

FEDERAL RULES OF APPELLATE PROCEDURE

(As amended to January 3, 2012)

HISTORICAL NOTE

The Federal Rules of Appellate Procedure were adopted by order of the Supreme Court on Dec. 4, 1967, transmitted to Congress by the Chief Justice on Jan. 15, 1968, and became effective on July 1, 1968.

The Rules have been amended Mar. 30, 1970, eff. July 1, 1970; Mar. 1, 1971, eff. July 1, 1971; Apr. 24, 1972, eff. Oct. 1, 1972; Apr. 30, 1979, eff. Aug. 1, 1979; Oct. 12, 1984, Pub. L. 98-473, title II, §210, 98 Stat 1987; Mar. 10, 1986, eff. July 1, 1986; Nov. 18, 1988, Pub. L. 100-690, title VII, §7111, 102 Stat. 4419; Apr. 25, 1989, eff. Dec. 1, 1989; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 1994, eff. Dec. 1, 1994; Apr. 27, 1995, eff. Dec. 1, 1995; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 24, 1996, Pub. L. 104-132, title I, §103, 110 Stat. 1218; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 29, 2002, eff. Dec. 1, 2002; Mar. 27, 2003, eff. Dec. 1, 2003; Apr. 25, 2005, eff. Dec. 1, 2005; Apr. 12, 2006, eff. Dec. 1, 2006; Apr. 30, 2007, eff. Dec. 1, 2007; Mar. 26, 2009, eff. Dec. 1, 2009; Apr. 28, 2010, eff. Dec. 1, 2010; Apr. 26, 2011, eff. Dec. 1, 2011.

TITLE I. APPLICABILITY OF RULES

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| Rule | |
| 1. | Scope of Rules; Definition; Title. |
| 2. | Suspension of Rules. |

TITLE II. APPEAL FROM A JUDGMENT OR ORDER OF A DISTRICT COURT

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| 3. | Appeal as of Right—How Taken. |
| [3.1. | Abrogated.] |
| 4. | Appeal as of Right—When Taken. |
| 5. | Appeal by Permission. |
| [5.1. | Abrogated.] |
| 6. | Appeal in a Bankruptcy Case from a Final Judgment, Order, or Decree of a District Court or Bankruptcy Appellate Panel. |
| 7. | Bond for Costs on Appeal in a Civil Case. |
| 8. | Stay or Injunction Pending Appeal. |
| 9. | Release in a Criminal Case. |
| 10. | The Record on Appeal. |
| 11. | Forwarding the Record. |
| 12. | Docketing the Appeal; Filing a Representation Statement; Filing the Record. |
| 12.1. | Remand After an Indicative Ruling by the District Court on a Motion for Relief That Is Barred by a Pending Appeal. |

TITLE III. REVIEW OF A DECISION OF THE UNITED STATES TAX COURT

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| 13. | Review of a Decision of the Tax Court. |
| 14. | Applicability of Other Rules to the Review of a Tax Court Decision. |

TITLE IV. REVIEW OR ENFORCEMENT OF AN ORDER OF AN ADMINISTRATIVE AGENCY, BOARD, COMMISSION, OR OFFICER

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| 15. | Review or Enforcement of an Agency Order—How Obtained; Intervention. |
| 15.1. | Briefs and Oral Argument in a National Labor Relations Board Proceeding. |
| 16. | The Record on Review or Enforcement. |
| 17. | Filing the Record. |
| 18. | Stay Pending Review. |
| 19. | Settlement of a Judgment Enforcing an Agency Order in Part. |

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| Rule | |
| 20. | Applicability of Rules to the Review or Enforcement of an Agency Order. |

TITLE V. EXTRAORDINARY WRITS

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| 21. | Writs of Mandamus and Prohibition, and Other Extraordinary Writs. |
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TITLE VI. HABEAS CORPUS; PROCEEDINGS IN FORMA PAUPERIS

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| 22. | Habeas Corpus and Section 2255 Proceedings. |
| 23. | Custody or Release of a Prisoner in a Habeas Corpus Proceeding. |
| 24. | Proceeding in Forma Pauperis. |

TITLE VII. GENERAL PROVISIONS

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| 25. | Filing and Service. |
| 26. | Computing and Extending Time. |
| 26.1. | Corporate Disclosure Statement. |
| 27. | Motions. |
| 28. | Briefs. |
| 28.1. | Cross-Appeals. |
| 29. | Brief of an Amicus Curiae. |
| 30. | Appendix to the Briefs. |
| 31. | Serving and Filing Briefs. |
| 32. | Form of Briefs, Appendices, and Other Papers. |
| 32.1. | Citing Judicial Dispositions. |
| 33. | Appeal Conferences. |
| 34. | Oral Argument. |
| 35. | En Banc Determination. |
| 36. | Entry of Judgment; Notice. |
| 37. | Interest on Judgment. |
| 38. | Frivolous Appeal—Damages and Costs. |
| 39. | Costs. |
| 40. | Petition for Panel Rehearing. |
| 41. | Mandate: Contents; Issuance and Effective Date; Stay. |
| 42. | Voluntary Dismissal. |
| 43. | Substitution of Parties. |
| 44. | Case Involving a Constitutional Question When the United States or the Relevant State is Not a Party. |
| 45. | Clerk's Duties. |
| 46. | Attorneys. |
| 47. | Local Rules by Courts of Appeals. |
| 48. | Masters. |

APPENDIX OF FORMS

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| Form | |
| 1. | Notice of Appeal to a Court of Appeals From a Judgment or Order of a District Court. |
| 2. | Notice of Appeal to a Court of Appeals From a Decision of the United States Tax Court. |
| 3. | Petition for Review of Order of an Agency, Board, Commission or Officer. |
| 4. | Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis. |
| 5. | Notice of Appeal to a Court of Appeals from a Judgment or Order of a District Court or a Bankruptcy Appellate Panel. |
| 6. | Certificate of Compliance With Rule 32(a). |

EFFECTIVE DATE AND APPLICATION OF RULES

Section 2 of the Order of the Supreme Court, dated Dec. 4, 1967, provided: "That the foregoing rules shall