

6.2.11 | ADDITIONAL BRIEFING FOR EN BANC HEARING OR REHEARING

If the Court grants hearing or rehearing en banc, and if a majority of the Court agrees additional briefing is desirable, the Court, on motion by a party or on its own initiative, may order full en banc briefing or supplemental en banc briefing addressing issues specified by the Court. If additional briefing is required, the Court's en banc briefing schedule will indicate whether full briefs or supplemental briefs must be filed and, where appropriate, the issue(s) to be addressed. As appropriate, full or supplemental en banc briefs should address

- (i) the necessity of securing or maintaining uniformity of the Court's decisions;
- (ii) whether the Court should revise existing circuit precedent;
- (iii) intervening precedent; and
- (iv) any other issue(s) identified by the Court in the briefing order. Loc. R. 35(d).

The order granting rehearing en banc will also typically schedule the case before the en banc court.

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

