

1.3.03 | MOTIONS

Motion	FRAP 27: Application for an order or other relief is made by a motion, the length of which may 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. In cases in which all parties are represented by counsel, the motion must state that the other parties have been informed of the intended filing of the motion and indicate whether the other parties consent or intend to file responses in opposition. Loc R 27(a). With the following exceptions, the rules do not establish deadlines for the filing of motions. FRAP 16(d): A motion to intervene in an agency review proceeding must be filed within 30 days of filing of the petition for review. Loc R 31(c): A motion for extension of time to file a brief must be filed well in advance of the brief due date. Loc R 27(b): Any party adversely affected by an order of the clerk may file a motion to reconsider the clerk's action within 14 days after entry of the order. Loc R 27(f): A motion for summary disposition should be made only after briefs are filed. If submitted before completion of the briefing schedule, the court will defer action on the motion until the case is mature for full consideration. Motions to dismiss based upon the ground that the appeal is not within the jurisdiction of the Court or on other procedural grounds should be filed within the time allowed for the filing of the response brief. The Court may also sua sponte summarily dispose of any appeal at any time.
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	Loc R 30(a): A motion for sanctions for unnecessary appendix designations must be filed within 14 days after entry of judgment, and will be considered only if counsel objected to the designation of unnecessary material in writing to opposing counsel within 14 days of the designation. Loc R 32(b): A motion to exceed the length limitations for briefs must be filed at least 10 days prior to the due date of the brief and must be supported by a statement of reasons. These motions are disfavored and will be granted only for exceptional reasons. Loc R 34(c): Any motion that would affect the argument date of a case must be filed within the 10-day period established by the notice that a case has been tentatively assigned to a particular argument session. Loc R 34(d): A motion for additional argument time must be filed well in advance of the hearing date and set forth the position of opposing counsel. Loc R 34(e): Any motion to submit on the briefs must be filed as soon as possible upon completion of the briefing schedule or within 10 days of tentative notification of argument, whichever is earlier. FRAP 41: Any motion to stay the mandate must be filed prior to issuance of the mandate. The mandate issues 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for rehearing or rehearing en banc, or a motion for stay of mandate.
Response to motion	FRAP 27: A response to a motion must be filed within 10 days after service of the motion unless the court shortens or extends the time. A motion authorized by Rules 8, 9, 18, or 41 may be granted before the 10-day period runs only if the court gives reasonable notice to the parties that it intends to act sooner. Responses must not exceed



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Reply in support of motion	FRAP 27: Any reply to a response must be filed within 7 days after service of the response. The court will not ordinarily await the filing of a reply before reviewing a motion and response. If movant intends to file a reply and does not want the court to actively consider the motion and response until a reply is filed, the movant should notify the clerk in writing of the intended filing of the reply and request that the court not act until the reply is received. Replies must not exceed 2,600 words (10 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.

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

