

1.3.05 | POST-DECISION

Petition for rehearing and/or rehearing en banc	FRAP 40: A petition for rehearing must be filed within 14 days after entry of judgment, but in a civil case in which the United States or its agency or officer is a party, any party may file a petition for rehearing within 45 days after entry of judgment. A petition for rehearing must not exceed 3,900 words (15 pages if handwritten or typewritten). A certificate of compliance with type-volume limit is required if produced by computer. Loc R 40(c): The court strictly enforces the time limits for filing petitions for rehearing. The only grounds for extension are the death or serious illness of counsel, a pro se party, or a family member of counsel or a pro se party; or an extraordinary circumstance wholly beyond the control of counsel or a pro se party. Loc R 35(a): A petition for rehearing en banc must be made at the same time and in the same document as a petition for rehearing. FRAP 35(b): A combined petition for rehearing and rehearing en banc may not exceed 3,900 words (15 pages if handwritten or typewritten). A certificate of compliance with type-volume limit is required if produced by computer.
Response to petition for rehearing and/or rehearing en banc	FRAP 40: Unless the court requests, no response to a petition for panel rehearing is permitted. If a response is requested, the court generally allows 10 days. FRAP 35: Unless the court orders, no response may be filed to a petition for rehearing en banc. If a response is ordered, the court generally allows 10 days. A response to a petition for rehearing and/or rehearing en banc may not exceed 3,900 words (15 pages if handwritten or typewritten). A certificate of compliance with type-volume limit is required if produced by computer.



Amicus brief at the petition for rehearing stage	FRAP 29(b): An amicus curiae supporting a petition for rehearing or supporting neither party must file its amicus brief, accompanied by a motion for filing when necessary, no later than 7 days after the petition is filed. An amicus curiae opposing the petition must file its brief, accompanied by a motion for filing when necessary, no later than the date set by the court for the response. An amicus brief at the petition for rehearing stage may not exceed 2,600 words, must be accompanied by a certificate of compliance with type-volume limit and must satisfy the Fourth Circuit Brief & Appendix Requirements. Loc R 29(b)(2): A paper copy of the amicus brief is not required at the petition for rehearing stage.
Bill of costs	FRAP 39: A prevailing party who wants costs taxed must file a bill of costs within 14 days after entry of judgment.
Objection to bill of costs	FRAP 39: Objections to a bill of costs must be filed within 14 days after service of the bill of costs.
CJA eVoucher Assigned counsel voucher	CJA Implementation Plan: Appointed or assigned counsel's compensation voucher is due within 60 days of entry of judgment, denial of a petition for rehearing, or the filing of a petition for writ of certiorari, whichever is later.



Certiorari status form	Loc R 46(d): To ensure compliance with the requirement that counsel receiving a written request that a certiorari petition be filed in a criminal case either file a petition for certiorari or move to withdraw on the basis that a certiorari petition would be frivolous, the court requires counsel to file a certiorari status form within 60 days after entry of judgment.
Petition for writ of certiorari	IOP 41.2: A petition for writ of certiorari must be filed with the Supreme Court within 90 days after entry of judgment. The time runs from issuance of the court's decision or from denial of a timely petition for rehearing or rehearing en banc, not from issuance of the mandate.

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

