

1.3.02 | INITIAL DOCUMENTS

Notice of appeal from district court	FRAP 4: For civil cases, notice must be filed in district court within 30 days after entry of judgment (60 days if federal government a party), or within 14 days after filing of a timely notice of appeal by any other party. For criminal cases, defendant's notice must be filed in district court within 14 days after entry of judgment or within 14 days after filing of a timely appeal by the government; the government's notice of appeal must be filed within 30 days after entry of judgment or within 30 days after filing of a timely appeal by the defendant. See the rule for extensions based on post-judgment filings.
Notice of appeal from tax court	FRAP 13: Notice of appeal must be filed in tax court within 90 days after entry of tax court's decision or within 120 days after tax court's decision if any other party has filed a timely notice of appeal.
Petition for review of agency order	FRAP 15: Petition for review of agency order must be filed in the court of appeals within the time prescribed by law.
Answer to application for enforcement of agency order	FRAP 15: An answer to an application for enforcement of an agency order must be served within 21 days after filing of the application.
Petition for permission to appeal from district court	28 USC § 1292(b): A petition for permission to appeal an order certified by the district court to involve a controlling question of law as to which there is substantial ground for difference of opinion and as to which immediate appeal would materially advance the termination of the litigation must be filed in the court of appeals within 10 days after entry of the order.



	28 USC § 1453(c): A petition for permission to appeal an order remanding a class action to the state court from which it was removed must be filed within 10 days after entry of the order. Fed R Civ P 23(f): A petition for permission to appeal an order granting or denying class-action certification must be filed within 14 days after entry of the order. FRAP 5: The petition must not exceed 5,200 words (20 pages if handwritten or typewritten), exclusive of any cover page, disclosure statement, table of contents, table of citations, signature block, certificates of counsel, and attachments. A certificate of compliance with type-volume limit is required if produced by computer.
Petition for permission to appeal from bankruptcy court	28 USC § 158(d)(2): Any request by a party that the bankruptcy court or district court certify a bankruptcy court order for direct appeal to the court of appeals on the basis that the order involves a question of law as to which there is no controlling decision, that involves a matter of public importance, that requires resolution of conflicting decisions, or as to which an immediate appeal would materially advance the progress of the case must be filed within 60 days after entry of the order. Bankr R 8002 & 8006: For timely filing of a petition for permission to appeal, a notice of appeal must be filed in the bankruptcy court within 14 days of entry of the order under Bankr R 8002, and a petition for permission to appeal must be filed in the court of appeals within 30 days of the date the order is certified for direct appeal to the court of appeals under Bank R 8006. FRAP 5: The petition must not exceed 5,200 words (20 pages if handwritten or typewritten), exclusive of any cover page, disclosure statement, table of contents, table of citations, signature block, certificates of counsel, and attachments. A certificate of compliance with type-volume limit is required if produced by computer.



Answer or cross-petition for permission to appeal	FRAP 5: A party may file an answer in opposition or a cross-petition within 10 days after service of the petition. The answer or cross-petition must not exceed 5,200 words (20 pages if handwritten or typewritten), exclusive of any cover page, disclosure statement, table of contents, table of citations, signature block, certificates of counsel, and attachments. A certificate of compliance with type-volume limit is required if produced by computer.
Petition for writ of mandamus	FRAP 21: The rules do not prescribe a time period for filing a petition for writ of mandamus or prohibition, but state that the petition may not exceed 7,800 words (30 pages if handwritten or typewritten), exclusive of any cover page, disclosure statement, table of contents, table of citations, signature block, certificates of counsel, and attachments. A certificate of compliance with type-volume limit is required if produced by computer.
Answer to petition for writ of mandamus	FRAP 21: The court may deny the petition without answer or order the respondent to answer within a fixed time. The rules do not establish a time period, but the court generally uses a 10-day period. The answer may not exceed 7,800 words (30 pages if handwritten or typewritten), exclusive of any cover page, disclosure statement, table of contents, table of citations, signature block, certificates of counsel, and attachments. A certificate of compliance with type-volume limit is required if produced by computer.
Application to proceed in forma pauperis	FRAP 24: If leave to proceed in forma pauperis has not been granted by the district court, an application to proceed in forma pauperis on appeal must be filed in the court of appeals within the 15-day period set by the court's fee notice or within the subsequent 15-day period set by the court's Local Rule 45 notice.
Appearance of counsel	Loc R 46(c): Each attorney of record must file an appearance of counsel within 14 days after docketing of the appeal or after being retained or appointed.



Disclosure of corporate affiliations	Loc R 26.1: A party in a civil, agency, bankruptcy, or mandamus case, other than the United States or a party proceeding in forma pauperis, must file a disclosure statement, except that a state or local government is not required to file a disclosure statement in a case in which the opposing party is proceeding without counsel. A corporate party in a criminal or post-conviction case, and a corporate amicus curiae, must also file a disclosure statement. Absent a showing of good cause, the government must file a disclosure statement in a criminal case in which there is an organizational victim. The disclosure statement must be filed within 14 days after docketing of the appeal unless earlier pleadings are filed for the court's consideration, in which case the disclosure statement must be filed at that time. The disclosure statement must also be included in the party's principal brief.
Docketing statement (civil/agency) Docketing statement (criminal)	Loc R 3(b): Counsel filing a notice of appeal, petition for review, or application for enforcement must file a docketing statement within 14 days after docketing of the appeal. If an opposing party wishes to object to the docketing statement, such objection must be filed within 10 days after service of the docketing statement.
Transcript order form	FRAP 10(b): Appellant must order any necessary transcript within 14 days of filing the appeal. The transcript order form must be transmitted to the court reporter and the district court, and attached to the docketing statement filed in the court of appeals. CJA counsel must also submit an AUTH-24 in the district court's eVoucher system within 14 days. If appellee believes additional portions of the transcript are needed, appellee must file and serve on appellant a designation of additional parts to be ordered within 14 days after service of the transcript order form. Unless appellant orders the additional parts within 14 days after service of the designation, the appellee may, within the following 14 days, either order the parts or move in the district court for an order requiring the appellant to do so.



Notice of constitutional challenge to state or federal statute in case in which state or federal government is not a party	FRAP 44: If a party questions the constitutionality of a federal law in a case in which the federal government is not a party, or the constitutionality of a state law in a case in which the state government is not a party, the questioning party must give written notice to the court upon filing of the record or as soon as the question is raised so that the clerk can certify that fact to the attorney general.
Administrative record	FRAP 17: The agency must file the administrative record within 40 days after filing of the briefing order in an agency case.

(4th Circuit Court of Appeals // December 2023)

