

4.1.01 | USE OF FORMAL BRIEFING SCHEDULE

The court uses a formal briefing schedule in appeals in which both sides are represented by counsel, with the following exceptions:

- In an appeal from the denial of relief under 28 U.S.C. § 2254 or 2255 in a non-capital counseled case, a formal briefing schedule is not set until a certificate of appealability has been granted in whole or in part.
- A formal briefing schedule is not set for a petition for permission to appeal unless otherwise ordered by the court.
- A formal briefing schedule is not set for a mandamus petition unless the court determines that formal briefing and oral argument would aid in resolution of the petition.
- A formal briefing schedule is not used in counseled bail appeals and recalcitrant witness appeals; the court instead uses an expedited memorandum briefing schedule.

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

