accordingly.

B. Select the "Preliminary Appeal Documents" category from the left side of the main screen. Select "File an Entry of Appearance" from the menu that appears on the right side of the main screen. If your pleading needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue'.

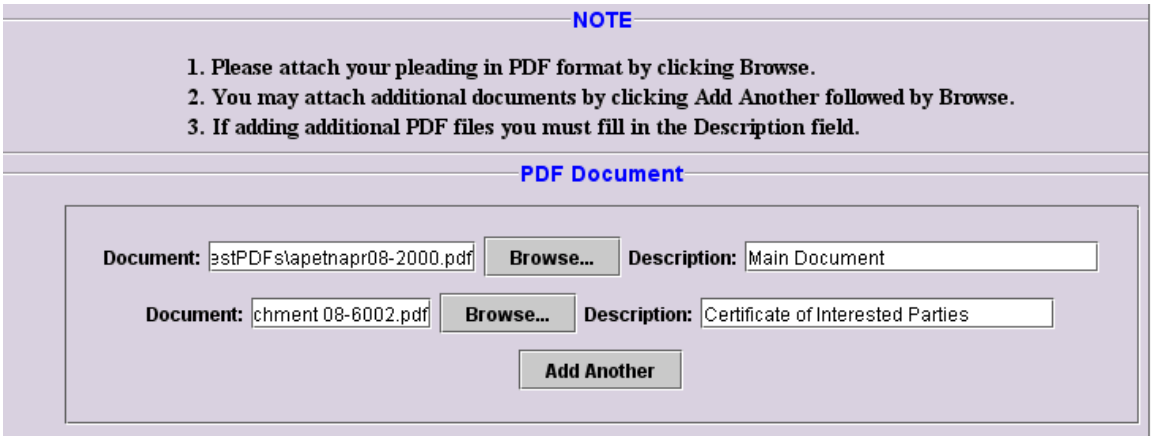


B. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected. If your party(ies) does not appear in the 'Party Filer' section, please enter their name(s) in the first Additional Information section below.



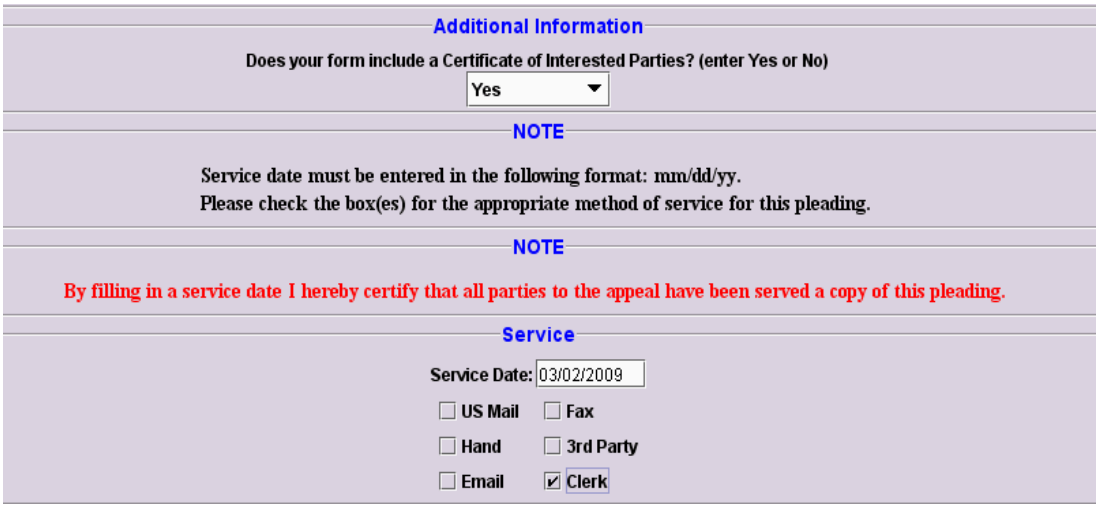
C. Enter the name of the attorney(s) entering an appearance in the second Additional Information box.

D. Attach the PDF containing your entry of appearance. If your pleading has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

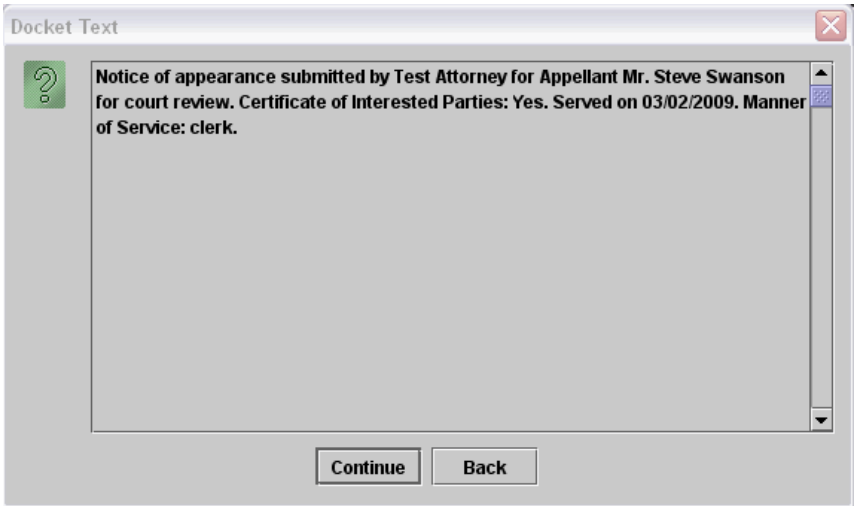


E. From the drop-down menu, indicate whether you are disclosing any interested parties on your entry of appearance form.

F. Complete the Service section by entering the date of service of the pleading in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Clerk'). Click 'Continue'.

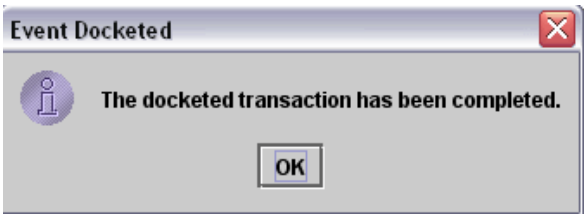


G. Verify in the Docket Text pop-up window that the party(ies) you represent is/are listed here, the full name(s) of all counsel entering an appearance appear, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.



H. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.

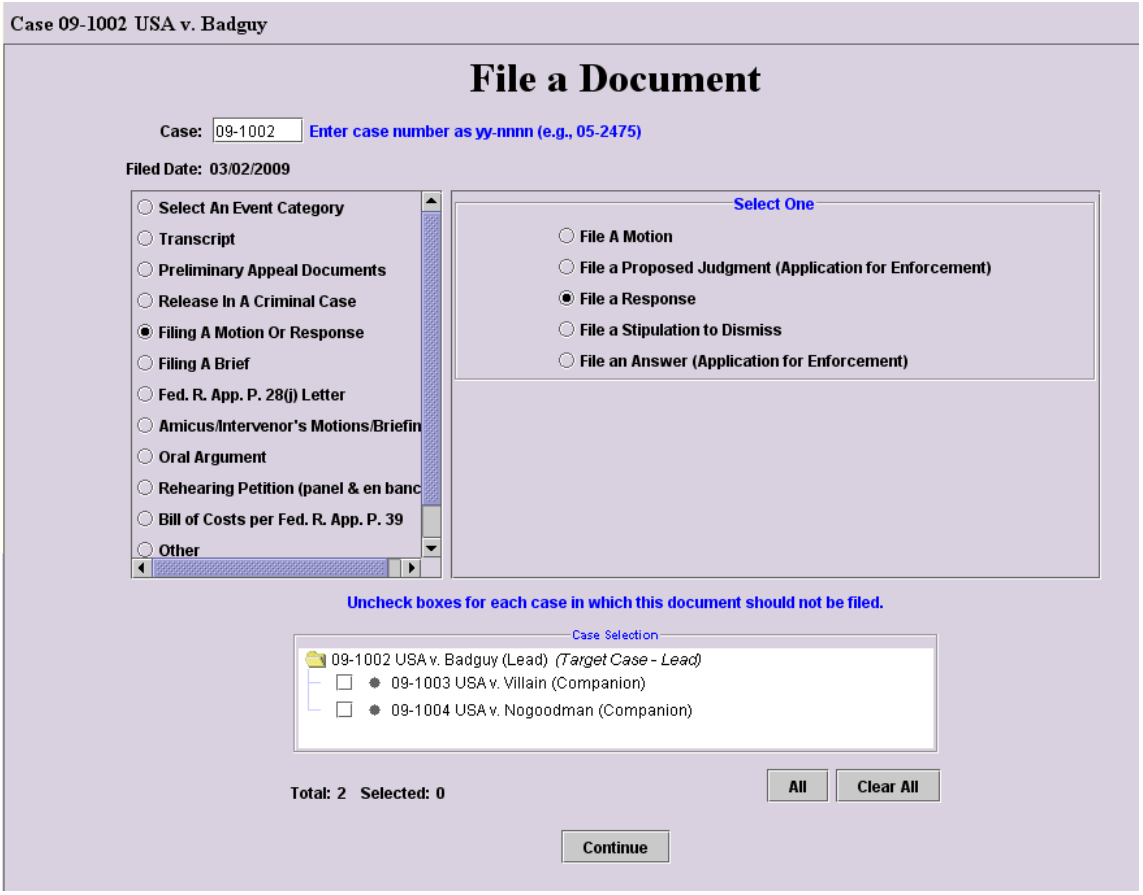
I. If successful, you will see this message:



J. You will not immediately receive a notice of docket activity from this event. A case manager in the clerk's office will review the submission and issue a notice of docket activity upon completion of the review process.

V. Docketing A Response

A. Select the "Filing A Motion Or Response" category from the left side of the main screen. Select "File A Response" from the menu that appears on the right side of the main screen. If your response needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue'.



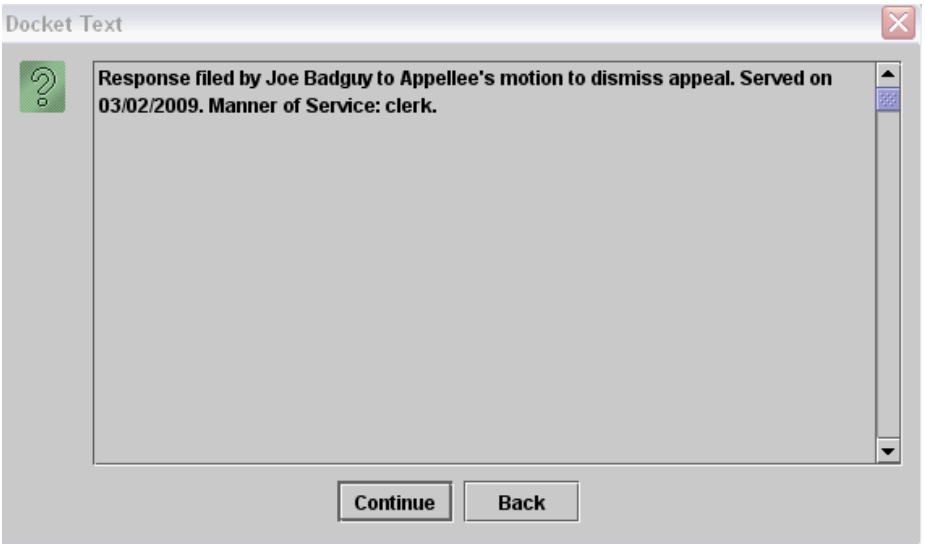
B. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected.

C. In the Additional Information field, state the name of the pleading to which you are filing a response.

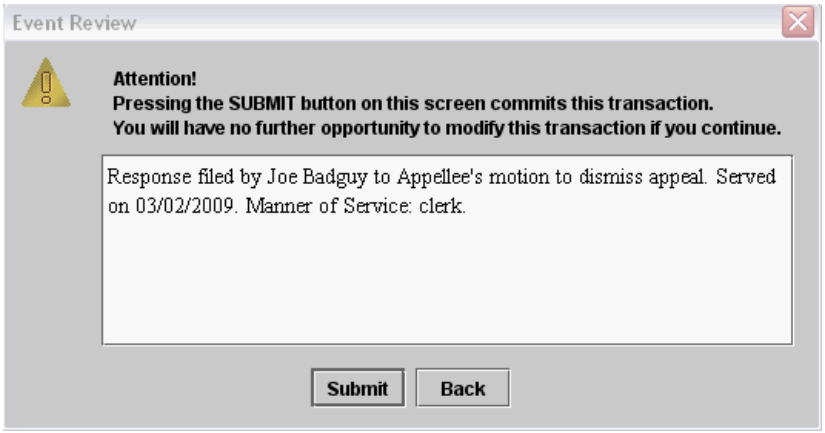
D. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

E. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Clerk'). Click 'Continue.'

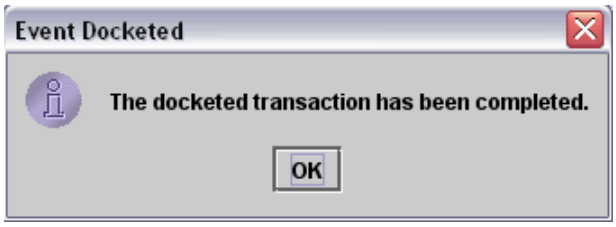
F. Verify in the Docket Text pop-up window that you have selected the correct event, stated the correct pleading to which you are responding, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.



G. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



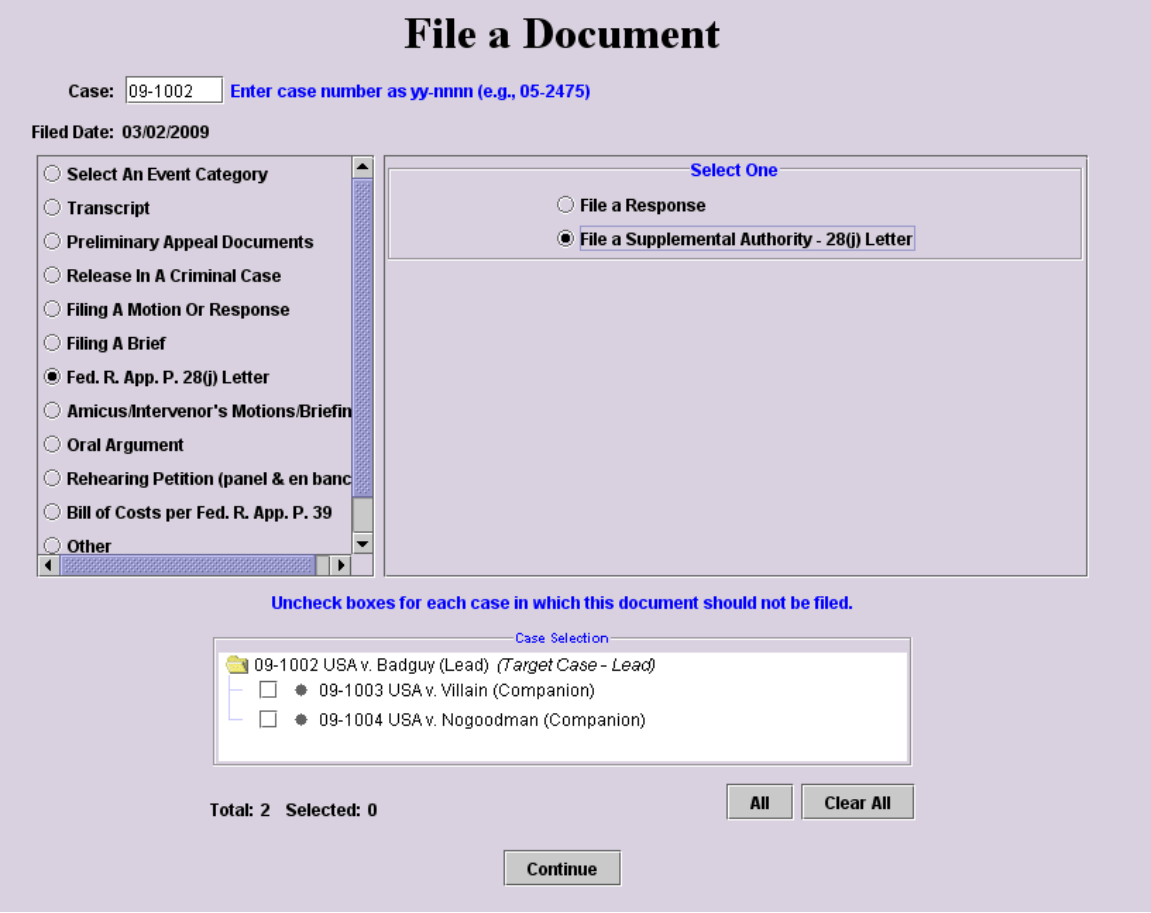
H. If successful, you will see this message:



I. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears.

VI. Docketing a Supplemental Authority

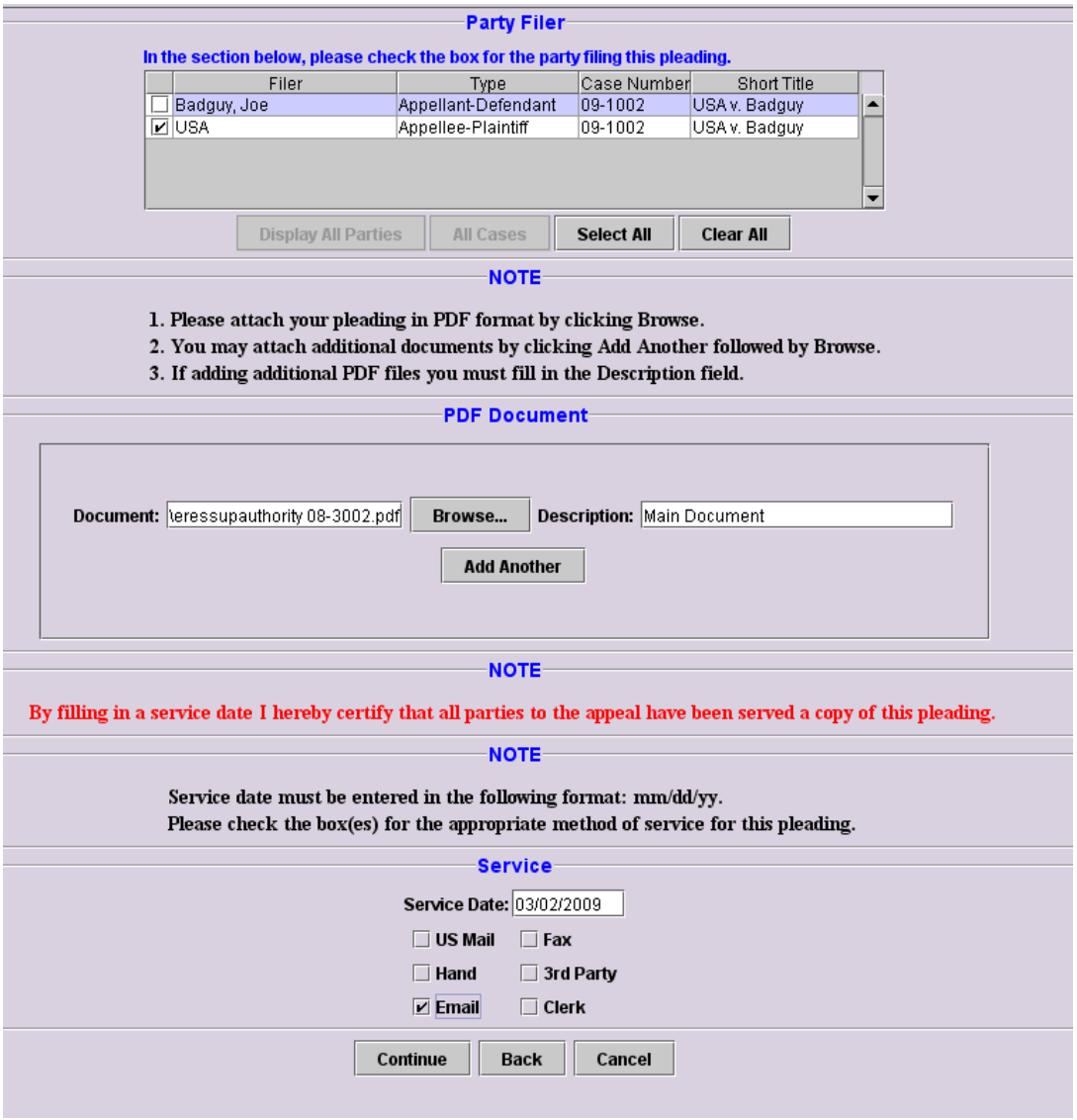
A. Select the "Fed. R. App. P. 28(j) Letter" category from the left side of the main screen. Select "File a Supplemental Authority" from the menu that appears on the right side of the main screen. If your pleading needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue'.



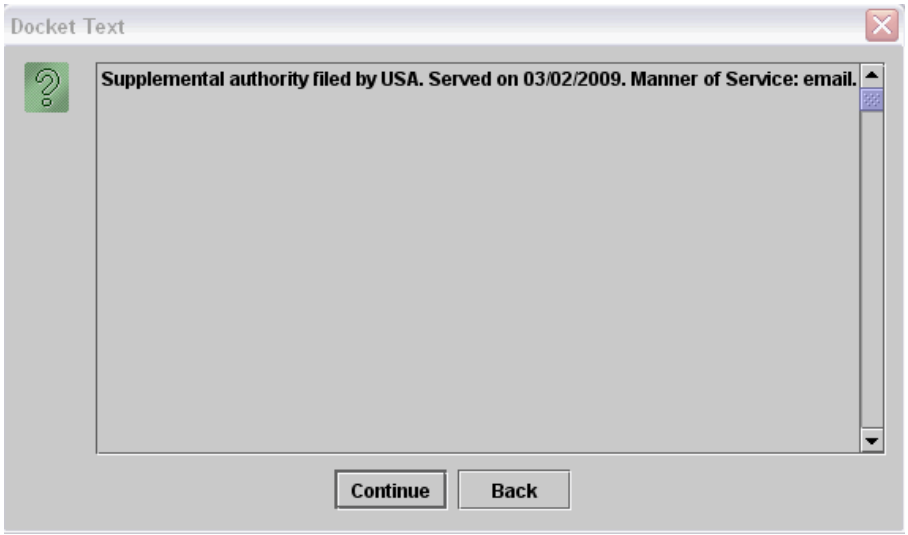
B. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected.

C. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

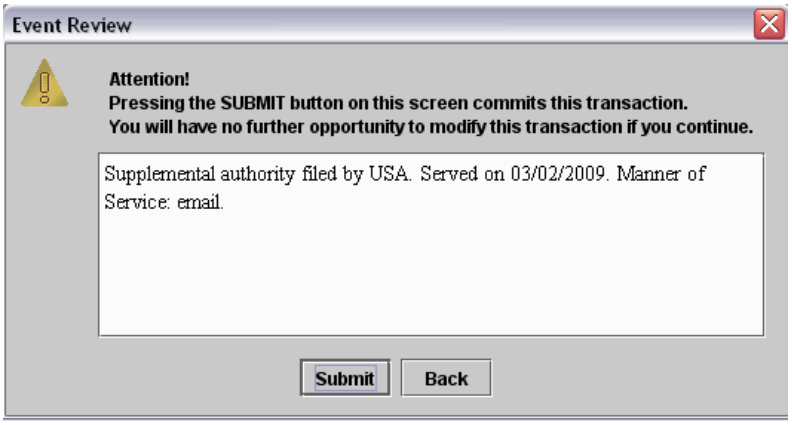
D. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Clerk'). Click 'Continue.'



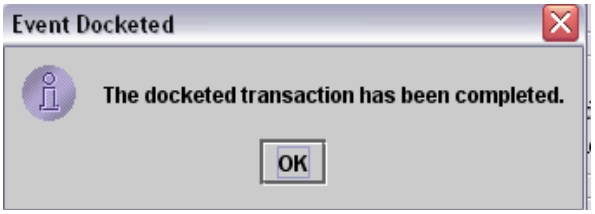
E. Verify in the Docket Text pop-up window that you have stated the correct event, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.



F. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



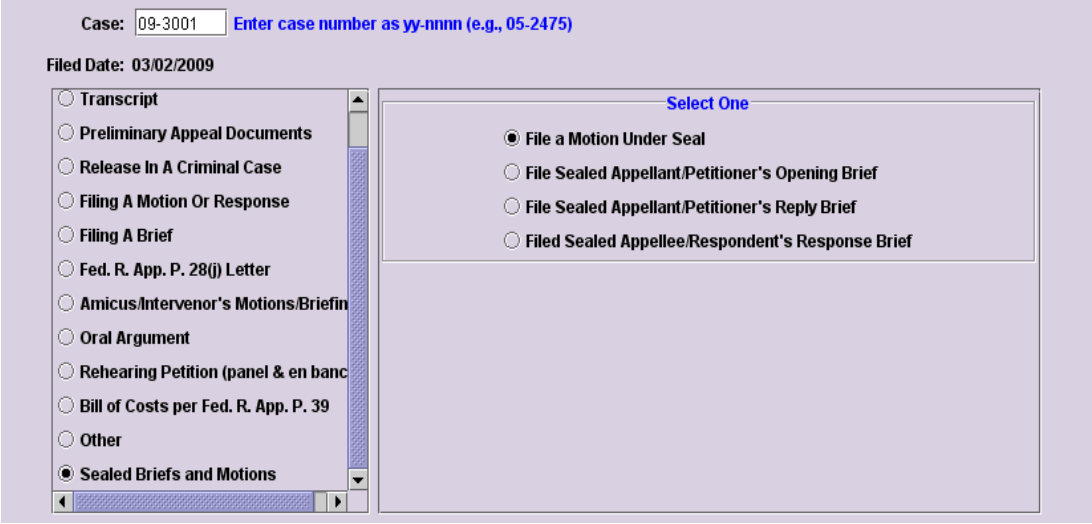
G. If successful, you will see this message:



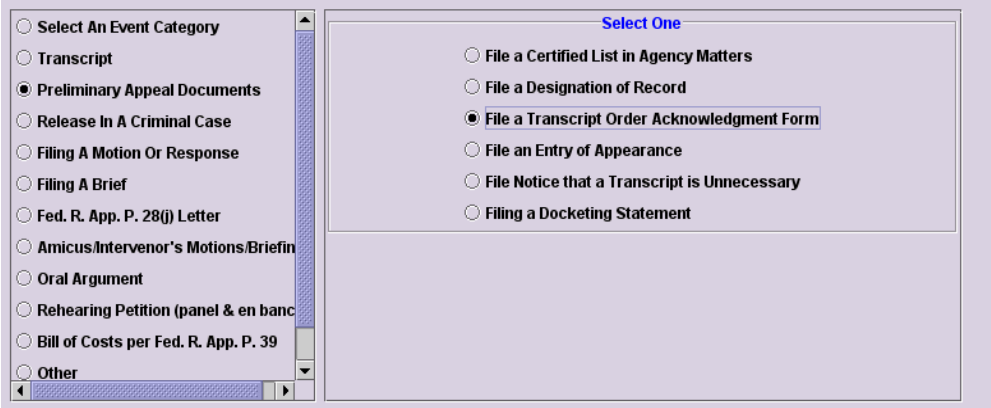
H. Click ‘OK’ and the Notice of Docket Activity will appear. You may close this screen after it appears.

V. Other Hints and Tips

A. When filing a brief or motion under seal, make sure to select the 'Sealed Briefs and Motions' category from the left side of the main menu. If you do not do this, your brief/motion will not appear as sealed on the court's docket.



B. Please note that there are two options when filing a transcript order form- "Transcript Order Acknowledgment Form" must be used when a transcript will be ordered; "Notice that a Transcript is Unnecessary" must be used when not ordering a transcript.



C. You will not immediately receive a notice of docket activity when filing an amicus/intervenor motion or brief. A case manager in the clerk's office will review the submission and issue a notice of docket activity upon completion of the review process

D. The clerk's office will review all pleadings to ensure compliance with appropriate appellate and local rules, and to ensure that each pleading was filed correctly. Should a pleading be deemed noncompliant, counsel will be contacted and instructed to refile the pleading.

WHERE TO GET HELP

A. If you make a mistake when filing, or have questions about the Electronic Filing Procedure or rules, please contact the clerk's office by telephone (303-844-3157) or via email (10th_circuit_clerk@ca10.uscourts.gov). Clerk's office hours are 7:00 a.m. to 5:00 p.m. Monday- Friday MST.

B. Questions about PACER and/or technical questions should be directed to PACER (telephone number 800-676-6856). PACER Service Center hours are 8:00 a.m. to 6:00 p.m. Monday- Friday CST.