

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as an Effective Date of 1982 Amendment note under section 171 of this title.

CHAPTER 133—REVIEW—MISCELLANEOUS PROVISIONS

Sec.	
2101.	Supreme Court; time for appeal or certiorari; docketing; stay.
2102.	Priority of criminal case on appeal from State court.
[2103.]	Repealed.]
2104.	Reviews of State court decisions.
2105.	Scope of review; abatement.
2106.	Determination.
2107.	Time for appeal to court of appeals.
2108.	Proof of amount in controversy.
2109.	Quorum of Supreme Court justices absent.
[2110.]	Repealed.]
2111.	Harmless error.
2112.	Record on review and enforcement of agency orders.
2113.	Definition.

HISTORICAL AND REVISION NOTES

1949 ACT

This section inserts in the chapter analysis of chapter 133 of title 28, U.S.C., a new item "2111," in view of the insertion in such title, by another section of this bill, of a new section 2111.

AMENDMENTS

1988—Pub. L. 100-352, §5(c), (d)(2), June 27, 1988, 102 Stat. 663, struck out item 2103 "Appeal from State court or from a United States court of appeals improvidently taken regarded as petition for writ of certiorari" and substituted "Reviews of State court decisions" for "Appeals from State courts" in item 2104.

1982—Pub. L. 97-164, title I, §136, Apr. 2, 1982, 96 Stat. 41, struck out item 2110 "Time for appeal to Court of Claims in tort claims cases".

1970—Pub. L. 91-358, title I, §172(a)(2)(B), July 29, 1970, 84 Stat. 590, added item 2113.

1962—Pub. L. 87-669, §2, Sept. 19, 1962, 76 Stat. 556, substituted "or from a United States court of appeals improvidently taken regarded as petition for" for "improvidently taken regarded as" in item 2103.

1958—Pub. L. 85-791, §1, Aug. 28, 1958, 72 Stat. 941, added item 2112.

1949—Act May 24, 1949, ch. 139, §105, 63 Stat. 104, added item 2111.

§ 2101. Supreme Court; time for appeal or certiorari; docketing; stay

(a) A direct appeal to the Supreme Court from any decision under section 1253 of this title, holding unconstitutional in whole or in part, any Act of Congress, shall be taken within thirty days after the entry of the interlocutory or final order, judgment or decree. The record shall be made up and the case docketed within sixty days from the time such appeal is taken under rules prescribed by the Supreme Court.

(b) Any other direct appeal to the Supreme Court which is authorized by law, from a decision of a district court in any civil action, suit or proceeding, shall be taken within thirty days from the judgment, order or decree, appealed from, if interlocutory, and within sixty days if final.

(c) Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.

(d) The time for appeal or application for a writ of certiorari to review the judgment of a State court in a criminal case shall be as prescribed by rules of the Supreme Court.

(e) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

(f) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

(g) The time for application for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces shall be as prescribed by rules of the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 961; May 24, 1949, ch. 139, §106, 63 Stat. 104; Pub. L. 98-209, §10(b), Dec. 6, 1983, 97 Stat. 1406; Pub. L. 100-352, §5(b), June 27, 1988, 102 Stat. 663; Pub. L. 103-337, div. A, title IX, §924(d)(1)(C), Oct. 5, 1994, 108 Stat. 2832.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., §§47, 47a, 349a, 350, 380, 380a, section 29 of title 15, U.S.C., 1940 ed., Commerce and Trade, and section 45 of title 49, U.S.C., 1940 ed., Transportation (Feb. 11, 1903, ch. 544, §2, 32 Stat. 1167; Mar. 3, 1911, ch. 231, §§210, 266, 291, 36 Stat. 1150, 1162, 1167; Mar. 4, 1913, ch. 160, 37 Stat. 1013; Oct. 22, 1913, ch. 32, 38 Stat. 220; Sept. 6, 1916, ch. 448, §6, 39 Stat. 727; Feb. 13, 1925, ch. 229, §1, 8 (a, b, d), 43 Stat. 938, 940; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; June 7, 1934, ch. 426, 48 Stat. 936; Aug. 24, 1937, ch. 754, §§2, 3, 50 Stat. 752; June 9, 1944, ch. 239, 58 Stat. 272).

Section consolidates section 350 of title 28, U.S.C., 1940 ed., with those portions of sections 47, 47a, 349a, 380, and 380a, of said title 28, section 29, of title 15, U.S.C., 1940 ed., and section 45 of title 49, U.S.C., 1940 ed., respective time for taking direct appeal. (For disposition of other provisions of said sections, see Distribution Table.)

Subsection (a) of the revised section is derived from sections 349a and 380a of title 28, U.S.C., 1940 ed. The phrase "under rules prescribed by the Supreme Court" was substituted for the phrase "under such rules as may be prescribed by the proper courts" which appeared in both such sections. The Supreme Court by its revised rules 10-13 has made adequate provision for fil-